

**THESES OF THE PhD DISSERTATION**

**THE PRACTICE OF *TESHUVAH* (PENANCE) IN THE  
MEDIEVAL ASHKENAZI JEWISH COMMUNITIES**

**[A *tesuva* (vezeklés) gyakorlata a középkori askenázi zsidó közösségekben]**

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Eötvös Loránd University

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## PhD DISSERTATION

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### THE PRACTICE OF *TESHUVAH* (PENANCE) IN THE MEDIEVAL ASHKENAZI JEWISH COMMUNITIES

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## Theses

### Purpose, Sources, Methodology and Results of the Dissertation

In the present dissertation, I have intended to analyze sources relevant to *teshuvah* (penance) in medieval Ashkenazi Jewish communities. *Teshuvah* (penance) as a central religious idea and practice in these communities appeared and was developed in the circle of *ḥaside Ashkenaz*, a pietistic and mystical religious and social “movement” between the second half of the 12<sup>th</sup> century and the first half of the 13<sup>th</sup> century. Subsequently the *teshuvah*-doctrine of *ḥaside Ashkenaz* as a “movement” disappeared; the literature concerning the *teshuvah* of *ḥaside Ashkenaz*, however, had a great impact not only as literature but also on legal practice. A vast amount of research is available on the *teshuvah*-doctrines of *ḥaside Ashkenaz* (written by Moritz Güdemann, Abraham Berliner, Israel Abrahams, Abraham Epstein, Israel Kamelhar, Jacob Naftali Hertz Simhoni, Yitzhak Baer, Gershon Scholem, Ivan (Israel) Marcus, J. Dan, Asher Rubin, Talya Fishman, Marc Saperstein, and others); less on the subsequent developments in medieval Ashkenaz (written by Jacob Elbaum, Eric Zimmer, Yedidyah Dinari, Shlomo Spitzer and others).

The main questions of the present study are either totally neglected topics related to the phenomenon of *teshuvah* in medieval Ashkenazi Jewish communities or questions which have not been answered by scholars. They are as follows: Were there any roots or antecedents of the *teshuvah*-doctrine of *ḥaside Ashkenaz* in previous Jewish legal tradition, in Jewish philosophy of religion or in other branches of Jewish literature? How did the *teshuvah*-doctrine of *ḥaside Ashkenaz* develop in Ashkenazi Jewish communities, and what was its role in the jurisdiction and social life of these communities? How did its private and public aspects manifest themselves in the various communities? How did the *teshuvah*-doctrine and practice of *ḥaside Ashkenaz* and its later developments relate, if at all, to the Christian environment?

The study focuses on the analysis of the categories of sins which required *teshuvah* and for which *teshuvah* was imposed by the rabbis in the medieval Ashkenazi Jewish communities, on the modes of atonement, on the process of *teshuvah* and its institutions, and on the relation between *ba'al teshuvah* and community, as well as the system of symbols and the rituals which expressed this relation.

The dissertation consists of an introduction, three parts, and an appendix. The first part discusses some antecedents of *teshuvah* in earlier (Geonic) sources. The second part deals with the *teshuvah*-practice of the Ashkenazi communities, analyzed according to categories of sins, modes of *teshuvah*, process of *teshuvah*, and its rituals and symbols. The third part discusses Christian parallels, along the same categories. The appendix presents critical editions of penitential texts from manuscripts, as well as translations of sources most relevant to the discussion.

The main types of sources used in the study are as follows: (1) Geonic sources (Geonic *responsa*, other references to the Geonic practice from later sources, theological, philosophical works on *teshuvah*); (2) Ashkenazi Jewish sources (community enactments from the *Tosafist* period, sources of *ḥaside Ashkenaz* (*Sefer ḥasidim*; penitential tractates written by Eleazar of Worms or by others on the basis of his tractate[s], other manuscript-sources in the name of Judah Ḥasid, *responsa* from the 12–15<sup>th</sup> centuries); (3) Christian sources (penitential tractates before 1200, *summa confessorum* [for pastoral use] from the 13–15<sup>th</sup> centuries, canonical collections, collections of secular law, and other sources concerning individual cases). Among the Jewish sources discussed, there are Jewish manuscripts which have not even been catalogued, and some of them have never been discussed in scholarship.

Methodology: (1) In Part I, I have identified some isolated elements in the system of sanctions of the Geonic period which may be regarded as antecedents for *teshuvah* in medieval Ashkenaz. I have only analyzed them to the extent they can be related to the later Medieval Ashkenazic phenomenon of *teshuvah*. (2) In Part II, I have analyzed medieval Ashkenazi *halakhic* sources, firstly, focusing on seventeen categories of sins; secondly, on the modes of atonement; thirdly, on the process of *teshuvah*; and fourthly, on the public rituals of *teshuvah* and their symbolism. Within one chapter, the sources are analyzed under three headings: the enactments of the communities from the 12–13<sup>th</sup> centuries the sources of *ḥaside Ashkenaz* – usually divided into two subgroups, SHP and HTR –; and finally, the *responsa*-sources. Communal enactments, introduced in the 12–13<sup>th</sup> centuries, were still valid in the 15<sup>th</sup> century. (3) In Part III, for the comparison the Jewish penance between the Jewish and Christian penance in the High and Late Middle Ages, the methodology builds on the fact that no literary influence has ever been demonstrated. Nevertheless, the possibility of mutual influences can not be excluded; everyday contact (not only verbal contact) between the two communities may have

served as a medium of these influences. The possibility of literary influence can not be totally excluded either. Since no “influence” can be attested at this point in a rigorous way, the purpose of this investigation is a systematic comparison of the practices of penance in the two religions at the given period. This part, therefore, aims at a phenomenological description of related components in the categories of sins and atonements, in the character and process of penance, in the rituals of the Jewish and Christian penance and the establishment of similar and different motifs in the practice of penance of the two religions. The description is followed, in some cases, by brief discussion of possible sources and influences – internal or external.

The following XXII theses try to sum up the main results of the research.

### **Main Results of the Dissertation**

(I) In medieval Ashkenaz, during the 12<sup>th</sup>–15<sup>th</sup> centuries, two major shifts can be observed in the meaning of *teshuvah* compared to this notion as found in Talmudic and the Geonic literature: (1) a shift from denoting a “mental process” to denote “penance” or an (external) “penitential process”, involving ritual acts; and (2) related to the latter development, a shift from meaning “voluntary (ascetic) practice” to mean a “substitute for punishment”. The first shift took place with the appearance of the penitential system of *ḥaside Ashkenaz* and was reflected in their special terminology. The second shift took place in the course of the application of the modes of penance introduced by *ḥaside Ashkenaz* in criminal law – firstly, in the enforcement of community decrees, secondly, in quasi- or para-judicial processes, and thirdly, in compelling the penitent to choose between excommunication and penance. Concerning the second shift, there were functional reasons for the preference of *teshuvah* over traditional punishments in Jewish judicial practice in the 13<sup>th</sup>–15<sup>th</sup> centuries: (1) the alternative of excommunication or repentance was sometimes the only coercive measure at hand for the Jewish authorities; (2) grave private and public penances were to some extent a substitute for death penalty which the Jewish authorities did not have the power (and will) to inflict; (3) penance was a substitute for (other) physical punishments when Jewish authorities were unable or unwilling to apply such punishments for some reasons; (4) effectiveness of the penitential process instead of a single-step punishment, and effectiveness of the outlawed status of the penitent and humiliating rituals related to penance compared with traditional punishments. There were several “institutions” which facilitated the

wide use of penance (*teshuvah*) instead of punishment: (1) excommunication and threat of excommunication as a coercive means to bring about repentance; (2) exceptional rights of courts and rabbis to punish and impose fines in “emergence situations” (justified by the principles of *hora’at sha’ah* [“emergency decree”] and *le-migdar milta’* [to protect, “to make a fence”]) as coercive means to bring about repentance; (3) the right of the individual to compel another community member to repent (*’iqquv tefillah* = delaying the prayer; *’adrabe’* = “on the contrary”, i.e. the reversal of the sentence of excommunication by the excommunicated person on the excommunicator; (4) the distinction made by the rabbis between “divine law” and “human law” justifying the imposition of *teshuvah* in cases in which no punishment could be imposed on an offender (e.g. there was no proper testimony), though the liability of the person in question was obvious.

(II) Penance as we know it in late medieval Ashkenazi Judaism was a distinctly European phenomenon and it was not an organic development of earlier Geonic theory or practice. There are, however, some isolated elements in the Geonic penal system which may have served as precedents in medieval Ashkenazi penitential traditions. I have identified the following such elements: (1) application of extra-legal punishments; (2) acceptance of confession of the sinner by the *bet-din*, in some cases, for qualifying for a legal (or quasi-legal) process as penance; (3) excommunication as a coercive measure for bringing about *teshuvah* (penance); (4) shame sanctions as para-judicial procedures; (5) elements of ascetic practices as constituents of (private) penance.

(III) The first two chapters of the introduction to Part II. discuss the private and public aspects of the penitential system of *ḥaside Ashkenaz* as they appear in SHP and the five recensions of the penitentials of *ḥaside Ashkenaz*. The fact that the penitential system of *ḥaside Ashkenaz* builds on the duality of private and public penitential acts has been neglected in scholarship – nevertheless, this duality has had important implications. The remaining four chapters of the introduction try to outline the three main directions into which the penitential system of *ḥaside Ashkenaz* “developed”, more precisely, “transfigured”, in the 13–15<sup>th</sup> centuries, refuting the statement that the practice of penance of *ḥaside Ashkenaz* had no continuation. These directions are as follows: (1) Private use of penitentials by penitents: The investigation shows that the penitentials appear in liturgical contexts (as part of a private liturgy for the penitent), also accompanying other halakhic works (e.g. on the margins of halakhic works like *Semaq* in

manuscripts) as well as independent compositions. There are glosses in some of the 65 manuscripts and early editions of the penitentials of R. Eleazar of Worms which contain interesting information related to the practice of *teshuvah*. (2) The use of penitentials within the frame of initiation rituals: In the 4<sup>th</sup> chapter I have identified three 13<sup>th</sup> century initiation rituals, in which the penance of *ḥaside Ashkenaz* played a central role. The 3<sup>rd</sup> and 4<sup>th</sup> chapter of the introduction presents partly new manuscript material, and partly manuscript material which has not been exploited from the point of view of the practice of *teshuvah*. (3) The use of penitentials in the penal system in the 13–15<sup>th</sup> centuries.

(IV) The first section of the second part (II.B) discusses the seventeen transgressions (murder, fornication and adultery, assault and battery, theft, cursing, slander, arson, contempt of court, perjury, transgression of a vow, transgressing the laws of *kashrut*, drinking *yayin nesekh*, dressing and behaving improperly or blessing in vain, desecration of the synagogue and the Sabbath, denunciation, apostasy). According to several paragraphs in SHP, the penitentials of Eleazar of Worms, and Ms. British Library Cat. Margoliouth 477, the penance for murder in medieval Ashkenaz was three (occasionally one, five) years of exile, public flogging in the synagogue, self-mortifications and shame sanctions. Exile differed from the form of exile known from the Bible and the Mishnah (there were no cities of refuge in the Middle Ages); the penitent had to wander from one city to another, publicly confessing and performing penitential acts in every Jewish community, living on charity, tying his hands with an iron chain around his neck. Public acts of confession, asking for forgiveness, pilgrimages to the graves of murdered persons and asking for forgiveness before witnesses, monetary compensation for the family members of the murdered one were frequently imposed on the penitent. Jewish law did not permit composition – that is to say, paying compensation instead of performing a penitential schedule – for murder. The above mentioned penance was applied during the 13<sup>th</sup>–15<sup>th</sup> centuries by rabbis (R. Meir of Rothenburg, R. Menahem Merseburg, and R. Israel Bruna) in cases when the murderer was ready to do penance. If he refused to do penance, the rabbis had the right to excommunicate him from every Jewish community and publicly proclaim him excommunicate. In case of premeditated murder, they had sometimes to inflict other punishments as well, besides excommunication (incarceration, flogging). In case of manslaughter and involuntary infanticide shorter and milder penances were inflicted on the offender (e.g. 40 days of fasting).

(V) Adultery and fornication with a married, engaged or unmarried girl were considered by *haside Ashkenaz* a grave sin and private acts of self-mortification and public humiliating penances were inflicted on the penitent by rabbis on the basis of the four ways of *teshuvah* (*teshuvah ha-ba'ah*, *teshuvat ha-gader*, *teshuvat ha-katuv*, and *teshuvat ha-mishqal*). In the cases mentioned, the penance lasted at least one year, included several acts of self-mortification and public shame sanctions. For fornication with a maidservant or Gentile woman, intercourse with a *niddah*, fornication with a prostitute, shorter periods of penance were prescribed (as a rule, 40 days). Penance prescribed for men in grave cases of fornication were later applied by rabbis not only to men but also to women. In the case of women, the public aspects of penance contained special acts, like dressing and behaving oneself as a *sota*, as presented in the Bible and Mishnah. The marital status of men in graver cases of fornication and adultery did not change; women were divorced and forbidden to remarry. In the community, the status of the penitents of both sexes in grave cases of fornication was the same as that of other penitents who committed grave sins.

(VI) For injury, harming the honor of the fellow Jew, theft, slandering the fellow Jew, private and public penitential acts, confession and asking for forgiveness were imposed as penances during the 13–15<sup>th</sup> centuries. Private penances contained fasting, almsgiving, sometimes private flogging, prayer and confession. Public aspects of the penance contained public confession and asking for forgiveness in the synagogue between the afternoon and evening prayer, and often public flogging. Fines for injury and cursing were inflicted on the basis of local community enactments. Fines were dedicated in these cases mostly for charity. Lesser excommunication (*niddui*) was applied in several cases as sanction for these offences, e.g. for women. *Niddui* was to be performed by sitting or standing outside the synagogue during prayer or sitting in the synagogue but separated from the rest of the community. In case of theft, restitution was calculated by taking into account the time passed, and other losses suffered by the harmed person. A special type of material damage was caused by dishonesty in tax-paying. For this type of offence public and private penitential acts were inflicted on the penitent by the community leaders. Legal disqualification, loss of position was a sanction frequently applied for all types of harming the fellow Jew; however, the duration of the infamous status varied. An offence which differed from the rest of offences committed against the fellow Jew was arson. The cases concerning arson in medieval Ashkenaz do not deal with the infliction of penances for arsonists, but with offences connected to the danger of false accusations brought against Jews by

Gentiles in times of fire. Because of the danger of accusation of arson, the offense of falsely accusing, or even threat of accusing the fellow Jew at the Gentile authorities with arson was severely condemned as betrayal and punished like murder by the Jewish leaders. Because of the danger of false accusation against the whole Jewish community, if a fire broke out on the Sabbath, the Jewish leaders also ruled that Jews had to extinguish the fire. Afterwards, some of them imposed penances of fasting, flogging, fines and excommunication for the desecration of the Sabbath. Others opposed the infliction of penances in this special case.

(VII) The two basic types of transgressions related to legal procedure were contempt of court (i.e. disobedience to court's summon or decision) and perjury; both were considered grave sins. The precondition of doing penance for contempt of court was expression of willingness to obey to the law; its alternative was greater excommunication (*herem*). Penances for contempt of court varied according to cases, but their core elements were asking for forgiveness and public confession. Transgression of a ban decreed by a community falls into this category. Perjury contained in itself the desecration of God's Name, and the penance for it had public and private aspects. It often occurred in connection with tax-paying. The penance for it lasted several months or years; contained public confession, asking for forgiveness, public flogging, lesser excommunication (*niddui*), legal disqualification, fines, almsgiving, and fasting.

(VIII) In medieval Ashkenaz, both for the transgression of a vow and for the annulment of a vow by a rabbi, penance was imposed on the offender by the rabbis. This is a typical medieval development, which was not discussed in previous scholarship. Most frequent vows absolved or transgressed were the vows of fasting and of pilgrimage. The penances contained fasting and other self-mortifications, and almsgiving. In case of absolution of a vow of pilgrimage, especially to the Holy Land, besides fasting and almsgiving, exile had atoning power, in the view of some rabbis. Exile was the leaving of the home community, therefore, if someone went on a pilgrimage and did not arrive to the proposed place, his vow could be released, because through the exile he could atone for the "half" of the sin, and through giving the money of the future expenses to charity, "or its other "half".

Penances for the transgressions of the laws of *kashrut* were of private character and contained fasting for different periods of times, according to the gravity of offence, prayer, confession, and almsgiving. If the offence was public and/or voluntary, and entailed the desecration of God's Name, public flogging and confession was imposed on the penitent. The

same is true for the transgressions of the prohibition of drinking *yayin neseekh* (the wine of Gentiles), blessing in vain, wearing or shaving in the fashion of the Gentiles: for involuntary transgression, a few days of fasting was prescribed; for voluntary transgression forty days of fasting, sometimes flogging. A special case was the transgression committed by the ritual slaughterer. For selling un-kosher meat, intentionally or unintentionally, the ritual slaughterer was removed for a certain period of time, according to the gravity of his offence, and readmitted only after performing penance which contained private and public acts: fasting, private and/or public flogging, exile, almsgiving, private and/or public confession. Public flogging in the synagogue, public confession and announcement served as means of humiliation and warning. Learning the laws of ritual slaughtering and wearing penitential clothing (black), were frequent requirements for the penitent ritual slaughterer.

(IX) In medieval Ashkenaz, desecration of the synagogue and the Sabbath fell into the category of *hillul ha-Shem*, and the penance for these transgressions had both private and public aspects. Acts performed in the synagogue, for example, which were incompatible with the sacral character of the place, were often considered desecration of the synagogue. Public confession, flogging, asking for forgiveness and private fasts, almsgiving, prayers, private confession were imposed by rabbis as penances for it. For unintentional desecration of the Sabbath, shorter periods of fasting, for intentional desecration of the Sabbath longer periods of fasting, flogging, excommunication, and almsgiving were imposed by the rabbis. In danger of death, the desecration of the Sabbath was allowed.

(X) Betrayal to the Gentile authorities was considered as grave a sin as murder, in some cases at least. Summoning a fellow Jew to a Gentile court against his will and without the permission of the Jewish community was considered betrayal. The penitent informer was due repair the damage caused to the betrayed person, and required to perform different private and public acts of penance. If the betrayed Jew was killed, the penance of the informer was similar to that of the murderer.

(XI) Apostasy was considered by the penitentials of *haside Ashkenaz* a grave sin, and penances which lasted for several years were imposed on a repentant apostate. The penitential schedule (*sefer tesuva*) for repenting apostates contained private and public penances. Later, the *responsa* used the penitential schedules of *haside Ashkenaz* and on their basis they developed their own penitential prescriptions. The sources show that apostates in medieval Ashkenaz were

considered Jews only partially and in some respects; therefore, their returning process included some characteristic elements of conversion (*giyyur*) besides regular elements of repentance/penance.

(XII) The second section of Part II. deals with fifteen kinds of penances which can be divided into four categories: corporal penances (suicide as atonement for sins, mutilation, maiming, self-mortification, self-tormenting of all kinds, flagellation and self-flagellation, fasting), penances of social character (incarceration, excommunication, exile, pilgrimage, legal disqualification, deposition or dismissal and loss of honors, interdictions of all kinds, public humiliation and shame sanctions), prayer and confession, and penances of monetary character (fines, restitution, charity, almsgiving). Some of the penances can also be punishments when not used within the frame of a penitential schedule (e.g. flogging, fines, excommunication etc.). Among corporal penances a special question is that of suicide for sins. The question of atonement by suicide has Talmudic precedents; in the 13<sup>th</sup> century sources more attitudes towards suicide for sins were expressed. For apostasy, the suicide for sin was accepted in one of R. Judah Ḥasid's *responsa*; in other sources the self-torture is preferred as atonement instead of suicide for sins liable to the death penalty of the *Bet din* if the sinner himself asks for penance. *Ḥaside Ashkenaz* introduced several kinds of self-mortifications. There are examples in SHP also for self-mutilation, breaking the arm, putting one's hand under the wheel, self-torture in icy water in winter and in bee-hives in summer etc. In the subsequent centuries, some of them were imposed as penances by rabbis, even on women. Several types of flagellation were imposed as penances in medieval Ashkenazi communities; the most frequent types were self-flagellation within the frame of private penance, and public ritual flogging with public confession and asking for forgiveness in the synagogue between the afternoon and the evening prayer. According to the sources, private flogging was performed both as self-flagellation, with confession to God alone, and as receiving flogging by the hands of another person, but in private. Almost in every medieval Jewish penitential, fasting as private penance is present. A variety of fasting forms and periods are attested in the sources. The most frequent was the 40 days of continuous fasting, during which the penitent was allowed to eat and drink in the evening or at night; sometimes it was specified that he was only allowed to eat bread and drink water. Wine and meat was prohibited during penance, according to the majority of the penitential schedules. In cases of grave transgressions, the period of fasting sometimes lasted for several years. For lighter transgressions, 40 days of

fasting was prescribed. For involuntary transgression of the laws of *kashrut*, some days of fasting were only prescribed. A special kind of fasting was introduced by R. Judah Ḥasid; the “Esther’s fast”, which meant three days and nights of continuous fasting and was prescribed for sexual transgressions like fornication with a Gentile woman or sexual intercourse with a *niddah*. Sometimes the 40 days of fasting could only be performed on Mondays and Thursdays, especially by women who could not fast every day continuously.

(XIII) Penances of social character were especially important in medieval Ashkenazi Jewish communities. Incarceration was prescribed for violent offenders, e.g. murderers or informers who were required to accept to do penance, and there was a fear that they would harm the community if they were only excommunicated. A variety of forms of excommunication were developed in medieval Ashkenaz within the frame of penitential processes. The greater excommunication (*herem*) was rarely inflicted, but the threat of it was frequently applied, in all kinds of cases, especially to disobedient persons, informers, and violent men. The lesser excommunication (*niddui*) was applied as a warning and as a coercive means of repentance as well as simple punishment. The *niddui* was either a type of “house arrest”, interdiction to leave home or town, or the community, or rather resembled a public penitential procession: the penitent was required to sit or stand during the days of his *niddui*, (which usually lasted from one week to one month), outside the synagogue in one or several communities, or separated from the rest of the community in the synagogue, as an expression of his penitent/excommunicated status.

Exile had two types: for the murderer, several years of exile was prescribed as penance, during which he had to go from one community to another and perform public penitential acts: wear black clothes or sack, let his hair and beard grown, tie his hands around his neck with an iron chain, go barefoot, lie down before the doors of the synagogues, pray with chains on his arms, fast, receive flogging etc. There is an allusion in SHP that this type of exile was also applied to other great sinners such as fornicators as well. The other type of exile was the banishment from the city. According to the sources, it was inflicted in cases of rivalry between local rabbis, in which one of the rabbis transgressed “the borders of the other one”, and was therefore exiled from the city.

According to medieval Ashkenazi sources, three kinds of pilgrimages were known as penances. The first is the procession or pilgrimage to the grave of the harmed or murdered person or to the parents of the cursed fellow Jew and asking for forgiveness. The second is the

pilgrimage to the Mount of Olives in Jerusalem during Sukkoth, attested in the 11<sup>th</sup> century, especially for grave sins. The third type was the pilgrimage to the Holy Land with the purpose of atonement for sins in general or specially for a concrete sin, usually after vowing to perform pilgrimage.

Legal disqualification, loss of positions and titles, several interdictions were the requisites of almost every penitential process, determining the status of the penitent. Sometimes, the penitent regained all his rights and his position in the community after performing the penance; sometimes he could not regain them. Shaming processions and shame sanctions were strong expressions of the degraded status of the penitent. In the case of great sinners, the penitent had to bear the mockery of the people; however, after penance, it was prohibited to mock the penitent or to reproach him for his earlier sins. Prayer and confession were central elements of every penitential process. Almost all the manuscripts contain a confession and the penitential prayer written by Eleazar of Worms, and some of them other confessions and prayers as well.

(XIV) Fines, restitution, almsgiving were important elements of the penitential schedules. In case of material damage, the penitent had to restore the damage before being admitted to do penance; in case of injury or cursing, fines were imposed in many places. The most widespread monetary penitential act was almsgiving.

(XV) The third section of Part II. describes the process of penance, the *viddui* (here we mean confession for the first time during the penitential process as marking the beginning of the process) being its core element. This section also presents the institutions which played a role in the penitential process (these institutions have already been mentioned in thesis I.) Penitential processes had different types according to the private or public character of the process. The venue of the public penance was usually the synagogue. The duration of the penance as prescribed in penitential schedule varied from some days to several years or the whole lifetime. An important result of the analysis in this section is that in some cases it was the penitential process which qualified the means of atonement as penance. Many penances could also be punishments when used in the penal system (e.g. flogging). Another result is that rabbis imposed penances on the basis of various penitential schedules which were worked out individually for every sinner on the basis of the schedules and prescriptions of *ḥaside Ashkenaz*.

(XVI) The fourth section discusses the symbols and rituals connected to *teshuvah*. The present investigation demonstrates that symbolic elements of the penitential process expressed

the status of the penitent in the community in general terms (common to all penitents) as well as in specific terms (depending on the sin committed). The external and behavioral symbols common for all penitents who committed grave sins were similar to that of the mourner: sitting on the ground, wearing sackcloth or black clothing, and crying. Specific symbolic elements evoked the sin committed (e.g. the penitent adulteress was required to imitate the appearance of the *sota*; the murderer had to tie his hand by which he committed the murder around his neck with a chain). Above all, the rituals were meant, on the other hand, had the function to express the change in the status of the penitent in the course of the process.

I have identified 6 types of rituals: (1) rituals of separation and exclusion; (2) rituals of humiliation; (3) rituals of the outcast and rituals of humiliation in holy places; (4) rituals of the imitation of execution and rituals of public flogging; (5) rituals of reconciliation between parties; (6) rituals of readmission.

(XVII) In Part III. the problem of the Christian parallels is discussed. As mentioned above (see Methodology), everyday contact between Jews and non-Jews were possible channels of external or Christian influence but “literary influences” are also not be totally ruled out.

As for the problem of the influence of external, Christian penance on the Jewish penitential system our purpose has not been to affirm or deny generally the possibility of such influences in connection to the complex cultural phenomenon of the *teshuvah*-doctrine in medieval Ashkenaz, but to break up the practice of *teshuvah* to its elements and examine this question for each and every element separately, as much as possible. Does a given element have Jewish roots or antecedents (which were adapted to a new context), or is it borrowed from the Christian environment or developed under its influence? In certain cases we can not answer the question, either because we can not find Jewish nor Christian antecedents for the religious-legal norm or institution in question, or because we can find antecedents for it in both traditions.

All statements and conclusions concerning the origins and sources of a given practice, norm or religious/legal institution in Part III. are tentative. Examples for the four possibilities are discussed throughout Part III. Concerning the modes of penance, for example: (1) penances for murder (exile, tying the hand around the neck with a chain, self-humiliation before the doors of the synagogue) are probably Christian borrowings; (2) wearing sack-cloth during penance has a traditional Jewish background, but it may have been influenced also by the Christian

environment; (3) we are unable to establish the origin of self-mortification by sitting in icy water in winter and in bee hives in summer; (4) “Esther’s fast” is based on traditional Jewish sources.

Further examples for the four cases mentioned above are listed in the following five theses (without having, as noted, compelling evidence):

(XVIII) Christian borrowings:

(1) private confession to a sage in the penitential system of *ḥaside Ashkenaz*; (2) self-flagellation in the penitential system of *ḥaside Ashkenaz* (both prescribed by R. Judah Ḥasid and by the penitentials of R. Eleazar), and in some later sources; (3) exile for murder and different penances connected to it: tying the hands with chains around the neck; prostrating or standing before the door of the synagogue, public flogging before or in the synagogue; prostrating on the grave of the murdered person; shortening or lengthening the period of penance, according to circumstances; some aspects of the penitent’s self-humiliating behavior (shaving or prohibition from shaving the hair and beard, wearing sack cloth/penitential cloth, going barefoot); paying to the relatives of the victim or supporting the family members of the victim by the murderer; (4) penitential schedule for several years for grave sins including fasting and other self-mortifications; (5) “exile from the city”.

(XIX) Jewish Background combined with Christian Influences (that is, a development which can be explained as an inner-Jewish development, strengthened or “intensified” by external influences of the Christian environment, by way of “religious contest”, for example):

(1) *teshuvat ha-mishqal* of *ḥaside Ashkenaz*: suffering commensurate with the “pleasure” of the sinner related to the sin committed atones for the sin; (2) the root of sin is the evil inclination/vice (a development of the traditional *yezer* doctrine, as well as the equivalent of the Christian doctrine of vices and virtues); (3) “personalist” atonement; (4) fasting for 40 days; (5) in case of fornication and adultery: physical self-mortification for expiation of sexual sin; (6) public penance prescribed for the adulteress in *responsa* of the 15<sup>th</sup> century; (7) in case of cursing, slandering, injury, and murder: public rituals containing confession, retraction of abusive statements and asking for forgiveness either in synagogue or at the grave of the defamed person or his/her parents; (8) the precondition for penance for theft is to pay fines and make restitution; additional penances for theft (beyond restitution); the complicated laws of restitution developed in penances for theft and the public shaming of the thief; (9) private and public penances for perjury; (10) release of vows of fasting and pilgrimage through penance; (11) public penitential

rituals for blasphemy; (12) public penance for the informer; common features with the political rituals of submission (*deditio* or *harmoschar*); (13) the lower status of the penitent in the community, and its symbolic expressions (symbols, rituals of exclusion and readmission); (14) public shame processions and their rituals; (15) public announcements in the synagogue concerning excommunication, removal, and exclusion; (16) the special functions of the Jewish lesser and greater excommunication (*niddui* and *herem*) in the process of penance; the increasing role of the threat of greater excommunication (*herem*) in the legal procedure; the application of the lesser excommunication (*niddui*) as both punishment and threat of greater excommunication;

(XX) Jewish Background or Christian Borrowing/Influence:

(1) the notion of *teshuvah ha-ba'ah* (“trial”); (2) the notion of *teshuvat ha-gader* (“avoidance”); (3) self-mortification by sitting in icy water in winter and among bees in summer; (4) the ritual of the imitation of the death penalty by burying the penitent alive; (5) the notion of “commutation”; (6) the notion of “composition”; (7) public penance for injury; (8) ritual public flogging.

(XXI) Common Sources for Jewish and Christian Doctrines and Practices in Greek Medicine:

(1) the sage leading the process of *tesuvah* is like a “physician of the soul”; (2) “diseases are cured by their contraries”, vices are cured by virtues.

(XXII) Jewish Background:

(1) *teshuvat ha-katuv*; (2) the atoning power of suicide; (3) Esther’s fast; (4) the prohibition of “composition” (*compositio*) for murder; (5) ritualized public penance for the ritual slaughterer.

### **Publications in the Theme of the Dissertation**

(1) *Bűn, megtérés, bocsánat – a tesuva*. [*Sin, Repentance, Forgiveness – the Teshuvah*.] (publication of the MA thesis) Budapest, MTA PTI, Etnoregionális Kutatóközpont dokumentum-füzetek, 2003. (77 pages) ISBN 963-9218-83-9. (in Hungarian)

(2) „Critical Edition of the *Halakhic* Work *Ma’ase Rokeah* of R. Eleazar of Worms from the „Sinai” Ms., Jüdisches Museum Berlin VII.5.262.” (With Hebrew introduction, 196 pages). Jerusalem, Institute of Microfilmed Hebrew Manuscripts, National Library of Israel, 2010.

<http://imhm.blogspot.com/2010/02/critical-editions-of-works-maaseh.html>. Printed versions in NLI and HU Library, see ULI (Israel Union List), in Hebrew..

(3) “Critical Edition of the *Halakhic Work Sha‘are shḥiṭah u-trefot* of R. Eleazar of Worms from the NY JTS Rab.1923 Ms.” (With Hebrew introduction, 74 pages), Jerusalem, Institute of Microfilmed Hebrew Manuscripts, National Library of Israel, 2010. <http://imhm.blogspot.com/2010/02/critical-editions-of-works-maaseh.html>. Printed versions in NLI and HU Library, see ULI (Israel Union List), in Hebrew.

(4) „Exile (*Galut*) and Pilgrimage (*aliyyah, aliyyah le-regel*) as Atonement (*kapparah*) in the Medieval Ashkenazi Jewish Sources” (In Hungarian). *Vallástudományi Szemle*, 2012/2, 67–108, Budapest.

(5) „The Role of R. Eleazar of Worms’ Personal Experience in His Halakhic Works in Connection with Two Manuscripts Editions.” (In Hungarian, *Református Szemle*, 2012/3), 229–247.

[(6) „The Teaching on *Kappara* (Atonement Through Penance) in the Writings of *Ḥaside Ashkenaz*.” To appear in the Conference Volume *Sin, Confession, Grace*. 16–18 March, 2012. Budapest, Wesley College (in Hungarian)].

### Conference Lectures

(1) „Image and Prohibition of Image: The Unique Cherub in the *Psaq ha-yir’ah ve-ha-’emunah*.” British Association for Jewish Studies Annual Conference, ‘The Image and the Prohibition of the Image in Judaism’, 5-7 September, 2010, Southampton University

(2) “The *Niddui* and the *Ḥerem* in the 15<sup>th</sup> Century Ashkenazi Jewish Communities on the Basis of *Responsa*” Conference in Memory of Lipót Löw. Budapest, Dept.of Assyriology and Hebrew, Eötvös Loránd University, Center of Jewish Studies, 24.11.2011. (in Hungarian)

(3) „The Teaching on *Kappara* (Atonement Through Penance) in the Writings of *Ḥaside Ashkenaz*.” *Sin, Confession, Grace*. 16–18 March, 2012. Budapest, Wesley College (in Hungarian).