**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Halakha and Jewish History**

**Rav Aviad Tabory**

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In memory of Esther Leah Cymbalista z"l
Niftera 7 B'Av 5766
Dedicated by their family.

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IN LOVING MEMORY OF

Jeffrey Paul Friedman z"l

August 15, 1968 – July 29, 2012

לע"נ

 ז"ל יהודה פנחס בן הרב שרגא פייוועל

כ"ב אב תשכ"ח – י' אב תשע"ב

ת.נ.צ.ב.ה

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**Shiur #13:**

**The Expulsion from Spain (1)**

**(1492)**

In the summer of the year 1492, King Ferdinand II and Queen Isabella I of Spain expelled the entire Jewish population from their country. The Grand Inquisitor, [Tomás de Torquemada](https://en.wikipedia.org/wiki/Tom%C3%A1s_de_Torquemada), convinced the monarchs to issue the Alhambra Decree, bringing an end to the Golden Age of Spanish Jewry.

The last day by which the Jews had to leave was Tisha Be-Av, 31 July.

Rav Yitzchak Abarbanel, financier and adviser to the Spanish monarchy, who left the country with thousands of his fellow Jews, testified that:

When the King of Spain decreed the expulsion against all the Jews in his kingdom, the date of expulsion was set at the end of three months from the day when the decree was proclaimed. It turned out that the day set for the departure of the Jews from Spain was the ninth of Av. But the King did not know the character of the day when he issued his edict. It was as if he had been led from above to fix this time.[[1]](#footnote-1)

Throughout the centuries, Jews have been expelled from dozens of countries all over the world. During the 12th-16th centuries, many European countries expelled their Jewish communities. France threw them out several times — in 1182, 1254, 1306, 1322, 1359 and 1394. In 1290 it was the turn of the Jews of England and in 1360 the Hungarian Jews. The list goes on and on, and it includes Austria, Germany, Switzerland and Italy.

However, it is the expulsion from Spain (to be followed a few years later by Portugal) which is considered until this very day the most horrific and most tragic of all expulsions. The following passage describes some of the reasons for this statement:

When the Jews, crushed and subdued, were driven out of Spain in 1492, they had been living there for over a millennium. The greatest, most affluent and most civilized Jewish community in the world, and certainly the proudest. The Spanish Expulsion was their direst national calamity in fourteen centuries, comparable in popular memory only to the destruction of the Temple of Jerusalem. It was the summer of 1492, the same year Columbus landed in what today we call America...[[2]](#footnote-2)

Those who did not convert to Christianity set out on a long and challenging journey, leaving their homes, possessions and businesses behind. Many died of hunger and exhaustion.

The estimated numbers of this horrific tragedy were high. Over 200,000 Jews converted against their will to Christianity and between 40,000 and 100,000 were expelled.

Many of the Jews made their way to the neighboring country of Portugal, only to be expelled from there in 1496.

This Spanish-Portuguese community is commonly referred to as Sephardic Jewry, based on the traditional association of Spain with the biblical land of Sefarad; as distinct from Ashkenazic Jewry in the rest of Europe, based on the traditional association of Germany with the biblical land of Ashkenaz. Meanwhile, the *Eidot Ha-mizrach* (Communities of the East), who trace their presence in the Middle East back to biblical times, have their own traditions, customs and *nusach* (textual version) of prayer. Thus, a *siddur* in Israel will often be marked as containing the Sephardic, Ashkenazicor *Eidot Ha-mizrach* order and arrangement of prayers.

**Travelling to Contemporary Spain**

The traumatic effects of the expulsion of the Jews from Spain and Portugal reverberated through the centuries. Following this event, many Jews refrained from visiting Spain believing that a ban had been issued by the Rabbis, preventing them from visiting there.

In the early 20th century, Chief Ashkenazic Rabbi Avraham Yitzchak Kook was asked if it was permitted to travel to Spain for business. In his responsum, he admits that he does find a record of the custom to eschew going to Spain, but he argues:

it is probably not more stringent than the prohibition to settle in Egypt, which is not forbidden unless one plans to live there permanently, not for the purpose of commerce with the intention of returning (from whence one came).[[3]](#footnote-3)

Rav Ovadya Yosef was invited to visit the Jewish community in Madrid. He was concerned about the so-called ban prohibiting such a visit and after thoroughly investigating the matter, he concluded that there were too many questions surrounding the source of such a ban, and therefore he allowed himself to visit the country.[[4]](#footnote-4)

Professor Marc Shapiro explored the source of this “well-known prohibition” and concluded that there is no known source prohibiting living in Spain.[[5]](#footnote-5)

**Resettlement**

Most of the expelled Jews settled in [North Africa](https://en.wikipedia.org/wiki/North_Africa) and in the [Ottoman Empire](https://en.wikipedia.org/wiki/Ottoman_Empire). These Sephardic Jews established new communities around the world, bringing with them their religious customs and prayers.

This great exodus created new Jewish communities in the West as well. The first community established in England after the expulsion in 1290 of English Jews was by Spanish and Portuguese Jews in 1655. In the year 1654, the first Jewish congregation in North America was formed in New York, also by the Spanish and Portuguese. In Amsterdam, a Spanish and Portuguese Synagogue was built in 1675.

**Prayer**

In the North African and Middle Eastern countries, the newcomers influenced the local Jewish communities to change their customs and their *nusach* of prayer.[[6]](#footnote-6) In fact, the Sephardic *nusach* of prayer even spread into the well-established Ashkenazic communities as well.[[7]](#footnote-7)

During the centuries since the destruction of the Temple, Jewish communities developed different *nusachim* of prayer. Originally there were two main *nusachim,* which developed in Eretz Yisrael and in Bavel. Although the primary *nusach* was the Babylonian one, it is not clear what the original *nusach* was in those countries which followed it before the arrival of the Iberian Jews.

The forced exodus of Iberian Jews and their integration into existing Jewish communities raised many questions which persist to this very day, regarding which customs or traditions one should follow.

In this *shiur* and the next, we will discuss the specific questions that arise within the mixed communities of Ashkenazim and Sephardim regarding the *nusach* of prayer.

There are four halakhic issues that must be considered separately.

1. The halakhic obligation to follow ones parents’ customs.
2. Changing customs when moving from place to place.
3. The prohibition of creating separate communities.
4. The importance of the *nusach* of prayer.

**Maintaining family and community traditions**

As a rule of thumb, one must maintain his family’s customs.

There are two possible sources for this ruling. The Gemara recalls how on Friday the residents of the city of Aabbassiyeh would refrain from travelling between the cities of Tyre and Sidon. The reason given is to ensure that proper attention is given to the preparations for Shabbat. Rabbi Yochanan was approached by the next generation’s children who asked whether they are obligated to maintain their parents’ practice. Their argument is as follows:

Our fathers were able to abide [by this stringent custom]. We, however, find it difficult to abide by this stringency.

Rabbi Yochanan, quoting the verse "*Shema beni musar avikha ve-al titosh torat imekha*," "Listen, my son, to the instruction of your father and do not abandon your mother’s teaching" (*Mishlei* 1:8), explains that they must follow their parents’ customs.[[8]](#footnote-8)

In the second source, the Tur quotes Rav Sherira Gaon, who derives from the verse in the Torah “*Lo tasig gevul reiakha asher gavelu rishonim,”* “You shall not remove your fellow’s landmark, which the previous ones have set” *(Devarim* 19:14), that one is obligated to practice one’s family customs.[[9]](#footnote-9)

Although the literal meaning of this verse refers to the prohibition to change the borders of a neighbor’s property, the *derasha* expands the prohibition to include changing one’s family customs.

The common understanding is that the customs that obligate the next generations are only those which are practiced by the community, as opposed to stringencies practiced by individuals.[[10]](#footnote-10)

Although there seems to be a dispute whether it is possible to annul the “acceptance” by a Jewish court, (the same way one may annul a vow), the practice is not to change the custom.[[11]](#footnote-11)

Accordingly, it seems that it is prohibited for one to change his family’s *nusach*! In fact, the student of the Maharam of Rothenburg, Rav Meir Ha-kohen ([1260](https://he.wikipedia.org/wiki/1260)–[1298](https://he.wikipedia.org/wiki/1298)) quotes a Talmudic opinion from the Yerushalmi that explicitly rules that it is prohibited to change one’s *nusach* of prayer as it is *minhag avot*, the custom of one’s ancestors![[12]](#footnote-12)

However, Rav Shemuel ben Moshe de Medina (Maharashdam*,* Greece, 1505–1589), ruled that the obligation to follow family customs applies only in halakhic matters that involve prohibitions. Changing *nusach,* he argues, does not fall under that rubric and is permitted.

Our discussion up until now refers to following family or community traditions. However, what should one do if one moves to a different city or marries into a family which follows different customs?

**Moving from city to city**

The Mishna is of the opinion that one who travels to a city in which different customs are observed must always follow the most stringent custom.[[13]](#footnote-13) Rav Ashi limits this rule to someone who is making a temporary visit; however, one who moves permanently to a city must adopt all the community’s traditions, including the lenient ones as well.[[14]](#footnote-14)

This ruling is also applied to marriage. When a woman marries, the common *pesak* rules that she should follow her husband’s customs. The married woman is compared to someone who moves permanently to another city.[[15]](#footnote-15) However, contemporary Posekim permit women to keep their personal customs like *nusach* of prayer.[[16]](#footnote-16)

Accordingly, the newcomers who arrive in various communities around the world are expected to adopt the local customs. So, why do they keep their original customs?

This question is discussed separately by two great Posekim from Greece born in the beginning of the 16th century just a few years after the expulsion.

Rav Yosef ben Lev (Mahari ben Lev, 1505-1580) and the Maharashdam explain the different customs which Iberian Jews brought with them regarding the methods of checking animal’s lungs for them to be considered kosher.

They both hold that the abovementioned ruling of the Gemara, that one must follow the custom of the community to which he moves, is only applicable to individuals moving to a new community; however when **entire** communities relocate, they may continue practicing their own customs.[[17]](#footnote-17)

However, this ruling creates a new problem. As a result of this *pesak*, host communities would be split by these newcomers into separate congregations. The Torah teaches us the importance of unity. Thus we must ask the following: why would the division and separation of communities be permitted in such a case?

We will continue exploring this topic next week by addressing this question.

1. Commentary to *Yirmeyahu* 2:24. [↑](#footnote-ref-1)
2. Yirmiyahu Yovel, *The Other Within: The Marranos: Split Identity and Emerging Modernity*, (Princeton University Press), pp. 3-28. [↑](#footnote-ref-2)
3. *Iggerot Ha-Re’aya,* Vol. 2, 632. [↑](#footnote-ref-3)
4. *Yabia Omer*, Vol. 7*, YD* 14 . [↑](#footnote-ref-4)
5. “The *Herem* on Spain: History and Halaka,” in *Sefarad* 49:2 (1989). [↑](#footnote-ref-5)
6. See the article by my uncle, Rav Professor Yosef Tabory, *Hashpa’at Geirush Sefarad al Nusach Ha-tefilla*, in *Tiferet Le-Yisrael* (New York: Jewish Theological Seminary), pp. 289-308. [↑](#footnote-ref-6)
7. This was a result of the great influence of Ha-Ari Ha-kadosh, Rav Yitzchak Luria (1534– 1572) who adopted the Spanish *nusach.* This will be discussed later. For a summary of the differences between the prayers of each *nusach,* see Rav Yissakhar Jacobson, *Netiv Bina*, Vol.1, pp. 116-126. [↑](#footnote-ref-7)
8. BT *Pesachim* 50b. [↑](#footnote-ref-8)
9. *Tur CM* 368. [↑](#footnote-ref-9)
10. See Rav Ovadya Yosef, *Yechaveh Da’at* 1:12 and *Chavot Yair* 126. [↑](#footnote-ref-10)
11. See *Teshuvot Maharashdam, YD* 40. [↑](#footnote-ref-11)
12. *Hagahot Maimoniyot* on the *Siddur* of the Rambam, 50. [↑](#footnote-ref-12)
13. BT *Pesachim* 50a. [↑](#footnote-ref-13)
14. Ibid. 51a. [↑](#footnote-ref-14)
15. See *Responsa Tashbatz* 3:179. [↑](#footnote-ref-15)
16. See Rav Nachum Rabinovitch’s article, available at: <http://www.ybm.org.il/Admin/uploaddata/LessonsFiles/Pdf/9655.pdf> [↑](#footnote-ref-16)
17. *Responsa Mahari Ben Lev* 3:14 and *Responsa Maharashdam, YD* 40. [↑](#footnote-ref-17)