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Poverty and Disability: A Medieval Jewish Perspective*

In 1760 Rabbi Naphtali Hirsch Gössler wrote to his son in Halberstadt from his fund raising "road trip" to Amsterdam. The letter has many insightful and somewhat sarcastic remarks; in one of them Rabbi Naphtali Hirsch relates to the priorities in almsgiving common among wealthy Spanish-Portuguese Jews of the mid eighteenth-century Amsterdam Jewish community:

> The Portuguese Jews here are very wealthy and they are also very generous when it comes to matters of charity and alms giving. However they prefer supporting the lame the sick and the blind rather then supporting poor scholars of the Torah. It appears that like the Jews in Poland they are well aware of the fact that there are greater chances they might become lame, sick or blind than of becoming scholars of Torah.[1]

Rabbi Gössler was what we, in modern day English, referred to as a professional or semi-professional fundraiser. In Yiddish, the medieval and early modern German dialect common among Jews and spoken to date by some Ultra Orthodox communities, these fund raisers are still referred to as "Schnorrers". As such, Rabbi Gössler had enough experience in his own background to easily compare two relatively large Jewish communities in two rather distant parts of Europe from two very different backgrounds. His cynical remark rings true for it contains some fundamental truths regarding issues of poverty, charity, the social language of poverty, and the connection between poverty and physical disability. Although Rabbi Gösslar wrote in the eighteenth century these truths reach back into the Middle Ages.

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* This research was made possible by funds from the Blechner and Friends Career Development Chair in East European Jewish Culture in the Department of Jewish History at Ben-Gurion University of the Negev – Be'er Shevah.

[1] Jacob Rader Marcus, *Communal Sick Care in the German Ghetto* (Cincinnati, 1947), 15.

By the eighteenth century, and especially in a large, prosperous and well established community such as Amsterdam, Rabbi Gösslar was not alone in his attempt to raise charity for his cause. Furthermore, by the eighteenth century the charitable foundations for the sick and the needy, as well as other "non-profit organizations" such as the *Chevrah Kaddisha* (a term literally meaning the "holy society" referring to the undertakers charitable organization) were well established and many prominent and affluent community members were involved in them as trustees.[2] This of course did not altogether cause the disappearance of "regular" sick, needy and disabled beggars wandering the streets. Handicapped beggars were still a very common sight in synagogues and by the households of the wealthy and other members of the community, in constant search for both charity and shelter.[3] According to Rabbi Gösslar, this phenomenon was common in both Amsterdam and Poland. Poverty, charity and disability are interwoven and almost inseparable. A handicapped individual was, and in many cases still is, more likely to touch the "purse opening mechanism" of most human beings because of either empathy, pity, compassion or for exactly the opposite reasons, trying to fend the beggars off by giving them a petty donation so that they will trouble one no more.

In his fundamental study on Poverty and the Poor in the Middle Ages, Michel Mollat has already shown the high correlation between poverty and

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[2] One of my teachers, Yosef Kaplan of the Hebrew University in Jerusalem, has dedicated a life time of research and writing to the social aspects of the early modern, predominantly Spanish-Portuguese (*Sepharadi*), Jewish community in Amsterdam, its social stratification and its institutions. I want to cite two of his chief works in this field: Y.Kaplan, *From Christianity to Judaism: The Life of Isaac Orobio de Castro*, tr. R. Loewe (Oxford, 1989); *idem*, *An alternative Path to Modernity: The Sephardi Diaspora in Western Europe* (Leiden, 2000). On the relationship between Jews of Sephardi decent and their eastern European co-religionists in Amsterdam see *idem*, 'The Portuguese Community in 17th-Century Amsterdam and the Ashkenazi World', *Dutch Jewish History* 2 (1989), 23-45; *idem*, 'Amsterdam and Ashkenazic Migration in the Seventeenth Century, *Studia Rosenthaliana* 23 (1989), 22-44. *idem*, The self-definition of the Sephardic Jews of Western Europe and Their Relation to the Alien and the Stranger', in *Crisis and Creativity in the Sephardic World 1391-1648*, ed. Benjamin R. Gampel (NewYork, 1997), 121-145.

[3] On this issue see Elliott Horowitz, 'Charity, the Poor and Social Control in European Jewish Communities between the Middle Ages and the Early Modern Period,' in *Religion and Economy – Connections and Interactions*, ed. Menahem Ben-Sasson (Jerusalem, 1995), 209-232 (Hebrew). On similar Jewish organizations in other parts of Europe see: Bracha A. Rivlin, *Mutual Responsibility in the Italian Ghetto 1516-1789* (Jerusalem, 1991) (Hebrew).

physical disability. Mollat argued that this connection is multi-faceted. Among those people who earned their livelihood from manual labor or craftsmanship a physical impairment often led to an inability to earn an income.[4]

In many cases even men and women who were once able bodied and earning were driven to poverty due to physical misfortunes that caused them to stop being part of the work force and thus stop earning their livelihood. Mollat further argued that being needy and poverty stricken had a tremendous effect on one's diet and as a result on the ability to recover from disease. Long lasting diseases, poorly treated bone fractures, sores, ulcers and other illnesses, even if not debilitating in themselves, often culminated in permanent physical impairment, and reduced those suffering from them to a state of permanent physical disability. This made the chance of a change for the better scant.

For obvious reasons, the poor were also less immune to illness a priori; once down with a disease the prospects of a speedy recovery in poor living conditions were either low or altogether impossible. We should also bear in mind that the lives of beggars involved a constant struggle against the elements of nature. Itinerant beggars were a part of society that was constantly "on the move"; beggars took to the roads where they were literally "exposed" to the perils of wayfaring travelers with very little for comfort and shelter. We should also remember that in many medieval European societies the value of stability was considered very high and the image of the wayfaring beggar was therefore a problematic one.

The above, therefore, demonstrates Mollat's observation that poverty and disability were in many respects interchangeable. However most, if not all the sources that Mollat in his profound study made use of are almost solely medieval Christian sources. This statement is true for other scholars of medieval studies like Robert Jötte and Bronislav Geremek, who's studies have enriched our knowledge and understanding of the medieval poor and poverty.[5]

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4 Michel Mollat, *The Poor in the Middle Ages*, tr. A. Goldhammer (New Haven and London, 1986), 4-12.

5 Bronislav Geremek, *The Margins of Society in Late Medieval Paris*, tr. J. Birrell (Cambridge, 1987) *idem*, 'The Marginal Man', in *The Medieval World*, ed. Jacques L Goff, tr. L. G. Cochrane (London, 1990), 347-373; *idem*, *Poverty: A History*, tr. A. Kolakowska (Oxford, 1997); Robert Jütte, *Poverty and Deviance in Early Modern Europe* (Cambridge, 1994).

In this short article I wish to bring forth some of the evidence found in medieval Jewish writings, especially in Rabbinic sources that are often regrettably overlooked by medievalists. Language barriers, cultural and at times religious and political biases have prevented medievalists from delving into this relatively large corpus. I propose to look at this material regarding disability and its almost inseparable and very visible connection to poverty, and draw attention to the unique viewpoint these sources supply with regard to European Middle Ages – a viewpoint from the religious margins of 'mainstream society'.

It is at this point that I should voice some remarks of a methodological nature. First we must bear in mind that much of the data found in Rabbinic sources is of a different nature then the sources used by medievalist studying poverty and its institutional relief in the Middle Ages (or for that matter any other social issue). The sources in question are by the most part restricted to either the ethical genre or are of legal nature typical to the rabbinic literature of medieval Europe. This is true of both printed editions of the Jewish material as well as the data still in manuscript form.

The reason for this difference in genre between the Jewish and non-Jewish sources is closely associated with the nature of the medieval European Jewish experience. When we compare the Modern Jewish Studies scholarship about medieval poverty and poor relief to that of medieval studies on similar issues a striking difference emerges. While medievalists have, relatively speaking, many sources, scholars of Jewish Studies have very few sources, if any, from the European Middle Ages that can give a detailed picture of the establishment, upkeep and donations to charitable institutions. To illustrate this point I wish to give an example from medieval England.

In her study of hospitals and sick care in medieval England published almost a century ago, Rotha Mary Clay used a rather large number of medieval charters granted and lists of donations made to English hospitals.[6] In more recent studies on the same topic, Nicholas Orme and Margaret Webster have surveyed almost six hundred establishments, from as early as the eleventh century up until the mid-sixteenth century, using records of these establishments that have survived to date in both local regional and national archives. Orme and Webster's study addressed issues regarding the organiza-

6 Even in an article of an overview nature like that written by Martha Carlin we find reference to a large number of sources of an archival nature; see M. Carlin, 'Medieval English Hospitals' in *The Hospital in History*, ed. Lindsay Granshaw and Roy Porter (London and New York, 1989), 21-40.

tion, administration, financing, and even evidence concerning the inhabitants and inmates of the institutions they had investigated.[7] Looking for similar material among the Jews of medieval European communities is an extremely frustrating task and it is not surprising that we can hardly find it. It is also not surprising that most of the works mentioned earlier in the footnotes regarding Jewish charitable organizations are based on sources not earlier than the sixteenth century. The reason for this is twofold, first of all size. Even the larger Jewish communities in medieval Europe didn't come close in size to their Christian contemporaries. Fewer people leave behind fewer evidence of a smaller number of institutions and a smaller number of documents reflecting these institutions activity. But there is also a second reason, related to the nature of Jewish existence as a persecuted minority in the Middle Ages. When Emily Taitz had surveyed the Jewish charitable establishments in northern France she wrote 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.[8]

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[7] Nicholas Orme and Margaret Webster, *The English Hospital, 1070-1570* (New Haven, 1995). In her study of hospitals and communal sick care in medieval Cambridge situating charitable activity within contexts of religious sentiment and social observation and experience Miri Rubin used similar archival sources to the ones used by Orme and Webster. See M. Rubin, *Charity and Community in Medieval Cambridge* (Cambridge, 1987).

[8] Emily Taitz, *The Jews of Medieval France: The Community of Champagne* (Westport Conn. and London, 1994), 125-126, n.44-46. We shouldn't be misled by the last sentence. The proof Taitz brings from hospitals in "other towns" refers to one piece of evidence from a non-Jewish source concerning a possible Jewish *leprosarium* in Provins in 1244. She begins with an account of the chronicler Geoffrey de Courlon relating that in 1146 the king of France "misled by his desire for money" conceded to the Jews the right to build a *leprosarium* in the area of Sens as well as synagogues and cemeteries; see Gustave Julliot (ed.), *Chronique de l'abbaye St. Pierre le-Vif de Sens par Geoffroy de Courlon* (Sens 1876), 476. By 1244 Taitz declares that documents indicate a Jewish *leprosarium* in Provins. On this establishment see also Heinrich Gross, *Gallia Judaica Dictionnaire géographique de la France d'après les sources rabbiniques (*with supplement by: Simon Schwartzfuchs) (Amsterdam, 1969), 493-495. It is also mentioned in Gilbert Dahan, 'Quartiers juifs et rues des juifs', in Bernhard Blumenkranz (ed.), *Art et archéologie des juifs en France medievale* (Toulose, 1980), 26, n. 81. Dahan quotes two sources, one re-

Even if we accept Taitz's assumption that such institutions existed, the troubles of persecution and expulsion led Jews in many instances to leave behind rather then to hold on to dossiers of documents regarding institutions that might have existed but from the time of expulsion will no longer survive in that format.

In light of these reservations we will have to deduce our conclusions with regard to poverty, its institutional relief and the relationship between poverty and disability from sources less common to this kind of research.

The second methodological remark aims at restricting the generalization mentioned earlier regarding the innate connection between poverty and disability. Many poor people suffered from disability, but not all disabled people were poor. The Jewish sources speak of disabled people who are not poverty stricken but rather either influential members of the community or even religious functionaries that continue to hold leading religious position although they are physically disabled. Several entries in medieval rabbinic writing describe disabled individuals who are clearly not poor but on the contrary, prominent members of society, affluent and economically well off.[9]

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ferring to a *locus ubi Judei leprosi solent morari* and the other *locus ubi quondam fuisse dicebatur domus Judeorum leprosorum*. In his book on the French monarchy and the Jews, Bill Jordan refers to these establishments and states that they were evacuated in 1306 when Jews were expelled from France. William C Jordan, *The French Monarchy and the Jews From Philip August to the Last Capetians* (Philadelphia, 1989), 215 and n. 17, and 309, n. 94. This establishment was recently mentioned by François-Olivier Touati, 'Domus Judaeorum leprosorum: Une léproserie pour les juifs à Provins au Moyen Âge', in *Fondations et oeuvres charitables au Moyen âge. Congrès national des sociétés historiques et scientifiques (121^e, Nice, 26–31 octobre 1996). Section d'histoire médiévale et philologie*, ed. Jean Dufour and Henri Platelle (Paris, 1999), 34-35. It seems that all the evidence points to probably one establishment whose own documentation dossier did not survive.

9 Up until the 13th century Jews were almost always members of the urban social component of society and were usually economically affiliated with trade, commerce, finances or in fewer cases craftsmanship. This enabled even those members of Jewish society who were disabled and couldn't perform manual labor to still earn a living. Furthermore, community employees, communal leaders, scholars and even those holding ritual positions could at times go on holding their respective vocations and socio-religious position even when they were for some reason handicapped. Thus we hear of a community who turned to Rabbi Meir of Rothenburg asking him if a cantor hold on to his position although his arms have "fallen off" (perhaps as a result of leprosy). R. Meir ruled unequivocally that not only can the cantor remain in his position but rather that his "broken heart" – a result of the handicap – is considered an advantage to his trade rather than an impairment for his vocation. The fullest version of this responsa is found in MS London (*Beit Hadin*) no. 14

To mention but one example, the famous late twelfth- and early thirteenth-century Rabbi Simcha of Speyer lost his eyesight in his older age. This did not seems to prevent him from continuing to serve as a revered sage and supra communal leader.

In an eye opening article written some years back, Elliot Horowitz pointed out that in the late thirteenth century and later on in the fourteenth and fifteenth centuries we hear of more and more attempts to regulate begging and to verify that those individuals seeking public support and communal alms are, in fact, who they claim to be: impoverished individuals.[10] This specific communal scrutiny intensified in the aftermath of the Black Death, when an overwhelming number of Jews (as their Christian neighbors in many parts of Western Europe) were left with very little means to support their families.[11] The attempts at regulation of begging date back to the early thirteenth century and probably correspond, as Horowitz points out, with the contemporary Christian custom of distributing tokens to known beggars as a means of identification and authorization.[12] It is as early as the late twelfth century or early thirteenth century that we hear Rabbi Yehudah "the Pious" of Regensburg (d. 1217) attacking, in his ethical work *Sefer Hassidi*m – "The Book of the Pious" those Jewish beggars who, in an attempt to win compassion and eventually charity funds, put on a feigned act of physical disability.[13] In a sharp and didactic manor Rabbi Yehuda suggests the fol-

(in the Adler list) fol. 156 col. D § 1066. This MS itself dates back to 1391, but the responsa collection in it is 90 years older. It was edited by Meir's brother Abraham following his famous brother's passing in 1293. I used a photograph of the original MS found at the *Institute for Hebrew Microfilmed Manuscripts at the Jewish National and University Library in Jerusalem* (film # 04685).

10 See note 3.

11 Yacov Guggenheim, 'Von den Schalantjuden zu den Betteljuden. Jüdische Armut in Mitteleuropa in der Frühen Neuzeit', in *Juden und Armut in Mittel und Osteuropa*, ed. Stefi Jersch-Wenzel, François Guesnet et. al. (Cologne, 2000), 55-69.

12 See Horowitz, 'Charity' (*op. cit. supra*, n. 3), 215, n. 12.

13 In the course of work I refer several times to The Book of the Pious (*Sefer Hassidim*). This extraordinary source of Jewish culture in the medieval Franco-German area survived in a few manuscripts. The largest is MS Parma Palatina Heb.3280. In 1891 this MS was copied and published in Berlin by J. Wistinezki. In 1924 a better edition based on Wistinezki's work was published in Frankfurt am Main. [In this article I refer to it as SHV. The second version of the Book of the Pious survived in an early print from Bologna (1538) based on this early printed edition R. Margaliyot published this version again in Jerusalem in 1957. In this article I refer to it as SHM.] Alfred Haverkamp, Peter Schäfer, and Israel Yuval are currently leading a team of researchers (Saskia Dönitz, Rami Reiner, René

lowing: “He who feigns lameness or blindness or any other disability should know that he will not leave this world until his assumed misfortune will turn into his life's reality.”[14]

The literary roots of this remark, and the idea behind it, can be traced back to a Talmudic ethical ruling form the sixth century found in the Babylonian Talmud tractate Ketubot. However, Rabbi Yehudah the Pious probably wouldn't have mentioned it with such force and threatening manner among other rulings regarding charity unless it happened to be a pressing issue in his time.

Fear of deception was not the only matter in need of regulation. In another rather enigmatic entry in the same *Book of the Pious* we hear of Jews giving charity to non-Jews.[15] Jews, while naturally feeling more obligated to their brethren and fellow co-religionists, did however give charity to non-Jews who asked for it, if not for any other reason than to maintain a good and neighborly relationship with their immediate surroundings[16]. This practice is probably based on ethical rulings dating back to late antiquity, if not earlier, advising the readers to be charitable even to those non-Jewish beggars who menace the Jew with threats of supernatural nature and demonic retribution if they fail to give charity. By way of concluding this remark, the author mentions in passing that this is true “to madman as well”. It appears to have been common among medieval European folk to give even symbolic charity to those deemed mad in order to appease the spirits that possessed them and divert them from attacking the giver.

Richtscheid and others) who are working on Sefer Hasidim. This project will eventually lead to a better edition and translation. It is called “Juden und Christen im ‘Buch der Frommen’ (Sefer Hasidim) – Edition, Übersetzung und Kommentierung ausgewählter Texte zur Geschichte der Juden und der jüdisch-christlichen Beziehungen im mittelalterlichen Deutschland.”

14 SHM §125, reference to Babylonian Talmud (BT) Ketubot 68a.

15 SHV § 381.

16 To illustrate this point, let us look at one example: One of the ritual obligations of the Jewish festival of Purim is to give charitable donations to the poor. This ruling is based on a verse in the book of Ester (9:22). In a ruling attributed to the northern French Jewish sage Rabbi Shlomo Yizhaki, know better by his acronym RaSHI (1040-1105), he reprimands those Jews who give this obligatory charitable donation associated with the festival to their own non-Jewish household servants. By doing so, says RaSHI, they withhold potential charity from their needy Jewish brethren. The Hebrew phrasing of the ruling makes it quite clear that this practice was common among Jewish urban circles in this time period. Shlomo Buber and Yacov Freimann (ed.), *Sidur Rashi* (Berlin, 1912), §346 (Hebrew).

This casual remark catapults us to a whole other aspect of the link between poverty and disability: the bond between poverty, charity and what we would today refer to as mental disability, another aspect of the visual sign language of poverty.

Insane individuals in the European Middle Ages were roughly classified according to two distinct categories: the harmless and the raving mad[17]. The harmless, calm, though at times hilarious fools were left to wander about the public sphere in relative freedom, collecting alms and charity. Judith Nemann in her *Suggestion of the Devil* described this common medieval non-violent variety as "**barefoot and breadless beggars**"[18]. Recently, James Brodman in his book on *Charity and Welfare – Hospitals for the Poor in Medieval Catalonia* noted that:

> People whose behavior we would now characterize as disturbed were not differentiated from the run of beggars until the 14th century, when society began to sort the poor into various categories.[19]

In an *exemplum* from the aforementioned *Book of the Pious* we hear of a man who decided to feign madness while in captivity in order to conceal his Jewish identity.[20] The story describes him wandering the streets appearing

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[17] I mention but a few outstanding works: Traugott Konstantin Oesterreich, *Possession, Demoniacal and Other: Among Primitive Races, in Antiquity, the Middle Ages, and Modern Times*, tr. D. Ibberson (New York, 1930); George Rosen, *Madness and Society: Chapters in the Historical Sociology of Mental Illness* (Chicago, 1968); Judith S. Neaman, *Suggestion of the Devil: The Origins of Madness* (New York, 1975); Bernard Chaput, 'La Condition Juridique et Sociale de l'aliéné mental', in *Aspectes de la Marginalité au Moyen Age*, ed. Guy H. Allard (Montréal, 1975), 39-47; Penelope B. R. Doob, *Nebuchadnezzar's Children: Conventions of Madness in Middle English Literature* (New-Haven, 1974); M. Laharie, *La folie au Moyen Age: XIe-XIIIe siècles* (Paris, 1991) and, more recently, Barbara Newman, 'Possessed by the Spirit: Devout Women, Demoniacs and the Apostolic Life in the Thirteenth Century,' *Speculum* 73 (1998), 733-770. See also Catherine J. Kudlick, 'Disability History: Why We Need Another Other', *American Historical Review* 108 (2003), 763-793, esp. n. 4. On madness and madmen in medieval Islam see Michael W. Dols, *Majnun: The Madman in Medieval Islamic Society*, ed. Diana E. Immisch (Oxford, 1992); Boaz Shoshan, 'The State and Madness in Medieval Islam', *International Journal of Middle East Studies* 35 (2003), 329-340.

[18] Neaman, *Suggestion of the Devil* (*op. cit. supra*, n. 17), chapter 2.

[19] James William Brodman, *Charity and Welfare: Hospitals for the Poor in Medieval Catalonia* (Philadelphia, 1998), 85.

[20] For an analysis of this *exemplum* see Ephraim Shoham-Steiner, 'The Humble Sage and the Wondering Madman: Madness and Madmen in an exemplum from "*Sefer Hassidim*"', *Jewish Quarterly Review* 96 (2006), 38-49.

foolish, receiving food donations that sustain him and spending his time in the company of children both playing with them and ridiculed by them. Indeed, Sander Gilman points out that harmless madman were represented both in literature and in the visual arts as part of the world of children, being of "lesser mind" than a "normal" adult.[21]

The raving mad, on the other hand, were considered a menace, a threat to themselves and to society. Physical as well as textual evidence points to the segregation and at times imprisonment of these individuals, and even to their grave physical mistreatment.[22] With these distinctions in mind let us look at a case from the mid or late thirteenth century from the Responsa of Rabbi Meir ben Baruch of Rothenburg, a man considered by many to be the most prominent religious leader of German Jewry during the second half of the thirteenth century.[23]

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[21] Sander Gilman, *A Cultural History of Madness and Art in the Western World from the Middle Ages to the Nineteenth Century* (New York, 1982). A similar notion appears in the medieval European Jewish homiletic exegetical collection called *Yalkut Shimoni* attributed to the thirteenth-century Rabbi Shimon of Frankfurt. This collection is generally heavily reliant on earlier works and homiletic material dating from late Antiquity to the early Middle Ages. This is also the case in a passage relating to David's feigned madness in the court of the Philistine King Achish of Gath (1 Samuel 21). In *YS* passage we find a dialogue between David and God regarding the nature and purpose of madness. David describes a madman's behavior and its social resonance in the public sphere. The description quoted in *YS* relies heavily on the early medieval *Midrash Shoher Tov* (*MST*) on Psalm 34. However, when we compare the description in the earlier MST with Rabbi Shimon's 13[th]-century version we find several remarks in Rabbi Shimon's version of the text, absent from the original *MST*. I suggest that part of the description was inserted either by R. Shimon or by an unknown medieval contemporary: "… A man walks in the market place tearing his clothes *and the children mock him and chase him* and the crowd laughs at his dismay…" See Shimon of Frankfurt, *Yalkut Shimoni,* ed. Dov Hyman and Yitchak Shiloni (Jerusalem, 1999), vol. 6, par. 131 (Hebrew).

[22] See Alfred Sander, 'Die Dollen in der Kiste – Zur Behandlung von Geisteskranken in den spätmittelalterlichen Städten', in *Festschrift für Peter Berghaus zum 70 Geburtstag*, ed. Thorsten Albrecht (Münster, 1989), 147-167.

[23] On Rabbi Meir's life and work see Ephraim Kanarfogel, 'Preservation, Creativity, and Courage; the Life and Works of R. Meir of Rothenburg', *Jewish Book Annual* 50 (1992), 249-259. See also Joel Berger, 'Rabbi Meir ben Baruch von Rothenburg – sein Leben und Wirken', in *Zur Geschichte der mittelalterlichen Jüdischen Gemeinde in Rothenburg ob der Tauber: Rabbi Meir ben Baruch von Rothenburg zum Gedenken an seinen 700. Todestag*, ed. Hilde Merz et al. (Rothenburg ob der Tauber, 1993), 201-208.

The case, found in the large collection of responsa edited by Rabbi Meir`s students, tells of a situation in which a married woman became insane.[24] The disputed issue concerns the financial responsibility for the upkeep of the woman who, though not yet divorced, no longer cohabited with her husband and probably resided with her own kin and folks. We must bear in mind that according to the *halakha* (code of Jewish law), two opposing restrictions governed such a case. On the one hand, a man could not divorce his insane wife or, for that matter a woman her insane husband; such a procedure was not valid unless the insane spouse regained his or her senses or, at the very least, had a lucid interval when consenting to the legal procedure.[25] Marriage to a second wife was also impossible. Since the early eleventh century the famous "Ban of Rabbenu Gershom" made the already practiced monogamy among Jews in medieval Europe into a formal rule.[26] On the other hand, for as long as the woman remained irrational, her husband was forbidden to have any form of sexual relations with her because of the assumption that a madwoman was unable to observe the strict Jewish ritual purity laws concerning menstruation.

In the above case that came before R. Meir, the man argued that since he and his wife no longer cohabited, and because she was currently residing with her kin due to her mental state, he should be exempt from paying for her upkeep. R. Meir, however, ruled otherwise. In his mind, even though the couple no longer had marital relations, the husband had to provide for his wife. Furthermore, Rabbi Meir explicitly rules that when necessary, in case the husband is pressed for cash, he should hire himself out as a manual laborer or even go as far as taking to the road to beg for charity in order to

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[24] The responsa can be found in MS Moscow (Ginzburg collection) No.155, fol. 174b-181b.This fragment was first published by Simcha Emanuel in 1993: S. Immanuel, New Responsa by MaHaRam of Rothenburg, *Ha'meayen* 33 (1993), 18-19 (Hebrew). Simcha Emanuel is a leading authority on medieval German Jewish rabbinics in general and the writings of Rabbi Meir of Rothenburg in particular. See his recent article 'Unpublished responsa of R. Meir of Rothenburg as a source for Jewish history', in *The Jews of Europe in the Middle Ages (tenth to fifteenth centuries): Proceedings of the International Symposium Held at Speyer, 20-25 October 2002*, ed. Christoph Cluse (Turnhout, 2004), 283-293.

[25] On the Jewish law of divorce see David Wewrner Amram, *The Jewish Law of Divorce* (New York, 1968).

[26] On this and other issues concerning the marriage and divorce of Jewish women in medieval Europe see Avraham Grossman's fundamental study *Pious and Rebellious: Jewish Women in Medieval Europe* (Waltham MA, 2004), 51-64 and 70-78.

provide for his wife! This ruling is aimed to prevent, at all costs, even the hypothetical possibility that the wife at her deranged mental state might take to the streets, compelled by need to beg for her livelihood. R. Meir ruled that great care must be taken by all parties involved (the husband, the wife's kin, and, for that matter, even rabbinic and communal authorities), to safeguard the deranged wife's personal dignity and to spare her the degrading humiliation of begging in the streets in her mental state.[27]

The rationale for this ruling is twofold. First of all, I believe that true compassion and understanding for the woman's condition were exercised in this case. However, we must remember that contemporary Christian religious sources expressed similar concern, as some scholars have noted:

> Although evangelical poverty and mendicancy were permitted by Innocent III and obtained an officially approved status in the mendicant orders, female mendicancy was never acceptable to the official church and had to be discouraged.[28]

Thus, even when religious individuals like St. Catherine of Sienna asked to permit her order to assume apostolic poverty and mendicancy, following the rule of St. Francis, her request was denied on these very grounds – the prevention of female mendicancy. Judging from a potentially polemical point of view, Jewish leaders and especially supra-communal legal authorities like R. Meir did not want to fall short in piety from their immediate counterparts and permit female mendicancy.[29] In the Jewish mind, even if not in reality, Jewish actions came under constant non-Jewish scrutiny. Due to the wife's state of mental health and given the perils of the streets Rabbi Meir feared that the woman might be subjected not only to ridicule, but to harassment

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[27] Although Jewish women in medieval Western Europe enjoyed a relative freedom of movement, especially by comparison to their co-religionists in Iberian and Muslim countries, there were some restrictions on female movement in Medieval Europe as well. See Grossman, *Pious and Rebellious* (*op. cit. supra*, n. 26), 114-121.

[28] Anke E. Passenier, 'The Life of Christina Mirabilis: Miracles and the Construction of Marginality', in *Women and Miracle Stories: A Multidisciplinary Exploration*, ed. Anne-Marie Korte (Leiden, Boston and Cologne, 2001), 156.

[29] On Rabbi Meir's role as a supra-communal leader and spiritual leader for Ashkenazi Jewry of his time see Israel Meir Levinger, 'Rabbi Meir von Rothenburg als Halachist und geistiger Führer', in *Zur Geschichte der mittelalterlichen Jüdischen Gemeinde in Rothenburg*, ed. Hilde Merz (*op. cit. supra*, n. 23), 217-222.

and possible sexual abuse from Jews and what in his mind was even worse, from non-Jews as well, thus violating the groups' social boundaries.[30]

The very explicit and unequivocal tone of the ruling regarding the husband's obligation to provide for the insane wife economically even at the cost of begging for their livelihood is therefore telling.[31] However, another look at the specific phrasing used in the responsum suggests an even deeper under-current with an implied message. It seems that for as much as the Jewish religious leaders were concerned with the woman's mental state and even with the possible violation of group boundaries the thought of prevention of female mendicancy altogether is also present. Upon conclusion Rabbi Meir uses this responsum to argue that the general rule should be that if anyone should take to the streets in cases of poverty, regardless of mental state, it is the male and not the female.[32] Due to R. Meir's prominence, this specific

[30] The attitude towards this madwoman was reconstructed using a gendered perspective, leading R. Meir and later Jewish sages to prefer an enforced inner exile within the safe haven of the Jewish home to married woman who were deemed mad rather then having a woman roam the streets begging in a mentally disabled state. Rabbi Meir says explicitly of the woman: "*she is not fit for human company*". One should not underestimate the hardships involved in such a situation. With the absence of communal institutions to hospitalize mentally disturbed patients the only place they could be kept was at home. This hardship is emphasized in two quotes: the first from the Jewish 12th-century philosopher and codifier Moses Maimonides (1138-1204) who wrote that "the sane are unable to dwell with the insane in the same quarters" (The Maimonidian Code, The Rules of Divorce, ch. 10 ruling 23). A similar description appears in the 14th-century account of a madwoman in The Book of Margery Kempe: Book I, ch. 75: "*Sche roryth and cryith so that sche makith folk evyl afeerd. Sche wyl bothe smytyn and bityn, and therfor is sche manykyld on hir wristys.*"

[31] Recently some scholars have convincingly argued that interfaith sexual relations resonated much more strongly than violation of intra-group sexual norms. It seems that as long as sexual relations reflected the balance of power between religious groups, group-enforced sanctions were less harsh than in cases where the group perceived the relations as not correctly expressing the "true", even if imagined, power relationship. Jews of course had no true power over the surrounding Christian majority, but they had an imagined state of affairs in mind. A Jewish woman, even a mad one, still symbolized the Jewish collective in their eyes, explaining their concern with aimless female wandering and begging, a situation that might invite sexual harassment. See David Nirenberg, 'Religious and sexual boundaries in the medieval Crown of Aragon', in *Christians, Muslims, and Jews in Medieval and Early Modern Spain*, ed. Mark D. Meyerson and Edward D. English (Notre Dame, 2000), 141-160.

[32] By this, Rabbi Meir had also voiced his own opinion in an old dispute between two prominent northern French Jewish sages of the mid 12th century, Rabbi Eliyahu of Paris and Rabbi Jacob ben Meir "Tam" of Rempro on this matter. Rabbi Meir had studied in

ruling was not only followed but it became the standard rule among Jews in both western Europe, the realm known among Jews as Ashkenaz, as well as among the Jews of the Iberian peninsula known as *Sefarad*.[33]

It would seem that this case demonstrated another point. To members of a minority group, the "sign language" or "symbolic interaction analysis" can, at times, be of extreme importance and significance. Members of minority groups and especially their communal leaders are extremely aware of their image and very sensitive to how they are perceived by others. To the Jews of medieval Europe, poverty and disability as a sign of poverty were a problem not only because of their obvious implications. Visible poverty and physical and mental disability associated with it projected an image Jews were extremely reluctant to expose to their surroundings. I would like to suggest that a conscious attempt was made to project an image without poverty or, at the very least, with minimal signs of poverty and need to the surrounding society.

This attempt was made not only because Jews didn't want to be associated with poverty and disability as such but rather because it had and impact on the "working arrangement" they had with their surrounding society. Jews owed their partial acceptance and fragile religious tolerance in medieval Western Europe, especially between the eleventh and thirteenth centuries, to a very delicate economic equilibrium. This equilibrium was embedded in charters and privileges granted to Jewish communities all over medieval Western Europe. If not in reality, then in the imagined state of affairs that Jews had in mind, visible signs of poverty and disability so strongly associated with it posed a challenge, if not to say a threat, to their very position as members of an urban society. As early as the mid-eleventh century, in close

Paris with the renowned Rabbi Yechiel of Paris in the 1230s and had sided with the supporters of Rabbi Eliyahu ben Judah of Paris. On this controversy that predates Rabbi Meir by almost a century see Ephraim Elimelech Urbach, *Ba'aLei Hatosafot* (Jerusalem, 1980), 123 (Hebrew).

33 Rabbi Meir's close disciple Rabbi Asher ben Yeh'iel (RoSH) fled Germany in the aftermath of his master-Rabbi Meir's imprisonment (1286) subsequent death (1293) and the Ritter Rindfleisch Riots in Germany in 1298. He immigrated through France to Iberia and setteled there. His son, Rabbi Jacob had compiled in the mid-14th century many of his father's and his father's master's scattered teachings into one comprehensive legal compendium that in many ways still governs halachic law to the present time (The Book of Four "Turim" – lit. columns). See Israel M. Ta-Shma, 'Between East and West: Rabbi Asher b. Yehi'el and his son Rabbi Ya`akov', in *Studies in Medieval Jewish History and Literature*, ed. Isadore Twersky, vol. 3 (Cambridge Ma., 2000), 179-196.

temporal proximity to the charting of some of the early communal privileges granted to Jews in the Rhineland, famous Jewish sages expressed this notion in a subtle way.

Rabbi Gershon ben Yehuda (960-1028) known also by his title : *Meor Hagola* (lit. the luminator of the diaspora) is well known by his famous edict. One of the articles of the edict reads as follows: “The members of the community can draw up ruling regarding the poor or any other ruling. If these articles are based on a majority of supporters the others can not disregard this ruling and say: I will go to court and defend my objection, for one cannot summon a court hearing for these matters rather the matter is in the hands of the community's ‘betters’ as was in the early days.”[34] Apart from a very early demonstration of what seems to be a majority-based ruling typical of the Rhineland Jewish communities in the eleventh century we have a ruling regarding an example of an internal community issue that can not be turned over in court. Furthermore Rabbi Gershom explicitly states that such issues not only cannot be resolved in court but rather a court cannot be summoned to deal with them and the only authority in which one can appeal against a “poor law” designed to levy a communal tax for the benefit of the poor is with the highest communal authorities, the “communities’ betters" (*Tovei Ha'ir*). I believe the reason Rabbi Gershom chose the poor law as the example for an edict that can not be overturned by a court is highly significant. It probably raised resentment from those members of the small eleventh-century Rhineland communitis that saw it as another economical burden. Unlike many other cases in Jewish legal history Rabbi Gershom's edicts are a fine example of rulings that were very strictly observed by the Ashkenazi Jewish community because of their association to Rabbi Gershom's personal gravitas and the reverence to his legal input. Later in the eleventh century we hear that Rabbi Shlomo ben Yizchak, better known by his acronym RaSHI, and Rabbi Meshulam ben Kalonimus of Luca, who lived his later life in Mainz, both comment on a pre-Talmudic ruling from the *Mishna* in tractate *Avot* that states, quoting Yossi ben Yochanan of Jerusalem, a first century B.C sage, that one should house the poor in ones house (*Avot* chp.1, article 5).

The simple understanding of the ruling is that one has to feed and house passing beggars. With regard to this ethical ruling the two eleventh-century

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[34] My translation based on: Ben-Zion Dinur, *Yisral Ba'gola*, vol. A (3) (Tel Aviv, 1961), 270 (Hebrew).

sages understand the ruling rather differently. Rabbi Meshulam says "they (the beggars) should be employed in your household and you should prefer them to non-Jewish servants."[35] RaSHI, following R. Meshulam's lead, writes: "I rather provide for those poor Israelites by providing them with work in my house hold" (commentary on BT Baba Metzia 60b) and elsewhere: "do not employ many (non-Jewish) servants in your house hold but rather bring in the poor in their stead, they will serve you and you shall get a heavenly reward for it" (RaSHI's commentary on the abovementioned verse from Avot). A twelfth-century century commentary on the aforementioned quote from *Avot* associated with RaSHI's disciples in northern France expresses a similar opinion almost verbatim.[36] This interpretation expresses not only an attempt to minimize non-Jewish presence in the Jewish household and to maintain and support impoverished Jews, but at the same time it seems as an attempt to minimize the visible presence of Jewish poor in the streets. When read together with Rabbi Gershom's ruling on the irreversibility and inability to even consider appealing against the communal "poor laws" in the Rhineland Jewish communities, it seems the issue of the poor was of great importance to medieval European Jewish leadership. I believe that Jews did not only exercise empathy towards their impoverished co-religionists, they were also extremely uncomfortable with explicitly visible signs of poverty like begging and physical disability. These signs undermined, in Jewish eyes, some basic guidelines of the Jewish existence in medieval Europe. Since charity is obligatory by biblical law and further enforced in Talmudic law, driving away the poor or disregarding them was never an option, especially in light of Jewish existence as a minority society during the European Middle Ages.

Looking back at the privileges granted by Christian rulers to Jews in the eleventh and twelfth centuries it is the economic, financial and mercantile issues that stand out as the most important components of these arrangements.[37] The privileges facilitated a situation, in which economically capable communities and individuals became not only a part but, at times, a crucial

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35 Both sources appear in Horowitz, 'Charity' (*op. cit. supra*, n. 3), 218-220.

36 Rabbi Shimcha of Vitry, *Machsor Vitry*, ed. Simon Hurwitz (Nuremberg 1923), vol. 2, 468 (Hebrew).

37 Such as the famous privilege granted to the Jews by William the Conqueror "imported" from Roan to England as well as the privilege granted to the Jews of Speyer by Bishop Rudigerus Hausman see Julius Aronius, *Regesten zur Geschichte der Juden in Deutschland* (Berlin, 1893), § 168.

part of the economic urban fabric.[38] With that in mind, there is little wonder that Jews tried as hard as possible to conceal impoverished individuals and resented begging and other obvious signs of poverty. It was this attempt and probably its partial success that enabled a Jewish thirteenth-century polemist like the anonymous author of *Sefer Nizahon Vetus* to make the following remark:

> we thank God for saving us from being afflicted with impure issue, leprosy and skin disease as they [= the non-Jews] are, for the Lord is the one who cures us.[39]

At first glance there is nothing in this statement to suggest that it might refer to poverty or poverty stricken individuals, however at a second glance there might be a hint in this direction in the word "skin disease". The Hebrew source with regard to the skin disease reads *Serufei Esh* which literally means burnt by fire. However, from the contextual reference to leprosy Berger's translation *skin disease* is accurate although not specific. It is my belief that the Jewish anonymous polemist of *Nizahon Vetus* referred by this phrase to the notorious skin disease known as Ergotism or St. Anthony's Fire. This is one of the poverty related diseases mentioned by Mollat as a by-product of consuming poor quality cereal grains infected by fungus *(Claviceps purpurea*, called ergots**).**[40] Such a statement, claiming that Jews are not afflicted with poverty associated diseases could have been easily discredited by a mere glance around, let alone appearing in a polemic work, unless people thought it rung partially true.

As the fourteenth century approached, these attempts at "hiding" the poor proved futile, for the numbers of the poor were becoming too big. What be-

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38 In his book on the Jewish wine industry creditors in France and Germany, Haim Soloveitchik has pointed out the paradox between the hatred to Jews and continuous attacks against them during the mid and the late 13th century on the one hand, and the quick resettlement and rehabilitation of Jewish life in these same areas after riots on the other. Soloveitchik explains the paradox with the formative if not the crucial role Jews played in the wine crediting business that was of great economical importance to that local population. This in turn led to Jews becoming virtually indispensable, even if by the 13th century they were popularly resented. See: H. Soloveitchik, '"Halakhah", Taboo and the Origin of Jewish Moneylending in Germany', in *The Jews of Europe in the Middle Ages*, ed. Chr. Cluse (*op. cit. supra,* n. 24), 295-304.

39 David Berger, *The Jewish Christian Debate in the High Middle Ages: A Critical Edition of the Nizzahon Vetus* (Philadelphia, 1979), § 217 (p. 211).

40 Mollat, *The Poor* (*op. cit. supra*, n. 4), 63.

gan as a constant trickle in late twelfth and early thirteenth century was by the fourteenth century a flood. The late thirteenth century saw a rise in the number of Jewish poor as it has seen the rise in the number of non-Jewish individuals reduced to poverty. The Jewish situation, although not very different from the surroundings, has been attributed to various causes. The economic changes that affected the whole population took a special toll on Jews as they had fewer legal "shock absorbers" and means of power against economic perils in medieval society. The rising power of the Christian urban elite, and the growing awareness within urban circles to their religious and social identities contributed to the erosion in the legal status of the Jews, who were perceived as competing economically with the rising burger class. These in turn caused growing intolerance toward Jews, pushing many of them from trade and craftsmanship to the non-guild regulated ventures like pawn broking, crediting and the money lending business. These vocations, though providing, required economical prerequisites in the form of hard currency cash available only to the more affluent members of the community who could compete and survive in these occupations economically. Thus, a growing number of one time providers were slowly reduced into poverty. Essential parental duties such as marrying off the children became a huge burden on income. If in the twelfth century most of the Jews traveling the roads were merchants, from the beginning of the thirteenth century we find more evidence of Jews whose travels were driven by sheer economic need. Fathers traveling from one community to another in an attempt to raise funds to marry off their daughters (a task considered worthy of charity among observant Jews) and more people drifting from town to town in order to earn a few coins for their livelihood.

Jewish rabbinic sources from the turn of the thirteenth century, especially responsa literature, reflect the growing number and high visibility of people referred to in the sources as "lodgers", or in Hebrew *achsanaim.* As Israel Yuval demonstrated some years ago, this term was used in the thirteenth century to describe those inter-community travelers who lacked the mercantile connections in the towns they arrived at. The *achsanaim* relied in their travels either on the hospitality of community members or, particularly in large communities, on a communal facility similar in nature to the thirteenth-century *domus hospitium* – again a link between poverty and disability. This institution known in Hebrew as the *A-chsania*, usually adjacent to the local synagogue, was home to itinerant beggars as well as to the sick and disabled in the community.[41] The term clearly resonates the Greek root *xenoi* meaning foreigner, stranger but also guest. The growing number of itinerant beggars posed a problem to communal authorities. Rabbinic leadership found itself caught between an attempt to regulate the distribution of charity among a growing number of needy and disabled people, while attempting to verify their true identity without violating their dignity, which was threatened in any case. Escalating competition over diminishing resources caused some beggars to assume the identity of disabled poor men and women in the hope of enlarging their share or by attracting more attention to their needy state by means of deception.

To conclude: Jacob Guggenheim has shown that during the fourteenth and especially the fifteenth century transalpine Jewish communities experienced a 100% rise in the number of their poor compared to the previous century: "a growing number of individuals did not have a fixed residence, a secure roof over their heads or a regular source of income." The *Betteljuden* or *Schalantjuden*, as they are referred to in German sources of the period, testify by their mere names to the fact that what appeared to be the Jewish attempt of the eleventh century to "conceal" the poor became virtually impossible[42]. Poverty and physical as well as mental disability of the Jewish poor folks could no longer be concealed.

In our short discussion we showed how attempts were made to verify that the poor were indeed who they claimed to be. Furthermore, we saw how even if attempts to conceal poverty altogether were impossible for gender based reasons, Jewish leaders tried as best they could to prevent female mendicancy and female exposure altogether to life on the roads. Compassion as well as the interests of safeguarding the group boundaries were involved in this effort. Michael Toch pointed out that in the early fifteenth century in a community like Nuremberg it was but a handful of affluent Jewish financiers that served as the virtual and at times only economic backbone of the entire community. However, this phenomenon did not restrict itself to Nuremberg

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[41] Israel Jacob Yuval, 'Hospices and Their Guests in Jewish Medieval Germany', in *Proceedings of the Tenth World Congress of Jewish Studies*, Division B, vol. 1 (Jerusalem, 1989), 125-129 (Hebrew).

[42] Yacov Guggenheim, 'Meeting on the Road: Encounters between German Jews and Christians on the Margins of Society', in *In and Out of the Ghetto: Jewish-Gentile Relations in Late Medieval and Early Modern Germany*, ed. Ronnie Po-Chia-Hsia and Hartmut Lehmann (Cambridge, 1995), 125-136. esp. 126-127.

and can be found elsewhere[43]. By this time, the intolerance towards the Jews was so great that in the mid-fifteenth century many German towns had demanded the relocation and expulsion of their Jewish population. The *Regnum Teutonicum* was by no means unique, Jews were increasingly not tolerated in many western European regions: Expelled from England as early as 1290, Jews were since then "on the move" to find other places where their business would be appreciated and their very existence tolerated. In almost all cases prior to their expulsion Jews were extorted by the local authorities to a point that some historians tagged this phenomenon fiscal "milking cows". Once impoverished in large numbers, Jews were no longer inclined as before to conceal beggars and disabled impoverished individuals, and they were more visible to the public eye.

[43] Michael Toch, 'Der jüdische Geldhandel in der Wirtschaft des deutschen Spätmittelalters: Nürnberg (1350-1499)', *Blätter für deutsche Landesgeschichte* 117 (1981), 283-310; *idem*, 'Geld und Kredit in einer spätmittelalterlichen Landschaft; zu einem unbeachteten hebräischen Schuldenregister aus Niederbayern (1329-1332)', *Deutsches Archiv für Erforschung des Mittelalters* 38 (1982), 499-550.