Kiddush HaShem as Machloket: Martyrdom in the Medieval Ashkenazi and Sephardi Worlds

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Abstract— Religious persecution is one of the most consistent and enduring themes across the diverse history of the Jewish people. The Megillah Esther (The Scroll of Esther) presents an archetype of the perennial existential challenge to Jewish faith and has offered a framework for various Jewish leaders attempting to formulate an adequate response to such challenges when they arise, i.e. kiddush HaShem (martyrdom). This paper specifically explores the interpretive divergence between Jewish leadership in medieval Sepharad (Spain) and Ashkenaz (Germany and Northern France) as informed by their distinct sociohistorical milieus. Writing in the context of the violent First Crusade, Rabbi Shlomo Yitzhaki of Tosafist authority interprets the Purim narrative as a strong message on religious purity that necessitates kiddush HaShem in the face of forced conversion. Conversely, Rabbi Moses ben Maimon (Maimonides), in the context of the culturally fluid and diverse Andalusia, interprets the Purim narrative to allow for Jews to assume an alien faith in order to preserve their lives. These two titans of Jewish teaching (who lived in similar periods not far from each other) offer seemingly diametric orderings of Jewish values, e.g. ritualistic duty vs. faith. These differences, however, derived from divergent historical circumstances, highlight the malleability of halakhic procedure as a transhistorical tool that allows Jewish authorities to consistently overcome societal adversity.

The history of the Jewish people is one that is as turbulent as it is ancient, punctuated by near-constant displacement and evolving forms of anti-Semitism in every new land that Jews arrived in. More often than not, this persecution rose to genocidal proportions, taking on the form of existential ultimatums, such as forced conversions or pogroms. Yet with the abounding variety of Jewish responses to these existential threats, it seems that perhaps the most consistent aspect of Jewish culture is actually the recurring presence of an oppressive anti-Semitic host culture itself. The archetypical example of this existential conflict is the Megillah Esther (Book of Esther), in which Mordechai effectively chooses to put the lives of Persia's Jews in jeopardy instead of bowing before Haman. Generally, Jewish response to violence has fallen into three categories: conversion, flight, and sanctification of the name (kiddush HaShem), i.e. martyrdom. Within this framework, it seems that Mordechai effectively chose kiddush HaShem in the face of avodah zarah.[1]

This zealous behavior is conspicuously repeated during the First Roman-Jewish War,

[1] Rabbi Daniel Millner asks if this is not arrogant? Is Mordechai not putting the whole of Persian Jewry at risk over his own pride? *Tosfot* on Sanhedrin does make the case that Haman was wearing some sort of idol on him that would have rendered bowing before him tantamount to *avodah zarah,* which is understood as one of the three mitzvot that can necessitate a *kiddush HaShem*, i.e. martyrdom.

with the mass suicide of the Zealot defenders at Masada. But looking at other instances in Jewish history, it becomes clear that suicide was not always the norm. For the medieval Sephardic communities, oppression was met almost universally with flight or conversion, which resulted in the large number of Iberian crypto Jews and Sephardi Jews living in Northern Europe and the Ottoman Empire. This is in stark contrast with the approximately contemporaneous Western Ashkenazi communities that took their own lives during the First Crusade. This specific makhloket can be traced to interpretive divergences between the work of Maimonides (b. 1135 CE; d. 1204 CE) and that of Rashi (b. 1040 CE; d. 1105 CE) and his successors, the Tosafists, which draw different conclusions from Torah and from the Megillah Esther. At the time, the works of each rabbinic faction was uniquely authoritative in the Sephardi and Ashkenazi socioreligious spheres, respectively. It is not immediately evident what the causal relationship is between these respective religious stances and the behaviors that they justified/called for — i.e. were these works ex post facto justifications of independently developed norms in the two Jewish communities, or did Jewish norms rather tend to follow religious authority? While for historiographical reasons, it may be impossible to establish the direction of causality in these cases, it is clear that both Maimonides and the Tosafists were acutely in touch with the circumstances of their respective Jewish communities and that their religious divergences correspond directly to divergences in social conditions in those distinct cultural spheres. This paper will outline the divergent historical trajectories of Ashkenazim and Sephardim and connect them to the parallel theological divergence between Maimonides and the Tosafists regarding martyrdom.

For the Jewish communities of medieval France and Germany, religious discrimination increasingly became the norm as the Catholic Church consolidated its control over Western Europe. The First Crusade (1095—1099 CE) was a turning point as it marked the triumph of Christianity over European paganism, as well as the new status of the Jews as the sole minority group in Europe. The implications of this paradigm shift were immediately felt by Ashkenazi communities when, in the spring of 1096 CE, bands of self-styled crusaders (primarily wandering vagrants) destroyed the Jewish communities of Mainz, Worms, and Cologne as they passed through Germany on their way to the Holy Land.[2] This campaign of anti-Semitic violence is most notable in that it marked the modern reprise of the ancient practice of Jewish martyrdom. In the city of Mayence, for instance, "many [Jewish] men [hiding in the local church], too, plucked up courage and killed their wives, their sons, their infants…. The tender and delicate mother slaughtered the babe she had played with; all of them, men and women arose and slaughtered one another…. and in a loud voice cried: 'Look and see, O our God, what we do for the sanctification of Thy great name in order not to exchange you for a hanged and crucified one.'"[3] The events of the First Crusade were not as deep-seated as those of Spain in the fourteenth and fifteenth centuries — neither nobles nor clergy partook in the massacres — and yet the Ashkenazi reaction was markedly more radical than that of Spanish Jews later on.[4]

The medieval Ashkenazi response to Christian persecution is primarily rooted in the Tosafot, a compilation of medieval commentaries on Talmud that arose immediately in response to the writings of Rabbi Shlomo Itzchaki of Troyes (Rashi) in Northern France in the late eleventh century CE; although Rashi himself did not contribute to this work, it is based heavily on his commentaries, as the original Tosafists were actually Rashi's own son-in-law and grandsons. Just as elements of persecution were endemic to Ashkenaz—such as

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[2] Kenneth R. Stow, *Alienated Minority: The Jews of Medieval Latin Europe* (Cambridge, MA: Harvard University Press, 1998), 102.

[3] Jacob Rader Marcus, *The Jews in the Medieval World: A Source Book* (Cincinatti, OH: Hebrew Union College Press, 1999), 130.

[4] Stow, *Alienated Minority: The Jews of Medieval Latin Europe*, 107.

blood libels, well poisoning libel, and host desecration libel—the prominence of Tosafot over Mishnah distinguished Ashkenaz from its neighboring Sepharad. The basis for the Toseftaic view on kiddush HaShem comes from a seemingly innocuous line from around the time of the First Crusade that states, "If one wants to be stringent on himself, even by other mitzvot, it is permitted."[5] In this line, stringency refers to kiddush HaShem, while mitzvot is referring specifically to the three mortal spiritual infractions: shedding of blood (i.e. murder), sexual immorality, and avodah zarah. [6] Though especially relevant to the Ashkenazi historical condition, this passage actually has its roots in an earlier machloket in the Babylonian Talmud between the amora'im Abaye and Rava:

It was stated that amora'im engaged in a dispute concerning the following matter: In the case of one who worships idols due to his love of another who requested that he bow before the statue, or due to fear of someone coercing him to do so, but not due to faith in that idol, what is the halakha? Abaye says: He is liable. Rava says: He is exempt.[7]

From the Babylonian amoraic context, this argument seems to be based on a disagreement over the hierarchy of values that should direct Jewish life, or "the Good Life" in analogous Greco-Roman terminology. For Abaye, the supreme value in Jewish life should be one's external behavior, i.e. ritualistic duty. Therefore avodah zarah, even under circumstances of extreme coercion (that perhaps the Babylonian sages could not have imagined would one day transpire) is a capital transgression against HaShem that would necessitate a kiddush HaShem. On the contrary, for Rava, physical actions are subordinated to kavanah (inner intention) in all matters, meaning that worshipping a foreign deity out of love or fear (rather than genuine faith) would not constitute genuine avodah zarah and therefore would not necessitate a kiddush HaShem. The interpretations of these rishonim, no doubt, are reflections of their relatively stable and tolerant Babylonian milieu; similarly, the later medieval Ashkenazi interpretation of this gemarrah was undoubtedly a reflection of its historical circumstance, as rising Jewish persecution in Christian Europe and the incidence of kiddush HaShem became uniquely urgent for Jewish leadership to address. [8]

Rashi comments on the same tractate as the amora'im, clarifying its terms to fit the contemporary Ashkenazi context in which it is commonplace for a Jew to be compelled to accept a foreign deity "due to the love of a person or due to the fear of a person, but not because [the Jew] thinks [the idol] has any divinity."[9] Whereas the amoraic makhloket is vague in that it does not specify love or fear of a man, rather referring to different psychic relations to the false deity itself, Rashi intentionally adds the word "adam" to clarify that the active compelling agent is actually a man, i.e. an inquisitor or converted relative. This seems to reflect that the main threat to Judaism had shifted from the allure of foreign deities itself to the actual human emissaries of foreign cults. Rashi's Tosafist successors further expound upon Rashi's interpretation using the archetypical example of Megillah Esther to relate it to the medieval Ashkenazi plight:

According to Rava, if you will say that Mordechai did not bow down to Haman, one could say that it is because of that which is said in the Midrash, that there was an idol over

[5] Tosfot on Avodah Zara 27B, from Rabbi Millner's Purim shiur.

[6] This alone should highlight divergences in the Ashkenazi and Sephardi worlds, as the highly assimilated Sephardi upper-class often engaged in (perhaps homosexual) sexual debauchery, immortalized in Andalusian poems detailing lavish, wine-fueled garden parties.

[7] Babylonian Talmud, Sanhedrin 61B, from Rabbi Millner's Purim shiur.

[8] This era was marked by the final consolidation of Christendom in Western Europe, which brought about increased scrutiny and persecution of Europe's Jewish minority communities.

[9] Rashi on Sanhedrin 61B, from Rabbi Millner's Purim shiur.

his chest. Alternatively, it was because of Sanctifying God's Name, (i.e., martyrdom).[10]

Here, the message of the Purim spiel — more commonly understood as a celebration of identity and political triumph over anti-Semitic oppression — is radically reframed as a didactic commentary on purity of ritual practice, such as forced conversion. Indeed, whereas ancient Babylonian rulers were generally tolerant of Judaism (aside from a few Zoroastrian conflicts over fire rituals), Ashkenazi society coexisted with ever-increasing institutional threats to the Jewish community.[11] In other words, Rashi and his contemporaries were producing novel responses to the unique challenges of their time, providing a clear framework for Jews to respond to forced conversions; this connection becomes especially clear from the fact that the First Crusade largely coincided with the years of Tosafist activity.

By the start of the Spanish Inquisition in 1478 CE, Spain's Jewish community had already been in existence for over a millennium, with many families claiming descent from the original Judean exiles from c. 586 BCE.[12] Even after successive conquests by various Christian and Islamic factions, the Jewish community still maintained a healthy degree of integration, especially under certain Islamic dynasties where Jewish courtiers like Shmuel HaNagid, vizier of Granada, rose to some of the highest offices in the land.[13] And although the legal status of Jews in Iberian society was never static, the peninsula's dynamic heterogeneous composition of "old" and "new" Muslims, Yemeni and Syrian Arabs, Berbers, and Jews and Christians created a unique historical moment of cultural plurality known as "La Convivencia."[14] The apotheosis of cultural proximity in La Convivencia was surely the rich Andalusian tradition of throwing lavish garden parties involving copious amounts of wine as well as degrees of homoerotic behavior. Preserved in the poetic works of both Muslim, Jewish, and Christian writers, these garden parties demonstrate that a strong common social tradition had developed among the various peoples living in medieval Spain.[15] So even as Jewish societal conditions gradually deteriorated after the Almohad Berber conquest in 1172 CE (under which Maimonides was forced to convert) and then later during the Catholic Reconquista, Jewish responses to the creeping scourge of anti-Semitism were constructed within a framework of cultural familiarity that allowed for gradualist approaches, like false conversion or migration to a more tolerant adjacent Islamic lands (Iberian Jews were well versed in Arabic).

Sephardi Jews, in contrast to those of Ashkenaz who followed the Tosafists, came to rely primarily on the religious authority of the twelfth century Cordovan Rabbi Moses ben Maimon (Maimonides). A rationalist with a classical Greco-Roman education, Maimonides' work was largely rejected in Ashkenaz during the period where Rashi's Tosafist successors came to prominence. Writing from the highly diverse and pluralistic context of la Convivencia, Maimonides' halakhic rulings sought to create a way for Jews to keep their law while also living and interacting with Christian and Muslims. He spoke directly to the challenges of a pluralistic society in his magnum opus, the Mishneh Torah, ruling that, "Whosoever, of whom it is said that he shall transgress and not die, if he die and

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[10]Tosfot on Sanhedrin 61B, from Rabbi Millner's Purim shiur.

[11] Stow, *Alienated Minority*, 95, 101.

[12] Jane S. Gerber, *The Jews of Spain* (New York, NY: Free Press, 1992), 2.

[13] Marcus, *The Jews in the Medieval World*, 335.

[14] Gerber, *The Jews of Spain*, 20.

[15] Raymond P. Scheindlin, *Wine, Women, and Death: Medieval Hebrew Poems on the Good Life* (Philadelphia, PA: Jewish Publication Society, 1986), 19-21.

did not transgress, the guilt thereof be upon his soul."[16] Maimonides here establishes that, in fact, it is better to break a mitzvah and live than to die without having broken a mitzvah at all. That is, especially in reference to the three mortal Jewish transgressions (avodah zarah, sexual immorality, and murder), to take your own life rather than commit the infraction will actually put the guilt of murder upon one's soul. This ruling is especially relevant to Maimonides, who himself converted to Islam for a time in order to save his life before fleeing Sepharad.[17] The Sephardi Rabbi Yosef Karo, writing from the Land of Israel in the aftermath of the 1492 CE Spanish Expulsion, expands on Maimonides' ruling:

It is written in the Nikumei Yosef, that even according to the reasoning of our Rabbi (i.e. Maimonides), if a person is important and pious, who fears Heaven and sees that the generation (he is living in) is wayward, he is allowed to Sanctify the Name of God, and give up his life, even for a light mitzvah , in order that the nation should see and learn to fear god and to love Him with all their heart.[18]

Here, the Sephardi tradition offers an alternative explanation to the Toseftaic Purim narrative: kiddush haShem is not necessitated by the severity of the sin, but rather by the specific historical circumstances in which the sin is situated. This is consistent with the archetype of human sacrifice in the Jewish tradition, the akedah, in which Isaac says to Abraham, "May it be His will that one quarter of my blood serve as an atonement for all Israel."[19] In other words, Mordechai put his life and those of the Persian Jews in jeopardy in order to bring glory to HaShem and set an example for his generation, more along the lines of the modern-day connotation of kiddush HaShem. The implications of this alternative interpretation retroactively justify the choice of the majority of Sephardi Jews to either flee or convert instead of committing suicide. That is, because the community itself was necessarily not a "wayward generation," there was no internal need for a kiddush Hashem in response to the measures of oppression directed against the Sephardi community. This was the case with Maimonides, whose conversion and eventual flight to Egypt obviously allowed him to author the Mishneh Torah that justified his actions; the causal relation here becomes clear, as Maimonides could have been writing based on an already established informal practice. Moreover, from the perspective of Mishneh Torah, Jews who chose to martyr themselves rather than feign conversion to survive (as he himself did) would actually be bringing upon themselves the guilt of murder. This would of course not apply to medieval Ashkenazi martyrs, for they as a rule did not abide by the halachic rulings of Maimonides and his Mishneh Torah.

When engaging with this makhloket, it is absolutely necessary to take into consideration the fact that, ultimately, medieval Ashkenazi and Sephardi Jews were living in two completely distinct sociopolitical spheres, one solely Christian and one Islamic. While Christian authorities persecuted Jews by forcing them to profess belief in a human god (a clear call to avodah zarah) and eat pork, Andulusian authorities by virtue of their faith adhered to a non-physical conception of Allah and eschewed pork. It figures then that Maimonides might have rationalized his temporary conversion to Islam by saying that it did not necessarily bring him to outright violate Jewish laws in public. This is clear from his ruling that Jews could pray in mosques, but not churches, since Muslims were not idolaters as Christians were. In other words, Sephardi authorities didn't view Islam as an existential threat due to its relative compatability with Jewish faith and halakha, leading them to

[16] Mishneh Torah, Hilchot Yisodei HaTorah 5:4.

[17] Rabbi Moses Ben Maimon, *Guide for the Perplexed* (New York, NY: Dover Publications, Inc., 1956), xviii.

[18] Kesef Mishna on Yisodei HaTorah 5:3.

[19] Shalom Spiegel, *The Last Trial* (New York City, NY: Pantheon, 1967), 45.

deemphasize the practice of kiddush HaShem. Even in the early years after the Catholic Reconquista, Sephardi Jews continued to enjoy a largely assimilated existence. For Ashkenazi Jews faced with a far less permissive ultimatum, however, the threat of conversion to Christianity was necessarily an existential one in that it called on them to violate core tenets of the Jewish tradition, namely the oneness of god and kashrut. In the Ashkenazi dilemma, even a nominal conversion was tantamount to death of one's Jewish self, giving rise to more hardline Tosafist interpretations on kiddush HaShem.

It is clear that the diverging attitudes between Sephardi and Ashkenazi Jews regarding martyrdom are linked to divergences in their rabbinic traditions regarding Talmud and Megillah Esther. Based on these collections of rabbinic commentary, the Sephardi Maimonides and the Ashkenazi Tosafists were able to craft theological rulings that organically addressed the challenges endemic to their respective locales. Maimonides, coming from a highly heterogeneous milieu that was relatively compatible with Judaism, ruled for restrained kiddush HaShem practices that prioritized ultimate survival, while the highly embattled Tosafists called for zealous self-martyrdom in response to the First Crusade and the subsequent marginalization of Jews in a now-Christan Europe. Though these rulings were diametrically divergent, they were derived from the same corpus of Tanakhic and Talmudic writings compiled over the formative centuries of Jewish histories. That the Tanakh and Talmud have given rise to such a variety of theological solutions tailored for a plethora of diaspora milieus throughout history is a testament to the versatility of the Jewish tradition, as well as to the supreme importance of rabbinic exegesis. This tradition of situation-based hermeneutics continues to guide the world's many various Jewish communities today and will continue to respond to whatever threats should arise against Am Yisrael in the future.