Jews and Refugees : Halacha and History

The present world refugee crisis leads one to ask what the Jewish tradition tells us about sheltering refugees. We are all, of course, conscious of all the failures in the 1930s in accepting refugees from Hitler, and to some extent from other persecution in interwar Central Europe and Russia. We are especially conscious of the fact that many of those left behind were killed because of their failure to find refuge. We are conscious of the numerous countries which refused to accept refugees at the time and the failure of individuals and groups who could have acted who did not.

Canada’s head of immigration notoriously said, « One Jew is too many. »[[1]](#footnote-1) The lateness and limitations of United States acceptance of refugees has recently been canvassed not only in general, but in a whole literature trying to fix guilt on Franklin Roosevelt for the limitations or exculpating him.[[2]](#footnote-2) So far as individuals are concerned we have detailed accounts of those countries which did accept refugees (Shanghai, Bolivia, the Dominican Republic, even Japan) and those heroic diplomats who issued visas. Then we have accounts of individuals like Nicholas Winton and Varian Fry who supported and facilitated emigration. The story is a murky one, with more villains than heroes and a lot of guilty bystanders.

There has been less systematic attention to the roles of various Jewish organizations and communities, and as far I know no comprehensive history of their role – though plenty of books have been published which reiterate and document the ideological postions which groups took at the time and their performance. Unfortunately, the ideological divisions are still very much with us and what we have tends to be highly partisan.

The present essay goes back in time to see how premodern and especially early modern Jewish communities dealt with refugees who arrived on their doorstep.

# The Impulse for This Essay

This essay was motivated by an undated sermon of the Alter of Mir, a leading Musar teacher in Poland perhaps around 1930, stating that the Great Depression was divine punishment for Western nations closed borders during the interwar period.[[3]](#footnote-3) The Alter of Mir, Rabbi Yerucham Levovitz (1873-1936), was the Mashgiach Ruchani (literaly « Spiritual Supervisor, » responsible for the spiritual development and discipline of the students) of the Mir Yeshiva - founded in 1815). He was a disciple of Nosson Tzvi Finkel (1849-1927), Alter of Slabodka. Both were major leaders of the Musar Movement which in their day came to dominate the Eastern European yeshivas. The sermon itself is both rooted in the rabbinical literature on hospitality which is reviewed below in footnote 8, and in the specifics of Musar philosophy, particularly : « Mida k’neged Mida, » the concept that the form of suffering that people experience as punishment in this world are based on the precise sins that they committed. If one goes on Google one finds a lot of specific invocation of this principle in specific instances but little general discussion of it, and I did not find a clear definition. There is a text source sheet on the principle on the *Sefaria* website citing especially Tractate Peah in the Mishnah and the Talmud Yerushalmi on that Tractate Peah, but these sources are not really satisfactory.[[4]](#footnote-4) The sermon is contained in Levovitz’s book, *Daas Torah*, a collection of sermons which has been frequently reprinted :

« When we contemplate the present situation, will we not see this same picture [of the inhospitality of Sodom] in all countries ? Without a passport and a visa it is impossible to enter any country, and they have also placed guards on all the borders. The entire business of passports did not formerly exist ; one could travel from one country to another without any special permit. All of this is an innovation of our time, and all because of worry over unemployment. Like America of today was the America of that time {i.e. Sodom], its doors entirely shut, and why ? Because there was great abundance there and much commerce, and everyone ran there because the land was fat, and they worried that everyone would enter therein, so they enacted an immigration law to require that anyone that entered therein to register himself, and he was only able to remain there for three days but no longer. Today it is this way throughout the entire world, and it is self évident that this is how it must be. All this derives from the most terrible wickedness, that they are afraid that others may gain some portion. This wickedness works constantly to make us afraid that perhaps others will attain something, and lest and perhaps this wll cause some loss to me. This is truly the characteristic of Sodom ; this derives from the degradation of man. The entire basis of the argument and the fear of lack of work for the current residents is contrary to religiously requisite faith ; all this derives from the enormous wickedness of man. And who knows, perhaps it is because of this wickedness, that they shut their doors to guests. That they arrived at the great crisis which prevails today in the entire world [an apparent reference to the Great Depression], for that was the sin of their sister Sodom and its enormous punishment.[[5]](#footnote-5)

# The Jewish Tradition on Refugees

Pre modern Jews, for roughly 2000 years, were only peripherally involved in general national policy. Occasionally they were valued advisers and sometimes representatives of one of society’s constituent communities, but more typically resident aliens in nondemocratic states. But they frequently enjoyed a considerable degree of autonomy for themselves. Thus the general question of assistance to refugees was not so much of a question of what society as a whole should do, as one about Jewish community responsibility for Jewish refugees. Premodern Jews would have acknowledged some responsability to help the poor and afflicted of all nations, as is required on various bases in legal texts, but as a practical matte, both they and the communities they lived in expected them to focus their attention on Jewish refugees. [[6]](#footnote-6)

More recently several Jewish organizations have rehearsed the tradition’s legacy in their statements on the current refugee crisis. HIAS submitted a memorandum summarizing the traditional position to the UN High Commissoner for Refugees in 2012 in which it emphasizes the general responsability toward refugees and this is repeated in various publications by most of the main strands of contemporary Judaism.[[7]](#footnote-7)

The Bible clearly emphasizes the obligations of assistance to the « stranger. ». It lauds the hospitality of the patriarchs, commands us not to return runaway slaves, and so forth. As indicated in the quote from the Alter of Mir above, a key sin of Sodom for which it deserved destruction was its inhospitality to strangers as contrasted to the hospitality of Lot and even more Abraham in the immediately preceding biblical text.[[8]](#footnote-8) The value of hospitality is echoed both in the midrashic tradition and in the legal prescriptions of the Talmud, though there are also limitations on excessive charity which impoverishes the giver, and more so a strict hierarchy of giving, starting with the family and the local community. There is a priority on redeeming captives voiced in the Talmud which is invoked to rule that even the funds collected to replace the local synagogue can be taken to redeem captives.[[9]](#footnote-9) Toward the end of this essay I will explain how redeeming captives, purchasing them in slave markets, was a routine task for premodern Jewish communities.

The rabbinic tradition is also respectful of established property rights including those of residence, so if one shop already serves a market and there is no room for another, a new entrepreneur is prohibited from setting up another. Further, there is a hierarchy of obligations, in which members of the local Jewish community have precedence over outsiders. In the Middle Ages in Europe there developed a doctrine of « Hezkat Ha-yishuv », the right to residence, enforced by a « Herem Ha-yishuv» , a ban of residence — which imposed an excommunication on anyone who assisted movement into a community without that right being allowed by community’s rules. While it is the case that Rabbeinu Tam (1100-1171), Rashi’s grandson and a leader of the Tosafot, and some other rabbis limited this concept to unusual cases like commercial cheaters, more generally rabbinical opinion supported it on a more extended scope.

Louis Rabinowitz in his comprehensive study of the Hezkat Ha-yishuv argues that it was in fact well founded on Talmudic precedents and this is why Rashi, the early German rabbis, and finally Moses Isserles, the author of the authoritative gloss on the Shulchan Aruch, endorsed the institution. But these endorsing rabbis realized that the Hezkat was an innovation, limited to some towns in northern Europe, Italy, and later eastern and central Europe. It never extended to Spain, the Muslim world, or Provence. They thus grounded its acceptability on its status as local custom and the result of local community legislation rather than the related Talmudic texts.[[10]](#footnote-10)

As to the Hezkat itself it was enforced by a Herem, a order for excommunication. The Paris Jewish community in the 12th century enacted : « Lest someone will stay in the city, in addition to the citizens who were there at this time and their children who will be born to them, the male only, excluding the female. »[[11]](#footnote-11) The Canterbury England Jewish community in 1266 stated : « The community of the Jews of Canterbury…have bound themselves by an oath that no Jew of any other town than Canterbury shall dwell in the said town, no liar, improper person, or slanderer. » [[12]](#footnote-12) Numerous rabbis in the medieval period dealt with the problem and are cited in the source for these quotations. The institution of Hezkat Ha-yishuv was extended to Italy, Poland and elsewhere and is referred to as late as the eighteenth century. In 1623, the Lithuanian Vaad (the highest authority for the Jewish communities of Lithuania) stated : »No man from another country is entitled to establish his residence in Lithuania without the permission and approval of the provincial chiefs – he shall be relentlessly persecuted and driven out of this land. »

thVarious rabbinic endorsements dealing with Hezkat Ha-yishuv from figures like the Rosh (Asher ben Yehiel who moved from Cologne to Toledo and died in 1327), Maimonides and others are cited by Grossman.[[13]](#footnote-13)

These community restrictions on residence only applied to adult males intending to set up in business – and not dependents, scholars, and various other categories whose presence was either ancillary to permitted residents or handled separately. Further, the restrictions were frequently suspended for refugees and others.

As I indicated, there were some rabbis who defined the Hezkat Ha-yishuv narrowly. To quote Rabeinu Tam (1100-1171), Rashi’s grandson and the leading figure among the authors of the Tosafos (those commentators who filled out and sometimes contradicted Rashi and are typically found facing him in Talmud volumes):

« Our earlier authorities instituted the Herem Ha-yishuv only against violent men and informers, and those who refused to obey communal enactments or to pay their share of communal taxes. But against others there is no Herem. » [[14]](#footnote-14)

In any case, the nonJewish host authorities often imposed narrow numerical limits or qualifications on the number of Jewish residents and imposed sanctions, including expulsion of the whole community for violations of those restrictions [[15]](#footnote-15) The Encyclopedia article I cite also emphasizes that these nonJewish authorities usually ceded overall control on the right of settlement issues to local Jewish authorities.

There is also a line of argument from those who contend that the principle « Dina di Malkuta Dina » (the law of the land is the law) and is founded on the fact that the King is recognized as the owner of the land and therefore like a real estate owner can evict trespassers – and that if he permits others, including communal authorities to do so they can too.[[16]](#footnote-16) But the more modern sources cited by Grossman in the Source Sheet for the workshop that incited the present essay cites agree that in democracies all citizens at least have a right of residence.[[17]](#footnote-17)

# The Actual Experience

The actual history of Jewish reception of refugees suffers from a measure of schizophrenia. On the one hand, are the rulings of the rabbis and their development of the rabbinical position which did give guidance to the communal leadership (of which the rabbis were a part) in the premodern period. On the other hand, are the actual policies that those communal leaders, the ones who managed the community resources and issued rules to the community, implemented. In other words, the question of texts versus praxis. Haim Soloveitchik pointed out that it is only in our generation with widespread literacy and social equality that standards are often set by looking to books – rather than people referring to what their immediate forefathers did.[[18]](#footnote-18) Milton Singer of the University of Chicago many years ago drew contrasts between what the holy books of Madras (now Chennai) Brahmins – the « Great Tradition » contained and how the Chennai Brahmins actually lived their lives, -- the « little tradition. »[[19]](#footnote-19)

Nonetheless, actual refugees were usually accommodated at least initially, though often sent on to other communities and in some cases turned away. Shlomo Ibn Verga, a contemporary historian of the Spanish expulsion reports in horror the Jewish Community of Rome sending away such refugees, and Jonathan Ray’s history reports some tension with existing communities in Italy and North Africa, contrasted with the welcome the Spanish refugees received from te Ottoman Turks.[[20]](#footnote-20) Ray in his account of the Spanish expulsion migration in 1492 contrasts the lack of integration in North Africa, frequent refusal in Italy (though after the fact many refugees settled there) and an open arm reception by the Ottoman State, echoed by its Jewish community.[[21]](#footnote-21) Over the long term if the economics and politics dictate a migration whatever the host country resistance the migrants usually find their way to where logic dictates.

The actual playing out of the accommodation of refugees in the early modern period is the subject of two recent books, both involved with the refugee waves that affected Jewish communities in the premodern period. One of the authors, Adam Teller, differentiates three different groups of refugees from Poland in the 17th century as follows :

1.Internally displaced refugees within the Polish Commonwealth, such as the 15,000 from the Chmelnitzsky Revolt (1648) in the Ukraine of whom over 2000 arrived in Lithuania, into an overall Lithuanian Jewish community of 100,000.[[22]](#footnote-22) These refugees were assisted – the Lithuanian Vaad, the highest authority for the Jews of Lithuania required its member communities to do so in 1650 ; but many refugees soon returned to the Ukraine and their temporary stay in Lithuania seems not to have been perceived as a heavy burden.

2.International refugees from the Polish Commonwealth to other countries, mostly from thé later Second Northern War 1655-1660 between Russia, Poland and Sweden, who fled to parts of Germany and Austria, and even beyond to Amsterdam, England and America. The feisty Asser Levy (died 1682), a Vilna refugee famous as an early leader of the New York Jewish community and effective opponent of Governor Peter Stuyvesant) of New Amsterdam, was a refugee from those wars from Vilna via Amsterdam.[[23]](#footnote-23) Many of the prominent German Court Jews of the 18th century were descended from Vilna refugees who stayed in Hamburg, particularly Simon Wolf who was closely connected to the Brandenburg/Prussia royal court. Teller estimates 10,000 refugees from these later wars ; 1500 of them reached Amsterdam, of which 1000 moved on to elsewhere. These group two refugees were able to take ships from Baltic ports to such Northern European ports as Amsterdam and Hamburg.[[24]](#footnote-24)

The communities of Slutzk and Cracow within Poland who were less affected by the War accomodated a number of refugees – they found them housing and livelihoods though there was some reluctance to let the refugees compete in the same businesses with established businesses. The nonJewish feudal authorities, some aggressive churchmen, and others objected to the refugees and often secured decrees for their expulsion which seem to have been largely but not entirely ignored. Lithuania itself was an affected area so the communities there were overwhelmed. But in this case numerous refugees, thousands, made their way to Germany, Moravia, and other neighboring areas and eventually to Amsterdam and beyond. Frankfurt, though it contributed some money seems to have taken almost no refugees, a fact already reported by Louis Rabinowitz. Amsterdam and Hamburg took a number but then vigorously tried to send them on.

In the case of Hamburg the memories of Gluekel of Hamelin who was a young girl when the refugees arrived are interesting :

« After this, the Jews of Vilnius fled Poland and many of them came to Hamburg, suffering with contagious disease. At that time, there was no « hekdesh » [community hospital] or any other houses in which to house the sick. At least ten of them were sent to rest in our attic and father had them looked after. Some of them recovered, others died. My sister, Elkele, and I also contracted the disease. My pious Grandmother visited the sick and ensured that they had everything that they needed…She would visit then in the attic three or four times a day. Eventually, she also caught the disease and languished for ten days before she died. » [[25]](#footnote-25)

Soon, partially because of complaints from the nonJewish authorities, the Hamburg community moved the refugees to a nonJewish village some distance from the city and eventually sent them in by boat either to other German cities or Amsterdam. To quote Teller :

« Whatever the case, the Jews of Hamburg and Altona [a close by connected community] were quite simply washing their hands of their now unwanted guests… » [[26]](#footnote-26) Though some apparently remained including the father of Jacob Emden (1697-1776), the noted Altona rabbi for many years.[[27]](#footnote-27)

Thereafter Teller states that Hamburg became much less generous with Polish refugees.

Indications are that Frankfurt Jews were even less generous.[[28]](#footnote-28)

Vienna also accepted large numbers of Jews despite difficulties with the nonJewish authorities though Teller states that the expulsion of Jews from Vienna in 1670 was entirely unconnected with this issue.

In Amsterdam both the Portuguese and Ashkenazi communities tried to help the refugees. Teller shows that the Amsterdam Jews sent money to those affected by the Chmelnitzky Revolt.[[29]](#footnote-29) However few of these Chmelnitzky refugees reached Amsterdam. In the case of the Northern War, hundreds arrived by ship. However, the Amsterdam Portuguese community too soon decided it already had enough of a burden with its own poor and pushed the Northern War refugees to move on. Several groups were sent by ship up the Rhine to other communities. Of the two recorded ships the Sephardic Talmud Torah paid for, one went to Mainz and one to a village named Deutz near Cologne. Soon the Amsterdam Portuguese community’s patience began to be exhausted. They issued the following declaration on May 9, 1658 :

« As everyone knows, [when] our brothers fled here following the wars in Poland, we helped them generously. However, after we had supported them and moved them on to Germany, these people, most of whom are dangerous, found tbat the beggar’s life suited them and came back here, becoming like the good-for-nothing German Jews…If they [i.e. the beggars] do not go back to their own country, where, by the Grace of the Blessed God, peace is spreading…they will be given no help at all.»[[30]](#footnote-30)

The community did spend large sums on repatriation. The estimate is that of 1500 refugees, 1000 moved on and 500 stayed.

As far as the Ashkenazi community of Amsterdam is concerned they soon disavowed the refugees (in 1660) ; the refugees formed their own « Polish » community which persisted until reunited with the Ashkenazis in 1673.[[31]](#footnote-31)

3.A third group of refugees were the internationally trafficked refugees sold by the Crimean Tatars on the Istanbul slave market mostly in connection with the 1648 Chmelnitzky revolt in which the Tartars, who specialized in slavedealing, were allies of Chmelnitzky. These captured Jewish slaves were redeemed in the Istanbul slave market by a Jewish network which was already in place to redeem those brought by the Barbary Pirates of North Africa. Remember the « Shores of Tripoli » in the Marine Hymn. Teller reports 4-6000 of these.[[32]](#footnote-32) The network for redeeming the slaves was quite elaborate and stategic including in its bargaining for the right prices and with a network of support from throughout the Mediterranean and beyond. The network was heavily stretched by the sudden influx of postChmelnitzky slaves but world wide fundraising enabled their redemption, and assisted the refugees to return to the Ukraine. Teller concludes that the Jewish slave captives from the Ukraine were mostly redeemed and returned home.

To quote Teller :

« At the heart of all this activity was a transregional funding network run by the Jewish communities of Venice, the major Jewish center in the Eastern Mediterranean. Consisting mostly of Sephardic communities in Italy, in the 1630s and 1640s the network began to stretch across Europe, reaching as far as the Jews in Amsterdam and Hamburg. Its function was twofold : it provided funds to support Jewish settlement in the Land of Israel, and it was responsible for ransoming Jewish captives, particularly those held by the Knights of St. John on Malta. »[[33]](#footnote-33)

Teller goes on to say that this funding network heralded the creation of a « institutional Jewish world » with international and cross Ashkenazi and Sephardi cooperation. He admits that this cooperation was « embryonic » as compared to what emerged in the l9th and 20th centuries.

Teller’s numbers for all of these three categories of refugees are lower than the ones reported by earlier historians, but seem accurate.

The other book is by Robert Chazan; *Refugees or Migrants*. It is a much broader book focussed on another but related question – whether the vast migrations of Jewish population during the last two millenia were motivated by positive opportunities or persecution.[[34]](#footnote-34) Unfortunately, Chazan seems unconcerned with the reception the movements received from the existing Jewish community – though others have certainly documented that reception for the United States, the United Kingdom and others in the modern period, and histories of Polish Jewry do so for the movement into Poland in the 14th century and onward.[[35]](#footnote-35)

Chazan’s book is connected with a high volume debate among Jewish scholars, reacting to the « Lachrymose » version of Jewish history – in which all was misery from the destruction of the second temple in 70 to the establishment of Israel, or perhaps the general Jewish emancipation in the nineteenth century. More recent histories have in the first place emphasized the eras in which Jews prospered and flourished. One of the arguments for pessimism is that the center of the Jewish world moved from Palestine to Babylon to Spain to Germany and now to Western Europe, the New World and Israel. Chazan is one of many current authors who explain this movement on the basis of positive opportunities. Others have emphasized persecution. I suspect that in the real world there are éléments of both.

Summary

The connection between the Jewish intellectual traditions of hospitality and the redemption of captives is not direct. Nor is that between the cooperation called forth by the refugees from 17th century Poland and twenty first century refuygee issues. But there is clear correspondence between that intellectual tradition, what traditional Jewish communities did and the evolving international Jewish endorsement of a duty to protect refugees.

1. Harold Troper and Irving *Abella*, *None is Too Many: Canada and the Jews of Europe 1933-48*, Toronto, Canada: University of Toronto Press, 2011, first issued by Oster & Orpen Dennys 1983. [↑](#footnote-ref-1)
2. Alan Lichtman and Richard Breitman, *FDR & the Jews*, Cambridge, Mass: Harvard University Press, 2013. A somewhat more questionable partisan piece is Rafael Medoff, *The Deafening Silence: American Jewish Leaders and the Holocaust*, New York: Shapolsky Publishers, 1987 and *The Jews Should Keep Quiet: Franklin D. Roosevelt, Rabbi Stephen S. Wise, and the Holocaust*, University of Nebraska Press, 2019. William Rubenstein, *The Myth of Rescue*, 1987 is written to counter Medoff and perhaps overdoes the job. [↑](#footnote-ref-2)
3. This was a sermon on the Section Vayera of Genesis, dealing with the destruction of Sodom, the epitomy of evil and inhospitality in the Jewish tradition, a fuller citation of which is given below. [↑](#footnote-ref-3)
4. *Mishnah Peah* 8 :8 and 1 :1). *Jerusalem Talmud Peah* 73ab. <https://www.sefaria.org/sheets/79881?lang=bi>. Also cited Talmud Bavli *Bava Batra* 9a, *Pirkei Avos* 2:6, I*saiah* 3:10-11. Despite all the citations, how this confidence in the character of punishment for sins delivered in this world sits with the statement of Rabbi Yannai (*Pirkei Avos* Chapter IV, that “We do not know either he explanation for the good experiences of the wicked or the troubles of the righteous”) is not clear. The plain sense of the *Pirkei Avos* quote is clearly that we do not know enough of divine ways to know why people flourish or suffer. Abarbanel in his commentary on this *Pirkei Avos* verse suggests that we may not even know who is wicked and who is righteous – to say nothing of commentators who suggest that apparent troubles may in fact serve good purposes. The interpretations of Rabbi Yannai’s quotation are influenced by the previous and following statements in the verse – which refer to matters like the importance of going to a center of Torah study implicitly even if this involves suffering. *Abrabanel on Pirke Avot*, compiled and translated by Abraham Chill, New York: Sepher-Hermon Press, 1991. The Malbim bible commentary also posted on *Sefaria* has similar comments. [↑](#footnote-ref-4)
5. Yerucham Levovitz, *Daas Torah*, Tel Aviv: Daas Torah Publications, 1976, p. 126-129. This is one of several editions but was available in the Library of Congress. Translation in Source Sheet for Rabbi Yitzchak Grossman, session on Immigration and Jewish Law, January 13, 2020, at Morgan, Lewis, and Bockius. I have the original Hebrew on my computer if anyone wants to try their own translation. [↑](#footnote-ref-5)
6. Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times*, New York: Oxford University Press, 1961 deals precisely with this issue of moral duties toward nonJews. [↑](#footnote-ref-6)
7. Mark Hetfield, President and CEO HIAS, “The Protection of Refugees under Jewish Law: A Short Introduction,” High Commissioner’s Dialogue on Protection Challenges, Theme: Faith and Protection, December 12-13, 2012. Rabbi Asher Meir, “What Does Jewish Law Say About Immigration,” [www.aish.com](http://www.aish.com), citing various sources biblical and rabbinic. Rabbi M.S.Ginsbury, “Supporting Refugees – a Torah based perspective,” at [www.theus.org.uk](http://www.theus.org.uk) in the United Kingdom, “Conservative Movement Condemns President Trump’s Executive Order on Immigration and Refugees,” March 23, 2017 at //uscj.org. Religious Action Center for Reform Judaism, “Refugee Crisis Response,” at //rac.org. [↑](#footnote-ref-7)
8. The Ramban, Nahmanides (1194-1270), has a quote about this matter which is echoed in the sermon of the Alter of Mir contained in his comments on the Sidra Vayera which deals with Sodom, “Their intention [in their immoral actions] was to stop guests from coming among them…for they thought that because of the goodness of their land which was like ‘the garden of Hashem’ many would come there [to settle and share their wealth] and they hated charity…Behold this was the iniquity of Sodom your sister: pride, abundance of bread, and careless ease was hers and her daughters’ and she did not strengthen the hand of the needy.’” [Ezekiel 16:49] Translation from Sefaria. Continuing Ramban “…all the nations show charity to their neighbors and their poor; there was no one among them that was equal in cruelty to Sodom.”

One source Sanhedrin 109a in the Babylonian Talmud says, “the Mishna teaches us: The People of Sodom have no share in the World-to-Come. The Sages taught: The people of Sodom have no share in the World-to-Come, as it is stated: “The men of Sodom were wicked and sinners before the Lord exceedingly” [Genesis 12;13].” Later in this Talmud Tractate Sanhedrin of the Babylonian Talmud a lot is said on this subject of Sodom and its antagonism to new arrivals. “The people of Sodom said: Since we live in a land from which bread comes and has the dust of gold, we have everything that we need. Why do we need travelers, as they come only to divest us of our property? Come, let us cause the proper treatment of travelers to be forgotten from out land, as it is stated: ‘He breaks open a watercourse in a place far from inhabitants, forgotten by pedestrians, they are dried up, they have moved away from men.’” All the above sources are from the *Sefaria* website. [↑](#footnote-ref-8)
9. Bava Batra 26b. Sanhédrin 10b. [↑](#footnote-ref-9)
10. Louis I. Rabinowitz, T*he Herem Hayyishub: A Contribution to the Medieval Economic History of the Jews*, London, UK,: Goldston, 1945. This was completed while Rabinowitz was serving as a British Army chaplain during World War II, but nonetheless displays a wide range of Jewish and secular references. [↑](#footnote-ref-10)
11. This is a citation to S. D. Luzzato, *Beit Ha-Otzar* (1847) 58a in an article entitle “Herem Ha-Yishuv” accessed at [www.encyclopedia.com](http://www.encyclopedia.com) on 05/06/2020. [↑](#footnote-ref-11)
12. In the same source citing Riggs-Jenkinson, Exchequer – I think referring to J. M. Hilary Jenkinson and H. G, Richardson eds, *Calendar of the Plea Rolls of the Exchequer of the Jews: Henry III (1218-1272)*, …. Going through 1275. [↑](#footnote-ref-12)
13. Grossman’s sheet cites Rabbi Asher ben Yechiel (1250-1327) known as the Rosh. The citation is to *Sheelot u Teshuvot Harosh*, Jerusalem: Machon Yerushalaim, simon 36, p. 482. Cited by the *Tur*, Hoshen Mishpat, Simon 156. The Rosh was a leading authority for Spanish Jews though born and educated in Germany. The actual text is concerned primarily with doing business and seems to cite the Rosh to say that the issue is whether the outsider is willing to pay local taxes. Rabinpwitz asserts that in Spain residence was dependent on tax payment not the possession of a Hezkat Ha-yishuv. (Thanks to *Sefaria* for Tur reference) Grossman cites Rashi, Maimonides, and Rabbi Avigdor Hakohen (Avigdor Hakohen of Vienna (mid13th century) as understood by *Sheelot u Teshuvot Maharik,* Shoresh 191 (Rabbi Joseph Colon Trabotto, 1420-1480), cited in *Darkhei Moshe*, a commentary of Rabbi Moshe Isserles on the *Tur* and *Beis Yosef*. Mechudosh 2. The actual text of Rabbi Isserles is very strong and cites factors like the restrictions of secular authorities on residence which justify turning away new residents. In fact, in a lengthy discussion of many sources he indicates that traditional rights to refuse residence were quite limited – exclude thieves but not even their children, but the non-Jewish restrictions affected things. But a lot of detailed considerations, such *Sheelot uTeshuvos Maharashdam* Chosen Mishpat 407. He also cites *Piskhei Teshuvah* s.k. 17 and the *Chazon Ish*, Bava Kamma, Simon 23 s.k. [↑](#footnote-ref-13)
14. I got the Rabbeinu Tam text from Encyclopedia.com site. Grossman also cites Beit Yosef citing *Chazeh Hatenufa,* Siman 15. Beis Yosef Bedek Habayis *Sheelot u Teshuvot*, Mabit 3:31, [↑](#footnote-ref-14)
15. Isaac Levitats, “Herem Ha-Yishuv,” Jewish Refugees/Kerem Ha-Yishuv\_encyclopedia.com.htm. Rabbi Dr. Asher Meir, “immigration,” Jewish Refugees/immigration – Jewish Ethicist - OU Torah.htm. Jerszy Miller, “The Late Medieval Jewish Settlement in Ukraine: Royal Permission or Hezkat Hayishuv?” *Seminar RELMIN*, March 20, 2014, accessed online before 03/06/2020. R. Kastenberg Gladsten, “Hezkat Hayishuv, Herem Hayishuv and the Reality of the Middle Ages,” *Tarbiz* 57 (1978), 216-229. [↑](#footnote-ref-15)
16. This is the position of Rabbi Nissim of Girona (1320-1376), the RAN, in his commentary on Alfasi, the *RIF*, a summary of the legal elements of the Babylonian Talmud. *Ran*, Nedarim 28. Grossman also cites *Piskei Harosh,.* Or Zarua Bava Kamma 447. [↑](#footnote-ref-16)
17. Grossman cites Rabbis Shmuel David Hacohen Munk (born 1923, with ultraorthodox community of Haifa) and Elazar Meir Preil (1878-1933) a prominent rabbi in Trenton and Elizabeth and teacher at Yeshiva University and son in law of Rabbi Pinchas Teitz (*Sefer Hamaor* 25 p 99) but there are plenty of others – I remember one citation from Rabbi Mordechai Willig of Yeshiva University. Grossman cites *Shut Piskhei Sedecha: Kisvei Ha-Gaon Yosef Eliyahu Henkin,* Helek 2 p 175 os 10; Yehuda SIlman, Darkhei Hoshen helek 2 p 362, Silman Second Edition 5762. [↑](#footnote-ref-17)
18. Soloveitchik, Hyam, “Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy,” *Tradition* 28, 4, Summer 1994, pp. 64-130, emphasizing the increasing importance of “Texts.” [↑](#footnote-ref-18)
19. Milton Singer, *When a Great Tradition Modernizes, An Anthropological Approach to Indian Civilization*, New York: Praeger Publishers, 1972. [↑](#footnote-ref-19)
20. Shlomo Ibn Verga, *Shevet Yehuda*, in the 1938 Warsaw edition has a reference to Catastrophe 56 ( he numbers them, he calls them “shmad”, more generally destruction and particularly apostasy from Judaism) says that the boats from Spain (Castile) that got to Italy encountered famine. Port Jewish communities would not let the refugees enter the cities – though it is not clear if these were Jews or not Jews. When they reached Genoa, they were permitted to enter the city. But some young men were forced to convert to get food. Some of the refugees went on to Rome. (catastrophe 57) The Roman Jews conspired to keep them out because they thought it would effect their living standards. The local ruler [the Pope] said that though Jews were accustomed to be merciful to each other the Roman Jews were clearly cruel. The Pope then expelled the Roman Jews who had to double their bribe him so they and the refugees could stay, and both natives and newcomers prospered. Exactly what the historic underpinnings of this is, as usual with Ibn Verga, is unclear.

References for meanings of “shmad see Marcus Jastrow, *Dictionary of the Targumim, Talmud Babli, Yerushalmi and Midrashic Literature*, New York : Judaica Press, 1996, p. 1592. P.

Rabinowitz, op. cit, incidentally reports both the Roman refusal and rejectiomof in Frankfurt the Polish refugees referred to later in this essay – but in both cases from secular sources, which I suspect got their information about Rome from Ibn Verga. For Rome his source in footnote is Hermann Vogelstein and Paul Rieger, *Geshichte der Juden in Rom von der altesten Zeit bis zur Gegenwart,* Frankfurt, Gemany : J. Kauffman, 1893 in Footnote 37 Chapter X on p. 155. as to Frankfurt in Footnote 7 Chapter XIII it is S. M. Baron, *The Jewish Community*, Philadelphia : Jewish Publication Society, 1942, Volume II, p. 8. [↑](#footnote-ref-20)
21. Jonathan R. Ray, *After Expulsion: 1492 and the Making of Sephardic Jewry*, New York: New York University Press, 2013. [↑](#footnote-ref-21)
22. Adam Teller, *Rescue the Surviving Souls: The Great Jewish Refugee Crisis of the Seventeenth Century*, Princeton, New Jersey: Princeton University Press, p.307 and 42. [↑](#footnote-ref-22)
23. “Asser Levy,” from Wikipedia accessed 05/06/2020. [↑](#footnote-ref-23)
24. Teller, op. cit, pp. 199-292. [↑](#footnote-ref-24)
25. Teller, p253 citing a Hebrew translation of Glueckel’s Yiddish diary. [↑](#footnote-ref-25)
26. Teller, op. cit.,p. 255 citing Diana Matut, “What Happened in Hamburg : A Yiddish Document about Polish-Jews in Germany During the Early Modern Period,” in M. Appletroot, E-Gal-Ed, R. Grushka, a S. Neuberg, eds. Leket : Yiddistik Heute, Dusseldorf : Dusseldorf University Press, 2012, 321-355. [↑](#footnote-ref-26)
27. “Jacob Emden,” Wikipedia article accessed 05/06/2020. [↑](#footnote-ref-27)
28. Rabinowitz, op. cit, p [↑](#footnote-ref-28)
29. Teller, op. cit., p. 262. [↑](#footnote-ref-29)
30. Teller, op. cit., 266 citing Kaplan, Pelitim yehudim,” pp. 615-616. [↑](#footnote-ref-30)
31. Teller, op. cit. p. 269 citing Sluys, “Yahudei Ashkenaz.” Pp 8-83. [↑](#footnote-ref-31)
32. Teller, op. cit, 307-308. [↑](#footnote-ref-32)
33. Teller, op. cit., 192, [↑](#footnote-ref-33)
34. Robert Chazan, *Refugees or Migrants: Pre-Modern Jewish Population Movement*, New Haven, Connecticut: Yale University Press, 2018. [↑](#footnote-ref-34)
35. Jerszy Miller, “The Late Medieval Jewish Settlement in Ukraine: Royal Permission or Hezkat Hayishuv?” *Seminar RELMIN*, March 20, 2014, accessed online before 03/06/2020. [↑](#footnote-ref-35)