



1. Who is not a Jew?—the Medieval Discussion By Gerald J. Blidstein

While contemporary Jews debate 'Who is a Jew?', medievals found the question 'Who is not a Jew?' much more relevant. Halakhic standards were clear enough on entrance to the community: birth or conversion decided the matter, and the latter provided no more problems than did the average halakhic norm. The institution of conversion was not quite as old as that of birth, but it too had a respectable history of Talmudic discussion and stable international precedent behind it by the start of medieval times, and no Jewry found itself in a quandary on that score. This was not the case regarding Jews who rejected Judaism and left the community.

2. Talmud Bavli, Yevamot 16b-17a

Rav Judah said in the name of R. Assi: If at the present time a heathen betroths [a daughter in Israel], note must be taken of such betrothal since it may be that he is of the ten tribes...Others read: When I mentioned the matter in the presence of Samuel he said to me, "They did not move from there until they had declared them to be perfect heathens; as it is said in the Scriptures, They have dealt treacherously against the Lord, for they have begotten strange children."

3. Talmud Bavli, Yevamot 47b

If he reneges on his conversion and betroths a Jewess, he is considered a Jewish renegade (*mumar*) and the betrothal is valid.

4. Responsum of Rashi 171 (translation from: <http://on1foot.org/sites/default/files/Jewish%20Identity1.pdf>)

... concerning the marriage of a certain girl who was married at a time when she and the groom, as well as the witnesses to the ceremony, had already been forced by Gentiles to disavow the Jewish religion. I am of the opinion that this woman requires a bill of divorcement before she can marry another man. The marriage of a Jew who has even voluntarily become an apostate and then marries is legal [according to Jewish law]. For it is said [Joshua 7: 11] "Israel has sinned," meaning [Sanhedrin 44a] that even though he has sinned he is still an Israelite. How much more is this true in the case of all these forced converts who at heart are still loyal to G-d...

5. Blidstein

Perhaps the "biological" definition of Jewish nationhood is most appropriately effective on this "biological" plane. This personal status (that is to say, Jewish status for matters of marriage and divorce as well as for sexual relations banned to Jews and the ability to confer the status of *mamzer*) is the inalienable minimum.

6. Halachot Gedolot (translation from Blidstein)

The betrothals of an apostates' child, born of a gentile woman, are invalid. The betrothals of the apostate himself are valid. Why? The apostate may repent, so his betrothals are valid. But the apostate's child, born of a gentile woman, is a gentile, as it says: They have dealt treacherously against the Lord, for they have begotten strange children (Hosea 5:7), his betrothals are invalid. And though it is said: They immediately declared them gentiles (Yevamot 17a), this refers to their children, not to the apostates themselves.

7. Blidstein

It is quite likely that the complete "de-Judaizing" of the apostate was a view held more by the unlearned than by the rabbinic authorities; the former judged matters, after all, by visible reality rather than by texts-and, in reality, the apostate *had* burned all bridges. But this sociological factor ultimately became the major halakhic consideration for those Rabbis who denied the Jewishness of the apostate (even in matters of personal status), too.

Some Rabbis--they remained a minority--occupied a middle ground. While agreeing that betrothal by an apostate was valid, eleventh-century R. Nathan of Rome suggested that he could not divorce a wife married before his apostasy. This view negotiated a careful path between the Talmudic raindrops (for it did not deny the apostate the right to betroth that is explicit in the Talmud), asserting that the apostate Jew was disqualified (by virtue of an unexplained diminution of status) from nullifying an act performed while a "full Jew". This opinion had apparently been voiced earlier, a fact disclosed by its rejection by various geonim.

A second group of rabbis (these too remained a small but interesting minority) occupied another position on the middle ground. Beginning with Halachot Gedolot we encounter a distinction between the apostate and his offspring. The apostate retains his personal status as a Jew, but "his son is completely a gentile, even as regards marriage and divorce"....perhaps it is a function of the sociological factor whereby an apostate's children (who remained within their father's new fold) were complete aliens to Israel... sixteenth-century R. Jacob ibn Habib (who despite a firm belief in the retention by an apostate of his personal status as a Jew, denies this status to the apostate's children) offers a different rationale: the apostate was

"conceived and born in holiness" but his children-conceived after their father's apostasy-were not. The "holiness" of the parent, in this novel interpretation, is not a matter of biological continuity but of spiritual commitment; its absence strips from the apostate's child all identity as a Jew. Whatever the rationale, the effect is clear: assimilation is a halakhically acknowledged category. This view too found few advocates.

8. Ephraim Kanarfogel, Returning to the Jewish Community in Medieval Ashkenaz: History and Halakhah

Yosef Yerushalmi, in his study of the French Inquisition in the time of Bernard Gui (c. 1320), presented several examples of otherwise unattested information on Jewish practices that surfaced in confessions obtained by the inquisitor Bernard from Jewish converts to Christianity who had subsequently lapsed. In reporting "on the manner in which apostates were received back into the Jewish community," Bernard offers a description of a ritual allegedly employed to re-judaize them. The returning apostate was stripped of his garments and sometimes bathed in warm water. The Jews would energetically rub him with sand over his entire body (but especially on his forehead, chest and arms, which were the places that received the holy anointments during baptism). The nails of his hands and feet would be cut (until they bled), and his head was shaved. He was then immersed three times in the waters of a flowing stream, and a blessing over this immersion was recited.

- Yerushalmi/Katz: popular, not rabbinic. Kanarfogel: there was some rabbinic backing (at least less extreme versions of it)

9. R. Paltoi Gaon, in O.H. Yevamot, pt. i, p. 34, sec. 77

Q.: A betrothed woman's levir is an apostate who has lost himself among the gentiles and lives far away. A.: she must remain an *agunah* (forbidden to remarry) forever, there is no solution for her.

10. Blidstein

...the arguments offered to justify her automatic release are typical of the radical tactics mobilized in our topic (and may indeed be a function of the broader discussion. If the Biblical verse describes the men as "brothers" it will be argued that an apostate is no brother; if the Biblical rationale for marriage to a brother-in-law is that the "dead brother's name may not be blotted out in Israel", it is argued that the apostate's name is already blotted out and deserves to remain so.

11. R. Saadiah Geon

[A] married woman who having been abandoned by her husband, married an apostate (*meshummad*) in gentile fashion and bore his son; her husband then returned and divorced her, and the *meshummad* is a flagrant desecrator of the Sabbath. Now, is the child a legitimate Jew, since his father is considered a gentile, and the child of a gentile father and Jewish mother is *kasher*; or perhaps the child is a bastard (*mamzer*) since his father, if he repents, is fully a Jew? So it appears to us: the child is a *mamzer* -not because the apostate father might repent and regain his Jewishness, but because his conception and birth were "in holiness", and one pays no attention to Sabbath observance or violation. For the law regarding an apostate has two aspects: for certain *mitzvot* such as benedictions and common courts and the like, we examine Sabbath observance but as regards marriage, divorce, . . . *halizah* and the like, we examine whether he was conceived and born as a Jew.

12. R. Natronai Geon

[The apostate] has abandoned the holiness of Israel and the holiness of his father, and we find that inheritance is given only to the Jew whose lineage is traced to his father, as it says: And I shall give you the land . . . to you and to your offspring after you' (Gen. 17:8), and this means proper (*kasher*) offspring who trace their lineage to Israel, as it says: to be G-d to you and to your offspring after you'- he whose offspring follows after him', thus excluding the apostate who does not follow after' his Israelite father"

13. Shaul Kelner and Benjamin T. Philips. "Reconceptualizing Religious Change: Ethno-Apostasy and Change in Religion among American Jews." *Sociology of Religion* 2006, 67:4, 525

The idea of "religious switching" is premised on an assumption, rooted at the foundation of the monotheistic faiths, that one religious affiliation precludes all others. A person may switch from religion to religion, but at any given time he or she is assumed to be an adherent of only one faith. The very use of the term "switching" implies a "switch" which has two mutually exclusive states: "on" and "off." Typically, there is no notion that one can simultaneously be Jewish and Christian, or Christian and Moslem. But what is treated as a theological non sequitur is increasingly becoming a sociological reality. The notion that religion is a mutually exclusive category is at variance with the lived experience of a growing number of people, particularly the children of interfaith marriages... Contemporary American realities are weakening the millennium-old conception that religious affiliations are a set of mutually exclusive categories connected only by a quantum change from one state to another. The repercussions for religious institutions, theologies, and communities are likely to be far reaching.