

An Almost Tangible Presence: Some Thoughts on Material Purity among Medieval European Jews

Ephraim Shoham-Steiner

1 Introduction

Material purity and bodily purity were considered prime imperatives in ancient Israelite culture. As early as the biblical teachings in the book of Leviticus we hear of the central importance of material purity to the priestly cult as well as some aspects of material purity that had to be maintained by the larger body of the Hebrew populace. The belief in the immanent presence of the almighty within the Israelite camp in the tabernacle sanctuary and later in the Jerusalem shrine translated into an elaborate set of rules, regulations and dicta that were probably enforced and practiced during the First Temple period (1000–586 B.C.E.) and certainly so in the Second Temple period (500 B.C.E.–70 C.E.). Textual as well as archaeological evidence, especially from the fourth century B.C.E. and well into the first century C.E. confirm the importance of material purity in this culture.¹

1 I will not survey in this short article the very elaborate legacy of the concepts of purity and impurity in the Jewish tradition. For some introductory notes on the earlier concepts of ritual purity in biblical and rabbinic Judaism see H. Liss, “Patterns of Intensification” in this volume. It is my feeling that Prof. Liss’s article and my own complement one another and read together may provide a nuanced and deeper picture of the notions of material purity in medieval Ashkenaz. On the evolution of the Levitical concepts from the biblical period to the second temple period see Milgrom, *Leviticus 1–16*. To date the best survey on these matters of material purity is Vered Noam’s recent book in Hebrew: Noam, *From Qumran to the Rabbinic Revolution*. Some of the arguments made in the book may be found in: Noam, “Ritual Impurity”. Earlier works on material purity in Jewish heritage that are worth mentioning here are: Alon, “The Bounds of the Laws”. In this article Alon argued the expansion of material purity from the realm of the Jerusalem temple to the public arena. On this matter and its reflection in the gospels see Furstenberg, “Defilement Penetrating the Body”. As for the wide spread implementation of the material purity laws see Sanders, *Jewish Law*. One of the chapters in the book is dedicated to “Did the Pharisees eat their ordinary food in Purity”. See also the works of Joseph M. Baumgarten on material purity in the writings from Qumran: Baumgarten, “The Essene Avoidance of Oil”; Baumgarten, “The Pharisaic-Sadducean Controversies”; Baumgarten, “The Use of ‘*mei nidda*’”. On the different concepts of purity

The priestly cultic elite were noticeably the social strata most concerned with these matters. The abundance of *Mikvaot* (Jewish ritual baths) as well as stone vessels and food utensils all found in the 1970's excavations in Jerusalem's 'western hill' (underneath the contemporary *Jewish Quarter* in Jerusalem's Old City) serves as material proof of this statement. Unlike ceramic utensils that, according to biblical and rabbinic purity laws, "receive" impurity but due to the nature of the material they are made of cannot be cleansed from it and should thus be broken, stone vessels can be reused after a quick wash and rinse in the purifying water of a ritual bath or a natural spring.²

The laws of ritual and material purity transcended priestly circles. As findings from Qumran corroborated by textual evidence from the Dead Sea Scrolls indicate, material purity loomed large over the practices of the sect that resided in the Judean desert. It was also in larger circles of the adherents of the rabbinic concepts of Judaism that material purity was a very powerful concept. For example, the manipulation of scrolls containing references to holy scripture as well as breaking bread together were two subjects in early rabbinic culture that were governed by strict observance of material purity laws resembling those of the priestly cult.

The preoccupation with material purity did however suffer a severe blow in the aftermath of the destruction of the Jerusalem temple in 70 A.D. The subsequent 'fall from grace' of the priestly cult saw a gradual disappearance of this agenda. Rabbinic circles maintained certain aspects of these cultic rituals, but by and large many of the material purity requirements gradually disappeared. With the absence of the temple many of these rites and practices along with the justification for material and bodily purity were cast into the realm of theory.

Post-destruction Jewish rabbinical culture, from the second century on, was left to wrestle with what at times seemed to have become an almost textual burden, namely the need to read, interpret and contemporaneously contextualize a relatively large body of sacred Jewish texts that discussed material

and impurity and the socio-anthropological role of the language of purity in Jewish second temple discourse see Klawans, *Purity and Sin*. Matters of purity have a great impact on the cradle of the Christian faith and practice. On this topic see Kazen, *Jesus and Purity Halakhah*. I wish to thank my friend Dr. Yair Furstenberg for referring me to the relevant bibliography on this vast and important issue.

2 This Jerusalem neighbourhood known as the 'upper city' was primarily inhabited by priests of the highest social and economic echelons of late second temple period society. Their dwellings were excavated by the late Nachman Avigad between 1969–1982 and the final report was published recently see: Geva, *Jewish Quarter excavations*.

purity, which in effect had lost most of its actual relevance. One realm that retained its ritual importance was that of female physical purity and the observation of the laws of *Nidda*. In this realm purity and impurity were closely associated with the fear of contamination by natural as well as supernatural disease, illness and danger. As anthropologist Mary Douglas has shown, bodily fluids in general and menstruating woman in particular were thought in many cultures to harbour danger. Women were therefore exposed to a series of regulations distancing them from the community while they were menstruating and a series of ceremonial rites were designed for their reintegration.³ These rituals related to the monthly menstruation cycle, childbirth and the post-partum period. Reintegration into communal life once this 'polluting danger' had passed depended on the proper execution of the purifying rites. In the observance of these laws European and non-European Jewries differed little; the purity laws were apparently enforced by and large in most Jewish communities in the *oikoumene*.⁴

2 The Strict Observance of the Laws of Nidda

By the high Middle Ages, Europe already had a significant body of Jewish inhabitants. Scholars like Yedidya Dinari and Israel Ta-Shma, and more recently Jeffrey Woolf and Elisheva Baumgarten, have studied the various aspects and the discourse of material purity in this cultural realm. All have correctly pointed out that unlike Jewish culture under Islam, which in most cases preferred the more spiritualized Babylonian Jewish attitude to material purity, European Jewish culture did not 'drop the ball' on these matters altogether and preferred to cling to the more ardent Palestinian tradition.⁵ In an article published in

3 Douglas, *Purity and Danger* and see also her article "Sacred Contagion". On Douglas's concepts of purity in the bible see: Douglas, *Leviticus as Literature*.

4 On *Nidda* laws and their observance after other purity laws became redundant see Biale, "Nidda: Laws of the Menstruant". See also the important volume on Jewish female purity laws and practices: Wasserfall, *Women and Water*. On the anthropological significance of the menstrual laws and the concept of *nidda* see Eilberg-Schwartz, "Menstrual Blood" in *The Savage in Judaism*, 177–194. On the debate over female menstrual material purity in late antiquity and the Jewish Christian dialogue see Fonrobert, *Menstrual Purity*. A good summary of many of these works may be found in Meacham, "Female Purity (Nidda). Annotated Bibliography".

5 Dinari, "Impurity Customs"; Ta-Shma, "On Some Franco German Nidda Practices"; Koren, "The Menstruant". Koren's discussion focuses, as does her recent book, mainly on the menstruant woman in later medieval Jewish culture and in Castilian Kabala. See also: id., *Forsaken*.

1993 the late Israel Ta-Shma argued that from a rather early stage the European Ashkenazi culture had not only fervently preserved and adhered to the laws of material purity, especially in the realm of menstrual Talmudic laws, but had also added extra safeguard techniques based on ancient Palestinian customs from the second half of the first millennium. This intensification especially with regard to the laws of menstrual purity, known in Hebrew as the laws of *Nidda*, is probably the best manifestation of this pre-occupation with material purity.

Judging by the extent of written material on these aspects of purity and the physical evidence from the medieval European Jewish communities, the laws of menstrual purity were observed and considered of high importance. It is only in the medieval European Jewish realm that we find the acceptance of an entire pseudo-Talmudic tractate known as *Berayta de Nidda*. This text was considered an authoritative and valid text in medieval European Jewish circles and was used as a source for daily conduct. Compiled in early medieval Palestine, it gained popularity and was copied and quoted by medieval European Jews as part of their customs system in the early stages of their settlement north of the Alps. *Baraita de Nidda*, studied recently by Evyatar Marienberg, exemplifies the Palestinian Jewish preoccupation with material purity well into the post-destruction era. It represents a harsher and more rigid observance of material purity laws and it was highly influential on medieval European Jewish behaviour.⁶ It is only much later, in the twelfth and thirteenth centuries, that we find first attempts to critique and curb the notions put forth in this text. Interestingly, as a reaction to the restrictive attempts, a counter measure was employed by pietistic theological and social circles in an attempt to relentlessly defend the strict observance of the meta-legal set of customs. It may well be that by this time the adherence to these customs had become so intrinsic and distinctive to the Ashkenazi practice that it had transformed from a regular custom to a marker of regional identity, even beyond its role as a hallmark of religious adherence. This may also have to do with the extreme reverence Ashkenazi legal culture assigned to the role of a commonly practiced custom (in Hebrew *minhag*).⁷

6 Marienberg, *Nidda*. In his book Marienberg examines several subjects that are mentioned in the *Baraita de Nidda*, as well as other sources, in an attempt to understand the reception and the development of these ideas in the Jewish Ashkenazi world, from medieval times and, in certain cases, until the present day. Jewish sources are compared with the contemporaneous Christian sources discussing the theological reasons given by Jewish and Christian authors in their attempt to explain the existence of menstruation as well as the justifications put forth for abstention from sexual relations during menstruation.

7 On this issue see Soloveitchik, "On Yishaq (Erik) Zimer Olam ke-Minhago Noheg".

The extra emphasis on material purity laws found in the earlier sources, although at times critiqued by some circles as an extreme pietistic streak, didn't prevent Jewish communities all over Europe from practicing laws of menstrual purity. For the purpose of adhering to these laws communal authorities invested in building and maintaining special ritual baths known as *Mikve* (*Mikvaot* pl.). In Germany quite a number of medieval ritual baths have survived. The medieval *Mikvaot* in Speyer, Worms, Offenburg, Friedberg, Andernach, Limburg, Cologne and the most recent discovery at Erfurt (2007) are all fine examples of Jewish communal institutions testifying to such adherence to the practices of ritual material purity. *Mikvaot* have also survived in other realms of the greater Ashkenazi pale, in southern Europe, as far east as Vienna, as north west as England (London and Bristol), and as far south as the *Mikve* found in 1989 on the island of Ortigia in Syracuse, Sicily.⁸

The observance of this aspect of material purity, namely the laws of *nidda*, had of course its "public" aspect when a woman went to ritually bathe in a ritual bath but it was also practiced in the private realm of the home. In an attempt to regulate behaviour in this private realm in accordance with the laws of material purity and in an effort to preserve the sense of collective sanctity, medieval rabbis tended to associate in their writing on these matters observance of the law with the birth of healthy children. They threaten that deliberate negligence or outright disobedience of these laws even in the private realm of the home, away from the watchful eyes of others may cause possible disease or disability if the law was disobeyed. In his thirteenth century popular halakhic compendium *Or Zaruah* the author Rabbi Isaac ben Moshe of Vienna stated that a couple who disregarded the menstrual purity laws and engaged in sexual relations during the days the woman bleeds would conceive a leprous child. This idea was not his own innovation for it appears in earlier Jewish sources like the eighth century homiletic collection *Midrash Tanhuma*, however reiterating and rearticulating this notion in a 13th century halakhic legal compendium is telling.⁹ European Christian writers were well aware of

8 On the Cologne *mikva* excavated in Germany see Seiler, "Das Judenbad". A more recent work: Schütte, "Die Juden in Köln". On the *mikve* known as "Jacob's well" in Bristol see Emanuel and Ponsford, "Jacob's Well". On another view of Jacob's well see Hillaby and Sermon, "Jacob's Well". On the Syracuse mikva see Mazzamuto, "Il 'miqwè' di casa Bianca" and Cassuto, "Il 'Miqweh' di Casa Bianca a Siracusa".

9 Yizhak ben Moshe of Vienna, *Or Zaruah*, The Laws of Nidda § 340 (p. 45:4) and *Midrash Tanhuma*, Leviticus Parasht Mezorah § 3 (p. 44). The notion that sexual relations during menstruation may eventually lead to the birth of an unhealthy child is also found in medieval

the Jewish preoccupation with matters of material purity, as Irwen Resnik and Sarit Shalev-Eini have correctly pointed out.

Another aspect of how powerfully material purity associated with the observance of the laws regarding menstruation resonated for European Jews is manifested in the matter of synagogue sanctity. Medieval European Jewish sources discuss admitting woman during their monthly period of menstruating and the ritually impure period of seven additional days (*Shivah nequiyim*) into the sacred space of the synagogue. The first legal authority to discuss this matter was Rabbi Shlomo ben Isaac (*Rashi*, 1040–1105). *Rashi* addressed the popular female custom of abstaining from attending the synagogue during menstruation due to impurity. He expressed his objection to the reasoning provided by the woman, yet preferred not to rebuke it altogether. While *Rashi* praised the piety of Jewish women, he maintained that it was a meta-halakhic manifestation of popular piety and not the legal prerequisite. The reason behind female abstention from entering the synagogue precinct was the Ashkenazi premise that envisioned the local synagogues as a temple of diminished sanctity (in Hebrew '*miqudash Me'at*'). As such it was concluded that many of the halakhic dicta regarding the temple should be juxtaposed upon the local synagogue. Jeffrey Woolf has convincingly shown that *Rashi* as well as later Ashkenazi legal authors that followed him, like the 12th century Eliezer ben Nathan of Mainz, the 13th century Eliezer Ben Yoel Ha'levi of Bonn and Cologne as well as Rabbi Isaac ben Moses '*Or Zarua*' of Erfurt and Vienna had stipulated that the custom was indeed a meta-legal practice based on *mos maiorum* (*minhag*) but not a legally binding requirement. Eliezer ben Yoel Ha'levi writes that the custom originates from a female sense of meta-halakhic piety. In his discussion he suggests it to be an embellishment (in Hebrew: *silsul*). Using this ambivalent term he may have meant it positively as an adornment and beautification of the standard legal requirement or pejoratively as a tasteless overdoing and exaggeration. Nevertheless it seems that by discussing the custom and not discrediting it altogether, the male authors had framed, firmly entrenched and ostensibly validated the custom and preserved it. In contemporaneous Christian sources we find a similar notion that apparently emerged from within female circles regarding attending church during menstruation. This may suggest that the avoidance of the sacred space during menstruation

Christian sources. See Schultz, *Knowledge of Childhood*, 74. In the high middle ages and the early modern period the birth of monstrous beings was also commonly attributed to sexual relations with a menstruating woman see: Niccoli, "Menstruum Quasi Monstruum" and more recently: Nohrnberg, "This Disfigured People".

was more a common feature of medieval European popular female piety than an intrinsic Jewish custom.¹⁰

3 Safeguarding the Purity of Scripture

Much of our discussion so far has been dedicated to one aspect of material purity, namely menstrual purity, but this was by no means the sole aspect of material purity observed by medieval European Jews. In the famous *Book of the Pious* (*Sefer Hasidim*), attributed to Rabbi Judah the Pious of Regensburg (1160?–1217) as co-author and compiler, there are a number of entries discussing material purity especially with regard to Jewish sacred texts. In the first section of the book, known also as *The Book of the Fear of God* (*Sefer Ha'yirah*) incorporated by Judah into *The Book of the Pious* but most probably authored by his father, Rabbi Samuel ben Kalonymus of Speyer, we find a concern about the contamination of sacred texts by bodily fluids like semen: “He who honors the *Holy One Blessed be He* and his commandments, the *Holy one Blessed be He* honors him! It is therefore not permitted to put *Sefarim* (holy codices) on a bed one has slept on for there is inevitably semen in the bed.” (SH Parma § 7). The reason for this dictum is that the words and teaching of God (materialized in the codices) are pure and therefore may not be exposed to impure matter like semen residue on the bed sheets or covers. This logic also prompted the author to demand that individuals learning scripture refrain from even thinking about their studies and other heavenly matters when in a state of impurity, during a visit to the toilet or while engaged in sexual intercourse. The dictum dates back to Talmudic times although, when carefully analysing the Talmudic source, it becomes apparent that it does not stipulate explicitly that one should not put a scroll or codex containing scripture on a bed, indeed evidence is rather to the contrary. Thus, such a demand in a late 12th century compilation testifies to its religious-cultural importance at least within pietistic circles in this period. An exemplum story from the same *Sefer Hasidim* reveals that these matters were of a major concern among Jewish pietists in medieval Germany. The story, that appears in § 640 of the Parma MS of *Sefer Hasidim*, serves as a point of departure to an inter-textual meta-halakhic deliberation worthy of our attention.

The story tells of two individuals who are emptying a large box containing scripture codices. One of the men chose to put a pile of books on a bed that,

10 Wood, “Doctors Dilemma”; Elliott, *Fallen Bodies*, 1–5. This may also explain the dual nature of the male response among Jewish writers ever mindful of what could be seen as external influence on the one hand and popular female piety on the other.

“a woman and man had lain in” while the other put the books on the ground. This serves as a literary device for the opening of what seems at first glance to be a halakhic dialogue but which in truth is a meta-halakhic discussion. The man who had put the books on the bed turned to his friend and reprimanded him for putting the books on the ground. He asked him to explain why he chose to treat the books disrespectfully by doing so. It should be noted that according to Talmudic law putting books on the ground not only signified disrespect for their elevated sanctity but was thought to cause physical damage to the books. The interlocutor answered that it was his friend and not he himself who was “desecrating scripture” for he was in effect compromising the books’ purity by “putting the books on a bed where a man and a woman had intercourse, while the ground is pure”. He went on to explain that he indeed should have put cloth on the ground to prevent the books from touching it but happened to have none.¹¹ To this his partner answered by posing a legal question. “But we know that a man is permitted to recite the *Shema* on his bed even if he has his wife there in bed with him, and furthermore we know (from the Talmud) that the words of Torah are not susceptible to impurity”.¹² To this the friend replies that though this assertion is true it applies only prior to intercourse. However, after coitus he should refrain from reciting the *Shema* due to the remains of semen on his body or on the bed sheet. The friend also makes the distinction between the non-corporal recited words of scripture and the tangible physical manifestation of scripture in the form of codices. Uttering words may be allowed in the presence of a source of impurity “for the words of the Lord are like fire”¹³ and therefore indeed are not susceptible to impurity, but this does not apply to physical texts and certainly not to putting a sacred book on something that is defiled by semen and that has not been washed. His concluding statement is: “God forbid!”

This story represents an attempt by pietists like Rabbi Judah to instil a meta-halakhic sense of material purity in people or to retain the meta-halakhic

11 It seems this statement was an answer to the claim that the books may be damaged by being put directly on the ground.

12 The reference in this sentence is to the biblical passage beginning with the words “Hear O Israel” (*Shema Yisrael*). This selection of verses from Deuteronomy 6 was incorporated into the Jewish prayer book and also recited for protection against the demonic perils of night (after turning in at night) known as “the Recital of *Shema* on the Bed” (*queriat Shema al ha'mita*). Indeed the Talmud rules that reciting the *Shema* in bed is counter-intuitively permissible, even in a state of nakedness usually seen as unfit for the recital of prayers or verses from scripture, and even in the presence of a naked female.

13 “Is not My word like fire? saith the LORD” (Jer. 23:29). This verse suggests that the recital of the words of the Lord may have an intrinsic purifying effect like that of a scorching fire.

adherence to the unique Franco-German system of purity customs in defence of what pietists felt was a growing tendency to lax or a disregard these customs. This shift from the pious material purity attitude toward a purity law system of a more spiritualized and less concrete form was present in other realms of Jewish law at the turn of the 12th century. Exemplified by the last proof text introduced in this exchange it may well be a result of the more rationalistic attitudes adopted by a growing number of Jews adhering to a different view regarding material purity, a view typical of the prevalent northern French *Tosafists* in the later decades of the 12th and early 13th century.¹⁴

4 Non-Jews and Religious Polemics

In as much as the preoccupation with purity might have been on the decline or at least was gradually becoming restricted to pietistic circles, this was not the case when the discourse of material purity was aimed toward individuals and artefacts outside Jewish circles.¹⁵ Not only were these considered by medieval European Jews to be materially impure, but within the textual realm of Jewish polemics against Christians Jews defended Jewish material purity laws vehemently. Furthermore, Jews perceived themselves as holding the moral high ground and being purer and thus much more spiritual than their Christian neighbours. This may have come from an ethno-centric feeling of superiority not unlike many ethno-centric narratives, but it may also have derived from a Jewish counter-narrative to the Christian accusation of the Jews' carnality, lustfulness and sexual depravity. In the neo-platonic and thus medieval mind-set, spiritual loftiness accounted for purity, while the more physical and tangible denoted a more substantive lower form. One of the avenues through which the 'discourse of purity' infiltrated the realm of the Jewish anti-Christian polemic was the discussion about appearance and beauty.

14 On the innate tension between the German based Ashkenazi Pietists and the northern French students of the *Tosafists* (lit. masters of addenda) see Ta-Shma, "The problem of Torah study" (Hebrew); Soloveitchik, "Three Themes in Sefer Hasidim". On the difference between old and new styles of learning that may also be roughly attributed to the old German schools and the new French schools see: Jaeger, *The Envy of Angels*, 180–193, 278–330.

15 These notions of the impurity of members of the non-Jewish 'out group' were of course not introduced in the medieval period but much earlier. On the debate over this issue with regard to second Temple and Talmudic Jewish culture see: Alon, "Levitical Uncleanliness of Gentiles". Christine Hayes wrestled with Alon's assertions in her book: Hayes, *Gentile Impurities and Jewish Identities*.

Medieval Jews were ever mindful of their neighbours' tendency to emphasize that their appearance was markedly different from their surroundings. Jews were depicted in both medieval art and rhetoric as alien, being dark-skinned as opposed to the fair-skinned and blond gentiles. Oddly enough, when Jews commented on these descriptions they, at times, accepted the claim, yet by using the rhetoric of material purity they turned it on its head. One fine example of this can be found in the thirteenth century polemical manual *The Book of 'Nizzahon Vetus'*.¹⁶ The second section of the book contains a general critique of the Gospels and an attack on common Christian beliefs and customs alongside some of the author's insights on pressing contemporary polemical matters from the Jewish Franco-German sphere. It is in this section that the author chose to write the following:

The Heretics [= Christians] ask: Why are most Gentiles fair-skinned and handsome while most Jews are dark and ugly? Answer them that this is similar to a fruit; when it begins to grow it is white but when it ripens it becomes black, as is the case with sloes and plums. On the other hand any fruit which is red at the beginning becomes lighter as it ripens as is the case with apples and apricots. This then is testimony that the Jews are pure of menstrual blood so that there is no initial redness. Gentiles however are not careful about menstruation thus there is redness at the outset and so the fruit that comes out (i.e. the children) are light. (Berger NV § 238 p. 224)

The Jewish anonymous polemist first supplies a 'natural' explanation for the Jewish dark skin—it is testimony to the fact that the Jews resemble riper fruit. But apparently uneasy or only partially satisfied with the 'natural' explanation, the polemist supplies the reader with another justification for the Jewish appearance. Rather than repudiating the Christian allegation that the Jews are ugly and dark, the author embraces the claim and uses it as proof of the fact that the observance of material purity and the laws of *nidda* is the reason

16 Nizzahon is the Hebrew word for both polemics and victory. This anonymous 13th century Jewish anti-Christian tractate has survived in just one manuscript in the University Library of Strassburg and was printed for the first time by Johann Christoph Wagenseil (1633–1705), a German historian and Hebraist, in his book *Tela Ignea Satanae* (= *The Fiery Arrows of the Devil*) at Altdorf in 1681 [= Wagenseil, *Tela Ignea Satanae*]. The book accumulated, compiled and rephrased classical Jewish polemical statements. Its structure, following the order of the Hebrew bible and focusing on the verses that form the core of contention in the Jewish-Christian controversy, made it a handy manual for Jews confronted with Christian polemics. The quote here is from David Berger's edition of the NV: Berger, *Jewish-Christian Debate*.

why Jews are purer and thus rightful. A similar articulation appears in another polemical manual by the thirteenth century northern French polemist Joseph ben Nathan Official, who countered comparable accusations with similar rationalizations: “We are from white pure semen that is why our faces are black but you [= the Christians] are from red semen from menstruant woman and that is why you have a reddish and yellowish complexion.”¹⁷ Joseph Official is indeed admitting to the difference in the Jewish complexion, but at the same time he strikes a blow at his Christian interlocutors. By picking up on the red colour, usually associated with vitality, Joseph uses a double-edged literary blade: he associates the red with the blood of menstruation (possibly alluding also to the Jewish claim that Jesus was the son of a menstruant—*ben ha'nidda*), while indicating that Christian woman did not observe the strict laws of *nidda*. As if that were not enough, he invokes the reddish color commonly associated in Jewish parlance with Edom (in Hebrew literally meaning ‘reddish’ and also the name of the biblical Esau’s son). Within Jewish circles this term was used to refer to Rome, the holy Roman Empire and the Christian Church. By associating the red color with Christians as well as with Edom, Official was also inferring that the Christians are the offspring of the un-chosen son of Isaac, Esau and his son Edom.

Following this perception and the juxtaposition of the impurity of gentiles with the accusation that gentile sexual conduct displays a measure of disregard for menstruation, it may not come as a surprise that Ashkenazi Jews employed a rigorous purification rite not only on the few gentile converts from Christianity to Judaism but also on the probably larger group of Jewish apostates who had converted to Christianity and returned to Judaism.¹⁸ This rite was implemented regardless of the circumstances of conversion, underscoring the notion that intimate exposure to a non-Jewish society, even if the conversion had been coerced, rendered a person impure and in need of purification.¹⁹

This is not the end of the trail. According to the Talmud, any Jew living outside of the land of Israel was considered impure to a certain extent and the social surroundings were also thought of along those lines. The direct quotidian contact between Jews and the non-Jewish population was thought to be of a contaminating nature to a certain measure and a cause of impurity. Having

17 Joseph bar Nathan Official, *Sefer Yosef ha-Mekaneh*, 95 § 104.

18 On this phenomena and the possible misinterpretation of its actual size see: Malkiel, “Jews and Apostates”; Malkiel, *Reconstructing Ashkenaz*, 114–147.

19 Elazar ben Judah of Worms, *Sefer Ha'Rokeah*, Hilchot Teshuva § 24, Lequet Yosher part 2, p. 59 § 2; Kanarfogel, “Returning to the Jewish Community”. See also Goodich, *Other Middle Ages*, 39–51.

said this, in medieval European society Jews and non-Jews lived in extreme physical proximity within the very dense medieval European urban setting. Contact between Jews and non-Jews in public as well as private space was not only inevitable, it was a constant rather than a variable in the everyday life of most Jews. Thus many of the Jewish notions on these matters were projected on intimate sexual contact with non-Jews and on non-Jewish foods and drink.²⁰ In these matters there was no uniformity and, having said the above, we should also consider the other voices on this subject. I will quote only one rather recent finding in an attempt to illustrate the two sides of the debate. In his recent book on the lost halakhic works of the twelfth and thirteenth century Jewish masters, Simcha Emmanuel includes a quote that survived from an otherwise lost halakhic compendium written by the late twelfth century Rabbi Simcha of Speyer. The question addressed in the text is the ritual discussed earlier and common among Franco-German Jews in this period to enforce a Jewish baptism on those Jews who had either been forced to convert or had converted of their own will and had decided to return to Judaism. These practices, a form of 'reverse baptism', were performed in an attempt to literally 'wash away' the ritual efficacy of the Christian baptism. In some extreme cases the forehead of the repentant was scrubbed with sand till it bled in order to physically undo the sign of the cross marked on that very spot using holy water and oil during baptism and ashes during the rites of Ash Wednesday. Simcha of Speyer affirms the need for this rite, yet he wrestles with the popular reasoning for this practice, one that was common in his days, and saw the immersion in the waters of the *mikve* differently than he did:

All those who repent and return (to Judaism) need to be immersed as we have seen in the Tractate *Avot De'Rabbi Natan*, the story about a girl that was captured among the gentiles. After she was redeemed from their hands they (the sages) had her ritually immerse herself for all those days she has been among the gentiles when she had eaten their food and drunk their drink, and now they have immersed her so that she will purify herself. And I interpret that she should be immersed to purify herself from the transgression (*Averah*), for the food and drink of the gentiles do not foul the body and pollute it more than any other evil deed or action.²¹

20 On sexual contact between Jews and non-Jews in medieval Europe see: Müller, "Sexual Relationships".

21 This fragment of the lost book: *Seder Olam* attributed to Rabbi Simcha of Speyer is still in manuscript form. See Emanuel, *Fragments of the Tablets*, 160 n. 26 referring to *Vatican*

This source is telling. It shows us that many Jews in Simcha's time thought that the reason the people who repented and returned to Judaism were compelled to purify themselves by immersion in the water of a *mikva* and be purified was their exposure to and intake of impure food and drink in non-Jewish surroundings. The popular belief Simcha is rebuking is that during their stay on the 'other side' of the denominational divide their bodies had been polluted from the inside by non-Jewish food and drink. Simcha for his part sees this as a superfluous issue to the act of conversion. Rather, it was the overall lengthy exposure to the presence of gentiles and their practices and participation in their world he deemed to be an *Averah*—a transgression. In Simcha's view this is what contaminated the lapsed Jew. With this he takes the entire matter from the realm of material purity to that of a spiritual holistic and immaterial understanding of what the terms purity and impurity denote, at least with respect to gentiles, their beliefs and practices. His contemporaries, whose ideas he dismissed, are the ones who saw impurity as very material—symbolized in the text by exposure to the gentiles' food and drink. These are referred to in the text as *Giulei Goyim*—a halakhic term that describes the residue of non-Jewish cooking in a vessel used later by Jews invoking a very tangible yet much more limited sense of impurity.

5 Impurity of the Dead—*tumat ha'met*

One aspect of material purity has so far not been discussed in our brief account, and that is the impurity associated with the dead—*tumat ha'met*—and the laws of material purity related to this aspect in medieval Western Europe. It seems logical that this form of impurity, a central feature of the intensive Jewish preoccupation with matters of material purity during the second temple period, would be observed at least on the same level as the laws of *nidda*. In the rabbinic system of thought the dead and the impurity of the dead were considered the most powerful source of impurity and the prime cause of impurity (*avi avot ha' tum'ah*—lit. 'the forefather of all impurity'). Within the rabbinic system of belief the dead, unlike any other form of impurity, had the ability to contaminate closed spaces—and not just by tangency. It was believed that everyone under the same roof as a deceased or the bodily remains, e.g. bone, of the dead would be contaminated. This form of impurity is called the *impurity of the tent* from Num. 19:14—*tum'at ohel*. Rabbinic sources speak of the dead

City, Bibliotheca Apostolica Vaticana, cod. Ebr. 183 fol. 186. Similar notions may be found in Yizhak ben Moses of Vienna's Or-Zaruah, vol. 1 § 112.

as possibly contaminating objects that were exposed either by special proximity at close quarters or by tangency, rendering them impure on a secondary level—the same as actual body fluids. After the destruction of the temple in 70 C.E. the sages ruled that this form of impurity was ever present, given the absence of the means and the ability to perform the sacred rites of purification in the temple articulated in Num. 19. Thus “at this time we are all considered impure with the impurity of the dead”—*bazman hazeh kulanu tme’ei metim*. This last sentence appears in the writings of several Ashkenazi masters.

The earliest source that formulated this notion was the aforementioned eleventh century savant Rabbi Shlomo ben Isaac (*Rashi*) in one of his halakhic legal responsa where he exclaimed:

For since the day that the purifying waters of the red heifer (*mei khatat*) ceased to exist we are all deemed impure with the impurity of the dead and we have no means by which to purify ourselves until the awaited arrival of He who we all long for to ‘*sprinkle clean water upon*’ us, to purify us.²² Shlomo ben Yizhak, of blessed memory.²³

This opinion was restated verbatim by Rashi’s disciple Rabbi Simcha of Vitri in his *Mahazor Vitri* (§499) and by the thirteenth century Viennese Rabbi Isaac ben Moses in his *Or Zaruah* (Vol. 1, responsa section § 751). By contrast, it is sentences like these that contributed to sealing the fate of the observance of any code of law regarding the impurity of the dead. With the innate inability to avoid the situation, let alone cleanse oneself of it, the entire matter was almost negated altogether. As part of an ongoing effort to explore the discourse of purity in Ashkenazi sources, Jeffrey Woolf has recently searched for references to the impurity of the dead, only to come up with the rather amazing conclusion that Franco-German Jewry hardly discussed the matter at all.²⁴ In fact, evidence points in the opposite direction. Cemetery prayer was common in Europe during the high Middle Ages, as discussed by Elliot Horowitz.²⁵ In a later period not only do we find that the resting place of the dead—the local

22 Rashi here is employing a pun. The Hebrew text reads: *mikvah Yisrael* which can mean both the *mikve* (ritual bath) of Israel or the one Israel longs for, namely God himself, savior of Israel as is suggested from the biblical reference in Ezekiel 36:25: “Therefore say unto the house of Israel: Thus saith the Lord GOD . . . and *I will sprinkle clean water upon you*, and ye shall be clean; from all your uncleanness’s, and from all your idols”.

23 Elfenbein, *Teshuvot Rashi*, § 187 (Hebrew).

24 Woolf, “Medieval models of Purity and Sanctity”; *ibid.*, “‘Qehillah qedosha’”.

25 Horowitz, “Speaking to the Dead”.

cemetery—was not deemed impure, but rather we find evidence that the leading masters of Jewish legal codification strongly advocate prayer at the cemetery by the graves of the deceased righteous:

[...] the cemetery is the resting place of the righteous. Therefore it is a holy and ritually pure place and prayer is most acceptable on holy soil. [However], those who prostrate themselves on the tombs of the righteous and pray should not focus on the dead person's body lying there but should rather beseech God, blessed be He, for mercy based on the spiritual merits of the righteous dead who lie in the earth, may their souls be bound in the bond of life.²⁶

Indeed, the already diminished role of the impurity of the dead, the Jewish awareness of the powerful advocacy of the cult of Christian saints in medieval Europe and the Jewish need to balance its appeal with an inner Jewish answer all contributed to turning prayer at the cemetery from a potential cause of impurity into a religiously desirable practice. It seems that the weight of this argument combined with the role of the forefathers of the community and their place of rest in Jewish communal memory as well as the demands of antiquity that served both as a local anchor and as a polemical claim caused the dead to be removed from impurity altogether in medieval Europe. In his recently published book Nils Roemer discusses this matter with regard to the Jewish community in Worms, where the local Jewish cemetery which was later named *Heiliger Sand* (the holy sand) became the focal point of Jewish claims of autochthonism and pilgrimage and the site for finding proof for polemical discourse.²⁷ Local legend has the Worms Jewish community *in situ* in the first century, substantiating the myth with knowledge of local gravestones that date back to the first century.²⁸ Other Jewish communities did not have a similarly long history. The Jewish cemetery and the Jewish dignitaries buried in it were

26 *Jacob ben Moshe Halevi Moelin (Maharil), Sefer Maharil-Minhagim (The Book of Maharil: The Customs)*, 270. Note the nuanced subtle remark in *Maharil's* ruling that one who prays at a cemetery and beseeches the Lord there must ensure that he or she direct the prayers and efforts directly at God and not err by considering the righteous dead buried there, to be the mediators between them and the divine. Rather, the person praying should reflect and contemplate on the righteous deeds and merit of the dead and harness those aspects into the prayer.

27 Roemer, *German City, Jewish Memory*, 12–31.

28 Similar claims were made in other Jewish communities like that of Mainz. See: *Jacob ben Moshe Halevi Mulin (Maharil), Sefer Maharil-Minhagim*, miscellaneous section (*likutim*) § 49.

thought to be the most powerful place of reference for Jewish antiquity in the northern European region. These reasons all undermined any attempt at referring to the dead as impure.

6 Conclusion

In his concluding remark on the laws of ritual bathing and ritual baths (*hilchot Mikvaot*) the illustrious twelfth century Jewish sage Moses Maimonides writes:

It is clear to all that the impurities and the purities are decrees of scripture and they do not fall under the category of those matters that humans may act upon exercising their own discretion. Thus they belong to the laws known as *khok* [= laws that have no rational reasoning but should rather be obeyed even if not fully comprehended]. The same is true for immersion after being ritually impure. For the impurity is not analogous to filth from mortar, excrement or other forms of dirt that need to be rinsed with water. They are rather scriptural decrees that have nothing to do with the intentions of the heart or the human understanding of the mind.²⁹

From this short extract, written contemporaneously to many of the sources discussed above, it is clear that the notions of purity that governed the lives and minds of medieval European Jews in the high middle ages were markedly different from those of Maimonides. For European Jews impurity was nearly tangible. Although not visible, its presence was almost material enough to actually be felt and it was treated by scholars and lay people alike as realistic, closely resembling the way we today think of bacteria, viruses or radioactive contamination. Thus the laws governing material purity expressed these notions and this attitude is probably the one Maimonides seeks to repudiate.

It is almost impossible to explore the entire range of issues related to material purity and concepts of impurity in the medieval European Jewish culture. In this short article I have attempted to survey some of the main features of medieval European Jewish attitudes to these matters and to explore the inner-European Jewish discourse on it. Given the historical and theological importance of material purity in Jewish life during antiquity and late antiquity,

²⁹ Maimonides, *Mishneh Torah*, the Laws of *Mikvaot*, 11; 12 (the translation is my own). I wish to thank Prof. Yair Lorberbaum of the Bar-Ilan University Law School for discussing this matter with me and aiding me in purifying my own thoughts on this matter.

especially before the destruction of the Jerusalem Temple in 70 C.E., as well as the position early Christian theology took on this matter, it is interesting to see how Jewish tradition in medieval Europe negotiated with its own cultural legacy and historical tradition. This inner Jewish discussion was constantly aware of the immediate Christian surrounding as well as an ever changing reality. Some aspects of material purity have survived and were entrenched over almost a millennium after one of the prime causes of their existence, the powerful temple-related matters of material purity, had receded into the realm of memory. Jewish tradition had devised innovative ways by which elements of this elaborate system became hallmark attributions of communal self-identity while others were contested or their observance faded into memory. These modes of revitalization and reinvention on the one hand and departure and neglect on the other are but one aspect of the many avenues by which medieval Jewish authors and cultural agents met the challenges of medieval European Jewish existence, the notions of the surrounding culture and its implications on the intricacies of Jewish heritage.

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