

An Ultimate Pariah? Jewish Social Attitudes toward Jewish Lepers in Medieval Western Europe*

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Preface

IN his essay "The Politics of Culture: Ethnicity and Nationalism," Anthony D. Smith makes the following remark: "But, in fact, many *ethnie*, usually of the demotic ('vertical') variety, have survived for long periods under foreign rule, notably as 'pariah castes,' like the Jews in Medieval Europe" (Smith, 1994: 715).¹ Smith is referring to the common notion that medieval European Jewry lived under constant legal and religious restrictions and suffered persecutions at the hands of the Christian population. It was Max Weber who first used the term "pariah" with reference to Jews and Judaism in a scientific argument, but his use of the term "castes" in this context did not go unopposed (Momigliano,

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1980). Social historians of the Jewish people insisted that the model of the Indian or West African caste system was inappropriate and misleading when used to describe Jewish-Gentile relationships in general, and the Judeo-Christian relationship in particular. Baptism in theory obliterated Jewish confessional identity and this of course ruled out the similarity to a rigid caste system. However, if we modify the term slightly and speak of a "pariah minority," we may use it without its initial connotations. I believe that we can employ this formulation, at least as a working definition, for our discussion.

A "pariah minority" is an ethnic or racial group that shares a language and a culture. Its members are the objects of persecution and are viewed by the dominant population as less than fully human—as dirty, inferior, or impure. Likewise, members of a "pariah minority" are marginalized by those in power and are considered beneath or outside the law. Medieval European Jewry closely fits this pattern.² It is also interesting to note how well this definition describes not only Jews, but also lepers in medieval Christian Europe, who were thought of and treated in a strikingly similar manner. Indeed, social historians have already suggested that medieval European Christian society should be seen as a "persecuting society," where both Jews and lepers were regarded in similar terms and treated accordingly (Moore, 1987; Richards, 1990).

This similarity between lepers and Jews raises the question of what perhaps appears to be the "ultimate pariah," namely, the leprous Jew. To the best of my knowledge, besides two footnotes in a book on Jewish history in thirteenth-century Germany,³ the plight of Jewish lepers has yet to be investigated by Jewish historians or medievalists (or Jewish social historians of the medieval period in particular) (Shoham-Steiner, 2002). The importance of studying the Jewish lepers of this period and attitudes toward them from within the Jewish community and from without, emerges with particular reference to two related issues: 1) Jewish social and reli-

gious intragroup self-image; and 2) the delicate and fragile relationship between Jews and Christians in medieval Europe.

The medieval Jewish community's internal attitudes toward its own lepers offer a new and unique angle from which to consider social phenomena such as "collective-inner reflection" and "othering" as they appear inside the culture of a "pariah minority." Placing this analysis against the backdrop of the relationships between Jewish Christian societies in the period exposes the sensitivity within a marginalized group to its own image in the eyes of the marginalizing majority.

To begin, we need first to define our terms of reference and offer a few words of introduction to the two medieval European "pariah minorities" in question: Jews and lepers. After this we shall consider a few case studies of male and female Jewish lepers and then draw some tentative conclusions about them.

The chronological framework of this study extends from the eleventh to the fourteenth centuries, an era regarded by many as the height of premodern Jewish existence in Western and Central Europe. As for the geographical scope: since we are adopting a "Jewish" point of view, I thought it appropriate to use a "Jewish" geographical term to delineate the boundaries. We will confine ourselves to an area Jews commonly referred to in broad terms as "Ashkenaz." This term is broadly used to describe the area stretching from the German-speaking lands of Central Europe to northern France and England.

Medieval European Jewry

Social attitudes toward the Jews of medieval Western Europe correspond with the typical patterns of social response to pariah minorities just outlined. On the one hand, Jews were thought to be the cause of physical and moral pollution. As of the mid-twelfth century, the accusation of cannibalistic ritual murder was leveled against the Jews ("blood libels"), mirroring the by then

millennium-old accusation of deicide.⁴ Popular belief deemed the Jews impure (Bonfil, 1988; Marcus, 1996; Johnson, 1998) and ascribed to them either contaminating powers or the ability to solicit others, such as lepers, to use their actual or imagined powers malevolently to cause harm to Christian folk (Barber, 1981). These attitudes notwithstanding, medieval European Jews lived in the midst of Christian society in relative security, protected by charters and privileges that were granted to them by the ruling elite. Although Jews tended to live apart, in the *Jewary* or *Juden-gasse* (the "Jews' Alley") in medieval towns, in many cases their small numbers did not allow for definite perimeters such that Christians and Jews actually lived in relative proximity to one another. The "ghetto," commonly believed to have been the medieval segregated Jewish residential area, is actually a much later development stemming from early modern sixteenth-century Venice.

Most of the Jews in this period lived in the cities and towns and practiced urban occupations. Due to their exclusion from the manorial or feudal socioeconomic system, Jews were generally barred from agriculture. The most common occupation associated with Jews until the rise of the commercial guilds was trade. By the thirteenth century this changed as Jews were gradually forced out of commerce and into usury and finance. This development had widespread social implications. Though usury was a needed and widely used service, those who practiced it were generally despised on religious grounds. In time it was this occupation that was the most closely associated with Jews, to the further detriment of their negative social image.

This complex combination of toleration and rejection of the Jew in medieval Christian Europe is probably traceable to Church doctrine. Until the High Middle Ages in Europe, Jews were regarded simultaneously as "blind" to Christian truth yet "witnesses" to it. Though they stubbornly refused to believe in Christ, they were "there" when it all began. By the thirteenth century a change occurred and the Jews were gradually thought of as a

minority group that should only barely be tolerated. Hence, they were better off segregated and discernible. This change clearly emerges from the decrees of the Fourth Lateran Council held by Pope Innocent III in 1215. In these decrees Jews were ordered to wear distinctive clothing, such as a yellow badge on their external garments, and to minimize their contact with the faithful—especially during Christian festivals, which by that time occupied a large part of the calendar (Cohen, 1999; Tanner, 1990: 266). Even if these clerical resolutions were not followed in practice, they reflect an agenda of resentment, segregation, exclusion, and marginalization typically reserved for “pariah minority” groups.

The fragile balance between toleration and persecution evident in the late twelfth century gradually gave way to intolerance, persecution, and finally expulsion. The earliest signs of this appeared when the Jews were first expelled from the royal French domains as early as 1182 but were readmitted a few years later. Similar local expulsions occurred in England and France. In 1290 England became the first European kingdom to drive all its Jews off English-controlled soil on both sides of the English Channel. Expulsions from royal French soil quickly ensued when Phillip the Fair signed the expulsion edict of 1306 (Stacey, 1993; Jordan, 1989; Mundill, 1998). During the next two centuries Jews were driven out of most of the other western European kingdoms and principalities from Germany to Iberia.

Medieval European Lepers

As was noted, Jews were not the only group in medieval Western Europe who were categorized, persecuted, and thought of along the lines of a pariah caste (Moore, 1987: 45-60); similar attitudes emerge in the references to lepers and leprosy.⁵ (Lepers in medieval Europe suit the classic Indian “pariah caste” model much better than the Jews since they were members of the mar-

ginalizing society and not members of a different *ethnie* or religious denomination.)

Medieval people feared leprosy and regarded it as a medical and social catastrophe. Once diagnosed, a patient received harsh social treatment for two basic reasons:

1) the disfiguring and body-deforming nature of the disease. In its extreme forms leprosy causes ulcers and deformity of facial skin and limbs. When the illness is fully developed, patients tend to lose their eyelashes, noses, and other appendages. Their voices turn hoarse and parts of the body are marked with discolored patches and skin growths (Mitchell, 2000: 246).

2) the strong religious images associated with the disease. These probably drew upon the Biblical term *Tsara't*, used in the Hebrew Bible (Leviticus 13) to denote certain afflictions of the skin. In the Hebrew Bible people afflicted with *Tsara't* were deemed impure and required to live separately for the duration of their disease.⁶ In the Septuagint, the Hebrew *Tsara't* was translated *lepra* and this was the word used by St. Jerome in the *Vulgata*, the canonized Latin translation of the Bible adopted by the Catholic Church. As a result, the two terms were confused with the effect that the Biblical *Tsara't*, with all its connotations of segregation, sin, and divinely inflicted punishment, became inextricably linked with the disease of leprosy. This link had grave implications for leprosy patients since all the elaborate moral judgments, implied in Leviticus and other parts of the Hebrew Bible, were projected by medieval society onto them.

In medieval Western Europe lepers were feared and, therefore, excluded and persecuted.⁷ The leper's body was thought to have externalized sin and the leper's affliction is discussed in medieval sources as the embodiment of sin. As early as Origenes (one of the leading fourth-century fathers of the Church) and Pope Gregory the Great (sixth century), Christian homiletics speak of the leper's body as representing heretical beliefs (Meens, 2000; Rouwhorst, 2000). Lepers were thought to be contagious in both a moral and a physical sense and were portrayed

as aggressive, grumpy, and lustful (Touati, 1998; Pegg, 1990; Douglas, 1991; Pfau, 2001). According to popular prejudice, a leper's lustfulness manifested itself in an uncontrollable desire *ad coitum*, thus, figuratively linking sin, lust, and disease. Leprosy was also thought to be a sexually transmitted disease, as recorded in medieval medical sources (Jacquart and Tommaset, 1989: 177-195). Medieval accounts tell us of lepers undergoing a ceremony called the "Mass of Separation," a religious practice carried out after the disease was diagnosed. During the ceremony, aimed at symbolizing their separation from society, lepers were subjected to a ritualized burial. Once completed, the priest presiding at the ceremony declared the leper "dead to the world." Henceforth, the leper was to leave his home and live off Christian charity (Brody, 1974: 66-67).

Christian opinion in the Middle Ages was ambivalent about the theological meanings of leprosy. On the one hand, leprosy is depicted in scripture as a punishment for sin. Biblical figures such as Moses's sister Miriam (Num. 12, 10-16), Gehazi, Elisha the prophet's disciple (2 Kings 5, 21-27), and the Judean king, Uziyahu (2 Kings 15, 5; 2 Chr. 26, 16-21) were all thought to have been afflicted with the disease for reasons connected to sin and religious transgression. On the other hand, the prophet Isaiah's description of the suffering of "God's servant" (Isaiah 53, 3-4; the *vulgata* text implies that the suffering is *quasi leprum*) was universally accepted in Christian circles as a prophetic prefigurative image for the suffering of Christ. Consequently, the Church encouraged people to "see" Christ embodied in those suffering from leprosy (Hamilton, 2000: 241-242). N. Beriou and F. O. Touati have shown that in twelfth-century western Europe, a school of thought emerged that saw leprosy, if taken in the right spirit, as a calling into religious life. Thus the leper house might be thought of as a quasi-monastic institution (Hamilton, 2000: 242). Some Christian theologians, such as St. Francis of Assisi, went so far as to consider immediate contact with lepers as a means for religious deliverance and salvation.⁸ This explains why

leper houses were able to attract considerable amounts of charity money. It seems that some of the *leprosaria* were wealthy establishments that enjoyed royal and noble privileges as well as generous alms giving. Some *leprosaria* were so wealthy that, according to various scholars, the onslaught on lepers in France (1321) was caused, at least in part, by the hope for material gain at their expense (Nirenberg, 1996: 51-56). By the thirteenth century, a number of leper houses had an "admission policy" aimed at fending off impostors seeking free food and shelter under false pretences (Carlin, 1989; Park, 1992). Despite this complexity, it seems clear that lepers in medieval Europe faced a grim fate.

Medieval Jewish Lepers

In theoretical conversation, both Jews and Christians referred to leprosy using the same Biblical terms and concepts. However, in practice Jewish and Christian attitudes to lepers were quite different. We may illustrate this by carefully comparing medieval Jewish texts in which leprosy is considered in theory with three historical examples that demonstrate how medieval Jewish lepers were actually treated.

The first of these examples comes from ethical writing and refers to lepers in the public sphere of the street; the second is set in the domestic setting of the home; and the third reflects legal attitudes toward lepers. The last two examples appear in the vast *Responsa* literature of Jewish medieval Europe.⁹ When analyzed with the necessary caution, these sources are of tremendous value to the social historian. Each clearly demonstrates two aspects of medieval Jewish life: the striking resemblance between Jewish and Christian behavior toward lepers; and the Jewish rabbinical elite's attempt, ever watchful of the Jewish public image, to instil a uniquely "Jewish" standard of treating lepers. Sometimes the nature of this unique "Jewish" standard was a source of disagreement among Jews, many of whom were strongly influ-

enced by the practices they saw among their Christian neighbors. As we approach our conclusions, I shall suggest some possible explanations for the practical differences between the Jewish and Christian practices.

Theory

A comparative look at Jewish and Christian Biblical exegesis of Leviticus in the Middle Ages teaches us that the commentators on both sides perceived of leprosy as a divinely inflicted punishment for sin (Brody, 1974: 107-110). This association of leprosy with sinfulness appears also in the homiletic writings of the two traditions. Themes such as the link between "leprosy of the body" and "leprosy of the soul" (a euphemism for sin) can be found in the writings of both faiths (Brody, 1974: 107-121). In a thirteenth-century Jewish pietistic commentary on the Pentateuch, the snake, which tempted Eve (Genesis, 3), is portrayed as a sinner who has been struck with leprosy (Abrams and Ta-Shema, 1998: 47). The sins most commonly linked with leprosy in Hebrew exegetical writing were those associated with different forms of sexual transgression, in particular forbidden intercourse with menstruating women, as well as hubris (pride), greed, and heresy. Thus, according to the medieval Jewish commentators, the aforementioned Gehazi (2 Kings 5) was considered to have contracted leprosy as a punishment for his greed, pride, and prevarications and for attempting to usurp his master's powers. In this they followed the Talmudic tradition of late antiquity. (It should be noted that some medieval Jewish scholars were unlike their Christian counterparts in that they did not always associate leprosy, which they no doubt saw around them, with the Biblical *Tsara't*).

Given this point of view, the words of a twelfth-century northern French biblical commentator, Rabbi Samuel ben Meir (commonly referred to by his Hebrew acronym, RaSHBaM), are revealing:

None of the upcoming passages dealing with human afflictions [*Tsara't*] can be interpreted according to the literal reading of the text or according to what we know from the world around us but must be understood solely according to the homiletic interpretations of the sages and their rulings based on traditions from the earlier sages (RaSHBaM on Leviticus 13, 2).

Because of RaSHBaM's disassociation of leprosy and *Tsara't*, he does not imply a connection between the lepers of his time and sin. In Jewish anti-Christian polemic literature we find several entries highlighting a claim that unlike their Christian counterparts, Jews for some odd reason rarely, if ever, suffered from leprosy (Berger, 1979: 210). Based on recent research we now know that the number of actual lepers in medieval Europe was probably far smaller than previously believed. People were probably accused of being lepers much more frequently than they were actually diagnosed with the disease. (Douglas, 1991; Pegg, 1990). Given the fairly small number of Jews living in any given Jewish community in medieval European Towns (Stow, 1992), we may safely assume that the actual number of Jewish lepers in medieval Europe was very small.

Other opinions were also available. A German Jewish source from the turn of the twelfth century draws our attention to just how hard it was for scholars from the minority group to completely disassociate themselves from the trends common in the majority society. In the closing sentence of his commentary on the tractate *Moed Katan* of the Babylonian Talmud, Rabbi Eliezer, son of Joel Halevi, remarks :

And as for the issues concerning *Metsor'a*, I didn't need to comment on these matters for we have no priests that can diagnose a *Metzor'a* and we do not hold the proper knowledge in this matter; besides all the rulings concerning the Biblical *Metsor'a* do not have bearing on us nowadays. However, we do keep away from them because of the danger.¹⁰

It should be said that this talmudic tractate (*Moed Katan*) includes a rather elaborate academic discussion on the issues concerning the biblical *Metzora*. Rabbi Eliezer, aware that his readers will be puzzled by the absence of a commentary on these issues, explained why he did not include such a discussion in his commentary. Rabbi Eliezer opinion concerning Jewish lepers can be described as “halfway” between that of RaSHBaM and that of those who believed a leper is identical to a biblical *Metzora*. Rabbi Eliezer revokes the identity in terms but is clear in his suggestion to keep away from the *Metzora* seen as a menace to public health. This ambivalence, manifested in the phrase “keep away from” (in Hebrew, *Marchikim*), does not imply institutionalized segregation of lepers as can be found in medieval Christian Europe, but rather reflects the fear of the beholders from the frightening sights, smells, and sounds of leprous people.

Practice

The question then arises: what happened in “real life” when a Jew or a Jewess contracted leprosy? Were they treated like *metso- raim* (plural = people afflicted with the biblical *Tsara’at*)? Were they segregated or sent to a *leprosarium*? Were there such things as Jewish *leprosaria* in medieval Europe or was the Christian notion of leprosy disregarded altogether by medieval Jews, as the words of the RaSHBaM suggest?

The picture that emerges from rabbinical source material such as moral writing, Talmudic and Biblical exegesis, and the vast social source material found in *Responsa* literature, both in print and in manuscript form, is very different from what might be learned from the theory regarding leprosy. It is my belief that when theory confronted practice, some medieval Jews did not consider their lepers as Biblical *Metsoraim* and hence did not project Biblical moralistic attitudes to the disease upon them. Instead we find that Jews were required by the learned elite to display a sense of compassion toward the lepers, rather than censure them.

The reason for this behavior is twofold. As we have seen, some Jews really did not associate the disease they saw around them with the Biblical affliction, and unlike Christians, they did not draw conclusions about their own lives from the moral implications of the Biblical text. Yet Jewish and Christian everyday practices in other spheres of life were not fundamentally different from each other and so it is necessary to look for additional explanations to account for the different attitudes to lepers and leprosy. The essential distinction between Jews and Christians derives from the social status of the Jews as a "pariah minority" in medieval Western Europe. In other words, due to the fact that medieval Jewish culture was forged in a mental awareness of Jews as a minority, the rabbinic elite was sympathetic to the plight of rejected minorities from within. To further demonstrate this claim I shall relate three examples.

The first example comes from the moral teachings of the Rhenish-Jewish pietist Rabbi Judah ben Samuel he-Hasid ("the Pious") of Regensburg in southern Germany (died 1217). Rabbi Judah was a leading figure in a movement known as Hasidei Ashkenaz (the Jewish pietists of medieval Germany).¹¹ This movement, though esoteric and sectarian, greatly influenced late-twelfth- and thirteenth-century Ashkenazi Jewry. *Sefer Hasidim* (The Book of the Pious), commonly thought of as a work partly edited by and partly composed by Rabbi Judah, although rigid in its religious demands, serves as a good source in trying to capture the social aspects of Jewish life during that period. From one of the rulings in the book it seems to have been a common practice to spit at lepers when one came across them in public. Spitting served as means of a magical defense (not cure) against the disease.¹² Rabbi Judah objected to this practice as follows:

And if one sees people afflicted with skin diseases one should not spit at them for all are "His" creation. For both the healthy and the ill are dependent on the hand of the

“Maker” and we are all “His” creation and that is why one cannot spit at anyone (Wistinetzki, 1924: 56 §99).

It was not Rabbi Judah’s objection to the use of magical practices that caused him to rule against this practice; on the contrary, elsewhere Rabbi Judah himself is clearly associated with the occult and the magical aspects of Judaism. He appears in Jewish folklore as someone who is connected to miracle working and curing (Yasif, 1999: 352-353).¹³ However, it is Rabbi Judah’s opinion that when a measure of magical defense against the disease might have a demeaning effect on human dignity, as in this case, one should not use this measure. It would seem that it was common practice to spit at lepers or at the sight of them, and that is why Rabbi Judah was against it. Rabbi Judah was able to see the situation from the leper’s point of view, and therefore empathized with what must have been the leper’s experience of this derisive symbolic interaction and nonverbal communication. Furthermore, the language used in the ruling is of a universal nature. It is tempting to suggest, yet difficult to prove, that Rabbi Judah had all lepers in mind, Jews and non-Jews alike, when making this ruling. It is noteworthy, however, that Rabbi Judah’s ruling against spitting proves that spitting at lepers was actually practiced.

The second example sheds light on the attitudes toward lepers that existed in the domestic environment. Our source in this case is a from a reference that appears in the *Responsa* of the famous eleventh-century Biblical and Talmudic sage, R. Shlomo ben Isaac, who is perhaps best known by his Hebrew acronym, RaSHI. Although RaSHI lived in the northern French town of Troyes, he received questions in religious law from all over northwest Europe. In this case the question sent to him concerned marital relations with lepers (Elfenbein, 1943: 232-234 §207; Marcus, 1999 [1938]: 342).¹⁴

According to Jewish marital law, at the time of a divorce the wife is entitled to special financial compensation if her husband has violated the nuptial agreement known as the *Ketuba* (Jewish tra-

ditional nuptial agreement). In the case brought before RaSHI a wife contested her husband's right to divorce her without offering her full financial compensation on the grounds that she did not want the divorce in the first place. In her eyes the divorce itself was a violation of the nuptial agreement. She appealed to RaSHI in the hope that the marriage might be upheld; failing that, she hoped he would at least support her claim to the *Ketuba*.

The husband's arguments were quite different. He maintained that the wife who married him under false pretences had violated the marriage agreement. He claimed that he was duped into believing that she was healthy at the time of the marriage when she turned out to have been a leper. The husband goes so far as to accuse the rest of the wife's family of being party to the deception. According to his claim, they knew of the illness and deliberately concealed this information from him. In his version of the story, the early signs of the disease, which had already appeared prior to the marriage, were as yet only visible in the concealed parts of the woman's body. He claimed that, after the marriage, her condition deteriorated and the visible symptoms of leprosy appeared on his wife's face—especially on her nose! This last accusation is significant since nasal symptoms are indeed a very common feature of acute cases of lepromatous leprosy (Mitchell, 2000: 248). In one of the three existing Hebrew versions of the case, the husband claims without specification that "the lepers" have even expressed their willingness to absorb the wife within their community.¹⁵

The husband argued that the marriage ought to be annulled in retrospect, and that he should not be obliged to compensate his wife for the divorce. Furthermore, his claim about "the lepers" implied that not only did his wife have a place to go to, but that she was positively identified by "her kind" to be "one of them."

The wife, in turn, claimed that she had been completely healthy at the time of the wedding. As for the facial symptoms, she insisted that they were nothing more than blemishes on her skin caused by stress and anger at the mistreatment that she had to

endure at the hands of her husband. As for the leper community's willingness to absorb her, the wife claimed that it was all a lie, a claim supported by some members of the community (*hakahal*). This final claim of support from the community significantly adheres to M. Douglas's argument that maximal effect is achieved in an attempt to provoke social legal action when an accusation is accompanied by slander:

To cause a person's civil claims to be rejected, libel on its own is not enough, it has to be supported by an accusation of causing damage so that the victim could be classed as a public nuisance. . . . To be successful an accusation should be directed against victims already hated by the populace. The cause of harm must be vague, unspecific, difficult to prove or disprove. The crime must be difficult to deny even impossible to refute (Douglas, 1991: 724-725).

The husband's attempt to slander his wife with an accusation of leprosy, however unsuccessful, provides us with a unique testimonial in RaSHI's response to the case. RaSHI offers a brief legal decision in favor of the wife, but then launches into an uncommonly long moral reckoning with the husband:

And this man has shown, through his evil deeds, that he is not from the offspring of our father Abraham whose way was that of compassion to all creatures, (and especially to his next of kin bound to him by bonds of marriage). Had he endeavored to draw her closer to him with the same energy as he had tried reject her, her grace and charm would have reached him in due course . . . for even among the heathen who do not believe in *The Holy One Blessed Be He* we see many who do not alienate their wives . . . and so the wives to their husbands in similar situations (Elfenbein, 1943: 232-234 §207).

RaSHI is very clear in this ruling. He unequivocally censures the husband's reaction to his wife's alleged condition. It seems RaSHI believed that there was no justification for the husband's conduct.¹⁶ RaSHI's disapproval of the husband, as it emerges in his legal summary, is underlined by his decision to accept the wife's version of the whole story.

RaSHI's discussion of the case takes a deliberate and self-conscious look beyond the Jewish world into the precedents set by surrounding Christian society. Some of his moral preaching to the husband rests on an explicit comparison with the behavior of "the heathens who do not believe in the Holy One Blessed Be He." This can only be an explicit reference to contemporary Christian society. RaSHI explicitly says that Christians tend to uphold marriages wherever there is mutual consent to do so and do not annul them even if one of the parties is a leper. In other words, in light of his wife's wish not to break it, the issue of upholding the marriage rested with the husband. Ecclesiastical canonists of the twelfth century maintained that although leprosy was a legitimate cause for divorce, upholding the marriage with a leper—even among Catholics—was optional; thus the decision to continue living together depended on the mutual consent of the couple.¹⁷

The leper community mentioned in this example appears to have been a non-Jewish leper colony in the area, a factor that might shed further light on RaSHI's reluctance to rule in the husband's favor. From the vast material available from Jewish and non-Jewish sources about Jewish life in medieval Europe, we have but two accounts of what might be called—although there is no certainty in the matter—a Jewish *leprosaria*.¹⁸ The reason for this scarcity is related to the small number of Jews in the period. As previously noted, most *leprosaria* in medieval Europe were religious or semireligious houses that operated according to a Christian religious quasi-monastic *regula*. Beside food and shelter there was very little a leper house could provide its inhabitants in the way of medical assistance. In many houses lepers would pray for

their own health, as well as for the health and salvation of others—usually their donors. It is therefore highly unlikely that Jews would have allowed their lepers to be admitted into a non-Jewish establishment with such a religious and monastic regimen. Judging by the size of medieval Jewish communities and by the actual number of lepers in Europe, there were not enough lepers in any given Jewish community to sustain a Jewish communal *leprosarium*. A project of this nature would require a large number of lepers in pressing need of shelter and a firm super-communal financial joint effort.

We know that Jewish communities in medieval Europe had an intricate system of legal, economic, and social ties, although we have relatively little knowledge, let alone documentary evidence, of these connections and the institutions that stemmed from them.¹⁹ It would seem that Jewish lepers were taken care of within their families or, as in the case of the husband we have been discussing, if an individual was unwilling to cohabit with a leprous person, he or she might have found some ad hoc communal arrangement. I believe that a fully developed Jewish institutionalized segregation system for lepers was probably not in use by medieval European Jews. At the same time, the possibility of sending a leprous Jew or Jewess to a Christian *leprosarium* would have been unthinkable in most medieval European Jewish circles!

The third and final example that I wish to discuss emerges from the material found in the abundant collections of *Responsa* edited by the colleges and students of Rabbi Meir of Rothenburg (died 1293), one of the leading figures of western European Jewry in the latter half of the thirteenth century.²⁰ In the collection of Rabbi Meir's *Responsa* printed in Cremona, Italy (1557), an intriguing statement appears without the customary introductory question (to which it is a response):

And he who says that a leper is legally considered a dead man with regard to issues of claiming an inheritance. This is a "Sadduceean" act" and it is even folly to make such

inquiries. However, the trustees of the inheritance have done rightly to have consulted and their initial ruling in the matter is the right one and should be carried out.²¹

This enigmatic paragraph requires clarification. Rabbi Meir's rules against the claim that a leper should be barred from receiving his share of a joint inheritance on the grounds that he is "a dead man." To this Rabbi Meir responded harshly, labeling the attempt as an act of a "Sadducci"²² and a "folly." What led Rabbi Meir to use such harsh language?

To answer this question we need to examine carefully the relationship between leprosy and death. The identification of leprosy with death, and of lepers with the dead, was common and appeared time and again in the Jewish Talmudic tradition of late antiquity and in the medieval Jewish exegetical tradition that drew on Talmudic and Midrashic literature. Leprosy was associated with death, as were blindness, poverty, and childlessness.²³

However, the association of leprosy with death and of lepers with the dead appears in the Talmud and in the Biblical exegesis not as a legal ruling but as a metaphor introduced into the homiletic writing with a moral purpose in mind. In the Middle Ages, this metaphor made its way into the language of jurisprudence, illustrated by one of the "founding fathers" of English common law, Henry de Bracton, in his monumental *De Legibus et Consuetudinibus Angliae* (On the Laws and Customs of England): "A leper put outside the communion of mankind (*extra communionem genitum positus*) may not make a gift . . . nor may he sue for one" (Bracton, 1977: II, 52). In another entry the issue of an inheritance is further developed:

If the demandant suffers from an incurable disease (*morbum petentis incurabilem*) and bodily deformity (*corporis deformitatem*) as where he is a leper and so deformed that the sight of him cannot be endured (*et tam deformis quod aspectus eum sustinere non possit*), such a man cannot plead

(*placitare non possit*) nor claim an inheritance (Bracton, 1977: IV, 309).²³

Turning back to the story from Rabbi Meir's *Responsa*, it seems that the other inheritors tried to profit from the Talmudic moralistic pretext and associate the leper with the dead after the fashion of contemporary non-Jewish legal precedents. From Rabbi Meir's response it is quite clear that the trustees of the inheritance, although themselves reluctant to adhere to the novel interpretation of the Talmud, were in need of firm moral backing to fend off the inheritors' claim; this is why they turned to the prominent Rabbi Meir for support.

As for Rabbi Meir, he was vigorously opposed to the attempt made by the inheritors for two reasons. First, the attempt to project a predominantly moral saying and turn it into a legal ruling was in Rabbi Meir's eyes an unacceptable legal maneuver. Moreover, Rabbi Meir responded unfavorably to the application of non-Jewish legal principles inside Jewish society. Implying that Jews should treat a Jewish leper in the same way as Christians treated Christian lepers was a line of argument that Rabbi Meir was clearly unwilling to accept.

Second, by using the extreme and extraordinarily harsh phrase "Sadducee act," Rabbi Meir implied his objections on two separate levels. Not only was he trying to uphold the legal rights of a leper and help him secure his legal and economic rights, but perhaps above and beyond that he was trying to block an attempt by people who did not fully understand Jewish law from making an illicit legal maneuver. In the eyes of Jewish leaders and scholars such as Rabbi Meir, this kind of attempt posed a serious threat to scholarly authority. This threat to the authority of the rabbis, synonymous with religious heresy, is echoed in the use of the term "Sadducee." This nonconformism on the part of the inheritors is of special significance in view of the unique socioreligious circumstances of Jewish medieval European existence. Given the lowly status of the Jews as a segregated "pariah minority," the alle-

gations aimed at the inheritors might have led to unpleasant repercussions for those addressed in such terms.

Some Tentative Conclusions

A revealing entry in the aforementioned *Book of the Pious* (*Sefer Hassidim*) reads: "For in each city and town and in most places the conduct and behavior of Jews basically resembles that of their local non-Jewish neighbours" (Wistinezki, 1924: 321 §1301).

Even extremely pious Jews, such as the author-editor of the *Book of the Pious*, Rabbi Judah ("the Pious") of Regensburg, knew that the basic social characteristics and day-to-day behavioral codes of people who live in close physical proximity cannot differ fundamentally. Although living within their own society, practicing their own religion, and treated by the surrounding Christian majority as a pariah minority, Jews probably shared similar beliefs and notions concerning the sick, the deformed, and the mentally disturbed. In this respect we can assume that they shared many of their perceptions with the world outside.²⁵ However, as the previous examples demonstrate, while in theory Jewish and Christian thoughts and attitudes toward lepers and leprosy bear a striking resemblance, in practice social attitudes toward lepers among Jews in medieval Western Europe are quite distinctive. Jewish attitudes to lepers were more than a simple mirror image of common practice in the Christian environment. We found a "popular trend" to accept, adhere to, and adopt common trends toward lepers from the surrounding, predominantly Christian society. We even found that Jews related to lepers as a danger that should be avoided. This is reflected in the deeds and thoughts of the people whose claims were rejected in the examples mentioned (spitting at lepers; the husband that tried to drive his wife out of their home; the inheritors) as well as in scholarly writings (RaAVYA). The picture emerging from some Jewish rabbinical source material is to some extent more intricate and there is more to it than

meets the eye. In the cases discussed earlier, the almost natural tendency to segregate lepers, deprive them of rights and material gains, and to use offensive magical means of defense against their disease are common, yet checked by the learned elite. This is not to say that all members of Jewish society treated the lepers among them harshly but the cases discussed definitely demonstrate a tendency that fits well into the pattern found in medieval European society.

Yet, members of the Jewish scholarly elite—the teachers of ethics, the legislators and the judges—felt that they could not leave the matter unattended. A look beyond the Jewish social pale, shared by the people and the elite, indicates that the issue of the group as such was uppermost in their minds when dealing with these matters. RaSHI is not only concerned with the fate of the woman driven out of her home; he is troubled by the far-reaching consequences of the husband's actions who tried to free himself of his responsibility to compensate his wife after driving her from their home. Rabbi Meir is clearly sensitive to the leper's individual fate but he also seems alarmed by the implementation of what seems to be legal traditions from outside and wary of the threat posed to the legal infrastructure of Jewish law when non-scholarly attempts to implement such rulings are made. It seems that Rabbi Judah was alone in his moralistic response to the plight of the leper, which was free from other considerations. Is it possible that Rabbi Judah's extreme sensitivity to the dignity and the feelings of an outcast (leper) were formulated and originated from his own life experience as a member of a pariah minority? Is this why his ruling is phrased in universal terms that include members of his immediate Jewish circle and all lepers, Jews and non-Jews alike?

Beyond the self-explanatory empathy for the Jews of medieval Europe and what seems at first glance to be only a humane motivation that guided the rabbinical decisions, one might argue that it was not compassion for the needy alone that led Jewish leaders to disassociate the lepers from the biblical *metsoraim*. The Jewish

leadership's response to lepers ought to be understood also as a direct consequence of the standards by which a minority, and specifically a pariah minority, was judged and evaluated by the majority in medieval society. In evaluating the Jewish response to leprosy and lepers inside the Jewish community, the following factors may also have played a role: 1) community size; 2) the fear of having members stray outside the community; 3) the question of compliance with the standards set by the "alienating majority"; and 4) the Jewish collective self-image in its own eyes as well as in the eyes of others (that is, the surrounding hostile majority).²⁶

It would thus appear that the classification of the Jewish leper as the "ultimate pariah" of medieval Europe is not so straightforward after all. Ironically, being Jewish seems to have improved the leper's condition relative to that of Christian lepers.

Notes

¹A note concerning translation: I translated the Hebrew sources in this paper that do not have published English translations. I used an existing English translation wherever such a translation was available. In some cases, however, I retranslated bits of the Hebrew original when I felt the existing English translation, however accurate, did not fully bring out the ideas embedded in the original Hebrew phrasing.

²Jews in the European Middle Ages were treated using a double-standard value system. They were thought to bear the collective and everlasting guilt of deicide for partaking in the events leading to the crucifixion. Although this notion was behind numerous persecutions in medieval Europe, Jews were, on the whole, legally tolerated in medieval Christian Europe. The Christian doctrine concerning Jews was based on the Augustinian ruling stemming from the saint's interpretation of Psalms 59:12, known as "the Augustinian doctrine of witness." Following this theological justification for their existence, lay rulers in medieval Europe granted Jews privileges and charters. These charters had several different purposes: 1) to derive the largest possible economic benefit from the Jews' presence in their midst; 2) to check and balance claims from religious circles attempting to use the Jews as a pawn in the ongoing battle between Church and state in medieval Europe; 3) to create additional political leverage on possible political opponents. On this

double standard of a persecuted yet tolerated minority and its implications, see Little (1991: 276-297) and Cohen (1994: 30-51; 1999).

³I refer to a H. Zimmels's remarks in this matter. It is my belief that his description is much too bleak. Zimmels (1926; 101-102 n.217; 125 n.102).

⁴On the "Blood libel" and the myth of ritual murder, see Hsia (1986); Langmuir (1990); Cohen (1994). The notion of pollution has much to do with the association of Jews as heretics and of heresy as a disease. See Moore (1976).

⁵Leprosy is a disease caused by *Mycobacterium leprae*. Ironically, the disease we know today as leprosy (Hansen's disease) was apparently absent from the eastern Mediterranean basin until the fourth century B.C.E (Before Common Era). In other words, it is not the disease the Bible calls *Tsar'at*. Leprosy was probably "imported" by soldiers in the armies of Alexander the Great in the fourth century B.C.E from the Indus Valley area, where it is endemic today. First accounts of the disease appear in Egyptian medical texts in Greek from the third century. It was at about that time that the newly imported disease, by now known as *lepra*, was first identified with the Biblical Hebrew skin affliction referred to in the Hebrew Bible as *Tsara't*. This identification is probably due to a mistranslation from Hebrew to Greek. When the Church adopted and canonized the *Septuagint* (the Greek translation of the Hebrew Bible), the two originally unconnected diseases became one. The Hebrew Bible's moral teaching focused on those afflicted with *Tsar'at* and the image of the *Metzor'a* (one afflicted with *Tsar'at*) as a temporarily ritually segregated member of society shunned for moral transgressions; this was projected on those afflicted with *lepra*. See Jastrow (1914); Brown (1967); Anderson (1980); Milgram-Beitman (1991); Mitchell (2001).

⁶It is quite clear from Hebrew scripture that the condition defined as *Tsara't* is curable. Furthermore, the diagnosis of *Tsar'at* was entrusted to priests (*cohanim*) rather than medical practitioners, thus highlighting the moral and divinely inflicted aspects of the condition instead of the medical ones. It was impurity and not fright or the dread of contagion that was behind the Hebrew Bible's attitude toward *Mezoraim* (those afflicted with *Tsara't*). On the relationship between impurity and fear of danger in the Levitical context, see Douglas (1966); Douglas (1996).

⁷Brody (1974); Richards, P. (1977); Richard, J. (1990). Leprosy has been on the scholarly agenda for some time, and according to different aspects. Among the most important studies are Larkey (1961); Møller-Christiansen (1961); Brody (1974); Richards (1977); Dols (1983); Bériac (1985); Demaitre (1985); Bériac (1988).

⁸A well-known example of this attitude can be found in the acts of St. Francis of Assisi and his female counterpart, St. Claire, whose biographers tell us of their will to attend to lepers, washing and feeding them. Earlier evidence can be found in the writings of Gerard of Nazareth. See Kedar (1983); see also Hamilton (2000).

⁹About this genre in its Jewish medieval context, see Klein (1975); Hass (1996).

¹⁰The quote is from Avigdor Aptovizer's edition of Rabbi Eliezer son of Joel Halevi's lengthy late-twelfth- and early-thirteenth-century commentary on the Babylonian Talmud known as the *Book of Ra'AvYA* (RaAvYA are the Hebrew initials of Rabbi Eliezer's full name). This commentary has not been translated into English. Rabbi Eliezer's commentary had a significant influence on many Jewish medieval European legal scholars and his views and rulings helped shape the fourteenth- and fifteenth-century codes of Jewish law. Aptovizer (1964: 524).

¹¹On the Jewish pietist's of medieval Germany, see the works of I. G. Marcus (1981; 1991) and H. Soloveitchik (1976; 2002).

¹²Spitting as a magical defense mechanism is well known and has been widely used from antiquity to the present day by Jews and Christians alike; see Trachtenberg (1984: 107, 120, 159).

¹³Furthermore, in a medieval Jewish commentary on Leviticus that was found in a Hebrew manuscript written in a German-Hebrew hand and originating from the same circles as Rabbi Judah, the anonymous author warns his readers to refrain from even accidentally stepping on a leper's spatula for it might cause magical harm. Known as MS Parma Bibliotheca Palatina Heb. 2342 (No. 541 on the de Rossi list of Hebrew manuscripts in this library), this is a large manuscript and includes several different medieval European Jewish rabbinical works in it, including writings from the German Jewish pietist circle associated with Rabbi Judah. The entry I refer to is on fol. 73 r. and reads: "for even if one steps on his [the leper's] spatula, he will come to harm (*nizok*)." Although the word *nizok* in Hebrew refers to any kind of damage or harm (both physical and metaphysical), in this context it unquestionably refers to magical harm alone.

¹⁴Jacob Rader Marcus of the Hebrew Union College in Cincinnati, Ohio, translated this response by RaSHI from Hebrew into English in the 1930s. Although the translation is accurate, I retranslated the paragraph quoted to better capture the essence of the moral reckoning with the husband.

¹⁵This bit of evidence is interesting since it was common practice in medieval Europe before the medicalization of the process of diagnosing

leprosy to ask lepers to help diagnose "their own kind" (Shazmiller, 1994: 4-5).

¹⁶In these matters Talmudic law is very rigid and places the burden of proof on the man's shoulders, who is charged with investigating and ascertaining his intended bride's health condition. According to Talmudic law, the man is even expected to inquire about the bride's physical condition from those with whom the woman attends the public baths. If the man has not made this effort prior to the marriage, the Talmud draws a parallel from his situation with that of a man who bought a field near a river bank only to realize one morning that his property has been washed away by a flood (*nistachafa sadehu*). According to Talmudic law, practiced by medieval European Jews, neither the landowner nor the husband in question can make any claims on the people who sold him the property/wife, for the buyer/husband had to make these inquiries and calculate his risk accordingly. However, if the husband would have provided strong proof that he had truly been misled by the wife and her family, RaSHI would have ruled according to Talmudic law that the marriage should be annulled retroactively and the wife would lose all rights to material compensation.

¹⁷James Brundage and others have shown that the issue of consent in marriage was under constant debate among ecclesiastical canonists during RaSHI's time; see Brundage (1987: 335); Murray (1998: 124 n. 5). The issue was finally resolved along the same guidelines, referred to by RaSHI. It was Pope Alexander III who demanded consent in these matters in the Third Lateran Council of 1179, 75 years after RaSHI's death.

¹⁸In an account on Jewish life in medieval Champagne we find the following:

Hospitals were established both by the Church and the Jewish Community for the benefit of their own people exclusively. Lepers were provided with separate facilities. A large leprosarium for Christians was built just outside Troyes and was already in place in 1123 when Count Hughes left for the Holy Land. Although there is no record of a parallel facility for Jews in Troyes, it is not impossible that there was such a hospital since other towns had them. The chronicler Geoffrey de Courlon related that in 1146 the king "misled by his desire for money" conceded to the Jews the right to build a leprosarium in the area of Sens as well as a synagogues and cemeteries. By 1244 documents indicate a Jewish leprosarium in Provins" (Taitz, 1994: 125-6).

Although I agree with Taitz's comment on the religious peculiarity of the charitable institutions, I fear her generalization concerning Jewish hospitals and *leprosaria* is based on inadequate evidence. The one, and so far only, account of what seems to be a Jewish *leprosarium* is the one Taitz refers to from the French city of Provins; see Jordan (1989: 215, 309); Touati (1998: 682). Accounts are unclear whether this establishment survived until 1274, as claimed by F. O. Touati, or until the expulsion of Jews from France in 1306, as stated by W. C. Jordan. I do not believe that there are any inner-Jewish accounts of this *leprosarium* in Provins. We cannot rule out the possibility that this was not a *leprosaria*. Although a leper, or perhaps a few lepers, were to be found in this establishment, the Christian accounts might reflect a polemical opinion and not an objective observation. What probably served as a general hospital for an area larger than just the city of Provins might have been described by Christian writers as a leper house because of its association with Jews. As for the time of RaSHI, I find it hard to believe such a Jewish *leprosarium* was already operational in the Champagne area as early as the late eleventh century when the earliest accounts of a Christian institution are about a quarter of a century after RaSHI's death in 1105.

¹⁹*Leprosaria* in Europe continued to serve as houses of charity and as hospitals long after leprosy declined in western Europe during the fourteenth and fifteenth centuries, thus maintaining an archival continuum; see Rubin (1989: 41-43); Richards (1977: 83). Even if Jewish supercommunal *leprosaria* did exist, in view of western European Jewry's fate—the persecutions and eventual expulsions—it is extremely unlikely that any archival material survived.

²⁰For Rabbi Meir's biography and a translation into English of a selection of his *Responsa*, see Agus (1947).

²¹Agus brought this response in his selection of R. Meir *Responsa*. However, Agus "handled" the Hebrew original in two different ways. The question to which this was a response was reconstructed, although it does not appear in the Hebrew original—neither in the Cremona (1557) printed edition nor in the manuscript. The text itself was paraphrased for the modern English reader, omitting significant phrases and expanding on others; see Agus (1947: 615 § 683[d]).

²²The term "Sadducees act" is reserved in Jewish rabbinical circles to label contra-*Halachic* transgressions, especially those abusing traditional methods of learning, which might lead to conclusions outside the pale of *Halacha*. *Halach* is the Hebrew term for traditional Jewish law. Its literal meaning is very close to the Greek *orthodoxia*. The Sadducees were one of the three competing sects in Judaism during the Second Temple

Period (third century BCE-first century CE). The other two sects were the Essenes and the Pharisees. The Talmudic sages of late antiquity as well as medieval rabbinic scholars viewed themselves as—and in many ways truly were—the offspring of the Pharisee denomination and therefore opposed to the Sadducci line of thought, rendering it untraditional and semihetical. Y. Sussman has pointed out that the phrase “Sadducee act” is commonly used by medieval rabbis with reference to non-conformist Jewish individuals and groups; Sussman (1994: 194).

²³For example: a) the canonical *Midrash Rabbah* on Ex. 2, 23 (part I § 34): “And it came to pass in the course of those many days that the King of Egypt died—He became a leper who is deemed as one dead” (*Midrash Rabbah Exodus*, 1939: 43); b) *Babylonian Talmud: Tractate Nedarim* 64b: “Four people are accounted for dead: A poor man, a leper, a blind person and one who is childless” (*Babylonian Talmud*, 1936: 206). Both sources were known and in wide use among the Jewish medieval scholarly elite.

²⁴On Henry de Bracton’s pivotal role as one of the figures that helped shape English common law and on the sources that influenced his work, see Thorne’s foreword to the four volumes of Bracton’s work (1977). See also Barton (1993).

²⁵An elaboration on this topic can be found in my dissertation (Shoham-Steiner, 2002). The plight of medieval Jewish lepers in Europe and elsewhere has not been discussed yet. I have dealt with the subject in my dissertation, analyzing a number of sources, some of which are used in this paper. I am currently preparing a monograph on Jewish social attitudes toward marginal individuals in medieval western Europe.

²⁷In connection with the preceding, the following quote from M. Douglas’s account of M. Pegg’s article about the treatment of lepers in the Crusader kingdom of Jerusalem during the twelfth century is more than relevant: “In the Eastern Kingdom . . . , the Christian state in the middle of the Muslim world, surrounded by enemies, militarily weak, relatively poor and very valiant. In those conditions cultural theory would predict that the members of the community would be far more impressed with the need for solidarity than preoccupied with carving out distinctions among themselves”; Douglas (1991: 733-734).

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