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Pugliesi, Sephardim, and Portuguese – Jewish Exiles in Ottoman Valona (1492-1550)*

Most migration routes within peninsular Italy that were taken by the exiles of 1492, 1510, and 1541 can be traced with good approximation. Newly discovered documentation and a better interpretation of well-known sources, all allow us to form a more coherent picture of the exiles' settlement particularly in Rome and the Papal states, but also in other places.¹

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¹ A full and comprehensive bibliography on the migration trends of the exiles is beyond the scope of the present article. Here is, however, a selection of relevant publications. On Rome and the Papal States: A. Toaff, "Gli ebrei siciliani in Italia dopo l'espulsione. Storia di un'integrazione mancata," in *Italia Judaica. Gli ebrei in Sicilia sino all'espulsione del 1492. Atti del V Convegno internazionale di studi (Palermo, 15-19 giugno 1992)*, Istituto Poligrafico, Roma 1995, 382-386; A. Esposito, "Gli ebrei nel Viceregno di Napoli profughi nello Stato Pontificio: la situazione nel Lazio meridionale e a Roma," in G. Lacerenza (ed.), *1510/2010: Cinquecentenario dell'espulsione degli ebrei dall'Italia meridionale. Atti del convegno internazionale, Napoli, Università L'Orientale 22-23 novembre 2010*, Centro di Studi Ebraici – Università L'Orientale, Napoli 2013, 45-56; Ead., "La via dell'esilio: ebrei siciliani nel Lazio meridionale e a Roma nel primo Cinquecento," *Rassegna Mensile d'Israël* 87 (2021) [= M. Silvera, N. Zeldes (eds.), *Sicilia ebraica: passato e presente*] 19-38. See also: R. Segre, "Sephardic Settlements in Sixteenth-century Italy: A Historical and Geographical Survey," *Mediterranean Historical Review* 6 (1991) 112-137; M. Luzzati, "La marcha hacia la Italia de las ciudades y de los príncipes," in J. Carrasco *et al.* (eds.), *Los caminos del exilio. Encuentros Judaicos de Tudela*, Gobierno de Navarra, Pamplona 1996, 159-179.

The waves of migration to the eastern Mediterranean are not yet fully documented, though there are several important studies that shed light on the arrival and settlement of the exiles in the Venetian colonies,² the Ottoman Empire, and Mamluk Egypt.³

Ottoman Valona (presently Vlorë), however, has rarely been considered as an important destination for Jews and *conversos*, especially in the early sixteenth century. And yet, writing around 1510 Rabbi David ben Judah Messer Leon stated that the local Jews “made me their commander and chief (Judges, 11:11) to lead the *Pugliesi* who were the majority among the *Sephardim* in that city [Valona] and they were the minority, and they were [divided] into three congregations consisting of Catalans, Portuguese, and Castilians.”⁴ In other words, R. David informs us that the *Pugliesi* were the majority among the exiles who settled in Valona. As we shall show in the following pages, this claim is confirmed by other sources.

² Migration to the Venetian colonies: F. Lelli, “Influenza dell’ebraismo italiano meridionale sul culto e sulle tradizioni linguistico-letterarie delle comunità greche,” *Materia giudaica* 11 (2006) 201-216; N. Zeldes, “Jewish Settlement in Corfu in the Aftermath of the Expulsions from Spain and Southern Italy, 1492–1541,” *Mediterranean Historical Review* 27 (2012) 177-190; R. Wartel, “Rabbis on Refugees: Theological Responses to the Treatment of *Converso* Migrants in Candia,” *Mediterranean Historical Review* 15 (2019) 165-179; G. Corazzol, “Manigoldi ebrei nel medioevo: rassegna critica e nuove notizie da Candia,” *Sefer yuhasin* 9 (2021) 55-104; L. Sadovski, “Apulian New Christians in Venetian Dalmatia. Circum-Adriatic Dimensions of the Migration of Converted Jews and Their Descendants to Split (Spalato) in the Late Fifteenth and Early Sixteenth Centuries,” *Medieval Encounters* 30 (2024) 505-535.

³ Migration to the eastern Mediterranean and Ottoman lands: G. Palermo, *The Passage of the Sicilian Jews to the Lands of the Eastern Mediterranean*, M.A. Thesis, The Hebrew University, Jerusalem 1993 [Hebrew]; S. Schwartzfuchs, “The Sicilian Jewish Communities in the Ottoman Empire,” in *Italia Judaica* V, 397-411; L. Burstein Makovetski, “Life and Society in the Community of Arta in the Sixteenth Century,” *Peanim* 45 (1991) 126-155 [Hebrew]; G. Veinstein, “Une communauté ottomane: les Juifs d’Avlonya (Valona) dans la deuxième moitié du XVI siècle,” in G. Cozzi (ed.), *Gli ebrei e Venezia secoli XIV-XVIII*, Atti del convegno internazionale 5-10 giugno, 1983, Edizioni di Comunità, Milano 1987, 781-828; Y. Ben Naeh, *Jews in the Realms of the Sultans: Ottoman Jewish Society in the Seventeenth Century*, Mohr Siebeck, Tübingen 2008, 54-73.

⁴ Sh. Bernfeld (ed.), David Ben Judah Messer Leon, *Kevod Ḥakhamim*, Makor, Jerusalem 1970, 80 [Hebrew].

Our article proposes to examine the manifold aspects of the migration, settlement, and integration of several groups of exiles in Ottoman Valona. As noted above, there is a variety of source material that sheds light on these aspects: Rabbinic Responsa, R. David's *Kevod Ḥakhamim*, and a number of non-Jewish sources.

1. Jewish settlement in Valona before 1500

After the Ottoman conquest in 1417 the city and its Jewish community gained importance for its position as a port city, and also as a refuge for Jews coming from other places. In his pioneering study on the Jews of Valona, Giles Veinstein suggested that the community was later reinforced by immigrants from Corfu and other Venetian possessions, from Apulia, and from the Iberian Peninsula (mainly Catalonia). After the Ottoman conquest, around 1436, a Jew of Valona named Haim Kalo is mentioned in documents as a merchant trading with Ragusa / Dubrovnik; his presence in Valona indicates the existence of a Jewish community in the Ottoman port in the first half of the fifteenth century. According to Veinstein, the Jews of Valona experienced a period of decline between 1440 and 1443 during the revolt of George Castriota better known as Iskander. The presence of an "Avlonya" congregation among the Jewish communities of Istanbul in the later sixteenth century, suggests the possibility of either a deportation by the Ottomans (*Sürgün*), or a more or less voluntary migration.⁵ In any case, Jewish migration to Valona continued throughout the fifteenth century.

Around 1460 about 70 *converso* families from Valencia stopped in Sicily before continuing to Valona. Taking into consideration that a family in this period consists of about five individuals, the refugees must have numbered around 350 individuals.⁶ Could they have been easily absorbed in Valona by the local Jewish community? Veinstein cites Ottoman records from 1506-1507 that give the number of Jewish households as only 97 (about 485 individuals). Was this also true for the earlier period? If so, the small Valona community would have found it hard to welcome an almost equal number of newcomers. After 1519 the number of households increases to 528, but this was probably the result of a considerable movement of migration that occurred after the expulsions from Spain, Sicily, Portugal, and southern Italy, to be discussed presently.

⁵ Veinstein, "Les Juifs d'Avlonya," 783-784.

⁶ Y. Baer, *Die Juden im Christlichen Spanien, Urkunden und Regesten*, Akademie Verlag, Berlin 1936, Vol. II, No. 399.

After the expulsions of 1492 from all the territories subject to Ferdinand and Isabella, the Catholic monarchs, there are several sources that place Valona as a desirable destination for the Jewish exiles, or at least as a convenient stop. Following the expulsion of the Jews from the kingdom of Sicily, a group of Jews of Syracusan origins, who first settled in Apulia, tried to reach Valona but were robbed on their way. Their fate and sufferings are mentioned in a letter of Queen Isabella of Castile, who as ruler of the *Camera reginale* (the queen's fief in Sicily) had an interest in the loss of property they incurred. According to the queen's letter, written in March 1494, the king of Naples (probably Alfonso II) arranged for a Basque boat to take on board some Jews from Apulia with their property; the Basque captain, Machin de Urresti, robbed them and left them naked and penniless in Valona. Acting in concert with a Neapolitan accomplice, the Basque captain sold the goods in the kingdom of Naples for 1500 ducats. When the queen found out about the robbery, she wrote a letter to the governor of the *Camera Reginale*, Juan de Cárdenas, ordering him to look into the matter. Isabella instructed the governor to find out whether the Jews did anything to incur fines or have forfeited their right to that property, because if that was the case, it should revert to the queen's treasury for being the property of her vassals (*la dicha ropa pertenece a nuestra camara e fisco por ser de judios vassallos nuestros*).⁷

It is unclear whether this group settled in Valona. A clearer designation of Valona as a destination for refugees from the kingdom of Naples is found in the account of Elijah Capsali in his *Seder Eliyahu Zuṭa*. The Hebrew chronicle, written in mid sixteenth century, recounts the exodus of refugees who left southern Italy in 1495 fleeing the dangers of the French occupation and local riots. After being kept aboard ships in the port of Messina for two months, most of them sailed to Valona (Avlona - אול"ונה). According to Capsali, they went on to Turkey (Tugarma, תוגרמה), Corfu, and Crete (Candia).⁸

⁷ Archivo de la Corona de Aragón, Cancelleria Diversorum Camere Reginalis reg. 3687, cc. 133v-134r; N. Zeldes, "The Queen's Property: Isabel and the Jews and Converts of the Sicilian *Camera Reginale* after the 1492 Expulsion," *Hispania Judaica Bulletin* 4 (2004) 70-85: 74, 81. A partial text of this letter was published by A. de La Torre, *Documentos sobre relaciones internacionales de los Reyes Católicos*, CSIC, Madrid 1949-1966, Vol. IV, No. 32, 417.

⁸ A. Shmuelevitch, S. Simonsohn, M. Benayahu (eds.), *Eliyahu Capsali, Seder Eliyahu Zuṭa*, The Ben Zvi Institute and the Diaspora Research Institute, Jerusalem – Tel-Aviv, 1975, Vol. I, 219 [Hebrew].

2. Jewish Settlement in Valona after 1510

The expulsion of the Jews and the conversos from the kingdom Naples decreed on 23rd of November and the implementation of the edicts in 1511 created a new wave of refugees.⁹ As noted above, an unknown but large number of Jews left the kingdom and settled in Rome and elsewhere in mainland Italy, others sailed towards the eastern Mediterranean, some settled in the Venetian colonies, yet others in the lands of the Ottoman Empire. Valona was one of the destinations of the refugees from Apulia, and from other places in the kingdom of Naples.

In his *Kevod Ḥakhamim* (Book on the Honour of Sages), a Hebrew work authored in Valona by Rabbi David ben Judah Messer Leon, son of the famous Italian Rabbi Judah Messer Leon (ca. 1425- ca.1495), the Jews originating from Apulia (Pugliesi) were the majority in that Ottoman port, whereas the Sephardim were a minority divided into three congregations: Catalans, Portuguese, and Castilians.¹⁰ In a different passage R. David also mentions the גֵּרְסִיטִי (Greek, or Romanyot community). In his introduction to *Kevod Ḥakhamim*, R. David alludes disparagingly to the presence of conversos in Valona referring to them as “A motley lot” (אֲסַפְסוּף וְעֵרֵב רַב) and by paraphrasing a verse from the biblical Book of Esther (8:17), adds “people of the land professing to be Jews”. This reference went unnoticed by previous scholars, but it echoes a similar use of these terms by Don Isaac Abravanel in his exegetic discussion of Deuteronomy, where he describes the forced conversions in the kingdom of Naples during the French invasion.¹¹ However, the settlement of conversos in Valona is confirmed by other sources as well.

Rabbi David himself left Naples and arrived in Istanbul in 1495 or 1496, probably in the wake of the French invasion. Soon after, he left Istanbul for Salonika, but around 1510 he was invited by the Italian congregation, mostly

⁹ For the edicts of expulsion and their implementation, see: C. Colafemmina, “1510, novembre 21: le prammatiche di espulsione degli Ebrei e Neofiti dal regno di Napoli,” *Sefer yuḥasin* 26 (2010) 3-21; N. Zeldes, *From Mass Conversion to Expulsion: Jews and New Christians in the Kingdom of Naples (1492-1541)*, Routledge, London et al. 2024, 103-110.

¹⁰ שמוני לראש ולקצין בין הפולייסי שהיו רוב העיר בין הספרדים אשר היו שם ואם היו המעוט וזה בין קטאלאנוש ופורטוגישיש וקשטיליאנוש שהיו אז ג כנסיות.

¹¹ Abravanel’s paraphrase on Esther: ויעלו על הארץ... וכבשוה... איש הישר בעיניו יעשה והיתה עדת ה’ כצאן אשר אין להם רועה. ורבים מעמי הארץ... המתיהדים מאמות מות, מפני חרדות חלפו תורות עברו חק... A. Shotland (ed.), Isaac Abravanel, *Peyrush ha-Torah le-Rabbenu Yiṣḥaq Abravanel: Devarim* [Commentary on the Torah: Deuteronomy], Horev, Jerusalem 1999, Introduction [Hebrew].

exiles from Apulia, to serve as chief rabbi of the entire Jewish community of Valona for an annual salary of 70 florins.¹² Rabbi David planned to stay for one year only, and Hava Tirosh-Rothschild who published a seminal study on his life and intellectual makeup, argued that he wanted to limit his stay because he was worried about the wars waged in the Balkans between the successors of Sultan Bayezid.¹³ Tirosh-Rothschild suggests that the reason was the war of succession between two sons of Sultan Bayezid II, Ahmet and Selim, that started in 1509 and ended in 1512 with victory of Selim I and abdication of Bayezid. And yet, R. David's wording demonstrates the Jews' fear when faced with these upheavals:

As it was my decision to go away as I planned and leave quickly because of the confusion (בלבול) caused by the authorities, since this city is like the spilt waters of the lands of Turkey and the waters are harmful and the land is deadly, so I took my leave of the congregations to get out quickly from this land.

The term *bilbul* is often used in medieval Hebrew to indicate a blood libel or some other accusation. As there was no blood libel accusation against the Jews in the Ottoman Empire, this seems like an exaggeration. But there is no doubt that he refers to a frightening situation.

A query addressed to the Sicilian Rabbi Ḥayyim ben Shabbetai Yonah who lived in Apulia between 1493 and 1508, strengthens the assumption that Jews faced some danger in Valona around that time. The query concerns the case of the Jew Gabriel who had left his wife Sara in Valona and refused to return there. Gabriel insisted on divorcing his wife by proxy, and even when the rabbinical court assembled by R. Ḥayyim tried to persuade him not to abandon his wife who is described as “a much respected woman who did no wrong,” he refused. He told the court that “the air of Valona was counter-indicated for his health” (שאור לאבילונא מנגד לבריאותי). The responsum is not dated, but given that the entire collection covers the years 1493-1508, it stands to reason that this affair occurred within the same time frame as R. David's reference to something that endangered the Jews in Valona. There is no reference in extant sources to violence against the Jews of Valona or any

¹² H. Tirosh-Rothschild, *Between Worlds: The Life and Thought of Rabbi David ben Judah Messer Leon*, SUNY Press, Albany NY 1991, 99.

¹³ Tirosh-Rothschild, *Between Worlds*, 99. For the historical background, see: H. Inalcik, *The Ottoman Empire: The Classical Age 1300-1600*, Orion Books, London 1973, 31-34.

specific threat.¹⁴ Therefore, we have to rely on the testimonies cited above and concur with Hava Tirosh-Rothschild's that the Jews feared political or military upheavals during the succession war between Bayezid's heirs, fears that were calmed once Selim I established his power:

and so I stayed there for about a year until the kingdom was settled thanks be to God, and a new king arose, a king that by justice sustains the land (Proverbs, 29:4), a [king] inhabited by the spirit of God (Genesis 41:38), may he be exalted.¹⁵

So, as far as we know, the Jewish communities of Valona suffered no harassments from the Ottoman government in this period. However, the Valona community seethed with internal strife and divisions, and personal quarrels poisoned the relations between the congregations during Rabbi David's stay.

Jewish presence in the second half of the sixteenth century is attested to by both Ottoman records, and rabbinic responsa. Veinstein's article focuses in fact on the second half of the sixteenth century and so do other studies based on Ottoman and local sources.¹⁶ Rabbinic responsa too confirms the continuing presence of a Jewish community in Valona throughout the sixteenth century.¹⁷

¹⁴ M. Kerim, F. M. Aktaş, K. Menderes, "Community Relations in the Ottoman Balkans of the Suleymanic Age: The Case of Avlonya (1520-1568)," *Religions* 15 (2024): <https://doi.org/10.3390/rel15121443>, Accessed May 28, 2025. And see Veinstein, "Une communauté ottomane."

¹⁵ וכן עמדתי כמו שנה עד שנתיישב המלכות ברוך השם וקם מלך חדש מלך במשפט מעמיד ארץ אשר רוח אלקים בו ירום הודו, *Kevod Hahkamim*, p. 80. Like most Jewish intellectuals in this period, Rabbi David uses Biblical phrases but paraphrases them to suit his particular meaning.

¹⁶ Veinstein, "Une communauté ottomane"; M. Kerim *et al.*, "Community Relations"; K. Giakoumis, "Aspects of Symbiosis between Orthodox Christians and Jews in West Balkans during the Ottoman Rule," in S. Sinani (ed.), *Prania Historike dhe Shpëtimi i Hebrejve gjatë Luftës (Studime e Dokumente)*, Albpaper, Tirana 2008, 69-86; Id., "The Orthodox Church in Albania under Ottoman Rule 15th-19th Century," in O. Jens Schmitt (ed.), *Religion und Kultur im albanischsprachigen Südosteuropa*, Peter Lang, Frankfurt am Main 2010, 69-110.

¹⁷ For example, the community of Valona is mentioned in the responsa of Abraham ben Moshe de Boṭon (ca. 1545 – ca. 1588), rabbi at Salonika. His responsa collection, *Lehem Rav* was first printed in Izmir, 1660. For a modern edition, see: Abraham de Boṭon, *Lehem Rav*, s.n., Jerusalem 1981, Siman 77 [Hebrew].

3. *Division and Strife among the Valona Jewish Community*

It is important to point out that the exiles of 1492 and the later expulsions that uprooted the Jews from the Iberian kingdoms and southern Italy, established new communities and congregations according to their places of origin.¹⁸ They could not join the local Romanyot communities who had totally different traditions, but they were also too aware of the difference in customs and the interpretation of certain aspects of Jewish Law to be able to form one congregation of exiles. Moreover, it is likely that they tried to recreate and maintain the way of life they were accustomed to.

In his *Kevod Ḥakhamim*, Rabbi David ben Judah Messer Leon (ca. 1470-ca. 1530) describes the conflicts between congregations and in some cases provides explanations for the quarrels. He underlines the fact that refugees formed three congregations (כנסיות): Catalans, Portuguese and Castilians (and Pugliesi). Rabbi David claims that after his coming to Valona, he used to preach each Shabbat in the three different synagogues, until they quarreled and the Portuguese decided to separate from the Catalans. Despite his efforts, Rabbi David could not resolve their differences. He therefore asked Don Abraham Zarfati to establish a synagogue in the attic of his house, where he convinced the Sephardic congregations (the Portuguese and the Castilians) to gather to hear his sermons. But then, the Portuguese decided to separate themselves from the Castilians and founded a new synagogue.¹⁹

Rabbi David also invokes the question of rabbinic formal ordination (Semikha, סמיכה in Hebrew) to buttress his own authority. This was a thorny issue because it reflected a significant split between the Ashkenazim, Italians,

¹⁸ Congregations formed according to origins in the Ottoman Empire: J. Hacker, “Communal Organization among the Jewish Communities of the Ottoman Empire (1453-1676),” in A. Grossman, Y. Kaplan (eds.), *Kahal Israel. Jewish Self-Rule Through the Ages*, The Zalman Shazar Center for Jewish History, Jerusalem 2004, 287-309 [Hebrew]; Ben Naeh, *Jews in the Realms of the Sultans*, 54-73. Cyprus: A. David (ed.), Moses Basola, *In Zion and Jerusalem. The Itinerary of Rabbi Moses Basola (1521-1523)*, C.G. Foundation Jerusalem Project Publications of the Martin (Szusz) Department of Land of Israel Studies of Bar-Ilan University, Jerusalem 1999, 10 and 11 (pages 50, 52 in the English translation) [Hebrew]. The Epirus: L. Bornstein-Makovetsky, “Life and Society in the Community of Arta in the Sixteenth Century,” *Peamim* 45 (1991) 126-155 [Hebrew]; Ead., “The Social and Communal Organization of the Jewish Communities in Epirus during the Sixteenth Century,” *Mediterranean Historical Review* 6 (1991) 207-215; Venetian Corfu: Zeldes, “Jewish Settlement in Corfu,” 177-190.

¹⁹ *Kevod Ḥakhamim*, 80.

and Sephardim. The first two, along with the French rabbis, considered only formal ordination to be valid to “make someone a rabbi”, whereas according to Sephardic tradition, the criteria for rabbinical authority were rather loose and depended mostly on public acknowledgement.²⁰ Rabbi David therefore criticizes the Sephardic way: “for in Spain they were accustomed to give the title to one who was appointed by the king to be over the Jews (alluding to the position of the *Rab de la corte*, a political appointment), even though he may not have been expert in the law.”²¹ And this is so because the “Sephardim likened themselves to the Gentiles, since most of the great men of the Sephardim and the authors of their books were always close to the kings and the Gentile princes in their courts and castles.” Rabbi David condemns the last *rab de la corte* “as it is known of the rabbi of Castile whose end proved his glory” (alluding to the conversion of Abraham Senior).²²

Another point of contention was the fact that the Sephardim followed their own traditions in regard to ritual slaughtering (*sheḥiṭah*), marriage practices, the washing of the dead and burial, all of which ran contrary to Ashkenazi and Italian customs. Shimon Bernfeld, in his introduction to *Kevod Ḥakhamim*, mentions a bitter dispute concerning the case of a woman who died on Sabbath eve and was carried away and taken to be washed with heated water (presumably a violation of the Sabbath), and this was done with the permission of the Sephardic rabbis; the locals, however, protested that such a deed was against their customs. R. David opposed this deed and gave a sermon on it expressing his interpretation of the Law.²³

One more factor that may have contributed to the strife, is that the Sephardim, as Rabbi David remarks, were influenced by their exposure to phi-

²⁰ On the question of *semikhah* of rabbis and its history, and the evolvement of this institution in Italy, see: R. Bonfil, *Rabbis and Jewish Communities in Renaissance Italy*, trans. J. Chipman, Littman, London – Washington 1993, 28-52. Regarding the Sephardic concept of the rabbinate and R. David’s stand on this issue, see: *ibid.*, 31, 49-52.

²¹ On the appointment of *dayyanim* (judges) and rabbis by the monarchy in the Crown of Aragon, see: Y.T. Assis, *The Golden Age of Aragonese Jewry*, Littman, London – Portland 1997, 101-104, 141.

²² *Kevod Ḥakhamim*, 64-65; conversion of Abraham Senior: Y. Baer, *A History of the Jews in Christian Spain*, trans. L. Schoffman, Jewish Publication Society of America, Philadelphia 1992, Vol. II, 436.

²³ *Kevod Ḥakhamim*, x, xv.

losophy and “external learning,” and possibly because many of them were former *conversos* who had recently returned to Judaism.²⁴

4. Migration of Pugliesi Conversos to Valona

The migration of *conversos* to Valona in the late fifteenth century and early sixteenth is confirmed by several sources. One such source is the Responsa of Rabbi Ḥayyim ben Shabbetai Yonah that has several queries concerning Jewish converts to Christianity. A query, dated around 1497, concerns a Jewish family of Sicilian origins who was forced to convert in Naples during the French occupation, moved to Apulia, and later found their way to Valona:

And in those days, two years ago,²⁵ some people who converted in Naples when the King of France [Charles VIII] conquered the city, came here to Trani. The man is called Shabbetai Dimnshi (דמנשי), his son Eliah, and his two sons in law, Moshe Tawuil and Menaḥem ‘Atun. And they stayed in Trani for a few days living [there] as Jews, as they were before, because the gentiles around them knew nothing of their conversion. But they did not stay long in Trani because this [their conversion] became public knowledge. And so they left for Barletta and stayed there for a while, but then they went to Abilona (Valona), because they were afraid to remain in Barletta fearing they might be forced to embrace other gods [to convert, worship in a Christian church]. After these events Eliah died in Abilona...²⁶

²⁴ Argument of Shimon Bernfeld who collated and edited *Sefer Kevod Ḥakhamim* in 1899, Introduction. The presence of former *conversos* in the Valona community is confirmed by contemporary sources, to be discussed in the following pages. The earliest migration was in the 1460s, see note 6 above.

²⁵ King Charles VIII of France entered Naples on the 22nd of February 1495. The query was, therefore, sent about two years later.

²⁶ Ms. Firenze – Biblioteca Medicea Laurenziana Plut.88.47, fols. 24-28. The entire Responsa of R. Ḥayyim ben Shabbetai Yonah has been published: D. Ben Zazon, N. Zeldes, “The Responsa of R. Ḥayyim ben Shabbetai Yonah the Sicilian to the Communities of Southern Italy in a Time of Crisis, end of the 15th Century to the Early Sixteenth,” *Sefunot* 30 (2025) 123-222 [Hebrew]. See also: N. Zeldes, “Un rabbino siciliano in esilio. Rabbi Chayim ben Shabbetai Yonà,” *Rassegna Mensile di Israel* 87 (2021) [= M. Silvera, N. Zeldes (eds.), *Sicilia ebraica: passato e presente*] 39-53. This responsum has been partially published by A. David, “Spiritual Life in the Kingdom of Naples at the Turn of the Sixteenth Century according to Hebrew Texts,” in E. Baumgarten *et al.* (eds.), *Tov Elem: Memory*,

Before his death, Eliah told his family that while in Trani he married Mazal Tov, the daughter of Nissim Ris. He claimed that the *kiddushin* (marriage vows) had been witnessed by his brothers in law and the girl's uncle, who acted as his agent at the ceremony. The marriage was kept secret because the ordinances of the community of Trani prohibited a marriage not witnessed by ten men, some of whom have to be *parnassim* (lay leaders of the congregation), and the cantor's presence is also required. The *halahkic* problems raised by this case and Rabbi Ḥayyim's ruling have been discussed elsewhere.

Here it is important to draw attention to the identity of these Jewish exiles, their peregrination within the Kingdom of Naples, and their choosing Valona as their destination. Members of the groom's family have surnames that are typically Sicilian: טויל (spelling in Sicilian documents: Taguil) is a common surname of Jewish families from all over Sicily, and so is עטון (spelled in Sicilian documents as Actuni, Actano, Actono). The surname דמונשי is more difficult to reproduce and render in Latin script. It could indicate that the family originated from Demenna, identified by modern scholars as San Marco d'Alunzio, in eastern Sicily.²⁷ It is also possible that the surname should be read as De Menasce, which is not unknown among Jews in southern Italy. At any rate, according to the query the family was forced to convert in Naples by the French, and they moved to Trani, and then to Barletta. They lived as Jews in these Apulian cities, hiding their conversion from the local Christians. But fearing discovery and their branding as apostates, they left Italy for Ottoman Valona. This is a clear case of immigration from Apulia to Valona before the expulsions of 1511.

Valona as destination for repentant *conversos* is also mentioned in the chronicle of the Aragonese historian Jerónimo Zurita (1512-1580): "many converts of Jewish lineage who were living in Apulia, having learned that the inquisitors were going to attend to the matters of the Holy Office, went to Valona and other places in Turkey".²⁸ This migration can probably be dated to

Community and Gender in Medieval and Early Modern Jewish Societies. Essays in Honor of Robert Bonfil, Mosad Bialik, Jerusalem 2011, 287-305.

²⁷ For identifying Sicilian Demenna, see: C. Colafemmina, "Un copista ebreo a Demenna nel 1472," in N. Bucaria (ed.), *Gli ebrei in Sicilia dal tardoantico al medioevo. Studi in onore di Monsignor Benedetto Rocco*, Flaccovio, Palermo 1998, 89-98.

²⁸ "Luego que los convertidos de linaje de judíos, que estaban en Apulia, supieron que iban los inquisidores a entender en las cosas del Santo Oficio, los más se pasaron a la Belona, y a otras partes de Turquía;" A. Canellas Lopez (ed.), Jerónimo Zurita, *Historia del rey Don*

the time King Ferdinand was trying to establish an inquisition in the kingdom of Naples, between 1509 and 1510.²⁹

5. *A Responsum on the Migration of Jews from Lecce to Valona*

At the time of the expulsion, in 1511, Lecce numbered a hundred and nine hearths belonging to Jews, but it is unclear whether this number refers to converted Jews too. In 1512 the authorities were asked to deduct only thirty-one hearths from the total number of tax paying hearths,³⁰ could this astonishing small number of Jewish households indicate that out of a hundred and nine, only thirty-one were unconverted Jews? This is a valid question in view of the mass conversion that occurred in March 1495 when many Jews of Lecce were forced to convert by rioters.³¹

Little is known of routes taken by the Jews of Lecce after the expulsion, but a rabbinic *responsum* shows that at least some of the Jews of Lecce settled in Valona. A query addressed to Rabbi Yiṣḥaq ben Shemuel Adarbi (1520-1577) mentions a case that came before the rabbinical court of R. David ben Messer Leon in 1512 in Valona.³²

Perhaps the first important fact revealed by this *responsum* is the existence of a rabbinical court headed by Rabbi David in Valona and his standing as a rabbinical authority attested by his ability to call witnesses and force them to testify under oath. His ruling on this case, to be discussed presently,

Hernando el Católico: de las empresas y ligas de Italia, Diputación General de Aragón, Zaragoza 1991-1996, Vol. 5, Book 9, p. 109.

²⁹ On the attempt to establish a branch of the Spanish inquisition in the kingdom of Naples, see Luigi Amabile's classic *Il Santo Ufficio della inquisizione in Napoli*, Tip. Lapi, Città di Castello 1892 [reprint Rubbettino, Soveria Mannelli 1987], 100-108; Zeldes, *From Mass Conversion*, 82-101.

³⁰ C. Colafemmina, *Documenti per la storia degli ebrei in Puglia nell'Archivio di Stato di Napoli*, Regione Puglia – Istituto ecumenico "S. Nicola", Bari 1990, 243-244, 248.

³¹ Riots, the seizing of property, and forced conversion in Lecce: A. Pelliccia (ed.), Antonello Coniger, "Cronache," in *Raccolta di varie cronache, diarii, ed altri opuscoli appartenenti alla storia del regno di Napoli*, 5 vols., Naples 1782, Vol. 5, 30-31; N. Ferorelli, *Gli ebrei nell'Italia meridionale*, edited by F. Patroni Griffi, updated edition, Dick Peerson, Napoli 1990, 200-201; C. Massaro, "Ebrei e città nel mezzogiorno medievale: il caso di Lecce," *Itinerari di ricerca storica* 5 (1991) 9-50; Zeldes, *From Mass Conversion*, 41-44.

³² Responsa of R. Yizthak ben Shemuel: *Divrei Rivot*, Venice 1587 [modern edition: *Divrei Rivot*, s.n., Jerusalem 2012] Siman 154 [Hebrew].

was appreciated and endorsed by later eminent authorities such as R. Shemuel de Medina of Salonika, the Maharashdam (1505-1589),³³ and R. Yiṣḥaq ben Shemuel Adarbi, also of Salonika, whose responsum is analyzed in the following pages.

The case brought before R. Yiṣḥaq ben Shemuel Adarbi concerns R. Vital ben Aharon of Lecce who was rumoured to be a *mamzer*. According to Jewish law, a *mamzer* is the issue of a couple whose sexual relation is forbidden and punishable by *karet* (death), such as a union between brother and sister, or a married woman who has a child by a man who is not her husband. The status of a *mamzer* entails extremely serious consequences, for example, a marriage between a *mamzer* and a legitimate Jew is absolutely prohibited, and the status of a *mamzer* persists up to the tenth generation.³⁴ The suspicions concerning R. Vital, therefore, could have been disastrous, unless he was cleared. According to the *responsum* of Rabbi Yiṣḥaq ben Shemuel Adarbi, several witnesses from among the Lecce exiles (גרוש ליצי) were brought to testify before the rabbinical court on the circumstances of R. Vital's birth.

The *responsum* is lengthy and it cites numerous authorities regarding the status of *mamzer* and the conditions for declaring someone a *mamzer*, concluding that R. Vital cannot be a *mamzer* and all the slanderous allegations were just hearsay.

The *responsum* has considerable historical value since it documents not only the settlement of some of the Lecce families in Valona, but also gives the names of several Jews who left that city and sheds some light on their previous existence in Lecce before the expulsion. The story of R. Vital's mother mentions the death of her first husband, Judah de Loscavo (or dello Scavo, דלושקבו), of the plague. This is an almost certain reference to the epidemic that struck the kingdom of Naples in 1493, believed to have been brought by the Jewish refugees. The birth of R. Vital about two years later coincides with the time of the French conquest of the kingdom during the winter and spring of 1495, a time when Jews were robbed, molested, and in many cases forced to convert. The troubled times may explain the confusion regarding Cucilla's divorce and remarriage as well as the exact date of R. Vital's birth, which in

³³ Responsa of Maharshdam: D. Avitan, Sh. Deutch *et al.* (eds.), *She'elot u-Teshuvot Maharshdam*, Zikhron Aharon, Jerusalem 2015, *Yoreh Deah*, Siman 216 [Hebrew].

³⁴ For a definition of the term *mamzer*, see: M. Elon, "Mamzer," in M. Berenbaum, F. Skolnik (eds.), *Encyclopedia Judaica*, 2nd Edition, Macmillan Reference, Detroit 2007, Vol. 13, 442-445.

turn led to rumors of his being a *mamzer*.³⁵ Still, the presence of several witnesses who testified before the court of R. David ben Judah Messer Leon, indicates that there were in Valona several Jewish families from Lecce at the time. Moreover, these men remembered the story of Cucilla and her husbands. Here we can surmise that they were adults (or at least young men) at the time, and about fifteen or seventeen years later, presented themselves at R. David's court. Did they escape the forced conversion of 1495, or were they repentant converts? The *responsum* is silent about that.

R. Vital's case was weighted by R. David's court in 1512 and it concluded that there was no possibility for him to have been born a *mamzer*, since his birth occurred at least a year and a half after Cucilla's divorce from her first husband. It is interesting, however, that so many years later he was still branded as a *mamzer* and R. Yiṣḥaq Adarbi had to expose again all the arguments that cleared R. Vital. One can guess that by that time R. Vital must have been worried about his descendants' status rather than himself, and that is why he wanted to put an end to the slander. On the other hand, the continuing arguments about R. Vital's family show that the descendants of the original group of Jews from Lecce remained in contact with each other and probably still formed a community.

Lastly, the names of the people involved, Cucilla and her husbands, the woman Ritonda, and the witnesses, are all rendered phonetically in Hebrew script. Judah דלושקבו should be probably rendered as dello Scavo. Aharon's surname, דלושטרוק (dello Struc?) resembles the Catalan name Astruc, and could indicate Sephardic origins. The witnesses who gave evidence at the court of R. David were: Rabbi Joseph de Putilo (דפוחילו), Rabbi Yedidya, Menaḥem de Leah/de Lia (מנחם דליאה), and Rabbi Shlomo del Bitantia (? (דלביטנטיה). The extant sources do not allow an identification of these individuals and families but it is possible that further research would provide more information.

Beyond the historical importance of this *responsum* to the fate of the exiles of Lecce, the strong endorsement of R. David ben Judah Messer Leon by at least two important rabbinical authorities of the time, throw light on his *halakhic* standing and his activity as spiritual leader of the community. Previous studies focused on his philosophical and literary works as an Italian *Hakham Kolel*, and also drew attention to his controversial intellectual figure (espe-

³⁵ As noted above, transcribing the Hebrew names as they were likely written in Latin script is problematic. As far as possible we have tried to render them according to known contemporary sources. We thank Prof. Giancarlo Lacerenza for his suggestions regarding the names.

cially in his criticism of Don Isaac Abravanel), and less as a rabbinic authority.³⁶ The thorny case of R. Vital shows another side of his intellectual activities and achievements.

6. Conclusions

The early settlement of Jews and *conversos* in Valona has occurred in several stages in the course of about fifty years, and we can safely assume that it continued towards mid-sixteenth century. Although Jews were present in the area before the Ottoman conquest, the city's change of government probably facilitated and encouraged Jewish settlement. Its closeness to southern Italy was in all likelihood a favourable factor too, as it allowed the Jews to travel back and forth, trade, and keep family connections. Ottoman rule freed the newcomers from persecution, and former *conversos* could safely return to Judaism.

The earliest documented *converso* migration to Valona is strongly tied to the beginning of the inquisition's activity against *conversos* in Aragon.³⁷ Later *converso* migrations are also connected to their persecution either by local Christians or the inquisition, as was the case for the Sicilian family who fled from Apulia to Valona in the wake of the 1495 forced conversions, and then the converts of Apulia who feared the coming of the Spanish inquisition. But it is likely that the bulk of Jewish newcomers was formed by the exiles of the expulsions of 1492, 1497, 1511, and later. R. David ben Judah Messer Leon is revealed by rabbinic *responsa* discussed above as well as by his own *Kevod Hakhmim* as a leading spiritual figure, and a *halakhic* authority. He was not entirely above the strife that plagued the Valona community, the differences between Portuguese and other Sephardim, the split within the Sephardic Jews of different origins, and so on. And yet, he was respected by his contemporaries as demonstrated by the court he assembled to rule on R. Vital's case and by the younger generation of rabbis – R. Shemuel de Medina and R. Yiṣḥaq ben Shemuel Adarbi – who endorsed his rulings and praised him for his *halakhic* expertise.

³⁶ Tirosh-Rothschild, *Between Worlds*; E. Gurfinkel, *Ein ha-Kore: Perushei Moreh Nevukhim*, Bar-Ilan University, Ramat-Gan 2010 [Hebrew]; see also Id., "Perush Eikha (Exegesis on the book of Lamentations) by R. David ben Judah Messer Leon," *Kovetz Al-Yad* 28 (2022) 145-261 [Hebrew].

³⁷ Baer, *Urkunden und Regesten*, and see: N. Zeldes, "Spanish Attitudes Toward Converso Emigration to the Levant in the Reign of the Catholic Monarchs", *Eurasian Studies* 2 (2003) 251-271.

Lastly, rabbinic responsa is proving again and again that it can serve as an important instrument in historical research. It can complement the information given by other sources, and sometimes provide new information, and in our case, the settlement of Lecce Jews in Valona in the aftermath of the expulsion of 1511.

DOCUMENT

דברי ריבות (ר' יצחק בן שמואל אדרבי, נולד 1520 – 1577, חי בסלוניקי)
 שו"ת דברי ריבות, סימן קנד, נדפס ונציה 1587
 הוצ' מודרנית: שו"ת דברי ריבות ירושלים, תשע"ב

טופס העדות אשר נתקבל על רבי וויטאל בר אהרן הכהן בעיר אבילונה בבית דינו של החכם הכולל הרב כמהר"ר דוד בכמהר"ר הרב הגדול הה"ר יהודה הנקרא מיסיר ליאון זלה"ה.

ביום [שני] בשבת כ"ג לחודש סיון שנת הרע"ב לבריאת עולם, למנין שאנו מונין כאן בק"ק [קהילת קודש] אבילונה, בא רבי ויטאל בר אהרן כהן בפני קהל ועדה, ובפני מרנא ורבנא הה"ר דוד בכמהר"ר הרב הגדול ה"ר יהודה ז"ל ושאל דינו מהקול שיצא עליו זה כמה שנים בליצי שהיה ממזר.

ועתה שאל, שילקח עדות מהזקנים שבאו מגרוש ליצי, היודעים זה הענין בבירור, להיות לידתו שם בזמנם. והרב הנזכר השיב, שילקח בשבועה וחרם בכל בתי כנסיות אבילונה, וכן הוסכם. ונעשה כרוז בכח נח"ש [נידוי חרם שמתא] שכל אדם שידע – יבוא ויעיד.

אחרי כן ביום ב' ט' לחודש תמוז שנת הנזכר קבעו בית דין לקבל העדיות. ואלו העדים שבאו להעיד:

ראשונה, העיד רבי יוסי דפותילו בשבועה וחרם. ואמר, שבהיות אשה אחת ושמה קושילה אשת יהודה דלושקבו נתקוטטו יחד עם בעלה מפני שהיה חושד יהודה הנז' אותה מאיש אחר שמו אהרן דלושטרוק אביו של זה ויטאל, עד שנתפרדו זה מזה בגט. אחרי כן, יהודה הנזכר נשא אשה אחרת שמה ריטונדה. ואחר בא הדבר ומת יהודה הנזכר. ואחרי שנה ויותר נולד ויטאל מקושילה ומאהרן הנזכר.

שנית, העיד רבי ידידיה ואמר בשבועה וחרם, שבהיות שהיה החשד הזה, אמרו אחיו של הר' יהודה הנזכר: תוציאנה מלפניך ותגרשנה בגט. וכן עשה. ואז אחרי הגרושין לקח יהודה את ריטונדה לו לאשה, ומת יהודה הנזכר בדבר. ואחר שנה או שנה וחצי נולד ויטאל הנזכר מקושילה ומאהרן הנז'.

שלישית, העיד רבי מנחם דליאה בשבועה הנז'. ואמר, שבהיות יהודה הנזכר חושד אשתו קושילה מאהרן הנזכר, אמר מוטב שאגרשנה בגט, וכן עשה. ולקח אשה

אחרת ריטונדה שמה. ואחרי מיתת יהודה הנז' שנה וחצי או שנתיים נולד ויטאל הנזכר מקושילה הנז'.

רביעית, העיד ר' שלמה דלביטנטיה בשבועה הנזכרת. ואמר, איך הכיר אמו של רבי ויטאל הנזכר שמה קושילה, ובעלה שמו יהודה דלושקבו. ולבסוף גירשה בגט, ולקח אשה אחרת, שמה ריטונדה. ובא דבר בעיר, ומת יהודה הנזכר. ואחר מיתתו כמו שנה וחצי ילדה קושילה הנזכרת מאהרן הנזכר את בנה ויטאל הנזכר.

ואחרי שנתקבל העדות הנזכר, פסק החכם הנזכר ז"ל איך ויטאל הנזכר אין בו שום פסול ממזרות, כמו שהאריך בפסק שעשה.

עתה מקרוב, כיון שנתישן הענין, רצה רבי ויטאל הנזכר לחדש ולחזק הענין ברוב בנין ורוב מנין, כי אולי היו מרעים מרננים אחריו. ושאל את פיננו מה יהיה דינו לסכר פי דוברי שקר, וכתבו כמה חכמים על הענין, וזאת תשובתי בענין:

ראיתי אלדים אדירים והמה חכמים מחוכמים מעלים מן הארץ ומקימים מעפר לרבי ויטאל להושיבו עם נדיבים וכסא כבוד ינחילוהו להכשירו לבא בקהל, ואין בו שום צד פיסול ממזרות. וודאי מי יבא אחרי המלכים, מאן מלכי רבנן, שכל דבריהם חזקים כראי מוצק וכמו מסמרות נטועים ביסודי דת שעשועים, ואינם צריכים חיזוק. אבל, כדי שלא להשיב פני השואל ריקם, אצא לעזרת ה' בגבורים, ואחזה דעי אף אני. והוא שאין ברבי ויטאל הנז' שום צד פיסול ממזרות. וטעמא דמילתא, דשלשה מיני ממזרים יש: ממזר ודאי, ממזר ספק, ממזר מדברי סופרים.

ממזר ודאי, זה שבא מן הערוה. הודאי, כדתנן ביבמות פרק החולץ (מד ע"א): איזהו ממזר כל שאר בשר שהוא בלא יבא דברי רבי עקיבא, שמעון התימני אומר כל שחייבין עליו כרת בידי שמים. והלכה כדבריו, ופסק רב אלפס כשמעון התימני (טו ע"א בדפי הרי"ף), והרמב"ם (מ"ת הל' איסורי ביאה טו, א) וכל הפוסקים כלם.

ממזר ספק, כגון הבא על האשה שנתקדשה ספק קדושין או נתגרשה ספק גרושין. ממזר מדברי סופרים, כי הא דתנן ביבמות פרק האשה רבה (פט ע"ב): האשה שהלך בעלה למדינת הים ובאו ואמרו לה מת בעלך, וניסת. ואחר כך בא בעלה: תצא מזה ומזה וצריכא גט מזה ומזה וכו' והולד ממזר מזה ומזה. ופרכינן בגמרא: בשלמא משני ממזר, אלא מראשון אמאי אשתו היא וישראל מעליא הוא, וקא שרינן ליה בממזרת? אמר ליה: הכי אמר שמואל אסור בממזרת, וכן כי אתא רבין אמר רבי יוחנן אסור בממזרת. ואמאי קרי ליה ממזר? לאוסרו בבת ישראל. ופירש רש"י שם: לאוסרו בבת ישראל וקנסא בעלמא הוא וכו'. הרי, שאין ממזר זה אלא מדבריהם. וכן כתב הרמב"ם ז"ל הלכות גרושין פרק עשירי (הל' ז): ואם בא עליה הראשון קודם שיגרש השני הרי הולד ממזר מדבריהם. ופירש שם הרב המגיד דוקא שבא עליה קודם שיגרש השני משום דעשאוה כאשת איש מן השני מדבריהם, אבל בא עליה אחר שיגרשה השני אפילו היה הראשון כמחזיר גרושתו אחר שנשאת, הא קיימא לן שאין ממזר מחייבי לאוין ולא קנסו בהם חכמים. וכן כתב גם כן פרק ט"ו הלכות אסורי ביאה (הל' י).

והשתא נדון דידן אמאן תרמיה, אי לממזר ודאי – ליתא, שהרי כל העדיות שנתקבלו בבית דין חשוב ובכנופייא גדולה בשבועת האלה כלם מעידים מגידים שאחר שנתגרשה קושילה אם רבי ויטאל הנזכר מבעלה הראשון, ואחר שמת בעלה הראשון יותר ויותר משנה או שנה וחצי או שנתיים נולד רבי ויטאל הנזכר. וכיון שכן, אי אפשר

לומר שבא אביו של רבי ויטאל הנזכר על אמו בהיותה תחת בעלה הראשון והולידו, שאם כן איך נשתהא כל כך בבטן אמו עד שעבר כמו שנה וחצי אחר שנתגרשה לפי מה שהעידו העדים?! דהא קיימא לן שאין העובר משתהא במעי אמו יותר על שנים עשר חודש, וכן פסק הרמב"ם פרק ט"ו הלכות איסורי ביאה (הל' יט), והטור אבן העזר סימן ד', וכל הפוסקים. וכיון שכן, אין כאן ממזר ודאי, וגם לא ממזר ספק, שהרי נתגרשה קושילה הנזכרת גירושין גמורין ודאין. ואחר הגירושין, וגם אחר מיתת בעלה הראשון יותר משנה או שנה וחצי נולד ויטאל הנזכר כמו שכתבתי. וגם לא ממזר מדברי סופרים, דעד כאן לא קנסו חכמים אלא דוקא בההיא דהאשה שהלך בעלה למדינת הים – כי היכי דתידוק, וכמו שכתבו התוספות בהחולץ (יבמות מט ע"ב ד"ה סוטה נמי) אבל בדוכתא אחרונא לא, שהרי נדה וסוטה דאחמירו לא קנסו, דהא אמרינן פרק החולץ (יבמות מט ע"א): אמר אביו הכל מודים בבא על הנדה והסוטה שאין הולד ממזר. ואף על גב דבא על נדה קאי בכרת, וגם סוטה הוא מחייבי לאוין, מכל מקום לא קנסו חכמים להיות הולד ממזר מדבריהם. וכן במחזיר גרושתו אחר שנשאת לאחר, אף על גב שהיא מחייבי לאוין דלא יוכל בעלה הראשון וכו' (דב' כד, ד) – לא קנסו חכמים להיות הולד ממזר מדבריהם, כמו שכתב הרב המגיד פרק ט"ו הלכות איסורי ביאה (הל' י): וז"ל: לא גרע ממחזיר גרושתו לאחר שנשאת שלא מצינו בה תקנת חכמים לומר הולד ממזר. וכן הלכות גרושין פרק עשירי כתב (הל' ז): מחזיר גרושתו אחר שנשאת הא ק"ל שאין ממזר מחייבי לאוין, ולא קנסו בהם חכמים.

ואף על גב דר"ח כתב דמסוטה נהי דלא הוי ממזר מדאורייתא מדרבנן מיהא הוי ממזר, כבר דחו התוספות סברתו בסוף פרק החולץ בדבור המתחיל סוטה נמי (שם) דהא תפסי בה קדושין וכו'. ועוד, דאפילו לר"ח לא קאמר אלא דווקא בסוטה שהיה בה קנוי וסתירה, אבל בנידון דידן דאפילו חיוב להוציאה מתחת בעלה הראשון לא היה בה אלא בעלה הראשון רצה לגרשה מפני שהיה חושדה עם אביו של ויטאל הנזכר אבל בית דין לא הזקיקוהו על כך כפי מה שהעידו העדים – ודאי לא דיינינן ביה הא דתנן ביבמות פרק כיצד (כד ע"ב) הנטען על אשת איש והוציאה מתחת ידו אף על פי שכנס יוציא. ופירש רש"י והוציאוהו בית דין מתחת בעלה בשביל שאסרה עליו וכו', אבל בנדון דידן לא היה שם לא עדי טומאה ולא עדי כיעור אלא קול בעלמא. ואפילו ההוא קלא אית ביה רעותא משום דאיכא אויבים, וכדאמרינן ביבמות סוף פרק כיצד (כה ע"א): אבל איכא אויבים – אויבים הוא דאפקי ליה לקלא, וכמו שהאריכו בזה החכמים השלמים הפוסקים.

ולכן אין צורך להאריך אלא דבהא סלקינן ונחתין שאין במשפחתו של רבי ויטאל בר אהרן הכהן הנזכר שום צד פיסול ממזרות לא מדאורייתא ולא מדרבנן, וכל המוציא שום לעז עליו ראוי לייסרו ועובר על דברי חכמים ישכנו נח"ש[נידוי, חרם, שמתא] זהו מה שנראה לעניות דעתי ואמר לי לבי הצעיר יצחק בכ"ר [בן כבוד רב] שמואל אדרבי זלה"ה [זכרונו לחיי העולם הבא].

Responsum: Yişhaq ben Shemuel Adarbi, *Divrei Rivot*, Siman 154

Translation

Deed of testimony hereby received about Rabbi Vital bar Aharon ha-Cohen in the city of Valona at the court of the *Hakham Kollole* the Rabbi, our honored teacher and rabbi David, son of our honored teacher and rabbi the great rabbi, rabbi Rabbi Judah known as Messer Leon, may his memory persist in the after life.

On [Monday] after the Shabbat, on the 23rd in the month of Sivan in the year 5272 [1512] to the Creation as we are accustomed to record here in the holy congregation of Valona, R. Vital Bar Aharon Cohen came and stood before the congregation and the Teacher and Rabbi, the Rav Rabbi David, son of our honored teacher and rabbi the great rabbi, the Rav Rabbi Judah of blessed memory, and he asked what is the ruling regarding the rumours that spread some years ago in Lecce claiming that he was a *mamzer*.

And now he demanded that [the court] compel the elders of the expulsion (*gerush*) from Lecce to testify, as they are familiar with this matter, since he was born there in their time. And the aforementioned rabbi answered that the testimony would be taken under oath and threat of excommunication (*herem*) in all the synagogues of Valona, and so it was agreed. And they issued an injunction ordering any man who knew [about the case] to present himself and testify under threat of ostracism, exclusion, and excommunication (by *nidui*, *herem*, and *shamta*) that anyone with knowledge of the matter should come forward and testify.

And then, on Monday the 9th of Tamuz of the same year, they assembled a court in order to receive the testimonies. And these were the witnesses who came to testify.

First testified Rabbi Joseph de Putilo under oath and *herem*. And he said that a woman named Cucilla, wife of Judah de Loscavo (?), quarreled with her husband because the said Judah suspected that she was having [an affair] with a man named Aharon de Lostruc, father of the present Vital, until they separated by getting a bill of divorce (*get*). Afterwards, the said Judah married another woman named Ritonda, and then came the plague and Judah died. Vital was born to Cucilla and the said Aharon after more than a year.

The second witness was Rabbi Yedidya who testified under oath and *herem* that when such a suspicion arose, the brothers of the said Judah advised him to get rid of her by giving her a bill of divorce (*get*), and so he did. After the divorce, Judah married Ritonda, and then the said Judah had died of the plague. After a year or a year and a half, Vital was born to Cucilla and the said Aharon.

The third witness was Rabbi Menahem de Lea who testified under oath. He said that when the aforementioned Judah suspected his wife Cucilla of relations with the said Aharon, he said I had better divorce her, and so he did. And he married another woman named Ritonda. After Judah's death, about a year and a half or two years, Vital was born to the said Cucilla.

The fourth witness was R. Shlomo del Bitantia (?) who testified under oath. He told [the court] that he knew R. Vital's mother's whose name was Cucilla and her husband Judah de Loscavo (?). In the end, he divorced her by giving her a bill of divorce (*get*), and then took another wife, whose name was Ritonda. And the plague came to the city and the said Judah later died. About a year and a half after his death, Cucilla gave birth to R. Vital from the aforementioned Aharon.

And after hearing all the above testimonies, the aforementioned sage ruled that R. Vital was cleared of any suspicion of *mamzerut*, as he detailed extensively in his legal decision. And now, since the matter had been discussed a long time ago, the said R. Vital wished to renew and strengthen the ruling before the vast majority [of the community] because some people were still spreading calumnies about him. And he asked us how can he put a stop to the slanderers, and so several sages have written about this matter, and here is my humble response:

And I saw, Almighty God, how the wise sages raised from the dust and lifted R. Vital from the refuse heap to set him with the great men of his people placing him at the seat of honor and permitting him to join the congregation, and he suffers no stain of *mamzerut*. And surely who can come after the kings, who is greater than kings if not the rabbis, as all their words are as strong as a solid mirror and well driven nails based on the principles of our delightful religion, and they do not need reinforcing.

But in order not to disappoint the questioner, I shall seek help of the Lord among the mighty (paraphrase on Judges 5:23), and I shall add my opinion, that there is no stain of *mamzerut* affecting the aforesaid R. Vital. And the reason for that is that there are three types of *mamzerim* according to the Halakha: there is the certain *mamzer*, the doubtful *mamzer*, and *mamzer* by rabbinic decree.

A certain *mamzer* is one born from incestuous relations. The certain one is, as the [*Gemara*] teaches us in *Yevamot Perek ha-Holeš* (44a): it is the offspring of a union with any of the next of kin that is subject to a Torah prohibition that one should not engage in sexual relations with them; that is the statement of Rabbi Akiva, Shimon ha-Timni says: It is the offspring of a union with any forbidden relative for which one is liable to receive *karet* at the hand of Heaven. And the *halakha* is in accordance with his statement. And Rabbi Alfasi ruled as Shimon ha-

Timni (Alfasi, 15a)³⁸ and Maimonides in *Mishneh Torah* (Laws of Forbidden Intercourse, 15a). And so are [saying] all the sages (*poskim*).

A doubtful *mamzer*, such is the case of [one born] from sexual relations with a woman whose married or divorced status is in doubt.

A *mamzer* by rabbinic decree, we learn this from *Yevamot*, *Perek ha-Isha Rabba* (89b): With regard to a woman whose husband went overseas, and witnesses came and they said to her: Your husband is dead, and she remarried another man on the basis of this testimony, and afterward her husband came back from out of the country, she must leave both this man and that one, as they are both forbidden to her. And she requires a bill of divorce (*get*) from this one and that one... and the offspring is a *mamzer* from this one and from that one. Her child from the second husband is a definite *mamzer*, as she was never divorced from her first husband, and the Sages decreed that if she returned to her first husband, a child born later from him, is also a *mamzer*... And the *Gemara* asks: Granted, the child from the second man is a *mamzer*, as he was born to a married woman from a man who was not her husband. However, with regard to the child from the first husband, why is he a *mamzer*? After all, she is his wife, and by Torah law their son is a full-fledged Jew. And the Sages' declaration that he is a *mamzer* cannot be seen as a mere stringency, as they permit him to a *mamzeret*... He said to him, Shemuel said as follows: It is forbidden for the child to marry a *mamzeret*. And similarly, when Ravin came from Eretz Yisrael, he said that Rabbi Yohanan said that the child is forbidden to a *mamzeret*. And if so, why does the *Mishnah* call him a *mamzer*? This is to teach us that the Sages are stringent and render it prohibited for him to marry a regular Jewish woman. And Rashi interprets, he is forbidden to marry a daughter of Israel but it is only a (rabbinic) fine (*kenasa*).³⁹

And so wrote Maimonides of blessed memory in *Mishneh Torah* in his treatise on Divorce (*Laws of Divorce* 10:7): if her first husband had intercourse with her before she is divorced by her second husband, the child is likewise a bastard (*mamzer*) on the authority of the Sages.⁴⁰ And the *Maggid Mishneh*⁴¹ explains: it is only

³⁸ *Yevamot*, *Perek ha-Isha*, in *Halachot of rabenu Yitzhak Alfasi (Ri"ף)*, Makor, Jerusalem 1973.

³⁹ *Perush Rashi* (Rabenu Shlomo Ytzchaki) to TB, tractate *Yevamot*: Rashi, *Yevamot*, 79b.

⁴⁰ Maimonides, *The Code of Maimonides*, trans. I. Klein, Yale University Press, New Haven and London 1972, Book Four, *The Book of Women*, Chapter X, p. 232.

⁴¹ R. Vidal de Tolosa (1283-1360) author of *Maggid Mishneh*, a commentary on Maimonides' *Mishneh Torah*, also known as *Yad ha-Ḥazaka*. Parts of his commentary survive in a printed edition of *Yad ha-Ḥazaka*, Constantinople 1509. On R. Vidal, see: Y. Horowitz, "Vidal Yom Tov of Tolosa," in *Encyclopaedia Judaica*², Vol. 20, 517. The encyclopaedia article places his birth at Tolosa in Catalonia, but according to recent studies he was from

when he came on her before the second [husband] divorced her that she is according to their ruling, the wife of the second, but if he came on her after the second [husband] had divorced her, even if the first [husband] is like one who has taken back his divorced wife after she remarried, [her offspring] is not a *mamzer* and according to the Sages, and the Sages did not impose any rabbinic penalty in such cases. And so he [Maimonides] wrote in his treatise on *Forbidden Intercourse*, chapter 15.

And now to the case that is before us, as for a certain *mamzer* – it is not, because all the testimonies received by the great rabbinical court and by a large number of people, and under oath, all testify that the first husband of Cucilla, mother of Vital, had divorced her, and that the said R. Vital was born more than a year or a year and a half, or even two years later after her first husband had died. And therefore, it is impossible to claim that R. Vital's father came on his mother when she was still married to her first husband and engendered him, since if it were so, how is it possible that he remained in his mother's womb more than twelve months? Because, we have an established halakhic principle: A fetus cannot remain in the womb for more than twelve months. And so has Maimonides ruled in his *Forbidden Intercourse*,⁴² chapter 15,⁴³ and the Tur in *Even ha-Ezer* Siman 4, and so did all Sages. And since it is so, this is not the case for a certain *mamzer*, not even a doubtful *mamzer*, because Cucilla was given a clear bill of divorce. And after the divorce, a year or a year and a half had passed after the death of her first husband, was the birth of her son Vital, as I have written. And he is not a *mamzer* by rabbinical decree, since the Sages had fined only that woman whose husband went overseas, so that women should be careful before remarrying, as it is written by the *Tosafot* in *Yevamot ha-Holeš* (49a), but in other situations they did not impose this penalty. For even regarding the following severe prohibitions, the Sages did not deem the offspring a *mamzer*: *Niddah* and *Soṭah*, even though she is forbidden by a negative commandment. As the *Gemara* states (*Yevamot* 49a): Abaye said: All agree that one who has relations with a *niddah* or a *soṭah*—the child is not a *mamzer*.⁴⁴

Toulouse, France: I.N. Rubin, "Rabbi Vidal de Tolosa, author of Magid Mishne and his Attitude to Philosophy and Science", *Daat* 84 (2017) 139-153 [Hebrew].

⁴² Maimonides, *Forbidden Intercourse*, 15,19.

⁴³ *Even ha-Ezer* in *Otzar ha-Poskim*, Vol. 1, *Hilkhot Periah u-Reviah*, Siman 4, Jerusalem 1990.

⁴⁴ English translations from the Talmud Bavli, unless indicated otherwise, are according to the Koren Steinsaltz edition: *Koren Talmud Bavli*, The Noé Edition, Commentary by Rabbi A.E.I. Steinsaltz, Koren, Jerusalem 2015.

Even though one who has relations with a menstruant is liable to *karet* (excision), and (one who has relations with) a *sotah* falls under those liable for a negative prohibition, nevertheless the Sages did not impose a penalty that the child be deemed a *mamzer* by rabbinic law.⁴⁵ And so is the case for a man who takes back his divorcee after she married another, even if her first husband should not take her to wife again (Deut. 24:4), the Sages have not decreed the offspring to be a *mamzer*, as said the Rav ha-Maggid [*Mishneh*] in his commentary on *Forbidden Intercourse* 15: and the one who takes back his divorcee after she remarried, is not punished since the Sages have decreed that the offspring is not a *mamzer*. And also in *Hilkhot Gerushin* chapter 10 (commentary on Maimonides's *Divorce* chapter in *Mishneh Torah*) he wrote: One who takes back his divorced wife after she has married (another man)—it is established that there is no *mamzer* from those liable for a negative prohibition, and the Sages did not penalize (i.e., decree *mamzerut*) in such cases.⁴⁶

Even though Rabbeinu Ḥananel wrote that regarding a *sotah*: although the child is not a *mamzer* by Torah law, still by rabbinic law he is considered a *mamzer*—the *Tosafot* already rejected his reasoning at the end of the chapter *Ha-Holeṣ* (*Yevamot*), in the passage beginning ‘*Sotah nami*’ (there), because betrothal takes effect with her, etc. And furthermore, even according to Rabbeinu Ḥananel, he said this only specifically about a *sotah* in a case where there was *kinui* (warning) and *setirah* (seclusion), but in the present case, there was not even a ruling ordering her husband to divorce her, only her first husband wanted to divorce her because he suspected her of [having relations] with the father of the said Vital, but the rabbinical court did not order him to do that, as the witnesses testified, and surely not as we learn from *Yevamot* chapter *Keitzad* (24b):

With regard to one who is suspected of illicit relations with a married woman and they, the judges of the court, removed her from her husband, i.e., required them to divorce due to this, even if the man suspected of the illicit relations subsequently married her, he must divorce her. And Rashi commented that [in such a case] the court orders to take her from her husband because she is forbidden to him.

But in this case there were no witnesses for this being unclean or distasteful, only rumor. And even that rumor is suspect, since it is being spread by enemies, as it is said in *Yevamot* (25a), but if he has enemies it may be assumed that it is the

⁴⁵ TB, *Kiddushin*, 68a, Koren Steinzaltz edition.

⁴⁶ Both refer to the opinion of R. Vidal de Tolosa (see note 41 above), known as the *Maggid Mishneh*, in his commentaries on Maimonides's *Forbidden Intercourse* 15 and *Divorce* 10.

enemies who put out the rumour about him, and the wise Sages have discussed this at length.

Therefore there is no need to elaborate further; rather, with this we conclude (this matter) and rest our case, but dismiss this matter and rule that in the said R. Vital ha-Cohen bar Aharon's family there is no party disqualified by *mamzerut*, not according to the Torah, nor by rabbinical decree, and anyone who spreads such slander should be punished and he is committing a transgression, and is liable to excommunication, and ostracism and ban dwell upon him (*yishakhenu nahash*).

This is so in my humble opinion and so has my heart told me, I the young man, Yiṣḥaq son of the honored rabbi Shemuel Adarbi may his memory persist in the after life.



Fig. 1. Simon Pinargenti, map of Vlora (Valona), 1573. © Eran Laor Cartographic Collection, The National Library of Israel and the Hebrew University of Jerusalem, Department of Geography, Historic Cities Research Project.