

Rabbinic Responses to the Reintegration of *Anousim*:

An Open Halachic Question?

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## Acknowledgements

There are projects that leave one weary of the subject and eager for completion, and there are those that leave one humbled at the vast expanse of knowledge inherent in the subject. This paper belongs firmly to the latter category.

This thesis has unfolded as a testament to the adage that the more one learns, the more one realizes how much remains unknown. It is not a conclusive treatise but rather a preliminary exploration into a realm of knowledge as immeasurable and profound as the depths described in Iyov: “אַרְבֵּה מֵאֶרֶץ מִמֶּדֶה וְרַחֲבָה מִיַּם” —Its measure is longer than the earth and broader than the sea” (Job 11:9).

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## I. Introduction

This thesis explores the Halachic challenges and dilemmas faced by the *Anousim*, Jews who, during the tumultuous period of the Spanish Inquisition, were coerced into converting to Christianity. The historical backdrop of 1391 to 1492, a burgeoning era for Jewish jurisprudence, saw rabbinic authorities navigate the largely uncharted territory of Jewish identity, grappling with complex challenges surrounding the reintegration of *Anousim* into the Jewish community.

Rather than offer definitive legal judgments on the status of *Anousim* as authentic Jews, I endeavor to illuminate the multifaceted characteristics of the *Anousim* and the particularistic rabbinic responses to their inquiries. The *Anousim* did not embody a homogeneous group. Their degrees of adherence to Judaism and Christianity ranged across a vast spectrum of religious thought and practice. This heterogeneity demanded a nuanced understanding of Halacha on the part of the rabbinic decisors of the era, one that surpasses mere sentiment, to tackle the profound questions of Jewish identity.

The Spanish Inquisition catalyzed a transformation in the lives of the *Anousim*. Some found sanctuary in Christian nations, while others sought refuge in Muslim-ruled territories such as Granada and North Africa. Their motivations, spurred by a starkly anti-Semitic Inquisitorial agenda, ranged from personal and financial self-preservation to a deep introspection of where they stood in the arc of Jewish history. This thesis seeks to understand the rabbinic posture toward these returning *Anousim* and the broader implications for the role of Halacha on the question of Jewish identity.

This analysis highlights the central role of Halacha in rabbinic responses to the unique circumstances of the *Anousim*. The notion of the return of the *Anousim* to normative Judaism confronted the rabbinic authorities of the Inquisitorial era with conundrums and perplexities

unprecedented in Jewish legal history, posing questions that have persisted to contemporary times. How is a member of a civilization, particularly a civilization as complex and multifaceted as Judaism, identified as such? Is it via observance, lineage, or intent?

In looking at the historical and religious implications of the plight of the *Anousim*, I consider some of the varied rabbinic approaches to their reintegration. Halacha, while robust and adaptable, faced substantial challenges in addressing the unique circumstances of the *Anousim*. We will find that the Inquisitorial period not only tested the parameters of Jewish identity but also left its firm imprint on the future of this overarching question.

## II. “*Converso*,” “*Crypto Jew*,” “*Marrano*,” “*Meshumad*,” or “*Anous*”?

One who delves into the fascinating scholarship—whether it be Jewish or secular, no matter the language—on fourteenth- and fifteenth-century Iberian Jewry encounters a variety of terms used to describe those Jews who converted to Christianity under varying degrees of coercion. The appellations employed to describe these Jews often reflected both the context of their conversion to Christianity and their level of adherence to Jewish and/or Christian practice: “*Anousim*,” “*Conversos*,” “*Crypto Jews*,” “*Marranos*,” “*Meshumadim*,” and “*New Christians*.” It is necessary, then, to appoint a singular term to abide by in this paper in an attempt to ameliorate the confusion that already permeates this topic. This decision calls for caution, as each term possesses a distinct meaning, etymology, and broader connotation.

The word “*Conversos*” translates to “*Converts*” in Spanish,<sup>1</sup> and refers to the fact that these Jews had in fact converted to Christianity—willingly or otherwise—or were the children of such people.

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<sup>1</sup> “*Converso* Definition & Meaning.” *Merriam-Webster*. Accessed January 5, 2024. <https://www.merriam-webster.com/dictionary/converso>.

“Crypto” originates from the Greek word “*kruptos*” (“κρυπτός”), which translates to “hidden.”<sup>2</sup> The word “Crypto” connotes that these people are genuinely Jewish, that they regard themselves as Jews, but that they are “underground” Jews who present themselves externally as Christian. “Crypto” is impartial in tone and carries no moral opprobrium.

The word “New” in “New Christians” (“*Cristianos Nuevos*”) was used primarily by “Old Christians” (“*Cristianos Viejos*”)—those individuals who could trace their Christian lineage over several generations. In the eyes of the Old Christians, the New Christians were not trustworthy, authentic Christians, as they had attached themselves to the body of the church and had not established their *bona fides*. The distinction between New and Old Christians finds its roots in the socioeconomic landscape of pre-expulsion Spain, profoundly influenced by the *limpieza de sangre* statutes (blood purity laws). These regulations categorized individuals on the basis of their ancestry, specifically targeting those with Jewish or Moorish heritage. “New Christians” refers to individuals who converted from Judaism or Islam. The enactment of the Sentencia-Estatuto of Toledo in 1449 served as a crucial juncture, institutionalizing discrimination against New Christians by casting doubts on their fidelity to Christianity due to their Jewish ancestry.<sup>3</sup> Albert Sicroff, through his comprehensive analysis, indicates that envy and racial bigotry among Old Christians were the bedrock of these statutes.<sup>4</sup> This legal framework marginalized New Christians by barring them from prestigious ecclesiastical and civil roles, thereby relegating them to the edges of society. Sicroff underscores that these statutes not

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<sup>2</sup> “Crypto Definition & Meaning.” *Merriam-Webster*. Accessed January 5, 2024. <https://www.merriam-webster.com/dictionary/crypto>.

<sup>3</sup> Matthew David Warshawsky, “Longing for Justice: The New Christian Desengaño and Diaspora Identities of Antonio Enríquez Gómez” (PhD diss., The Ohio State University, 2002).

<sup>4</sup> Albert A. Sicroff, *Los estatutos de limpieza de sangre: controversias entre los siglos XV y XVII*, trans. Mauro Armiño (Madrid: Taurus, 1985), quoted in Matthew David Warshawsky, “Longing for Justice” (PhD diss., Ohio State University, 2002).

only solidified existing prejudices but also erected new barriers for New Christians, casting a long-lasting shadow over their social status and professional prospects, impacting even those generations distantly related to their Jewish ancestors.

“*Marrano*” literally means “swine” or “pig” in Spanish. German historian Heinrich Graetz (1817–1891) is credited as the first to use “*Marrano*” as an “analytical descriptive term...in the eighth volume of his *History of the Jews*...[and] it ended up becoming one of the most popular cyphers for reflections on the inner contradictions of modern Jewish identity.”<sup>5</sup> By redefining “*Marrano*” in a scholarly context, Graetz transformed a term of derision into a nuanced descriptor, giving it academic legitimacy and enabling a deeper exploration of the complex identity struggles faced by Jews in the diaspora. (Carsten Wilke acknowledges that while “*Marrano*” was not the most widely used derogatory term for the *Anousim*, Graetz considered the term’s negative connotations significant enough to merit its reclamation and scholarly redefinition.)<sup>6</sup> Nonetheless, “*Marrano*,” used by the Christians as a derogatory term, was not preferred by the *Anousim* themselves, and thus it is not a term that I feel is appropriate or respectful in this context.

“*Meshumadim*” (“מְשׁוּמָדִים”) literally means “those who self-destroyed,” an epithet utilized derogatorily by fellow Jews to mean “willing converts”—implying that those Jews who had converted voluntarily had betrayed their Judaism, “destroying themselves” in the process. Its etymology can be traced back to both the Jerusalem Talmud and the Babylonian Talmud, where it was employed in a variety of legal contexts to refer to individuals who had voluntarily abandoned their Jewish practice. Even the Babylonian Talmud grapples with the classification of

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<sup>5</sup> Carsten Wilke, “Heinrich Graetz’s Neologism ‘Marrano’ and the Historiographical Paradox of the Non-Jewish Jew.” *Jewish Studies at the Central European University* 8 (2017): 84.

<sup>6</sup> Wilke, “Heinrich Graetz’s Neologism...,” 92.

*Meshumadim*, as it presents a debate on whether these individuals retain any Jewish legal status or are considered gentiles, and ultimately leaves the matter unresolved, underscoring the complex nature of identity in Jewish law.<sup>7</sup>

The polemical text, *Libro llamado el Alboraique* (c. 1480), known for its anti-*Anous* stance,<sup>8</sup> acknowledges the differentiation between the terms *Anousim* and *Meshumadim*. This distinction, although presented in its biased, anti-Semitic context, offers insight into the Jewish community's varied reactions toward those who were suspected as having converted voluntarily and those whom they perceived as having converted under force:

And they took among themselves the Hebrew term *Anousim*, meaning “forced converts,” and if one had converted to Christianity sincerely and adhered to Christian law/faith, they called them a ‘*Meshumad*,’ which means ‘he who mixes’<sup>9</sup> because they mixed with Christians. And if someone from this background arrives at a place where this evil generation [dwells, the Jews] ask, ‘Are you an *Anous* or a *Meshumad*?’ If they respond, ‘I am an *Anous*,’ they honor him and provide him with support. If he responds ‘I am a *Meshumad*,’ they do not speak to him again.<sup>10</sup>

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<sup>7</sup> “Gittin 44a,” Sefaria, accessed January 31, 2024, [https://www.sefaria.org/Gittin.44a.8?vhe=William\\_Davidson\\_Edition\\_-\\_Vocalized\\_Aramaic&lang=bi&with=all&lang2=en](https://www.sefaria.org/Gittin.44a.8?vhe=William_Davidson_Edition_-_Vocalized_Aramaic&lang=bi&with=all&lang2=en).

<sup>8</sup> David M. Gitlitz, “Hybrid Conversos in the ‘Libro Llamado El Alboraique,’” *Hispanic Review* 60, no. 1 (1992): 1–17, <https://doi.org/10.2307/473391>.

<sup>9</sup> This translation is erroneous, as has already been explicated above, that “*Meshumad*” translates to “those who self-destroyed” and refers to those Jews who were perceived as having converted voluntarily.

<sup>10</sup> Mark D. Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*. (Princeton: Princeton University Press, 2004), 39. Meyerson quotes and translates a quoted passage in Jeremy Lawrence’s “Alegoria Y Apocalipsis En El Alboraique,” *Revista de Poetica Medieval* 11 (2009): 17.



According to scholar Dora Zsom (faculty member in Eastern Languages and Studies at Eötvös Loránd University), however, “These two categories of converts frequently overlapped, as the actual degree of the compulsion was difficult to determine.”<sup>11</sup>

Finally, in stark contradistinction to “*Meshumadim*,” “*Anousim*” (“אָנוּסִים”) literally translates to “forced ones,” and specifically means “forced converts” in this historical context. In Talmudic literature, the noun “אִנּוּס” literally means “compulsion” or “force,”<sup>12</sup> and “אָנוּס,” the passive verb form of “אִנּוּס,” is used throughout much of Jewish scripture to refer to one who was sexually assaulted. It is a formidable word, employed to imply that self-agency was removed entirely, which was true in the vast majority of conversions during this period. It is the term most preferred by those Jews themselves, and is thus the term that this paper will employ. Although there were those Jews who became true believers in Christianity out of being genuinely convinced of its veracity, I believe that we must still refer to them as *Anousim*, as it is imprudent to pass judgment upon them as “*Meshumadim*,” thereby setting them apart in an era of extreme and sinister societal pressure, as discussed further below.

### III. Historical Context

To appreciate the plight of the *Anousim* as they attempted to integrate, or reintegrate, into Jewish communities post-Expulsion, we must take the historical context of this hardship into consideration.

#### *1391: Pogroms and Forced Conversions En Masse*

The year 1391 was a major turning point in Spanish-Jewish history. A wave of pogroms spread throughout the Catholic regions of the Iberian Peninsula, in the North (Aragon, Gerona,

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<sup>11</sup> Dora Zsom, *Conversos in the Responsa of Sephardic Halakhic Authorities in the 15th Century* (Piscataway, NJ: Gorgias Press, 2014), 194.

<sup>12</sup> Marcus Jastrow, *Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*. (New York: Choneb, 1926).

Lérida, Cervera), in the East (Valencia, Barcelona, Tarragona, Sagunto, the Balearic Islands), and in the South (Sevilla, Toledo, Jaen, Ubeda, Baeza, Montoro, Andújar).<sup>13</sup> The motivations of the perpetrators were varied, and spanned the traditional anti-Jewish calumnies that are inherent in European history. First, there was popular resentment of Jews, reinforced in dioceses across the Peninsula. Second were the blood libels. In his *Siete Partidas* (“Seven-Part Code”), Alfonso X reports prevalent rumors of his time—without clearly endorsing them, however—stating: “We have heard it said that in some places Jews...celebrate Good Friday...by way of contempt: stealing children and fastening them to crosses... crucifying them.”<sup>14</sup> Third, there was the Black Death, for which the Jews were made the scapegoats by much of Europe.<sup>15</sup> (In fact, there was a widespread belief that Jews formed a pact with lepers to concoct a potion with leprous limbs as the *pièce de résistance*, and dumped them in the wells of Europe).<sup>16</sup> Fourth, there were Host Desecration charges against the Jews.<sup>17</sup> Fifth, Jewish economic practices were viewed

<sup>13</sup> David M. Gitlitz, *Secrecy and Deceit: The Religion of the Crypto-Jews* (Albuquerque, NM: University of New Mexico Press, 2002), 7–9.

<sup>14</sup> “8-28-1265.” *Online Archive of Jewish Archives*. Accessed December 20, 2023. <https://oja.org/1265/08/28/8-28-1265/>.

<sup>15</sup> In fact, in April 1348, there were eruptions of unrest in Barcelona and various other cities across Northern Spain, marking the beginning of widespread anti-Semitic aggression in the region. Anna Foa, *The Jews of Europe after the Black Death*, trans. Andrea Grover (Berkeley: University of California Press, 2000), 13.

<sup>16</sup> “Medieval Strategy: The Great Leper Conspiracy of 1321.” *Yale University Press*. Accessed January 27, 2024. <https://yalebooks.yale.edu/2020/09/11/medieval-strategy-the-great-leper-conspiracy-of-1321/>.

<sup>17</sup> Throughout the Middle Ages, Jews were often falsely accused of desecrating the Eucharist’s sacred host—leading to harsh persecution and executions. These accusations included claims of theft, damage, or torture of the host, often said to bleed as a result. A notable case occurred in Seville in 1354, where members of the *aljama* were accused of desecrating the Eucharist. Nathaniel Weisenberg, “The Unraveling: Seville, The Jews of Castile, and the Road to the Riots of 1391” (bachelor’s thesis, Georgetown University, 2010), accessed February 8, 2024, <https://repository.library.georgetown.edu/bitstream/handle/10822/555522/WeisenbergNathanielThesis.pdf>.

unfavorably by Iberian Christians, such as the exorbitant interest rates levied by Jewish moneylenders. Such visible ascent of the Jews to the higher socioeconomic echelons aroused envy among the general populace, who disdained the Jewish interlopers. For example, Don Isaac Abravanel (1437-1508) rose to become one of the most powerful Jewish figures in fifteenth-century Portugal. As treasurer and advisor to King Afonso V, Abravanel was integral to the Portuguese aristocracy, providing financial services such as the awarding of loans and the taxation of noble lands, and engaging in commerce.<sup>18</sup> In recognition, he was granted vast landholdings and honorary titles, including “Don.”<sup>15</sup> Abravanel’s elevated status afforded him extensive influence in Portuguese society and politics. The visibility of Jewish prosperity and power often sparked envy and bitterness among non-Jewish communities.

One facet of this historical aggression lies in its need for a cloak of religious legitimacy to gain widespread acceptance. Proponents felt compelled to castigate Jews as adversaries of Christian ideals, thereby constructing a facade of theological justification for their actions: “from the common people and their pastors arose an unprecedented popular image of the Jew as an odious, even diabolical figure...destroyers of Christianity, purveyors of evil, desecrators of hallowed Christian relics, sorcerers, enemies of mankind.”<sup>19</sup> Everywhere, Jews were given the repugnant binary choice: convert to Catholicism, or die. Order was finally restored after approximately one year, and by then an estimated 100,000 Jews had converted and another 100,000 were murdered.<sup>20</sup>

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<sup>18</sup> Cedric Cohen-Skalli, *Don Isaac Abravanel: An Intellectual Biography* (Waltham: Brandeis University Press, 2020).

<sup>19</sup> Jane S. Gerber, *The Jews of Spain: A History of the Sephardic Experience* (New York: The Free Press, 1992), 110–111.

<sup>20</sup> Gerber, *The Jews of Spain*, 113.

In examining the lower detail of Jan van Eyck's (1390–1441) *The Fountain of Grace and the Triumph of the Church over the Synagogue* (produced c. 1432 as a gift from King Henry IV of Castile to the Monastery of the Parral outside Segovia),<sup>21</sup> we witness a vivid representation of the forced baptisms during the Iberian pogroms. On the canvas, the allegory unfolds with Ecclesia—a personification of the Christian Church, usually in female form, but interestingly in male form in this representation—resplendent in a rich, crimson garment.<sup>22</sup> He assertively points toward the baptismal font, a pivotal symbol of Christian sacrament, guiding various noblemen to embrace the waters of baptism. This act signifies not only a physical purification but also a profound spiritual rebirth into the Christian faith. In stark contrast, on the right, the figure of Synagoga is depicted.<sup>13</sup> Here, a Jewish man, possibly a rabbi, emblematic of Jewish authority, grasps a fractured staff, a metaphor for diminished power and influence. His blindfold represents a spiritual blindness to Christian truths. Intriguingly, his attire is reminiscent of Aharon the Priest, notably the breastplate and the delicate pomegranate bells adorning the hem, linking him to a rich religious heritage. This scene is further animated by the diverse reactions of the Jewish figures to the allure of the baptismal font. One individual, cloaked in green, seems almost eager to embrace conversion, his progress halted only by the firm grasp of Synagoga. Others display a spectrum of emotions, from anguish as they tear their garments, a traditional expression of mourning, to those who turn away, willfully oblivious to the unfolding scene, and some caught in the throes of fear or anger. Each figure encapsulates a distinct response to the inexorable pull of

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<sup>21</sup> Museo Nacional del Prado, “The Fountain of Grace,” Museo Nacional del Prado, accessed January 31, 2024, <https://www.museodelprado.es/en/the-collection/art-work/the-fountain-of-grace/f578c5af-b1d6-4ef8-aaa3-ae05a6dd2393>.

<sup>22</sup> In medieval Christian art, two symbolic figures, known as Ecclesia and Synagoga, embody the concepts of the Christian Church and Judaism, respectively. The Latin term “Ecclesia et Synagoga,” directly translating to “Church and Synagogue,” represents this allegorical symbology, which was common in the artistic expressions of that era.

the baptismal waters, mirroring the complex and often conflicted interactions between these two faiths during this period.



Fig. 1. Detail from Jan van Eyck (attributed), *The Fountain of Grace and the Triumph of the Church over the Synagogue*, c. 1432, oil on panel, 215 x 200 cm, Museo del Prado, Madrid.

Detail focusing on the lower section of the painting.<sup>23</sup>

### *1413: The Disputation at Tortosa*

The surge in conversions that began in 1391 notably intensified after the Disputation of Tortosa (1413–1414), a period marked by a relentless and protracted debate within Jewish communities. The disputation began with a statement from the Avignon Pope Benedict XIII

<sup>23</sup> Jan van Eyck, *The Fountain of Grace and the Triumph of the Church over the Synagogue*, 1432, oil on panel, 215 x 200 cm, Museo del Prado, Madrid, detail focusing on the lower section of the painting, [https://en.wikipedia.org/wiki/The\\_Fountain\\_of\\_Life\\_\(painting\)#/media/File:The\\_Fountain\\_of\\_Life\\_after\\_van\\_Eyck\\_2.jpg](https://en.wikipedia.org/wiki/The_Fountain_of_Life_(painting)#/media/File:The_Fountain_of_Life_after_van_Eyck_2.jpg) (accessed January 27, 2024).

reiterating the debate's purpose: "this was *not* to be a disputation between two equal parties, but...was proposed to prove the tenets of Christianity, which were beyond all doubt, from the Talmud."<sup>24</sup>

Compelled to endure sermons in their synagogues, often led by Jewish converts to Catholicism who condemned their adherence to Judaism, many in the Jewish community began to question the merit of preserving their identity, rendering themselves susceptible to a pragmatic shift toward conversion.<sup>25</sup> Unlike the involuntary assimilation of Jews into Christianity during the initial wave of 1391, the post-Tortosa era was characterized by a conscious decision by many Jews to adopt Christianity, influenced by social opportunities and a crisis of faith in the face of perceived divine abandonment. This era thus highlighted a spectrum of religious identity and social assimilation, ranging from ardent converts, fully integrating into Christian society and eager to dissociate from their Jewish past, to those forced into conversion who nevertheless yearned to retain their Jewish identity.<sup>26</sup> Consequently, distinct demographic groups of *Anousim* emerged, composed of those coerced into conversion and their descendants who, while outwardly Christian, maintained a Jewish heritage.

Upon their conversion to Christianity, these individuals, formerly faithful Jews, gained access to a plethora of privileges reminiscent of those enjoyed under Islamic rule in Iberia.<sup>27</sup> This newfound status encompassed unfettered entry to educational and vocational opportunities. Their

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<sup>24</sup> Yitzhak Baer, *A History of the Jews in Christian Spain: Volume 2: From the Fourteenth Century to the Expulsion* (Philadelphia: Jewish Publication Society of America, 1961), 175.

<sup>25</sup> Gitlitz, *Secrecy and Deceit*, 11.

<sup>26</sup> Gerber, *The Jews of Spain*, 119.

<sup>27</sup> For a broad, but thorough, overview of the *Convivencia* of Jews and Muslims in Muslim Spain, see the third chapter of Jane Geber's *The Jews of Spain: A History of the Sephardic Experience*, entitled "The Golden Era: The Emergence of Sephardic Civilization."

elevated literacy levels, proficiency in numeracy, urban savvy, and educational background positioned them uniquely at the nexus of power and influence. Consequently, by embracing Christianity, whether coerced or voluntary, the *Anousim* found themselves with unprecedented access to realms previously barred to them as Jews. This access was not diminished by the fact that many retained a deep connection to their Judaic heritage. This dramatic shift in social dynamics led to a perception of displacement among the traditional Christian elites, igniting a surge of resentment, suspicion, and animosity among the so-called “Old Christians” toward the *Anousim*. The root of this discord lay both in economic competition and deep-seated religious antipathy.

In response, a backlash emerged, manifested by the implementation of the *limpieza de sangre* (“purity of the blood”) statutes, first enacted in Toledo in 1449: “good Spaniards were those men and women with the correct Old Christian blood; bad Spaniards were the others, the *Conversos*...who needed to be marginalized and contained through the *limpieza* statutes.”<sup>28</sup> These statutes instituted a bifurcation within the Catholic community, distinguishing between those with no Jewish lineage and those of Jewish ancestry. In this way, “Old Christian society aimed to bridle the social ambitions of the converts and their heirs.”<sup>29</sup> The Inquisition would zealously scrutinize *Anousim* for even the faintest hint or rumor of Jewish practice. Families and church officials vigilantly guarded against intermarriages.<sup>30</sup> Those suspected of heresy were also excluded from public office, religious institutions, and certain professions; could have their

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<sup>28</sup> Kevin Ingram, *Converso Non-Conformism in Early Modern Spain: Bad Blood and Faith from Alonso de Cartagena to Diego Velázquez* (Palgrave Macmillan, 2018), 3–4.

<sup>29</sup> Ingram, *Converso Non-Conformism in Early Modern Spain*, 4.

<sup>30</sup> Ivan Ivlampie, “Famous Criminal Phrases: Limpieza de Sangre,” International Multidisciplinary Scientific Conference on the Dialogue between Sciences & Arts, Religion & Education 3 (2019): 64-68.

property confiscated; and were at risk for execution.<sup>28</sup> The environment of Spain during this period was one of mass hysteria, rife with deep mistrust, paranoia, and anxiety among the Old Christians, all of which eroded social cohesion.<sup>2831</sup>

Anyone who has undertaken even a cursory review of twentieth-century European history will readily recognize the disquieting parallels between these discriminatory practices and those observed in interwar Germany. [In fact, German-Israeli historian, Yitzhak Baer (1888–1988), uses the somewhat anachronistic term “Jewish Question” when referring to the religious policy of King Ferdinand II of Aragon and Queen Isabella I of Castile.]<sup>32</sup> The ethos behind the *limpieza de sangre* statutes mirrors the racial purity laws enacted in Germany during the 1930s, notably the Nuremberg Laws of 1935.<sup>33</sup> Just as the *limpieza de sangre* statutes sought to segregate society into those of “pure” Old Christian blood and those of Jewish ancestry, the Nuremberg Laws were designed to isolate Jews from the Aryan population, prohibiting intermarriage and even sexual relations between Jews and non-Jewish Germans. Both sets of laws were predicated on a belief in the superiority of a purportedly “pure” lineage and aimed at preserving this purity by legally enforcing social exclusion and discrimination.

#### *1478: Formal Establishment of the Inquisition*

The *limpieza de sangre* statutes contributed to the atmosphere that facilitated the 1478 establishment of the Inquisition as a method to impose and enforce religious and racial purity. This era signified the start of a dark chapter in Spanish history, characterized by intensified

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<sup>31</sup> Library of Congress, “Limpieza de Sangre: Legal Applications of the Spanish Doctrine of Blood Purity,” In *Custodia Legis: Law Librarians of Congress* (blog), September 2021, <https://blogs.loc.gov/law/2021/09/limpieza-de-sangre-legal-applications-of-the-spanish-doctrine-of-blood-purity/>.

<sup>32</sup> Baer, *A History of the Jews in Christian Spain*, 2:313.

<sup>33</sup> United States Holocaust Memorial Museum, “Nuremberg Laws,” accessed 31 January 2024, <https://encyclopedia.ushmm.org/content/en/article/nuremberg-laws>.



scrutiny and punishment of individuals who diverged from established religious and racial norms.

In 1478, Pope Sixtus IV granted King Ferdinand and Queen Isabella the power to establish the Inquisition. According to Baer, King Ferdinand and Queen Isabella “were profoundly moved by the conviction that, just as they were duty bound to obliterate every trace of Moslem rule from the soil of Spain, so it was incumbent upon them to restore unity of religion within their borders.”<sup>34</sup> Moreover, since Spain was involved in a series of expensive wars (e.g., The Granada War and The War of Castilian Succession), Ferdinand and Isabella saw the Inquisition as a cash-grab opportunity as, incidentally, one feature of the punishment for a guilty verdict in the Inquisition was confiscation of wealth.<sup>35</sup> The Grand Inquisitor, Tomás de Torquemada, engaged in a brutal upending of Iberian society by creating a purge-like environment in which Christians would betray their *Anous* neighbors to the Inquisition, the Inquisition would arrest the *Anousim*, subject them to terrible tortures, demand that they divulge the names of other *Anousim* who are also secretly Judaizing, and the cycle would repeat.<sup>36</sup> Autos-da-fé, a Portuguese term meaning “acts of faith,” historically referred to the large-scale trials of *Anousim* in Spain that drew vast crowds eager to witness the sentencing of such Jews. This dramatic spectacle—meant to inspire both dread and piety in the onlookers—dominated the cultural and social landscape of the entire Iberian Peninsula for many years. (The executions themselves, however, would occur at a distance from the public square, although in popular

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<sup>34</sup> Baer, *A History of the Jews in Christian Spain*, 2:314.

<sup>35</sup> Henry Kamen, “Confiscations in the Economy of the Spanish Inquisition,” *The Economic History Review* 18, no. 3 (1965): 511–25, <https://doi.org/10.2307/2592562>.

<sup>36</sup> Gerber, *The Jews of Spain*, 130–131.

renditions the burnings are shown to take place in front of the public.) The first auto-da-fé took place at Sevilla in 1481,<sup>37</sup> after which

dozens of the members of some of the most prominent *converso* families were burned at the stake. In the following decade, the Inquisition branched out to cover most of the country and caught tens of thousands of secret Jews in its net. It is estimated that 700 people were burned in Seville alone during this period. By the end of the century, perhaps as many as 30,000 *conversos* were destroyed throughout the land.<sup>38</sup>

#### *1492: The Expulsion and Dispersal*

The Edict of Expulsion of March 31, 1492, sought to unify the Catholic realm by expelling or converting the remaining Jews on the Peninsula. Signed in the wake of the Conquest of Granada in 1492, the Edict not only symbolized a nationalistic and religious consolidation but also marked the culmination of a systematic campaign against Jewish and *Anousim* communities that had been festering for decades.<sup>39</sup> The Spanish Crown perceived the Jewish presence as a threat to the Christian faith and an affront to the homogeneity of the Spanish kingdom.<sup>40</sup>

The Edict itself states, “We were informed that in our kingdoms there were some wicked Christians who Judaized and apostatized from our holy Catholic faith, the great cause of which was interaction between the Jews and these Christians.”<sup>41</sup> Thus, the Edict aimed to remove what the Crown considered a corrupting influence, stating, “the true remedy for all these injuries and

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<sup>37</sup> T. Editors of *Encyclopaedia Britannica*, “auto-da-fé,” *Encyclopedia Britannica*, July 14, 2014, <https://www.britannica.com/topic/auto-da-fe>.

<sup>38</sup> Gerber, *The Jews of Spain*, 130.

<sup>39</sup> Gitlitz, *Secrecy and Deceit*, 25.

<sup>40</sup> Gitlitz, *Secrecy and Deceit*, 26.

<sup>41</sup> Florida Atlantic University, “Hispanic Heritage Month Resources,” 1, accessed January 31, 2024, <https://www.fau.edu/artsandletters/pjhr/chhre/hispanic-heritage-month-resources/>.

inconveniences was to prohibit all interaction between the said Jews and Christians and banish them from all our kingdoms.”<sup>42</sup> By doing so, the monarchy sought to resolve the conversos problem—specifically the issue of conversos potentially backsliding into Judaism. The Crown believed that with no Jews remaining, there would be no temptation or possibility for conversos to revert to their former faith.

The Edict decreed the liquidation of Jewish property under pain of severe penalties for non-compliance, banned the transport of precious metals and jewels, and inflicted financial devastation on those who opted for exile over conversion.<sup>26</sup> The forced departures plunged Jewish communities into turbulence as they were torn from their long-settled lands, severed from their cultural roots, and thrust into the perilous unknown, permanently mutating the socio-religious fabric of Spain.

#### **IV. Historiographic Limitations in Interpreting *Anous* Identity**

Our consideration of the Halachic status and Jewish identity of the *Anousim* must first recognize the historiographic limitations that color the lens of our historical perceptions. The majority of amassed information on the religious standing and social context of the *Anousim* has been gleaned from Church archival documents, files, and polemical writings.<sup>43</sup> The fragmentary, tendentious, and putatively ulterior-motive-fueled nature of these documents, as Bejarano Gutierrez describes in succinct understatement, “has not prevented wide-ranging views on the veracity of Inquisitorial documents from being adopted.”<sup>44</sup>

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<sup>42</sup> Florida Atlantic University, “Hispanic Heritage Month Resources,” 2.

<sup>43</sup> Zsom, *Conversos in the Responsa*, 6.

<sup>44</sup> Juan Marcos Bejarano Gutierrez, *Secret Jews: The Complex Identity of Crypto-Jews and Crypto-Judaism* (CreateSpace Independent Publishing Platform, 2016), 266.

It is here that the opposing historiographic stances of Yitzhak Baer and Benzion Netanyahu (1910–2012)—Israeli encyclopedist, historian, and medievalist—vis-a-vis the utility and reliability of Church documents should be given consideration. Netanyahu and his scholarly adherents held the Inquisitorial documents to be unreliable in their claim that the *Anousim* sought to cling to their Judaism and Jewish practice. On the basis of a steadily emerging “*Marrano* Christianization” encompassing three generations from 1391 to 1492, Netanyahu concludes that the preponderance of *Anousim* by the instantiation of the Inquisition “were not Jews, but detached from Judaism, or rather, to put it more clearly, Christians.”<sup>45</sup> Thus, the aim of the Inquisition, in Netanyahu’s view, was “not the eradication of Judaizing among *Coversos*, but rather the destruction of the [Jewish] socioeconomic class as a whole,”<sup>46</sup> putting the lie to the Inquisitorial accusations as propelled and invigorated by Christian-religious zeal. While the anti-Semitic character of the Inquisition is not denied by Netanyahu, he cites the invocation of the Blood Laws of the fifteenth and sixteenth centuries “as proof that ancestry and not practice” was the Inquisitorial *raison d’etre*.<sup>47</sup>

Netanyahu’s synthesis encounters substantial criticism from a number of scholars, most notably Baer who, in contrast to Netanyahu’s synthesis (which adopts a broad overview by considering larger trends rather than individual cases), analyzed the proceedings of individual tribunals that differed widely in their juridical approaches and anti-Semitic anchoring biases. Ultimately, however, trials were conducted “from beginning to end on the basis of the vile

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<sup>45</sup> Benzion Netanyahu, *The Marranos of Spain: From the Late 14th to the Early 16th Century, According to Contemporary Hebrew Sources* (Ithaca: Cornell University Press, 1999), 3.

<sup>46</sup> Bejarano Gutierrez, *Secret Jews*, 269.

<sup>47</sup> Bejarano Gutierrez, *Secret Jews*, 270.

slanders which emanated solely from the imaginations of medieval anti-Semites.”<sup>48</sup> The large-scale emigration of *Anousim* as refugees to the Jewish communities of North Africa, Central Europe, and the Ottoman Empire is taken as further evidence of their Jewish loyalty and adherence.<sup>49</sup> The willingness of the *Anousim* to seek refuge among Jewish communities in North Africa, Central Europe, and the Ottoman Empire, where they could practice Judaism without penalty, reflects a sustained commitment to their Judaic heritage and identity.

#### V. Identity Spectrum of the *Anousim*

The chronicler Hernando de Pulgar (1436–c. 1492), in his *Crónica de los Reyes Católicos* (“*Chronicle of the Catholic Monarchs*”) (c. 1490) adeptly describes the religious world of the *Anousim* as diverse and inconsistent, characterized by fluctuating identities and wavering convictions:

Though they kept the Sabbath and some of the Jewish fasts, they did not keep every Sabbath, nor fast on all the fast days. If they performed one ceremony, they omitted another, so that they were untrue to both laws. And in some cases the husband was found to observe some Jewish ceremonies and the wife to be a good Christian; some of their children might be good Christians, while another might hold Jewish beliefs. And within a single household there could be diverse beliefs, each one hidden from the other.<sup>50</sup>

In the words of neurobiologist Andrew Huberman, “Science has ‘lumpers’ and ‘splitters.’ Lumpers are easier to listen to, but you learn far less. Splitters are harder to digest but if you can manage your discomfort, you emerge with useful knowledge.” While the “lumper” approach has

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<sup>48</sup> Baer, *A History of the Jews in Christian Spain*, 2:334.

<sup>49</sup> Bejarano Gutierrez, *Secret Jews*, 271.

<sup>50</sup> Hernando del Pulgar, *Crónica De Los Señores Reyes Católicos Don Fernando y Donna Isabel* (Madrid: Espasa-Calpe S.A., 1943), quoted in Gitlitz, *Secrecy and Deceit*, 84.

the tendency to amalgamate the *Anousim* under generalized categories, ignoring the nuanced differences, a “splitter” perspective would dissect and acknowledge the unique expressions of faith and identity within the *Anousim*, recognizing the multifaceted nature of their religious and cultural practices. I believe, therefore, that it is worthwhile to briefly explore the historiography of the categorization of the *Anousim* in order to discern how different scholars distinguished among them. Although some scholarship tends to combine into a single category all of those Jews who converted through the use of broad terms such as “*Anousim*,” “*Marranos*,” or “Crypto Jews,” in reality the *Anousim* embodied a vast landscape of belief and practice. From this analysis emerges an understanding that the *Anousim*’s association with Christianity varied widely, and given the common tendency of parents to pass on their religious beliefs to their offspring, it is probable that these distinctions in faith and identity were reflected in subsequent generations, creating groups of *Anousim* that were starkly different from one another in belief, practice, and self-concept, but all of which shared biological and racial identities as Jews. David Gitlitz (1942–2020), scholar of Sephardic Jewish History, specifically the Inquisition, writes that

[A] single [*Converso*] might vary his or her practice over time, might begin believing one thing and end up believing quite another, or might even hold contradictory beliefs simultaneously...It is therefore not very useful to try to devise a single descriptor for the wide range of *converso* beliefs and customs...More useful is to try to visualize the *conversos* along the spectrum that runs from wholly Christian to wholly Jewish, recognizing that even the two polar designations admit a wide variety of beliefs and practices.<sup>51</sup>

Gitlitz thus offers us a rich and detailed examination of *Anous* identity, reflecting on the intricate variations in belief and practice that challenge broad historical categorizations.

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<sup>51</sup> Gitlitz, *Secrecy and Deceit*, 84.

Scholars of this topic have categorized the *Anousim* in a variety of ways. Stephen Haliczer (b. 1942)—historian of Spain, Italy, and the Catholic Church in the Early Modern era—grouped the *Anousim* of 1480s Valencia, Spain, into (1) those who struggled to maintain their Jewish traditions; (2) those who became devout Catholics; and (3) those who practiced aspects of both religions.<sup>52</sup> Hakham José Faur (1934–2020)—scholar and philosopher, who served as professor at the Jewish Theological Seminary, Spertus College, and Bar Ilan University—classified the *Anousim* into four groups: (1) those who desired to be Jews; (2) those who desired to be Christians; (3) those who desired to be both Jews and Christians simultaneously; and (4) those who desired to reject affiliation with either faith.<sup>53</sup> Julio Caro Baroja (1914–1995)—Spanish anthropologist and historian—taxonomizes the *Anousim* into six basic types: (1) good Catholics; (2) heterodox Christians; (3) Normative, Orthodox Jews; (4) Heterodox Jews; (5) Skeptics; and (6) Vacillators.<sup>54</sup>

Gitlitz synthesizes the systems fashioned by each of the scholars mentioned above to create his own, extraordinarily detailed taxonomy of the *Anousim* that appears to be more comprehensive. Gitlitz thinks broadly about the *Anousim* as encompassing four types according to self-concept: “Some thought of themselves as Christians (Type 1), some as Jews (Type 2), some as seekers of truth caught between the two religions (Type 3), and some as skeptical dropouts for whom religion was as unimportant as the times allowed it to be (Type 4).”<sup>55</sup>

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<sup>52</sup> Stephen Haliczer, *Inquisition and society in the Kingdom of Valencia, 1478–1834* (Berkeley u.a.: University of California Press, 1990).

<sup>53</sup> José Faur, “Four Classes of Conversos: A Typological Study,” *Revue des Études Juives* 149, no. 1 (1990): 113–24, <https://doi.org/10.2143/rej.149.1.2012742>.

<sup>54</sup> Julio Caro Baroja, *Los Judíos en la España Moderna y Contemporánea*, vol. 3 (Madrid, 1961).

<sup>55</sup> Gitlitz, *Secrecy and Deceit*, 84.

Gitlitz's "Type 1" is characterized by those *Anousim* who predominantly aligned with Christianity: "Conversionist Zealots,"<sup>56</sup> "Christian Reformers," "Heterodox Catholics," "Christian Professionals," and "Low-Profile Christians."<sup>57</sup> "Type 2" features those who primarily identified as Jewish, differing mainly in the extent and exclusivity with which they practiced Jewish traditions and the degree to which they juxtaposed support for Judaism with opposition to Christianity: "Observant Judaizers," "Accommodationist Judaizers," and "Anti-Catholic Judaizers."<sup>58</sup> "Type 3" "contained those with an ambiguous sense of self: "Vacillators" ("[their] identifying characteristic was their vacillation, or alternation, between the two religions")<sup>59</sup> and "Syncretists" ("[they] believe[d] that it was possible to practice both religions simultaneously."<sup>60</sup> Last, "Type 4" contains only "Skeptics" ("[those who] tended to reject both religions").<sup>61</sup>

Regardless of their categorization, all forms of *Anousim* were vulnerable to scrutiny by the Inquisition. Whether they became devout Christians, remained steadfast Judaizers, oscillated in their beliefs, or were forever skeptical, all deviated from the church's orthodoxy, and therefore posed a perceived threat to the unity of the Christian state. The Inquisition never ceased to view them as potential agents of heresy, and they were marked for urgent identification and

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<sup>56</sup> Perhaps Rabbi Solomon HaLevi of Burgos would be an appropriate archetype for this category, as he converted and changed his name to Pablo de Santa Maria. He became a fervent Catholic and eventually rose to the position of Bishop of Burgos, and devoted his life to proselytizing Jews to Catholicism. See: Baer, *A History of the Jews in Christian Spain*, 2:150–151.

<sup>57</sup> Gitlitz, *Secrecy and Deceit*, 85–86.

<sup>58</sup> Gitlitz, *Secrecy and Deceit*, 87–88.

<sup>59</sup> Gitlitz, *Secrecy and Deceit*, 88.

<sup>60</sup> Gitlitz, *Secrecy and Deceit*, 89.

<sup>61</sup> Gitlitz, *Secrecy and Deceit*, 90.



intervention, facing possible “rehabilitation” or severe punishment in an era where religious conformity was paramount for societal cohesion.

## VI. Rabbinic Authorities’ Stances on Reintegrating *Anousim*

Following the widespread forced conversion of Jewish communities in Iberia between 1391 and 1492, the *Anousim* posed significant challenges to both their original Jewish communities and the Christian society they were compelled to join. Halachic authorities were faced with the task of determining the legal status of the large number of *Anousim* residing in close proximity to, and in many instances coexisting with, Jewish communities. The life of Sephardim after the Expulsion from the Iberian Peninsula can be understood by studying the rabbinic responsa (“*Sheh’eylot u’Tshuvot*”) of the time.<sup>62</sup> Through the detailed queries presented in responsa to issues related to the *Anousim*, we can trace the complex issues that engaged rabbinic authorities and gain insight into the daily concerns and lived experiences of both ordinary and scholarly members of the Jewish community after the Expulsion from the Iberian Peninsula.<sup>63</sup>

Preeminent Halachic authorities of their era, intimately familiar with the nefarious forces of Christian rule against Jews and Judaism, included several scholars from families forced to convert or who themselves were forced converts. Rabbi Isaac ben Sheshet Perfet (also known as

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<sup>62</sup> In fact, shortly before the Expulsion in 1492, movable-type print was invented in Europe. Thus, the Early Modern period is a suitable age to study the rabbinic responsa, since they started to be printed in large volumes.

<sup>63</sup> Matt Goldish, quoted in Nachi Weinstein, host, “Spanish Jewry Through the Ages, Episode 15: Prof. Matt Goldish - Rabbinic responsa throughout the Sephardic diaspora,” *Seforimchatter*, Episode 232, Spotify, September 2023, [https://open.spotify.com/episode/6C3Gj0dZsBdyRnbfSJhdtv?si=5bbd16ae7d44432b&nd=1&dl\\_si=8b33a79b9883422b](https://open.spotify.com/episode/6C3Gj0dZsBdyRnbfSJhdtv?si=5bbd16ae7d44432b&nd=1&dl_si=8b33a79b9883422b), minutes 8:38 to 11:10. In this segment, Goldish explains, “*Sheh’eylot u’Tshuvot*...can be used to study specific historical topics...it is in the questions that the questioners describe a particular situation or piece of their lives...you get an insight into the lives of ordinary people, as well as the wealthier, more scholarly people.”

“the Ribash”) (1326–1408), a distinguished dayyan in Barcelona, was a forced convert to Christianity who reverted to Judaism upon moving to North Africa. The Ribash, having studied under leading Spanish rabbis, became a prolific author of responsa. Rabbi Shimon ben Zemah Duran (also known as “the Tashbetz”) (1361–1444) emerged as a key authority on the *Anousim* due to his firsthand experiences with persecution and forced conversions in Spain. After fleeing the 1391 massacres in Majorca for Algiers, he continued his scholarly pursuits and rabbinic leadership, eventually succeeding Rabbi Isaac Bar Sheshet (the Ribash) as the rabbi of Algiers. Rabbi Saadia ben Maimon ibn Moshe Danan (c. 1450–1493), who served as a *dayan* in Granada, was renowned as a Talmudist and Halachic authority. His contemporary, David ben Solomon ibn Abi Zimra (also known as “the Radbaz”) (1479–1573), authored over 3,000 responsa and held prominent positions as Av Beit Din and Rosh Yeshiva in Cairo, eventually becoming the Chief Rabbi of Egypt. Rabbi Saul Levi Morteira (c. 1596–1660) stood out as a trenchant critic of Christian theology, notably through his treatise “Arguments Against the Christian Religion.” Last, Rabbi Isaac Aboab de Fonseca (1605–1693) was a prodigal Torah scholar from a family forced to convert to Christianity. He served as the Rabbi of Recife, Brazil, a haven for many Jewish Portuguese exiles. These figures, each deeply impacted by their experiences with forced conversion, contributed significantly, under challenging circumstances, to Jewish scholarship on the plight of the *Anousim*.

In light of this rich historical tapestry of rabbinic thought and experience with forced conversions, it is instructive to briefly look back further to the twelfth century, when Maimonides (1138-1204), who grappled with the specter of forced conversion to Islam at the hands of the Almohad Caliphate, penned the “Iggeret Hashmad” (“The Epistle Concerning Apostasy”). Maimonides speaks directly to the tribulations of *Anousim* of his time who, under the Almohad

persecution, had to practice Islam outwardly while inwardly cleaving to their Jewish faith. Maimonides pragmatically counsels his fellow Jews to practice *taqiyya*—an Arabic term, *تقية*, that roughly means “dissimulation for self-protection”—in order to safeguard their lives and preserve their Jewish identities. Maimonides’ approach establishes a precedent for the acceptance of coerced conversions not as an abandonment of faith, but as a means of preserving life while secretly maintaining a Jewish identity, based on the principle of *Pikuach Nefesh*.<sup>64</sup> His position resonates with the quandaries faced by the *Anousim* and the rabbinic authorities of the Inquisitorial period, who similarly sought to navigate the complexities of Jewish identity and observance in an environment of compulsion and control.

The rabbinic perspectives on reintegrating *Anousim* were varied, and were partially influenced by the extent or manner in which *Anousim* adhered to Jewish practices. Most Rabbis exerted every effort to ensure the integration of *Anousim* into the community and assisted them in their return to Judaism, as discussed further below. There were, however, a variety of critiques of the *Anousim*.

A prevalent critique directed at the *Anousim* concerned those who, having left the Iberian Peninsula, chose not to integrate into established Jewish communities, as well as those who delayed leaving regions where practicing Judaism was not feasible. The underlying objective of this censure was to encourage them to relocate to countries where they could freely practice Judaism. Such sentiment indicates that the Rabbis, however, at the core, recognized the *Anousim* as Jews. This is not an obvious point since, viewed externally, the *Anousim* appeared to have taken on the clothing, traditions, and religious practices of the surrounding Christian communities into which they had integrated, and some even transgressed Jewish practices in

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<sup>64</sup> Paul B. Fenton, “From Forced Conversion to Marranism: Crypto-Jews in Morocco and Their Fate,” *European Judaism: A Journal for the New Europe* 52, no. 2 (2019): 31–42, <https://www.jstor.org/stable/48561447>.

private.<sup>65</sup> Nevertheless, in the words of Mark Meyerson, Professor of History at University of Toronto,

...because the baptism had been so obviously coerced, because the converts had only yesterday been Jews, and because the sense of community among Jews and conversos was thus spontaneous and natural, social relations—and machinations—among Jews and conversos were...continuous with those among just Jews before 1391.<sup>66</sup>

*Rabbi Isaac Bar Sheshet Perfet (“Ribash”)*

Rabbi Isaac Bar Sheshet Perfet (Ribash) was asked whether wine or meat prepared by *Anousim*, and certified as Kosher by *Anousim*, was indeed considered Kosher. He articulated that although a Jew is ideally expected to embrace martyrdom rather than renounce his faith, an individual who, under duress, succumbed to persecution and accepted conversion should not be summarily disqualified as a credible witness to the *Kashrut* of his food.<sup>67</sup> Such individuals remain wholly Jewish, as divine forgiveness extends to their moments of frailty. In essence, a Jew who has sinned is still a Jew,<sup>68</sup> and his wine and meat are still Kosher. There was a case of an Algerian Jew, himself a former convert to Christianity who, somewhat hypocritically, objected to accepting *Anousim* into the Algerian community out of fear that they would disrupt the local

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<sup>65</sup> Bejarano Gutierrez, *Secret Jews*, 205–206.

<sup>66</sup> Meyerson, *A Jewish Renaissance in Fifteenth-Century Spain*, 188.

<sup>67</sup> Bejarano Gutierrez, *Secret Jews*, 209.

<sup>68</sup> “When God explained to Joshua the reason for the Jewish people’s defeat at the city of Ai, He said: ‘Israel has sinned’ (Joshua 7:11). Rabbi Abba bar Zavda says: From here it may be inferred that even when the Jewish people have sinned, they are still called ‘Israel.’” “Sanhedrin 44a.2,” Sefaria, accessed January 27, 2024, <https://www.sefaria.org/Sanhedrin.44a.2?lang=bi&with=all&lang2=en>.

economy.<sup>69</sup> The Ribash unequivocally rejected this sentiment, showcasing his sympathy for one's personal faith over economic concerns.<sup>70</sup>

In a major exception to this principle, the testimony of a “*false Anous*”—one who transgresses Jewish Law in private—to the *Kashrut* of their wine and meat, “should be regarded like that of a gentile,” according to the Ribash.<sup>71</sup> The Ribash stipulated that a lenient, sympathetic attitude toward the *Anous* categorically does not apply to one who, when completely alone, “where no [hostile] eye sees him to inform upon him and deliver him to the authorities [this was enough proof that] the conversion [to Christianity], which at the beginning was compulsory, turned into a willful one.”<sup>72</sup> Apparently it was so common for *Anousim* to willingly embrace Christianity that the Jewish communities to which they returned harbored deep suspicions about the *Anousim*'s true commitment to Judaism and their intentions to sincerely observe Jewish practice.<sup>73</sup>

According to Netanyahu's reading of the Ribash, the willful transgression of the Written or Oral Law when no danger was present—namely, at the hands of the Old Christians or the Inquisitorial Authorities—was a deliberate sign of one's estrangement from Judaism and an

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<sup>69</sup> Edward Fram, “Perception and Reception of Repentant Apostates in Medieval Ashkenaz and Premodern Poland,” *AJS Review* 21, no. 2 (1996): 299–339, <http://www.jstor.org/stable/1486698>.

<sup>70</sup> Simḥah Assaf, “Anusey Sefarad u-Portugal be-safrut ha-teshubot,” reprinted in his *Be-ohaley Ya'aqob* (Jerusalem: Mossad Ha-Rav Kook, 1943), 164–165.

<sup>71</sup> Isaac Bar Sheshet Perfet, *Responsa*, No. 4 (1c), quoted in Benzion Netanyahu, *The Marranos of Spain: From the Late 14th to the Early 16th Century, According to Contemporary Hebrew Sources* (Ithaca: Cornell University Press, 1999), 27.

<sup>72</sup> Isaac Bar Sheshet Perfet, *Responsa*, No. 4 (1c), quoted in Benzion Netanyahu, *The Marranos of Spain: From the Late 14th to the Early 16th Century, According to Contemporary Hebrew Sources* (Ithaca: Cornell University Press, 1999), 24–25.

<sup>73</sup> Netanyahu, *The Marranos of Spain*, 226.

implicit agreement with the doctrines of Christianity.<sup>74</sup> Ribash's intention, therefore, was to delineate a clear boundary between authentic and compelled converts, because "what was now uppermost in his mind was not the problem of *false conversion*, but rather the problem of *false anusiut*."<sup>75</sup>

*Rabbi Shimon ben Zemah Duran ("Tashbetz")*

As a general policy, Rabbi Shimon ben Zemah Duran—who, after fleeing Spain, succeeded Rabbi Isaac Bar Sheshet as Algiers' rabbi—"worked to ensure that returning converts were warmly embraced since...they had already entered the covenant at Sinai by virtue of their lineage."<sup>76</sup> The Tashbetz accepted the *Anousim*'s claims of their Jewish identity without demanding proof,<sup>77</sup> based on his belief that "returning converts were similar to repentant Jews, and not to Gentiles accepting Jewish religion."<sup>78</sup> Furthermore, the Tashbetz rules that an uncircumcised male born into a family of repentant *Anousim* was considered Jewish, regardless: "The marriage of the child who was born after the conversion of the parents and is uncircumcised [is valid]: for everybody, whose mother is a convert, even if the father is Gentile, is Jewish; so similarly, if the father is uncircumcised, the child is Jewish."<sup>79</sup>

*Rabbi Saadiah ben Maimon ben Moshe ibn Danan*

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<sup>74</sup> Netanyahu, *The Marranos of Spain*, 25.

<sup>75</sup> Netanyahu, *The Marranos of Spain*, 25-26.

<sup>76</sup> Bejarano Gutierrez, *Secret Jews*, 215.

<sup>77</sup> Zsom, *Conversos in the Responsa*, 199–200.

<sup>78</sup> Zsom, *Conversos in the Responsa*, 66.

<sup>79</sup> Rabbi Shimon ben Zemah Duran, 3, 47, quoted in Dora Zsom, "Uncircumcised Converts in Sephardi Responsa from the Fifteenth and Sixteenth Centuries," *IberoAmerica Global* 1, no. 3 (2008): 165.

Rabbi Saadiah ben Maimon ben Moshe ibn Danan, Chief Rabbi of Granada, was confronted with a Halachic question, namely, whether a repentant *Anous*' widow must marry her late husband's unrepentant brother, and how to classify these *Anousim* religiously. With respect to this case of levirate marriage, Ibn Danan replies with "perhaps the most eloquent plea in all Hebrew literature on behalf of the *Marranos*"<sup>80</sup>:

If the *Marranos* are to be considered as gentiles and those who return to Judaism as proselytes, their desire to return to the fold will weaken, so that finally they will assimilate among the gentiles, add crime to their sin, and even their name will be forgotten from Israel...Indeed, when it comes to lineage...all the people of Israel are brethren. We are all the sons of one father, the rebels and the criminals, the apostates and the forced converts, and the proselytes who are attached to the house of Jacob. All of these are Israelites. Even if they left God or denied Him, or violated His Law, the yoke of that Law is still upon their shoulders and will never be removed from them.<sup>81</sup>

*Rabbi David Ben Solomon ibn Abi Zimra ("Radbaz")*

Rabbi David Ben Solomon ibn Abi Zimra maintained that returning, uncircumcised *Anousim* did not have to undergo ritual immersion, for reasoning similar to that of the Tashbetz: because their forebears had embraced the commandments at Sinai, this commitment was also deemed valid for their descendants. The Radbaz drew from the Biblical account of Joshua's circumcising the Israelites born during the wilderness journey post-Exodus, noting that immersion was not mandated for them, and therefore should not be required of the initial

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<sup>80</sup> Benzion Netanyahu, *The Marranos of Spain*, 64.

<sup>81</sup> Hemdah Genuzah 16b, ed. Edelman (Koenigsberg, 1856), quoted in Netanyahu, *The Marranos of Spain*, 64.

generation of *Anousim*.<sup>82</sup> Furthermore, if *Anousim* returning to Jewish communities were not circumcised, they underwent circumcision as swiftly as possible, but the Radbaz maintained that an uncircumcised *Anous* could be counted in a *minyan* because even though he has not fulfilled a commandment, he remains considered a Jew.<sup>83</sup> The Tashbetz supports this perspective in *Yachin u-Boaz*, noting that an uncircumcised *Anous* is comparable to a child who had not been circumcised due to health concerns that could endanger his life.<sup>84</sup>

### *Takkanot Candia*

*Takkanot Candia* (“The Ordinances of Candia”) is a compilation of legislative texts that chronicles the management of the Jewish community in Candia, Crete’s capital during its tenure as a Venetian colony (1204–1669).<sup>85</sup> Originating from the early 1200s and extending to the late 1500s, these documents were composed by a succession of Jewish community leaders, and offer a thorough examination of different aspects of community life. A specific *Takkana* (“Ordinance”) from the end of the period that it covers in the 1560s deals directly with the sensitive topic of coexisting with *Anousim* fleeing the Iberian Peninsula. This section of the *Takkanah*—entitled “חרם למי שאומר משומד לבעל תשובה” (“Excommunication to Anyone Who Calls a *Baal Teshuva* a ‘*Meshumad*’”)—reads as follows:

על דברת היות ילדי הזמן ומקריו רבו כמו רבו בגלותנו זה, ויד האומות תקיפה עלינו, ומעלילים אותנו על דתנו, ואונסים אנשים ממנו לחזור לדתם, ומתוך אונסם חוזרים לדתם, ואחר במוצאם ריוח והצלה חוזרים לדתם ושבים בתשובה שלמה, וחז"ל אמרו כי במקום שבעלי תשובה וכו'. ובזמן מה אנשים רעים וחטאים לה'

<sup>82</sup> Bejarano Gutierrez, *Secret Jews*, 218.

<sup>83</sup> Bejarano Gutierrez, *Secret Jews*, 219.

<sup>84</sup> Bejarano Gutierrez, *Secret Jews*, 220.

<sup>85</sup> “The Sensational Wonder of Crete’s Venetian Period (1204–1669 CE),” *Loving Crete*, accessed January 27, 2024, <https://lovingcrete.com/the-sensational-wonder-of-cretes-venetian-period-1204-1669-ce/>.



מאד מכריעי עמנו מתקוטטים עמם, ומזכירים להם את העובר עליהם, ולא עוד אלא שמאיימים עליהם להלשינם ולמוסרם ביד האומות לשורפם, וזהו חלול ה' ברבים. ועל זה נתעוררו ישראל עם ה', והחרימו בכל הקהילות הקדשות חרם גמור איום ונורא, וגזרו חרם נידוי ושמטא על כל איש ואשה, קטן וגדול, אשר יניע שפתיו או יוציא מפיו דבר נבלה להזכיר עונם. כ"ש לאיים לאמר אזיל ואכיל קורצא לאומות, יהיה מוחרם ומנודה לשמים ולבריות, בעולם הזה ובעולם הבא, ארור הוא ביום, ארור הוא בלילה, לא יאבה ה' סלוח לו, והבדילו ה' לרעה מכל שבטי ישראל, ומחה ה' את שמו מתחת השמים, ואם באולי ימצא תוך ישראל איש אכזר ובליעל להוציא מפיו מלין והגא מפיו יצא, אפילו מתוך קטטה ומריבה, אלא ריבך ריב את רעך וסוד וכו'. יחולו עליו כל האלות הכתובות בתורה, ומחה י"י את שמו מתחת השמים, ושומר נפשו ישכון בטח ושאנן, והיה עליהו רענן, וכל אשר לו שלום. שכל וגלמוד אליה גלימידי.

Regarding the fact that the children of the time and its events have increased as they have increased in our exile, and the hands of the nations are harsh on us and they abuse us regarding our religion, and they forcibly convert men from among us to leave their religion, and in the midst of their being forced, they return to [Judaism]. And after that they come out in salvation and joy, they go back to their religion, they come back in full repentance. The Rabbis of Blessed Memory said 'where the penitent stand, perfect righteous people do not stand.' And it has been some time that wicked men and sinners in the eyes of the Lord, those who sow discord in the midst of our people and harass them, and they remind them of the things that have happened to them, and not only that, but they threaten them that they will tattle on them and hand them over to the Gentile nations, to let them be burnt, and this is a desecration of the Divine Name in public, and because of this Israel, the nation of God, has been aroused, and for this reason they created an excommunication in all of the sacred communities of Israel a full excommunication, great and awesome, and they declared a full excommunication of anyone, old or young,

who moves their lips or takes out of their mouth a disgusting word, to remind them of their sins. All the more so, if they go and pass them onto the gentile courts, he shall be expelled and excluded from Heaven and from the fellowship of Creation, in this world and in the world to come, and a curse shall be upon him day and night. May the Lord not deign to forgive him, but banish him from all tribes of Israel in payment for his evil deeds, and may He erase the transgressor's name from the face of the Earth.<sup>86</sup>

The core principle of the *Takkana* is to prohibit the community from using the term “*Meshumadim*” to describe Jews who have returned to Jewish identity and practice. As described earlier, the term “*Meshumadim*” was typically used as a pejorative, suggesting that the individual willingly abandoned his ancestral religion, either due to a lack of religious conviction or for pragmatic reasons. The fact that such stated protection was necessary stands as evidence of the contempt and discrimination that the *Anousim* faced from their fellow Jews in Candia and likely elsewhere, but that they could find allies in the communal leaders, such as the Radvaz and Rav Yosef Karo, author of the *Shulchan Aruch*, who both signed this *Takkana* from where they were in Safed in the Upper Galilee, and who were clearly highly protective of the *Anousim*.

The language and strictness of the *Takkana* “and the choice of rabbis who were consulted...[suggests that] discrimination against the re-converted Jews was a serious moral problem in their eyes, and indeed a transgression of the basic religious principles of Judaism.”<sup>87</sup> For example, the words “להלשינם ולמוסרם” (“that they will tattle on them and turn them over”) are

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<sup>86</sup> Combined translation with the assistance of Ronnie Perelis, PhD, Elchanan Shoff, and Martin Borýsek, PhD, based on Martin Borysek, “Takkanot Kandiyah—A Collection of Legislative Statutes as a Source for the Assessment of Laymen’s Legal Authority in a Jewish Community in Venetian Crete,” *Apollo—University of Cambridge Repository*, 2016, doi:10.17863/CAM.24056.

<sup>87</sup> Martin Borýsek, “The Jews of Venetian Candia: The Challenges of External Influences and Internal Diversity as Reflected in Takkanot Kandiyah,” *Al-Masāq* 26, no. 3 (2014): 263, doi:10.1080/09503110.2014.956474.

powerful and harsh. In Judaism, assuming the role of a מוסר—one who informs secular authorities about the actions of a fellow Jew—is considered one of the most grievous acts one can commit against his co-religionist. This betrayal not only undermines the trust within the community but also contravenes the deep-rooted values of solidarity and mutual support that are central to Jewish ethics.

*Rabbi Saul Levi Morteira*

Amsterdam in the sixteenth and seventeenth centuries emerged as a critical refuge for the *Anousim* due to its reputation for religious tolerance and the absence of the Inquisition. In this city, *Anousim* had the liberty to reclaim their Jewish heritage and openly practice Judaism, a stark contrast to the resistance they faced in Spain and Portugal. Nonetheless, in this bastion of tolerance was one of the most outspoken rabbinic figures against the *Anousim*, namely, Rabbi Saul Levi Morteira, head of the Portuguese-Jewish community in Amsterdam.

Rabbi Morteira maintained an uncompromising attitude toward *Anousim* who did not relocate to places where practicing Judaism openly was possible. Rabbi Morteira believed that eternal punishment awaited those who did not embrace a return to Torah observance, and he believed that such a forewarning was crucial to maintaining unwavering adherence to the Torah within his community.<sup>88</sup> Rabbi Morteira went so far as to say that the Inquisition was an instrument of divine punishment:

For this hypocrisy and this concealing of their true faith in God is detested by Him. It is truly a violation of their oath, which our ancestors explicitly accepted, making it a futile oath. After the statement, *Cursed be the one who will not uphold the terms of this Torah and observe them—all the people shall say, Amen* (Deut 27:36). Now the words “uphold”

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<sup>88</sup> Alexander Altmann, “Eternality of Punishment: A Theological Controversy within the Amsterdam Rabbinate in the Thirties of the Seventeenth Century,” *Proceedings of the American Academy for Jewish Research* 40 (1972): 1–2.

and “observe” clearly entail the obligation of actual performance, to which they explicitly responded, “Amen.” The divine Torah did not fail to speak prophetically about these people and inform them how they were violating the oath, and how God would become furious with them.<sup>89</sup>

Rabbi Morteira viewed skepticism toward the Oral Law and the sages’ authority as a spiritual defect and malady of the soul.<sup>90</sup> This skepticism toward the authenticity of the Oral Torah and the authority of the Rabbis was prevalent among many former *Anousim* upon becoming part of their new communities. Uriel Da Costa, who some say was a primary influence on Baruch Spinoza, is the example *par excellence* of skepticism toward the Oral Law on the part of *Anousim*.<sup>91</sup> Individuals with even a trace of Jewish ancestry were excluded from senior positions in government and religious institutions in the period of 1391–1492. Many Jews who had distanced themselves from Judaism endeavored to reconstruct modalities of Jewish practice that in essence embodied versions of their Christian upbringing, absent its distinctively Christian symbology. For Jews such as Uriel da Costa, re-entering a normative, traditional Jewish community, such as that of seventeenth-century Amsterdam, proved ironically to be a heart-rending transition to a seemingly foreign and discomfitingly restrictive environment.<sup>92</sup> Once he reached Amsterdam, Uriel da Costa’s engagement with the intricate practices of rabbinic Judaism was quite at odds with his own understanding derived solely from Tanakh, the

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<sup>89</sup> Marc Saperstein, “Christianity, Christians and ‘New Christians’ in the Sermons of Saul Levi Morteira,” *Hebrew Union College Annual* 70/71 (1999): 329–84, <http://www.jstor.org/stable/23508877>.

<sup>90</sup> Bejarano Gutierrez, *Secret Jews*, 234.

<sup>91</sup> Matt Goldish, “Perspectives on Uriel Da Costa’s ‘Example of a Human Life,’” *Studia Rosenthaliana* 42/43 (2010): 1–23, <http://www.jstor.org/stable/24388990>.

<sup>92</sup> “Uriel da Costa,” *Segula: The Jewish History Magazine*, accessed 12 January 2024, <https://segulamag.com/en/articles/uriel-da-costa/>.

only Jewish reading that Spanish rule permitted him.<sup>71</sup> A fraught path of conflict with Jewish community leaders ensued. Da Costa's disparagement of the Oral Law, and his rationalism and skepticism of tradition, placed him at loggerheads with both the Jewish and Christian societies of his era. Da Costa's struggle culminated in an abject alienation that, together with his censure by the Amsterdam Jewish community, ultimately led to his suicide, leaving in its wake a legacy of dissent within the Jewish community.<sup>71</sup>

In the context of Rabbi Morteira's perspectives on the *Anousim*, the case of Uriel Da Costa presents a complex portrait of the challenges faced by those returning to normative Judaism. Da Costa's unorthodox beliefs, which included a critical stance on the Oral Law, might have been viewed by Rabbi Morteira as validating his concerns regarding the *Anousim*'s adherence to Judaism. For Rabbi Morteira and other rabbis of the time, such deviations from accepted Jewish doctrine likely raised questions about the authenticity of the *Anousim*'s Jewish identity. This skepticism could have been interpreted as a lack of genuine Jewishness, as defined by the rabbinic authorities of the period. Da Costa's eventual alienation and tragic demise underscore the tension between the *Anousim*'s varied religious expressions and the prevailing rabbinic expectations of conformity. His case thus exemplifies the broader struggle within the Jewish community to reconcile the diverse spiritual trajectories of the *Anousim* with a uniform standard of Jewish faith and practice.

#### *Rabbi Isaac Aboab da Fonseca*

With respect to whether returning *Anousim* were required to be circumcised, Rabbi Isaac Aboab da Fonseca of Amsterdam disagreed vehemently with the Tashbetz (cf. 21), somewhat hypocritically, as Rabbi Aboab was himself a former *Anous*:

Those members of the Nation who keep the commandments of the Torah before being circumcised have no part in divine grace, and they are condemned to eternal damnation. Hence, every converso who arrives from the Iberian Peninsula must be circumcised within three months of his arrival. If not, he will be excommunicated.<sup>93</sup>

Furthermore, to challenge the widely accepted belief that sins committed prior to circumcision went unaccounted for, as non-circumcision was thought to exempt them from Torah obligations, Rabbi Aboab wrote:

The vain idea which has spread among almost all sons of our people who come from the servitude of the soul [i.e., the Peninsula], that so long as a man is not circumcised he is not part of Israel [and] his sins are not sins...And some claim that the day of their circumcision is the first day on which their sins begin to count.<sup>94</sup>

Regardless of the severity that his expressions about conversion convey, Rabbi Aboab also believed that “All Israelites are a single body (*guf echad*) and their soul is hewn from the place of Unity.”<sup>95</sup> Thus, each Jewish individual, regardless of his place of residence or the extent of his estrangement from the Torah, remained a fundamental part of the Jewish people. This notion aligns with Altmann’s insight into the Amsterdam Rabbinate’s seventeenth-century debate. This revealed an understanding that Jewish identity transcends personal religious practice or belief, cementing it as an inextricable and enduring aspect of an individual’s essence.<sup>96</sup>

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<sup>93</sup> Yosef Kaplan, “Wayward New Christians and Stubborn New Jews: The Shaping of a Jewish Identity,” *Jewish History* 8, no. 1/2, The Robert Cohen Memorial Volume (1994): 31–32.

<sup>94</sup> Miriam Bodian, *Hebrews of the Portuguese Nation* (Bloomington: Indiana University Press, 1997), 98.

<sup>95</sup> Altmann, “Eternality of Punishment,” 19.

<sup>96</sup> Altmann, “Eternality of Punishment,” 57.

## VII. Navigating Halachic Inconsistencies and Questions of Identity in Rabbinic Responsa

It is unfortunate that the responsa of the rabbinic authorities of the era have received considerably less attention than have the Church archival documents, or have been utterly neglected,<sup>97</sup> in part due to their relatively unsystematic organization to date. As Zsom, Rabbi Hirsch Jakob Zimmels (1900–1974), and Rabbi Simhah Assaf (professor of Talmud and one of Israel’s first Supreme Court judges) attest, a considerable amount of information is contained therein in regard to the settings in which adjudication of the Halachic status of specific Jewish procedures and situations was exercised, such as with respect to marriage, levirate marriage, divorce, death, inheritance, dietary laws, and the return of converts to normative Judaism. Specific Halachic decision-making notwithstanding, it is noteworthy that none of the analyzed responsa makes an absolute, overarching pronouncement on the Jewish identity of the *Anousim* who are the subject of the responsas’ Halachic process.

Zsom observes that, while the rabbinic authors of the responsa did not deign to consider the *Anousim* as inferior to Jewish non-converts, “the necessity [within the responsa] of expounding at length the problem again and again signifies that...it was not clear whether *Conversos* were similar to Jews or to Christians...[and] that the legal state of the *Conversos* was often confused with that of the Gentiles.”<sup>98</sup> Of note, the rabbinic authors of the responsa were inconsistent in their designation of *Anousim* as voluntary or forced converts.<sup>99</sup>

As a case in point, the Tashbetz, in his earlier responsa, recognized the strict adherence to Judaism of the *Anousim*. Zimmels, through his detailed analysis of these responsa of the era, clarifies his sole task as one of painting a picture of Jewish religious practices of the time

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<sup>97</sup> Assaf, “Anusey Sefarad u-Portugal be-safrut ha-teshubot.”

<sup>98</sup> Zsom, *Conversos in the Responsa*, 214.

<sup>99</sup> Zsom, *Conversos in the Responsa*, 214.

through the content of the responsa, an endeavor that he qualifies heavily in terms of the need to take particular situational contexts into account, so as to not lapse into overgeneralization, a criticism leveled at Netanyahu's evaluation of the same responsa. From their analyses of these responsa, neither Zimmels nor Zsom is able to evince a rabbinic consensus on that which constitutes Jewish authenticity.<sup>100</sup> Zsom acknowledges that "the responsa reveal a certain perplexity...regarding the Halachic status of the converts...The rabbinic authorities...declared unanimously that [the *Anousim*] had never become inherently detached from the Jewish people, for in theory they were just as obliged to observe the commandments of the Law as non-convert Jews."<sup>101</sup>

Zimmels' task is to gather historical evidence through the responsa. He does not take a presumptuous further step in an attempt to extrapolate an interwoven Halachic theme that brings us any closer to a definition of Jewish identity:

Zimmels does not rush into conclusions and does not draw far-reaching implications on the basis of superficial reading and misinterpretation of the texts. He cannot be accused of trying to prove a presumed thesis at any cost...In [Zimmels'] view, this [era] was largely characterized by a great adherence to Jewish religion on the part of the converts forcibly baptized in 1391 and their descendants, who were in turn deemed by the rabbinical authorities to be Jews who had sinned (by living outwardly as Christians), but still remained Jews. It does not mean, however, that their conversion and staying in Iberia did not have practical consequences regarding their halakhic status.<sup>102</sup>

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<sup>100</sup> Zsom, *Conversos in the Responsa*, 10.

<sup>101</sup> Zsom, *Conversos in the Responsa*, 216.

<sup>102</sup> Zsom, *Conversos in the Responsa*, 10.



It is evident from Zimmels' analysis of the responsa that he acknowledges the individualized, perhaps even unique, nature of each responsum. I would surmise that the Rabbis' devotion to highly specific, individualized circumstances of each *Anous* rendered their overall task considerably more challenging than would have been the case had they invoked a categorical definition of Jewish identity to *Anousim* as a collective.

### VIII. Conclusion

A specific Halacha that addresses the *Anousim* as such does not exist—nor, perhaps, should it. From an exploration of rabbinic responsa of the Inquisitorial era vis-à-vis the Jewish identity of the *Anousim*, it becomes clear that their narrative resists simplistic homogenization.

The *Anousim*, often perceived as a monolithic group, are revealed through the analysis of responsa as a rich amalgamation of individuals with widely varying religious adherence out of which a complexity of Halachic challenges emerge. I wish to suggest that the Rabbis of the responsa, in making no pretense to disengage from this complexity, consciously and intentionally refrain from formulating a unified Halachic directive that singularly defines the Jewish identity of the *Anousim*.

This ambiguity in Halachic decision-making in the Inquisitorial period reflects the challenge to rabbinic jurisprudence posed by *Anousim* seeking a return to the Jewish community—namely, striking a balance between allegiance to Halacha and the recognition of the nuances of individual human religious experience. Thus, one cannot distill an unequivocal rabbinic consensus of Jewish identity.

Halachic imperatives notwithstanding, there was no dearth of compassion on the part of the majority of the Halachic decisors of the Inquisitorial era, evident in the stark admonition against maltreatment of *Anousim* under penalty of *cheirem*—excommunication. But in another

sense, Halacha ought not be effaced in the name of compassion, whereby sentiment, emerging from a romanticized perspective on the *Anousim*, becomes the facile path by which marginalization of the rabbinic obligation to Halacha takes place, relegating Halacha to a static, ossified preoccupation of a bygone era. I perceive this proclivity in Arthur Hertzberg's judgment in his classic essay on Jewish identity, that,

in actual fact, [the Halachic positions of the rabbinic responsa] were not ultimately determinant of the attitude of the Jewish community toward *Marranos*... [and that] the determining act was in the willingness [of the *Anousim*] to become part of the Jewish community, and all the Halachic doubts of rabbinic authorities remained theoretical in the face of acts of return.<sup>103</sup>

Hertzberg suggests that the Jewish community's response to the *Anousim* transcended what he saw as the rigid frameworks of Jewish law. Instead of scrutinizing maternal lineage or the validity of their ancestors' marriages, the community would focus on the present willingness of the *Anousim* to embrace Judaism.<sup>93</sup> I surmise that this approach stemmed from a recognition of the complexities inherent in the *Anousim*'s situations, where choices were often dictated by survival rather than volition, and therefore the communal embrace of the *Anousim* might reflect an understanding that, in the face of forced conversions, the veracity of one's Jewish identity was less about one's past and more about his current commitment to Jewish life and practice. In other words, the absence of scrutiny into the *Anousim*'s past may also be attributed to a compassionate application of Halacha, one that prioritizes inclusivity and the reconstitution of a fractured community over the legalistic verification of individual histories. The rabbinic responses to the *Anousim* during this period exemplify a simultaneously pragmatic and empathetic jurisprudence,

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<sup>103</sup> Arthur Hertzberg, "Jewish Identity," *Encyclopaedia Judaica*, vol. 10 (Jerusalem: Keter Publishing House Jerusalem Ltd., 1972), 58–59.

acknowledging the lived realities of a people in tumultuous times and the humane value of a responsive and adaptive legal system.

The position of the rabbinic authors of the responsa with respect to the *Anousim* speaks to dilemmas faced by the marginalized or estranged Jewish communities of nineteenth- and twentieth-century Europe and the Soviet Union, and particularly resonates with the State of Israel's experience since its establishment. Israel, as a nation built on the foundations of citizenship and the granting of refuge to all members of the Jewish people, grapples with the complexities of a society where tracing lineage is frequently obfuscated by the ravages of history. Many immigrants arrived in Israel in the shadow of the Holocaust; graves and entire ancestries were obliterated, vital records of birth and death were lost or never recorded, leaving lacunae in familial lines that once told the stories of generations. The Soviet Union's policies of religious suppression further compounded this issue, as many Jews lost the threads connecting them to their religious heritage, with Soviet laws making it difficult to assert, let alone prove, their Jewish identity. These historical contexts underscore the enduring relevance of the question "Who is a Jew?"—a question that is not merely academic but deeply rooted in the actual experiences of individuals and communities for whom their Jewish identity became a tapestry woven of fragmented histories colored by resilient memories. This question, writ large, demands a nuanced understanding that is as germane today as it was centuries ago, and which ought to continue to animate the dialogue on Jewish identity within the international Jewish community.

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