**The Holiness of Riẓba: A Study of a Rabbinic Historiography**

**1 Introduction**

Ephraim Elimelech Urbach was one of the greatest scholars in the research of rabbinic literature. His monumental work *The Tosaphists* is a fundamental volume in the field.[[1]](#footnote-1) Urbach's point of departure is a positive one. He viewed his sources as credible and assumed that they could be used to replicate the reality of the Middle Ages. As was the wont at the time, Urbach did not make do with describing the literary and general reality of the Tosaphist era, but also attempted to analyze the personalities of the Tosaphists.[[2]](#footnote-2) His work *The Tosaphists* contains numerous psychological analyses, some of which will be presented here.[[3]](#footnote-3)

R. Yakov ben Meir (R. Tam) is described as follows:

(A man of) contradictions and contrasts…his statements are forceful, sharp, unrestrained…he knew his worth…he could not tolerate objections to his opinion, and was unwilling to respect those who didn't agree with him…he ruled without hesitation…the strong will and solid character.[[4]](#footnote-4)

In contrast with the difficult personality of R. Tam, his nephew and disciple R. Yitzhak ben Shemuel (Ri) was a pleasant man: "always prepared to dismiss his own opinion and accept the opinion of his rabbi…Ri's statements are convenient…excelling in affection for others.”[[5]](#footnote-5) A blend of forcefulness and humility was manifested in R. Eliezer ben Yoel HaLevi (Ra'avyah): "Ra'avyah's personality was typical to that of the scholars of Ashkenaz…signs of true humility…this humility did not prevent him from behaving forcefully when necessary.”[[6]](#footnote-6) While the personality of R. Ephraim of Regensburg changed during his life: "It appears that his self-confidence was shaken, and in the course of the following years, it was replaced by a great deal of self-criticism, a testimony of this psychological development.”[[7]](#footnote-7)

Urbach also analyzed the noble character traits of the sages. R. Eliyahu ben R. Yehuda of Paris was: "pious, humble and fearful of sin.”[[8]](#footnote-8) While R. Eleazar of Worms was described as follows: "A personality that included innocence and simple righteousness, a love of Torah and the commandments…coupled with a great desire to discover within them an inner meaning and secrets of the world and its creation.”[[9]](#footnote-9)

This study will focus on the innate characteristics Urbach attributed to the Tosafist R. Yitzhak ben Abraham (Riẓba), head of the academy at Dampierre at the turn of the twelfth and thirteenth centuries. Urbach described Riẓba as holy, pure and innocent. This is based on his personal confession at the conclusion of a ruling he issued in a divorce case. Riẓba admitted publicly that he had been unable to function sexually during his first two years of marriage. In Urbach's opinion, only a person of sublime character would be able to express himself regarding such an intimate issue, and to expose a personal sexual failure. Urbach's point of departure is that sexual relations take place in private and constitute a discreet and intimate matter that is not to be discussed in public. A person's sex life is replete with urges and feelings of shame and guilt. This is especially true in a religious society which views the excessive consummation of desires in a negative light. Therefore, the discussion of sex is not meant to take place outside of one's private domain. Only holy, pure Riẓba, for whom the sexual realm was devoid of, urges could speak openly on this topic, viewing marital relations as a halakhic obligation relevant exclusively to married life:

Riẓba also rejected the lawsuit of a woman suing her husband for a divorce, claiming that he has an illness which prevents him from having normal sexual relations. He did not avoid revealing intimate matters in order to convince the woman that there was hope that her husband would heal. Indeed, **only people who act with holiness and purity in their everyday lives are capable of speaking and writing with such plain innocence with regard to intimate matters…:**”This was the case in my own marriage with my first wife for two years. Behold, I wrote what I saw fit, but abbreviated it…due to the troubles of the journey, since I came from Sens. The wife should go seek out a physician for the man and should not hurry to end her marriage, for the mercy of God is great.[[10]](#footnote-10)

The attempt to analyze historical figures from a psychological point of view has been subject to scholarly criticism. The commonly accepted assumption in contemporary research is that one cannot decipher a mentality based on written material. This is certainly the case where the psychological analysis relies on fragmented textual testimonies which have undergone processes of editing and revision.[[11]](#footnote-11)Beyond the textual difficulty, a fundamental methodical failure is inherent in psycho-historical analysis.

Human psychology is greatly influenced by changing of familial and social environments and we cannot assume that people today and people of the past are in all respects the same psychologically. Even the basic psychological experiences that we share across time, given our common humanity, are certain to be expressed in a different psychological language and in response to different historical circumstances-differences that must make us regard the attempt to impose a psychological model on the past with considerable skepticism.[[12]](#footnote-12)

It is obvious that emotions have been the driving force behind individuals and societies throughout the history of humankind. However, a research of emotions must be conducted with an awareness of historic dynamism. Therefore, conducting psycho-historical analyses assuming the existence of human uniformity detached from time and place is problematic. Such studies assume that the rules of psychology are equally valid in all generations and that contemporary emotional responses occurred in the past as well. This erroneous assumption makes it possible to transform contemporary data into historical evidence and to project on the past from information garnered in the present. In contrast, the historical method only recognizes evidence from the past as admissible. Therefore, the awareness of the changes the human mentality undergoes as time lapses disqualifies psychological analyses of historical figures, with the exception of cases with conclusive proof that the phenomenon existed in the past.[[13]](#footnote-13)

Beyond the reservations extant with regard to the psychological approach in the general area of humanities, there are grounds for objection to employing this approach in the area of Judaic studies in particular. Many scholars held that the halakhic test itself, and the changes it underwent, is the focus of the historical discussion. A halakhic text does not constitute a source of biographical information, and one may not attempt to artificially derive personal statements from it.

Additionally, halakhic disputes should be examined while relying on the declared motives of the parties involved; attributing covert motives to the disputing parties would constitute a disregard for the halakhic discussion. One should also beware of applying contemporary concepts to the past.[[14]](#footnote-14) It appears that a detailed description of the psychological characteristics attributed to Riẓba will make it possible to provide a balanced assessment of the psychological analyses so common in Urbach’s work. Urbach’s analysis will be tested by performing a textual examination of the ruling it rests upon, and by determining whether Riẓba’s confession is unique against the backdrop of the mental norms which were commonplace in his era.

The conclusions of this article are consistent with those of earlier research papers which maintain that self -consciousness and objections to nudity and sexuality are a modern phenomenon. Furthermore, Urbach unwittingly projects his generation's ideas and sensibilities onto the Middle Ages. In order to evaluate the permissive norms of the Middle Ages, we’ll examine traditional wedding ceremonies and discover that married couples did not enjoy privacy and discretion. Similarly, we’ll consider the phenomenon of men and women bathing together, in both the Jewish and non-Jewish communities. With this in mind, we’ll see how Riẓba’s confession does not attest to an abnormal personality.

**2 The Ashkenazi Marriage Ceremony**

One of the important tools for tracing mentalities, worldviews and social norms is the analysis of social rites and ceremonies.[[15]](#footnote-15) Ceremonies can be viewed as a reflection of the community and the symbolic acts mirror its reality.[[16]](#footnote-16) Therefore, in order to understand the attitude toward marital relations in the medieval Ashkenazi community, it is necessary to examine its communal marriage ceremonies. A detailed description of a marriage ceremony appears in the book of customs of the Worm's community.

Worms is one of Germany’s most ancient cities. A prominent Jewish community existed in that city from the tenth century to the end of the seventeenth century.[[17]](#footnote-17) In the seventeenth century, R.Jousep (Juspa) Schammes, the community beadle, authored a book describing the city’s customs. The customs of Worms were meticulously preserved for centuries. They can be viewed as longue durée, profound phenomena reflecting mental and social conventions which changed and evolved at an extremely slow pace.[[18]](#footnote-18) It is therefore possible to assume that the worldviews reflected in the Worm's customs in the seventeenth century in some ways resembled the norms that had already existed in the Riẓba’s lifetime. The following is a description of the wedding ceremony:

On Wednesday, which was the day of weddings…then the women take the bride and lead her to sleep, lying her down on a bed with sheets. The mother of the bride distributes sugar to all the women as they lie her down. Then the married men and young men lead the bridegroom to sleep, walking with him to the door of the room, singing “Yigdal” and do not allow him to enter the room until he distributes sugar to them- either the bridegroom, or his mother on his behalf, and then the bridegroom enters the room. If the bride is not pure, they have a minor male sleep alongside the bridegroom and a minor female sleeps alongside the bride so as not to allow them to be secluded with one another…and on that Saturday night, the groom consummates the marriage and withdraws from her, and recites the *havdala* ceremony loudly. Then they dance to gladden the bride and bridegroom. Subsequently, all the women join hands with the bride and dance a German folk dance together. Then all the men join hands with the bridegroom and dance as well…following this, the women take the bride and lie her down in the bed prepared for the bride and bridegroom. The men also lie down the bridegroom and sing *Yigdal* as is customary…then all the invited guests, men and women, go home in peace…and the mother of the bride- or, if she has no mother, the matron of the house where she resides- shows (the sheet with the blood of) her virginity to the rabbi’s wife or other pious women as proof that she was a virgin. And the night after the consummation of the marriage, the bridegroom purchases fish and hosts a feast to which he invites his kinsmen and the family of the bridegroom and whoever he wishes to, and this serves as proof that she was a virgin.[[19]](#footnote-19)

According to R. Jousep’s description, the day designated for first marriages was Wednesday. The custom of marrying on this day is ancient and is mentioned in the Mishna.[[20]](#footnote-20) Upon the conclusion of the marriage feast, the couple was accompanied to their room. This is a ceremonious event where the mother of the bride distributes sugar to those accompanying the bride. The bridegroom or his mother distributes sugar to those accompanying him. It should be noted that at this stage there is a difference between the bridegroom and the bride. The bride appears to have been placed in her bed to sleep after her clothing has been removed while the bridegroom is only escorted to the door of the room. An additional difference is in the distribution of the sugar. The members of the bride’s entourage receive the sweets unconditionally. On the other hand, the bridegroom’s escorts sing and block the entranceway, only enabling the bridegroom to enter after receiving payment in sugar. It appears that this distinction was meant to allude to the bridegroom’s proactive role in the sexual act, and the necessity of thrusting into the bride’s body. It is also possible that the bridegroom who has successfully found a wife is required to compensate his friends for the loss of a potential match. It should be noted that the bridegroom’s biological state is not a secret. When she is not pure, a boy and girl are appended to the couple in order to prevent their seclusion. Since the couple is surrounded by friends, the entrance of the children is visible to everyone.[[21]](#footnote-21)

A similar ceremony of leading the bride to the groom's home took place in Christian society. The procession was accompanied by much noise and joy, and by the spectators' brazen sexual remarks. According to the prevailing view in the Middle Ages the ritual served important purposes in the building of the marriage bond, contributed to the couple's fertility, and protected them from harmful forces. The youths would not leave the scene until they were paid.[[22]](#footnote-22) Apparently the sugar at the Worms' ceremony was a symbolic substitute for money..

According to the medieval Ashkenazi custom, the marriage was not consummated on the wedding night itself. Instead, the couple waited until Saturday night when an additional ceremony takes place. Possibly, the purpose of the wait was to give the couple time to become acquainted with one another.[[23]](#footnote-23) The ceremony began with the bridegroom reciting the havdala loudly For all to hear. Then they performed German folk dances, and the couple was escorted yet again to the bedroom. While the first wedding ceremony can be ascribed additional meanings, the Saturday night ceremony focused directly on the sexual aspect. The bridegroom and bride were laid down on the bed and the invited guests gathered around them and sang. The following day, the mother of the bride or the matron of the house where she resided was supposed to show the distinguished women of the community the stained sheet as proof of the bridegroom’s manhood and the modesty of the bride.[[24]](#footnote-24) The following night, the bridegroom hosted a ceremony to mark the consummation of the marriage. He invited his friends to a feast where fish was served, since in Judaism, it represents fertility.[[25]](#footnote-25)

The Worms’ community marriage ceremony indicates that marital relations were in no way perceived as something that should be concealed. The consummation of the marriage was a public event marked by a communal ceremony, and the sexual act performed by the couple was accompanied by members of the community both prior to the consummation and following it as well.[[26]](#footnote-26) Therefore, Riẓba could not possibly have concealed the fact that his marriage was unconsummated. In any case, marital relations were not viewed as something that causes embarrassment which one should avoid discussing in public. Riẓba’s declaration is therefore not an exceptional statement indicating that he was a unique persona.[[27]](#footnote-27) Impotence was discussed openly and unambiguously in Jewish society. In later periods, the subject was addressed candidly in training booklets. In letter writing guides, which instructed young men in the art of writing, impotence was considered a legitimate subject for a sample letter.[[28]](#footnote-28) It should be mentioned that the tight social supervision of the individual in the middle Ages in both general society and Jewish society included the sexual realm, so that the failure to consummate the marriage was a public matter.[[29]](#footnote-29) In the general society, the couple could expect a humiliating ceremony called charivari, where young men darkened their faces, put on women's clothes, and assembled in front of the couple’s house, beating on wine vats, ringing bells, and rattling swords.[[30]](#footnote-30)

**3 The Attitude toward the Body and Marital Relations in the Middle Ages**

The description of the wedding ceremony is compatible with the knowledge we have about the lack of sexual privacy in the Middle Ages in Jewish and general society.[[31]](#footnote-31) Additional evidence for the open attitude toward nudity and marital relations in medieval Jewish society can be provided. A ruling included in the responsa of R. Meir of Rothenburg forbids women washing in a bathhouse to use a non-Jewish male attendant: “My master, our rabbi, forbade women washing in the bathhouse to use a non-Jewish male attendant for two reasons.”[[32]](#footnote-32) The necessity of forbidding this conduct in a written responsum indicates that exposure to a male stranger while bathing was perceived as permissible behavior. This reality is also reflected in a regulation by R. Judah Mintz in the early sixteenth century Italy: "No woman should be washed by a Gentile man in the bath house, but only by a Jewish or Gentile woman, and no male should be allowed to enter the place where the woman go about nude in the bath house. However, if a woman needs bloodletting or suction cups, she can be treated by a Gentile man while covering up every possible part of her body, only leaving the necessary parts exposed, and even this is on condition that two women are with her.”[[33]](#footnote-33)

In a similar way, in his memories, Asher of seventeenth century Reichshofen recalled building a washroom in his winter house. His main reason for constructing this washroom was to avoid what was common practice in Reichshofen: "An animal custom is practiced here, for the uncircumcised, they and their wives go to one washroom, and the same was practiced among the circumcised and their wives, they go among the uncircumcised and their wives.”[[34]](#footnote-34) Asher attributed his desire to refrain from using a bathhouse used by both man and women, to zeal for God's honor.[[35]](#footnote-35)

These testimonies indicate that broad circles in the Ashkenazic Jewish community between the thirteenth and seventeenth centuries did not view co-ed bathing as inappropriate. In a similar vein, the immersion of women for ritual purity frequently took place in natural sources of water in the public domain.[[36]](#footnote-36) Beyond the nudity involved, immersion is an act leading to marital relations. Despite this, in a number of communities, the ritual bath was adjacent to the synagogue, so the members of the community were aware of the time when the couple was to be reunited.[[37]](#footnote-37)

It should be noted that the penalty for forbidden sexual intercourse, for both men and women, was to be publicly paraded in the nude through the streets of the city where the offenders resided, accompanied by severe beatings. This punishment took place in both Christian and Jewish society.[[38]](#footnote-38) It follows that the moral leadership did not view public exposure to nudity as problematic. Public nude performances were also considered art. Female nude was given free rein in the *tableau vivant*. No royal entry procession lacked the presentation of naked goddesses or nymphs. The presentations were performed on small stages at certain public locations.[[39]](#footnote-39)

The legitimacy provided to bodily exposure in the Middle Ages can be attributed to several causes. The limited living space, the difficulty of survival and the goal of saving on heating costs led to sharing living spaces. People lived in close and dense proximity, man and women, masters and servants, without the urge for privacy which characterizes modern western culture. It was customary for several members of a family to sleep in the same bed: brothers and sisters, parents and their child. Often adults and children slept naked. Not only was adult nudity no secret to children but, as a result of their nocturnal propinquity, sexual relations were also no mystery to them, for those either in towns or in villages.[[40]](#footnote-40)

Another factor is the permissiveness of society in the Middle Ages before the Reformation and the Counter-Reformation. In this atmosphere large sectors of society showed an understating attitude to men and women who were engaged in extramarital relations. In contrast to the modern preoccupation with hiding and obscuring intimate relations, medieval man strove to express them as a form and as a spectacle for others.[[41]](#footnote-41)

**4 The Shift of Norms in the Modern Era**

As opposed to the middle Ages, modern moral values espouse the discreet character of marital relations and forbid public nudity.[[42]](#footnote-42) The differences in conventions can be attributed to the change of living conditions. In the Middle Ages people lived in dense conditions, and in many cases several people shared a single room. The rise in the standard of living in modern Western society gave rise to the possibility of focusing on the individual and emphasizing privacy to the utmost. Therefore, separate rooms are deemed a necessity, and a distinction is made between the couple and the other family members. Modern privacy prevents the exposure of the family unit, leaving marital relations in the discreet realm. Accordingly, a failure to perform sexually can be concealed, and its exposure is associated with guilt and shame.

Beyond the physical differences, there were spiritual differences as well. In the early sixteenth century, Martin Luther’s Protestant reformation began. Later, the Catholic Counter-Reformation developed. These movements criticized the focus of the old Christianity on elaborate ceremonies which left one’s heart hollow and devoid of genuine contact with God. The spiritual awakening emphasized the importance of one’s inner worship of God, and the dynamic connection of man with the divine. Closeness to God requires repentance and regret of sins. Thus, a profound sense of the presence of sin and its perils was internalized. The perception that Man stands before God as an individual led to the emergence of individualism and a rise in the importance of the individual. In this framework, personal works were written describing the authors’ intimate lives. The physical act was perceived as a manifestation of one’s mental awareness, and avoiding coarse behavior was perceived as proof of intelligence and self-control. This gave rise to a trend of self-restraint requiring the sublimation of emotions and the concealment of physical behavior patterns. In this context, feelings of shame were cultivated with regard to lowly, unseemly physical functions such as exposing the body, gluttony, lack of table manners, lewd glances and promiscuous sexual behavior. The rise of individualism and the shame associated with it rendered family life a topic that should not be spoken of. This phenomenon spread from Christian society to Jewish society and led to the rise of the Kabbalah movement.[[43]](#footnote-43)

The development of the new politics was an additional factor affecting the change in behavior patterns. The modern state is based on the integration between broad stratums of society which are mutually dependent on one another. Relying on this complex system of relationships requires fixed behavior patterns, as well as social rules that prevent mutual withdrawal and facilitate life in a group. As a result, the modern personality is characterized by the restraint of urges, and the concealment and sublimation of physical functions. Elias called this “The civilizing process.”

The tendency of the civilizing process to make all bodily functions more intimate, to enclose them in particular enclaves, to put them 'behind closed doors' has diverse consequences. One of the most important is the development of civilizing restrains on sexuality. It is the peculiar division in man which becomes more pronounced the more sharply those aspects of human life that may be displayed in social life are divided from those that may not, and which must remain intimate or secret. Sexuality is charged with shame and embarrassment, so that the mere mention of them in society is increasingly restricted by a multitude of controls and prohibitions. People keep the functions themselves, and all reminders of them, concealed from one another. Where this is not possible as in marriage, shame, embarrassment, fear, and all the other emotions associated with these driving forces of human life are mastered by a precisely regulated social ritual and by certain concealing formulas that preserve the standard of shame.[[44]](#footnote-44)

The modern norms are transmitted from childhood in the family unit, and are molded into the individual’s personality. The new social fabric created a change in personality structure, and the modern habits are perceived as a natural part of the civilized personality.[[45]](#footnote-45) Therefore, Urbach assumed that it is possible to project the norms of his era on medieval times. It is against this backdrop that he viewed Riẓba’s public confession as unusual conduct indicating holiness and purity. However, as shown above, during the middle Ages, sexual needs were voiced publicly, and the emotional inhibitions of the modern person regarding sexuality were nonexistent. The modern norms were in synch with the ideal of modesty extant in early Jewish texts which shaped the values of both traditional and secular Jewish society. In the sixteenth century, Kabbalah penetrated broad circles in Jewish society, and in the eighteenth century it became the theoretical infrastructure of the Hasidic movement. According to Kabbalah, sexual thoughts are severe sins, and obviously, discussing the topic is absolutely prohibited.[[46]](#footnote-46) Despite its estrangement from traditional observance, the German Jewish bourgeois retained conservative marriage procedures, objected to open contact between the sexes and espoused arranged marriages based on financial status and social standing.[[47]](#footnote-47) These two spiritual streams of thought shaped Urbach’s worldview. Urbach was born in 1912 in Wloclawek, Poland to a Hasidic family. Between 1930 and 1938 he studied and taught in the Rabbinic Seminary in Wroclaw which was then part of Germany.[[48]](#footnote-48) It appears that the set of values reflected in Urbach’s personality analysis reflected the norms accepted at the time in the Jewish society in which he lived.

**5 The Textual Error**

Beyond the lack of awareness regarding the mentality differences, Urbach’s analysis is based on an erroneous text. Urbach provided three references for Riẓba’s quote.[[49]](#footnote-49) The sources from Or Zarua and from the Tosaphoth in Yebamoth discuss Riẓba’s response regarding the possibility of requiring a husband to grant a divorce in the case of an unconsummated marriage.[[50]](#footnote-50) However, these sources adapted and abridged the response, and omitted Riẓba’s personal confession,[[51]](#footnote-51) rendering them irrelevant to our discussion. The sole relevant source is the *Teshuvot Maimuniot,* which cites Riẓba’s ruling in its entirety. We will present the complete text of the manuscript. The disconnected sections featured in Urbach’s book, upon which he validated his claim, appear in bold. Copying the full citation from a manuscript demonstrates that Urbach copied the response from the printed version in a fragmented manner, thus distorting its meaning:[[52]](#footnote-52)

I ruled strictly in that man’s case, requiring him to pay her marriage contract [ketuba]…since he admitted that he is unable to perform sexual relations due to impotence this is the law, and if he admits that her vaginal passage is narrow since she is a virgin, if he has waited three years he should wait another year, because I heard that there are people who are afflicted in this manner for two or three years, **and this was the case in my own marriage with my first wife, for two years. Behold, I wrote what I saw fit, but abbreviated it…due to the troubles of the journey, since I came from Sens today. Therefore, the woman must go seek out a physician for the man** and for the impotence. **She should not hurry to end her marriage, for the mercy of God is great.** Peace. Isaac ben Abraham, of blessed memory.[[53]](#footnote-53)

The lines that are roman do not appear in Urbach’s copy, so that the story arising from each version is completely different. Riẓba ruled that an unconsummated marriage should end with a bill of divorce and payment of the marriage contract. However, he emphasized that this ruling is only valid when the problem lies with the man’s impotence, not in a case where the woman, due to her tender age, cannot have marital relations.[[54]](#footnote-54) In such a case, Riẓba recommends waiting another year to enable the woman’s body to develop.[[55]](#footnote-55) He claims that this phenomenon is common in marriages with minor females, and his first wife was unable to sexually perform for the first two years of their marriage.[[56]](#footnote-56) At the conclusion of the ruling, at the informal stage of the obiter dictum, Riẓba recommends that the couple seek medical assistance for both their afflictions.[[57]](#footnote-57)

There is a textual difficulty in the version presented above.[[58]](#footnote-58) It appears from the responsum that the husband initiated legal proceedings three years into the marriage. Riẓba recommended that he wait an additional year, since in his experience, this problem is usually resolved within two or three years. However, as shown, the husband had already waited that amount of time. It is possible that Riẓba is ruling that the problem affecting minor women is ultimately resolved, but the number of years he mentions is not precise. Alternatively, the text should be emended in accordance to one of two possibilities: “if he has waited three years he should wait another year, because I heard that there are people who are afflicted in this manner for four years”[[59]](#footnote-59) or: “if he has waited two years he should wait another year, because I heard that there are people who are afflicted in this manner for two or three years.”[[60]](#footnote-60) It should be noted that according to Canon law, marriages that remain unconsummated for three years can be annulled.[[61]](#footnote-61) According to the first possibility suggested above, the husband demanded that the marriage end after three years in accordance with what was acceptable in general society. According to the second possibility, Riẓba required that the husband wait out the period required in Canon law. This adherence to Canon law, according to both interpretations, points to the link between Jewish law and the mores of the prevailing society. It is striking to see the influence of the dominant culture’s legal code on the development of law within the society of the minority.

As shown above, quoting the full text of the responsum demonstrates that as opposed to Urbach’s claim, Riẓba did not publicly confess his inability to perform sexually. It follows that Urbach’s psychological analysis of this declaration is irrelevant. Riẓba merely stated the known fact regarding the difficulty of minor brides to perform sexually, and mentioned that his first wife also suffered from this problem.[[62]](#footnote-62)

**6 Conclusion**

Urbach viewed Riẓba as holy and pure based on his written confession regarding his inability to consummate his marriage for the duration of two years. [[63]](#footnote-63) This paper reveals two fundamental flaws in Urbach’s analysis. First, a textual analysis of the ruling showed that the failure of the marriage stemmed from the woman’s tender age. In addition, in the Middle Ages, there was no concept of privacy in the family unit, and as opposed to the norm in the modern era, sexual matters were discussed openly and directly. Therefore, the statement does not constitute an exceptional declaration expressing Riẓba’s uniqueness. It appears that these findings undermine Urbach’s attempts to uncover the psychological characteristics of the Tosafot, and to write a rabbinic historiography based on anecdotes at the fringes of halakhic literature. This article accords with the accepted academic theory regarding the significantly subjective aspect of historical writing. The historian cannot break free from his cultural background. Therefore, whether consciously or unconsciously, the experience of the present shapes the past and the past is described based on patterns that exist in the historian’s psyche and not on the event itself.[[64]](#footnote-64)

Not far from Riẓba in time and location, Philip Augustus, King of France demanded a *divortium* [annulment] from his wife. The king claimed that his marriage had not been consummated due to *maleﬁcium*, a form of impotence with a specific sexual partner, caused through bewitchment that prevented a sexual union.[[65]](#footnote-65) Philip Augustus was never defined as a holy and innocent. Riẓba is indeed worthy of these titles, but not due to the arguments that Urbach has provided.[[66]](#footnote-66)

1. A. Grossman, “E. E. Urbach Studies of Jewish Medieval Literature and Culture,” *Jewish Studies* 53 (2018): 3-19 [Hebrew]; Y. Sussmann, “The Scholarly Oeuvre of Professor Ephraim Elimelech Urbach,” *Ephraim Elimelech Urbach, A Bio-Bibliography, Supplement to Jewish Studies* 1 (1993): 15-26, 33-55 [Hebrew]; I. M. Ta-Shma, *Studies in Medieval Rabbinic Literature vol. 4. East and Provence* (Jerusalem: Bialik Inst., 2010), 316-322 [Hebrew]. [↑](#footnote-ref-1)
2. The trend of relying on psychological motives to explain halakhic decisions was commonplace among the early *Hokhmat Yisrael* scholars, see: H. Graetz, *History of the Jews* (Philadelphia: Jewish Publication Society, 1956), vol. 3, 399, 490; vol. 4, 530-536. C. Tchernowitz, *Toledoth Ha-Poskim: History of the Jewish Codes* (New York: Jubilee Committee, 1947), vol. 2, 127-131 [Hebrew]; see also: I. M. Ta-Shma, *R. Zerachya HaLevy – Ba”al HaMa”or u”bnei ḥugo* (Jerusalem: Mosad Harav Kook, 1993), 132-141 [Hebrew]. [↑](#footnote-ref-2)
3. See for example: E. E. Urbach, *The Tosaphists: Their History, Writings and Methods* (Jerusalem: Bialik Inst., 1980), 118, 187, 259-260, 271, 317, 325, 429, 446, 463, 475, 479, 486, 529, 534, 537, 547-548, 551, 676, 742. [↑](#footnote-ref-3)
4. Urbach, *The Tosaphists,*  60-61, 68, 83, 92. See also: pp. 67, 84-85. For a rejection of the psychological motive and an explanation of the fundamental views forming the backdrop for R. Tam’s halakhic polemics, See: R. Reiner, “Exegesis and halakha in the polemic between Rabbenu Tam and Rabbenu Meshulam,” *Shenaton Ha-Mishpat Ha-Ivri* 21 (1998-2000), 210-211 [Hebrew]. S. D. White demonstrated that the terrible rage of a feudal ruler was frequently a calculated political move. It does not prove a deficiency in self-control, but instead indicates a sophisticated capability of managing one’s emotions in accordance with the evolving political reality. In order to comprehend the rage outbursts described in medieval sources, it is necessary to reconstruct an alternate cultural repertoire where they constitute a preordained option of action. See: S. D. White, “The Politics of Anger,” *Anger’s Past: The Social Uses of an Emotion in the Middle Ages*, ed. B. H. Rosenwein (Ithaca: Cornell University Press, 1998), 127-152. R. Tam’s rage outbursts should be viewed in a similar light. On R. Tam’s connections with feudal circules, See: R. Reiner, “Rabbénu Tam et le Comte Henri de Champagne: deux hommes marchent-ils ensemble sans s”être entendus d’avance?,” *Héritages de Rachi*, ed. S. Sirat (Paris: Editions de l'éclat, 2006), 27-39; R. Reiner, “[Bible and Politics: A Correspondence between Rabbenu Tam and the Authorities of Champagne](https://www.academia.edu/31253357/Bible_and_Politics_A_Correspondence_Between_Rabbenu_Tam_and_the_Authorities_of_Champagne),” in *Entangled Histories: Knowledge, Authority, and Jewish Culture in the Thirteenth Century*, eds. E. Baumgarten, R. M. Karras and K. Mesler (Philadelphia: University of Pennsylvania Press, 2017), 59-72. [↑](#footnote-ref-4)
5. Urbach, *The Tosaphists,* 230, 232: see also: pp. 227, 231, 233. When a textual testimony did not accord with the psychological characteristics that he attributed to Ri, Urbach claimed that “it was only once that he made an exception and used slightly sharp language” (ibid., p. 231). For a discussion of the actual reliance of Ri on the teachings of his master, see: ibid., p. 229; H. Soloveitchik, *Principles and Pressures: Jewish Trade in Gentile Wine in the Middle Ages* (Tel Aviv: Am Oved, 2003), 24-25 [Hebrew]; A. R. Reiner, “*Ri* *Hazaken* - Continuity and Change: Thoughts Following Haym Soloveitchik’s ‘Their Wine,’" *Sidra* 21 (2006), 167-174 [Hebrew]; J. Katz*, Halakhah and Kabbalah: Studies in the History of Jewish Religion, its Various Faces and Social Relevance* (Jerusalem: Magnes, 1984), 144-145 [Hebrew]. [↑](#footnote-ref-5)
6. Urbach, *The Tosaphists,* p. 387. [↑](#footnote-ref-6)
7. Ibid..p. 204; see also: pp. 200, 202, 206-207. For criticism of this interpretation, see: Katz, *Halakhah and Kabbalah,* p. 341; R. Reiner, *Rabbenu Tam: His French Teachers and His German Students*, Master’s Thesis, Hebrew University 1997, 86. [↑](#footnote-ref-7)
8. Urbach, *The Tosaphists,* p. 122. [↑](#footnote-ref-8)
9. Ibid., p. 409. [↑](#footnote-ref-9)
10. Urbach, *The Tosaphists,* p. 263. [↑](#footnote-ref-10)
11. S. Sand, *Historians,* *Time and Imagination: From the "Annales" School to the Postzionist Assasin* (Tel Aviv: Am Oved, 2004), 49-55, 65-66 [Hebrew]; R. Samuel, “Reading the Signs II: Fact-Grubbers and Mind-Readers,” *History Workshop Journal* 33 (1992), 230-231; O. Schremer, *Historical Literacy and Critical Sensibility* (Ramat-Gan: Bar-Ilan University Press, 2004), 235 [Hebrew]. [↑](#footnote-ref-11)
12. T. A. Kohut, “Psychohistory as History,” *The American Historical Review* 91 (1986), 336-354. [↑](#footnote-ref-12)
13. See: U. Frevert, “Was haben Gefühle in der Geschichte zu suchen?,” *Geschichte und Gesellschaft* 35 (2009), 183-208. B. Rosenwein, “Problems and Methods in the History of Emotions,” *Passions in context I* 1 (2010), 1-32; B. H. Rosenwein, “Worrying about Emotions in history: Review Essay,” *American Historical Review* 107 (2002), 821-845: T. Zeldin, “Personal History and the History of Emotions” *Journal of Social History* 15 (1981), 339-347; J. Palmer, “The History of Emotions: An Interview with William Reddy, Barbara Rosenwein, and Peter Stearns,” *History and Theory* 49 (2010), 237-265. [↑](#footnote-ref-13)
14. See: J. Katz, *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Jerusalem: Magnes, 1998), 146-147, 159, 168-169; Katz, *Halakhah and Kabbalah,* 1-3, 340-349: Sussmann, “The Scholarly Oeuvre of Professor Ephraim Elimelech Urbach,” 42; I. Twersky, “Urbach E. E. The Tosafists,” *Tarbiẕ* 26 (1957), 217 [Hebrew]; H. H. Ben-Sasson, “Hanhagatah shel Torah,” *Beḥinot* 9 (1956), 49-51 [Hebrew]. See also: I. Twersky, *Rabad of Posquières* (Cambridge: Harvard University Press, 1962), 178-197; H. Soloveitchik, “History of Halakhah - Methodological Issues,” *Jewish History* 5 (1991), 108-111; idem, “Rabad of Posquieres; A Programmatic Essay,” in *Studies in the History of Jewish Society in the Middle Ages and in the Modern Period,* eds.E. Etkes and Y. Salmon (Jerusalem: Magnes, 1980), 21-25, 37. [↑](#footnote-ref-14)
15. See: C. Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 2009), 197-218; P. Bourdieu, “Rites as Acts of Institution,” in *Honor and Grace in Anthropology*, eds. J. G. Peristiany and J. Pitt-Rivers (Cambridge: Cambridge University Press, 1992), 81-88; C. Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973), 412-453. E. M. Zuesse, “Meditation on Ritual,” *Journal of the American Academy of Religion*, XLIII (1975), 517-530; N. Zemon Davis, "some Tasks and Themes in the Study of Popular Religion,” in *The Pursuit of Holiness in Late Medieval and Renaissance Religion, Papers from the University of Michigan Conference*, eds. C. Trinkaus and H. A. Obermam (Leiden: Brill, 1974), 307-336; N. Zemon Davis, *Society and Culture in Early Modern France* (Stanford: Stanford University Press, 1975), 127-129; K. E. Paige and J. M. Paige, *The Politics of Reproductive Ritual* (Berkeley, University of California Press, 1981), 43-78; V. Turner, *The Forest of Symbols: Aspects of Ndembu Ritual* (Ithaca: Cornell University Press, 1981), 48-58. V. Turner, *The Ritual Process: Structure and Anti- Structure*, (New Brunswick:. NJTransaction Publishers, 2008), 37-43; A. Van Gennep, *Rites of Passage* (Chicago: Psychology Press, 1960), 116-145. [↑](#footnote-ref-15)
16. Onhistorical analysis of Jewish rituals, see: I. G. Marcus, *Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven: Yale University Press, 1996), 74-101. E. Kanarfogel, *"Peering through the Lattices" Mystical, Magical, and Pietistic Dimensions in the Tosafist Period* (Detroit: Wayne State University Press, 2000), 140-141, 155-158, 237-238, n. 47; E. Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe* (Princeton and Oxford: Princeton University Press, 2004), 61-116; R. Weinstein, *Marriage Rituals Italian Style: A Historical Anthropological Perspective on Early Modern Italian Jews* (Leiden: Brill, 2004), 453-457. [↑](#footnote-ref-16)
17. A. Grossman, *The Early Sages of Ashkenaz* (Jerusalem: Magnes, 2001), 27-29 [Hebrew]; I. Elbogen, A. Freimann and H. Tykocinski, *Germania Judaica,* vol. I (Tübingen: Mohr Siebeck, 1963) 437-474. A. Maimon and M. Breuer, *Germania Judaica*, vol. III (Tübingen: Mohr Siebeck, 1995), 1671-1697.

 Y. Chovav, *Maidens Love Thee: The Religious and Spiritual Life of Jewish Ashkenazic Women in the Early Modern Period* (Jerusalem: Carmel, 2009), 15-23 [Hebrew]. [↑](#footnote-ref-17)
18. Ibid., 15-23. [↑](#footnote-ref-18)
19. *Wormser Minhagbuch des R. Jousep (Juspa) Schammes*, ed. B. S. Hamburger and E. Zimmer (Jerusalem: Machon Yerushalayim, 1988), vol. II, 20, 44-45, 47, 49, 59-60. [↑](#footnote-ref-19)
20. Mishnah Ketubbot, 1:1. [↑](#footnote-ref-20)
21. See: Chovav, *Maidens Love Thee,* 132-133. [↑](#footnote-ref-21)
22. See: M. Greilsamer, *L”envers du tableau: Mariage et maternité en Flandre médiévale* (Paris: Armand Colin, 1990), 165-187 ; C. Ginzburg, “Charivari, associazioni giovanili, caccia selvagia,” *QS* 49 (1984), 164-177; J. B. Molin and P. Mutembe, *Le Rituel du marriage en France du xiie au xvie siècle* (Paris: Beauchesne, 1974), 255-270 ; N. Zemon Davis, *The Return of Martin Guerre* (Cambridge: Harvard University Press, 1985) 18; J. Huizinga, *The Autumn of the Middle Ages* (Chicago: The University of Chicago Press, 1996), 129-130. On the connection between the Jewish and Christian ritual, see: Weinstein, *Marriage Rituals Italian Style,* 392-398; E Cohen and E. Horowitz, “In Search of the Sacred: Jews and Christians, and Rituals of Marriage in the Later Middle-Ages,” *The Journal of Medieval and Renaissance Studies* 20 (1990), 242-248. [↑](#footnote-ref-22)
23. See: Chovav, *Maidens Love Thee,* 133, 142. R. Isaiah Horowitz described the events that occurred during the nights between the wedding ceremonies in detail: "they hold the huppa on the eve of the Sabbath and the groom lies next to her for a few nights before he performs the commandment of consummating the marriage, and sins by doing this, since they are obviously both lying there unclothed, and he desires her and his inclination overcomes him but he does not have intercourse with her, and most likely emits semen" (*Shelah,* Amsterdam 1649, 100a). See also: S. Shahar *"Die Frau im Mittelalter"* (Königstein: Athenäum, 1981) 79. [↑](#footnote-ref-23)
24. See: Weinstein, *Marriage Rituals Italian Style,* 398-404. [↑](#footnote-ref-24)
25. The bridegroom’s presence in male society was due to the impurity of the bride from the blood of her virginity. Additionally, the couple was in a liminal stage, Therefore, the groom still regarded himself as part of bachelor society which he had been part of before marriage. See: Weinstein, ibid., 404-406. [↑](#footnote-ref-25)
26. See: Chovav, *Maidens Love Thee,* 132-135.Similar ceremonies were held among Italian Jews, see: Weinstein, ibid., 384- 392. Weinstein claimed that the Italian pattern was not modeled on Ashkenazi tradition, since in Ashkenaz the sexual act is disconnected from the ritual, and many of the features such as displaying the sheet and the involvement of women in the first night are hardly featured at all in the Ashkenazi ritual. According to Weinstein, the Italian custom stems from the general society. See: ibid, 391-392. In light of the description in the *Wormser Minhagbuch*, the connection of the Italian pattern to the Ashkenazi origin is clear. The only difference is that in Ashkenaz, sexual intercourse did not take place until Saturday night and was not part of the first wedding ceremony. It should be noted that there is evidence that physical contact in public was initiated in the Ashkenazi community during the engagement period. See: S. Yahalom, “Betrothal Celebrations in Prague and Ashkenazi Communities: A Prism of the Interaction of Halakha, Kabbalah and Society in Post-Medieval Europe” (unpublished article). [↑](#footnote-ref-26)
27. [↑](#footnote-ref-27)
28. See: R. Weinstein, 'Impotence and the Preservation of the Family in the Jewish Community of Italy in the Early Modern Period', *Sexuality and the Family in History: Collected Essays*, Eds. I. Bartal & I. Gafni, Jerusalem 1998, pp. 166-167 (Hebrew). R. Weinstein, *Juvenile Sexuality, Kabbalah, and Catholic Reformation in Italy: Tiferet Bahurim by Pinhas Barukh ben Pelatiyah Monselice*, Leiden-Boston 2009, p. 76. [↑](#footnote-ref-28)
29. Weinstein, *Marriage Rituals Italian Style,* p.393;N. Elias, *The Civilizing Process: The History of Manners* (Oxford: Oxford University Press, 1978), 177-178. [↑](#footnote-ref-29)
30. Zemon Davis, *The Return of Martin Guerre*, 19-21. [↑](#footnote-ref-30)
31. See: P. Laslett, *The World We Have Lost: England Before the Industrial Age* (New York: Scribner, 1971), 15; J. L. Flandrin, *Families in Former Times: Kinship, Household and Sexuality* (Cambridge: Cambridge University Press, 1979), 99-100; Weinstein, *Marriage Rituals Italian Style,* 384-393. S. Lawrence, *The Family, Sex and Marriage in England, 1500-1800* (New York: Harper & Row, 1977), 605; G. Ruggiero, *The Boundaries of Eros: Sex Crime and Sexuality in Renaissance Venice* (Oxford: Oxford University Press, 1985), 152; E. S. Cohen, “No Longer Virgins: Self Presentation by Young Women in Late Renaissance Rome,” in *Refiguring Woman: Perspectives on Gender and the Italian Renaissance*, eds. M. Migiel and J. Schiesari (Ithaca: Cornell University Press, 1991), 186. [↑](#footnote-ref-31)
32. *Responsa of R. Meir of Rothenburg* *(Berlin),* # 310*,* ed.M. A. Blach (Berlin, 1891), 49; see also: *Responsa of R. Meir of Rothenburg* *(Lemberg),* # 494*,* ed.R. N. Rabinovich (Lemberg, 1860), 52a. [↑](#footnote-ref-32)
33. R. Bonfil, “Aspects of The Social and Spiritual Life Of The Jews In Venetian Territories At The Beginning Of The 16TH Century,” *Zion* 41 (1976), 71 [Hebrew]. Grossman claimed that the permissive character of Renaissance culture had taken root among the Ashkenazi immigrants in the Venice region. The edicts of R. Judah Mintz were intended to oppose that phenomenon. See: A. Grossman, *Pious and Rebellious: Jewish Women in Medieval Europe* (Waltham, MA: Brandeis University Press, 2004), 145-146. In contrast to the accepted theory in research, Bonfil concluded from the Mintz edicts that the difference between the Ashkenazi immigrants in Italy and their communities of origin was not that significant (see: ibid. p. 69). As shown above, the permissive bathing norms were widespread in Ashkenaz as well, thus supporting Bonfil’s statement. [↑](#footnote-ref-33)
34. MS JNUL 8o 4051, 43. [↑](#footnote-ref-34)
35. D. Kaplan, *Beyond Expulsion: Jews, Christians, and Reformation Strasbourg* (Stanford: Stanford University Press, 2011), 60;. see also: Huizinga, *The Autumn of the Middle Ages*, 373. [↑](#footnote-ref-35)
36. [↑](#footnote-ref-36)
37. I. M. Ta-Shma, *Early Franco-German Ritual and Custom* (Jerusalem: Magnes, 1992), 132 [Hebrew]. Israel Isserlin, *Terumat HaDeshen*, # 254, Jerusalem 2016, p. 252. See also: Rivash, *Responsa* # 125, ed. D. Metzger, Jerusalem 1993, pp. 126-127. [↑](#footnote-ref-37)
38. S. Shahar, *Women in a Medieval Heretical Sect: Agnes and Huguette the Waldensians* (Rochester NY: Boydell & Brewer, 2001), 112-115; J. Shatzmiller, *Recherches sur la communauté juive de Manosque au moyen âge* (Paris: Mouton, 1973), 127-129.   [↑](#footnote-ref-38)
39. Huizinga, *The Autumn of the Middle Ages*, 374-375. [↑](#footnote-ref-39)
40. S. Shahar, *Childhood in the Middle Ages* (London: Routledge, 1990), 2, 102; M. Bloch, *Feudal Society: Social Classes and Political Organization*, Tr. L. A. Manyon (London: Routledge, 1989), 302; P. Ariès, *Centuries of Childhood: A Social History of Family Life* (New York: Alfred A. Knopf, 1962), 390-398. Some of the authors of medical works claimed that children must be protected against evil influences: hearing and reading lewd things, witnessing sexually immodest conduct, and observing nude adults. See: L. Demaitre, “The Idea of Childhood and Childcare in medical Writings of the Middle Ages,” *Journal of Psychohistory* 4 (1977), 481. It appears that like rabbinic preaching, these educational statements did not alter the social norms. It should be mentioned that Talmudic law forbids conducting marital relations in the presence of another person. However, in the middle Ages, it was held that as long as the other person is asleep, relations are permitted, so that halakha was adjusted to accommodate reality. See: Weinstein, *Juvenile Sexuality, Kabbalah, and Catholic Reformation in Italy,* 353. [↑](#footnote-ref-40)
41. Shahar, *Childhood in the Middle Ages*, 131; Bloch, *Feudal Society: Social Classes and Political Organization*, 308; Huizinga, *The Autumn of the Middle Ages*, 58; Elias, *The Civilizing Process,* 176-177, 183-184. On permissiveness in Jewish society see: Y. F. Baer, *Studies in the History of the Jewish People* (Jerusalem: The Historical Society of Israel, 1985), 216, [Hebrew]; Grossman, Pious and *Rebellious,* 133-147.  [↑](#footnote-ref-41)
42. Public nudity has not disappeared but has been abundantly used in a variety of cultural representations in both high and low art, see: S. Sand, *Twilight of History* (London: Verso, 2017), 83. [↑](#footnote-ref-42)
43. R. Weinstein, *Kabbalah and Jewish Modernity* (Oxford: Oxford University Press, 2016), 101-122; Shahar, *Childhood in the Middle Ages*, 131. [↑](#footnote-ref-43)
44. Elias, *The civilizing Process,*  189-190; see also: ibid. 169-191. [↑](#footnote-ref-44)
45. Schremer, *Historical Literacy and Critical Sensibility*, 141. [↑](#footnote-ref-45)
46. See: D. Biale, *Eros and The Jews: From Biblical Israel to Contemporary America* (New York: Basic Books, 1992), 71-72, 113-118, 154-155; J. Katz, *Tradition and Crisis: Jewish Society at the End of the Middle Ages* (New York: New York University Press, 1993), 115-116; Katz, *Divine Law in Human Hands,* 51-55; N. Vasserman, *I Have Never Called My Wife: Marital Relations in Gur Hasidism* (Beer Sheva: Mekhon Ben-Guryon le-ḥeḳer Yiśraʼel ṿeha-Tsiyonut, 2015), 128 [Hebrew]. [↑](#footnote-ref-46)
47. See: M. A. Kaplan, *The Making of the Jewish Middle Class: Women, Family, and Identity, in Imperial Germany* (Oxford: Oxford University Press, 1991), 85-116; S. M. Lowenstein, “The Beginning of Integration, 1780-1870,” in *Jewish Daily Life in Germany, 1618-1945*, ed. M. A. Kaplan (Oxford: Oxford University Press, 2005), 109-114. M. A. Kaplan, “As Germans and as Jews in Imperial Germany,” in *Jewish Daily Life in Germany,* ed. Kaplan, 195-200. Such norms most probably existed in the circles of German Orthodoxy whose values were adopted by Urbach, see: M. Breuer, *Modernity within Tradition: The Social History of Orthodox Jewry in Imperial Germany* (New York: Columbia University Press, 1992), 7. [↑](#footnote-ref-47)
48. E. E. Urbach, *War Journals: Diary of a Jewish Chaplain from Eretz Israel in the British Army*, 1942-1944 (Jerusalem: Ministry of Defense Publishing House, 2008), 15. In the course of his studies in Wroclaw, Urbach wrote the initial drafts of his book The Tosaphists. See: Sussmann, “The Scholarly Oeuvre of Professor Ephraim Elimelech Urbach,” 12-17. [↑](#footnote-ref-48)
49. See: Urbach, *The Tosaphists,* 263 n. 10. [↑](#footnote-ref-49)
50. R. Isaac ben Moses, *Or Zarua*, # 653,9, ed. Y. Farbstein (Jerusalem: Machon Yerushalayim, 2010), 546-547; *Tosafot Yevamot,* 65b, s. v. ki; see also: *Tosafot Peretz, Yebamoth*, 65a, s. v. amar (Jerusalem: np, 1996), 184-185. [↑](#footnote-ref-50)
51. Regarding the difference between an original responsum containing historical information and a processed responsum which only provides details relevant from a legal point of view, See: S. Asaf, *The period of Geonim and their literature* (Jerusalem: Mossad Harav Kook, 1967), 217 [Hebrew]; H. Soloveitchik, *The Use of Responsa as Historical Source: A Methodological Introduction* (Jerusalem: Shazar, 1990),51 [Hebrew]. [↑](#footnote-ref-51)
52. On textual problems in Urbach’s research, see: Sussmann, “The Scholarly Oeuvre of Professor Ephraim Elimelech Urbach,” 107 n. 249; M. I. Kahana, *Sifre Zuta on Deuteronomy: Citations from a New Tannaitic Midrash* (Jerusalem: Magnes, 2002), 31 n. 14 [Hebrew]. [↑](#footnote-ref-52)
53. R. Meir HaKohen, *Teshuvot Maimuniot****,***Sefer Nashim, # 6, ed. S. Frankel (Jerusalem-Bnei Brak: Beit Yosef, 1977), 427, corrected according to Ms. St. Petersburg - Russian National Library Evr. I 192, 219a-b. See also: Ms. Moscow - Russian State Library, Guenzburg 619, 172a. [↑](#footnote-ref-53)
54. In general society, methods were devised to determine who was responsible for the failure to consummate a marriage. These methods included the performance of sexual relations in the presence of witnesses, as was the wont in the Middle Ages. See: D. Jacquart and C. Thomasset, *Sexuality and Medicine in the Middle Ages*, (Princeton: Princeton University Press, 1988), 169-173; P. Darmon, *Le tribunal de I”impuissance* (Paris: Seuil, 1979), 97-100; A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: The University of Chicago Press, 1987), 322; R. H. Helmholz, *Marriage Litigations in Medieval England* (Cambridge: Cambridge University Press, 1974), 53-54, 69-70, 78. In contrast, in Rizba’s response, the decision is based on the confession of one of the parties. This is the accepted approach in Jewish law. It should be noted that in several rabbinic rulings, willingness is expressed to rely on witnesses in accordance with general law. See: Weinstein, “Impotence and the Preservation of the Family in the Jewish Community of Italy in the Early Modern Period,” 170. [↑](#footnote-ref-54)
55. The prevailing norm of Medieval French Jewry was to marry off their daughters before the onset of puberty. See: I. A. Agus, *The Heroic Age of Franco-German Jewry* (New York: Yeshiva University Press, 1969), 277-284; A. Grossman, *Pious and Rebellious,*  37-48; Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe*, 22, 85. [↑](#footnote-ref-55)
56. On the severe physical harm caused to girls due to premature sexual contact, See: Darmon, *Le tribunal de I”impuissance*, 161-167; S. Yahalom, “The Dowry Return Edict of R. Tam in Medieval Europe,” *The European Journal of Jewish Studies* 12 (2018), 136-137. [↑](#footnote-ref-56)
57. As shown above, in the obligatory ratio decidendi, Rizba ruled that the marriage should end. See also: B. Schereschewsky, *Family Law in Israel* (Jerusalem: Rubin Mass, 1992), 190 [Hebrew]. Weinstein, “Impotence and the Preservation of the Family in the Jewish Community of Italy in the Early Modern Period,” 162-165. For an erroneous analysis of the ruling, see: Urbach, *The Tosaphists,* 263.Regarding methods of treating impotence in Jewish medicine, see: R. Barkai, *Les infortunes des Dinah ou la gynecologie juive au moyen age* (Paris: Cerf, 1991), 94-97. [↑](#footnote-ref-57)
58. The textual problem exists in all the manuscripts of the responsum. [↑](#footnote-ref-58)
59. This proofreading is adapted from the summary of Riẓba’s ruling as cited in the responsa of R. Yisrael ben Chaim of Brno: "You are holding the young woman virgin not because he is impotent, but for a different reason which appears in Tosafoth at the end of the sixth chapter of tractate Yevamoth. Even if this situation lasts three or four years, the husband shall not be forced to divorce his wife. This appears in a responsum as well" (# 267, ed. M. Hershler [Jerusalem: np, 1960], 183, corrected according to Ms. New York, JTS, Ms. Rab. 1427, # 230, 123b). It goes without saying that the summary of the ruling clearly indicates that the husband is not responsible for the failure to consummate the marriage. [↑](#footnote-ref-59)
60. The letters *bet* and *gimel*, denoting the numeric value of two and three, look very similar in the manuscripts. [↑](#footnote-ref-60)
61. See: Zemon Davis, *The Return of Martin Guerre*, 20. S. Shahar, *Die Frau im Mittelalter*, 87-90; Brundage, *Law, Sex, and Christian Society in Medieval Europe*, 144-145, 330. For additional testimonies regarding cases in Jewish Law where a marriage was not consummated, see: Weinstein, “Impotence and the Preservation of the Family in the Jewish Community of Italy in the Early Modern Period,” 168-169. [↑](#footnote-ref-61)
62. Kanarfogel claimed that opposition toward the marriage of minor females existed in the academy of Ri of Dampierre. See: E. Kanarfogel, “Rabbinic Conceptions of Marriage and Matchmaking in Medieval Europe,” in [*Entangled Histories: Knowledge, Authority, and Jewish Culture in the Thirteenth Century*, eds. Baumgarten, et al.,, 27-31.](http://www.academia.edu/31133859/ENTANGLED_HISTORIES_Knowledge_Authority_and_Jewish_Culture_in_the_Thirteenth_Century_EDITED_BY) The source quoted here demonstrates that Rizba, Ri’s closest disciple and heir to the academy’s leadership was married to a minor, see also: Yahalom, “The Dowry Return Edict of R. Tam in Medieval Europe,” 137 n. 2. [↑](#footnote-ref-62)
63. For a similar analysis of sexual statements in Sefer Hasidim, see: Baer, *Studies in the History of the Jewish People*, 184. [↑](#footnote-ref-63)
64. See: M. Bloch, *The Historian’s Craft* (Manchester: Manchester University Press, 1954), 44; N. K. Denzin, “The Art and Politics of Interpretation,” in *Handbook of Qualitative Research,* eds.N. K. Denzin and S. Lincoln (Thousand Oaks: Sage Publications, 1994), 500-515; W. Von Leyden, “Categories of Historical Understanding,” *History and Theory* 23 (1984), 53-77. Schremer, *Historical Literacy and Critical Sensibility*, 23, 24, 48, 51, 141, 238, 262; Sand, *Twilight of History*, xiv; idem, *The Invention of the Jewish Pepole* (London: Verso, 2009), 32, 100-101, 243; Ta-Shma, *Studies in Medieval Rabbinic Literature vol. 4. East and Provence*, 319. [↑](#footnote-ref-64)
65. C. M. Rousseau, “Neither Bewitched nor Beguiled: Philip Augustus’s Alleged Impotence and Innocent III’s Response,” *Speculum* 89 (2014), 410-412. [↑](#footnote-ref-65)
66. It is worth noting that in his later book: *The Sages: Their Concepts and Beliefs*, Jerusalem 1975, Urbach Refrained from psychological analyses. It appears that he recognized the failure of this method. [↑](#footnote-ref-66)