A clandestine marriage

The ponderous tomes of rabbinic literature, as it is popularly conceived, would be the last place to which one would turn to find material of human interest. But law must of necessity deal with life; and fact, in spite of the fatuous proverb, is sometimes stranger than fiction.\(^{1}\)

With these words Cecil Roth opened his essay 'Romance at Urbino', in which he deals with a case in an era and vein not far removed from the one I will discuss here. During the period since Roth published the original version of his essay in 1925 Jewish scholarship has turned increasingly to those 'ponderous tomes' for historical information. While it is no longer novel to use responsa or other legal texts in this way, the discovery of dramatic episodes has not lost its romance.

A question and response are preserved in a manuscript volume of notes and correspondence from the pen of Rabbi Solomon Aailion, which consider the case of a clandestine marriage among the conversos and its consequences. Aailion (d. 1728), then serving as haham of the Portuguese congregation of London, received the query from his close friend Rabbi Jacob Sasportas (1610-1698), who had formerly held the same post in

\(^{1}\) Cecil Roth, 'Romance at Urbino', in id., Personalities and Events in Jewish History, Philadelphia 1961, 275.


Here is a question which the great sage, the perfect and honoured Rabbi Jacob Sasportas, asked me. This concerns a certain converso from among the forced converts of our times. He had been in Bayonne, a place where he was free to have himself circumcised [i.e. there was no Inquisition], and he did not do so. He cast his eyes upon a certain woman whom he wished to take for himself, and spoke to her of his desire. She responded to him in the presence of her brethren: ‘God forbid that I should give myself to an uncircumcised man, and without kiddushin and the seven blessings!’ The said converso promised to have himself circumcised immediately, but wanted first to become engaged to her [bethehilah yaqdishenah.] He asked about the kiddushin and how it is performed. She told him that he must give her a ring before two witnesses. He immediately brought two disreputable witnesses and gave her a ring. All felt that this brought matters to a conclusion: he would now complete the marriage and become circumcised.

This, however, was not the intention of the converso. He said that he needed to go to the city of Rouen because his house and all his property were there, but that after going there he would move...