

The difference between the crises of 12th century Morocco and 13th Century Germany

Key figures of early Ashkenaz

10 th -11 th century	11 th century	12 th century	
Rabbeinu Gershom	Rashi	Sefer Chasidim Authors of Tosafot	
13 th century - A	13 th century - B	14 th century	15 th century
Authors of Tosafot Maharam Rothenburg Smak (Sefer Chasidim)	Rosh (Tosafot, Maharam) R' Chaim Or Zarua (Maharam) R' Shimshon ben Tzadok (Maharam)	Rabbeinu Yerucham (Rosh) Maharil Menachem of Merseburg	Mahari Weil (Maharil) Terumat haDeshen

The Sefer Chasidim's record of Ashkenazi practice

1. R' Yehudah haChasid, Sefer Chasidim 160

If you are tested and you keep from sinning, do not take credit for yourself, saying, 'I withstood the test.' Perhaps your ancestors were tested, and when they did not sin they asked of Gd that when their descendants would be tested, they would also keep from sinning. It is written, "Gd will see the lamb for the offering, my son... And Avraham called that place, 'Gd will see,'" meaning that his descendants should be slaughtered to sanctify Gd's Name, and burned like Yitzchak.

2. R' Yehudah haChasid, Sefer Chasidim 704

Some people are killed to honor Gd's Name, and some righteous people are not killed, but rather they die at Gd's Hand upon their beds. Had they been in a *shmad* situation, they would have been killed; why should they lose out? Their reward is not reduced by the benefit they received in fulfillment of their desire not to enter such a situation, but to live and bear children. Those who are killed receive greater reward, for the benefit they did not receive in this world.

3. R' Yehudah haChasid, Sefer Chasidim 449

If people are killed in Gd's Name in a house, and their blood is on the wall and stones, and the owner wants to lime the walls, he may not remove the blood and he may not cover it. It is written, 'Land, do not cover my blood.'

The honor of the martyr

4. R' Chaim Or Zarua, Responsum 14

My beloved relative... showed me a letter from our master Maharam, relating that Rabbeinu Shemarya b"R' Chaim ruled that one should not observe mourning for the holy ones. With respect to the master's greatness, I must say that he cannot find his hands and feet in the beit midrash; he needs atonement and forgiveness for producing such a thing from his mouth!... One who says not to mourn slanders them and compares them – Gd forbid! – to one who died in his evil. Obviously, such a person needs atonement and forgiveness, himself.

5. Maharil, Responsum 99

As far as kaddish for the orphans of holy ones: I never heard what the master (Or Zarua?) cited from our holy master (Maharam?), but I have heard others say this and I did not listen, for it appears obvious to me that one should recite kaddish. My reason is from avelut, which Maharam says is observed because the wicked are in Gehennom for twelve months...

I heard from my masters that some people wanted not to mourn for the holy ones after the decree in Prague, but the sages of those days decided to mourn. This appears correct to me; although they are the highest holy ones, on a high level such that none may enter their perimeter, still, who could guess? Some sins require an abnormal death and the pain of the grave, as Rabbeinu Simchah wrote... Otherwise, if one had a father who was known and famed for greatness in Torah and piety from his youth, would his death not require kaddish? Death cleanses, as do Yom Kippur and teshuvah, and sometimes a person experiences all three, but we are still concerned...

6. Mahari Weil, Responsum 114

You acted properly in mourning for your brother. Since he was not killed by a Sanhedrin, he is no worse than one killed by a king, who was legally liable to die... and yet we mourn for him.

This is certainly true here, where he was killed by non-Jews in an abnormal way, with great suffering, and against the law of the Torah. The law of suicide would only apply where he was warned and he declared, "I am doing it for this purpose," as the Asheri wrote, as you noted in your letter.

Further, here he did not destroy himself willingly; perhaps he thought he could flee to a place beyond pursuit...

Further, since he suffered greatly, suffering cleanses even when it happens against one's will...

Further, since he gave himself to death as you described, with someone telling him to go outside freely and surrender so that it would atone for him, and so he did, he did it for the sake of atonement and he certainly receives atonement.

Even those who are not obligated to forfeit their lives

7. R' Yisrael Isserlein, Terumat haDeshen, Responsum 199

Regarding the sins for which we say to violate rather than be killed, aside from idolatry, sexual immorality and murder: Were one to desire to be killed rather than transgress, and were he to ask us, how would we direct him?

It appears that this is subject to rabbinic debate: The Rambam wrote that if he would give himself to be killed, he would be liable for his life... The Sefer Mitzvot Katan wrote that it would be pious to be killed rather than transgress...

It appears that since this is a rabbinic debate we should rule leniently regarding a threat to life, as is ruled in the Talmud... However, one could say that regarding sanctifying Gd's Name the Torah is not concerned for the loss of life from Israel; the Torah says: Give yourself to sanctify Gd's Name. Therefore, we do not deduce from other cases of doubt regarding law, in which sanctification of Gd's Name is not involved. It appears that we should rule for him based on the specific case, and based on what we discern of his intent.

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8. Maharam meiRothenburg 4:517

And so said the Maharam: Once one has decided to give his life for sanctification of Gd's Name, from then on he will not sense any death carried out upon his person. There is proof from the Masorah, which records "2" for the word "They struck me (הכוני)" – "They struck me but I did not feel it (Mishlei 23:35)," and "They struck me and wounded me (Shir haShirim 5:7)," meaning, "When they struck me and wounded me, I felt no pain. They struck me and I did not feel it." The Maharam also brought proof from *Sefer Heichalot* that R' Chanina ben Tradyon was held by the Caesar for six months, and he killed six thousand dukes and officers. At the end of six months he was taken to heaven, and they burned another who appeared to be like him, in his place.

Further: You know that this is so because no human could touch fire, even with his smallest limb, without crying out, even if he would try to keep himself from screaming – and yet we see holy ones who do not cry out at all.

The dishonor of those who do not forfeit their lives

9. Tosafot Yoma 82b מה

Regarding the girl who did this only because she was compelled, you do nothing. The same is true for one who bows to idolatry so that they not kill him; we deduce that we exempt him ex post facto, even if he acted.

10. Baalei haTosafot, Responsum 128

Since the assets are held by the orphans, one may not remove them other than with clear proof. Those who were compelled are ineligible to cause money to change hands [via their testimony]; since we say regarding idolatry that one must be killed rather than transgress, and most of Israel, even the empty ones among us, give their lives and are killed to sanctify Gd's Name, and even one in one thousand does not deny Gd, therefore the burden of proof is upon one who would accept them [as witnesses]. It also appears that those who are compelled can escape soon after, and yet these people delayed for days, and so there is room to suspect that what began with compulsion concluded with volition. Further, it is likely impossible that they did not violate a single sin for desire, without compulsion, and one who assimilates in order to feed desire is invalid as a witness according to all, even biblically... Further, the world assumes such people to be most lowly, and does not wed them or their relatives, moreso than with other transgressors.

What happens when they return?

11. Rosh, Responsum 32:8

Regarding women who lacked the strength to stand firm in the king's palace, and during the decree they changed [their religion] due to fear of death, and then they fled when they could, and returned to their religion: It is true that what they did was very bad, and they must regret it and repent and accept suffering to a greater extent than those who change [their religions] at other times, for this was public, and the sages say that at the time of a decree one may not even alter a shoelace.

This may be compared to a king who had many followers, and then some of his followers strayed, until they were embarrassed and the king accepted them back. Some time later he battled a king who had great armies, and he gathered all of his servants and told them, "You see that my opponent has a stronger hand than I do. Those who choose me and my honor should draw near, and give their lives to die for me." Some of them followed the king, and some of them retreated. The king fought and won, and those who had retreated wanted to make peace with light repentance, like those who had strayed originally. The king did not agree to accept them without great repentance. So, too, the King of the Universe glories in Israel because they give their lives for His holiness, as it is written, "And He said to me: You are My servant, Israel, in whom I am glorified."

12. Rashi, Responsum 70

The families were quarreling with scorn and insults, and the community heard them and decreed that they not accustom themselves to do this. One of them jumped up and swore that his family would not accept the decree, and they did not cease their scorn. The other jumped up and reminded him that he had assimilated during the time of *shmad*. Another arose and said, "You cannot mention that, for it has been decreed!" without mentioning who had issued the decree. It is now known that Rabbeinu Gershom decreed that one who mentions such a thing should be excommunicated.

Pro-active martyrdom

13. Rabbi Menachem Merseburg

The law of one who slaughtered his wife and children during a decree: One should not be strict upon him at all, certainly given that one may kill himself to sanctify Gd's Name.

14. R' Yosef Caro, Beit Yosef Yoreh Deah 157

Once a rabbi slaughtered many children during *shmad*, because he was afraid the enemy would make them leave their religion. Another rabbi present was angry at him and called him a murderer, but he did not listen. The opposing rabbi declared, "If I am correct, may that rabbi be killed in an abnormal way!" And so it happened; the non-Jews caught him, flayed his skin and placed sand between the flesh and the skin. The decree [of *shmad*] was then nullified, and it is possible that the children would have been saved and not killed, had he not slaughtered them.