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The Yeshiva Bokher and the Prostitute: Sexuality, Jewish Identity, and the Making of a Medieval Story

Debra L. Kassoff

Thesis submitted in partial fulfillment of the requirements for Ordination
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Referee, Professor Susan L. Einbinder

Digest

This thesis offers a literary and cultural analysis of a medieval story by Rabbi Nissim ben Jacob of Kairouan, "*BiZekhut Mitzvat Tzitzit*" ("The Reward for the Observance of the Commandment of the Fringes"), based on a rabbinic midrash that appears in *B.Menahot* 44a and *Sifre Bemidbar*. It also considers from a legal perspective—Jewish, Christian, and secular—selected issues raised by the story, primarily regarding the status of the *zonah*, or prostitute. The goal of the thesis is to understand how Nissim's story, written in the 11th century in Arabic but soon after translated into Hebrew, in which form it circulated for several centuries throughout Christian Europe, spoke to its medieval audience about questions of sexuality, Jewish authority, and communal identity.

Chapter One opens the conversation by reading the text alongside its ancient sources in an effort to tease out the tale's more problematic elements. These include gender inversion, Jewish/non-Jewish relations, challenge to rabbinic authority, explicit sexual content and a marriage of questionable status, not to mention the reward for observance of *tzitzit*, all of which intersect in the establishment of communal identity and boundaries. Chapter Two examines the term *zonah*, tracing it from appearances in the Bible through rabbinic literature and into the medieval codes. This study identifies a long-standing concern in Jewish literature not only with the definition and status of women labeled *zonah*, but also with the ideological relationship between transgressive sexual unions and the definition of community. Chapter Three surveys the circumstances of prostitution in Christian Europe during the High Middle Ages and considers the intricate networks of association and prohibition that determined the interactions among

and between Christians, prostitutes (both Christian and Jewish), and Jews. Chapter Four considers the work of Mikhail Bakhtin, Judith Butler, and Stallybrass and White on the carnivalesque, grotesque bodies and the construction of gender identification as an avenue toward understanding Nissim's story as a tale about subjective and communal destabilization, reassuring the reader with a conclusion that apparently reaffirms the status quo even as it offers playful promises of trouble yet to come.

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Contents

Chapter One
Fantasy Island: An Introduction

In the mid-11th century in Kairouan, a North African city that stands within the borders of modern-day Tunisia, a Talmudic scholar named Nissim ben Jacob ibn Shahin lived and worked. His life and times were troubled: in addition to a string of personal trials—financial hardship, the death of his only son in infancy, and the heartbreak of watching an unhappily married daughter suffer abandonment by her husband—by the time of his death Rabbi Nissim had also witnessed the complete destruction of the peaceful world that had raised and formed him, torn apart by warring Muslim factions.[1] This background left Rabbi Nissim well prepared for the production of a work entitled "An Elegant Composition Concerning Relief After Adversity," a collection of ethical tales written at the request of a friend similarly suffering from existential distress and sorrow.[2]

Among the several tales taken from ancient sources in the collection, one was called "The Reward for the Observance of the Commandment of the Fringes." The story, broadly outlined: A student of Rabbi Hiyya arranges an appointment with a fabulously expensive Roman prostitute who lives on a Mediterranean island. As he hastens toward her, loosening his clothes, the sight of his *tzitzit* rebukes him. He falls upon his face, penitent, and the prostitute insists upon knowing what flaw he finds in her. When he explains the mitzvah of *tzitzit*, she demands to know the student's name, his place of study, the name of his teacher. He obliges, then leaves, relieved to have avoided sin and

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[1] William M. Brinner, intro. and trans., *An Elegant Composition concerning Relief after Adversity*, by Nissim Ben Jacob Ibn Shahin, (New Haven: Yale UP, 1977) xxii.

[2] Throughout this paper I work with Hebrew and English translations from the original Arabic. Brinner 3; and Nissim ben Jacob of Kairouan, *Hibbur Yafeh Me-ha-yeshu'ah*, intro. and trans. Hayyim Z'ev Hirshberg (Jerusalem: Mosad Ha-Rav Quq, 1969)

punishment. After distributing two-thirds of her wealth to the government and the poor, the prostitute follows after the student, convinces R. Hiyya to convert her, and marries her runaway client with the rabbi's blessing.

Judging from its dissemination, the story struck a particular chord with its medieval audience. Rabbi Nissim's version, which appears to be its first post-rabbinic incarnation, enjoyed a long and widespread run. Its Hebrew translation, from Nissim's original Arabic, traveled all over Europe, and it survived in several manuscript and printed editions in a number of versions.[3] The versions differ from one another to greater and lesser degrees, but all share an overt concern for illustrating the great reward, both material and spiritual, that comes to one who observes the mitzvah of *tzitzit*. This plot might strike readers as an odd choice for the purpose of teaching a Torah lesson, raising more than one halakhic question about the propriety of its conclusion. Prostitutes are not the first population that spring to mind when casting about for protagonists of ethical tales. The tale on the whole is entirely fabulous, unbelievable. Yet for generations following Rabbi Nissim, Jews continued to tell and retell this tale. Why?

The answer may ultimately have less to do with the importance of the mitzvah of *tzitzit* (after all, as several versions of the story suggest, it is a mitzvah *qalah*, a light commandment[4]), than with the issues that the scenario raises with regard to the regulation of encounters between Jews and non-Jews and relationships between men and women, particularly of the sexual variety. In fact, I wish to argue over the course of this thesis

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[3] Brinner xvii; Micha Joseph Bin Gorion, *Mimekor Yisrael: Classical Jewish Folktales, Abridged and Annotated Edition*, ed. Emanuel Bin Gorion, trans. I.M. Lask, headnotes and intro. Dan Ben-Amos (Bloomington: Indiana UP, 1990) 181-182.

[4] *B.Menahot* 44a, *Sifre Bemidbar*.

that a thorough analysis of the story, its rabbinic roots, and its medieval context leads us to understand the difficulties raised by the story's piquant plot not as barriers to its dissemination but rather as opportunities for its medieval audience to work out and re-work responses to questions that mattered deeply to the Jewish community: (sexual) contact with gentiles, gender roles and relations, the strength of rabbinic authority with regard to issues of sexuality and gender, the relationship between sexuality and the boundaries of Jewish community. We begin our project with a survey of those difficulties that the story presents, those elements that, as contemporary readers projecting ourselves into an earlier time, we would expect to create friction or discomfort for a medieval reader. Next we will consider explanations for the story's success despite these apparent difficulties. An examination of Rabbi Nissim's version alongside its two earliest sources, from *B. Menahot* 44a and *Sifre Bemidbar*, will help us to highlight by comparison the anxieties, priorities, and fantasies that motivated the tale's medieval popularity.

In considering the story's apparent points of difficulty, a generic note may be in order. The story in its medieval manifestation clearly falls into a broad category of literature that Hebrew folklorist Eli Yassif calls "rabbinic aggadah as folk narrative," in which the teachings of the great rabbis of late antiquity are absorbed by and combined with traditions of medieval folk culture to produce revitalized and independent folk traditions.[5] It further manifests many characteristics of the "exemplum," a homiletical genre that "reached its prime during the Middle Ages."[6] The story is structured as a sermon, with highly didactic passages at its opening and closing, built around a moral

[5] Eli Yassif, *The Hebrew Folktale* (Bloomington: Indiana UP, 1999) 250-252.
[6] Yassif 283.

imperative regarding themes of sexual relationships (a matter "connected to daily life"), and follows a pattern of plot development that "leads its protagonist from...precept to reward, or from sin to precept."[7] As a model for behavior, however, the story falls short—no actual Torah student could hope to get away with the scenario it describes. Not so fantastic that we would consider it a fairytale, it yet "satisfie[s] the basic need for an entertaining story, full of adventures and flights of imagination," which the exemplum, limited by its moralistic priorities, usually could not.[8] In this regard the story falls into the genre of the novella, which "occupies a kind of middle ground" between the supernaturalism of the fairytale and the verisimilitude and seriousness of purpose of the religious or historical legend.[9] Stuck partway between one already hybrid genre and another, the story can scarcely avoid working at cross-purposes with itself.

Thus, though we would expect the characters in an exemplum to reflect socially and halakhically acceptable standards of behavior, we find the aforementioned difficulties. In a world that was rapidly rewriting the rules governing the rights of Jews and their conduct with regard to non-Jews, the suggestion of sexual contact across religious lines would have raised tremendous anxiety for a Jewish audience. In many parts of the medieval world, a Jewish man could be executed by rule of the secular law for sexual contact with a non-Jewish woman, and rabbinic law, while necessarily less punitive (if for no other reason than that Jewish communities had no authority to mandate execution), was not much more sympathetic to such liaisons. So the first difficulty we encounter is the prostitute's gentile status.

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[7] Yassif 296, 285.
[8] Yassif 343.
[9] Yassif 343.

While Jewish law never explicitly prohibits sexual relations between Jewish men and non-Jewish women, disapproval of sexual relations between Jews and non-Jews reaches back as far as the Bible[10] and continues throughout the Middle Ages (as it does in traditional circles, certainly, to this day). The rabbis discourage non-marital sex, and do not recognize marriage between a Jew and a non-Jew as valid.[11] Illicit sexual relations aside, nearly any contact at all between a Jew and a non-Jew provided opportunity for troubled concern on the part of the rabbis.[12] For this reason, Jewish law is replete with provisions for the safeguarding of Jews against involvement in the idolatrous, impure, or impious behaviors of gentiles.[13]

Second, the story not only involves a relationship between a Jew and a non-Jew, but it includes the conversion of the non-Jew to Judaism, a weighty proposition under the best of circumstances, precipitating difficult questions of motivation and commitment. Ambivalence toward proselytes enjoys a long history in Jewish law, primarily because of the difficulty in measuring "the principal requirement for conversion, *kabbalat 'ol hamitzvot* (accepting the yoke of the commandments), the sincere acceptance of the religion of Israel and its precepts."[14] All the more so during the Middle Ages, when a Christian who converted to Judaism risked execution and the Jewish community suffered greatly at the hands of malicious informers, potential converts were few and outsiders

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[10] Numbers 25, Ezra 9-10.

[11] Rachel Biale, *Women and Jewish Law* (New York: Schocken Books, 1984) 61-64; Louis M. Epstein, *Sex Laws and Customs in Judaism* (New York: Ktav, 1967)170.

[12] See Yithak Baer, *A History of the Jews in Christian Spain*, trans. Louis Schoffman, 2 vols (Philadelphia: JPS, 1961-66); Mark Cohen, *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton: Princeton UP, 1994); Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times*, (New York: Schocken, 1962); Efraim Elimelech Urbach, *The Sages, their concepts and beliefs*, trans. Israel Abrahams, 2 vols (Jerusalem: Magnes, 1975).

[13] Concern over separation of Jews and Christians begins with *M. Avodah Zarah* and continues throughout the medieval codes.

[14] Moshe Zemer, *Evolving Halakhah* (Woodstock VT: Jewish Lights, 1999) 143.

seeking knowledge of Judaism were suspect.[15] Standing as it does in such close proximity to a marriage, the prostitute's conversion becomes even more troubling. Is the woman in question converting only for the sake of the groom? Is she converting under duress? Will she convert in name only, for utilitarian ends, never truly abandoning her pagan ways? Precisely because of such doubts, Jewish law from the time of the *Mishnah* prohibits conversion for the sake of any ulterior motives, and some rabbinic authorities, though not ultimately definitive, regard such converts even after the fact as gentiles.[16] This prohibition constitutes an obvious halakhic difficulty in every version of the story.

Finally, the combination of these two circumstances—a sexual relation (though aborted) involving a Jew and a non-Jew, and the conversion of a woman who wishes to marry a Jewish man—runs up against yet another rabbinic proscription. According to the *mishnah* cited in *Yevamot* 24b, "One who is suspected [of sexual relations] with . . . an idol worshiper who [later] converts, he must not marry her," according to the reasoning that the marriage would confirm the suspicions, encourage rumors, and lead to a general breakdown in community morality and decorum.[17] The *mishnah* goes on to say that if the couple is already married, the woman should not be taken away after the fact, and subsequent halakhic discussions and responsa further qualify and circumscribe the ruling.[18] The story makes no mention of ugly rumors. Nevertheless, one does not have to reach far to argue that the whole situation might appear quite ugly to an outside

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[15] See Kenneth Stowe, *Alienated Minority: The Jews of Medieval Latin Europe* (Cambridge: Harvard UP, 1992) 58-59; Bernard M. Zlotowitz, "Sincere Conversion and Ulterior Motives," *Conversion to Judaism in Jewish Law: Essays and Responsa*, ed. Walter Jacob and Moshe Zemer (Tel Aviv and Pittsburgh: Freehof Institute of Progressive Halakhah, 1994) 67.

[16] Mark Washofsky, "*Halakhah* and Ulterior Motives: Rabbinic Discretion and the Law of Conversion," *Conversion to Judaism in Jewish Law: Essays and Responsa*, ed. Walter Jacob and Moshe Zemer (Tel Aviv and Pittsburgh: Freehof Institute of Progressive Halakhah, 1994) 1n3.

[17] Maimonides, *Mishneh Torah*, Laws of Divorce, 10:14. See Zemer 25 ff.

[18] See *Yevamot* 24b ff and Maimonides, *Responsa Pe'er Hador*, n. 132. Also Washofsky 1-2.

observer such as, for example, Rabbi Hiyya. After all, the student had gone to the expense and trouble of traveling to an island in the Mediterranean, arranged for an appointment, paid an enormous sum of money, even begun to disrobe, all for the express purpose of "lying naked beside" a notorious prostitute.[19] If anyone did know about the hapless student's erotic errand, they could hardly escape the suspicion of a sexual encounter between the two. Rabbi Hiyya might thus be seen in this story as violating a mishnaic law, a serious transgression within traditional societies.

With regard to all of these difficulties, the only explicit address we have comes from Rashi's commentary to *Menahot*, where he solves the problem of the prostitute's conversion in a single sentence: "she was converting for the sake of heaven because she had perceived a great miracle . . . [regarding the] *tzitzit*." If Rashi has special knowledge supporting his assertion, he is not telling. And that is the full body of material addressing the legal problems we have encountered. Considering how much ink has been spilled over the years, especially by medieval codifiers, over questions of relations with gentiles, permitted and forbidden marriages, and the proper motivations for conversion, the relative silence here is deafening. In a story putatively addressing the observance of a mitzvah, a commandment, a point of Jewish law, why weren't these legal issues more of a focal point? Why did they not show up in discussions surrounding the story? What motivated the telling and retelling of this story, irrespective of its unorthodox legal implications? As I have suggested, perhaps the story's real value lies elsewhere, beyond the realm of halakhah. Perhaps these curious lacunae function as signals for us to consider that we should not read the story as an exemplum, an instructive tale illustrating

[19] *Menahot* 44a and several other versions—though not all, as we shall see. All translations are my own except where otherwise noted.

proper conduct, but rather as a site for examining and, through light-hearted fantasy, defusing the content of cultural fears.

Before we proceed to examine this hypothesis, let us consider two arguments in favor of reading the story as primarily having to do with the observance of the mitzvah of *tzitzit*. The first comes from Warren Zev Harvey, a scholar of Jewish thought who illuminates the delightful connection between what he calls the "'going a whoring' metaphor" in Numbers 15:37-41 and the midrashic versions of our story in *Talmud* and *Sifre*.[20] The Numbers text reads as follows:

> Adonai spoke to Moses, saying: "Speak to the Israelites and tell them that they must make for themselves fringes at the corners of their garments.... And it shall be a fringe for you, so that you may see it and remember all of Adonai's commandments and do them, so that you shall not follow after your heart and your eyes which (by following) after them you prostitute yourselves."[21]

Just as the Israelites are commanded to wear *tzitzit* in order to protect themselves from prostituting themselves (*zonim*) after the urges of their eyes and heart, the story tells of a man whose *tzitzit* protect him from following his urges—urges which have led him to relations with a prostitute (*zonah*)! Harvey observes, this is a case of a "metaphor taken literally . . . [that] paradoxically becomes even *more* of a metaphor—more pungent, more colorful."[22] Pointing to the old JPS translation of Numbers 15:39, which suggests that *zonim* is a dead metaphor (eliding the implications of whoring or prostitution in favor of the considerably more bloodless "go astray"), Harvey argues that anyone familiar with our story of the *zonah* could fall into no such error. As is so often the case with figurative

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[20] Warren Zev Harvey, "The Pupil, the Harlot, and the Fringe Benefits," *Prooftexts* 6 (1986): 259.
[21] My translation. Harvey's translation of the final phrase of the text reads "after which ye go a whoring [*zonim*]" 259.
[22] Harvey 260.

writing, a return to the literal reinvigorates the metaphor, reminding us of why it seemed a powerful or felicitous expression in the first place.[23]

With our reinvigorated metaphor firmly in mind, the story becomes a parable of the virtues and rewards of self-control: after all, is self-control not the entire *raison d'ëtre* of *tzitzit*, according to our Numbers text? As such, the outlandishness of the story only adds to the emphasis with which it confirms the "paradoxic dictum" from *Pirkei Avot* 4:1, "Who is mighty? Whoever conquers his impulse."[24] The more outrageous the temptation, the more admirable the feat of self-control. A man who has put forth expense and effort in a long journey, who has paid a princely fee in exchange for which he has access to an utterly available and sexually inviting woman and who, in the last moment of excited approach catches himself back and forfeits all this—presumably this man exhibits supreme self-mastery. And although the Numbers text does not allude to any concrete reward for observing such restraint, it does promise that those who succeed "will be holy to [their] God."[25] In the absence of any specific information concerning what it means to be holy to one's God, a person might be forgiven for dreaming a little, might he not?

So here is our case for reading "The Reward for the Observance of the Commandment of the Fringes" as just what it calls itself, a story about the reward for the observance of the commandment of the fringes. And yet as elegant as it is, in terms of both literary art and armchair psychology, it leaves us feeling a bit dissatisfied. Perhaps our dissatisfaction arises from Harvey's lack of concern for the medieval text or audience. His reading works beautifully for the rabbinic versions of the story, but fails to

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[23] Harvey 260-61.
[24] Bin Gorion, headnotes 182.
[25] Numbers 15:40.

explain why a medieval author would reinvent it, or why his contemporaries and their successors would enthusiastically read it in its new setting—why not stick with the originals? As for the "who is mighty" argument, we are still left to wonder how any degree of impulse control merits an ex-prostitute as a wife. Neither argument addresses the storytellers' persistently casual or even negligent attitude toward the story's points of halakhic difficulty. Furthermore, the attractions of this story do not begin and end with an appreciation for vivified metaphors or the general satisfaction of witnessing self-control triumph over sexual temptation. Something more is going on here; something else is occupying the concerns of the medieval populations that heard and told this story. What?

To whichever version we turn, we have a story that deals not only with questions of male libidinal control in connection with the mitzvah of *tzitzit*, but also with larger questions of sexuality and marriage. What happens to the sexual desires of unmarried students? This student caught himself this time, restraining his sexuality at the last minute in the straitjacket of his piety, but how long before it overwhelms his piety once more? Should he marry in order to assuage his sexual needs? Jews from rabbinic times onward have struggled to balance the obligation to channel sexuality into procreative activity with the desire to study without the distractions of wife or family.[26] If marriage becomes the chosen course of action, whom is one permitted to marry? In the tradition of the freely imaginative novella, the story answers this question with an unrealistic ideal: a man should marry the most beautiful woman in the world, who happens also to be even

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[26] *B. Yevamot* 63b, *B. Ketubot* 62b, *B. Kiddushin* 29b. In medieval Europe, "the normative authorities were preoccupied with the threat of sexual temptations outside of marriage, and they regarded sexual satisfaction within marriage as the appropriate defense against temptation." D. Biale 61.

more pious than himself, not to mention generous, intelligent, brave and sexually super-skilled. In this story, the perfect sex partner also becomes the perfect Jewish wife.

Rabbi Nissim's version of the story emphasizes this point by highlighting the prostitute's single-mindedness and exceptional talents after the student departs from her chambers. As in both of the source texts, she immediately divides her belongings into three parts—one part for the poor, one for the government, and one for herself. But then, in a departure from the two rabbinic texts, Rabbi Nissim elides mention of the bedclothes that she had laid out for the student. In the earlier versions we read that those seven sets of silver and gold bedclothes, which would have amounted to a small fortune by themselves, are exempted from the trisection of her wealth, so that she can carry them with her and spread them out again for her new love once their dalliances become legitimate. In *Menahot* and *Sifre* this becomes the story's punchline: "those very sheets that she spread out for [you/him] in prohibition she [will spread/spread] out for [you/him] with permission."[27] This earlier version of the prostitute, for all the distractions in the interim—the estate sale, the move, her conversion—through it all keeps her mind focused on an additional and ultimate goal: get that man between the sheets!

The prostitute possesses more substance than this sentiment would suggest, even in these earlier versions. She did, after all, give up her hedonistic life of luxury and professionalized sex in order to pursue (and support!) Torah study. But Rabbi Nissim's version goes further to emphasize her high-mindedness, to make sure that we don't suspect that base instincts continue to govern her behavior. The sheets apparently go the same route as the rest of her, and the moral at the story's end now refers more abstractly

[27] Brackets indicate points of difference between *Sifre* (the first option within each bracket) and *Menahot* (the second option).

to "all that she had spread out and prepared" for the student. Here the prostitute's concern for the life-change that she has undertaken appears to take priority over her sexual appetite.

In all three versions the union of the student and the prostitute in a rabbinically sanctioned marriage signals as well a union of the procreative and pleasurable aspects of sex. This is a useful and appealing trick to pull off within a culture that consistently, over more than a thousand years, struggled with the question of whether procreative sex could or should bring pleasure to the participants, and if so, how much.[28] And yet, in a story that plays so much with questions of identity (more on this later), one can't help but wonder—especially with regard to the more restrained medieval prostitute—whether sex with the safely converted and married prostitute will continue to be as pleasurable, either for her or for her partner, as the forbidden expectation of it had been. Does changing the prostitute's "outside"—her packaging: religion, profession—not alter her "inside" as well? Can she transform her public face as radically as she does and yet maintain her private practices unchanged? In the end, readers—modern, medieval, rabbinic—are left to speculate for themselves.

Not only does the prostitute of Rabbi Nissim's version present a less overt and therefore less unseemly sex drive than her rabbinic counterpart, but she also demonstrates a greater ability to advocate for herself in terms a rabbi would approve. Whereas in *Sifre* and *Menahot* the prostitute wordlessly hands over the student's scribbled name and address when questioned regarding her attachment to one of the rabbi's students (a gesture that would seem to confirm the rabbi's suspicions that said attachment is

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[28] See D. Biale; Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: U of California P, 1993).

motivating her desire to convert!), in Nissim's version the prostitute provides her own assessment of the situation. She discloses to the rabbi "everything that had happened between herself and the student." She does this despite the rabbi's forceful discouragement ("Begone from me!" he barks[29]), and she does it in *writing*.[30] Here is a literate, non-Jewish woman, capable of writing a letter that a rabbi can read (perhaps in Aramaic, perhaps, more fantastically, in Hebrew) and of convincing him that while her motives for conversion are pious and pure, he should nevertheless also consent to a marriage between herself and the student. Such a woman must be rarer than rubies indeed! Rabbi Nissim has endeavored not only to tone down the prostitute's lustiness, he has also bumped up her independence and intelligence.

Both of these changes serve within a medieval paradigm to render the prostitute more masculine—less mired in the messy physicality of body, more active in the elevated realm of the mind.[31] This only serves to raise even more messy questions about gender roles and distribution of communal authority. For centuries, matches had been strictly supervised by patriarchal coalitions of parents and rabbis, but by the Middle Ages this norm, still strongly held by many, had developed signs of weakening, and the traditional institutions were struggling to maintain their hegemony.[32] Nissim's version plays with the tension between social control and individual will. Is the rabbi in charge? Or do individuals such as the prostitute and her favorite student have permission to shape their

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[29] Brinner 42.
[30] The Hebrew reads *hotzi 'ah pithqah*, "she drew out a tablet." Nissim 23.
[31] See chapters three and four below for discussion of contrasting medieval representations of men and women. See also Joan Ferrante, *Woman as Image in Medieval Literature*, (New York: Columbia, 1975).
[32] See Isserles gloss to *Shulhan Arukh*, Even ha-Ezer 1. For cases of women lured into bad matches by unscrupulous men due to lack of communal supervision, see Meir of Rothenburg, *Responsa* (Prague, 1608), nos. 226, 595, and 938; and Meir of Rothenburg, *Responsa* (Cremona, 1557), nos. 32-33, 305, 307. See also *Sefer Hasidim*. All cited in D. Biale 62n2, 3. For the parallel phenomenon in the Christian world, see

own destinies? What happens if a woman makes the decisive move? Can anything guarantee the old social order against total medieval chaos, and if so, what?

Insofar as the story offers any response to these questions, it vacillates wildly. It begins with an encomium to the benefits of observing mitzvot and with the introduction of our protagonist, a man who was punctilious in his observance of the mitzvah of *tzitzit*. The old norms of social control are in order, the story tells us. The rabbis have always told us that observance of mitzvot will surely bring reward in this world, and here is the example to prove it. Very quickly, though, this picture of reliable authority deteriorates. Social order recedes to the point of absence. The punctilious man learns of the expensive, Roman, island-dwelling prostitute, and without consulting anyone—neither parents nor peers nor teachers—he takes up the fee and visits her. This first act of surprising defiance—where is his punctiliousness now?—leads the student into an upside-down, carnivalesque world in which he, the observant Torah scholar, takes his cues and instructions from a morally dissolute gentile woman. The story proceeds to the brink of consummation without even a beat of hesitation on the part of the student, without the slightest hint that either he or the narrator considers his liaison with the prostitute in any way questionable or wrong.

The narration comes across as strikingly neutral and non-judgmental with regard to the prostitute and her actions. Her establishment suggests easy dignity, with a quiet and deferential maidservant answering the door, a leisurely business schedule, and luxurious furnishings appointing her chamber. At the student's first sight of her, she is already lying upon the highest, most luxurious mattress in the room, waiting for her

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James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: U of Chicago P, 1987); and Georges Duby, *Love and Marriage in the Middle Ages* (Chicago: U of Chicago P, 1994).

customer, naked. No tawdry strip tease for this harlot. We have an image of a highly skilled, respected professional. The overall sense one has of this scene is soothing and attractive. All in all, it seems just the place for a tasteful young man to indulge his sexual appetites. Why not abandon all conventional restrictions and taboos, the story seems to ask. The student can't think of a single reason.

Upon disrobing far enough to discover his *tzitzit*, however, he has his first reminder of a world beyond the gorgeous walls that enclose him, an ethical code, anything that might suggest to him a will or imperative other than his own desires. Only by exposing a garment that usually remains hidden and interior does the student become conscious of the exterior world. The incident leads us to question, as we do with regard to the prostitute's transformation at the story's close, the relationship between the public and private aspects of identity, between inside and outside, surface and substance. Here the connection is reasserted suddenly and instantaneously by the appearance of the *tzitzit*, sign of traditional religious authority and its demand for self-control. The student throws himself prostrate and repentant to the floor, immediately aborting the intended sex act. Society has reasserted itself. Communal authority regains the ascendancy over the idiosyncrasies of individual whims. The ordered world of rules and norms is safe once more.

But not for long. Scarcely has the relieved student made his narrow escape from eternal punishment for sexual impropriety than the prostitute is up and about, making her plans to pursue him. First she challenges the structures of Roman society and class distinctions by giving away two thirds of her apparently considerable wealth, one part to the poor and one part to the government. Next she insinuates her disruptive self into the

rigid protocols of the Beit Midrash by presenting herself directly to Rabbi Hiyya, the *rosh yeshiva*, and brazenly demanding to be converted. The student has obediently returned to his proper place, but his brief voyage into the shoal-filled waters of independent selfish action has dredged up this anomaly. What to do with her but comply with her request and marry her off to the unsuspecting student?

This course of action, which the rabbi does ultimately follow, solves the problem of illicit sexuality, as discussed above, by transforming it into licit, assimilating the dangerous, forbidden prostitute and her entanglement with the student into the framework of permitted sexual relationships. But it creates another problem. While the conversion and marriage of the prostitute to the student represents the perfect fulfillment of their sexual desires, it has transgressed the limits of communal or parental desires. No one arranged this union; no one vetted the parties involved to certify that it would be an appropriate and happy match. One might argue that Rabbi Hiyya assumes the role of surrogate parent, and indeed he facilitates both the conversion and the marriage, but it is the student who initiated the relationship, and the prostitute who sees to its consummation. Ultimately, Hiyya's course of action appears to be a response to the will of others rather than an assertion of the normative authority of his own will.

Concern for the damage that the rabbinic establishment might sustain due to this representation of iconoclastic personal freedom may have prompted Rabbi Nissim's decision to construct a rabbinic figure more stern and controlling than that found in his two source texts. In both *Menahot* and *Sifre*, the rabbi utters significantly fewer words than in Nissim's retelling. When he does speak, he hardly demurs from the prostitute's request for conversion, addressing her gently: "My daughter, perhaps you have placed

your eye upon one of the students?" Rabbi Nissim's Rabbi Hiyya, by contrast, assumes the prostitute's guilt and outright rejects her initial attempt to become a proselyte: "Begone! No doubt you have placed your eye upon one of my students." Nissim's Hiyya places a heavy burden of proof and persistence upon the prostitute before she can enter the protected realm of the Jewish community. The rabbi's powerful presence in this version of the story must have seemed reassuring to many medieval Jewish readers (especially if they were rabbis themselves!). His demeanor suggests not only his role as gatekeeper to the community but also his unique ability to reform, through conversion, a previously immoral and ungovernable soul into a member of the Jewish people. At the end of the story we have a domesticated Roman "Other" voluntarily taking on the stringencies of communally acceptable standards of behavior. Not only does the Jewish protagonist toe the line at the end; even the former non-Jew is following the rules.

This is not to suggest that Rabbi Nissim's goal with this story was to neutralize any suggestion of sexual or social subversion. If it was, he failed utterly! This story does nothing if not open up questions and challenge assumptions about proper conduct and proper roles for men and women, rabbis and students, prostitutes and proselytes, husbands and wives. The story's center of authority shifts frequently, and one cannot always tell when a character is being treated seriously or in jest. If it ever served a normative function, it could only be by indirection: the story generates such instability and produces such confusion in its audience that one feels relieved to return to the more predictable world of rules and boundaries.

Perhaps the most significant boundary this story violates is that between Jew and non-Jew. Its presence is completely obvious, impossible to avoid, and yet somehow little

acknowledged by the story's plot and characters. Because the prostitute is non-Jewish, every question raised by the story has to do with relations between Jews and non-Jews, yet every question also stands on its own: Jews were having problems enough regulating and protecting sexual relations and marriage, gender relations, and rabbinic authority among themselves, and the story could be read as a discussion of these issues in isolation. But the question of how to regulate the boundary between Jews and non-Jews lurks behind every other question raised by the story.

What can the story tell us about relations between Jews and non-Jews in the medieval world of Rabbi Nissim and the generations after him who translated and re-translated, circulated and re-circulated his version? Is it just by chance that the story merges questions of Jewish/non-Jewish relations with questions of gender and sexuality, of marriage and authority? The need to regulate relations between Jews and non-Jews extended far beyond the bedroom and was more commonly required in the worlds of business, politics, and religion. Why so much fascination for an unlikely tale about a Jewish man and a Roman prostitute? Could it be that this sexy little story represents something much bigger about relations between Jews and non-Jews? Might we read the assertiveness of the prostitute and the passivity of the student, or the impressionability of the prostitute and the piety of the student, or even the sexual attraction that the prostitute and the student have for one another, as metaphors for how Jews perceived or fantasized their relations with non-Jews? Perhaps this story is a metaphor turned literal in more ways than one.

By raising questions of sexuality and authority alongside questions about who is permitted to join the Jewish community and how to regulate contact between people on

the inside and the outside of this community, this story opens up great opportunities for exploring medieval attitudes about just how much these areas of concern overlapped. What did female sexuality have to do with the preservation or violation of communal boundaries? What did it have to do with the politics or economics of Jewish/non-Jewish relations? The story of the student, the prostitute, and his *tzitzit* provides a rich starting point for further consideration of these questions.

Chapter Two
A Prostitute by Any Other Name:
Zonah in Biblical, Rabbinic and Halakhic Literature

Before we can begin to understand how this story may have resonated for its medieval readers, we need to understand the cultural significance of its characters: who are these figures? What population, and what values, do they represent? Who were they in their ancient context, and how might they be understood by a medieval audience?

The student who visits the prostitute is, perhaps with the exception of his extra-curricular activities, an easily recognizable figure. He is the young Torah scholar, part of the male literate elite, the character most like those who would have had the skills and the access to read the story.[1] The rabbinic teacher, Rabbi Hiyya, is one of the great authorities of the Talmud, a late Tanna or early Amora, whose approval of the story's concluding circumstances carries substantial weight. We know that these men, and men like them, existed. While the story may be apocryphal, these figures are not. Many if not most of its readers would have been familiar with the world of the student and his teacher—from the words and rhythms of the legal debates argued out loud to the feel of the ancient pages under their fingers. It is a known world, a world that has sustained the thread of Jewish learning for two thousand years.

But who was the prostitute, the *zonah*? What did she represent for ancient and medieval Jewish audiences?[2] The Jewish community's experience of prostitution

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[1] See Marjorie Curry Woods, "Rape and the pedagogical rhetoric of sexual violence," *Criticism and Dissent in the Middle Ages*, ed. Rita Copeland (Cambridge: Cambridge UP, 1996) 56-85, who writes about the exclusively male "school context in which Latin literacy was taught to boys and male adolescents" in the Middle Ages and offers illuminating observations regarding the Christian analog to the circumstances that existed in Jewish schools of the same period.

[2] This paper deals only with female prostitutes.

changed as it moved through time and space, reflecting the laws, customs, and attitudes regarding prostitution in host countries and cultures. While a comprehensive study of the prostitute in Jewish law lies well beyond the purview of this project, a survey of the uses and definitions of "*zonah*," as we encounter them in biblical and rabbinic literature and in the medieval commentaries and codes that followed from them, might offer us valuable, if partial, insight into the minds of our readers.

According to medieval canon law scholar James Brundage, the question of definition posed a difficult problem for medieval canonists because the answer simultaneously followed two strands of thought: one which defined prostitution according to moral categories, and one which defined it according to strictly legal categories.[3] Since Jewish law, like canon law, combines these two categories, it struggles with a similar, if distinct, conundrum. Prostitution might inspire a moral judgment, but it also and perhaps more significantly has an impact on legal questions of personal status, as we shall see. Thus rabbis and scholars throughout the centuries continually raise the question anew: what, exactly, is a *zonah*?[4]

The discussions that ensue from this question do not settle it, but rather succeed in adding layers to its complexity. Is a *zonah* a Jew or a non-Jew? A married or a single woman? One who takes money for hire, or one whose passions lead her? One who has

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[3] James A. Brundage, "Prostitution in the Medieval Canon Law," *Signs: Journal of Women in Culture and Society* 1 (1976): 826.

[4] A *zonah*, commonly translated as "prostitute" or "harlot," (and so defined according to the Brown-Driver-Briggs *Hebrew and English Lexicon*) is defined in Jastrow's *Dictionary of the Talmud* first as "one unfit to marry a priest." The implications of Jastrow's definition will occupy much of our attention in this essay. The rabbinic discussion of what makes one a *zonah* begins in the *Mishnah Yevamot* 6:5; continues in the *Gemara, B.Yevamot* (*B.Yev.*) 61a ff.; and *Sifra, Parashat Emor, Perek* 1:7; through the medieval codes—*Mishneh Torah Issurei Bei'ah* Chapter 18; and *Sefer Mitzvot Gadol (SaMaG) Mitzvot Lo Ta'aseh* 121 ("*mah hi zonah*?"; the *Tur Even ha-Ezer* 6 ("*eizo hi zonah*?"); *Shulhan Arukh Even ha-Ezer* 6:8 ("*eizo hi*

an illegitimate pregnancy, or one who has no pregnancy? Some of these possibilities and more arise in the rabbinic discussion, in the Talmud and the medieval codes. Some, notably, do not. Whence arise rabbinic priorities in the definition of *zonah*, and what do we learn from them? What do we make of all that they leave out? And what can these definitions tell us about the significance of our proselyte prostitute for her readers?

Before braving the murky waters of rabbinic debate, let us return briefly to the textual basis for all this discussion of the *zonah*. In the *Tanakh*, we see the term used in three primary and overlapping senses. In a number of instances it is used to describe a prostitute in the commonplace sense; that is, a public woman, Israelite or not, who offers her sexual services in exchange for a fee. We read of Tamar disguising herself as a prostitute and wielding the matter of her payment in order to wrest justice from Judah.[5] Both Samson and the father of Jepthah visited non-Israelite prostitutes, and the practice of enjoying a prostitute for a fee seems to have been a widespread enough practice among Israelites to elicit a ban within the Temple precinct of money or other offerings that had been employed in such an exchange.[6]

In Joshua 2, Rahav's status as a fee-charging prostitute does not enter into the narrative of the two spies' visit to Jericho, insofar as neither of them apparently avail themselves of her services. Rather, it is the association of the prostitute with the margins of society, a psychological association made physical in this case with the location of Rahav's living quarters in the city's outer wall—at the very verge of inside and outside—

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zonah?"); and even into the twentieth century with Menashe Klein, *Sefer Mishneh Halakhot* (Brooklyn: Makhon Mishneh Halakhot Gedolot, 1984) s. 287.

[5] Gen. 38:15.

[6] Judges 16:1, 11:1; "You shall not bring the fee of a whore . . . into the house of Adonai your God," Deut. 23:19 (JPS translation).

that renders her such a (literarily) powerful figure for the salvation of the Israelite mission. Even as the Israelites approach the consummation of their conquest of Jericho and the fruition of their divinely promised reward, they find their success hanging (literally!) by a thread—the red thread of a socially degraded prostitute. That Rahav makes good on her trust only serves to heighten the irony, the insecurity of the Israelites' situation; it does not rehabilitate the prostitute's position on the social ladder of the biblical world.

Thus in Proverbs and Joel the word *zonah* appears, this time metaphorically, with the general sense of a tawdry, worthless thing.[7] An encounter with a *zonah* is the opposite of an encounter with wisdom; the services of a *zonah* are seen as having little value. "*Zonah*" appears heavily throughout the prophetic books, again as a metaphor: for a faithless Israel engaging in idolatrous practices, or for the idolatrous practices themselves.[8] The force of the metaphor derives from an understanding of the *zonah* as described above: a public and promiscuous, sexually indiscriminate and therefore marginalized woman. The exchange of money is less relevant here. It is important only to know that society reviles such a woman; and so does God, in an analogous relation, revile Israel.

It is striking that of these understandings of *zonah*—the fee-charging prostitute, the reviled, marginalized whore, the metaphorical references to Israel or idolatry or other examples of religious or moral promiscuity—only the first bears even a passing resemblance to the *zonah* of our story, and there only in its broad outline, not in the

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[7] Proverbs 6:26, 7:10-23, 23:27-28, 29:3; Joel 4:3.
[8] Isaiah 1, 23; Jeremiah 2, 3, 5; Ezekiel 16, 23; Micah 1; Nahum 3.

particulars of its examples. The *zonah* of the Mediterranean island is a polished and well-paid professional; wealthy, commanding, and splendidly self-sufficient. She did not sit at the city gate or on street corners; she did not live in the city walls, subject to the orders of government agents. And she certainly was not reviled, even in the moment of the student's repentance: "I have never seen anyone more beautiful than you," he protests when she challenges him to explain to her what defect has caused him to withdraw.[9]

Similarly, none of the pictures we have gathered so far of the biblical *zonah* quite fit when we arrive at Leviticus 21. Here we find that the information we have gathered about the *zonah* from various other references is insufficient. "[The priests] shall not marry a woman defiled by prostitution," the passage pronounces[10]; literally, the Hebrew reads, "...a woman, a *zonah*, defiled." The passage begs us to ask, "which woman is that?" Is she the woman who charges for her services, who sits in the city gate or on the street corners? Is she a woman reviled for any reason whatsoever—religious or ethical promiscuity as well as sexual misconduct? Leviticus 21:7 requires that the rabbis set a standard by which they can legislate whom a priest may and whom he may not marry.[11] Suddenly, the demand for specificity in our definition of *zonah* rises sharply.

And so it is here, around Leviticus 21:7, that the rabbis focus their obsessive interest in defining the term *zonah*, at the expense of all its other biblical appearances. The other instances of *zonah* in the Bible require only an impressionistic understanding

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[9] Brinner 42.

[10] Lev. 21:7, JPS translation.

[11] A priest may never marry a non-Jew, and so we might understand the *zonah* of our story as a *zonah* by default, without any need for further discussion and in fact beyond the pale of the rabbis' discussion. However, the story's indication that the *zonah* is a prostitute not only by virtue of her gentile status but also due to her patterns of behavior render an exploration of the rabbis' discussion of how to define a prostitute relevant to our project, despite the presumed (and, in the medieval codes, explicit) Jewish status of their subjects.

of the term: a woman who charges for sex, who is available to all and therefore valuable to none, a prostitute, a whore. It is not critical to an understanding of the narrative to know in the case of Tamar or Rahav, for, example, whether a single exchange of sex for money suffices to render one technically a *zonah* or if one must make it a habitual practice in order to earn the designation. While the marital status and fertility of Tamar do enter into her narrative, these details were of no interest to Judah as he was engaging her services, and they function not at all in Rahav's story. These are just the sort of considerations that become pivotal in the rabbis' discussion of Leviticus 21:7, which transforms the casual question, "what is a *zonah*?" into the much more rigorous question, "what is this category of woman—'*zonah*'—that a priest may not marry?" Given their occupational interest in matters of ritual law and purity, we can understand the rabbis' special concern with this question. What eludes easy explanation, however, is the narrow and winding route by which the rabbis beat a path to its answer. To the examination of this path we now turn.

Tractate *Yevamot* of the Mishnah contains this passage:

> A common priest shall not marry an *aylonit* (a woman incapable of procreation) unless he (already) has a wife and children. Rabbi Yehuda says: even if he has a wife and children, he may not marry an *aylonit*, because she is a *zonah*, the sort mentioned in the Torah. But the Sages say: a *zonah* is only a female proselyte, a freed slavewoman, or one who has engaged in an unchaste sexual relation (*be'ilat zenut*).[12]

So with Rabbi Yehuda the debate begins. Yehuda, a student of Akiva, claims against the anonymous majority that a priest may not marry an *aylonit*—regardless of whether he has fulfilled the commandment of *peru u-revu*, "be fruitful and multiply"—because such a

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[12] *B. Yev.* 6:5.

woman is a *zonah*. How a *zonah*? Is it not just a little bit harsh to so designate a whole category of women based not on any particular—let alone objectionable—behavior but rather based on a physical or biological quirk? (The *aylonit* was a special category of barren woman, defined in *Niddah* 5:9 as one who has reached the age of eighteen years but has not "grown two [pubic] hairs"—in other words, a woman who never achieves physical maturation.[13]) Was barrenness not enough of a handicap, in a world that granted status to women primarily based on their childbearing capacity, that a woman should be branded a *zonah* as well?[14]

The Sages say no: "only a female proselyte, a freed slavewoman, or one who has engaged in an unchaste sexual relation" is called *zonah*. The first two receive the designation, we learn from Rashi, because their former positions in life suggest that they may have had sex with a non-Jew or a slave, which would disqualify a woman from marrying a priest. The Sages' third sort of *zonah* represents self-evident, if circular, reasoning. Rashi defines *be'ilat zenut*—unchaste sexual relations, or the sexual relations of a prostitute—as any sexual relation that would disqualify a woman from marrying a priest. He offers examples: a Jewish woman with a *mamzer*, or with a *Natin*, a member of a particular non-Israelite clan. This third category essentially reiterates and broadens the first two; all in all the Sages have established that a *zonah* is one whose sexual history has disqualified her for marriage into the priesthood. The gemara to this mishnah essentially consists of elaborations and variations on this theme.

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[13] Herbert Danby, trans., *The Mishnah* (Oxford: Oxford UP, 1933) 751.
[14] See Wegner, 16-17; R. Biale 201-202.

But what is the reasoning behind Rabbi Yehudah's opinion? How does he understand an *aylonit*, a woman unable to bear children, who has perhaps had no sexual relations at all (and who is not, as far as we know, under suspicion of any), as a *zonah*? According to Rav Huna in the gemara, Rabbi Yehudah's meaning was that "any sexual relation that does not bring forth [offspring] is an unchaste sexual relation (*be'ilat zenut*)," a relation in the manner of a *zonah*.[15] Thus the unfortunate *aylonit* is a *zonah*. With his explication of Rabbi Yehudah's position, Rav Huna also succeeds in reconciling the apparent conflict depicted in the mishnah. How is a woman, by virtue of nothing more than her constitutional barrenness, legally similar to a proselyte, freed slave, or trafficker in *be'ilat zenut*? Rav Huna's contribution demonstrates that any sexual relation into which an *aylonit* enters falls, by definition, into the Sages' third category.

Rav Huna's commentary on Rabbi Yehudah's ruling also serves to narrowly recast the definitions of *be'ilat zenut* and of the *zonah* herself according to a standard of fertility. A proper sexual relation must lead to offspring, or at the very least, it must take procreation as its aim. Any sexual relation that does not lead to offspring is, according to Yehudah, *be'ilat zenut*. For a woman of whom it is known (according to whatever standard by which medical science measures knowledge at the time) that she has no hope of producing children, there simply is no proper sexual relation.

The gemara goes on to cite Rabbi Eliezer,[16] who takes an entirely different and utterly elliptical line of reasoning with regard to the *zonah*: "'*zonah*' means a so-called

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[15] *B. Yev.* 61b.

[16] *SaMaG* identifies this Eliezer as ben Ya'akov, a student of Akiva's, as opposed to the more famous Eliezer ben Hurcanos, the teacher of Akiva. This becomes relevant later in the gemara, when another Eliezer—identified in *SaMaG* and in some editions of the gemara as Eleazar—shows up. For the sake of avoiding confusion, the second and dubiously designated Eliezer will appear in this essay as Eleazar.

zonah."[17] We turn to Rashi for help: "so-called: this is the language of going astray from her husband to other men. And so, for Rabbi Eliezer, only a married woman can be called a *zonah*."[18] If Rabbi Yehudah sees procreation as the highest value of sexual propriety, for Rabbi Eliezer it is the exclusiveness and sanctity of marriage. Whatever goes on outside of marriage does not worry him, where sexual relations are concerned, so much as does the behavior of a married woman. According to Rabbi Eliezer, an unmarried woman who takes money for sex, whether out of lust, or talent, or greed, or to provide for her own (and, perhaps, her family's) support is not only marginal to the definition of *zonah*, she is excluded. She might be promiscuous, we might call her all sorts of other names, but we do not call her a *zonah*.

We immediately encounter Akiva's opinion, which suggests the opposite: "'*zonah*'—this is a promiscuous woman."[19] The opinion, of course, begs the question, "what is a promiscuous woman?" And it leads us to wonder, apropos of Eliezer's opinion, whether a promiscuous woman must not also be married in order to receive the designation. But no, Rashi explains: a promiscuous woman (*mufqeret*) is a *zonah* even if she is single. He continues: "If she makes herself available to all—a truly public woman—then she is called a *zonah*. But if she has only one sexual encounter, the single woman is not a *zonah*."[20] In Rashi's estimation, then, Akiva has introduced a third idea into the discussion of *zonah*: it is neither the unproductiveness of the sexual union nor the violation of marital vows that renders a woman unacceptable to the priesthood, but rather

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[17] *B.Yev.* 61b.
[18] *B.Yev.* 61b Rashi "*ki-shemah*."
[19] *B.Yev.* 61b.
[20] *B.Yev.* 61b Rashi "*mufqeret*."

the absence of any boundaries around the sex act. Akiva's ruling strips the idea of sexual propriety to its most basic. It is not the priority of procreation or the sanctity of marriage that concerns him most, but the sanctity of the sex act, and of the human body itself. *Qedusha*—holiness, or sanctity—shares a root with the Hebrew words for marriage and for dedication, the idea of setting something apart.[21] A woman available to all, Akiva's teaching suggests, is dedicated for none, least of all a priest, whose role it is to guarantee the sanctity of the Israelite people.

Rabbi Matya weighs in next, ruling on a very specific case: a man, bringing his wife to Jerusalem in order that she may drink the bitter waters of the *sotah* (the adulterous wife), should he have sexual relations with her along the way, renders his own wife a *zonah*. (This is related to the discussion regarding whom a priest may marry, Rashi tells us, because if the woman's husband should subsequently die, she will be forbidden to a priest.) A couple embarks upon such a journey for one reason only: the husband suspects the wife of adultery, he has warned her against speaking with a particular man, and nevertheless she has been witnessed going into a secluded place with him.[22] The trial of the bitter waters, according to the passage at Numbers 5:11-31, would determine whether she had committed adultery or not. Because of doubt as to whether the woman is an adulteress, she is forbidden to her husband until she drinks the water (and, if she is found guilty, thereafter as well). How ironic that a woman who cannot (yet) be labeled a *zonah* for adultery, though she might have already committed the illicit—and illegal—act, can

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[21] Oddly, this same root appears in the Hebrew word for cultic prostitute, *qadesha*. See Valerie Lieber, "Under Every Leafy Tree: Harlotry in Biblical Law, Narrative, and Prophecy," rabbinic thesis, HUC-JIR New York, 1995, 51-52.

[22] *Sotah* 1:1-2.

in the meantime be labeled a *zonah* for sexual relations with her own husband! Here it seems that rather than procreativity, or sanctity of the sex act, or even sanctity of the marital relationship—for the woman may yet be proven innocent of her husband's suspicions and therefore permitted to him—rather than any of these, the integrity of the purity laws themselves receives priority and protection under Rabbi Matya's ruling. Why else raise up such an absurd case—a woman called a prostitute because she slept with her husband—except to underline the importance of observing the letter of the sexual prohibitions?

After restating the mishnah, including Yehudah's restriction of *zenut* to married women, the gemara then introduces the opinion of Eleazar: even if an unmarried man has sexual intercourse with an unmarried woman, if it was without matrimonial intent, then he renders the woman a *zonah*. This opinion recalls Rashi's comment to Akiva's ruling (or, perhaps more accurately, prefigures it, since Rashi postdates the closing of the *Bavli* by some 600 years). In both opinions, the unmarried woman is included in the definition of *zonah*. But, where Akiva's *mufqeret* suggests a woman who has had many sexual relations, Eleazar states that an unmarried woman becomes a *zonah* on the basis of any sexual relation—even one—that does not have marriage as its goal. Thus we have in Eleazar's opinion yet a fifth perspective on the *zonah*.

Which of these opinions takes priority? Or, more to the point, which of these priorities takes priority? Is the act of procreation the most important value in sorting out legitimate sexuality from prostitution? Or is it more important that any children born be born of legal marital unions? Is marital legitimacy less important than clearly determined paternity? Perhaps the most important value is protection of the esoteric code of sexual

purity that underwrites it all? The halakhah, the gemara concludes, does not agree with Rabbi Eleazar. A single sex act does not a prostitute make. Who does the halakhah follow? Here the medieval rabbis weigh in.

Rambam, in his twelfth-century *Mishneh Torah*, rules against both Eleazar and Akiva, and apparently against Yehudah, Matya, and Eliezer as well. He explains, rather, that a *zonah* "as designated in the Torah means any woman who is not a daughter of Israel, or a daughter of Israel who has had intercourse with a man whom she is forbidden to marry—the prohibition applying equally to everyone in this category."[23] He states further:

> if a man has intercourse with an unmarried woman, even if she is a [*mufqeret*] who has abandoned herself to everyone, and even though she is liable to a flogging, she is not thereby rendered a harlot [*zonah*], nor is she invalidated for [marrying into] the priesthood, since she is not forbidden to marry her paramour. If, however, she has intercourse with a man prohibited by a negative commandment equally applicable to all and not restricted to priests; or if she has intercourse with a man prohibited by a positive commandment—and needless to say, with a man within the forbidden unions, or with a [non-Jew] or slave—she is deemed a [*zonah*], since she is forbidden to marry such a man.[24]

Rambam's mention of the non-Jew and the slave brings us back to the ruling of the Sages from the Mishnah: "a *zonah* is only a female proselyte, a freed slavewoman, or one who has engaged in an unchaste sexual relation (*be'ilat zenut*)."[25] The female proselyte and the freed slavewoman are called *zonah* out of doubt, because they may have had sexual relations with a non-Jew or a slave. As for one who engages in *be'ilat zenut*, we finally have here a comprehensive understanding of what that means (at least, according to

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[23] *Mishneh Torah* (*MT*), *Kedushah, Issurei Bei'ah* 18:1. All *MT* translations from Louis Rabinowitz and Philip Grossman, trans., *The Code of Maimonides (Mishneh Torah) Book Five*, vol. 8, ed. Leon Nemoy, Yale Judaica Ser. (New Haven: Yale UP, 1965) 113.
[24] *MT*, *Kedushah, Issurei Bei'ah* 18:2.
[25] *B.Yev.* 6:5.

Rambam), an understanding that, if we can take it as representative of a general halakhic standard, greatly clarifies Rashi's comment to the *Bavli* text.[26] Rambam's interpretation of the Sages' ruling allows that a *zonah* may be either a married or an unmarried woman, but that in any case she must have had sexual relations with a man to whom she is forbidden—forbidden not merely for sex, but for marriage. Thus a man who has sex with a *niddah*, a menstruating woman, with whom sexual relations are forbidden, does not render her a *zonah* because (though she may be subject to excommunication, if not execution) she is not forbidden to marry him.[27]

The *Sefer Mitzvot Gadol* (*SaMaG*), written in thirteenth century France, returns to several of the talmudic opinions that disappeared in the *MT* in ruling on the matter of whom a priest may marry and who is a *zonah*: Akiva, Yehudah, Eleazar.[28] The opinion of the Sages receives a great deal of elaboration here. We learn that even if a woman is converted to Judaism at an age younger than three years old she is considered a *zonah* on account of her origin with lustful, undisciplined people; we also learn that a female slave or captive who is more than three years old ("three years old and a day, or more...") at the time of her release is also a *zonah*, "out of doubt," unless there is a witness who can testify that she was never alone with a gentile. As in the *Bavli*, we read through a multiplicity of apparently competing rulings and priorities; ultimately, however, the *SaMaG* rules, in a much broader and more restrictive opinion than Rambam's, that the

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[26] Referenced above: "For example, an Israelite woman who has a sexual relation that disqualifies her [from marrying into the priesthood]," *B.Yev.*. 61a "*vesheniv 'ala...*"; and "[sexual relations] that would disqualify her, for example one of the forbidden (incestuous) relations, or for example an Israelite woman with a *Natin* or *mamzer*," *B.Yev.*. 61b, "*vesheniv 'ala.*"
[27] *MT, Kedushah, Issurei Bei'ah* 18:1.
[28] *SaMaG*, negative commandment 121.

halakhah follows all of the earlier teachings. Neither an *aylonit* nor an adulteress, nor an unmarried woman who has promiscuous relations, nor an unmarried woman who has had even one sexual relation without intending to marry, nor even a woman who had sex with her own husband while under suspicion of adultery—none of these women may marry into the priesthood. Each of these women is called *zonah*.

Joseph Caro's *Shulhan Arukh*, written three centuries later, returns to something closer to the more restricted definition put forth by Rambam.[29] The general rule is that any woman who has sex with a man whom she could not legally marry is called a *zonah*. As in the *Mishneh Torah*, this excludes the *niddah* as well as the woman who engages in bestiality, the first because she is not forbidden to marry one with whom she has sexual relations, and the latter because "this is not a human sexual relation." Another common feature of these two capital crimes that nevertheless do not render a woman a *zonah* is the impossibility of their resulting in offspring. This suggests that along with the integrity of the laws determining legal sexual unions, the clear determination of paternity and purity of the priestly line represent high priorities for both of these codes, higher (by contrast with the *SaMaG*, for example) than the value of procreation itself, more urgent than the basic value of marriage.

Both Rambam and Caro also suggest that any non-Israelite woman is by definition a *zonah*. Certainly a non-Jewish woman cannot marry a priest. But beyond this mention, the non-Jewish woman raises little interest in the legal literature. Why? A non-Jewish woman cannot produce a child whose status may be in question. The child of

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[29] *Shulhan Arukh, Even ha-Ezer* 6:8. While this material is later than the period of my focus, it represents an evolving argument that carried the issues raised by Nissim's story into the Early Modern period and beyond.

a non-Jewish mother is clearly a non-Jew. Her sexual practices, while potentially disturbing to the Jewish community, even dangerous as regards the father's Jewish identity, cannot lead to the same level of halakhic confusion and danger that the behavior of a Jewish woman can. Perhaps the rabbis of the Talmud and the medieval halakhists, recognizing that they could not legislate the behavior of non-Jewish adults, simply choose not to spend their time discussing matters over which they held little or no authority.

Where does all of this *pilpul* leave us? Much of the discussion seems to have nothing at all to do with the *zonah* of Rabbi Nissim's story. For one thing, we have no indication that our protagonist is a kohen, a priest. For another, failure to develop secondary sexual characteristics—as in the case of the *aylonit*—is presumably not a problem with which this prostitute contends. And while she does fall into both the categories of non-Jew and, ultimately, proselyte, the rabbis' and codifiers' obsession with precise definition of *zonah* appears to have much more to do with their concern over women already on the inside of the community than those who might, as in our example, dramatically announce their arrival from without. A clear outsider will not lead us into a murky situation regarding the integrity of Jewish identity and the purity of the priesthood.

On the other hand, the legal debate over the *zonah* has everything to do with a story of an outsider, one with whom relations are at first "prohibited" (in the language of the story, if not, strictly speaking, according to the halakhah[30]), who is transformed into an insider, suddenly "permitted." The Talmudic discussion may essentially ignore the

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[30] The relationship between the student and the prostitute, had it been consummated prior to the conversion and marriage, would have fallen into the murky halakhic territory in between that which is strictly "prohibited" and that which is fully "permitted."

question of non-Jewish women, but at base it focuses relentlessly on the question of how to establish boundaries, of how to determine who may join the club. In this case, it is the membership of the priests' wives' club at stake, but the fundamental concern is no different from that which might attend a situation such as we find in Nissim's story: an ex-prostitute wants to marry a Torah student, a gentile wants to convert to Judaism. Can we allow this and still avoid contamination?

What, then, is a *zonah*, a prostitute, as medieval readers might understand her? Both in the legal literature and in Nissim's story, she is a figure of anxiety for community authorities, a barometer of cultural values, representing the ebb and flow of rabbinic stringencies and leniencies. She, unlike Tamar and Rahav, women on the fringe who do not circulate in the mainstream of the sexual economy, stands dangerously near the centers of power, threatening the priesthood, entering the academy. She might, if Jewish men fail to ask the right questions, blend in with the Jewish virgins and respectable wives and widows and breach the walls of proper Jewish sexual relations. As a literary construct, the *zonah* was a figure for boundary crossings. But what was she to the medieval Jewish community as a living, breathing, embodied person? What did Jews of the Middle Ages know of the prostitutes they might actually meet on the streets? This question will provide the focus for our next chapter.

Chapter Three
"Never...as impure as Jews or lepers": The Prostitute in Medieval Europe

Prostitution in the Middle Ages was not a monolithic and unchanging institution. Just as today prostitution might be legal or illegal, squalid or elegant, depending on where and when one looks, regulations and attitudes regarding medieval prostitution varied from jurisdiction to jurisdiction and from decade to decade. Documentation of such regulations and attitudes, especially from the twelfth and thirteenth centuries, when Jewish-Christian relations were undergoing great upheaval and renegotiation, is patchy at best. And because of the paucity of information about this story in the rabbinic record and the few manuscripts that survive from the pre-print era, it is difficult if not impossible to pin down precisely where and when our story of the prostitute who married the student was read. It is difficult, in other words, to know just what lived circumstances would have informed the story's readers, from what cultural context they would have drawn their understandings and interpretations. Still, we have enough information about medieval prostitution to support speculation.

We know, for example, that medieval attitudes toward prostitution were deeply ambivalent. On the one hand, female sexual promiscuity in general and prostitution in particular was understood as a "theologically repugnant" practice, among the more despicable sort of sin.[1] On the other hand, prostitution was widely recognized as serving a positive social function, servicing what was seen as inevitable male lust and protecting

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[1] Brundage "Prostitution" 830; Ruth Mazo Karras "Regulation of Brothels in Later Medieval England," *Signs: Journal of Women in Culture and Society* 14 (1989): 400.

the virtue of the more "respectable" classes of women.[2] Throughout most of the history and geography of medieval prostitution, it was tolerated—even, at times, protected—but simultaneously reviled. Evidence of this ambivalence constitutes perhaps the most consistent element of our portrait of medieval prostitution, and could be found at nearly every turn, beginning with the epithets applied to the prostitute, which suggested both disdain (bawds, easy women, trollops, old slippers) and appreciation (good ladies, beautiful girls, daughters of joy).[3]

Saint Augustine, whose personal history may have predisposed him toward broadmindedness on this topic, gave voice in the late fourth century to the idea of the prostitute as a necessary evil, drawing an analogy from the field of waste management. Church lawyers continued to cite and study his opinion for centuries :

> If you expel prostitutes from society, prostitution will spread everywhere ... the public woman is in society what bilge is in [a ship at] sea and the sewer pit in a palace. Remove the sewer and the entire palace will be contaminated.[4]

In other words, illicit sexual relations, like garbage, will never be eliminated entirely from human society. The best that can be hoped for is efficient control and effective containment. And so for hundreds of years Europe struggled to build a better sewer pit.

For much of the early middle ages, prostitutes mixed with society with a large degree of freedom. Prostitutes attended church with the encouragment or tolerance of church officials, depending on fluctuating levels of enthusiasm for reforming the

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[2] Karras, "Regulation" 399; Jacques Rossiaud, *Medieval Prostitution*, trans. Lydia G. Cochrane (Oxford and New York: Basil Blackwell, 1988) 80-81; Vern L. Bullough, *The History of Prostitution* (New Hyde Park NY: University Books, 1964) 68, 112; Brundage *Law* 522.

[3] Rossiaud 8n9, 48.

[4] Quoted from St. Augustine, *De Ordine* with varying translations in Shulamith Shahar, *The Fourth Estate: A history of women in the Middle Ages*, trans. Chaya Galai (London and New York: Methuen, 1983) 206; Rossiaud 81; and Brundage, "Prostitution" 830.

daughters of joy.[5] Until church and state began to establish sumptuary laws and dress codes that served to distinguish them from the rest of female society, prostitutes presented a public appearance that was at times indistinguishable from that of other women. In perhaps the most notorious single event to serve as an impetus for such legislation, Marguerite, wife of King Louis IX of France, once "accidentally bestowed a kiss on a prostitute who had the boldness to sit next to her in church."[6] As late as the thirteenth century in Paris, according to one contemporary observer, prostitutes were "everywhere in the city," and "[b]oth a brothel and a school might occupy the same house, with the master giving lessons above, while the bawds entertained their clients below."[7]

The prostitute may have suffered from social disabilities during this time, excluded to some degree from legal protections of property, and in some cases even of person, and barred from advancing her status in life as long as she practiced her trade; but she was also recognized as a practitioner of a trade, with a right to her work and her wage.[8] Furthermore, the reformed (and even the not-so-reformed) prostitute was quickly admitted back into respectable society, through the vows of marriage or of a religious order. Five prostitute saints in addition to Mary Magdalene held positions of prominence in medieval hagiography, and Pope Innocent III declared in 1198 that one who married a reformed prostitute performed "a work of charity."[9] Whole convents were devoted to the

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[5] Brundage, *Law* 311, 393.
[6] King Louis IX was also St. Louis, who, with his wife, was known for extraordinary piety. Bullough 112.
[7] Brundage, *Law* 391.
[8] See Brundage, "Prostitution" 836-839; Brundage, *Law* 466-67, 523.
[9] See Ruth Mazo Karras, "Holy Harlots: Prostitute Saints in Medieval Legend," *Journal of the History of Sexuality* 1 (1990): 3-32; Marty Williams and Anne Echols, *Between Pit and Pedestal: Women in the Middle Ages* (Princeton: Markus Wiener, 1994) 94.

support of retired prostitutes.[10] According to legal records, a number of prostitutes who subsequently married or joined convents continued to practice their profession, further complicating any attempts at distinguishing between prostitutes and their more chaste sisters.[11]

Partially in response to growing concern over this situation, the Fourth Lateran Council in 1215 decreed distinctive clothing for prostitutes.[12] This served two functions. First, it prevented prostitutes from mingling with other women and possibly exerting a corrupting influence upon them. Second, it enabled men to know (or in any case deprived them of the opportunity to argue that they did not know) whom they were approaching, which facilitated access to prostitutes and further protected the virtue of wives and virgins. Even apparent proscriptions against the prostitute contained within them concessions to her utility.

Not only churchmen but secular leaders as well acknowledged the social contradiction that the prostitute embodied. The legislation published in Sicily in 1231 by Emperor Frederick II rendered this ambivalence explicit. It determined that while a woman who "placed her body on sale" should not be charged with fornication, and that while physical violence against her was forbidden, still she was prohibited from living among "decent women."[13] Like the dress codes, this law articulated an impulse to protect and reject the prostitute simultaneously, to mark her as different, but not worthless. Her

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[10] Rossiaud 36.
[11] Rossiaud 70, Brundage, *Law* 523.
[12] The Fourth Lateran Council decreed the same for Jews. See Jacob Rader Marcus, ed., *The Jew in the Medieval World: A Source: 315-1791* (1983; Cincinnati: Hebrew Union College P, 1990) 138-139.
[13] From *Liber Augustalis or Constitutions of Melfi, Promulgated by the Emperor Frederick II for the Kingdom of Sicily in 1231*, quoted in Williams and Echols 206.

desired and yet socially dangerous presence had merely grown too close for comfort. Thus, slowly—in a process parallel to the gradual containment of medieval Jews—prostitution began to be separated out from the rest of a town's business, isolated, in edict if not always in practice, into one particular street or quarter.

As the Middle Ages wore on, anxiety over the theological and social proscriptions against prostitution persisted, and yet for the most part, communities throughout continental Europe did not attempt to prohibit it, choosing instead to control the practice by custom and statute.[14] Those communities that did attempt early on to expel prostitution from their midst soon saw their efforts wasted: the expulsions were unpopular and unenforceable.[15] And so, by the late fourteenth century and continuing into the fifteenth century, many municipalities had taken the additional step of licensing public brothels and registering the prostitutes who worked in them.[16] Some urban brothels were established by the municipalities themselves, which used tax revenues to open them and collected income from their profits.[17] Even during periods when events and conditions in Europe—economic recession, the plague—influenced lay leaders and churchmen alike to feel less tolerant toward prostitution, attempts at repression—much less outright prohibition—were rare and quite limited in their impact until the sixteenth century.[18] The prostitute (again, like the Jew) persisted as a marginalized yet tolerated figure.

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[14] Karras, "Regulation" 401.
[15] Brundage, *Law* 463.
[16] "It was between 1350 and 1450 that the cities institutionalized prostitution, setting up a *prostibulum publicum* when the city did not already have one." Rossiaud 59.
[17] Rossiaud 4, Brundage, *Law* 523.
[18] Rossiaud 9.

She had to be marginalized because she was, without a doubt, a figure of sin, representing simultaneously the most severe and the most typical of female transgressions. The Church understood all extra-marital sexuality as fornication, a category of sin, and saw excessive sexuality of any sort, even within marriage, as sinful.[19] All the more so, then, did canonists view prostitution, which involved promiscuous sexuality outside of marriage, condemned in Hebrew Scriptures and Roman law alike, as a "morally offensive, theologically repugnant" practice that "ought to be repressed."[20]

This attitude received further reinforcement from the medieval understanding of human sexuality. The conventional wisdom characterized women as more susceptible than men to sexual sin—men, though naturally more lustful,[21] also possessed a greater capacity for self-control—and yet at the same time it defined the boundaries of acceptable sexual behavior more narrowly for women than it did for men. This Manichean view of women—"when she was good she was very good indeed, but when she was bad she was horrid," with apologies to Longfellow—was reflected in much medieval literature, where women represent either the "lower or weaker parts of man, carnal desires, ... inconstancy of mind," or else they represent one of the virtues, or the inanimate, passive purity of the church.[22] Thus, good women represented disembodied, manipulable abstractions, while bad women represented the irresistible corruptions of the flesh. On a symbolic level, women who embraced their physicality, much less their sexuality, were necessarily sinful. As the twelfth century gave way to the thirteenth,

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[19] Brundage, "Prostitution" 829, 831.
[20] Brundage, "Prostitution" 830.
[21] Brundage, "Prostitution" 834.
[22] Ferrante 1-2.

regressive ideas such as these grew only more entrenched, and the Aristotelian idea of women as "defective males" made a comeback.[23] This formulation of femininity helps to explain the great popularity of prostitute saints during the high and late Middle Ages. Not only did the saints embody both ends of the feminine extreme, the woman "completely abandoned to [her] sexuality" on the one hand and a paradigm of holiness on the other, but the elevation of these women in particular "emphasized the equation of women and lust and made the prostitute a paradigm of the feminine."[24]

The unreformed prostitute simultaneously represented the true nature of woman, illustrating the "notion of the female in general as lustful and promiscuous" and in need of moral reform,[25] and at the same time posed a dire threat to the socially constructed sexual order, which ultimately required women's chastity and sexual submissiveness to men. Prostitutes provided living proof of what "everyone knew": that "women were by nature fornicators" who "led men into debauchery."[26] Men may be more lustful than women, but when men sinned through lust, "the mechanism for their downfall was a woman; the blame fell on her."[27] As one historian of medieval prostitution has suggested, "lust was considered the woman's sin par excellence and the prostitute epitomized it."[28] The prostitute represented not only her own depravity and sinfulness; she drew men into transgression, and her very existence highlighted the inevitability of sexual sin.

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[23] Ferrante 3.
[24] Karras, "Holy Harlots" 32.
[25] Karras, "Holy Harlots" 6.
[26] Rossiaud 81.
[27] Karras, "Holy Harlots" 6.
[28] Karras, "Regulation" 400.

And yet, explanations for attitudes of tolerance toward the prostitute—recognized in Christian Europe primarily by the promiscuous and indiscriminate sexual behavior her occupation engendered[29]—are not difficult to find. Though the Church understood all extra-marital sexuality as a manifestation of the sin of fornication, it did recognize varying degrees of depravity among the myriad permutations of this sin. For example, consider the canon law attitude toward concubinage, a stable and long-term but legally unformalized sexual relationship between a man and woman. While Christian legal scholars rejected the idea, carried over from Roman law, that concubinage represented an acceptable arrangement, marked by "marital affection" and possessing nearly the status of formal marriage, they did understand it as a much less offensive form of fornication than prostitution.[30] Similarly, in a society that viewed fornication as inevitable, prostitution was seen as a lesser sin than many of its alternatives. Even theologians preferred prostitution to the seduction of married women and marriageable maidens, the destruction of families, and homosexuality, which at times occupied the concerns of church authorities more thoroughly than the problem of heterosexual fornication.[31] The prostitute protected the virtue and reputations of more vulnerable and valuable women by siphoning excessive male lust safely away from these populations.[32]

The Fourth Lateran Council's laws decreeing distinctive clothing for prostitutes contributed further to the sense that prostitution occupied a category distinct from non-

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[29] "[I]ndiscriminate sexuality was the key" to identifying a prostitute. Karras, "Holy Harlots," 5. "[T]he essence of prostitution lay in promiscuity." Brundage, *Law* 248, 464-65.

[30] The basis for this distinction in canon law lay primarily in the relative lack of promiscuity in the relationship between the concubine and her lover. Thus the prostitute came to be defined by her promiscuity, rather than by her acceptance of material gain in exchange for sex. Brundage, "Prostitution" 828-829.

[31] Brundage, *Law* 390; Karras, "Regulation" 402 n 9; Williams and Echols 94.

[32] See note 2, above.

professional fornicators, the sense that it served a well-defined and even desirable function. With the risk of confusion minimized, theologians and church lawyers could distinguish between "simple" and "aggravated," or "qualified," fornication. With a known public woman, one equally available to all, free of religious and marital ties, with whom it would be impossible for a man to form a special attachment, it was called "simple" fornication. Sexual relations with a married woman, a nun, or a marriageable virgin, or even the retention of a mistress for one's own personal enjoyment, on the other hand, was called "qualified" or "aggravated" fornication, and was considered a more severe sin.[33]

According to the church lawyers, the prostitutes' freedom from any special attachment "protected the[ir] clients from committing the sin of consummated lust"—that is, from having non-marital sexual relations with a woman who reciprocated their desire.[34] Laws prohibiting prostitutes from refusing any qualified customer or even from favoring one customer over others underscore the importance of the idea of the public woman who "belong[ed] to all men" and was "not the property of a particular man."[35] Again, the identification and accessibility of prostitutes for utilitarian, unconditional sexual encounters was thought to diminish the probability of the more dreadful and dreaded "qualified" fornication.[36]

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[33] This formulation complicates our understanding of the relationship between prostitution and concubinage. While some scholars deemed concubinage less sinful than prostitution because it did not involve promiscuity, others saw it as more problematic because it involved not only the physical encounter of extramarital sex but also the emotional entanglement of extramarital affection. Church law remained ambiguous on this point. See Rossiaud 77-80; Brundage, *Law* 444-45.

[34] Rossiaud 77-78.

[35] Some towns restricted the population of men who "qualified" to visit their prostitutes: for example, clerics, married men and Jews generally did not qualify. These regulations, however, were rarely well-enforced. Karras, "Regulation" 404, 405, 425.

[36] "Simple fornication with public prostitutes involved no grave spiritual consequences." Rossiaud 78.

Throughout the Middle Ages, young men—students or apprentices, for example, who faced economic or legal obstacles to marriage—consistently posed the greatest threat to the stability of the family structure, and prostitutes made themselves useful in this area as well.[37] This population, having no licit sexual outlet but having the physical power and freedom of movement to coercively take or furtively find what they wanted, was considered most likely to engage in homosexual behavior and to commit sexual violence against women. Prostitution functioned to establish socially acceptable sexual norms for male youths. Secular and church authorities, eager to introduce them to the pleasures of female companionship without terrorizing the local female population,[38] consequently came to view prostitution in a generous light, and visits to a prostitute eventually came to constitute "proof of social and physiological normality" in some communities.[39] Among French boys of the high Middle Ages, giving chase to "a whore" became a rite of passage into manhood.[40]

Not only did prostitutes function passively, regulating social conduct and sexual encounters with their mere presence. They also contributed actively to community morality, monitoring the movements of their clients and colleagues alike. First of all, those working out of the licensed brothels were required to reject any man whom they knew to be married, thus serving as guardians of the very institution that their existence was thought by some to threaten.[41] Second, prostitutes registered with the municipal

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[37] "[I]t was sometimes stipulated in the contract of apprenticeship that an apprentice could not take a wife during his service." Shahar 178. See also Rossiaud 13, 19-20, 22.
[38] Rape became a serious social problem in some communities, and prostitution was seen as a partial solution. Rossiaud 11-14, 43.
[39] Rossiaud 39.
[40] Rossiaud 25.
[41] As with other attempts to regulate prostitution, the execution of this edict did not always function as it was intended. Rossiaud suggests, however, that disregard of the ban on married clients sometimes meant

brothel were among the most enthusiastic enforcers of the laws that regulated prostitution, "hunting down 'clandestine' prostitutes and 'depraved' wives," whose traffic contributed to "qualified" fornication.[42] At times they carried unregistered prostitutes back to the public brothel and forced them to enroll before municipal authorities had an opportunity to do so themselves. Their behavior was motivated partly by self interest: public brothels tended to attract the oldest prostitutes, who would be eager to limit competition from younger, illicit streetwalkers and bathhouse workers.[43] Nevertheless, the public prostitutes' actions had the additional effect of contributing to the regulation of their profession.

Finally, and most significantly for our purposes, prostitutes were expected to reject and report any known non-Christian men who attempted to enjoy their services.[44] This expectation obviously had less to do with a desire to limit or regulate fornication than it did with anxiety about miscegenation.[45] But in this matter, too, prostitutes proved quite useful. Opposition to intermarriage in Christian society found both religious and secular expression, tracing its origins on the one hand to Christian Scripture[46] and on the other to imperial edicts dating from the fourth century.[47] By the eleventh century,

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that a community had "avoided more scandalous turns of event." In other words, since "female adultery was one of the gravest possible crimes," graver by far than male adultery, better that married men should satisfy their wandering lusts with a public woman than with someone else's wife. Rossiaud 40, 43, 43n13.

[42] Rossiaud 43.

[43] Rossiaud 32-37.

[44] David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton UP, 1996) 144; Karras, "Regulation"404.

[45] I use this term as David Nirenberg does, to refer to sexual relations across religious, and not racial or cultural, lines. *Communities* 129n7.

[46] 1 Corinthians 7:12-16.

[47] Nirenberg, *Communities* 130.

intermarriage had been all but eliminated,[48] and anxiety about miscegenation shifted onto extramarital sexual encounters. In the case of intermarriage, it did not matter whether the bride or the groom was the Christian: either was forbidden to take a non-Christian spouse. But in the case of extramarital sex, anxiety and legislation weighed much more heavily upon Christian women.

The logic behind this emphasis, aside from reflecting the above-mentioned general bias against women in the determination of acceptable sexual behavior, stems from the idea, documented in the thirteenth-century law code of King Alfonso the Wise of Castile, that all Christian women "are spiritually espoused to Our Lord Jesus Christ by virtue of the faith and baptism they received in His name."[49] For a Christian man to have sex with a Christian woman would, on some level, imitate the union of Christ and the Church, *Ecclesia*, which was often during the Middle Ages depicted iconographically or represented in literature as a woman. But for a Jew or a Muslim to have sexual relations with a Christian woman—even with a prostitute!—would be to cuckold Jesus and to violate the virtue—both physically and figuratively—of the church, of the whole community of Christians.[50]

Nirenberg asks the question:

> Why would a community invest its honor with women whom the community itself defined as without honor? Why assign to an internal "other" such an important role in identifying and rejecting the external "other"? Why should the socially peripheral prove so symbolically central?[51]

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[48] The frequency with which the ban on intermarriage was reiterated throughout the early Middle Ages in canon law "suggest[s] that intermarriage was a continuing problem, and one not always addressed by the secular authorities." Nirenberg, *Communities* 130.
[49] *Siete Partidas* 7.24.9, cited in Nirenberg, *Communities* 151.
[50] David Nirenberg, "Religious and Sexual Boundaries in the Medieval Crown of Aragon," *Christians, Muslims, and Jews in Medieval and Early Modern Spain: Interaction and Cultural Exchange*, eds. Mark D. Meyerson and Edward D. English (Notre Dame: U of Notre Dame P, 1999) 145.
[51] Nirenberg, *Communities* 152.

In order to begin to lay out the answer, which is central to my thinking about Rabbi Nissim's story and its significance for its Jewish readership, I turn again to Nirenberg:

> Within this system of sexual and blood relations [according to which sexual intercourse established a bond of consanguinity[52]], the prostitute, available to all and denying none, can be thought of as the center of a circle, bound by radiating blood relations to all males with sexual rights in her. Christian men, through their relation to the prostitute, are likewise related to each other, incorporated in her person as a blood brotherhood of Christian males. In the synecdochic language of the body so beloved of our sources, the prostitute's skin bounded the Christian community, her orifices, when penetrated by Christians, reinforced it. Hence the danger of a miscegenation that could achieve, at least symbolically, the clandestine admittance of the non-Christian into the Christian community through the body of the prostitute. From this point of view we can see how the prostitute's body might become the site of abjection, the place at which the "self" (i.e., the collective group, the Christian community) recognized and (ideally) rejected the "other"....[53]

There is a way in which it would be worse for a non-Christian man to have sex with a Christian prostitute than it would for him to have sex with a Christian woman who is not a prostitute. Any Christian woman might represent the body of the Church; but a prostitute actually enacts, physically, that representation: just as the doors of the Church are open to all, so are the apertures of the prostitute. And anyone who enters becomes kin, a member of the family of Christ. According to Nirenberg's formulation, the prostitute's body physically constitutes that family. Thus, if the Christian community finds itself cuckolded by a sexual relation between a Christian woman and a non-Christian man, in the case of a sexual relation between a Christian *prostitute* and a non-Christian man the Christian community finds itself cuckolded by a member of its own

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[52] Just as in Jewish law incest taboos forbid a man from having sexual contact with relatives of his wife or of his brother's wife, canon law established similar bonds and barriers, elaborating the prohibitions with complex medical theories regarding blood and spermatogenesis. Nirenberg, *Communities* 155.

[53] Nirenberg, *Communities* 156.

family. It is the moment in the horror film when you finally glimpse the face of the monster and it turns out to be your brother, your best friend, a trusted ally.

Nirenberg's imagery shows the prostitute standing at the community's symbolic center, but also functioning as its skin, its border. If the prostitute could patrol that border, could keep out the Other—the Jew, the Muslim—then Christians could feel safe at the center. We can see, then, that it is no accident that clothing restrictions were decreed for both Jews and prostitutes, that these populations, forbidden to one another though they were, so often found themselves living in such close proximity to one another. Clothing, sex, and geography, all mark identity. Both the prostitute and the Jew were marginal—living in the less desirable parts of town, wearing clothing that set them apart. The prostitute stood just within the outer limits of Christian communal identity. The Jew stood just beyond them.[54] For the Christian, the prostitute was indeed the "site of abjection," the point of differentiation from the non-Christian, the not-self. What did the medieval prostitute represent for the Jew, for the male Jew who would have read Nissim's story?

We know that medieval Jewish men visited prostitutes. While traditional Jewish law does not punish a consensual adult sexual relation between a man and any unmarried woman, "they are condemned by the halakhists on moral grounds."[55] Moreover, as we have already seen above, Christian prostitutes were generally expected to reject Jewish customers. In addition to simple prohibitions, some localities established harsh punishments for Jews who were found with Christian prostitutes. A statute in Avignon

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[54] Prostitutes "were never considered as impure as Jews or lepers." Rossiaud 58.
[55] Yom Tov Assis, "Sexual Behaviour in Mediaeval Hispano-Jewish Society," *Jewish History: Essays in Honour of Chimen Abramsky*, eds. A. Rapaport-Albert and S. Zipperstein (London: Peter Halban, 1988) 41.

"forbade Jews to enter public brothels under pain of losing a foot and forfeiting twenty-five *livres* for each offense"; a law from the city of Tortosa, Catalonia ruled that if a "Jew...[is] found lying with a Christian woman, the Jew...should be drawn and quartered and the Christian woman should be burned, in such a manner that they should die."[56] For a Jew in Medieval Europe, a visit to a Christian prostitute promised the added thrill of mortal danger.

We also know that medieval Jews *were* prostitutes—at any rate, some of the women were. A debate in a Castilian community over the issue of Jewish prostitutes mirrored to a great degree the Christian arguments:

> One party was eager to eradicate prostitution from the town and expel courtesans, whom they considered the cause of immorality and sin. The other party was in favour of letting them remain, so that Jews would not need to resort to Gentile prostitutes and 'mix the holy seed in Gentile women'. This second group assumed, then, that Jews needed (or would inevitably seek) the services of public women.[57]

The exercise of male lust, whether Jewish or Christian, seems to have been an accepted fact of life in the Middle Ages. Furthermore, some Jewish courts argued that Jewish prostitutes "saved men from sinning with married women"—in Jewish law, as in church law, a much more serious crime.[58] The familiar ambivalent toleration that we witness on the part of this Jewish community with regard to Jewish prostitutes serves to highlight the extent to which a visit to a Christian prostitute would service not only a Jewish man's sexual needs, but also any psychological need he might have to act out against the norms of his community. The encounter between a Jewish man and a Christian woman was condemned by Christians and Jews alike. .

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[56] Brundage, *Law* 525; Nirenberg, "Religious and Sexual Boundaries" 142.
[57] Assis 45.
[58] Assis 45.

The language in which such intercourse was condemned may be the most striking aspect of the passage cited above. Not only did these Jews view sexual intercourse between Jewish men and Christian women with at least some of the same revulsion as did Christians, but they reviled it for an apparently very similar reason. Just as Christians experienced the penetration of Christian prostitutes by Jewish sperm as a violation of the purity and integrity of their communal identity, so the Jewish community seemed to perceive a collective impairment in the event of Jewish men "mix[ing] the holy seed in Gentile women." Something about the physical exchange of bodily fluid across religious boundaries left not only Christian but also Jewish representatives of the medieval status quo feeling very uncomfortable.

What, then, was the medieval prostitute to the Jew? For representatives of Jewish law and authority she represented a threat not only to sexual morals but to the integrity of Jewish identity; for the men who visited her she represented not only sexual pleasure but also the thrill of counter-cultural rebellion. Even better for the would-be rebel, the defiance cut two ways, for both Christian and Jewish law and opinion condemned interfaith sexual contact. The Christian prostitute, the public woman, available to all—sometimes even to the Jew—represented a portal to a fantasy world where religious difference was not the most important mark of identity and difference, a world where a Jewish man could slip the bonds of his Jewishness and simply occupy his skin as a fully sexualized and otherwise undifferentiated male.

Finally, the prostitute represented for the medieval Jew a comrade in persecution. As discussed earlier, laws regulating clothing and housing, freedom of association and freedom of occupation, applied to prostitutes and Jews alike. Prostitutes may never have

been "considered as impure as Jews or lepers," but by the early thirteenth century Jews and prostitutes suffered many of the same social disabilities at the hands of Christian society.[59] Did this similarity of circumstance generate the solidarity of the downtrodden or the competitive hatred of the desperate? Does their physical and symbolic proximity to one another within the matrix of Christian imagination tell us something about Jews or prostitutes, or only something about Christians?

We cannot answer these questions with any certainty. We can, however, in the asking, find keys that will help us to unlock the many possibilities residing within Rabbi Nissim's story: of the beautiful prostitute, the Jewish student, and of how, without even committing the scandalous sex act, they transgressed and transcended the boundaries—drawn by Christians, drawn by Jews—that were intended to control and contain them.

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[59] Rossiaud 56-58.

Chapter Four
Bawdy Bodies and Gender Inversions

> Why should our bodies end at the skin, or include at best other beings encapsulated by skin?
>
> Donna Haraway, *A Manifesto for Cyborgs*

The story of a Jewish student so pious that he can't bring himself to have sex with a beautiful gentile prostitute, and the prostitute who converts to Judaism, gives up her career, and marries the student obviously represented a fantasy of some sort for its readership. As its title—"The Reward for the Observance of the Commandment of the Fringes"—suggests, it functions on one level as an injunction to greater piety, a reassurance that observing mitzvot really does pay. But the fantasy represented by this tale contains other elements as well, some of which would seem to threaten the values of a pious Jewish life. It speaks to very human longings: for sexual fulfillment, for the pleasures of luxury, for acceptance by others. Reading the text through the lens of today's cultural concerns and critical insights, we end up with a deliciously multivalent confection, full of post-modern ambiguities. But how did its medieval readers understand it? Might not some of its appeal have had something to do, even then, with the presence of its vaguely unresolved possibilities? And if so, how did these readers, and the institutions that delivered the story to them, manage to assimilate all of its competing messages?

A cursory examination of the story's literary context—Rabbi Nissim's collection of tales—reveals a remarkable preoccupation with the idea of a hidden world, one that lies just beneath the skin of appearances, a world where those with wealth and power are in fact doomed to lose it all, where the weak and guileless are destined for reward—sometimes only in the world-to-come, but sometimes, as with our student, in this world

as well. It is a world in which empty ovens miraculously produce loaves of bread, vinegar burns as oil, and an undesirable, impoverished, and apparently prospectless son-in-law turns out to be the great sage Akiva. It is a world where the path to salvation goes by way of slavery, where riches are acquired by relinquishing them. With a few exceptions, these stories describe a world turned upside-down, one that can be safely navigated, according to Rabbi Nissim, only with an unquestioning faith in God and adherence to God's teachings. Nissim offers his readers a divine compass as the only certainty in a world of confusion, mystery, apparent injustices, dizzyingly swift changes of fortune.

But there is something else going on here, especially in our story of the prostitute, the student, and the fringes. None of these stories is quite so neat. Even assuming a reader of perfect faith in the principle of reward in the afterlife, some stories leave us with nagging questions about theodicy. It is wonderful, for example, that Elijah arranges for the death of a destitute couple's only cow in place of the cow's mistress, who had been destined to die that day—but wouldn't it be still better for God to reward the couple's exceptional kindness and hospitality by saving the woman *and* sparing the cow—and perhaps by throwing in a little something extra on top, like a cash reward? As we have seen in chapter one, the story of the student and the prostitute raises even more questions—not necessarily with regard to theodicy (though I would not rule out the possibility of such a discussion)—but certainly with regard to Jewish attitudes around authority, gender, bodies, and sex.

On one level, the story may certainly be read as an exemplary illustration of the reward of piety: show self-restraint, win the girl. Sure, the student was the one who

placed himself in the eyebrow-raising circumstances that ultimately required his great display of self-control; but have we not a tradition in Judaism that teaches that the penitent sinner is more precious to God than the righteous one who never sinned?[1] On the other hand we find a tale in the *Sefer Hasidim* that reminds us that this principle can be taken too far: the behavior of three men who repeatedly placed themselves on the cusp of sin in order to tempt themselves and prove their great integrity to themselves, ultimately proved quite questionable.[2] Similarly: the student gets a reward for going to visit a prostitute? And that reward is, in fact, the prostitute herself?

We have already considered, to some degree, the extent to which this story represents a world turned upside-down. The student, initially described as "extremely scrupulous" (*nizhar venishmar*) in his observance of the commandments, suddenly undertakes an illicit errand without pause or scruple. Once arrived at his destination, he submits himself to the manipulations of a prostitute, who—as we have observed in both rabbinic and medieval law and culture—occupies one of the lower rungs of the moral and social hierarchy. Yet in our story, the prostitute stands above the student both literally and metaphorically, controlling the time and place of their encounter from atop a mountain of richly bedecked mattresses.

For a brief moment, as the student eagerly disrobes and begins his energetic final approach toward his stationary, exposed, and willing quarry, normative relations between dominant male and subordinate female, between respectable student and abject prostitute,

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[1] In fact, Nissim cites this tradition in another of his stories: "In the place where penitents stand, not [even] the perfectly righteous can stand." Brinner 143.
[2] Yehuda he-Hasid. *Sefer Hasidim*, ed. Freimann and Wistenitzki (Jerusalem: Meqitzei-Nirdamim, 1995) s. 52-54.

resume. He is active and she is passive. But then, on the very verge of passionate consummation, his masculine activity collapses. At the sight of his tzitzit, neither the student nor his masculinity can get up to the top of the mattress-heap. If, as we have seen, a visit to the prostitute was in some parts of medieval Europe a rite of passage for young men, this young man has failed. The rite-of-passage story becomes a farce.

Later in the story, the prostitute transgresses geographic boundaries and turns religious categories on their heads when she leaves her home, travels across the Great Sea, presents herself to the student's rabbi, and demands conversion. Setting aside for a moment what the encounter with the rabbi does to advance the gender chaos intrinsic to this story (a discussion to which we will return later), the prostitute undermines the status of rabbinic authority when she prevails upon the rabbi to grant her questionable request. In a final gesture of reversal, the initially controlling, gentile prostitute ends the story as a properly subordinated, Jewish wife. Or does she?

There is a term that has grown popular in the literary critical discourse of the last thirty years for articulating the dizzying "upside-down" quality of our story: carnivalesque. Thanks to the work of Mikhail Bakhtin and others,[3] carnival—a masqued, debauched, pre-Lenten street party and a very real practice of the medieval European Christian community—is transformed into a metaphor, a lens through which we can view and interpret and understand all sorts of literary and cultural constructions. Carnival involved the suspension of ordinary rules of propriety and relation, especially those

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[3] Mikhail Bakhtin, *Rabelais and his World*, trans. Helene Iswolsky (Cambridge MA: MIT P, 1968); Michel Foucault, *Language/Counter-memory/Practice*, ed. D. F. Bouchard, trans. D. F. Bouchard and S. Simon (Ithaca: Cornell UP, 1977); Peter Stallybrass and Allon White, *The Politics and Poetics of Transgression* (Ithaca: Cornell UP, 1986); R. Stamm, "On the Carnivalesque," *Wedge* 1 (1982) 47-55; Terry Eagleton, *Walter Benjamin: Towards a Revolutionary Criticism* (London: Verso, 1981); to name a few.

governing contact between "high" and "low" segments of society. Peasants dressed up as kings and queens, while others exercised their class-based aggression against this mock-royalty by flinging verbal and material projectiles. Cross-dressing was commonplace; standards of sexual propriety suspended; taboos of social conduct broken. An utter hodge-podge of signifying systems functioned in competition with one another and out of context, overlapping, cross-breeding.[4] Bakhtin, who pioneered the use of carnival "as a model, as an ideal, and as an analytic category" in the field of literary criticism, describes it as "a world of topsy-turvy, of heteroglot exuberance, of ceaseless overrunning and excess where all is mixed, hybrid, ritually degraded and defiled."[5]

In other words, it serves as a perfect model for our story.

According to Bakhtin, manifestations of the carnivalesque signify a destabilization of the status quo. Its reversals and profane pairings amount to an iconoclastic disruption of the power base maintained and guarded by the political and cultural elite. Once those down below experience this release, goes the argument, they will not neatly settle back into their former state. Rather, Bakhtin suggests, "In the world of carnival the awareness of the people's immortality is combined with the realisation that established authority and truth are relative."[6] A crack appears in the previously unmarred surface of the façade of "established authority," allowing "the people" to see the manipulations transpiring beneath. Bakhtin's reading of carnival and its aftereffects bears much in common with the scene depicted in *The Wizard of Oz* when the supposedly terrible and all-powerful wizard, unceremoniously exposed by Toto the dog (who, at least

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[4] Bakhtin 4-12; Stallybrass and White 6-11.
[5] Stallybrass and White 8.
[6] Bakhtin 10.

in the film version, could not be much more "low," stature-wise), turns out to be only a small and frightened man who furiously and fruitlessly commands Dorothy and her entourage to "pay no attention to the man behind the curtain!"

Bakhtin, were he to agree that our story represents a manifestation of the carnivalesque, would likely read it as a critique of established institutions. But which institutions? This story spares no one. The prostitute's conversion and subsequent marriage to the student might be understood as an attack either on rabbinic authority over Jewish communal boundaries, or on Christian hegemony and authority over Christian communal boundaries, or both.[7] Her assertiveness and ability to control the situation might be seen as a blow against male dominance in general. Even her marriage at the end, her apparent submission to the system, could be read as a subversive insertion: the prostitute's essence is not changed by her marriage; perhaps she is not even changed by her conversion! The outer layers of identity—name, clothing—have been transformed, but the inside is not. She is a ticking time bomb, waiting to go off.

These arguments could be made; and yet, why would Jewish men and rabbis—who constituted the primary readership of Hebrew texts—popularize a story that they saw as destructive of the norms that anchored their world? We have no reason to imagine that medieval Jews were radicals, or feminists. A subtle critique of Christian power, on the other hand, would almost certainly appeal to those same readers. The literary evidence

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[7] While the narrator identifies the prostitute only as one "of the women of Rome," and though at the time of the story's original circulation the Romans were not Christian (in fact, depending on how long the story existed as an oral tale, it is quite possible that no one was Christian at its first telling!), in a Christian setting her character could easily be read as a Christian, or even allegorically as a figure for the Church. We have a model for this sort of slippage in the character of Esau, whom the rabbis read allegorically and retroactively first as a figure for Rome and later for the Church.

for such a critique is not any stronger than it is for an attack on male Jewish authority, but people do have a remarkable skill for seeing only what they want to see in a situation.

There are others who would read the dynamic of carnivalesque elements entirely differently, however. It is possible to interpret carnival as the exception that proves the rule, so to speak, a tool of the political elite that, in the long run, serves to reinforce their power. One literary historian reasons that carnival

> was licensed or sanctioned by the authorities themselves. They removed the stopper to stop the bottle being smashed altogether. The release of emotions and grievances made them easier to police in the long term.[8]

In other words, the theory goes, people naturally grow restive under society's constraints, and eventually begin to act out. Not only does the release afforded by carnival let off pressure that might otherwise cause the whole system to explode; but we might also view it as something akin to letting children run around at recess so that they might sit quietly when they return to the classroom (time-honored if questionable logic), or steering a car into the skid on an icy road so that it may regain its course (well-tested logic). Counter-intuitive though these techniques may be, a move in the direction of the imbalance returns the system to equilibrium. People re-emerge into consciousness the morning after carnival hung over, exhausted, rattled and disoriented by the temporary suspension of rules or boundaries—perhaps they wake not knowing where they are! They crawl home, relieved to resume the reassuring patterns of nothing more challenging than business as usual.

According to this kind of reading, our story turns dreary indeed. The schoolboy's dream becomes an authorized and severely proscribed lark: go ahead and dream about a

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[8] Roger Sales cited in Stallybrass and White 13.

beauty-queen, a shiksa, a *prostitute* no less, and then resign yourself to marrying a good Jewish girl. The Jewish fantasy of religious and sexual triumphalism, infiltrating the ranks of the enemy like Paris stealing Helen of Troy—nothing but social control. How absurd, the reader would sigh, relieved to have reached the story's closing words. Who needs an ex-Christian running around? She might be a spy. Even worse—she might not properly observe *niddah*. No, much better to stay where we are and leave the Christians alone. The specter of the controlling woman—seen in this light, it might actually seem quite funny, and ultimately quite reassuring to a male audience. A woman who acts like a man, ordering men around, running her own household: well look, all she really wants is to get married in the end. No harm done. According to this reading of carnival, the prostitute utterly disappears at the end, dismantled and reassembled in the image of the proper Jewish wife. Who knows—perhaps marriage will have robbed her of her sexual dexterity as well.

Fortunately for the cause of non-didactic literature, a third possibility, a middle pole, does exist. Terry Eagleton alludes to this third term when he characterizes carnival as a "temporary retextualizing of the social formation that exposes its 'fictive' foundations."[9] Carnival, understood as a trope for a broader category of cultural transgression and "symbolic inversion," a category of behavior that "inverts, contradicts, abrogates, or in some fashion presents an alternative to commonly held cultural codes, values and norms," becomes a tool for seeing differently, for launching a critique of—an "alternative to"—the rigid dialectics that often dominate cultural discourse.[10] Gaining an

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[9] Eagleton elsewhere in the same work joins the chorus of those who criticize Bakhtin for overlooking the counter-revolutionary potential of carnival, but here finds a way to rehabilitate it. 149.
[10] Barbara Babcock cited in Stallybrass and White 14.

awareness that "established authority and truth are relative"[11] does not necessarily lead us to revolution. It might instead lead us to greater understanding of the social and cultural structures that conspire to create our reality, of the very idea that reality is constructed, "fictive," negotiable. A literary reading of carnival offers us a fruitful approach to cultural "texts" both written and experienced, regardless of where we stand on what Stallybrass and White call the "rather unproductive debate over whether carnivals are politically progressive or conservative."[12]

In the introduction to their collaborative work *The Politics and Poetics of Transgression*, Stallybrass and White emphasize the utility of the carnivalesque in discussing "domains of transgression where place, body, group identity and subjectivity interconnect."[13] Carnival becomes in their formulation not only an opportunity to observe the political dynamics of individual and collective human relationships, but the psychological effects of these relationships as well. In psychoanalytic terms, for example, the prostitute in our story represents for the "Self" of the culturally and politically dominant segment of society its corresponding "not-Self"—that which the "Self" must reject in order to establish its own identity, its own boundaries. She is "respectable" society's vulgar "Other." The student, meanwhile, represents the story's readers—elite, educated, Jewish, male. Within the context of Jewish society, the student

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[11] Bakhtin 10. See n.4 above.
[12] Stallybrass and White also suggest a "transposition" of carnival from Bakhtin's "troublesome folkloric approach" into a "framework which makes it analytically powerful in the study of ideological repertoires and cultural practices" (26). While their Marxist approach to cultural texts from modern and early-modern Europe does not overlap with my project, their expansion of Bakhtin's reading of carnival and their formulation of top/bottom Self/Other relations contribute additional insights to my reading.
[13] Stallybrass and White 25.

represents the dominant segment in all of its normativity and respectability. Sociologically speaking, the student is on top and the prostitute is on the bottom.

With regard to this relationship between top and bottom, between Self and Other, Stallybrass and White observe a "recurrent pattern" in society and literature:

> the 'top' attempts to reject and eliminate the 'bottom' for reasons of prestige and status, only to discover, not only that it is in some way frequently dependent upon that low-Other (in the classic way that Hegel describes in the master-slave section of the *Phenomenology*), but also that the top *includes* that low symbolically, as a primary eroticized constituent of its own fantasy life. The result is a mobile, conflictual fusion of power, fear, and desire in the construction of subjectivity: a psychological dependence upon precisely those Others which are being rigorously opposed and excluded at the social level. It is for this reason that what is *socially* peripheral is so frequently *symbolically* central....[14]

We define ourselves according to what we are not; we reassure ourselves by looking into the dark mirror of the Other: "that, over there, is not-me, and I am what that is not." But the perversity of desire and the slipperiness of power dictates that this not-me, this Other, cannot remain safely at a distance. We might pretend it does, but we would be wrong. Insofar as we both desire (according to Jacques Lacan, "desire is initiated through the force of prohibition"[15]) and fear the Other, the Other dwells within us, created by us as surely as we are created by it.

We have so far neglected to discuss the centrality of the body—in particular, the grotesque body—to Bakhtin's carnivalesque. For it is primarily via a comparison between the smooth, contained, composed and isolated classical body of high culture and the coarse, corpulent, gaping, excessive and multiple grotesque body that the topsy-turvy

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[14] Stallybrass and White 5.
[15] Judith Butler, *Bodies That Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993) 98.

carnival world is effected.[16] In the case of the student and the prostitute, for example, consider the initial dissonance we feel at encountering the prostitute, an iconically low-culture figure, in the beautiful, distant, empedestaled, classical body that she occupies. Or the amused shock we feel as we watch the pious scholar who purportedly observes the commandments meticulously, a prototype for control if there ever was one, incautiously hurtling toward the prostitute, half undressed and thoroughly discomposed, tzitzit flapping, inappropriately exposed, a grotesque body by any standards, and certainly so by the measure of Torah students.

We should not feel surprised to learn that the body functions as an important signifier in the context of carnival, a participatory artifact of low culture—earthy, popular, visual, physical. Neither are we disconcerted to find this centrality of the body echoed in Rabbi Nissim's story, for just as its folkloric nature renders it a good match for the language of carnivalesque in general, so for the primacy of the body. In Jewish folk narratives, writes Hebraic folklorist Eli Yasif, the "body [is] the essence of the narrative conflict"; "In many of the folk traditions," as in our example, "an overt bodily act is the starting point of the narrative development—the initial conflict from which the plot emerges."[17] Considering that not only folk narratives, but much of priestly and rabbinic writings are taken up with concern for and regulation of the body, one might even understand all of Judaism—as at least one scholar has—as "a tradition that is preoccupied with the body."[18]

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[16] Stallybrass and White suggest Michaelangelo's David vs. the swarming crowds of a Bosch or a Bruegel painting as images of the classical vs. grotesque body. 21, 9.
[17] Eli Yassif, "The Body Never Lies," *People of the Body*, ed. Howard Eilberg-Schwartz (Albany: SUNY P, 1992) 207.
[18] Howard Eilberg-Schwartz, ed. and intro., *People of the Body* (Albany: SUNY P, 1992) 19.

We may find more surprising the extent to which the body figures in discussions of subjectivity and group identity, however, abstract notions that initially seem to have more to do with imagination and language than with anything so material as the body. And yet, here are Stallybrass and White, writing of the "domains of transgression where place, body, group identity and subjectivity interconnect."[19] Or again, arguing that the "transcodings between different levels and sectors of social and psychic reality are effected through the intensifying grid of the body."[20] Judith Butler, who has written abundantly about the bilaterally instrumental relationship between the body and its subjective identity, argues provocatively that "the matter of bodies [is] the effect of a dynamic of power...the matter of bodies [is] indissociable from the regulatory norms that govern their materialization and the signification of those material effects."[21] And David Nirenberg, as we have seen in the previous chapter, understands the strategic assignment of privileged or restricted physical—particularly sexual—contact between and among bodies as a primary means of establishing group identity.[22]

Yet our surprise must be short-lived, for again we find ample illustration of these ideas in our encounter between the student and the prostitute. At the level of plot, the string of events, the *physical* report of what happens, the story is about a miscarried sexual encounter between a Jewish body and a non-Jewish body that is later recuperated as a sexual encounter between two Jewish bodies. The implications of this bodily encounter are great, threatening both group and individual identity.

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[19] Stallybrass and White 25.
[20] Stallybrass and White 26.
[21] Butler 2.
[22] Nirenberg, *Communities*, Chapter Five.

Whether we consider the student to be the "high" "respectable" male to the prostitute's "low" dissolute female, or the student the Jewish "low" to the prostitute's Christian "high," the encounter of the two bodies enacts on a physical level the "top"/"bottom" dynamic Stallybrass and White describe above, where the rejected "bottom," the prohibited/desired Other, manifests itself—in the flesh—as a "primary eroticized constituent of the [subject's] own fantasy life."[23] Whereas most fantasies, separated from us as they are by time, geography, economic or social status, remain safely remote and fantastic, this one—whether we read it as a male Jewish fantasy of desire for the low, non-Jewish, (female) prostitute or as (a male Jewish fantasy of) a Christian fantasy of desire for the despised Jew—does not.

Consider the former case: the high/male/Jew's fantasy of the low/female prostitute. Absurd as the encounter may seem initially (because of disparities in geography and economic and social status), their face-to-face meeting transforms the fantasy/prostitute into a figure who can enter legitimately into the most intimate arenas of the student's lived experience: school, home, bed. Instead of stabilizing subjectivity from a disembodied distance, the prostitute's hyper-present body forces an acknowledgment of her active role in the student's identity formation. As the prostitute suddenly becomes Jew, wife, one who stands within the halls of the academy, we see the "conflictual fusion of power, fear and desire in the construction of subjectivity" at its most conflicted.

This prostitute's body, by going where it is not supposed to go and becoming what it is not supposed to be, shatters the illusion of distance and of a smooth, complete, independent subject. The student is forced to confront not only that which defines him by

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[23] Stallybrass and White; see note 13 above.

its (supposed) exclusion, not only the troubling idea that his subjectivity is founded upon an exclusion (supposed), but he is forced also to confront the exclusion itself, the abject whose abjection creates the subject. The story concretizes what Stallybrass and White speak of as the "psychological dependence" of the subject upon its Other. The student can no longer hide behind his tzitzit. Or rather, he cannot both hide behind his tzitzit and perform sexually with this desired/rejected Other. Without the confidence of his subjectivity behind it, his body fails him.

According to this formulation, the student's marriage to the prostitute is akin to you or I encountering a physical manifestation of our greatest fantasy—or our worst nightmare—standing in the kitchen in broad daylight and offering us a cup of coffee. Terrifying. It would undo many of the assumptions we hold about ourselves—what we thought we were running from or reaching toward is suddenly right here in front of us. What now is left for us to do in life? The student speaks not a word more after he flees the prostitute's chambers. Struck dumb with terror?

But there is another way to read this story, because the prostitute is not only female to the student's male; she is also non-Jew to his Jew. If we read these as the characters' primary identifications, we see the power relations of their subjective positions reversed. In the diaspora, in medieval Christian Europe, she, the non-Jew, is on top. The Jew would be the bottom, the Other, abject not only socially but also religiously. Particularly in terms of religious identity, the Jew functions as the Christian's dark shadow, his founding antagonism: the beloved enemy, whose end is the Christian's eschatalogical goal and yet without whom—obviously at the advent of Christian history

but also, according to the Augustinian notion, as an eternal witness to Christian truth[24]—the Christian could not exist. According to this reading of the story, it would be the Christian subjectivity that comes to be threatened by the close proximity of its Jewish Other; even worse, the Christian subjectivity, represented by the prostitute, is ultimately absorbed into it: the non-Jew becomes a Jew.[25]

Never mind that the prostitute initially calls the shots. In a Christian world, this is the political dynamic a Jew would expect of his relation with a non-Jew, prostitute or not. No, it is only remarkable that she is the one who turns and follows him in the end. For the body of the Jew, whose financial resources would have been taxed and restricted, this non-Jewish woman gives up most of her assets. For the body of the Jew, whose occupational opportunities would have been limited, she abandons her profession. For the body of the Jew, who may well have lived cloistered in narrow Jews' quarters, she abandons her palatial home and sails across the Great Sea. For the Jew she converts to Judaism. This must be the worst-case scenario that Christians fear when they outlaw interfaith miscegenation, especially contact between Christian prostitutes in particular and non-Christian men. If, according to Nirenberg, it is a violation of the Christian body for the prostitute, the common property and guarantor of Christian malehood, simply to have sex with a non-Christian man, what must it be when the prostitute altogether and permanently rejects the Christian male body, not to mention the body of Christ?

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[24] See Jeremy Cohen, *Living Letters of the Law* (Berkeley: U of California P, 1999).

[25] The fatal consequences that would accompany any such Christian-to-Jewish conversion for the convert and for the one who accepts the convert (see Chapter One, n15) render this scene even more emphatically dangerous for the Christian figure and fantastic for the Jewish reader.

And where is the rabbi in all of this? The story does not assign the rabbi a sexualized body—indeed, his body scarcely exists in the story. Only his words matter, speech-acts: "you may not convert"; "you may convert"; "you may marry." The student, his protégé, is, in a sense, his bodily surrogate. For if the rabbi is the gatekeeper for rabbinic Jewish law and values in general, of the boundaries around the Jewish body and community in particular, then what any Jew does with his body (and it is always "his" body), he does to the rabbi and to the entire Jewish community as well. The student's body is the "domain of transgression" where the high and low (however we might assign these terms) of the rabbi and the prostitute, the Christian and the Jew, dangerously overlap and mix, creating new subjectivities.

The high and low of carnival, then, indicate not only class designations, not only collective cultural categories. The student does not only represent the collective every(male)Jew, the rabbi not only all rabbinic authority, and the prostitute not only the abstract triple threat (or goal) of Woman, lust, and the gentile world. They represent these, but they also indicate relative positions in the construction of individual subjectivity; and as relative positions underwriting the construction of individual subjectivity, they reflect back upon the creation of group subjectivity, contributing to our understanding of group identity.

David Nirenberg, writing of the relationship between sex and violence in 14th-century Aragon, where Jews, Muslims and Christians moved among one another in a tense but familiar dance, makes a fascinating observation about the notion of gender in a multicultural setting. While gender is most commonly understood as a designation related to sexual role, Nirenberg reminds us of both its broader application as simply a

class or category designation and its important connotations of power differential among groups. He suggests that we

> think of [14th-century Aragon] as a society of six dynamically related genders, rather than of two genders and three religions. In each religious community masculinity and femininity emerged from a matrix of relations with the other communities and genders.[26]

While I have attempted to focus both my historical research and my literary assessments on an earlier time in regions farther north, Nirenberg's model of gender, like Bakhtin's carnival, seems eminently portable. Even in our own day we can appreciate the insights that become available to us if we acknowledge that the elements of power and desire present in the relationship between a white man and a black woman in the United States, or between an Israeli Jewish woman and a Palestinian Muslim man in the state of Israel—or, for that matter, between two men or two women who identify with different racial and/or religious and/or national categories—are significantly distinct from what we observe in heterosexual or homosexual couples in which both partners belong to the same race, religion, or nationality.

Our story of the student and the prostitute provides a vivid illustration of the kinds of complications that can inhere in gender relations. Moreover, it does not merely offer us a single, if complicated, example of a relationship between a woman (generally, according to the power dynamics of a sexist world, gendered bottom) who is a member of the dominant religious group (gendered top) and of a scorned profession (gendered bottom), and a man (gendered top) who is a Jew (gendered bottom) and a scholar (gendered top), though this alone would give us plenty to think about. The story goes

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[26] Nirenberg, *Communities* 148.

further, presenting us with a picture of an individual—the prostitute—shifting through multiple genders in succession with relation to one another.

If we accept Nirenberg's expanded definition of gender, we would say that at the story's outset the prostitute occupies the gender position of female, non-Jewish. By the very end, as the rabbi prepares to marry her off to his student, she has moved over to the position of female, Jewish. But there is yet an additional shift that takes place, beyond the considerations of Nirenberg's model. We know, not only from Judith Butler but also from contemporary popular culture, that designations of "male" and "female" for the sake of gender identification are less a function of physical equipment than of subjective position ("the subject...is formed by virtue of having gone through...a process of assuming a sex."[27]). I am suggesting that there are moments in the story when one might argue that the prostitute has "assumed" maleness, has moved into a gender position of male, non-Jewish—and perhaps even male, Jewish!

We see this in a number of details, some of which we have already observed. Though the prostitute would certainly have evoked for a medieval audience the distinct odor of sin, of impurity, of a "degraded and defiled" class of woman, the story places her on top both literally and figuratively, in control, wealthy and refined. With the exception of a single brief episode—lasting from the time the student begins to approach her to the moment when his tzitzit make their dramatic appearance—the prostitute controls the student's speech and movement. She decides when and whether to take his money, when and whether to admit him to her chamber. She arranges the room and its furnishings to enhance her position of power. When the student collapses at her feet, she has another

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[27] Butler 3.

moment of abject femininity—worriedly asking him to tell her "what defect [he] noticed" in her—but even then she maintains control, forcing him to explain to her and to give her the information she wants before he is allowed to leave her space. She controls or influences to a surprising degree the rabbi's decision-making process, as well, drawing from him by the power of her own written words the decision she wants.

When the prostitute claims the male gender position, what happens to the student or the rabbi? They are feminized. They speak less frequently than she, and only when spoken to. They resign. They submit.

The prostitute not only commands multiple gender positions; she moves from one to another seemingly effortlessly. In a display of the overlapping of languages and signifying systems that Bakhtin calls heteroglossia, the prostitute, whose primary language speaks of the pleasures of the flesh, commerce and exchange, learns very quickly to speak the language of the Torah scholar, of the rabbi, of mitzvot and tzedakah and ritual immersion.[28] By switching from one language to another, she can tailor her gender to the moment—female when asking after what physical defects may have offended her client, male when demanding information about her client's teacher. From a Bakhtinian perspective, Rabbi Nissim's decision to omit of any mention of the silver and gold bedding at the end—which in the ancient versions play a prominent role in the story's denouement—takes on fascinating new possibilities. Was this his attempt at resolving the heteroglossia, the incessant fluctuations in gender? If we don't mention them, perhaps the sheets will go away, and the prostitute will transform seamlessly into a

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[28] Not to mention Hebrew, or Aramaic.

Jewish wife, leaving not a trace of her old self to transgress the sacred halls of the Torah academy. Indeed, a man can dream.

As gender shifts, everything else gets mixed up, too—Bakhtin's "hybridization." We see it in the prostitute's transposition from one world to another, and in the evolution of her relationship with the student which, like the mysteriously disappeared sheets from the earlier versions, had first been offered to the student against a prohibition and now would be presented to him with permission, all of which leaves us with an uncomfortably vertiginous feeling about the boundaries between the world of the prostitute and the world of Torah. In this conversion, this marriage, this sexual union, we see a mixing of clean with unclean, a confusion of permitted and forbidden, an inversion of masculine and feminine roles, of what we are used to seeing as powerful and subordinate positions. We see, in the arc of the story of the prostitute and the student, a transgression of the boundary between Jew and non-Jew, between man and woman, between high and low that is accomplished with the (relative) ease of a Mediterranean cruise. Rabbi Nissim, in his revision of the tale, makes a move toward ultimately assimilating the transgression, but the story leaves us wondering over persistent, indelible images of a world turned upside-down.

Conclusion: Bedding of Silver and Gold

In the medieval world as today, whom one has sex with determines to a great degree who one is. Whom one has sex with, furthermore, determines to a great degree the nature and character of one's community. The rabbinic debate over who is a *zonah* points toward this conclusion: concern for proper sexual relations safeguards the purity of the priesthood and of the people, and illustrates how central are these values to communal identity. So do the decrees of the Fourth Lateran Council designating separate living quarters and distinctive dress for prostitutes and Jews. In urban contexts where people lived pressed very close together, the maintenance of social hierarchy and of religious singularity depended largely on the exclusiveness of sexual relations within each group, and the only hope for achieving such exclusiveness depended on easy identification, an ability to avoid accidental sexual contact. In addition to traditional Jewish law, Jewish communities had their own regulations, particular to locale, for the control of inter-religious sexual contact.[1] The regulations prohibiting contact between prostitutes and Jews are, as Nirenberg has shown us, particularly enlightening with regard to Christian attitudes about sexual relation and religious identity.

And so, on one level, we have a story that takes the threat of miscegenation and tames it. The gentile outsider is stripped of her otherness, brought into the Jewish fold, transformed into an insider. We have seen, however, that neither Nissim's story nor the dynamics of sexual relation are that simple. Sexual relations intersect deeply with the social structures reinforcing both gender identity and institutions of power, and the threat of otherness exceeds religious difference. Those who control sexual relations and sexual

access, it seems, control much more than the physical couplings of individuals. When a male adolescent of medieval Christian Europe engaged in the social ritual of bedding a prostitute—through either an economic arrangement or more violent means—his accomplishment, the mark of adult male power and privilege, lay in gaining free sexual access. The prostitute could not choose to reject him. The Jew, on the other hand, the prostitute was required to reject, thus depriving Jewish men of this rite/right of manhood. The prostitute in Nissim's story did not reject the Jew, but neither did she accede sexual control to him—she determined the time and the setting of the encounter. In any case, he proves himself unworthy of wielding such control with his failure to consummate the relationship until the prostitute has taken matters fully into her own hands. The prostitute might end up as a Jewish wife, but not before she succeeds in utterly inverting the gender and power relation that she shares with the student.

Some medieval *rosh yeshiva* may have enjoyed the effects of a story about a prostitute that inflicted upon her Jewish visitor a frightening crisis of subjectivity, the better to keep students away from prostitutes—but only until he considered what the prostitute also inflicted upon the rabbi in the way of role destabilization. Perhaps the Jewish reader, rabbi and student alike, enjoyed the fantasy of getting back at his abjector, the majority non-Jewish society, by joining forces—as he could, and would, only fictionally—with his colleague-in-Otherness, the prostitute. Or perhaps readers viewed the prostitute as the Christian body and read this story in order to enter a fantasy world where they find that the Christian self does not render them the rejected Other. Not only is the Jew not rejected in this story, but the Jewish man's most notable and Jewishly

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[1] For example, Rabbi Yehuda ben Asher ben Yehiel, writing in Toledo in the late-thirteenth-century, who "insisted that any Jewish man who practiced 'harlotry with the daughter of a foreign God' should be placed

valued quality—his acquaintance with the mitzvot—becomes precisely that which this non-Jewish woman finds so sexy about him. Perhaps, for a medieval audience, the means was less important than the end, and all intermediate disorder was forgotten in the story's superficially comforting conclusion.

We could see our text as a tale of two competing authority systems, the Jewish world vs. the non-Jewish world, battling it out for the heart of the student. Perhaps it is, as Warren Zev Harvey has suggested, simply a concretization of the metaphor in Numbers 15:39. The prostitute represents the outside knowledge that the Jewish heart might lust after. But the prostitute's conversion and marriage represents not the rejection of that world of the Other, but rather the assimilation of Christian learning into something safe, acceptable, supervised and controlled—infiltration without destruction. Certain structures must remain in place, but you can get what you want if you're willing to be creative about it. Medieval readers may have been aware of the subtle subversiveness of this message, or not. We will probably never know for sure. But whether or not they were conscious of it, the message remains: it is possible, even within the hallowed halls of tradition, to invent a new gender, to introduce a new body. When the inhabitants of the old structures change, they do things—redecorate the walls, replace the furniture—sometimes they even demand remodeling, renovation, a new addition.

From this analysis of Nissim's story, we gain insight, not only into the world of his medieval audience, but also into our own world. Still today we find ourselves witness to stories of women murdered for sleeping with the wrong man, of couples ostracized for their failure to respect cultural, religious, or national differences in their choice of a mate. The bonds and boundaries established by sexual relations are powerful forces—and likely

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under *herem* (ban)." Nirenberg, *Communities* 135.

to continue exerting their sometimes terrible consequences for centuries to come. Perhaps by acknowledging and articulating those forces, though, we improve our chances for understanding them and for responding to them with less fear, more intelligence.

Without looking very far from home, we can find applications for this idea of communities defined by sexual. Why is it that Reform rabbis, congregations, and families continue to wrestle so painfully with the question of how to respond to interfaith marriages? Many cultural commentators, pollsters, and community leaders would have us believe that the high rate of intermarriage represents an existential crisis for the Jewish people, and perhaps it does. But seen by the light of Nissim's story, this debate begins to assume another dimension. Could it be that all the wringing of hands is less for the impending doom and more for the changing face of the Jewish people, the shifting boundary between Self and Other? Change can be frightening, especially when it shows up in your own bedroom, or in the bedrooms of your children.

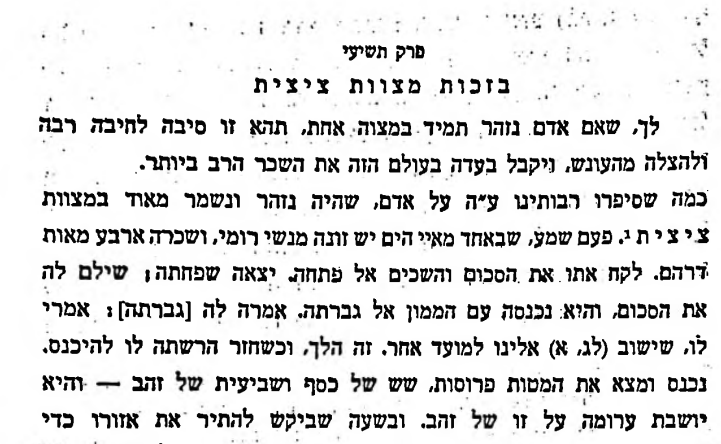
Whom one has sex with—and how—determines to a great degree who one is. Conquering soldiers who rape a defeated nation's women define themselves clearly and violently the victors. Teenagers who find each other in parked cars and dark party rooms define themselves as adults, separate from their parents. These extramarital sexual encounters are, in a sense, doubly transgressive acts. Individuals who choose to marry across lines of demarcation, whether religious, racial, national, or otherwise are at once the most normative and the most transgressive of all. On the one hand, in the institutionally sanctioned act of marriage, differences tend to disappear. The gentile, perhaps, disappears into the Jewish home. The prostitute disappears into the person of the wife. In October of 2001, the *New York Times Magazine* ran a story about a husband

and wife who, at the beginning of their relationship, had been a lesbian couple.[2] One of the women, for reasons having everything to do with her own sense of personal identification and nothing to do with society's expectations, has since employed surgery and drugs in order to become a man. Has the lesbian couple disappeared entirely into heterosexual normalcy? Does nothing of their old transgression, their old difference, remain? Not in their manner of relating to one another, not in the way they view the world? It seems unlikely. That couple, like intermarried couples of all kinds, quietly transforms society's ideas about whom it lets in, about who it is. In the end, the prostitute is not a ticking time-bomb, exactly. Rather, she is a reminder, a trace of a former transgression. Normative Jewish life grows up around her and even in her, but every once in a while—Rabbi Nissim's censoring pen notwithstanding—she takes out those crazy sheets.

[2] Sara Corbett, "When Debbie Met Christina, Who Then Became Chris," *New York Times Magazine* 14 October 2001: 84-87.

Appendix

Nissim ben Jacob of Kairouan. *Hibbur Yafeh Me-ha-yeshu'ah.* Intro. and trans. (from the Arabic) Hayyim Z'ev Hirshberg. Jerusalem: Mosad Ha-Rav Quq, 1969. 22-23.



פרק תשיעי

בזכות מצוות ציצית

לך, שאם אדם נזהר תמיד במצוה אחת, תהא זו סיבה לחיבה רבה ולהצלה מהעונש, ויקבל בעדה בעולם הזה את השכר הרב ביותר.

כמה שסיפרו רבותינו ע"ה על אדם, שהיה נזהר ונשמר מאוד במצוות צ י צ י ת 7. פעם שמע, שבאחד מאיי הים יש זונה מנשי רומי, ושכרה ארבע מאות דרהם. לקח אתו את הסכום והשכים אל פתחה. יצאה שפחתה ; שילם לה את הסכום, והיא נכנסה עם הממון אל גברתה. אמרה לה [גברתה] : אמרי לו, שישוב (לג, א) אלינו למועד אחר. זה הלך, וכשחזר הרשתה לו להיכנס. נכנס ומצא את המטות פרוסות, שש של כסף ושביעית של זהב — והיא יושבת ערומה על זו של זהב. ובשעה שביקש להתיר את אזורו כדי

6 עיין יומא מז, א ; ירושלמי שם, א, לח, ד. 7 "סכינה" — המלה מצוייה כבר בקוראן ; והושאלה מעברית — שכינה ; עיין לזה י. הורוביץ, היברו יוניון קוליג' אניואל, ב, 208—209. 8 תענית כא, ב.

1 עיין ספרי סוף שלח (לה, ב), מנחות מד, א.

להתפשט התכנסו ארבע כנפות הציצית ונראו לו. ירד מהמטה על הארץ וטפח על פניו. וכשראתה אותו בכך, ירדה אליו והשביעה אותו, שיגיד לה מה פגם מצא בה? אמר לה: מימי לא ראיתי אשה נאה ממך! אבל לנו מצווה, שנתן לנו אלהינו ושמה ציצית ובה כתוב שתי פעמים: אני ה' אלהיכם[2]; אני הוא שאפרע ממי שיפר מצוותי; ו[פעם] שניה, אני הוא שאשלם (לג, ב) שכר למי שישמור אותן. וכשראיתי אותם כעת נדמר לי כאילו הם ארבעה עדים עלי. פחדתי מפני העונש על זה [העבירה] — והשתוקקתי לשכר על זו [המצווה]. היא נשבעה: איני מרפה ממך עד שתגיד לי מה שמך ומה שם המקום שאתה גר בו, ושם רבך ומקום מגוריו. הוא הגיד לה כל זאת ונפנה בשמחה, על שהתגבר על הסכנה וניצל מהחטא הכבד. קמה האשה לאחר צאתו וחילקה את כל נכסיה לשלושה חלקים: שליש נתנה למלכות, שליש לעניים, ואת השליש הנותר לקחה והלכה עד שהגיעה אל מדרשו של ר' חייה ע"ה. אמרה לו: רבי רצוני שתצווה על מישהו שיגיירני, רוצה אני (לד, א) לקבל את דתכם. אמר לה ר' חייה: לכי לך! אין ספק שנתת עיניך באחד מתלמידי ורצונך להינשא לו. הוציאה פתקה והגידה לו כל מה שקרה בינה ובין התלמיד. וכשעמד ר' חייה על כך אמר לו [לאותו תלמיד]: קום בני, שא אותה לאשה! הרי נתן לך ה' את שכרך על שיראת מפני עונשיו, וזכית להגיע אליה כפי שנדרש בדת הקדושה. אז צווה עליה שתטבל ונשא אותה לאשה. וכל מה שהציעה והכינה לו שיבוא עליו באיסור, הגיע אליו בהיתר[4]. ועוד נשאר שכר העולם הבא, שאין יודעים את שיעורו.

חייבים אנו שנלמד מאותה מצווה נשגבת הגדולה[5], מכיוון שמספר אותיותיה מצטרף (לד, ב) לתרי"ג מצוות; כי אם חישבת אותיות ציצית הרי שש מאות. הוסף על זה שמונה חוטים וחמישה קשרים, שנים מלמטה ושלושה מלמעלה, ויגיע החשבון לתרי"ג — כמניין מצוות התורה.

2 עיין במדבר טו, מא. 3 השימוש במלה מדרש להוראת בית המדרש חוזר פעמים מספר בספר. הוא מצוי כבר בתלמוד (מנחות מד, א); אולם נפוץ לאחר מכן בייחוד בארצות האסלאם, בהשפעת השפה הערבית, שמצדה השאילה את המושג מהיהדות. ועיין י. הורוביץ, שם, שם עמ' 199. 4 התרגום לפי הצעתו של אוברמן. 5 עיין במ"ר יח, עו, ד.

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