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Appropriation and Differentiation: Jewish Identity in Medieval Ashkenaz

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Torah is the tradition of our ancestors; a righteous man adheres to its path.[1]
—*Maḥzor Vitry* (twelfth-century compendium from northern France)

Men resemble their times more than they do their fathers.[2]
—an Arab proverb, quoted by Marc Bloch in *The Historian's Craft*

Abstract: *This article discusses the ways scholars have outlined the process of Jewish adaptation (or lack of it) from their Christian surroundings in northern Europe during the High Middle Ages. Using the example of penitential fasting, the first two sections of the article describe medieval Jewish practices and some of the approaches that have been used to explain the similarity between medieval Jewish and contemporary Christian customs. The last two sections of the article suggest that in addition to looking for texts that connect between Jewish and Christian thought and beliefs behind these customs, it is useful to examine what medieval Jews and Christians saw of each other's customs living in close urban quarters. Finally, the article suggests that when shaping medieval Jewish and Christian identity, the differences emphasized in shared everyday actions and visible practice were no less important than theological distinctions. As part of the discussion throughout the article, the terminology used by scholars to describe the process of Jewish appropriation from the local surroundings is described, focusing on terms such as "influence" and "inward acculturation," as well as "appropriation."*

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1. *Maḥzor Vitry*, ed. S. Horowitz (Nürnberg: Bulka, 1898), #506; Eleazar b. Judah, *Sefer Rokeaḥ* (New York: Menorah, 1959), #296.

2. Marc Bloch, *The Historian's Craft*, trans. Peter Putnam (New York: Knopf, 1962), 35.

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The two epigraphs above express one of the theoretical challenges that has occupied scholarship on the Jews of medieval northern Europe[3] over the past generations: analyzing the medieval Jewish process of integrating practices and beliefs from the surrounding Christian milieu, or alternatively, seeking far-reaching roots that link the Jewish present and past to explain novelties. The first quotation, which opens a passage that introduces a festive meal held the night before the circumcision, appears in *Maḥzor Vitry*, the French compendium on Jewish ritual composed by Rashi's student, Rabbi Simḥa of Vitry.[4] By recounting Jewish ancestors, this author casts a contemporaneous practice, unknown in earlier sources, in ancient terms, emphasizing age-old endurance. The second quotation is a familiar adage from an Arab proverb, as attributed by Marc Bloch, which emphasizes the role of Zeitgeist over tradition. The tension between these ideas is a theme that has long been resonant in scholarship on Jewish societies at large, and specifically those of medieval Europe—finding the balance between reliance on ancient traditions and embeddedness in one's cultural environs.

Scholars today recognize that transfers of ideas and practices occur wherever different religious, ethnic, or social groups come into contact,[5] yet every culture exercises its own modes of integration and rejection. This article uses the lens of social history—as distinct from a history of Halakhah (Jewish law) or a history of ideas[6]—to examine the ways such processes operated among the Jewish communities of medieval northern Europe in the twelfth and thirteenth centuries, facilitating a revised understanding of the formation of Ashkenazic identity within the medieval Christian majority. The practice of Jewish penitential fasting serves as a case study for outlining the ways medieval Jews (and Christians) viewed the similarities and differences in their religious lives. Concentrating on practice rather than belief systems allows us to extend current discourse beyond the rabbinic circle into the wider Ashkenazic community.

I employ the term "appropriation" over the language of "exchange" or (the nearly obsolete) "influence" to describe the inclusion and adaptation of tenets and practices that originated in another culture.[7] The closest term used to date was

3. Often called Ashkenaz, and broadly defined as an area that covers modern Germany, northern France, England, and northern Italy. Most of my examples herein pertain to German lands.

4. Another example can be seen in explanations regarding *maʿaser kesafim* (monetary tithes) in the writings of Asher b. Yeḥiel; Judah D. Galinsky, "Custom, Ordinance or Commandment? The Evolution of the Medieval Monetary-Tithe in Ashkenaz," *Journal of Jewish Studies* 62 (2011): 214–17.

5. Contemporary research often treats "ethnicity" as a term that designates a distinctive group; however, in the medieval Jewish-Christian context I understand religious difference to denote a more precise division.

6. As opposed to the distinction between history of ideas and social history, which is often a history of practice, Halakhah contains both idea and practice. Historians of Halakhah often focus on the way an "ideal-practice" functioned and changed; one who did not adhere to the prescriptive action is considered deviant.

7. The term "influence" has been used by Isaac (Fritz) Baer, "Ha-megamah ha-datit-ḥevratit shel Sefer ḥasidim," *Zion* 3 (1938): 1–50, at 18–20 and others. For a discussion of the term and its problems see Michael Satlow, "Beyond Influence: Toward a New Historiographic Paradigm," in *Jewish*

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coined by Ivan Marcus over two decades ago, “inward acculturation.” Marcus defined acculturation within the medieval Ashkenazic context as “internalizing and transforming various genres, motifs, terms, institutions, or rituals of the majority culture in a polemical, parodic or neutralized manner. … Jews absorbed into their Judaism aspects of majority culture and understood the products to be part and parcel of their Judaism, and they continued to think of themselves as being completely Jewish.”[8]

In this article “appropriation” stands for Marcus’s “inward acculturation.” This suggestion follows a shift in scholarship on the meaning of culture over the past decades, as culture has been redefined as a flexible repertoire of practices and discourses rather than a fixed and stable set of beliefs, values, and institutions,[9] a redefinition that has left its mark in Jewish studies as well.[10]

It is important to note the meaning conveyed by the verb “to appropriate” as “to make one’s own,” as well as the idea that appropriation is an ongoing process that can be performed on multiple levels.[11] As Claire Sponsler remarks in her discussion of medieval appropriation, the word is derived from the Latin *proprius*, “personal” or “own” and by extension “proper,” and *appropriare*, meaning to take as one’s own property or to appropriate, terms that denote a system in which valued artifacts circulate and are assigned meanings. These related terms also underscore appropriation as an act of possession—taking ownership of

Literatures and Cultures: *Context and Intertext*, ed. Anita Norich and Yaron Z. Eliav (Providence, RI: Brown Judaic Studies, 2008), 37–54. Ivan Marcus introduced the phrase “inward acculturation” in his groundbreaking *Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven, CT: Yale University Press, 1996). While I consider “appropriation” a more useful term, as I explain below, I am following Marcus’s lead. For significant discussions of this process see also Elka Klein, *Jews, Christian Society and Royal Power in Medieval Barcelona* (Ann Arbor: The University of Michigan Press, 2006), 8–25.

8. Marcus, *Rituals*, 11–12.

9. For a useful though somewhat dated survey of some of the changes in anthropological conceptions of culture, specifically reflecting on processes of appropriation, see Sally Engle Merry, “Law, Culture and Appropriation,” *Yale Journal of Law and the Humanities* 10 (1998): 575–603, as well as the essays in Bruce H. Ziff and Pratima V. Rao, eds., *Borrowed Power: Essays on Cultural Appropriation* (New Brunswick, NJ: Rutgers University Press, 1997). Mary Louise Pratt’s influential term “contact zone” is also helpful. See her “Arts of the Contact Zone,” *Profession* (1991): 33–40. More recently see Arnd Schneider, “On ‘Appropriation’: A Critical Reappraisal of the Concept and Its Application in Global Art Practices,” *Social Anthropology* 11 (2003): 215–29. Schneider usefully discusses how holistic concepts of bounded cultures have changed, using examples from art. Hans Peter Hahn, “Diffusionism, Appropriation, and Globalization: Some Remarks on Current Debates in Anthropology,” *Anthropos* 103 (2008): 195–97, outlines other aspects of current debates.

10. Raʿanan S. Boustan, Oren Kosansky, and Marina Rustow, “Introduction: Anthropology, History and the Remaking of Jewish Studies,” in *Jewish Studies at the Crossroads of Anthropology and History* (Philadelphia: University of Pennsylvania Press, 2011), 9–22. See especially their comments on pp. 13–14.

11. Kathleen Ashley and Véronique Plesch, “The Cultural Process of Appropriation,” *Journal of Medieval and Early Modern Studies* 32 (2002): 1–15; Claire Sponsler, “In Transit: Theorizing Cultural Appropriation in Medieval Europe,” *Journal of Medieval and Early Modern Studies* 32 (2002): 17–39.

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ideas, objects, texts, beliefs, and practices,[12] since in the act of making something one's own, distinction is required.[13] Moreover, the act of appropriation is a continuous process, much like culture is continuously produced and reproduced.

The term "appropriation" is also useful because it does not include the word "culture" (acculturation) nor a direction (such as inward), to avoid a conception of culture that is dichotomous and does not allow nuances or change. It allows the circumvention of the term "cultural appropriation," which in postcolonial studies has become a catchall phrase for "misappropriation" and a way of expressing privilege and the exploitation of marginal cultures.[14] In the medieval Ashkenazic case these debates regarding privilege and hierarchy in the modern world are anachronistic. The religious competition between Jews and Christians and the open competition between them are not commensurate with current postcolonial discourse. The term "appropriation," like the term "exchange," allows multidirectionality, whereas "inward acculturation" represents only one path of movement. Unlike the term "exchange," appropriation contains the sense of taking possession.[15]

The first two sections of this paper briefly present some aspects of medieval Ashkenazic penitential fasting practices that had become widespread by the early thirteenth century, and provide a synopsis of scholarly approaches to studying how (and whether) conceptual and practical components from Christian society were incorporated into existing Jewish ritual. I then turn to medieval Jewish authors' comparisons of Jewish and Christian fasting and confession practices and propose that, alongside whatever role the rabbinic elite played in appropriation, another mechanism in play may be found in the contours of everyday contact between Jews and Christians who were not necessarily versed in the theology of the practices they performed.

Daily practice has often been overlooked by scholars or characterized as a "neutral," "basic," or "common" aspect of medieval culture that is accorded lesser significance in the study of religious distinctiveness.[16] To the contrary, domestic and routine activities represent the locus not only of appropriation but

12. Sponsler, "In Transit," 18; Ashley and Plesch, "Cultural Process," 1–3.

13. The word "appropriation" also contains an element of taking away, often without permission. This is particularly meaningful in the context under discussion, as each religion sought to make the specific elements or practices in question its own. This is another reason I find the term "appropriation" more suitable than "acculturation," since acculturation implies a shared sense of culture.

14. See, for example, Hahn, "Diffusionism, Appropriation, and Globalization," 195–97.

15. For recent use of the term "exchange" see Joseph Shatzmiller, *Cultural Exchange: Jews, Christians, and Art in the Medieval Marketplace* (Princeton, NJ: Princeton University Press, 2013).

16. For this formulation of shared elements as "neutral," see Elisheva Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe* (Princeton, NJ: Princeton University Press, 2004), 7–9, 188–89; Shatzmiller, *Cultural Exchange*, 164–66. Klein called this "common culture," *Jews, Christian Society*, 8. See also Emese Kozma's summary of the way scholars have treated this debate: "Practice of *Teshuvah* (Penance) in the Medieval Ashkenazi Jewish Communities" (PhD diss., Eötvös Loránd University, 2012), 308–12. While I agree with much of her analysis I find the dichotomies she draws too rigid to be useful for understanding processes rather than static fixed examples.

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also of the consolidation of religious identity.[17] The dynamics of appropriation and differentiation centered on community members' daily experiences, as well as a shared calendar and geography that framed their activities, shaped familiar objects, and informed their language. These tangible factors often signaled difference more saliently than did stated beliefs or formal definitions.

Medieval Jewish Penitential Fasting

During the High Middle Ages Ashkenazic Jews assumed both private fasts and communal ones far more frequently than Jews in other diasporas.[18] Their schedule of fasts included well-established fast days that commemorated the destruction of the temple; Mondays and Thursdays during specific times of the year; fasts that memorialized events and individuals; extended periods such as the month prior to the High Holidays; designated times in the spring (in the month of Adar and, sometimes, Iyyar); and dates that related to communal peril.[19]

Although it would be an overstatement to claim that all these fasts were universally observed, medieval sources suggest that fasting was a normative practice throughout Ashkenazic society.[20] In addition to communal fasts, medieval Jews fasted on an individual basis to expedite the healing of sick children, to honor deceased relatives, and to ward off the evil omens in bad dreams (*taʿanit ḥalom*).[21] Thus, medieval Ashkenazic life was punctuated by community-wide

17. Literature on ethnicity and difference is useful in this context, See Roger Brubaker, *Ethnicity without Groups* (Cambridge, MA: Harvard University Press, 2004), 118–20; Walter Pohl, "Telling the Difference: Signs of Ethnic Identity," in *Strategies of Distinction: The Construction of Ethnic Communities, 300–800*, ed. Walter Pohl with Helmut Reimitz (Leiden: Brill, 1998), 18–70, and esp. 65–67 on the importance of outward identifiers. See also Michel de Certeau, *The Practice of Everyday Life*, trans. Steven Rendall (Berkeley: University of California Press, 1984), 177–81.

18. Fasting plays a central role in many religions, including premedieval Judaism, thus the fasts discussed here were not remarkable in and of themselves, and it is specific modes of fasting that merit attention. For comparison with Islam, see Shlomo Dov Goitein, "Ramadan the Muslim Month of Fasting," in *The Development of Islamic Ritual*, ed. Gerald Hawting (Burlington, VT: Ashgate, 2006), 151–71, and Georges Vajda, "Fasting in Islam and Judaism," in Hawting, ibid., 133–49.

19. For a list of fasts known in medieval Ashkenaz, see Shulamit Elizur, *Lama ẓamnu? Megilat taʿanit batra u-reshimot ẓomot ha-kerovot lah* (Jerusalem: World Union of Jewish Studies, 2007), 276–89; these originated in medieval Babylonia. For an overview of practices see Elisheva Baumgarten, *Practicing Piety in Medieval Ashkenaz: Men, Women and Everyday Religious Observance* (Philadelphia: University of Pennsylvania Press, 2014), 60–69, 72–85. A recent publication of three sermons by an anonymous fourteenth-century German rabbi includes additional examples, Israel Stal, ed., *Derashot le-yeme ha-teshuvah mi-bet midrasham shel Ḥaside ʾAshkenaz* (Jerusalem: published by the author, 2014), 10, 23–24, 41–43.

20. For example, the late thirteenth-century *memorbuch* from Nürnberg records a blessing for community members who fast on Monday-Thursday-Monday cycles, MS Mainz 19, fol. 44b.

21. For multiple references to fasting in return for health, prevention of danger, and fending off foreboding omens: Judah b. Samuel, *Sefer Ḥasidim according to MS Parma H3280*, introduction by Ivan G. Marcus (Jerusalem: Merkaz Dinur, 1985) (hereafter *SHP*), also accessible at the Princeton University Sefer Ḥasidim Database (PUSHD), https://etc.princeton.edu/seferhasidim. *SHP* #289, #343, #942, #1283, #1284, #1357, #1722; See also Tosafot, B. Nazir 28b, s.v. *beno*; Tosafot, B. Avodah Zarah 34a, s.v. *mitʿanin le-shaʿot*; Jacob b. Judah of London, *Sefer ʿeẓ ḥayim*, ed. Israel Brodie

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and individual fasts for penitential and other intentions.[22] As most of the sources that have survived can be dated from the twelfth century and later, little is known of the fasts observed before the First Crusade, aside from the references to fasting in the Crusade chronicles, which suggest that fasting as a penitential practice was widespread then as well.[23]

Penitential fasting frequently appears in medieval responsa. In some cases, it was self-prescribed, in others, religious leaders were consulted by the sinner—directly or via a representative—who outlined the incident and requested guidance for corrective action; in turn, that authority provided instructions for fasting that detailed the food and drink whose consumption would be curtailed and a schedule.

For example, in a responsum attributed to Elḥanan b. Samuel of Magdeburg (late thirteenth century), a woman whose infant died in her bed, either due to inadvertent smothering by the mother during sleep or due to crib death, requests instructions. This mother is instructed to fast on Mondays and Thursdays for one full year after her baby's death, twice each week excluding holidays and new moons, with these exemptions being rolled into the next year. He also details a tracking procedure:

> For each Monday and Thursday that she does not fast, she must compensate during the following year. It is recommended that she have a small piece of wood (a tablet or stick) on which she would mark each Monday and Thursday when she does not fast; at the end of the year, she should tally up those marks. She should make up for that number of missed Monday and Thursday fasts, recording them on a second piece of wood. Each time she fasts [during that second year], she should mark the [second piece of] wood until it has same number of marks as the first [piece of wood].[24]

When an individual took on a fast, that commitment would be formally articulated during the afternoon service immediately prior, by reciting a prayer that included an admission of the sin that had been committed and the vow to fast.[25]

(Jerusalem: Mosad Harav Kook, 1962–64), *Hilkhot taʿaniyot*, 371; *Mordekhai*, *Shabbat*, "Yeẓi'ot ha-shabbat," *remez* 229; Shalom b. Isaac of Neustadt, *Pesakim u-minhagim*, ed. Shlomoh Spitzer (Jerusalem: Mekhon Yerushalayim, 1977), #456. Kozma's thesis details multiple examples, "Practice of *Teshuvah.*"

22. For one example, see Yitzhak D. Gilat, "Shete bakashot shel Rabbi Moshe mi-Coucy," *Tarbiz* 28 (1959): 54–58.

23. Eva Haverkamp, *Hebräische Berichte über die Judenverfolgungen während des Ersten Kreuzzugs* (Hannover: Hahnsche Buchhandlung, 2005), 255, 259, 261, 267, 407, 431, 433, 435, 473, 483.

24. *Teshuvot Maharam me-Rothenburg ve-ḥaverav*, ed. Simcha Emanuel (Jerusalem: World Union of Jewish Studies, 2012), #375. See also #739.

25. Jacob b. Judah of London, *Sefer ʿeẓ ḥayim*, *Hilkhot taʿaniyot*, 371; MS Paris héb. 644, fol. 21a provides a richly detailed example of this ritual; see also MS Jerusalem, National Library, 34°1114, fol. 23a–b. Kozma, "Practice of *Teshuvah*," has collected many of these sources.

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This confession to God (*viduy*) is not a medieval innovation; rather, it is a component of atonement that dates from the Bible—when a confession was whispered over the head of an animal before it was sacrificed—which was later incorporated into the liturgy and further elaborated in medieval Judaism.[26] Fellow Jews were aware of the voluntary fasts that were accepted during afternoon prayers; that is to say, personal fasts were not a strictly private matter.[27] External aspects of fasting would also signal individuals observing this ritual: men and women were often instructed to wear black clothes while performing penance for certain sins;[28] fasting precluded participation in communal meals; some penitents were dissuaded from attending weddings; and in cases of grave transgressions, such as murder, a sinner was told to lie across the synagogue doorway so that all who entered and left would step on him.[29]

Modern scholars of medieval German Jewry have long struggled to explain these prescriptions for penitential fasts and the mindset that accompanied them, since they seem to reflect northern European Christian norms more closely than previously established Jewish customs.[30] These frequent fasts have been minimized in scholarly analyses of medieval Jewry, perhaps because of unease with their "Christian" character. Another approach by which scholars have contended with the centrality of penitential fasting and its significance in medieval Ashkenaz has been to relegate their observance to a small exceptional circle, that of Hasidei Ashkenaz (German Pietists). The central compositions from the late twelfth or early thirteenth centuries identified with their leaders—*Sefer ḥasidim* (Book of the pious), by Judah b. Samuel (d. 1217), followed by the *Hilkhot teshuvah* (laws of atonement) section of *Sefer Rokeaḥ* (Book of the Perfumer), composed by his student Eleazar b. Judah of Worms (d. circa 1238)—are often identified as the primary records of these practices. Passages from *Sefer ḥasidim* have also been attributed to Judah's father, Samuel b. Judah.[31]

26. Ismar Elbogen, *Jewish Liturgy: A Comprehensive History*, trans. Raymond P. Scheindlin (Philadelphia: Jewish Publication Society, 1993), 125–26, 181, 197, 209. Confessional prayers, like fasting, became further embellished in medieval Europe.

27. For example, Peretz b. Elijah, "Piske Rabbenu Peretz," ed. Haim Sha'anan, *Moriah* 17, nos. 9–10 (1991): 10, #3 (late thirteenth-century France), is asked whether a community member who does not observe Monday-Thursday fasts could be called to the Torah; Peretz affirms on the condition that this individual commit to make up all missed fasts.

28. Eleazar b. Judah, *Sefer Rokeaḥ* #6, 10, 24; *Darkhe teshuvah*, a later version of this manual, printed in Meir b. Barukh of Rothenburg, *Shu"t Maharam me-Rothenburg* (Prague), ed. Moshe Blach (Budapest, 1895; repr. Tel Aviv: unknown publisher, 1985), 160b; *Teshuvot Rabbenu Eleazar me-Wormeisa*, ed. Jacob Israel Stal (Jerusalem: published by the author, 2014), 19–20, 51–53. For a concise survey of texts see Kozma, "Practice of *Teshuvah*," appendices.

29. *Darkhe teshuvah*, in Meir b. Barukh, *Shu"t Maharam me-Rothenburg* (Prague), 160b; 161a.

30. Baer, "Megamah ha-datit-ḥevratit," 18; Asher Rubin, "The Concept of Repentance among Hasidey Ashkenaz," *Journal of Jewish Studies* 16 (1965): 161–76; Moshe Beer, "ʿAl maʿase kaparah shel baʿale teshuvah be-sifrut ḥazal," *Zion* 46 (1981): 159–81; Israel Abrahams, *Jewish Life in the Middle Ages* (Philadelphia: Macmillan, 1896), 141; Elizur, *Lama ẓamnu*, 257–58.

31. Ivan G. Marcus, *Piety and Society: The Jewish Pietists of Medieval Germany* (Leiden: Brill, 1981) and Marcus, ed., *Dat ve-ḥevrah be-mishnatam shel ḥasidei 'Ashkenaz: Leket ma'amarim* (Jerusalem: Merkaz Zalman Shazar, 1986). For a more recent discussion, see Haym Soloveitchik, "Piety,

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Almost a century ago, Isaac (Fritz) Baer suggested that although Eleazar prefaces his penitential guidelines with an attribution that he received them from his teacher Judah, who had received them from his predecessors, and that "they were received from rabbi to rabbi, ga'on to ga'on, sage to sage, as [part of the] Torah [given] to Moses at Sinai," this material represents an innovation, "a novelty for the Jews that was the result of Christian influence."[32] Here Baer refers both to penitential fasting and to the mode of confession that Judah promoted, which entailed voicing one's transgressions to a spiritual advisor who would assign penitential practices. Baer's observation highlights the challenge with which I began: If this moral arithmetic of fasting and repentance was unprecedented among Jews, how might we understand its appearance in medieval Jewish practice? Baer's assertions of "influence" aroused strong criticism,[33] alongside others who followed his lead. As early as 1956, Asher Rubin presented parallels between medieval Jewish and Christian texts that reveal common thinking about penance, suggesting that the German word *Busse* ("penance" or "penitence") provides a rough equivalent for the medieval sense of the Hebrew word *teshuvah* ("atonement" or "repentance").[34] Three decades later, Talya Fishman continued this thread in her comparison of the types of penances articulated by Hasidei Ashkenaz, early medieval Irish penitentials, and Burchard of Worms in *Corrector.*[35] Rubin and Fishman share an interest in the sources for and systemization of penitential *thought* among the Jews in medieval Germany, specifically among Hasidei Ashkenaz, over fasting as a practice.[36] Most recently, Emese Kozma has prepared a comprehensive catalogue of all the different penances in the writings of Eleazar and has sought to compare them to known Christian acts and instructions for penitents.[37]

Pietism and German Pietism: 'Sefer Hasidim I' and the Influence of 'Hasidei Ashkenaz,'" *Jewish Quarterly Review* 92 (2002): 455–93 and the forum that followed in *Jewish Quarterly Review* 96 (2006).

32. Baer, "Megamah datit-ḥevratit," 18.

33. Baer attributed these practices to the influence of Francis of Assisi, a claim that sparked criticism on chronological and geographical grounds because of the disparity between Judah's and Francis's lifetimes. A famous example of the response to Baer can be seen in Ephraim E. Urbach's oeuvre, *'Arugat ha-bosem* (Jerusalem: Mekiẓe Nirdamim, 1939), 12–13 n. 1. This book, published in September 1939, was removed from circulation immediately and a new edition was published omitting the first footnote, which originally argued against Baer who "exaggerated and overstated the Christian surroundings' influence on Jews." Urbach provides multiple examples of earlier proof texts for medieval Jewish novelties. See also Marcus, *Piety*, 6–10.

34. Rubin, "Concept of Repentance," 169–70. See also Haym Soloveitchik, "Three Themes in the *Sefer Ḥasidim*," *AJS Review* 1 (1976): 321.

35. Talya Fishman, "The Penitential System of Hasidei Ashkenaz and the Problem of Cultural Boundaries," *Journal of Jewish Thought and Philosophy* 8 (1999): 201–29.

36. For a comparison between Judah and contemporary Christians in theological rather than social terms, see David Shyovitz, *A Remembrance of His Wonders: Nature and the Supernatural in Medieval Ashkenaz* (Philadelphia: University of Pennsylvania Press, 2017), 3–4, 10–13.

37. Kozma, "Practice of *Teshuvah*."

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The nature of Hasidei Ashkenaz has also been contested: some have argued that Hasidei Ashkenaz were a select group of pious men that endured only until the mid-thirteenth century, whereas others assert that *Sefer ḥasidim* influenced a wider audience over a longer period.[38] With regard to penitential fasting, even scholars who posit that the impact of the ideas of Hasidei Ashkenaz was restricted concede that penitential fasting was widely adopted throughout Ashkenaz and then in Poland in the fourteenth and fifteenth centuries.[39] As Elḥanan b. Samuel's responsum, quoted above, documents, during the late thirteenth century, when Pietist influence had purportedly declined, average Jews were consulting rabbis requesting that they assign penance.[40] These directives often required the sinner to proclaim his transgression publicly, as per this response attributed to Isaac b. Moses of Vienna: "Someone who reneged on a vow and did not atone for his sin in the place where it was committed should announce [*yodiʿa*] his sin in a different place and repent."[41] For the purposes of this article, as is evident from the description above, I would posit that although Judah he-Ḥasid and his student Eleazar had an important role in the prescription and absorption of fasting practices within Jewish society, many of these had a firm foundation in pre-Crusade Jewish culture as well. Moreover, as noted above, and as outlined further in the recent work of Emese Kozma, confession and penance were prevalent in fourteenth- and fifteenth-century Ashkenazic culture as well.[42]

38. Most recently, see Soloveitchik, "Piety, Pietism," and see also Joseph Dan, who suggests that *Sefer ḥasidim* and *Sefer Rokeaḥ* reflect individuals' ideas, lacking any connection to a group context, "Le-toledot torat ha-teshuvah shel Ḥaside 'Ashkenaz," in *Yovel 'Orot*, ed. Benjamin Ish-Shalom (Jerusalem: Ha-histadrut ha-ẓiyonit ha-ʿolamit, 1998), 221–28. Ephraim Kanarfogel depicts Hasidei Ashkenaz as far less removed from the mainstream community, see his "R. Judah *he-Ḥasid* and the Rabbinic Scholars of Regensburg: Interactions, Influences and Implications," *Jewish Quarterly Review* 96 (2006): 17–37. For the purpose of this paper, I sidestep questions regarding the impact of Judah and Eleazar's teachings, although some of my conclusions may pertain to them. Neither do I discuss the mystical aspects of their works, a strategy that stems from my conviction that few Jews would have been familiar with such esoteric beliefs; thus those notions would not typically have determined decisions about fasting.

39. Marcus points to the absence of a lasting impact, *Piety*, 126–29, but, in my opinion, he underestimates the significance of this system. See his "Hasidei Ashkenaz Private Penitentials: An Introduction and Descriptive Catalogue of Their Manuscripts and Early Editions," in *Studies in Jewish Mysticism*, ed. Joseph Dan and Frank Talmadge (Cambridge, MA: Association for Jewish Studies, 1982), 57–83; see Edward Fram, "German Pietism and Sixteenth- and Early Seventeenth-Century Polish Rabbinic Culture," *Jewish Quarterly Review* 96 (2006): 50–59.

40. For the thirteenth-century impact of Judah and Eleazar's directives, see the editions published by Stal, nn. 19 and 29.

41. Isaac b. Moses as quoted by Meir b. Barukh of Rothenburg, see *Teshuvot Maharam*, ed. Emanuel, #156. Announcing a sin appears in additional sources from Germany, Eleazar b. Judah, *Sefer Rokeaḥ*, #27, #28, and northern France, Isaac b. Joseph, *Sefer 'amude golah ha-nikra' sefer miẓvot katan (Semak)*, repr. (Jerusalem: Ha-mosad Le-ʿidud Limud Ha-Torah, 1979), #53.

42. Kozma, "Practice of *Teshuvah*," 33–34.

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"Influence," "Inward Acculturation," and "Polemic": Scholarly Understandings of Jewish Appropriation of Christian Custom

Historians have been particularly challenged by signs of appropriation of Christian custom by the Jews of medieval Ashkenaz, who have often been portrayed as the most insular of medieval Jewish communities.[43] The pendulum has swung back and forth on this matter and understandings of how Ashkenazic Jews preserved and reinforced their communal identity have been drastically revised.[44] David Berger aptly summarized this dilemma a decade ago:

> To return to northern European Jews we can now take it for granted that they were acutely aware of many Christian ceremonies and symbols.… Is the practice or belief or symbol or exegetical approach likely to have been known to Jews? How evident was it to an outsider? How clear would its religious, i.e., its specifically Christian, character be? In this particular instance, can we plausibly posit unconscious influence? Would this practice be expected to trigger reflexive Jewish aversion if its Christian character were understood? If the religious character of the practice is evident, do classic Jewish texts nonetheless provide enough basis for adopting it that a Jew attracted by it could persuade himself and others that it is really Jewish after all? Perhaps a Jewish text weighs so powerfully in favor of this practice or belief that Jews really affirmed it for internal reasons—not through Christian influence but *despite* full awareness of its Christian resonance. Does a Jewish practice change the Christian original sufficiently that intentional religious competition or symbolic inversion can plausibly be proposed?[45]

Berger points to one way that descriptions of appropriation have been countered or, at least, mitigated—the presentation of authoritative proof texts as countervailing evidence. If medieval Jews cited earlier Hebrew sources—the Bible, the

43. Especially relative to the Jews of Provence, Iberia, or those under Muslim rule. See the formulation suggested by Simon Dubnow and subsequently by others: "The spiritual life of the Jews in France and Germany … narrowed even more after the dreadful experiences of the crusades.… Living conditions required living along a tested expedient direction: to raise the ever higher 'Fence around the Torah'; to reinforce the religious-ritual discipline through augmenting the laws which separate Jews from the surrounding population.… The horrors they had experienced drove the soul into the gloomy abyss of asceticism and mysticism." Simon Dubnow, *History of the Jews: From the Roman to the Early Medieval Period*, trans. Moshe Spiegel (South Brunswick, NJ: T. Yoseloff, 1968), 669. Also see Haym Soloveitchik, "The Halakhic Isolation of the Ashkenazic Community," in his *Collected Essays* (Oxford: The Litman Library of Jewish Civilization, 2013), 31–38.

44. Ivan G. Marcus, "A Jewish-Christian Symbiosis: The Culture of Early Ashkenaz," in *Cultures of the Jews: A New History*, ed. David Biale (New York: Schocken, 2002), 449–516; Jonathan Elukin, *Living Together, Living Apart: Rethinking Jewish-Christian Relations in the Middle Ages* (Princeton, NJ: Princeton University Press, 2007); David Malkiel, *Reconstructing Ashkenaz: The Human Face of Franco-German Jewry* (Stanford, CA: Stanford University Press, 2009), 30–43; David Berger, "A Generation of Scholarship on Jewish-Christian Interaction in the Medieval World," *Tradition* 38 (2004): 4–14.

45. Berger, "Generation of Scholarship," 6–7.

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Talmud, or other sources—to validate beliefs and practices that were seemingly innovative, perhaps they were indeed spurred by Jewish precedents.[46] While this prioritization of textual precedents might be effective in a study of the history of ideas or a diachronic inquiry where the question "Who was first?" has primacy, what is its place in a synchronic evaluation? To illustrate the limits of finding textual origins, let us return to the example of fasting as penance. Already in the biblical description of Yom Kippur (Day of Atonement), fasting is a practice of "self-denial,"[47] and thus need not be viewed as a ritual that Jews appropriated from Christians. Yet, assuming this position ignores the medieval additions of confession and penance and oversimplifies medieval practice.

Other scholars have acknowledged the innovative nature of certain medieval beliefs and practices, while positing that Jewish catalysts were instrumental in their creation. When applied to the Jews of medieval Ashkenaz, this reasoning commonly refers to the reintroduction of texts from late antique Palestine (known as "the customs of ʾEreẓ Yisraʾel") throughout the twelfth century. Developments within Judaism that might otherwise be linked to contemporaneous Christian practices are attributed to the impressions made by the mystical *hekhalot* literature and other treatises that scholars were gradually encountering.[48] In this scheme, new rituals are ascribed to the grafting of customs transmitted in older Palestinian Jewish sources rather than to Christian society.[49]

An additional approach—the one that most strongly guides this study—was proposed two decades ago by Ivan Marcus and centers on the process that he terms "inward acculturation." Marcus's recognition that adapting a common belief or practice from Christian society did not make Jews less Jewish is a crucial contribution to the field. Another key element in his theory is his modified understanding of "influence": Marcus proposes that the absorption of outside concepts or customs be viewed as a filtered process, whether conscious or unconscious, and that scholars must search for the element that provided the polemic edge for their adaptation. Following ritual theories, Marcus endeavored to define how Jews adapted Christian themes, in inverted or parodic ways, into their culture.[50]

46. This is a central thesis explored by Fishman, "Penitential System," 201–4. The search for origins exemplifies what Bloch called the "idol of origins," *Historian's Craft*, 29–35.

47. Leviticus 16:30; 23:28.

48. Ephraim Kanarfogel, *"Peering through the Lattices": Mystical, Magical and Pietistic Dimensions in the Tosafist Period* (Detroit, MI: Wayne State University Press, 2000), 126–30, 235–57. Some scholars complicate this by suggesting that perhaps an ancient practice survived and later generations reattributed texts to them as they became refamiliarized with them. See for example, Avraham Grossman, *Ḥakhme ʾAshkenaz ha-rishonim*, 3rd ed. (Jerusalem: Magnes, 2001), 434. This approach does not preclude local contemporary traditions becoming absorbed in the more ancient traditions simultaneously, but overprivileges the text, in my eyes.

49. Israel Ta-Shma consistently suggested the importance of Palestinian custom, *Minhag ʾAshkenaz ha-kadmon* (Jerusalem: Magnes, 1992), 61–85. On this theme, see Talya Fishman, *Becoming the People of the Talmud* (Philadelphia: University of Pennsylvania Press, 2011), 176–81, and Haym Soloveitchik, *Ha-yayin be-yeme ha-benayim: Yeyn nesekh. Perek be-toledot ha-halakhah be-ʾAshkenaz* (Jerusalem: Merkaz Zalman Shazar, 2008), 321–27.

50. Marcus, *Rituals*, 10–13.

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In a similar vein, Israel Yuval investigated the misunderstandings that characterized one group's perception of the other. According to this approach, the study of a practice or belief that Jews derived from a neighboring culture should incorporate research into which fundamental beliefs from the original religion were negated in the process of "Judaization."[51]

This theory of "inward acculturation" can be applied in explanations of penitential fasting with respect to several elements, among them the presence (or absence) of a confessor who would set the course of penance. One of the most cogent arguments on the difference between Jewish and Christian penance systems relates to confession: both Judaism and Christianity attach great importance to confession (*viduy*), basing themselves on the same biblical proof texts (Psalms 32, for example). Jewish studies scholars have argued that, in contrast to Christians, medieval Jews did not confess to humans.[52] This difference increased in significance throughout the High Middle Ages, as the role of the Christian confessor and confession became paramount as a sacrament, especially after 1215.

Despite the undeniable differences between these religions, viewed in historical perspective, this assertion requires qualification. Not only was the belief in the need for confession shared, a human confessor, albeit not a carbon copy of a Christian confessor, existed in medieval Ashkenaz. Although Eleazar of Worms countered his teacher's instruction that transgressors seek advice from a sage who would recommend a protocol for penance, and promoted individual penance prescribed independently with the help of his penance manual, this innovation of Eleazar's did not eliminate the role rabbis played as prescribers of penance.[53]

Within the context of medieval Christianity, the study of Christian confession and penance has recently undergone tremendous revision that can help elucidate the process of appropriation among medieval Jews. Whereas previous generations of scholars argued that until the Fourth Lateran Council few Christians confessed regularly, recent research has attributed more agency and activity to the laity, demonstrating that confession was common, whether once a year on Ash Wednesday or on other occasions.[54] In addition, distinctions between private and public confessions, which were paramount in previous research, have been modified, with scholars noting the extent to which different forms of confession and penance coexisted and diffusing the dichotomous distinctions that were

51. Israel J. Yuval, *Two Nations in Your Womb: Perceptions of Jews and Christians in Late Antiquity and the Middle Ages*, trans. Barbara Harshav and Jonathan Chipman (Berkeley: University of California Press, 2006), 135–256.

52. Marcus, *Piety*, 121–26; Fishman, "Penitential System."

53. Jacob Stal suggests that this may have been customary during the generation that preceded Judah, see *Derashot*, n. 130. Marcus, *Piety*, 121–26.

54. Norman Tanner and Sethina Watson, "Least of the Laity: The Minimum Requirements for a Medieval Christian," *Journal of Medieval History* 32 (2006): 403–9; Rob Meens, *Penance in Medieval Europe 600–1200* (Cambridge: Cambridge University Press, 2014), 214–15.

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previously accepted.[55] As a result of this revised thesis, some of the distinctions scholars have sought to draw between Jewish and Christian practices also become less pronounced, especially since Christian understandings and practices related to confession underwent change over the medieval period. Much like the ongoing process of appropriation, these changes were not static or a one-time event.

Over and above the parameters for comparison between the religions, cultural agency is also important. Marcus, like Baer and the other modern scholars noted above,[56] regarded the rabbis as what anthropologists would call "cultural brokers," agents who transferred ideas from another religious group into their own and, more importantly, reshaped those notions into a form that could be embraced by their communities.[57] When assuming Christian society was a source for some aspects of new ideas, can a small group of learned men be credited as the driving force for medieval Jewish appropriation regarding confession and fasting? Might the texts themselves be steering us tautologically toward their authors, rather than providing a more nuanced view of societal operations and the means for appropriation?

Seeking social models of appropriation calls for a step back from the textual familiarity that prior generations of scholars considered indispensible, such as proof that rabbis read Latin treatises or conversed daily with Christian clergy. More broadly, this method seeks to distance itself from a "top-down" model that has dominated scholarly analyses of medieval Ashkenazic culture, with the assumption that rabbis read, thought, and decreed, and that their communities then complied. In a corrective effort, scholars have looked to shared living environments as common foundations or as neutral backdrops for religious differentiation. As Peter Schaefer explains in his work on the concept of Shekhinah:

55. For a classic presentation of medieval penance, see Alexander Murray, "Confession before 1215," in *Transactions of the Royal Historical Society*, 6th series, 3 (1993): 51–81; for recent revisions, see Mary C. Mansfield, *Humiliation of Sinners*: *Public Penance in Thirteenth-Century France* (Ithaca, NY: Cornell University Press, 1995), 132, 155; Mayke De Jong, "What Was Public about Public Penance? Paenitentia Publica and Justice in the Carolingian World," in *La Guistizia nel'alto medioevo* (secolo ix–xi) (Settimane di studio del Centro Italiano di studi su'll alto Medioevo XLIV) (Spoleto 1997), 863–902; Sarah Hamilton, *Practice of Penance, 900–1050* (Rochester, NY: Boydell, 2001), 207–10; Abigail Firey, ed., *A New History of Penance* (Leiden: Brill, 2008). See also Meens, *Penance*.

56. Marcus's study of confession predates his work on inward acculturation, but the same principle is apparent. I read his assessment of the elimination of a human confessor as a step toward his later methodology.

57. The idea of cultural brokerage was initially proposed in the 1950s and 1960s by Eric Wolf, "Aspects of Group Relations in a Complex Society," *American Anthropologist* 58 (1956): 1065–78, esp. 1074–75, and Clifford Geertz, "The Javanese Kijaji: The Changing Role of a Cultural Broker," *Comparative Studies in Society and History* 2 (1960): 228–49, esp. 242–49. It has been applied to examinations of ethnic identity, see Daniel K. Richter, "Cultural Brokers and Intercultural Politics: New York-Iroquois Relations, 1664–1701," *Journal of American History* 75 (1988): 40–67; Eric Hinderaker, "Translation and Cultural Brokerage," in *The Blackwell Companion to Native American History*, ed. Neal Salisbury and Phil Deloria (Oxford: Blackwell, 2001), 357–75; Helmut Reimitz, introduction to *History, Frankish Identity and the Framing of Western Ethnicity, 550–850* (Cambridge: Cambridge University Press, 2015).

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> It is as positivistic as it is naïve … to regard direct textual evidence as the only conceivable proof for any kind of religious exchange between Christians and Jews. The Jews certainly did not convene in their synagogues or schools to hatch out ideas that they had heard from their Christian neighbors, which they liked so much that they set out to imitate them consciously and purposefully. … But Jews and Christians did live in the same world, rather than in two separate worlds rigorously sealed off one from the other. Jews could not avoid seeing and hearing their Christian fellow-countrymen, and even if they did not report to us what they saw and heard, we can assume that they did see and hear a lot of what was happening on both sides.[58]

Talya Fishman echoes this observation: "Influence, if it occurred, was more likely to have taken place by osmosis—through conversations in the marketplace and pawn shop or upon sighting Christians fulfilling their penances in outdoor public spaces."[59] These formulations suggest an unconscious process much like Joseph Shatzmiller's recent formulation of "exchange."[60] Rather than attributing appropriation to osmosis, whether conscious or unconscious, practice and visibility must be investigated and not just referenced as a means to explain both Jews' exposure to and negotiation with their neighbors' religious activities.[61]

Everyday Practice: Appropriation and Differentiation

Shared Beliefs, Practical Differences

What did medieval Jews know of Christian confession and penitential fasting? In both instances we find, as this passage in the medieval polemic *Sefer niẓẓaḥon yashan* suggests, that Jews were acutely aware of their Christian neighbors' religious rituals:

> The *minim* [Christians] criticize us in connection with the Beichte for not confessing the way they do, and they cite proof from the book of Proverbs: "He that covers his sins shall not prosper but he who confesses and forsakes them shall have mercy" [Proverbs 28:13]. This is how you should answer him: On the contrary, one should conceal one's sins from another man and not tell him, "This is how I sinned," lest the listener be tempted to commit that sin. One should rather confess one's sins to god, as David said: "I acknowledge my sin to you and my iniquity I have not hidden. I said I will confess my transgressions unto the Lord and you have forgiven the iniquity of our sin. Selah" [Psalms 32:5].[62]

58. Peter Schäfer, *Mirror of His Beauty: Feminine Images of God from the Bible to the Early Kabbalah* (Princeton, NJ: Princeton University Press, 2002), 238–39.

59. Fishman, "Penitential System," 215.

60. Shatzmiller, *Cultural Exchange*, 162–66.

61. For an early modern discussion, see Debra Kaplan, "Sharing Conversations: A Jewish Polemic against Martin Luther," *Archiv für Reformationsgeschichte* 103 (2012): 41–63.

62. David Berger, *The Jewish-Christian Debate in the High Middle Ages, Sefer Niẓẓaḥon Vetus* (Philadelphia: Jewish Publication Society of America, 1979), #236, 233.

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The author of this polemic does not contest the validity of confession in theory or in practice,[63] he only disputes Christian practice. Most significantly, even the content of this critique is only implied.

The Jewish proponent in *Sefer niẓẓaḥon yashan* continues by presenting a three-fold argument against Christians. First, he contends that the *minim* are sinners who do not confess their sins forthrightly.[64] He then launches into his second line of offense, claiming that confessing to another person only inspires sin:

> It was because of the fact that they wallow in fornication and yet their Torah forbade them from marrying that they agreed to require men to come and tell their sin and publicize their adultery so they [the confessors] might know which women are having extramarital affairs. Then they tell these women that they would like to do the same, and the women cannot deny them because the adulterer has already identified them. This is certainly the explanation otherwise why doesn't the pope, who is regarded as the vicar of their god, give nuns the authority to hear the confession of women? It would clearly be more proper and acceptable for women to confess to women and men to men so they would not be seduced into fornication and adultery.[65]

This argument is included in other polemical treatises and reflects debates that were held among medieval Christians regarding how the information gained in confession might be used and whether women were qualified to receive confession. As such, this passage reveals Jewish familiarity with the practice of confession along with some of the central issues that were raised in Christian critiques of confessors.[66] The Jewish interlocutor summarizes this point by explaining, "Neither alternative will really help for only God himself can pardon and forgive."[67]

If this passage ended here, it could be read as a reflection of the practical differences between Jewish and Christian repentance and confession despite shared notions of atonement. However, the argument continues, "We may therefore infer that it is not proper for a sinner to give an account of his deeds before anyone but God. If he will answer that Akhan confessed [Joshua 7:20–21], tell him that he confessed before all of Israel because the occasion demanded it. One can also answer the general accusation by pointing out that we confess all our sins out loud every year on the Day of Atonement."[68] Part of this argument against Christian transgressions that result from confession before a priest who

63. A key passage in B. Yoma 86b cites Proverbs 28, attributed to the Christian polemicist to advocate admission of sins in public.

64. Berger, *Jewish-Christian Debate*, #236, 233.

65. Ibid.

66. See Firey, *A New History of Penance* and the articles within.

67. Berger, *Jewish-Christian Debate*, #236, 233–34.

68. Ibid., #236, 234.

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himself then sins is found in other polemical treatises, but never with this ending.[69] Why would a polemicist choose to close his case with these last lines?

Perhaps the compiler of *Sefer niẓẓaḥon yashan* was not fully satisfied by the claim that was already in circulation, and therefore he appended it with two additional points. The first adds a biblical reference that upholds the need for public confession in some instances, as in the case of Akhan (Joshua 7). The question of public confessions was neither theoretical nor esoteric; other medieval Jewish texts indicate that certain sins required public admission of guilt. Eleazar b. Judah of Worms mentioned transgressions that necessitated public confession, as did Isaac of Corbeil, who lived some decades later in northern France and wrote the popular *Sefer miẓvot katan*. Moreover, *bushah* (humiliation) formed a key component of penance, and this state was achieved by a confession, whether before an individual, by lashings, or by donning garb that signified the transgression. For example, in a sermon for the month of Elul, an anonymous German preacher taught, "Repent Israel [*shuvah Yisra'el*] these are the letters [*s.v.b.h.*] of *bushah* [humiliation, *b.v.s.h.*]. You have to humiliate yourselves and confess your sins so that you will have complete penance. How? If he committed a severe sin, he should go to a respected sage [*gadol*] and humiliate himself and he will give him [*yiten lo*] penance."[70]

The second angle of the refutation that concludes this passage from *Niẓẓaḥon yashan* is even more striking. The author suggests that, like Christians, Jews confess aloud, specifically on the Day of Atonement, whose Ashkenazic prayer service was dominated by the copious additions that had no equivalent in other Jewish rites. Among the best known of these liturgical supplements is the prefatory line that was added by late thirteenth-century Ashkenazic communities to Kol Nidre, the late-antique opening prayer for Yom Kippur, which declares the dissolution of all vows. The addition reads, "By the authority of the Court on High and by authority of the earthly court, by the permission of One Who Is Everywhere and by the permission of this congregation, we hold it lawful to pray with sinners [*'avaryanim*; singular, *'avaryan*]."[71] Who are these sinners? Medieval Jews used the word *'avaryan* to describe one who failed to uphold communal statutes.[72] On Yom Kippur, such a person was allowed to pray without the

69. Meir of Narbonne, *Milḥemet miẓvah*, Parma MS 2749, fol. 85a–b. The Jewish practice of expunging vows is also featured in Yeḥiel of Paris, "The Disputation of Rabbi Yeḥiel of Paris," in *The Trial of the Talmud Paris, 1240*, trans. John Friedman and Jean Connell Hoff (Toronto: Pontifical Institute of Medieval Studies, 2012), 141.

70. *Derashot*, ed. Stal, 17–18, #24 and esp. n. 130. This idea is repeated ibid., 23–24, #34; see also Stal, *Teshuvot*, 16, #2; 19–20, #5; 51–53, #14; and introduction, 4–15.

71. Meir b. Barukh, *Teshuvot, pesakim u-minhagim*, ed. Isaac Ze'ev Cahana (Jerusalem: Mosad Harav Kook, 1962), 1: #552; Samson b. Tzadok, *Sefer tashbeẓ* (Warsaw: 1901; repr. Jerusalem: Mekhon Yerushalayim, 2011), #131. On the prayer, see Moshe Benovitz, *Kol Nidre: Studies in the Development of Rabbinic Votive Institutions* (Atlanta, GA: Scholars Press, 1998); Richard Steiner, "Kol Nidre: Past, Present and Future," *Jewish Studies Internet Journal* 12 (2013): http://www.biu.ac.il/JS/JSIJ/12-2013/Steiner.pdf.

72. Aviad Hacohen, "Mihu 'avaryan? 'Al hadarat ha-'aḥer ve-tiyugo," http://www.daat.ac.il/mishpat-ivri/skirot/300-2.htm; see also Naftali Wieder, "Ha-heter le-hitpallel ʿim ha-ʿavaryanim," in

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required repeal of a ban of excommunication that would have been necessary at any other time of year.[73]

The Yom Kippur liturgy provides additional support for the Ashkenazic preoccupation with confession in the various formulae for forgiveness that were recited throughout that day and in the insertion of piyyutim on themes of sin and atonement.[74] Above all, the prominence of U-netaneh Tokef, a liturgical poem from late antiquity that proclaims repentance, prayer, and charity as keys to atonement—that was bolstered in medieval Ashkenaz by a thirteenth-century legend that this prayer's inclusion fulfills the request of a fictitious martyr—further attests to the importance of penance. While the message of this piyyut was far from new, the medieval understanding that *teshuvah* was synonymous with fasting and the elevation of U-netaneh Tokef as a liturgical centerpiece indicate a shared discourse between Christian practices and internal Jewish developments.[75] Returning to our selection from *Sefer niẓẓaḥon yashan*, despite its objection to Christian confession, Ashkenazic Jews were apparently somewhat dissatisfied with the custom of silent confession and interested in repenting aloud on some occasions. This vocal confession, however, is not identical to confession to a confessor.

"Giving" Penance

Marcus sought to distance Jewish modes of penance from Christian ones by focusing on the role of the confessor. He argued that the large number of manuscripts of Eleazar's *Hilkhot teshuvah* suggests that many individuals had the ability to consult the text themselves, and develop what he called "personal pietism." The popularization of these instructions for "personal pietism" is further confirmed in a separate composition that has recently been attributed to Eleazar of Worms, in which sins and their corresponding penances appear in rhyme, evidence of the need to allow access to these penances to a broad audience.[76] Yet, despite the large number of surviving manuscripts and evidence

The Formation of Jewish Liturgy in the East and the West (Jerusalem: Yad Ben-Zvi, 1992), 391–94. Wieder notes the similarities between this formula and those for excommunication ceremonies.

73. *Mordekhai*, Yoma, #725.

74. The original ʻAl Ḥet prayer entered the liturgy in early medieval Babylonia, and its Ashkenazic version was greatly expanded, see *Maḥzor le-yamim nora'im*, ed. Daniel Goldschmidt (Jerusalem: Koren, 1970), 2:10–13; Naftali Wieder, "Ḥeker minhag Bavel ha-kadmon," in *Formation of Jewish Liturgy*, 1:141–42; 240–48; Wieder notes the lengthy Ashkenazic prayer in comparison with the leaner version suggested by Maimonides, and the quantitative difference between its 144-word version in Eastern sources versus the 632-word form in Ashkenazic liturgies (136).

75. Ivan G. Marcus, "Kiddush ha-shem be-'Ashkenaz ve-sipur Rabbi Amnon mi-Magenẓa," in *Kedushat he-ḥayim ve-ḥeruf ha-nefesh*, ed. Isaiah M. Gafni and Aviezer Ravitsky (Jerusalem: Merkaz Zalman Shazar, 1992), 131–48; Menachem H. Schmelzer, "Penitence, Prayer and (Charity?)," in *Minḥah le-Nahum: Biblical and Other Studies Presented to Nahum M. Sarna in Honour of His 70th Birthday*, ed. Marc Brettler and Michael Fishbane, JSOT Supplement 154 (Sheffield: JSOT Press, 1993), 291–99.

76. Stal, *Teshuvot*, in the examples, 3–69, for example #2 (18–20), a penance for sexual relations with a prostitute.

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that such instructions were available, not all Jews who turned to Eleazar of Worms's *Hilkhot teshuvah* did so on their own, and confessor-rabbis did not disappear.[77]

In a different responsum penned by one of Meir b. Barukh's students, the act of seeking advice from a sage is compared to Christian confession. Two rabbis, Jonah and Shemaryah, ask Isaac b. Mordekhai (late thirteenth century; a contemporary of Meir b. Barukh) about the permissibility of revealing information that was acquired in confidence as part of their congregational duties. They explain that Jacob, who apparently had a history of committing arson, made a confession on condition that it not be divulged. Their query addresses whether they could disclose the content of this "confession" since their community could be endangered by Jacob's actions. In his discussion of the rabbis' confidentiality, Isaac comments, "Though they are a thousand times removed [*u-lehavdil 'elef 'alfe havdalot*], when a non-Jew confesses to a priest [*galah*] [who promises] that he will not reveal [the sin being confessed], he [the sinner] has no fear."[78] Isaac is sufficiently conversant in this Christian practice to compare the rabbis' promise to Jacob with priestly confidentiality during confession, despite the "thousands of differences," between these two religions' rituals.

It appears that many Jews elected to reveal their misdeeds to their spiritual leaders.[79] Moreover, when seeking directives for atonement from religious authorities, they expected instructions in accordance with a moral arithmetic that resembles Christian practice. The exchanges between Jews and their rabbis are recorded in instances of sins so commonly committed that they could even be dubbed "standard transgressions."[80] For example, fasting was typically assigned as penance for another category of Sabbath violation, relating to contact with Sabbath candles or their wax. Isaac b. Moses (1180–1250) noted that women would fast if they touched the wax of Sabbath candles on that holy day.[81] A century later this story was told about Meir ha-Levi of Vienna: "Once there was a wedding and the blessing for the marriage was recited late, after sunset and then the women went home and lit their [Sabbath] candles. When Meir ha-Levi heard of this, he charged them with fasts and said they should have instructed their servants to light the candles or [they should have] lit them themselves before going to the huppah [marriage celebration]."[82] Here it seems that the rabbi issued an unsolicited ruling. Yet many other thirteenth- and fourteenth-century sources follow the pattern that we saw earlier, where Jewish men and women initiate this process by approaching rabbinic figures and requesting penance for their sins. Other

77. Many of these cases involve women; see Baumgarten, *Practicing Piety*, 67–69; 80–85; 91–94.

78. *Shu"t Maharam,* ed. Emanuel, #394.

79. Yaakov Elbaum, *Teshuvat ha-lev ve-kabbalat yisurin* (Jerusalem: Magnes, 1993) and Kozma, "Practice of *Teshuvah*."

80. See also *SHP* #1777. For a different form of penance, where the individual who desecrated the Sabbath is instructed to contribute money, see *SHP* #629.

81. Isaac b. Moses, *Sefer ʾor zaruʿa*, *hilkhot ʿerev shabbat*, #34

82. Shalom b. Isaac of Neustadt, *Pesakim u-minhagim*, #12, 193.

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examples of such rulings include Ḥayim Barukh, who is said to have prescribed a three-day fast to a woman who had angered her husband,[83] and Meir b. Barukh of Rothenburg, who instructed penance of fasting, self-flagellation, and charity to a man who publicly insulted a well-respected community member.[84]

R. Joseph b. Moses (ca. 1390–1460), a student of the fifteenth-century scholar, Israel Isserlein, recounts case after case of confessions of sin and prescriptions of penance in his "Laws of Teshuvah": "Once a bourgeois [*benonit*, meaning neither rich nor poor] woman forgot [to remove] her purse, which contained 60 *peshitim*, from her belt on the eve of Rosh Ha-shanah. He "gave" her as penance [*natan lah teshuvah*] a contribution of ten *peshitim* for candles and ten [more] *peshitim* to charity."[85] In other situations, Joseph directed transgressors to fast: "A man who inadvertently consumed forbidden wine [*yeyn nesekh*, wine that was handled by a gentile during preparation] was "given penance" [*natan lo teshuvah*] of a five-day fast. One who sinned sexually with his sister was instructed to fast for three continuous days and then a forty-day fast to extend over the following year."[86] The expression that Joseph used consistently "gave him/her penance" (*natan lo/lah teshuvah*) is echoed in other writings and seems to be accepted terminology for a rabbi dispensing such an instruction.

The extant textual evidence underscores that turning to a rabbinic figure for penance was common practice. The fifteenth-century authority Jacob Moellin (Maharil) is cited in a case brought by his niece after she forgot to light Sabbath candles one Friday evening. Maharil responded: "[On every Sabbath eve] for the rest of her life, she should assiduously add one candle beyond her customary number."[87] He then continued, "When she fasts [*u-keshe-'erʿah taʿanitah*], she should be sure to confess this sin. [Furthermore,] if she wishes to obligate herself [to] fasts and [other forms of] torment in order be granted atonement, may she be blessed."[88] This responsum integrates individual or private confession with normative fasting. Maharil's words imply that Jewish women and men would customarily assume fasts and other "torments" as components of repentance.

Discussions of fasting indicate that the practice, even by individuals, was known within the community. If one was not eating, others would likely know. For example, one source tells of one woman who fasted once her husband left for a trip despite his admonition against such behavior. The rabbinic court in her town debated whether they could stop her from fasting during the husband's trip: "[In the case of] a woman who vowed not to eat on a particular day, whose husband could not annul her vow because he was traveling to another city

83. *Sefer ha-niyar*, ed. Gershon Appel (New York: Sura, 1960), 166–67, *hagahah*.

84. Meir b. Barukh, *Shu"t Maharam* (Prague), #132, see also #485.

85. Joseph b. Moses, *Sefer leket yosher*, ed. Yoel Katan (Jerusalem: Ha-mosad Le-ʿIdud Mifʿal Ha-Torah, 1999), 2: *hilkhot teshuvah*, 90, # 1.

86. Ibid.

87. Medieval Jews customarily lit more than two candles for the Sabbath.

88. Jacob b. Moses Moellin, *Sefer Maharil*: *Minhagim*, ed. Shlomoh J. Spitzer (Jerusalem: Mekhon Yerushlayim, 1989), *Shabbat*, #1.

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though, before his departure, he had warned her against fasting, but without naming a specific day. Since her husband made clear that he did not wish her to fast, the rabbis may permit her [to annul her vow] without her husband [being present]. But had he not revealed [his opinion], I doubt that her vow could be annulled without her husband [being present]."[89]

These readily discernible aspects of fasting were intended to draw attention and respect toward the person who took on this observance.[90] As a result, much like the distinction between public and private aspects of penance were blurred among Christians,[91] so too among Jews penance and fasting straddled the public/private distinction and was most certainly not a completely private affair.

Modes of Differentiation

These external indications of fasting can provide insight on the modes of appropriation that were at work. The apparel of one who was fasting would have been recognizable to Christians and Jews in their respective communities.[92] But would the internal codes of one community have been apparent to members of the other religion? Christians and Jews came into regular contact with each other by chance and by design;[93] mutual awareness was fostered by Christians entering Jewish homes, whether as servants or as business associates, and Jews frequenting Christian homes as well.[94]

The memoir of a famous twelfth-century Jew who became Christian, Herman-Judah, offers further insight on how members of these groups viewed each other's praxis.[95] He relates the dilemmas that he encountered while contemplating conversion and how, like the biblical Daniel, he fasted for three days in his quest for divine counsel: "I knew that Jews and Christians did not keep the same rule of fasting. Since Christians eat on fast days at the ninth hour, abstaining from flesh, while Jews, continuing until evening, are allowed to eat flesh and anything else. But I did not know which of these pleased God the more. I decided to keep both without distinction. And so according to the rite of Christianity I abstained

89. Peretz b. Elijah, "Piske Rabbenu Peretz," #65 and see also #40.

90. Erving Goffman, "The Nature of Deference and Demeanor," *American Anthropologist* 58 (1956): 496–99; and his idea of role playing in *The Presentation of Self in Everyday Life* (New York: Anchor Books, 1959).

91. Meens, *Penance*, 118–23.

92. See, for example, *Sefer Rokeaḥ*, *hilkhot teshuvah*, #6, #10, #24. These sections were repeatedly copied; Marcus, "Hasidei Ashkenaz Private Penitentials," 57–83.

93. The concept of "unfocused interactions" put forward by Erving Goffman is particularly helpful, *Encounters* (Indianapolis, IN: Bobbs-Merrill, 1961), 7–15.

94. Baumgarten, *Mothers and Children*, 134–44.

95. The veracity of Herman's autobiography has been doubted. See Karl F. Morrison's discussion in Herman-Judah, *A Short Account of His Own Conversion*, trans. Karl F. Morrison (Charlottesville: University Press of Virginia, 1992), 39–75; Avrohom Saltman, "Hermann's *Opusculum de conversione sua:* Truth or Fiction," *Revue des études juives* 147 (1988): 31–56; and, most recently, Jean Claude Schmitt, *La conversion d'Herman le Juif: Autobigraphie, histoire et fiction* (Paris: Seuil, 2003), 25–61.

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from flesh and extending the fast until evening in the fashion of the Jews, I remained content with a little bread and water."[96]

Herman's account mentions two features that demarcated Jewish and Christian fasting—the duration of the fast and the food eaten to mark its completion. Such distinctions underscore how nuances could cultivate meaningful differences. During Herman's lifetime, Christians fasted until midday; the gap between the length of Jewish and Christian daily fasts grew over time, for the designated time for Christians to break fasts was scheduled ever earlier over the course of the Middle Ages.[97] Christian ascetics would exhibit the stringency of their practice not only by fasting, but also via the foods they ate (and avoided) when concluding their fasts. In contrast, according to Herman, Jews fasted until evening.

This quotation from Herman's autobiography is a reminder of the power of food as a social and cultural force, and of how ostensibly trivial variations in dietary norms can set communities apart.[98] The importance of such subtleties comes as no surprise when discussing the effects of Jewish dietary observance, but it may be less obvious that this pattern applies equally to fasting. Knowledge of this phenomenon was as accessible to Jews as it was to potential or actual converts, as documented by comments from several Ashkenazic rabbinic authorities about the custom of fasting on the day before Rosh Ha-shanah. Both Meir b. Yekutiel Cohen (1260–1298; author of *Hagahot maimoniyot*) and Maharil note that some Jews were wary of this popular medieval custom lest its practitioners be misconstrued as "observing non-Jewish customs" (*mishum ḥukat ha-goyim*). This hesitation stemmed from the widespread Christian practice of fasting on the day prior to a holiday; Jews wanted to avoid the perception that they might be imitating that practice. A practical compromise alleviated Jewish concerns: they would rise early and eat before sunrise on the day before Rosh Ha-shanah to distinguish their observance from a Christian fast.[99] This discussion of pre–Rosh Ha-shanah fasting echoes other deliberations about fasting on Fridays, a day that was known for Christian fasts. In general, fasting on Friday was discouraged among Ashkenazic Jews; however, at times it was unavoidable. Thus a singular exception to the Jewish norm of fasting until nightfall applied to fasts that fell on Fridays.[100] As

96. Herman-Judah, *Short Account*, 92, ll. 1128–29.

97. P. M. J. Clancy, "Fast and Abstinence," in *New Catholic Encyclopedia* (New York: McGraw-Hill, 1967), 5:848–49; Henri Leclercq, "Jeunes," in *Dictionnaire d'archéologie chrétienne et de liturgie* (Paris: Letouzy and Ané, 1927), 2487.

98. David Friedenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian and Islamic Law* (Berkeley: University of California Press, 2011); Irven M. Resnick, "Dietary Laws in Medieval Jewish-Christian Polemics: A Survey," *Studies in Christian-Jewish Relations* 6, no. 1 (2011): http://ejournals.bc.edu/ojs/index.php/scjr/article/view/1801/1689.

99. Meir b. Yekutiel Cohen, *Hagahot maimoniyot*, in Maimonides, *Mishneh Torah*, ed. Shabtai Frankel, 7 vols. (Jerusalem: Frankel, 2005), *hilkhot shofar*, #1; Jacob Moellin, *Sefer Maharil: Minhagim*, 262. Daniel Sperber has explained this fast in relation to the quarterly Ember Days, a Christian Wednesday-Friday-Saturday fasting cycle observed during December, March, June, and September. The eve of Rosh Ha-shanah would occasionally coincide with one of the Ember Day fasts. See Daniel Sperber ed., *Minhage Yisra'el* (Jerusalem: Mosad Harav Kook, 1995), 2:41–42.

100. Meir Rafeld, "Taʿanit Esther," in Sperber, *Minhage Yisra'el*, 4:204–20.

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on the day preceding Rosh Ha-shanah, some rabbinic leaders instructed their followers to break their fasts before evening (prior to leaving for synagogue or at sunset) to emphasize the holiness of the Sabbath, perhaps the result of their sensitivity to Christian custom.[101] In contrast, Friday fasts were observed until nightfall in Jewish communities beyond Ashkenaz.[102] Once again, northern European Jews appear to be responding to their similarity to Christians or, more precisely, the desire to distinguish themselves from the religious majority.

Medieval urban realities underline shared space as a factor for evaluating the lives of both Christians and Jews, leading to the question of how the geography of city life contributed to distinctions between faith communities. For example, space emerges as a primary distinguishing feature in the passages from *Niẓẓaḥon yashan*. Christian confession took place in church, whereas the declaration of a Jewish fast and its accompanying confession were pronounced in synagogue, which allowed for a clear identification of each practice with its performers.[103] However, the enactment of penance was neither limited to the synagogue or church precinct. They were woven into penitents' daily routines in different venues, including the domestic realm. This is especially true of homes and courtyards, rather than structures designated for religious functions.

But it was time rather than space that served as the key factor in the demarcations of difference in these religious cultures; time was the most consequential factor to establishing shared yet distinct praxis. For example, the role of time as a distinguishing feature is explicit in the quotation (above) where Herman describes the customary times for fasting. Such differentiation was well established by late antiquity, when Christians chose to set themselves apart from Jews by fasting on Wednesdays and Fridays rather than on Mondays and Thursdays.[104] When the tables were turned and Jews became a minority, they too were concerned that their intentions would be misconstrued if, like the Christian majority, they fasted on a Friday or on the day before a holiday. In thirteenth-century Ashkenaz, Jews were keenly attuned to Christian time, not only to major holidays, such as Christmas, Easter, and the Marian feasts, but to local and daily schedules.[105] As Philipp Nothaft has recently shown, Christians similarly recorded Jewish fast days and customs with comments that reflect close contact, such as "these are

101. For fasts that fell on Fridays, see Solomon b. Isaac, *Teshuvot Rashi*, #128; Eleazar b. Judah, *Sefer Rokeaḥ*, #36; Isaac b. Joseph, *Semak*, #96 and Peretz's comments therein; idem, "Piske R"i me-Corbeil, #19.

102. Rafeld, "Taʿanit Esther," 4:206, 218–20.

103. Language too was a distinguishing factor: Jews confessed in the vernacular and in Hebrew; Christians declared their misdeeds in the vernacular, complemented by rudimentary Latin. See Kirsten Fudeman, *Vernacular Voices: Language and Identity in Medieval French Jewish Communities* (Philadelphia: University of Pennsylvania Press, 2010).

104. Herman-Judah, *Short Account*, 92, ll. 1128–29.

105. C. Philipp E. Nothaft and Justine Isserles, "Calendars beyond Borders: Exchange of Calendrical Knowledge between Jews and Christians in Medieval Europe (12th–15th Century)," *Medieval Encounters* 20 (2014): 1–37; Sacha Stern, "Christian Calendars in Hebrew Medieval Manuscripts," *Medieval Encounters* 22 (2016): 236–65; see my "Shared and Contested Time: Jews and the Christian Ritual Calendar in the Late Thirteenth Century," *Viator* 46 (2015): 253–76.

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the days when the elderly ladies fast."[106] We have no record of verbal exchanges between Jews and Christians, so we can only imagine their dialogues and exchanges of information, but their cognizance of each other's customs was constantly reinforced via their residential proximity, ongoing commercial dealings, and constant meeting of paths. Their sacred times were broadcast in the details of everyday living: the clothes they wore, the wares they sold, and the foods they ate. For example, Jewish time made difference visible on the Day of Atonement, when all members of the Jewish community wore white or, for that matter, the weekly distinctions of a community that did not fast on Friday and dressed on their Sabbath in garments reserved for that day. Christians would have noticed these behaviors, much as Jews took note of Christian celebrations even if they were not versed in their details.

Time also factored significantly in the material culture shared by Jews and Christians. The commonalities applied to the physical instruments of their fasts, from the bread they ate and the sticks used to tally fasts observed or missed. Rather than assume that such artifacts, with the exception of specific foodstuffs (meat or wine) and holy articles found in church or synagogue, were common "neutral" elements, Herman-Judah's discussion of fasting shows that food was imbued with meaning based on the time of its consumption, much as the significance of candles was dependent on whether they were kindled on the Sabbath or during the week.

Strategies of Appropriation and Differentiation

Daily practices and familiarity convey keys to understanding both appropriation and differentiation. Commonly held practices cannot be assumed to have automatically fostered a sense of shared culture among medieval Jews and Christians; these seemingly overlapping customs contributed no less to the formation of distinctive identities. Rituals, even those shared, were ultimately reinforced by the theological differences and polemic contentions between these two religions. For example, the beliefs in the Eucharist and the Virgin Mary obviously separated Jews and Christians. They also have been at the heart of scholarly discussions over the past decades as illustrations of "inward acculturation" and polemic. But the foods eaten, clothing worn, and fasts undertaken were no less relevant to religious identification. Even when they were practically identical they could reflect religious difference.

Thirteenth-century rabbinic authorities recognized the parallel practices and common precincts of Jews and Christians. Yeḥiel of Paris, one of the participants in the Talmud trial in 1242, noted the physical proximity between Jews and Christians: "And every day we sell to non-Jews (even on days forbidden by Jewish law), we have [business] ventures with them, we are alone with them, we give them our babies to nurse in their homes, and we [even] teach our Torah to some of them, for

106. C. Philipp E. Nothaft, *Medieval Latin Christian Texts on the Jewish Calendar: A Study with Five Editions and Translations* (Leiden: Brill, 2014), 597–98. John of Pulchro Rivo (1298) records five such fasts.

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there are monks who know how to read Jewish books…."[107] In such close quarters, where sharing ideas, space, and artifacts was commonplace, sacred time was the determining factor that signified each religion's membership and praxis. Even if these distinctions seem trivial over half a millennium later, their effect was no less potent than the doctrinal disputes that have been scrupulously pursued to date.

Research into quotidian strategies of appropriation and differentiation exercised by Jews and Christians and investigations of daily exposure to one another's activities provide a view of the most basic levels of exchange, those yielded by contact between community members who probably lacked deep knowledge of the other religion's theology or sacred writings. This information refines our understanding of how each group defined itself "a thousand times apart" while living side by side and performing common modes of practice. Through this lens we see far more than "inward acculturation" with a polemic edge. This differentiation was possible because of the mechanism of appropriation, which allowed for a complexity of social fields within the practical features of everyday activities.

Focusing on daily practice can make possible the study of community members who were not among rabbinic and learned circles. Examining everyday practices offers greater access to medieval Jewish society at large and, importantly, can extend our discussion beyond the intellectual elite who authored texts that have reached us, to a much broader circle. Rabbis surely objected at times to what their community members were doing, but they also, at times, may have given the stamp of approval to a practice, providing proof texts from classic Jewish sources. In some cases, these ancient sources, whether biblical, talmudic, or early medieval, may well have been cited to justify a practice that become accepted rather than providing its impetus.[108] The medieval rhetoric of attributing a custom to inherited practices that were familiar to the "ancients" or "forefathers" is a classic feature of invented traditions and could have been far more easily grasped by less educated Jews than the complexities of proof texts.[109] This endorsement was also convincing and was certainly believed by those who called upon it. Thus, alongside the importance of analyzing the textual explanations that articulate the embrace of new practices and mapping the history of ideas, attention must also be directed to the social environment in order to discern the place of religious practice beside—not beneath—theology, beliefs, law, and spirituality. From an experiential perspective, the Jewish character of a given action was reinforced by its repetitive nature. As such, appropriated

107. Yeḥiel b. Judah of Paris, MS Moscow Günzberg 1390, fol. 94b; and in the new translation, Friedman and Hoff, *Trial of the Talmud Paris, 1240*, 151.

108. Susan Starr Sered, *Women as Ritual Experts: The Religious Lives of Elderly Jewish Women in Jerusalem* (New York: Oxford University Press, 1992), esp. 134–41.

109. Eric Hobsbawm, "Introduction: Inventing Traditions," in *The Invention of Traditions*, ed. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge University Press, 1983), 1–14. See also Galinsky, "Custom," 414–17.

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practices would have buttressed religious identity rather than reducing religious distinctions, a specter against which modern scholars have been on guard.[110]

Appropriation generated not just similarity but also difference. Over the last decades, scholars have shown that Jews adapted (and refuted) Christian ideas and customs. Medieval sources underline that any two (or more) groups in close contact invariably exchange practices and beliefs while constantly recalibrating their identities vis-à-vis the other. This approach also invites inquiry into the orders of identity within medieval culture as they relate to a particular time and place.[111] Furthermore, it can reveal the degree to which religions, and medieval Jewish and Christian communities in particular, despite all the ties that bound them, held themselves as distinct entities, divided by first-order boundaries in daily life and practice. In this reality, the expanse between religions can be vast even when communal life is conducted in close quarters. Perhaps paradoxically, these conditions allowed for shared practice in an economy of differences despite the ubiquitous presence of the fundamental distinctions between religions.

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110. Alf Lüdtke, "What Is the History of Everyday Life and Who Are Its Practitioners," in *The History of Everyday Life*, ed. Alf Lüdtke, trans. William Templer (Princeton, NJ: Princeton University Press, 1995), 5–7.

111. See Niklas Luhmann on the orders of identity, *Gesellschaftstruktur und Semantik* (Frankfurt a. Main: Suhrkamp, 1999), 31–54, esp. 32–35, and Luhmann, "Deconstruction as Second Order Observing," *New Literary History* 24 (1993): 763–82, esp. 777–80. Luhmann distinguishes between first and second orders of difference, where the former category describes contrasts so inherent that they may be assumed to be definitive, while the latter characterizes observations that tend to be situational. I thank Helmut Reimitz for suggesting this line of thought.

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