

HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION
NEW YORK SCHOOL

FINAL THESIS APPROVAL FORM

AUTHOR: Joshua Lobel

TITLE: The Penitential System of the *Hasidei Ashkenaz* from a Sociological
Perspective: An Analysis of Eleazar of Worms' *Hilchot Teshuvah* and its Relationship to Jewish
Life in Medieval Ashkenaz

Sharon Koren 2/6/07
SIGNATURE OF ADVISOR(S) Date

Daniel L. Smith 2/6/07
SIGNATURE OF REGISTRAR Date

ALL SIGNATURES MUST BE OBTAINED BEFORE YOUR THESIS WILL BE
CONSIDERED ACCEPTED.

PLEASE TYPE OR PRINT ALL INFORMATION ON THIS FORM.

07-63130

The Penitential System of the *Hasidei
Ashkenaz* from a Sociological
Perspective: An Analysis of Eleazar
of Worms' *Hilchot Teshuvah* and its
Relationship to Jewish Life in
Medieval Ashkenaz

by Joshua Lobel

Thesis submitted in partial fulfillment
of the requirements for Ordination

Hebrew Union College-Jewish Institute of Religion,
Graduate Rabbinical Program, New York, New York

February 6th 2007

Advisor: Dr. Sharon Koren

Thesis Summary

The goal of my thesis is to prove that from studying Eleazar's *Hilchot Teshuvah* and ascertaining which sins concerned him, we can draw historical and sociological conclusions about the Jewish communities of medieval Ashkenaz. This is the first time anyone has examined this complex work from a sociological and historical perspective, as well as contributed an annotated translation of Eleazar's *Hilchot Teshuvah*.

In order to study this topic, I explored the world of 11th-13th century Ashkenaz and the issues confronting the Jewish communities of this period. My research emphasized primary sources, most importantly Eleazar's *Hilchot Teshuvah*, but also Judah HeHasid's *Sefer Hasidim*, multiple Talmudic passages, biblical citations, as well as midrashic materials. I also examined secondary literature by Ivan Marcus, Judith Baskin, Gershom Scholem, and Talya Fishman in order to better understand the historical and social milieu of medieval Ashkenaz.

My thesis contains an introduction, followed by nine chapters, the final chapter being the annotated translation of *Hilchot Teshuvah*. The first two chapters provide the reader with essential background material concerning the origin and development of the penitential literature of the Hasidei Ashkenaz, as well as elucidate Eleazar's penitential system. Chapters 3-7 each examine a specific category of sin; sexual sins, economic transgressions, violent crimes, verbal wrongs, and heretical behaviors, respectively, while chapter 8 draws conclusions based the examination of the text and the social and historical milieu.

Table of Contents

Introduction - Why Study the Penitential Literature of the *Hasidei*

Ashkenaz? – 1-7.

Chapter 1: The Origin and Development of the Penitential Literature of the

Hasidei Ashkenaz – 8-25

Chapter 2: The Path of Repentance in the Thought of Eleazar of Worms'

Hilchot Teshuvah – 26-42

Chapter 3: Sexual Sins in Eleazar's *Hilchot Teshuvah* – 43-54

Chapter 4: Economic Sins in Eleazar's *Hilchot Teshuvah* – 55-62

Chapter 5: Violent Crimes in Eleazar's *Hilchot Teshuvah* – 63-68

Chapter 6: Verbal Transgressions in Eleazar's *Hilchot Teshuvah* – 69-76

Chapter 7: Heretical Thoughts and Actions in Eleazar's *Hilchot Teshuvah* –
77-90

Chapter 8: Concluding Thoughts – 91-95

Chapter 9: An Annotated Translation of Eleazar of Worms' *Hilchot*

Teshuvah – 96-141

Acknowledgments – 142

Bibliography – 143-144

Introduction

Why Study the Penitential Literature of the Hasidei Ashkenaz?

In the 12th century, Eleazar of Worms, a Jewish mystic and ascetic from Mainz, authored a penitential work titled *Hilchot Teshuvah*, "The Laws of Repentance". Though the creation and usage of penitential manuals are primarily thought of as part of Christian pietistic behavior, Eleazar utilizes both Jewish and Christian sources in order to formulate a penitential system for the Jewish communities of Ashkenaz. In his *Hilchot Teshuvah*, a chapter of Eleazar's larger text, the *Rokeah*, "The Perfumer" Eleazar prescribes penances for various categories of sinful behaviors. *Hilchot Teshuvah* mandates the performance of physical mortifications including self flagellation, fasting, and other ascetic acts as penance for the commission of transgressions. This penitential text, unparalleled in Jewish history, provides a glimpse into the lives of medieval Jews in Ashkenaz. From studying Eleazar's *Hilchot Teshuvah* and ascertaining which sins concerned him, we can draw historical and sociological conclusions about the Jewish communities of medieval Ashkenaz.

The subject of the penitential literature of the *Hasidei Ashkenaz* has not received enough attention from scholars, but these documents can provide a great deal of information about the communities in which they were written. What sins were being committed in the Jewish communities of medieval Ashkenaz? Why does Eleazar focus on certain categories of sins but virtually ignores others? What does this tell us about the Jewish community itself and its relationship to the surrounding Christian culture?

Eleazar's *Hilchot Teshuvah* offers a unique perspective on the world of medieval Ashkenaz.

There has been a great deal of research regarding the ascetic and mystical tendencies of the pietistic group known as the *Hasidei Ashkenaz*, the German Pietists, but there has been a dearth of scholarship relating to their penitential system and its sociological significance. Previous studies of the *Hasidei Ashkenaz*, published by noted scholars including Gershom Scholem, Ivan G. Marcus, Hayim Soloveitchik, to mention a few, have paved the way for my own research which attempts to add a new perspective on the *Hasidei Ashkenaz*, their penitential literature, and the relationship of Eleazar's *Hilchot Teshuvah* to the Jewish communities of medieval Ashkenaz.

In this study regarding the penitential literature of the *Hasidei Ashkenaz* and its historical and sociological meaning, I put forward three assertions. The first contention is that the transgressions presented in penitential materials accurately reflect actual sins being performed by members of the community. The sins spoken of in these penitential works must have been committed frequently enough to necessitate their mention in these texts.¹

However, one factor which must be taken into account is that the *Hilchot Teshuvah* is written from a particular perspective, namely, that of Eleazar of Worms. Eleazar, a noted pietist, ascetic and mystic, was one of the main figures of the *Hasidei Ashkenaz*, whose brand of pietism is expressed in his writings. There is no doubt that his belief system informs his literary works, which gives us pause when examining his penitential system and attempting to extract from it sociological proofs. Eleazar's

1. Pierre J. Payer. *Sex and the Penitentials - The Development of a Sexual Code* (Toronto: University of Toronto Press, 1985) 12.

Hilchot Teshuvah is not an unbiased source or a historical account. So perhaps the sins he emphasizes do not stem from historical reality, but from the visions of an ultra conservative pietist and mystic.

Rather than dismiss Eleazar's *Hilchot Teshuvah* as a purely speculative work with no basis in reality, we can study the dynamics of the Jewish communities of medieval Ashkenaz in order to give credence to his penitential text. Historical evidence demonstrates that the transgressions Eleazar emphasizes in his *Hilchot Teshuvah* were genuine issues for the Jewish communities of Ashkenaz. Through examining the historical era and comparing it to Eleazar's *Hilchot Teshuvah*, one can discern that the sins he emphasizes in his penitential manual could easily occur within the communal framework. Given this evidence, one is compelled to believe Eleazar was responding to actual events happening around him.

My second assertion is that pietist Jews of medieval Ashkenaz actually adhered to Eleazar's penitential system and carried out penances when they committed a transgression. Talya Fishman maintains that the *Hasidei Ashkenaz* did undertake penitential practices, citing evidence that Christian communities which existed alongside the *Hasidei Ashkenaz* performed acts of penance, as well as noting that later Jewish scholars criticized sinners who chose to perform penitential acts.² For example, Fishman cites the work of R. Jacob Anatoli which discourages Jews from engaging in acts of physical mortification and other common Christian ascetic activities.³ There is no reason to believe that Eleazar's penitential system was discarded and never utilized by a portion of Jews in Ashkenaz. Therefore, one can examine the sociological issues surrounding the

2. Talya Fishman. "The Penitential System of Hasidei Ashkenaz and the Problem of Cultural Boundaries" *The Journal of Jewish Thought and Philosophy*, 8 (1999) 219-220.

3. Ibid, 221

usage of *Hilchot Teshuvah*, as this text was part of the lifestyle of the pietist communities in Ashkenaz.

Third, as Pierre Payer, a renowned scholar of Christian penitential literature, states, I affirm that “penances are, at last rough indicators of the perceived gravity of the various offenses”.⁴ If a penitential manual gives a severe penance for one sin and a lighter penance for another, one must conclude that the sin which is assigned the more lenient penance was considered a less grievous transgression. Using this style of critique when studying Eleazar’s *Hilchot Teshuvah*, we can apprehend which sins he considered to be the most heinous.

In addition to correlating the severity of the prescribed penances to the emphasis Eleazar placed on sins, I contend that one can determine which sins concerned Eleazar by examining how often a sin is mentioned and the detail he ascribes to each transgression. For example, Eleazar expatiates upon sexual transgressions, mentioning them often in his penitential work. He also expounds upon specific categories of sexual impropriety, mentioning, among others, physical contact with a woman who is impure, sex with a woman who is betrothed or married, and engaging in a sexual relationship with a Gentile. By contrast, Eleazar does not speak about laws regarding the holidays, aside from two brief statements about desecrating Shabbat.⁵ Eleazar does not prescribe penances for working on Yom Kippur, or if a person blatantly disregards the restrictions of a fast day. He makes only general comments regarding a person who strays from the commandments. He states, “My son, be careful of the negative precepts, lest you transgress one of them. You will self flagellate forty times...if you have transgressed

4. Payer, 13

5. *Hilchot Teshuvah* of the *Rokeah* (HTR) par. 24 and HTR pg. 34

upon a general negative commandment".⁶ There is no doubt in my mind that he believed in the importance of performing commandments related to the holidays, but, in his *Hilchot Teshuvah*, they are not the focus because Eleazar was more concerned with sins regarding sexual behavior than with sins relating to observing Jewish holidays. There is a hierarchy of transgressions present in *Hilchot Teshuvah*, as some sins are clearly more important to Eleazar than others.

From studying on which sins Eleazar of Worms focuses in his *Hilchot Teshuvah*, as well as the severity of penances he prescribes and the specificity with which he details different transgressions, we can learn which sins Eleazar believed were prevalent within medieval Ashkenazic communities. By understanding which sins Eleazar deemed the most frequently committed, one can draw conclusions about the society itself; for if these transgressions were not being committed, Eleazar would not have seen fit to mandate penances for them. Finally, I believe that if one views *Hilchot Teshuvah* through a sociological lens, one can understand why Eleazar was compelled to create a penitential which attempts to dissuade individuals from committing sins which could endanger the Jewish community.

In the first chapter of my thesis, I will expound upon the origins and development of the penitential system of the *Hasidei Ashkenaz*, focusing on the question of whether or not the surrounding Christian society had any impact upon the writing of Eleazar's *Hilchot Teshuvah*. I will provide the two sides of the argument, as there are scholars who believe the penitential practices of the *Hasidei Ashkenaz* arose from Jewish sources, while others emphasize the influence of Christian beliefs regarding penance.

6. HTR. pg. 35

In the second chapter, I will detail the path to repentance in Eleazar of Worm's *Hilchot Teshuvah*. How does a sinner atone for his sins in this penitential system? I will focus on Eleazar's divergences from normative rabbinic views on repentance, specifically his emphasis on external acts, including physical mortifications and restrictions as central to the penitential process. Next, I will define the four interrelated types of penance presented in Eleazar's penitential system, *teshuvah ha'ba'ah*, *teshuvah ha'geder*, *teshuvah ha'mishkal*, and *teshuvah ha'katuv*, and provide Christian parallels for these forms of penance.

In chapters three through seven, I will expound upon the different sins Eleazar emphasizes in his *Hilchot Teshuvah*. Chapter three will deal with sexual sins, chapter four will focus on economic transgressions, chapter five will concentrate on violent crimes, chapter six will highlight verbal transgressions, and chapter seven will explain the problems of heresy and apostasy. In each of these chapters, I will cite the portions of Eleazar's *Hilchot Teshuvah* that deal with the sin in question and explain the penances associated with each transgression. At the end of each chapter, I will then explain the sociological significance, with an emphasis on demonstrating why Eleazar emphasized the particular sin in his penitential work and why he sought to deter people from committing these specific transgressions.

In chapter eight, I will summarize what we have learned from studying the penitential literature of the *Hasidei Ashkenaz* from a sociological perspective. I will take a look back at the different categories of transgressions in Eleazar's *Hilchot Teshuvah* and their sociological and historical meanings. What can Eleazar's *Hilchot Teshuvah* tell

us about the Jewish communities of medieval Ashkenaz? Also, I will put forward ideas for further study of the penitential system of the *Hasidei Ashkenaz*.

In the ninth chapter, I will provide an annotated translation of Eleazar's *Hilchot Teshuvah* in order to further the exegesis of the text. This is the first time that anyone has sought to render this complex penitential text into English, as well as display the numerous biblical, Talmudic, and midrashic references. There is more work to be done in the exegesis of this text, but for this paper, it serves its purpose, as my hope is that this translation provides the reader with an understanding of the penitential work and its rabbinic sources.

I hope that my work will clarify the sociological and historical relationship of Eleazar of Worms' *Hilchot Teshuvah* to the Jewish communities of medieval Ashkenaz and provide those interested in this topic with a new perspective on the penitential system of the *Hasidei Ashkenaz*.

Chapter One

The Origin and Development of the Penitential Literature of the *Hasidei Ashkenaz*

In order to explain the evolution of the penitential system of the *Hasidei Ashkenaz*, it is necessary first to examine the origins of the *Hasidei Ashkenaz* themselves in order to learn how this mystical, ascetic, pietistic circle evolved in the Rhineland. Once we have an understanding of the background of the *Hasidei Ashkenaz*, we may proceed to study the origin and development of their penitential works. "We will compare the potential influence of Christian culture and texts with the possibility that the penitential system of the *Hasidei Ashkenaz* arose solely based on Jewish sources."

Who were the *Hasidei Ashkenaz*?

The *Hasidei Ashkenaz* were a mystical, ascetic group that developed after the First Crusade. The span of their greatest influence was from the 11th to the 13th century, with R. Samuel ben Kalonymos, his son R. Judah HeHasid, and Judah's cousin, R. Eleazar of Worms, the most prolific figures of the Pietist movement. Along with their emphasis on pious behavior, the *Hasidei Ashkenaz* stressed the importance of searching for the hidden will of God, known as the "*ratzon ha'boreh*", believed in the necessity of finding the inherent secrets in the Bible and in prayer, and developed a novel concept of repentance which was previously unknown in Jewish literature.

The origins of the *Hasidei Ashkenaz* are mysterious. Early scholarship posited a direct causality between the devastating impact of the Crusades and the development of the *Hasidei Ashkenaz*, but there is evidence of a much richer and more complex evolution.⁷ Modern scholars point to the historical account that Eleazar wrote as a source of information regarding the beginnings of this movement. Though this is believed to be somewhat of a mythical account, most likely containing inaccuracies, it provides a possible explanation of the genesis of this movement, which, according to this narrative, has its origins in Italy.⁸ Eleazar writes in one of his many works, "The Secrets of the Prayers",

"They received the secret of ordering the prayers and the other secrets from Abu Aaron...who came to Lombardy, to the city of Lucca, where he found R. Moshe (ben Kalonymos)...He was the first to leave Lombardy, he and his sons...and other worthy people whom King Charles⁹ brought with him from Lombardy and settled in Mainz. There they flourished. Then we were wiped out, except for a few who remained of our family, along with R. Kalonymos the Elder. He passed (the secrets) on to R. Eleazar, the Hazzan of Speyer, as we wrote, and R. Eleazar...to R. Samuel the Pietist, and to R. Judah the Pietist. From him, I received the secrets of prayer and other secrets".¹⁰

From this account, Eleazar claims he and his family are a link in a chain of mystical tradition that has its roots in Italy. Scholars like Scholem and Schäfer¹¹ note the

7. Gershom Scholem. *Major Trends in Jewish Mysticism* (New York: Schocken Books, 1995 ed.) 84.

8. Kenneth Stow. *Alienated Minority* (Cambridge: Harvard University Press, 1992) 123.

9. Charlemagne

10. Stow, 123

similarities between aspects of the *Hasidei Ashkenaz* and writings of the *merkavah* mystics which were popular sources of study in Italy.¹² These teachings were integrated with mystical ideas previously established in the Rhineland, along with concepts from noted French and Catolinian rabbis Abraham ibn Ezra and Abraham bar Hiyya, as well as wisdom gleaned from the writings of great Babylonian scholar, Saadia ben Joseph.¹³ In addition to these influences, the *Hasidei Ashkenaz* assimilated elements of their Christian surroundings, as we will see in the examination of the penitential system of Eleazar of Worms.

The Origin of the Penitential System of the *Hasidei Ashkenaz*

In order to explore the significance of the penitential system of Eleazar of Worms, one must first understand the possible religious influences, both internal and external. When reading Eleazar's *Hilchot Teshuvah*, one cannot help but notice that it is steeped in traditional Jewish sources, most notably the Talmud and the Bible. However, the idea of physical mortifications atoning for sin seems to be a Christian concept. The *Hasidei Ashkenaz* emerged during the time of the rise of new monastic and mendicant orders within Christianity whose penitential beliefs are comparable to those of the German Pietists.¹⁴ Can one argue that the framers of these unique penitential beliefs derived their ideas from Jewish sources, or were the *Hasidei Ashkenaz* influenced by the larger Christian majority? The penitential system of the *Hasidei Ashkenaz* stands alone in Jewish history. Prior to Eleazar of Worms' *Hilchot Teshuvah*, there were no texts which

11. see Peter Schäfer, "The Ideal of Piety of the Ashkenazi Hasidim and its Roots in Jewish Tradition," *Jewish History* 4 (1990).

12. Scholem, 84

13. Stow, 122

14. Ibid, 121

dealt with sin in this manner, utilizing explicit physical sufferings to heal specific sins. However, this is not to say that Eleazar of Worms could not have been influenced and informed by Jewish sources. First, we will examine the argument for the development of the penitential system of the *Hasidei Ashkenaz* as being derived entirely from Jewish sources, and then study the argument for Christian influence, whether explicit or implicit.

Talmudic Sources

The Talmud has many passages that are consistent with certain doctrinal aspects of the German Pietist's understanding of penance. In the Babylonian Talmud Avodah Zarah 17a-b, two rabbis argue about which path they should take after coming to a fork in the road.¹⁵ One says they should walk down the path that takes them past a temple where idol worship occurs with the inference being that by passing by a place of idolatry and not entering, they will show their strength by resisting the temptation to join in this heretical practice. However, the other rabbi disagrees, saying they should walk down the path whose route contains a brothel, with the implication being that this will be a greater demonstration of their restraint. The rabbi continues, stating they will receive a heavenly reward if they can subdue their inclination to utilize the services of the prostitutes. The rabbis decide upon the second option and are able to stave off temptation, thus meriting the reward. This text demonstrates a penitential idea of subduing one's evil inclination.

This practice of intentionally putting oneself in a position to sin was not a popular concept among members of the *Hasidei Ashkenaz*, though it does occur in *Sefer Hasidim*,

15. Fishman, 207

most notably in the tale of the three penitents.¹⁶ In paragraphs 52-53 of *Sefer Hasidim*, three penitents come before a Sage to confess their desires to commit theft, murder, and adultery, respectively. They each put themselves in situations where they could easily submit to their inclination, but the crux of the tale is that these three individuals were able to resist their urges and not engage in any of these misdeeds.¹⁷ The tale of the three penitents emphasizes restraint when confronted by the opportunity to sin, which corresponds to the message of the text of BT Avodah Zarah 17a-b.

Another notable Talmudic concept that occurs in penitential literature is the notion of voluntary exile as an extreme form of repentance. Eleazar of Worms prescribes a temporary exile as a punishment for someone guilty of murder in his penitential system.¹⁸ This position has precedence in the Talmud. BT Rosh Hashanah 16b states that four actions have the ability to cancel a divine decree – “charity, crying out, changing one’s name¹⁹, and change of one’s action”.²⁰ Eleazar of Worms cites this text in his *Hilchot Teshuvah*²¹, one of the many times he cites a Talmudic text to underline his point about the importance of sincere repentance. The Talmud text, however, continues, to say that there is a fifth way to overturn a divine decree, and this is a “change of place”.²² By leaving one’s land and making a fresh start elsewhere, the person symbolically leaves behind his transgression. Eleazar does not include the concept of a “change of place” when he cites the BT Rosh Hashanah 16b, which is curious, since his

16. *Sefer Hasidim* (SH) 52-53

17. Fishman, 206

18. HTR, par. 23

19. cf. Maimonides *Hilchot Teshuvah* 2:4. By doing this, it is as if the penitent declares “I am a new person”.

20. BT Rosh Hashanah 16b

21. HTR par. 27

22. *Ibid* 16b

prescribed penance for the sin of murder includes a prolonged period of exile.²³ Perhaps he did not want to give the impression that one could achieve atonement by departing from the community after committing a transgression. If a person chose to flee after committing a sin, it could cause instability within the tight-knit communities of medieval Ashkenaz. Also, fleeing from the scene of a transgression is not a practical solution, since it would be difficult to dramatically alter one's life after the commission of a misdeed.

There is another clear example of the concept of exile atoning for sin in the BT Berachot 56a, in which Rava learns that the man he had been visiting to interpret his dreams was actually causing his misfortune. Two esteemed rabbis, Abaye and Rava, came to Bar Hedyā to analyze their dreams. But, while Abaye gave Bar Hedyā money for his services, Rava did not compensate him at all. So, Bar Hedyā would interpret the same vision two different ways. He gave a favorable interpretation to Abaye and a negative analysis to Rava. For example, they both recounted to Bar Hedyā a vision of the biblical verse "You will bear sons and daughters, but they will not be yours, for they will go into captivity".²⁴ Bar Hedyā related to Rava that, for him, this verse should be taken literally, that his children will be taken off into captivity. But for Abaye, Bar Hedyā explained the verse positively, meaning that his daughters will marry husbands from foreign lands and live far away, as if they had been taken into captivity. This pattern repeats several times, with Bar Hedyā interpreting dreams positively for Abaye and negatively for Rava. However, when Bar Hedyā and Rava were traveling together on a boat, Bar Hedyā dropped a book, which contained the line, "all dreams follow the

23. HTR par. 23

24. Deuteronomy 28:41

mouth".²⁵ This principle means that the person who interprets the dreams affects the outcome. So, when Bar Hedya interpreted one of Rava's dreams as meaning his wife would die, this came to pass. Rava then concludes that Bar Hedya was, in fact, responsible for all of his sufferings, so he summarily cursed him for his evil deeds. Despondent, Bar Hedya decided to go into exile, for he learned elsewhere, "A master has said: Exile atones for sin".²⁶

The concept of exile as a form of penance is also found in BT Sanhedrin 37b, which clarifies the nature of this form of repentance. There are differing views found in this gemara, but they all agree that a voluntary exile can commute divine punishment. For instance, "Rabbi Yehuda, the son of Hiyya said, 'Exile atones for a sin by half'".²⁷ There is also a discussion of the type of sins for which exile atones. Rabbi Yehuda declares that exile atones for the sins punishable by death, while Rabbi Yochanon maintains that exile atones for every possible transgression.²⁸

Influence of *Hekhalot* Literature

In addition to Talmudic references, the *Hasidei Ashkenaz* may have utilized other Jewish sources. Peter Schäfer sees a literary comparison between the beliefs and practices of the *Hasidei Ashkenaz* and those of an earlier circle of mystics, the authors of the *Hekhalot* literature. *Hekhalot* literature was formally redacted in the 9th and 10th centuries, and many of their concerns are comparable to those of the *Hasidei Ashkenaz*. For example, in their writings, they stress how distinct they are from other members of the

25. BT Berachot 56a

26. Ibid

27. BT Sanhedrin 37a

28. Ibid 37a

Jewish community, which is similar to the *Hasidei Ashkenaz* belief that they, by learning pietistic teachings, are set apart from the rest of the Jewish community who are ignorant of the correct way to live.²⁹ Both the *Hekhalot* literature and the works of the *Hasidei Ashkenaz* stress an antagonistic relationship with other Jews.

Also, Schäfer notes, the authors of the *Hekhalot* literature emphasized ascetic practices which were necessary in order to achieve a divine revelation, including fasting, immersion, keeping away from anything impure, and avoiding contact with women. However, they also stressed the importance of refraining from certain sins, including evil speech, laxness regarding fulfilling an oath, taking God's name in vain, violent activities, and sexual frivolity.³⁰ These sins could keep a mystic from attaining a divine vision, as they render a mystic impure, both physically and morally. The sins which are emphasized in *Hekhalot Rabbati* are also stressed in the penitential literature of the *Hasidei Ashkenaz* as ones which a member of the pietistic circle should strive to avoid at all costs.³¹

These similarities are not coincidental. There is a concrete link between the authors of *Hekhalot* literature and the *Hasidei Ashkenaz*. Between Schäfer's analysis and the dependence of the *Hasidei Ashkenaz* on traditional and esoteric Jewish texts, an argument can be established for the origination of the penitential system of the *Hasidei Ashkenaz* from a Jewish framework. But this is only part of the picture.

29. Schäfer, 14-15

30. Ibid, 18

31. Ivan G Marcus. "Judah the Pietist and Eleazar of Worms: From Charismatic to Conventional Leadership", in Moshe Idel's "*Jewish Mystical Leaders and Leadership in the 13th Century*" (New York:Rowman and Littlefield Publishing, Inc. 2005) 119.

Christian Influence

If the penitential system of the *Hasidei Ashkenaz* emerged from solely Jewish sources, why did it develop specifically in the 11th-13th century in the Rhineland, and why did similar groups not develop in other places? What made the *Hasidei Ashkenaz* capable of writing and adhering to such material? There must be another piece to this puzzle. With that in mind, let us now explore the argument for the derivation of the penitential system of the *Hasidei Ashkenaz* from Christian sources.

Scholars like Yitzchak Baer, Gershom Scholem, and Talya Fishman maintain that one can explain the promulgation of the *Hasidei Ashkenaz* penitential system by examining them as emerging from a Christian context.³² They believe the *Hasidei Ashkenaz* developed in an environment in which Jews were familiar with Christian practice and beliefs and either consciously chose to assimilate their penitential ideals into a Jewish context, or these beliefs occurred through a process of unintentional osmosis due to the constant direct contact between the two communities.

Baer, one of the pioneers of *Hasidei Ashkenaz* studies, attempted to show the similarities between Jewish penitential practices and those of the surrounding Christian communities. Previous studies of the *Hasidei Ashkenaz* posited that the ideology and practices of this group emerged from Jewish sources and from their own unique history.³³ However, Baer posits a direct link exists between the penitential system of the *Hasidei Ashkenaz* and Christian penitential literature, which assumes the leaders and framers of

32. Fishman, 202

33. Ivan G. Marcus. *Piety and Society: The Jewish Pietists of Medieval Germany* (Leiden, the Netherlands: E. J Brill, 1991) 7.

this sectarian movement were familiar with Christian Latin texts and could be utilized as a source.³⁴

One potential source may have been "*The Decretum*", a penitential written circa 1008-1012 by "the corrector and physician of Buchard of Worms".³⁵ Buchard, who served as a deacon in Worms in the early 11th century, wrote a detailed penitential which contains penances similar to what is found in *Hilchot Teshuvah*. For instance, the penance for murder in Buchard's penitential consists of a fast which extends for seven years, with declining severity after the first year.³⁶ Eleazar's *Hilchot Teshuvah* also has the idea of a fast for several years which becomes less strenuous after an allotted period of time.³⁷ Also, in the *Decretum*, if the murdered person was a family member, the penitent must stand in front of the doors of the church praying for forgiveness.³⁸ This might correlate to the Eleazar's idea that a murderer must dwell in front of the doors of the synagogue for a prescribed period of time.³⁹ This practice serves to call attention to the penitent and to separate him from the religious community. Buchard prohibits the murderer from riding on a carriage⁴⁰, while Eleazar dictates a penitent should walk barefoot.⁴¹ For Eleazar, a temporary exile of three years is mandatory⁴², but for Buchard, the repenting murderer has the option of either renouncing the world and entering a monastery, or undergoing a program of fasting and other physical restrictions.⁴³

34. Ibid, 9.

35. John T. McNeill and Helena M. Gamer. *Medieval Handbooks of Penance* (New York: Columbia University Press, 1938) 321.

36. Ibid, 326

37. HTR par. 23

38. McNeill and Gamer, 326

39. HTR par. 23

40. McNeill and Gamer, 326

41. HTR par. 23

42. Ibid

43. McNeill and Gamer, 326-327

Another interesting parallel between *Hilchot Teshuvah* of the *Rokeah* and the *Decretum* is that they both make a distinction between robbery and theft, with Buchard maintaining that one who forcibly accosts his victim and takes something that is not his is worse than someone who stealthily steals something.⁴⁴ Eleazar does not set a different penance for one who robs as opposed to one who steals, but he does make a distinction between these two categories of theft. They both declare that returning the stolen property is an important part of the atonement for this transgression. In addition, they both decry the usage of false weights and improper balances to defraud members of the community.

In their penitential tracts, Buchard and Eleazar include sexual sins, taking God's name in vain, gluttony and drunkenness, speaking during religious services, and holding beliefs contrary to their respective religions. One can see a correlation between the two penitential texts, as they focus on many of the same sins. Eleazar might have had access to this document when he was developing his penitential system.

Scholem also held that the penitential system of the *Hasidei Ashkenaz* could not be understood without understanding the historical and social situation. In his monumental opus, "Major Trends in Jewish Mysticism", Scholem states that it is "undeniable that certain popular religious and social ideas common to the Roman Catholic west...filtered into the religious philosophy of some Jewish groups".⁴⁵ Scholem notes that the penitential literature of the *Hasidei Ashkenaz* is similar to the penitential practices taking place in the early medieval church.⁴⁶ From a historical standpoint, he maintains that although the Gregorian reforms of the 11th century sought to limit the

44. Ibid, 329

45. Scholem, 83

46. Ibid, 104

influence of penitential literature, these documents were still viewed as being authoritative and an effective means of achieving atonement.⁴⁷

However, Scholem does not go as far as Baer to claim that the *Hasidei Ashkenaz* penitential system and ideology of penance is completely dependant upon Christian texts or even interaction with the Christian community. He posits that the stimulus for the creation of these ideologies could have pervaded both cultures during this time, so the framers of the *Hasidei Ashkenaz* could have developed their system independent from direct familiarity with Christian sources.

The *Hasidei Ashkenaz* and Their Attitude Towards Christianity

The negative way Jews portray Christianity in their texts from this period conflict with the theory of direct Christian influence or the framers of the *Hasidei Ashkenaz* intentionally borrowing from their theology. After the Crusades in 1096, Jewish writings were critical of Christianity. *Piyyutim*, liturgical poetry, flourished during this time, many lamenting the destruction and martyrdom of the Rhineland Jewish community. These texts, as well as secular documents degrade Christian beliefs and symbols. One common theme is the belief that Jesus was an "offspring of menstrual impurity", and that Mary was a *niddah*, an impure woman.⁴⁸ This stands in stark contrast to images of the chaste, proper, Jewish woman who are praised in the martyrologies of this period as being paragons of virtue and purity.

47. Ibid, 104

48. Ivan G Marcus. "A Jewish-Christian Symbiosis" in David Biale's "*Cultures of the Jews: A New History*," (New York: Schocken Books, 2002) 469-470.

Another demonstration of the disrespect and contempt some Jews had for Christianity was the phenomenon of Jews urinating or defecating on Christian sacred symbols. One might think that this was merely a polemic against the Jews during this period, on par with charges of Jews desecrating the host or feasting upon the blood of young Gentile children. However, there is some evidence that this may have actually occurred, as there are Jewish texts which speak of this issue, debating its morality.⁴⁹ There was never any discussion in Jewish texts of whether or not it is permissible to murder Christian youths for ritual sacrifices, or whether or not it is acceptable to use Gentile blood in order to bake matzo. But in *Sefer Hasidim*, there is a debate between two Jews on whether or not it is advisable to desecrate a Christian ritual object in this manner. The Jew who desired to befoul the image argued that it was not only permissible, but he was doing it in order to sanctify God's name. However, his companion talks him out of it by saying that not only will he receive no heavenly reward for this action, he is endangering his life and the lives of his children, as well as putting his entire community in danger of harsh reprisal.⁵⁰

In addition to the text of *Sefer Hasidim*, there is a polemical tract which tells us a parable about two a rabbi and a count traveling together, when they both needed to relieve themselves. The count dismounted and urinated on a bush, while the rabbi decided to urinate on a cross. When the count gets upset at this seemingly vulgar action, the rabbi states that it is worse to relieve oneself on a bush, since it was from such a bush that God's presence was revealed to Moses.⁵¹

49. Marcus, "Symbiosis", 483

50. SH, par. 1365

51. Marcus, "Symbiosis", 483

If one combines this polemical text with the account from *Sefer Hasidim*, there is evidence that the practice of urinating or defecating on Christian symbols was at least an active discussion within the community of the *Hasidei Ashkenaz*. If this action was in fact carried out, it is difficult to think of anything else that would be a worse show of disrespect towards the Christian community. Would Jews intentionally borrow ideas from a religion whose symbols they used as latrines?

Moreover, as mentioned earlier, the *Hasidei Ashkenaz* saw themselves as superior to other Jews because of their unique knowledge and their pietistic way of life. If Jews generally felt their theology was greater than that of the Christian community, how much the more so for the *Hasidei Ashkenaz*? They did not desire any more contact with the outside world than was necessary in order to maintain their lifestyle. To that end, *Sefer Hasidim* provides guidelines for living in a community with Christians based on a hierarchical framework. For example, a pietist could engage in moneylending with a Christian, because, as a creditor, the pietist is in a position of power over the Christian.⁵²

Another tale in *Sefer Hasidim* illuminating the relationship between Jews and Christians speaks of a monk visiting a Jewish doctor,⁵³ which, in and of itself, tells us a great deal about the society. A monk could be found in the office of a Jewish doctor, putting his health in the hands of someone not of his faith. In this story, a Jewish patient speaks to the doctor Hebrew, so the monk will not understand him, which displays distrust between the characters in this parable. The Jew requests that the doctor not tell him the treatment for his malady until the monk departs, because if the monk knew the cure, he would tell his comrades about it. This story demonstrates that for the pietist, it

52. Marcus, Ivan G., "The Politics and Ethics of Pietism in Judaism: The Hasidim of Medieval Germany," *The Journal of Religious Ethics* 8:2 (Fall 1980) 238.

53. SH, par. 1368

was perfectly acceptable for the Christian to request assistance from a Jewish doctor, since he was now in a position of subservience and dependence. It also shows that the pietists lacked concern for the health of the monk or other Christians, because of the precautions taken to not inform the monk about the medical treatment.

Acculturation as a Solution

So how does one harmonize the view of the distaste and contempt that the Jewish community felt towards Christianity and its followers, and the belief that the Christian ideals of penance influenced the *Hasidei Ashkenaz*? Talya Fishman maintains the primacy of Christian influence upon the development of the penitential literature of the *Hasidei Ashkenaz*. She notes the parallel between *teshuvah ha'mishkal*, the principle of a penitent needing to undergo suffering in proportion to the pleasure he enjoyed during the commission of the sin, and earlier Christian texts which have the same principle of the severity of punishment corresponding to the amount of pleasure enjoyed by the penitent.⁵⁴ Both traditions also imbued a religious leader with the power to dole out penances for wrongdoers, whether it was a *Hacham* or *Moreh* in the pietistic tradition, or a priest or confessor in the Christian system. These authority figures could also commute the penances in certain situations, either allowing a penitent to show contrition by giving additional charity, or by easing the prescribed punishment because of the doubt the penitent will be able to undertake and fulfill it.⁵⁵

Fishman rejects the claim that the *Hasidei Ashkenaz* would intentionally usurp Christian practice and incorporate it into their belief system, but posits that they became

54. Fishman, 209

55. Ibid, 209-210

part of the Jewish tradition through a process of acculturation furthered by daily interactions with the Christian community and its culture.⁵⁶ Acculturation refers to the process of a group adopting, and, in some cases, transforming, the beliefs, behaviors, or traditions of another people. She does not believe that the *Hasidei Ashkenaz*, an elitist sectarian group within the larger Jewish framework, would consciously borrow from Christian sources, but that these were, in fact, the primary influence in the development of the penitential system of the *Hasidei Ashkenaz*. She posits that the reason behind the similarities between their writings and ancient Palestinian texts was a conscious decision on the part of the shapers of the *Hasidei Ashkenaz* used in order to dispel attacks that their practices were inauthentic and foreign.⁵⁷ By focusing on infrequently quoted texts and discarded notions, the framers of the *Hasidei Ashkenaz* could demonstrate that they were part of the same chain of tradition as other Jews, but interpreting it differently, and, in their minds, correctly.

In order to better understand this claims, one must examine the social reality of 11th-13th century Ashkenaz, specifically regarding the relationship between Jews and Christians. Were they in any position to interact and unknowingly influence each other? The Middle Ages are thought of as being a time of vast persecution and destruction for the Jewish communities of the Rhineland. However, this is not the case. It is an incorrect generalization to think that the Jews were always in dire straits during the Middle Ages, when, in fact Christian persecution was infrequent.⁵⁸

Jews did not live in ghettos during this period, but lived among the Christian majority. Thus, they were forced to interact with each other in these small communities.

56. Ibid, 222

57. Ibid, 221-222

58. Marcus, "Symbiosis" 450

This does not mean that their relationship was overly amicable or even cordial at times, but these two communities needed each other in order to maintain their society. Jews and Christians interacted via economic situations, like trade or moneylending, and religious issues like conversion issues and religious debates.⁵⁹ Some Christians took it upon themselves to attend synagogue services in addition to church, or even celebrate Passover. Through these interactions, the Jewish communities had numerous opportunities to learn from their Christian counterparts as they were completely immersed in Christian culture, which could have led them to subconsciously incorporate foreign beliefs into their own.

Though a case can be made for the development of the *Hasidei Ashkenaz* penitential system deriving from strictly Jewish sources, I believe that without Christian influence, this literature would not exist. Judaism certainly contains ideas which the *Hasidei Ashkenaz* utilized in the formation of their penitential system, which allowed them to create a Jewish foundation for their beliefs. The Talmudic ideas of resisting one's evil inclination being meritorious, earthly suffering suspending divine punishment, and exile atoning for sin, along with Schäfer's view that *Hekhalot* literature has ideas which correspond to the practices of the *Hasidei Ashkenaz*, all point to the primacy of Jewish sources in the development of penitential texts. But one cannot ignore the effects of Christian influence. Like Fishman, I do not think the *Hasidei Ashkenaz* purposely chose to extract penitential doctrines from Christian sources, but, due to their constant interaction and ensuing familiarity with Christian practices, they subconsciously incorporated their penitential beliefs into a Jewish framework. The *Hasidei Ashkenaz* did not live in a societal vacuum. Because of economic, political, and social realities, Jews

59. Ibid, 450

and Christians were forced to interact with one another, and, during these meetings and conversations, learned about their religious beliefs. Though they held Christianity in disdain, this did not stop them from assimilating certain viewpoints into their own tradition.

Chapter Two

The Path of Repentance in the Thought of Eleazar of Worms' *Hilchot Teshuvah*

Eleazar of Worms, utilizing both Jewish and Christian concepts, creates a novel system in which Jews can atone for their transgressions. While normative rabbinic Judaism emphasizes the internal transformation of a sinner, who turns from his wicked ways and prays for forgiveness, Eleazar maintains that a sinner needs to undertake external acts, usually including the performance of physical mortification, in order to achieve atonement. This is a drastic break from rabbinic thought which demonstrates the effect of Christian penitential behaviors on Eleazar's *Hilchot Teshuvah*.

In the introductory paragraphs of his penitential tract, Eleazar explains the nature of atonement. For Eleazar of Worms, a sinner who desires atonement must demonstrate an inner transformation and commit external acts of penance. In order for a person to truly repent, both must take place. The internal aspect of penance for Eleazar is dependant on the sinner confessing his sin and expressing sincere remorse. He writes, "The essence of repentance is confession, as it is said in Numbers 5:6-7, 'A man or woman that does any human sin, to commit a sin against God, and his soul is guilty, they confess their sin which they have committed'".⁶⁰ Confession of one's sin needs to be joined with an expression of sorrow or remorse in order for it to be accepted as a true confession. He pointedly remarks, "If he confesses and does not feel sorrow in his heart,

60. HTR, par. 2

this is like immersing with an impurity in one's hand".⁶¹ The act of confession is invalidated if a person does not express remorse. There must be a meaningful expression of sorrow that demonstrates a sinner's sorrow. Eleazar concludes his thoughts on confession with this statement, summing up his insistence regarding the importance of an inner transformation, as he writes, "Therefore, when he confesses with tears, with intent in his heart, then there can be for him atonement".⁶²

One must note that for Eleazar, this internal change only paves the way for atonement. It is not, in and of itself, repentance. There must be external acts which accompany the internal transformation. This is what distinguishes the *Hasidei Ashkenaz* from the Jews who came before them. In previous Jewish thought, ascetic rituals, like fasting, might provide a sinner with the stimulus to achieve an inner transformation, like fasting or donning a sackcloth and ashes. These actions were meant to show that a sinner had in fact undergone this internal change.⁶³ They were not a mandated part of the atonement process.

This was a tremendous departure from previous rabbinic thought relating to the subject of repentance. Nowhere in prior Jewish history did anything like the *Hilchot Teshuvah* of Eleazar of Worms exist. In order to truly understand this transformation, one must look at the way previous rabbinic scholars viewed repentance, specifically, what actions a sinner needs to undertake in order to atone for his sin. By looking at the concept of repentance in the works of Saadia, Bahya ibn Pakuda, and Maimonides, we can discern the differences between the normative rabbinic view and Eleazar's ideology.

61. Ibid, par. 2

62. HTR par. 2

63. A. Rubin. "The Concept of Repentance Among the Hasidey Ashkenaz" *The Journal of Jewish Studies* 16 (1965) 163-164.

Repentance in the Thought of Rabbinic Scholars

Saadia ben Joseph, commonly referred to as Saadia Gaon, was the head of Babylonian academies at Sura and Pumbeditha during the first half of the 10th century. He was a very influential figure during his lifetime and, in his most famous work, "The Book of Beliefs and Opinions", Saadia explains his views on repentance. Some of his arguments are similar to Eleazar, such as repentance having the power to suspend or nullify divine punishment.⁶⁴ But Saadia disagrees with Eleazar regarding the procedure of attaining complete repentance. In Saadia's opinion, there are four conditions a person must fulfill in order to atone for his sin. They are as follows ; the sinner must renounce the transgression, then express remorse, followed by a quest for forgiveness, and finally, vowing not to relapse into sin.⁶⁵ While Saadia does maintain that external acts such as "more extensive prayer, increased charity, and the endeavor to restore men to the path of virtue" can assist a person in not repeating his transgression, he makes no mention of physical mortifications like self flagellation or lying on the ground for extended periods of time. Notice there is also no call for a sinner to confess his sins. Saadia is concerned with a sinner's internal transformation, not about outward deeds.

Bahya ibn Pakuda, an 11th century Spanish rabbi and philosopher, establishes his views on repentance in his renowned work, "The Duties of the Heart". Like Saadia, Bahya also focuses on the internal struggle of a sinner. For Bahya, there are seven prerequisites to his procedure for repentance. A sinner must first commit a wrongdoing, realize how offensive the sin was, understand that there is a penalty for the transgression, comprehend that God is watching and recording his deeds, believe that repentance will

64. Saadia Gaon, *The Book of Beliefs and Opinions*. Translated by Samuel Rosenblatt (New Haven: Yale University Press, 1948) 212.

65. Ibid, 220

atone for the sin, accept the fact that he has rebelled against a God who has been gracious to him, and then resolve to avoid the opportunity to commit the sin a second time.⁶⁶

Repentance is only possible when a sinner has made all these realizations.

As for the components of repentance, Bahya, like Saadia, believes there are four steps a sinner must undertake, and his argument is similar, with one major change. Bahya agrees with Saadia that a sinner needs to regret his transgression, to renounce it, to refrain from committing it a second time. However, for Bahya, asking forgiveness is not enough for a person to be granted atonement. A sinner must also confess his transgression.⁶⁷ For Bahya, confession is an important part of repentance. He quotes Proverbs 28:13, which states, "But he who confesses and abandons (his sins) will be shown mercy".⁶⁸ It is important to note that while the idea of confession is central to the penitential system of Eleazar of Worms, there is no reason to believe that he ever read "The Duties of the Heart", so this could not have been the source of his belief in the centrality of this behavior to repentance.

Bahya does mention certain external behaviors, but they are meant to strengthen one's feeling of remorse. For instance, Bahya includes being more modest in one's speech, attire, and food, engaging in practices similar to those of a mourner, and humbling oneself in front of God in order to demonstrate one's regret.⁶⁹ But this is not repentance itself. Repentance can only be achieved by following the four steps of renouncing the sin, expressing remorse, confessing the sin, and refraining from repeating

66. Bahya ibn Pakuda. *The Duties of the Heart*. Translated by Ya'akov Feldman (Northvale, New Jersey: Jason Aronson Incorporated, 1996) 319-320.

67. Ibid, 322

68. Feldman, 322

69. Ibid

it. The external actions can help put a sinner in the proper state of mind, but don't atone for wrongdoing in and of themselves.

Maimonides, Moses ben Maimon, was one of the greatest minds of his generation. In his legal code, the "*Mishneh Torah*", Maimonides has his own "*Hilchot Teshuvah*", the laws of repentance, where he sets down his views on sin and atonement. In the "*Hilchot Teshuvah*" 2:2, Maimonides explains the path to repentance. He states, "What constitutes repentance" That a sinner should abandon his sins and remove them from his thoughts, resolving in his heart, never to commit them again".⁷⁰ This is similar to the ideas of repentance professed by Saadia and Bahya, focusing in on internal transformation. One can perform certain external acts which might lead to repentance, like performing charity, taking a different name, and constantly crying out to God, but this is not repentance itself, merely a means to an end.⁷¹

Like Bahya, Maimonides understands the need for confession. In the "*Hilchot Teshuvah*" 1:1, Maimonides states, "If a person transgresses any of the mitzvot of the Torah...when he repents, and returns from his sin, he must confess before God".⁷² The confession needs to be verbalized⁷³ and can only be accepted after the sinner resolves to refrain from repeating the sin.⁷⁴ In addition to confessing before God, which is a mandatory step in Maimonides system of repentance, he also believes that a public confession serves as an effective aid in achieving atonement. He writes, "It is very praiseworthy for a person who repents to confess in public and to make his sins known to

70. Maimonides. *Mishneh Torah: Hilchot Teshuvah – The Laws of Repentance* (MTHT) Translated by Rabbi Eliyahu Touger (New York: Moznaim Publishing Corporation) 2:2.

71. Ibid, 2:4

72. Ibid 1:1

73. Ibid, 2:2

74. Ibid, 2:3

others, revealing the transgressions he committed against his colleagues".⁷⁵ In fact, according to Maimonides, "anyone who, out of pride, conceals his sins and does not reveal them will not achieve complete repentance".⁷⁶ Maimonides clarifies this statement to include only those who have sinned against another person, as sins against God do not require a public confession.

This emphasis on public confession correlates to Eleazar's insistence regarding a sinner's need to confess his sins to those he has wronged. However, like with Bahya, one must remember that Eleazar most likely did not have access to Maimonides "*Hilchot Teshuvah*" when he was composing his penitential tract. This being said, there are other similarities between the two authors. Perhaps most notably, both Eleazar and Maimonides composed a list of twenty four things which prevent repentance.⁷⁷ These lists are not identical, but they do contain many of the same sins, such as saying "I will sin and then repent", separating from the community, mocking the commandments, causing one's neighbor to sin, disregarding reproaches, cursing the community, and sharing with the thief, among others.⁷⁸ It is likely that Eleazar received this tradition from his cousin Judah, who enumerates the twenty four sins which prevent repentance in his "*Sefer Hasidim*", a list which closely corresponds to Eleazar's. The concept of twenty four actions which prevent repentance might have originated with an earlier work to which all three of these authors had access.

From looking at these three great rabbinic scholars, Saadia ben Joseph, Bahya ibn Pakuda, and Moses ben Maimon, we are able to get a picture of what comprised

75. Ibid, 2:5

76. Ibid

77. MTH 4:2 and HTR pg. 33

78. Ibid

repentance according to a normative rabbinic perspective. There is no mention of self flagellation in any of these texts, no thought of inflicting intense suffering upon the sinner in order to achieve atonement. The sinner must renounce his sinful life and make amends with those he has harmed. He is obligated to ask for forgiveness from both God and from his fellow man. The sinner also must not relapse into sin in order to achieve complete atonement. In the normative rabbinic view, there is no need for external displays of repentance, much less physical abuse, for these actions, like increasing one's charitable donations, are only ancillary in nature. They might help a person achieve a proper mindset in order to repent, but they do not affect atonement itself.

Ascetic Rituals in Eleazar's Penitential System

For Eleazar of Worms, ascetic rituals were necessary in order for a sinner to atone for his transgressions. A penitent must perform these physical acts in order to cleanse himself of his sins. By taking the obligation upon himself to undergo voluntary physical chastisements in this world, this will eliminate the necessity of divine punishment, which will be meted out after the sinner's death.

In order to demonstrate this idea, Eleazar builds upon BT Yoma 86b, which demonstrates that there are three distinct categories of sin, and a sinner is required to do penance for each one.⁷⁹ In the time of the Talmud, the word "teshuvah" most likely did not mean "penance", but rather, "repentance". One of the difficulties that face any translator of these texts is the multitude of meanings of "teshuvah", depending on the

79. HTR par. 1

particular context it which it is found.⁸⁰ It is clear that Eleazar had a different understanding of what it meant to do “teshuvah” than the rabbis of the Talmudic era, but he still utilized Talmudic texts to ground his penitential system. By framing his system on a Talmudic citation, he gives his penitential system a sense of traditional authority and continuity.

According to this Talmud text, if a person transgresses a positive commandment, but does penance, the sinner is forgiven immediately. Transgressing a positive commandment is viewed as the lightest category of sin, for which only penance is necessary to cleanse oneself of this misdeed. If a person transgresses a negative commandment, BT Yoma tells us, the sinner must perform penance, but this only suspends the divine decree. Only Yom Kippur provides atonement for transgressing a negative commandment. The next category the Talmud of which the Talmud speaks is transgressing a commandment whose penalty is death at the hands of the *Beit Din*, the Jewish court, or *karet*, premature death by divine action. For sinning in such a severe manner, penance and Yom Kippur both serve only to suspend the divine decree, but a sinner's suffering cleanses him of the sin. BT Yoma 86a details another category of sin, the sin of profaning the name of God, for which only death cleanses the sinner of his transgression.⁸¹ Eleazar uses this passage to establish his own ideas regarding penance. The idea of different categories of sin mirrors his belief that there are distinct methods of penance which correspond to the type of transgression committed; *teshuvah ha'ba'ah*, *teshuvah ha'geder*, *teshuvah ha'mishkal*, and *teshuvah ha'katuv*.

80. Marcus, “Piety and Society”, 37-38

81. HTR par. 1

Teshuvah ha'ba'ah

Teshuvah ha'ba'ah refers to a penitent's ability to restrain himself from repeating the sin when given another opportunity to commit it. Eleazar gives an example, "if a person sins with a married woman and he comes to the woman and he can sin like the first time, but he restrains himself and does not sin, this is it".⁸² This corresponds to the Talmudic idea which Rav Judah expresses in BT Yoma 86a, that if the opportunity for a person to sin comes upon him again, "שְׁבֹאָה לִידֹ", "*she'ba'at l'yado*" but he refrains from it, this characterizes a repentant individual. Though it does not entail any physical mortifications like the other forms of penance, *teshuvah ha'ba'ah* causes the penitent to struggle with temptation, to confront his weakness and overcome it.

However, this type of penance may not have been an acceptable form of atonement. There is scholarly debate on this issue, stemming from the interpretation of Eleazar's statement regarding *teshuvah ha'ba'ah* being "אֵינָהּ מְצוּיָה", "*aynah metzuyah*" "not available".⁸³ Rubin takes this expression to mean that this form of penance cannot occur by any act of the penitent, that it is unavailable to him by his own abilities.⁸⁴ Instead, it is dependant on the sin itself confronting the penitent. Therefore, the opportunity to confront and resist temptation, Eleazar states in the *Rokeah*, "לְפַעְמִים", "שְׁבֹאָה", "*she'ba'ah lefameem*" "which comes occasionally".⁸⁵ He posits that this might be the true origin of the term "*teshuvah ha'ba'ah*". For Eleazar, Rubin maintains, *teshuvah ha'ba'ah* is an acceptable form of atonement.⁸⁶

82. Ibid, par. 2

83. Ibid, par. 1

84. Rubin, 167

85. Sefer Ha-Rokeah, section 206

86. Rubin, 166

However, both Marcus and Fishman believe that what Eleazar meant by referring to *teshuvah ha'ba'ah* as "אינה מצויה" is that this form of penance is no longer an acceptable method of achieving atonement. For Marcus, the rejection of *teshuvah ha'ba'ah* as a suitable form of penance in and of itself is based on the transmission and transformation of this concept from the time of Samuel to Eleazar. Samuel believes that *teshuvah ha'ba'ah* atones for the pleasure that a sinner experiences during the commission of the act, but it does not cleanse the sinner from the transgression itself.⁸⁷ His son, Judah, did not believe that *teshuvah ha'ba'ah* atones for sin, but rather, it was one of two ways, along with *teshuvah ha'geder*, that a sinner could demonstrate remorse.⁸⁸ It no longer serves an expiatory function, exempting a sinner from having to perform acts of penance. Finally, Eleazar dismisses it as "אינה מצויה", as not available as a form of penance. It only serves to express contrition, to put one on the path to repentance. It is not repentance itself.

Fishman posits another reason why *teshuvah ha'ba'ah* fell into disfavor among members of the *Hasidei Ashkenaz*. She believes that there is a correlation between Eleazar's rejection of *teshuvah ha'ba'ah* as a legitimate form of penance and the Christian authorities suppressing this form of penance in the medieval world.⁸⁹ She notes the penitential practice of finding female companions, spending time alone with them, even sleeping among them without engaging in intercourse, as a way Christian ascetics demonstrated their remorse and internal transformation to a life of chastity.⁹⁰ During the 12th and 13th centuries, the Christian church attempted to discourage these practices as an

87. Marcus, "Piety and Society", 47

88. Ibid, 50

89. Fishman, 212

90. Ibid, 208

appropriate form of penance. If indeed, as she believes, the penitential practices of the *Hasidei Ashkenaz* relate to those of the outside Christian world, it is sensible to assume that if one form of penance fell out of favor in the Christian community, it would also occur within Jewish circles.

Teshuvah ha'geder

Teshuvah ha'geder dictates that a penitent undertakes voluntary restrictions designed to keep him from sinning again. The Hebrew word "גדר" is usually translated as "fence" or "limit", so a sinner undertaking this form of penance makes a metaphorical fence between himself and objects or situations which would incline him to repeat his transgression. The sinner is forbidden from doing activities which normally are permissible.

As with *teshuvah ha'ba'ah*, *teshuvah ha'geder* is not, in and of itself, sufficient to cleanse a penitent of his transgression, but instead, serves as a demonstration of remorse and as a preventative measure against returning to his sinful ways. Judah's *Sefer Hasidim* lays the groundwork for this kind of penance in paragraph 43, when detailing the penitential procedure for a person who has sinned with a woman. Judah states that the Sage should tell the sinner to distance himself from the woman in question, to not even look at her or speak to her for a year.⁹¹ It is only upon the completion of this task does the Sage prescribe penances for the sinner.

Eleazar incorporates this idea into his penitential system, detailing for a penitent the kind of activities which he should strive to avoid when undergoing penance for his

91. SH, par. 43

transgression. For a person who has committed a sexual sin, for instance, the *teshuvah ha'geder* will dictate that a penitent steer clear of women in general, while for someone who is accustomed to charging unfair interest rates, the *teshuvah ha'geder* will mandate that he keep far from places in which matters relating to interest are discussed.

This form of penance has parallels within the Christian world. For example, in the mid 7th century Irish work, "The Penitential of Cummean", the abbot declares, "Contraries are cured by contraries, for he who freely commits what is forbidden ought freely to restrain himself from what is otherwise permissible."⁹² Medieval Christian mystic and Franciscan friar David of Augsburg maintains that "we should try to eliminate from our life, as far as possible, whatever may furnish matter or occasion for temptation".⁹³ Another example can be found in the late 12th century Icelandic manual "The Penitential of Thorlac Thorhallson", in which as a penance for committing incest, the penitent must "utterly abstain from association with a woman".⁹⁴ Each of these authors of penitential treatises clearly indicate that a sinner should not only forbid himself from repeating his sinful behaviors, but also restrict himself regarding activities normally allowable. It is important to note that despite these parallels, this does not imply a direct correlation between these Christian texts and Eleazar's *Hilchot Teshuvah*.

Teshuvah ha'mishkal

The next category of penance in Eleazar's penitential system is *teshuvah ha'mishkal*, which mandates a sinner undergo physical discomfort proportionate to the pleasure he experienced during the commission of the transgression. The Hebrew word

92. McNeill and Gamer, 101

93. Rubin, 168

94. McNeill and Gamer, 358

“משקל” refers to weights, so a sinner who undertakes this form of penance is attempting to balance the divine scales of justice. Paragraph 37 of *Sefer Hasidim* defines this form of penance, stating “for the pleasure of the sin, he will cause himself suffering”.⁹⁵ The penitent desires to carry out physical punishments in this world in order to avoid the divine punishment awaiting him in the afterlife. A second aspect of this particular form of penance is the correlation to the amount of time a person spends in the commission of his sin to the amount of time a person needs to perform acts of penance. If a person sinned for two days, his penance might be carried out over the course of two days.

Chapter 19 of *Sefer Hasidim* gives an example of what it means to do “*teshuvah ha'mishkal*” for having sex with a married woman. The penitent must submerge himself in ice water for an amount of time equal to that of his sin with the married woman.⁹⁶ If the sin took place during the summer months, he must instead sit amongst ant hills for the same period of time that he sinned with her.⁹⁷ This demonstrates the connection between the period of time a sinner allotted to sinning and the amount of time necessary to achieve atonement.

Eleazar takes the concept of undertaking physical chastisements in proportion to the pleasure enjoyed by the commission of a sin and develops it further in his penitential system. There are extensive descriptions of physical mortifications which a penitent is obligated to carry out in order to repent for the pleasure he enjoyed from his sin. Fasting, self flagellation, not bathing, and sleeping on a board are all examples of sufferings which fall under the category of *teshuvah ha'mishkal*.

95. SH, par. 37

96. SH, par. 19

97. Ibid

As with the previous categories of penance, there are Christian antecedents to the concept of *teshuvah ha'mishkal*. According to Rubin, this form of penance is equivalent to "the Latin doctrine of Satisfactio, or Composition", which sees an external form of penance as compensation to God for the committed transgression, which saves a person from divine punishment.⁹⁸ This concept is defined in a 9th century Frankish penitential work, only known as part of the Munich Codex, "Monac. Codex Lat. 3909",⁹⁹ which states, "Composition is...any satisfaction by which each culprit settles for any misdeed. For whether this satisfaction is affliction of the body or mind, or a sum of money, whatever is rendered by the culprit for the misdeed is rightly called composition".¹⁰⁰ The idea of Composition corresponds to Eleazar's *teshuvah ha'mishkal* in that by undertaking an act of penance, one is, in effect, cancelling out future divine punishment. This concept is also detailed in an early 6th century Irish handbook, "The Penitentials of Finnian", which speaks about the benefit of undertaking acts of penance, as "the medicine of immediate penance in the present time is needful to prevent perpetual pains in the future".¹⁰¹ Just as in the thought of the *Hasidei Ashkenaz*, suffering in this world was meant to stave off divine punishment in the afterlife.

An 8th century Irish penitential work, of which only a fragment has been preserved, gives the rationale for the idea of *teshuvah ha'mishkal*, stating, "Every penance, both for severity and length of time in which one is at it, depends on the greatness of the sin and on the space of time which one perseveres in it".¹⁰² In this penitential handbook, the Irish term *arra*, or *arreum* in the Latin vernacular, is frequently

98. Rubin, 168-169

99. McNeill and Gamer, 404

100. Ibid, 405

101. Ibid, 91

102. Ibid, 143

used, which is translated as a penance which is "equivalent, substitute, commutation".¹⁰³

For example, "the *arreum* for saving a soul out of hell...three hundred and sixty five *paternosters*¹⁰⁴ and three hundred and sixty five genuflections and three hundred and sixty five blows with a scourge on every day to the end of a year...saves a soul out of hell. For this *arreum* for redeeming a soul that deserves torments in the body has been made."¹⁰⁵ Other forms of *arreum* include "sleeping in waters, sleeping on nettles, sleeping on nut shells, sleeping with a dead body in a grave", holding the position of the cross for a long period of time while reciting prayers, and fasting.¹⁰⁶

The idea of the amount of time a person allotted to committing his transgression being proportional to the time he must perform penance is also found in various Christian penitential literature. In "The Penitential of Finnian", it states regarding a member of the clerical order who has committed a minor sin with a woman, "for such time that he has done this he shall withdraw from the communion of the altar".¹⁰⁷ In "The Penitential of Cummean", the author writes, "He who for a long time is lured by imagination to commit fornication...shall do penance for one or two days, according to the duration of the imagination".¹⁰⁸ Once again, the correlation of ascetic acts does not imply that Eleazar knew of the Christian penitential texts.

103. Ibid, 142

104. The Lord's prayer

105. McNeill and Gamer, 142

106. Ibid, 144-5

107. Ibid, 89

108. Ibid, 104

Teshuvah ha'katuv

Eleazar's final category of penance is *teshuvah ha'katuv*, the prescribed biblical punishment for the violation of a divine ordinance. This is distinguished from *teshuvah ha'mishkal*, for which the penitent atones for the pleasure experienced during the commission of the transgression, which is an subjective valuation. *Teshuvah ha'katuv* commands the penitent to face the biblically mandated penalty for his crime, and, if the sentence is death at the hands of the *Beit Din* or *karet*, the suffering the penitent must endure is extraordinarily severe. As Eleazar writes in paragraph 11 of *Hilchot Teshuvah*, "He shall endure suffering extreme as death".¹⁰⁹ Since Jewish courts no longer held any power to mete out punishment, a penitent who desired to avoid facing divine judgment needed to undertake these penalties himself. Instead of going to the *Beit Din* and being sentenced to a prescribed number of lashings, the sinner must, literally, take his punishment in his own hands and chastise himself by means of flagellation, along with other hardships. This is the only way to fully achieve atonement, as noted in BT Yoma 86, "suffering cleanses" one of sin that would normally carry with it the obligation of death at the hands of the *Beit Din* or *karet*.¹¹⁰

In his *Hilchot Teshuvah*, Eleazar of Worms establishes a system of penance designed to allow those who have committed wrongdoing to mitigate their divine punishment. God will take into account the physical suffering sinners endure in this life when they die and stand before God on the day of judgment. Eleazar emphasizes that physical suffering in this world is preferable to divine punishment, and his *Hilchot*

109. HTR par. 11

110. Ibid par. 1

Teshuvah provides instruction regarding what actions a penitent needs to undertake in order to achieve atonement.

Chapter Three

Sexual Sins in Eleazar's *Hilchot Teshuvah*

The first category of sinful behavior Eleazar of Worms writes about in his *Hilchot Teshuvah* relates to illicit sexual activity. Eleazar devotes a large portion of his *Hilchot Teshuvah* to these sexual behaviors and how one can go about atoning for such transgressions. Eleazar concerns himself with the prohibition of physical contact with a *niddah*, a menstruating woman. He prescribes the penance for the transgression of illicit sexual and physical contact with an unmarried menstruant or even with one's own menstruant wife. He also deals with the transgression of having sexual relations with a married or engaged woman, thus causing her to be prohibited from her partner. Eleazar notes that improper sexual contact can lead to bearing a child out of wedlock, which Jewish tradition views as a social stigma. Additionally, Eleazar details penances regarding having sexual relations with a non-Jewish woman, bestiality, and wasting one's seed in vain.

An Unmarried Menstruant

As early as the third paragraph, Eleazar introduces the subject of an unmarried menstruant, claiming that a man desires sexual contact with her. Once he lays the foundation, he details the four types of penances associated with this sin. First, the *ba'ah* penance is refraining from sinning with an unmarried menstruant woman again.¹¹¹ He

¹¹¹. HTR par. 4

must feel regret for his actions and restrain his desire in order to fulfill this aspect of his penance.

Next, Eleazar of Worms defines the *geder* penance for this transgression, designed to keep a penitent person from sinning again. Eleazar writes "He does not look at social activities of women or virgins for a year or two, or more, and does not look upon the face of a woman or her chest or breasts or her genitals, even if it is his wife when she is still a menstruant that has not immersed".¹¹² Eleazar believes that the very sight of a woman could arouse temptation in a man, which is not uncommon in rabbinic literature. However, Eleazar goes further than this in his penitential system. He continues, "He shall not bathe, he shall not eat hot food. He distances himself from anything that will cause him desire. He does not look at beasts, animals, or birds in the time that they are copulating with each other, lest he desire to sin".¹¹³ By undertaking these restrictions, a person guilty of having sex with an unmarried menstruant can gird himself from repeating this activity.

In the following paragraph, Eleazar details the *mishkal* penance for this particular sin. In accordance with the concept of this penance, the penitent must inflict suffering upon himself which is equal to the pleasure he enjoyed when he sinned with her. The main component of this penance is fasting, as it says in paragraph six, "He should afflict himself with fasting for no less than forty days, and he should not eat meat or drink wine".¹¹⁴ The penitent must endure suffering proportional to his enjoyment of the sin.

Finally, Eleazar states the *kativ* penance for the sin of having sex with an unmarried menstruant. He notes that according to biblical mandate, "he would be liable

112. HTR par. 5

113. Ibid

114. HTR par. 6

for death for his intercourse, that he had sex with a woman that is still a menstruant that has not immersed".¹¹⁵ So, in order to do proper penance, one who transgressed this commandment needs to undergo physical punishments that would equal the biblical penalty. So, Eleazar explains to the penitent what he should do. He writes, "Because of this, he shall lie with hardship upon the ground or upon a board, he should wear black and self flagellate, and afflict himself through fasting for no less than forty days. He shall confess every day three times, with weeping of the heart, and tears, and he should not habituate himself to go to the social activities of women".¹¹⁶ By undergoing these physical mortifications, confessing his sin, feeling sincere regret and sorrow, and distancing himself from women, the penitent is able to suspend the prescribed biblical punishment and be cleansed of his in through his suffering. This concludes the penitential procedures for engaging in sexual intercourse with an impure woman.

Eleazar clarifies that one cannot have sexual relations, or any physical contact, with a menstruant woman, even if it his wife. He elucidate the penitential tasks of one who has sinned in this manner: "One who has sex with his menstruant wife afflicts himself through fasting for forty consecutive days and flagellates himself daily. He does not eat meat and does not drink wine. He does not eat any hot food or bathe during these days".¹¹⁷ Here, the fasting and flagellation comprise the core of the penitential practices. However, there is an additional physical mortification a penitent must undertake. "A man who has sex with one forbidden to him or has sex with his menstruant wife, he has to sit in ice water the equivalent time it takes to roast an egg and swallow it".¹¹⁸

115. HTR par. 7

116. Ibid

117. HTR par. 14

118. Ibid

Sexual relations is not the only prohibited physical contact. Eleazar states, "He shall not hug her nor touch her nor kiss her and not eat with her and not drink with her until she is purified with water and after her purification he may rejoice with her and hug her and kiss her".¹¹⁹ Eleazar makes it clear that there needs to be distance between a man and his impure wife. He also maintains that when she has immersed, not only is it permissible for the husband to have sex with his wife, it is an important part of keeping a man far from sin.

An Engaged or Married Woman

The next sexual sin Eleazar deals with is having sex with an engaged or married woman. This was an especially egregious sin, since the perpetrator was not only transgressing a negative commandment, but also causes the woman to be prohibited to her husband. This act renders the woman basically unmarriageable, unless she was raped.¹²⁰

In his introduction to the sin of having sex with a married or engaged woman, Eleazar describes this act of adultery in two ways. The first is the metaphor of a man who has sex with an engaged or married woman is like "being satiated by tasting stolen water".¹²¹ A person who has engages in sexual relations with a woman who belongs to another man is like a thief, taking something that is not legally his. The second metaphor Eleazar uses when referring to this sinful practice comes from Ecclesiastes, which states that "a crooked thing that cannot be made straight".¹²² There is no undoing the act of adultery, especially in the case of an engaged woman who was still a virgin, since this

¹¹⁹. Ibid

¹²⁰. HTR par. 11

¹²¹. HTR par. 8

¹²². Ibid

traditionally renders her virtually unmarriageable to members of society with a high status. The illicit sexual encounter marks her forever as an adulteress, though it is important to recognize that Eleazar of Worms is not interested in her sin. Eleazar concerns himself only with the male and what penances he has to perform in order to atone for his part in the affair.

Next, Eleazar speaks of the *geder* penance for a penitent who has committed a sexual act with an engaged or married woman. The penance procedure demands that

“he should guard himself from looking at woman, not with their ornaments upon them or ornaments not upon them. He should not look in a place of social activities of women or virgins. He should not hear the sound of their singing. He should not smell their perfumes upon them...He should hear nothing that arises passionate desire. He should not look suggestively towards a woman with his eyes or gesture suggestively either with his fingers or his lips, even with his wife that is still menstruating and has not ritually immersed. He should not be alone with any one that is forbidden to him and not lie with anyone, even if it is his ritually clean wife”.¹²³

Eleazar emphasizes the idea of the separation of the genders as part of the penitential process. He maintains women tempt men through every one of the five senses, that it is not only the visual stimulation which women provide that threaten a man's resistance, but also their voices and their fragrances. If a man witnesses them enjoying themselves, frolicking with their friends, his passion will be aroused. He might

¹²³ HTR par. 9

engage in flirtatious behavior, which is a dangerous step toward repeating sinful behavior. The best method to avoid temptation is for the penitent to distance himself from any female interaction, to the point where he should not be alone with any woman who might be a source of illicit pleasure.

Eleazar continues speaking about the penitential procedure for someone who has had sex with an engaged or married woman. He writes,

“One complete year he is forbidden to eat meat and to drink wine...and he should not eat hot bread. He shall not bathe, except on festival days. He should not go to see anything amusing except if he goes to weddings in the hour of blessing.¹²⁴ And he should not pamper himself with anything. He should self flagellate every day and lie upon one board without a mattress, except on Shabbat and on festival days, upon straw or upon stalks and a bolster at his head. He shall remove the animalistic impulse which is inside him, the visceral essence. He will make his life difficult”.¹²⁵

Eleazar details the kinds of sufferings a penitent should inflict upon himself in order to atone for the transgression of having sex with a woman who is married or engaged. Like the *mishkal* penance for having sexual intercourse with an impure woman, the punishment should be equivalent to the pleasure enjoyed during the performance of the transgression. Dietary restrictions and self flagellation, two of the most common

124. Underneath the Chuppah

125. HTR par. 10

penitential practices, are prescribed for this sin, along with sleeping on a wooden board and not bathing.

Eleazar concludes his discussion of the transgression of having sexual intercourse with a married or engaged woman by describing the *katurv* penance that a penitent is obligated to perform. He first notes that the biblically mandated punishment for having sexual intercourse with an engaged or married woman is death, so, in order to atone for his behavior, a penitent, "shall endure suffering extreme as death".¹²⁶ Eleazar writes

"He shall lie in ice or snow for an hour a day, every day,
once or twice a day. On the hot days he should sit before the flies
or the ants or before the bees...He has to confess every day and weep
daily and sigh, and every type of affliction and suffering since she is now
forbidden to her husband...He shall flagellate himself and afflict himself
by fasting forty consecutive days. He shall sleep upon the earth and not
bathe and not enjoy delights and not go to social activities
of women nor virgins".¹²⁷

The primacy of Eleazar's concern with improper sexual contact is underscored by the issue of illegitimacy. Eleazar quotes the BT Hagigah 9b, which reads, "Rabbi Shimon bar Mensia said, who is crooked and cannot be made straight? The one who has sex with a forbidden person and bears a bastard".¹²⁸ There is no penance given for a person who fathers a child out of wedlock, and Eleazar makes the claim that if "he forced himself

126. HTR par. 11

127. Ibid

128. HTR page 32

upon a married woman and had sex with her and bears a bastard, there is no remedy for him".¹²⁹

Other Sexual Transgressions

Eleazar touches on a variety of other sexual sins including intercourse with a non-Jewish woman¹³⁰, bestiality¹³¹, and wasting one's seed in vain¹³², and lays out penances for each one. In addition, Eleazar brings up the issue of sexual immorality in general terms when he speaks of egregious sins. He quotes BT Baba Metzia 58b which speaks of the sins which prevent a person from ascending from Gehinnom, meaning that there are certain sins for which, from a talmudic standpoint, one can never atone. One of these transgressions is having sex with a married woman.¹³³ This underscores the importance of undergoing Eleazar's program of penance, which would cleanse the sinner of his transgressions.

Eleazar also mentions the severe consequences of transgressing regulations concerning sexual practice in the conclusion of his penitential tract, noting that Israel was exiled for eight sins. Two of these sins were "the sin of forbidden sexual relations" and "the sin of a menstruant woman".¹³⁴ The message of this passage is clear. Sexual sins are very damaging not only on an individual level, but can also cause destruction and devastation to an entire community.

129. HTR page 33

130. HTR par. 12

131. Ibid

132. HTR par. 20

133. HTR page 33

134. HTR page 36

Analysis

It is telling that the first category of transgressions Eleazar confronts is that which involves sexual indecency. The fact that Eleazar decided to begin with this sin underlies its importance in his thought. What is the reason for his obsession with improper sexual practices?

One answer stems from a religious sentiment which emphasizes that the true pietist needs to direct all of his passion towards God. In an ideal circumstance, the pietist reaches the highest levels of pleasure when engaged in worship and connection to the divine. Men should try as much as possible to subdue their inclination towards fleshy pursuits in order to achieve spiritual communion with the holy. This does not mean that the *Hasidei Ashkenaz* believed that abstinence was the preferred way to live, which is a departure from their Christian monastic contemporaries.¹³⁵ As Eleazar's *Hilchot Teshuvah* mentions, a man's wife can keep him from transgression, so a pietist is obligated to show her love and affection.¹³⁶ Women can serve as a source of salvation, even as they can also be conduits for sin. From this piece, Eleazar does not seem to be against all sexual encounters, just those which he considered immoral or inappropriate.

Another possible explanation to the question of why Eleazar concerns himself with matters of sexual impropriety can be gleaned by looking at this phenomenon from a sociological perspective. According to Judith Baskin, the communities in which the lived provided ample opportunities for adulterous affairs.¹³⁷ Merchants traveled on extended business trips, leaving their wives at home for long periods of time. Also, the world of

135. Scholem, 105

136. HTR par. 20

137. Judith Baskin. "Images of Women in Sefer Hasidim", in *Mysticism, Magic, and Kabbalah in Ashkenazi Judaism*. Edited by Karl Erich Grozinger and Joseph Dan (Berlin: Walter De Gruyter, 1995) 104.

the *Hasidei Ashkenaz* was one in which women played an active role, especially in the economic and social sphere.¹³⁸ They were not cloistered away, but part of the larger community, frequently interacting with men. One other factor to consider is that extended families tended to live together, which could lead to inappropriate physical contact.¹³⁹ All things considered, there were frequent opportunities for improper sexual relationships to occur.

Because of the prominence of the sins of sexual immorality in his era, Eleazar focused a large part of his penitential treatise on sexual transgressions. But perhaps there is more we can learn from Eleazar's emphasis on sexual sins. It is my contention that the sins which Eleazar of Worms emphasized in his *Hilchot Teshuvah* were not only the most prevalent sins of his time, but the ones most destructive to the maintenance of the Jewish community.

For example, if a husband came home from a long journey to find his wife having an extramarital affair, the stability of the community could be shaken. Because of the tight knit nature of the medieval Jewish communities, everyone would know what had transpired. Emotions would flare up between members of the community, perhaps even resulting in violence between the wronged man and the person who cuckolded him. This transgression does not only affect the man and his wife, but it also damages the greater community. In addition, if any offspring were produced from an illicit union, they would be of lower status than the rest of the Jewish people, which would be another blight on the community.

138. Judith Baskin. "Women and Sexual Ambivalence in Sefer Hasidim" *The Jewish Quarterly Review*, 96 (Winter 2006) 1.

139. Judith Baskin, "From Separation to Displacement" *AJS Review* 19 (1995) 12.

Special attention needs to be given to Eleazar's realization that sexual contact between a Jew and a Christian was another possibility which could have damaging repercussions on the community. The governing bodies of both Jews and Christians each attempted to dissuade sexual relationships between the communities, including enacting city laws which mandated the death penalty for engaging in these forbidden unions.¹⁴⁰ However, Jews and Christians continued engaging in these illicit affairs, despite the potential consequences.¹⁴¹ If sexual relations between Jews and Christians had ceased, Eleazar would not have needed to prescribe a penance for it in his *Hilchot Teshuvah*.

Another potential communal issue arising from sexual encounters between Jews and Christians is the problem of apostasy. A Jew who has sexual relations with a Gentile could signal his disengagement from the rest of the Jewish community. Romantic involvement with a woman outside one's religious circle could cause the Jew to stray from his beliefs, to turn away from his faith. This kind of activity had dangerous implications, as it could further weaken the Jewish community of Ashkenaz if it lead to apostasy.

Even the transgression of sinning with a menstruant woman has communal implications. Though no offspring could be produced during this prohibited union, I believe Eleazar was concerned with the moral fiber of his community. If a person did not have the self control to refrain from engaging in prohibited sexual contact with a menstruant, what does this say about his character? If he disregards this biblical ordinance, what other rules would he disobey? Eleazar's reinforcement of the sin of

140. Salo Baron. "The Jewish Factor in Medieval Civilization" in "*Medieval Jewish Life*" (New York: Ktav Publishing House, 1976) 10.

141. Ibid

sexual contact with a menstruant woman speaks to his concern about the morality of Jewish society.

Eleazar of Worms lived in a society in which people could easily engage in illicit sexual behaviors. From his emphasis on sexual sins in his *Hilchot Teshuvah*, we can ascertain that these forbidden behaviors were occurring within the Jewish communities in Ashkenaz. Through his penitential system, Eleazar sought to quash the frequent commission of these sins which, when left unchecked, could serve to undermine societal order.

Chapter Four

Economic Sins in Eleazar of Worms' *Hilchot Teshuvah*

Eleazar of Worms focuses on transgressions relating to economic injustices. He concentrates on a wide variety of economic offenses and what is necessary for a penitent to be forgiven of these wrongs. Eleazar expounds upon the transgressions of robbery and theft and the charging of interest, noting that penance for these sins can only be achieved once the money or property is returned to its rightful owner. In addition, in his list of the twenty four activities which prevent repentance from being attained, economic sins are mentioned repeatedly. Finally, Eleazar includes two economic sins when referring to the nine activities which prevent God from hearing a person's prayer. The emphasis which Eleazar places on economic transgressions underlies their relevance and frequency in the medieval Jewish world.

Robbery and Theft

The first economic crime Eleazar deals with is one who steals or robs from his neighbor. He takes care to include both stealing, from the root גנב, "*ganav*", meaning to stealthily take something one does not own, and robbery, from the root גזל, "*gazel*", which is a more aggressive act, similar to mugging. Despite the inherent difference between the two actions, the penances for them are the same. The first step on the road to penance is returning the property which was stolen to either the victim of the crime, or to his inheritors, or, if there are no inheritors, to the *Beit Din*. For Eleazar, it is an essential

part of penance to restore any damage done to the victims of an economic sin by returning what was unjustly pilfered.

In addition, in order to atone for the thievery, a person must undergo physical mortifications: "He shall flagellate himself and afflict himself though fasting".¹⁴² Accompanying this, there must be feelings of contrition and an admission of guilt, as Eleazar states, "He will groan, he will feel regret and he will confess".¹⁴³ The most prevalent penitential actions are mandated here, those of fasting, self flagellation, and confession.

Eleazar also warns a penitent from repeating his action, presenting a *teshuvah ha'ba'ah* for this transgression, though he does not use the term to describe refraining from stealing again. He prescribes part of the penance as, "If he comes upon the property of his friend and he could steal it, he restrains himself and distances himself from the property of his friend".¹⁴⁴ Finally, Eleazar believes proper penance for the sin of thievery necessitates the inclusion of an act of charity: "He will increase in the giving of charitable donations".¹⁴⁵

Charging Interest

In paragraph sixteen, Eleazar again speaks about the sin of stealing and robbery, but he also adds the transgression of charging interest. Eleazar believes that charging interest is a major transgression, as he states that a person who lends money has no place

142. HTR par. 15

143. Ibid

144. Ibid

145. Ibid

in the world to come.¹⁴⁶ In addition, in paragraph twenty nine, he states that for the sin of usury, the property of the sinner will not be inherited by his children. Usury, according to BT Sukkot 29a-b, causes the property of the master of the house to fall into the hands of the ruling kingdom.¹⁴⁷

Like with the two overt forms of thievery, a person who charges interest needs to return it the debtor and also ask for forgiveness.¹⁴⁸ He must also self flagellate, fast, and confess his sin. Eleazar maintains it is essential for a penitent usurer to restrain his inclination to charge interest. In order to refrain from this activity, Eleazar constructs numerous roadblocks for the penitent who might consider returning to usury. While he does not use the term "*teshuvah ha'geder*", these restrictions would certainly keep a person from repeating his transgression. Eleazar writes, "He must take care that he does not receive any deposits and none of his neighbor's property comes into his hand...he will distance himself from it....and if he gives back the interest...he guards himself from all types of interest and from anything connected to interest and from matters of interest...and he does not dwell in places where they discuss matters of interest".¹⁴⁹ If a penitent is able to keep himself from activities which might spur his desire to return to his sinful deeds, he will be capable of truly performing a complete penance.

146. HTR par. 16

147. HTR par. 29

148. HTR par. 16

149. Ibid

The Inclusion of Economic Sins in the "Twenty Four Sins which Prevent Repentance" and the "Nine Deeds that Prevent Prayer"

In his list of the twenty four sins which prevent proper repentance from being achieved, Eleazar mentions several economic transgressions. The seventh sin on his roster of transgressions is "one who shares with the thief".¹⁵⁰ This relates to a person who not only condones stealing, but also benefits financially from the theft. The sixteenth transgression which prevents complete repentance is "one who sleeps with the pledge of the poor", a reference to the prohibitions in the Torah relating to keeping the pledge of a poor person overnight, found in Exodus 22:25 and Deuteronomy 24:12-13. Finally, the seventeenth transgression on Eleazar's list relates to people "who accept bribes".¹⁵¹

Following after this list of the twenty four transgressions which prevent repentance, Eleazar gives another list, this one regarding the nine things which prevent prayer from being received. Two of the wrongs deal with economic transgressions. One interesting point brought out in this discussion relates to Eleazar's choice of biblical verses. Both of his citations focus on the destructive effect of economic injustices to the poor. Eleazar writes, "The fourth is someone who does not reply to the poor. 'His ears are deaf to the cries of the poor. He also will call and he will not be answered'".¹⁵²,¹⁵³ Here, God shuts off communication with a person who does not listen to the needs of the poverty stricken in the community. Just as a person does not answer the pleas of the poor, God will not answer the pleas of the transgressor. Eleazar's fifth transgression which

150. HTR pg. 33

151. Ibid

152. Proverbs 21:13

153. Ibid

prevents prayer is "the one who wrongs and steals. 'You have devoured My people's flesh...But he will not answer them'¹⁵⁴".¹⁵⁵ Stealing is compared to picking the bones of the victim, stripping them of what they need to live. Therefore, in the transgressors time of trouble, they will receive no divine assistance.

Analysis

Eleazar's concentration on economic transgressions demonstrates his concern about this category of sin. During the Middle Ages, there was vast economic growth and urbanization.¹⁵⁶ There was an increase in commercial activity, with greater sums of money changing hands than in previous eras. With this economic boom, there were more opportunities for people to become wealthy, prominent members of society. Money also meant the possibility of purchasing protection from the ruling Gentile authorities, which was sometimes necessary in the face of potential Christian oppression.¹⁵⁷

In the world of medieval Ashkenaz, Jews functioned primarily as merchants and moneylenders.¹⁵⁸ They flourished in these pursuits, as the majority of the medieval economy still focused on farming. Jews were capable of earning a decent living, even becoming wealthy enough to hire Christian servants or have Christian rulers borrow money from them.¹⁵⁹ However, with the rise of the general economy and this newfound sense of Jewish prosperity, there was bound to be corruption and economic injustices.

154. Micah 3:3-4

155. Ibid

156. John Van Engen. "Jewish and Christians Together in the Twelfth Century" in *Jews and Christians in Twelfth-Century Europe*. Edited by Michael A. Signer and John Van Engen (Notre Dame: Notre Dame Press, 2001) 5.

157. Ibid, 6

158. Guido Kisch. *The Jews of Medieval Jewry: A Study of Their Legal and Social Status* (New York: Ktav Publishing House, 1970) 318.

159. Van Engen, 2

This might explain Eleazar's focus on the plight of the poor within Jewish communities and his hope, that through reminding the Jewish communities of their obligations to assist those in need, the overall situation of the Jews of medieval Ashkenaz would improve.

Eleazar makes it clear in his *Hilchot Teshuvah* that economic injustices cannot be tolerated, especially the charging of interest. The problem of charging interest on a business transaction is sociologically significant. In Deuteronomy 23:21, Jews are forbidden from charging interest on a loan to a fellow Jew. In keeping with this biblical prohibition, Eleazar emphasizes that moneylending is a sinful practice which requires an individual to perform penance. However, from a historical standpoint, we learn that moneylending was a primary source of income for many Jews during the Middle Ages.¹⁶⁰ Many Jews engaged in the business of moneylending, since it was not only profitable, but it also allowed them to spend more of their time studying or pursuing other interests.¹⁶¹ Therefore, one needs to balance the historical reality with Eleazar's mandates against usury.

In my opinion, there are two possible options which explain Eleazar's opposition to moneylending. First, perhaps Eleazar's belief that charging interest upon business transactions is a sin which requires penance only relates to dealings between Jews. In paragraph 16 of his *Hilchot Teshuvah*, Eleazar cites Exodus 22:24, which states, "If you lend money to My people, do not act toward them as a creditor; exact no interest from them".¹⁶² Reading this verse literally, it does not rule out charging interest upon business dealings with Gentiles, it solely prohibits acting as a usurer to another Jew. Therefore, if a Jew decided to ignore this ruling about charging interest to his neighbor,

160. Kisch, 318

161. Stow, 216

162. Exodus 22:24

he has committed a sin and must perform acts of penance. His actions not only violate a commandment, but by acting as a usurer to his own people, he intentionally impoverishes members of the Jewish community, which, in turn, could lead to the further deterioration of the society. However, there is a problem with this option. According to Jewish law, even moneylending to Christians is prohibited.¹⁶³ So, either Eleazar disregarded this regulation, or there must be another alternative.

The second option for Eleazar's negative stance regarding moneylending is that he believed that it was a sinful practice irrespective of whether or not the transaction was with a Jew or Gentile. Perhaps Eleazar realized that even though Jews were carving out a decent living working in this field, acting as a usurer to anyone, including Gentiles, could be dangerous for the Jewish community. During the medieval period, Christians who needed money often borrowed from Jews, which led to hostile feelings.¹⁶⁴ Having to take out a loan from a Jewish businessman put Christians in a submissive state, as they were dependant on a people that they believed were inferior.¹⁶⁵ This created resentment, which, if left unchecked, could spur increased violence between Jews and Gentiles, and could be the primary reason why Eleazar discouraged the practice of moneylending.

Eleazar's focus on economic transgressions underlines both their prevalence and potential destructive impact the commission of these sins could have on the Jewish community. Poverty creates dissatisfaction and resentment of those who have greater means. Eleazar realized that while some Jews were achieving economic success, others were not as fortunate. Through his penitential work, Eleazar exhorts the Jewish community to remember the impoverished in the community and care for their wellbeing.

163. Stow, 218

164. Ibid, 212

165. Ibid, 220-221

By seeking to deter Jews from oppressing the poor in their own midst, from engaging in unfair business practices with each other, and from earning a living as a usurer to both Jews and Christians, Eleazar hoped to purge economic sins from the Jewish community, which would lead to a more stable society.

By seeking to deter Jews from oppressing the poor in their own midst, from engaging in unfair business practices with each other, and from earning a living as a usurer to both Jews and Christians, Eleazar hoped to purge economic sins from the Jewish community, which would lead to a more stable society.

Chapter Five

Violent Crimes in Eleazar's *Hilchot Teshuvah*

The next category of sin which we will examine are violent crimes which result in the injury or death of the victim. The penances of these sins are severe, as these transgressions can cause irreparable harm to an individual and his family. First, we will study what Eleazar states about causing someone physical harm, and then what he demands for the most serious of transgressions, murder.

Causing Physical Harm

Eleazar of Worms describes the sin of physically injuring another person in paragraph sixteen of his *Hilchot Teshuvah*. He states that a person who strikes his neighbor has committed a transgression for which he needs to perform penance. Causing physical harm to another person is an egregious action, as Eleazar cites BT Sanhedrin (Rabbi Hanina said), "One who strikes an Israelite in the jaw, it is as if he strikes the divine presence in the jaw".¹⁶⁶ This is quite a statement, as it equates an physical attack on a member of the Jewish community with assaulting God. It is such a heinous crime, Eleazar reminds us, that regarding one who repeatedly physically abused his neighbors, the penalty is, as Sanhedrin states, "Rav Huna had his (one who strikes others) hand cut off".¹⁶⁷ Eleazar discourages a person from even giving the perception that he might

166. BT Sanhedrin 58b

167. Ibid

strike his neighbor, stating, "One who raises his hand against his neighbor, even if he does not strike him, he is called wicked and a sinner".¹⁶⁸

However, if a person did commit the transgression of physically injuring his neighbor, Eleazar sets out penances for the sinner to undertake in order to achieve atonement. Eleazar states, "He will request atonement from him, and after this, he will confess that he sinned...He will afflict himself through fasting...He will regret his sin and not lift his hand against his neighbor again, for he will be called wicked".¹⁶⁹ Here, we see the common refrain that for committing a sin against one's fellow, the sinner must first appease the wronged party. If a sincere apology and admission of guilt does not suffice, Eleazar adds that the sinner should give him monetary considerations for his injury. In addition to asking for atonement from his neighbor, the sinner must confess his sins and vow not to strike anyone again. Eleazar includes physical mortifications as part of the penitential process, stating that a sinner must afflict himself through fasting. Also, Eleazar believes the sinner must "self flagellate because he has transgressed a negative commandment".¹⁷⁰ If a sinner completes the prescribed penances, he is granted atonement for his crime.

Murder

The most severe penance Eleazar prescribes is for one who commits murder. Taking a human life is the ultimate transgression, one that, from a biblical standpoint, there can be no atonement.¹⁷¹ One who takes a life is liable to be executed. In his

168. HTR par. 16

169. Ibid

170. Ibid

171. Exodus 21:12

Hilchot Teshuvah, Eleazar provides a penance which allows the murderer to remain alive, as long as he undertakes the drastic measures established in this penitential work. The sinner suffers greatly, as he is exiled from his land, forced to proclaim his sin publicly, and undertakes various physical mortifications.

He writes, "A murderer, a man who strikes his neighbor and murders him, among a man or a woman, or kills a small child, will go into exile for three years and flagellate himself."¹⁷² This is the only sin in which Eleazar prescribes exile as part of the penance. As noted earlier, the Talmud establishes exile as a potential penitential act, but it also has a biblical precedent. The concept of exile for a murderer appears in the Torah, but this only applies to one who accidentally kills another human being.¹⁷³ Numbers 35 lays out the principle of refuge cities to which person who inadvertently commits murder can flee in order to escape the wrath of the victim's surviving relatives.

Here, Eleazar takes the idea of exile for someone who has shed the blood of another human being and includes it in his penitential system. The penitent leaves everything behind and travels to a different community. However, he cannot escape his sin. Eleazar writes "In every city he will say, 'I am a murderer.'"¹⁷⁴ He must confess his sin to everyone he comes into contact with in his wanderings.

A murderer also must take other restrictions. Eleazar notes, "He will not eat meat or drink wine and will not shave the hair of his beard or his head. He will not wash his clothes or wash his body. He will wash his beard once a month. To the hand which he murdered with and around his neck, he will tie a chain. He will walk barefoot and he will weep about his murder. He will afflict himself through fasting every day until his exile

172. HTR par. 23

173. Numbers 35:11

174. Ibid

ends, and another year afterwards, he will afflict himself through fasting on the second and fifth day of the week, even though he fasted three years every day".¹⁷⁵ These restrictions would assuredly cause the penitent great suffering and discomfort. The length of the fast is the longest mandated in this text. The penitent is not allowed to maintain proper hygiene, as regular bathing and shaving are prohibited to him.

As a final humiliation, one who has committed a murder cannot defend himself against personal attacks. If they come to assail him with taunts, he must hold his tongue.¹⁷⁶ To further his disgrace, he is obligated to dwell in the doorway of the synagogue so people can step over him, which is meant to be another embarrassment.

Analysis

In his *Hilchot Teshuvah*, Eleazar reinforces the biblical and talmudic concept that committing a violent act against one's neighbor is a serious transgression. However, in contrast to the Bible or the Talmud, Eleazar does not break down the sins of assault and murder into more specific categories. For example, when speaking of a person who physically injures his neighbor, he does not give different penances for one who was justifiably provoked as opposed to one who lost his temper and lashed out. In his discussion of murder, he does not draw any distinction between one who kills intentionally and one who accidentally commits homicide. By this omission, one can make the argument that Eleazar felt all violent acts required a person to undertake penances. Striking a person and causing him harm requires immediate rectification, including financial penalties and physical mortification, while the penance for murder is

175. Ibid

176. Ibid

most rigorous of all the penalties Eleazar mandates. Why are the penalties for these crimes so severe?

There is no doubt that violent acts have the capacity to destabilize a society. When the Bible establishes cities of refuge, the prevailing notion is that by allowing a person who has committed a murder unintentionally to flee, this will prevent further bloodshed, as the victim's family is prevented from extracting its vengeance upon the perpetrator. The hope is that the forced exile will end the cycle of violence. In Eleazar's penitential system, the murderer must flee for an extended period of time, which perhaps will serve the same function. Both the passage of time and with the subjugation of the murderer might allow cooler heads to prevail when he returns to the community from his temporary exile. In Eleazar's mind, Jews murdering other Jews would be extremely damaging to their communities, especially since the Jews were a minority amongst a group that has already enacted tremendous violence against them.

In a community in which the scars of the Crusades were still present, it is no wonder that Eleazar would decry any acts of violence between two Jews. During the Crusades of 1096, bands of Christians, ostensibly en route to liberate Jerusalem from Muslim rule, violently destroyed entire Rhineland Jewish communities.¹⁷⁷ Formally thriving communities like Mainz, Worms, and Speyer were decimated.¹⁷⁸ In order to escape death at the hands of the marauding Christian gangs, some Jews chose to convert to Christianity. However, other Jews decided that they could not commit apostasy and instead opted to die in order to sanctify God's name, preferring to die in an act of martyrdom than surrender their religion. Some parents even went so far as to murder

177. Jacob Katz. *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relationships in Medieval and Modern Times* (New York, Schocken Books, 1962) 88.

178. Van Engen, 3

their own children before killing themselves in an act of defiance and solidarity.¹⁷⁹ The toll of the Crusades on the Jewish was devastating, as the violence was burned into their collective memory, as attested to in the writings of Jewish poets who recorded the names of the martyred dead.¹⁸⁰

With these memories still in mind, one can understand Eleazar's insistence that one who commits a violent crime undergo severe penalties. After the 1096 Crusades, medieval Jewry lived with the reality that, even at a time of relative peace and tranquility, their world could be turned upside down by a Christian attack. Internal violence would only serve to weaken a community already living in the shadows of potential Gentile oppression. The Jews of medieval Ashkenaz already experienced a tremendous amount of death and destruction brought about by external factors. Eleazar sought to limit any additional violence between Jews.

179. Stow, 117

180. Ibid, 102

Chapter Six

Verbal Transgressions in Eleazar's *Hilchot Teshuvah*

Eleazar of Worms stresses the power which words have to cause hurt to one's neighbors. Throughout his *Hilchot Teshuvah*, Eleazar details the devastating power words can contain. Eleazar concentrates on the verbal sins of insulting and humiliating one's neighbor, gossip, and acting as an informer for the authorities. He also utilizes Talmud to speak of the perils of evil speech, noting that those who engage in flattery, disrespectful behavior, deceit, and other forms of evil speech will never attain closeness to God.

Eleazar explains to the penitent that one must repent for verbal wrongs just like transgressions committed with one's body. He makes extensive use of BT Baba Metzia 58b in his discussion on the sins committed through one's speech. He quotes this talmudic source to demonstrate the severity of verbal transgressions, as it says in the text, "there is sin regarding words...Verbal wrongs are worse than wrongs concerning property, that for the first it is said, 'you shall fear the Lord'¹⁸¹".¹⁸² He uses the same source to show that verbal wrongs are actually worse than injurious behavior directed towards another person's property. He states, "For the first, one can make reparation, and for the other, one cannot make reparation".¹⁸³

181. Leviticus 25:17

182. HTR par. 16

183. Ibid

Shaming One's Neighbor

Eleazar compares humiliating one's neighbor to murder, quoting from BT Baba Metzia 58b, "One who publicly shames his neighbor it is as if he sheds blood - Redness departs and paleness comes".¹⁸⁴ This is a sin which, by rabbinic standards, there is no repentance which can completely absolve the sinner, for he remains forever in Gehinnom. As the Talmud text states, "One who publicly shames his neighbor or gives him a bad name, even if he is known by that name, he does not ascend from Gehinnom".¹⁸⁵ An improper nickname, even if the person is accustomed to being called by this term, is considered to be a hurtful verbal wrong for which penance, according to this passage, is impossible.

In order to atone for insulting and shaming one's neighbor, Eleazar mandates that the penitent self flagellate, afflict himself through fasting, and confess his wrong. He must make peace with the person he has shamed, and, if the person does not forgive him, the penitent must exhaust all avenues to convince the wronged party to change his mind, including asking others to intercede on his behalf and giving him property.¹⁸⁶ If the person dies before granting the penitent forgiveness, he should pray for forgiveness at his grave in front of ten witnesses.

Gossip

Eleazar also specifically writes about the perils of gossip. The first step to atonement is making peace with the one who has been harmed by this hurtful speech, as

184. Ibid

185. Ibid

186. Ibid

Eleazar writes, "One who gossips, there is no treatment unless he asks forgiveness and appeases all that he gossiped about".¹⁸⁷ In order to prevent committing this sin again, the penitent should devote time to study, specifically the "meaning of peace and of the commandments".¹⁸⁸

Informing

Another destructive verbal wrong is the sin of informing on one's neighbor. The practice of Jews transmitting harmful information about their neighbor to the prevailing Christian authorities was damaging to the community. In such a close knit society, each Jew knew a tremendous amount about everyone else in the small community. In order to get in the good graces of Christian authorities, often including financial profit, Jews could inform on their neighbor, causing his neighbor great misfortune. Eleazar emphasizes the terrible consequences of transmitting information about one's neighbor, comparing it to theft and murder. He writes, "One who informs regarding his neighbor, behold, he sets governmental officials against him, slanders him, and takes his property and kills his neighbor and the wife of his embrace, and kills his sons and his daughters and all the sons of his house".¹⁸⁹ Betraying one's fellow Jew was like killing his entire family. So, in order to atone for this grievous sin, a penitent must not only physically mortify himself through flagellation and fasting, but also compensate his neighbor. Eleazar states, "Therefore he will pay to him (all the losses incurred) from his speech. He will be to him

187. HTR par. 28

188. Ibid

189. HTR par. 27

like a perpetual slave".¹⁹⁰ A penitent must voluntarily place himself in a position of subservience relating to the person he has wronged.

Verbal Transgressions in the "Twenty Four Sins which Prevent Repentance"

Eleazar continues to bring up the issue of verbal wrongs in his list of the twenty four things which prevent repentance, an almost a direct quotation from *Sefer Hasidim*. The very first two sins on the list are gossip and evil speech. Their prominent position underscores the importance of this sin in the eyes of both Judah and Eleazar. In addition, the ninth sin is the sin of "the one who elevates himself at the expense of his neighbor",¹⁹¹ which relates to the idea of humiliating someone else for personal gain, and might also refer to the transgression of informing against one's neighbor.

Talmudic Citations Detailing Verbal Sins

Eleazar utilizes Talmudic citations to clarify which other spoken transgressions should be avoided at all costs. For instance, he cites BT Sotah 42b which cautions, "There are four classes that do not receive the presence of the *Shekhinah*: the class of scoffers, the class of flatterers, the class of liars, and the class of those who utilize evil speech".¹⁹² Eleazar does not mete out penances for these specific verbal sins, but he makes it clear that they are unacceptable. A person who engages in these verbal wrongs will never achieve closeness to the divine, which is the ultimate goal of any pietist Jew.

190. Ibid

191. HTR page 33

192. Ibid

Another example is taken from BT Sanhedrin 100a, a passage which defines what it means to be a heretic. This includes, according to Rav Pappa, a person who says "those rabbis" and, according to Rav Nachman, a person "who calls his teacher by his name".¹⁹³ Also, Eleazar cites BT Sanhedrin 99b, which states that according to Rabbi Hanina, a heretic is "one who insults a wise student" that it is particularly sinful to insult one's intellectual superior or teacher.¹⁹⁴ Eleazar maintains that disrespecting one's superiors is an egregious sin, one which categorizes the sinner as a heretic.

Analysis

Eleazar believed that verbal wrongs were very serious and required immediate remedy, which includes the penitent making every attempt to pacify his victim. Therefore, when Eleazar prescribes the penances for committing verbal wrongs sin, he does not only mandate self affliction through fasting and flagellation. He dictates that one who has humiliated his neighbor must make every conceivable effort to make peace with the wronged party. To further emphasize his objection to verbal wrongs, he equates these oral transgressions as tantamount to murder, while also stating that those who engage in evil speech are doomed to Gehinnom. The language is harsh, underlying his concern about the sins of slander, disrespect, and informing to the governmental authorities. What is it about the sins of verbal wrong that Eleazar found so objectionable?

One answer may be found in examining how the *Hasidei Ashkenaz* were viewed by their contemporaries. The *Hasidei Ashkenaz* were often the subject of derision and scorn, as other Jews who did not adhere to their teachings mocked their ultra-pietistic

193. HTR pg 34

194. Ibid

teachings.¹⁹⁵ This made their life very difficult, as they were often humiliated for their ascetic and penitential beliefs. Eventually, the *Hasidei Ashkenaz* were able to incorporate the verbal abuse they encountered from other Jews into their theology, as continuing to behave as a pietist in the face of societal pressure was viewed as a positive, an additional trial to overcome when serving God. However, remaining true to a pietistic life must have been eminently difficult when confronted with such derision and humiliation. Perhaps this phenomenon sheds light on Eleazar's focus on verbal transgressions.

However, there is another way of explaining Eleazar's focus regarding verbal transgressions, and that is from a sociological perspective. The verbal sins Eleazar enumerates in his *Hilchot Teshuvah* have the ability to damage a community. The Jewish communities in medieval Ashkenaz were small, tight knit societies. For example, the largest Jewish settlement existed in Mainz, whose population in 1096 was approximately eight hundred.¹⁹⁶ It stands to reason that in communities which were so compact, that most members of a town were familiar with each other. Therefore, if something scandalous or unseemly occurred to one member of the community, it could easily become fodder for the entire town. The spread of malicious gossip could ruin a person's reputation in the eyes of the entire town. Or, if a person ridiculed his neighbor in public, it could cause him to lose face in front of the entire town, as news of this incident might spread through the community.

One interesting case which Eleazar focuses on is a member of the community who is known to break his word. He notes that "the class of liars" is one of the groups

195. Ivan G. Marcus. "Hierarchies, Religious Boundaries, and Jewish Spirituality in Medieval Germany" *Jewish History*, 1 (1986): 17.

196. Stow, 91

that will never be capable of receiving the presence of the *Shekhinah*.¹⁹⁷ Lying was taken very seriously within Jewish communities, as social order was founded upon the idea of swearing oaths to fulfill a specific task.¹⁹⁸ For instance, if a shoemaker needed help in fixing his roof, he could call upon one of his neighbors for assistance, who would help him with the task in exchange for the promise of repairing his shoe at a later date. If the shoemaker then refused to help his neighbor, tension and anger would arise at this deception. If these promises were disregarded, there would be chaos, as Jews would no longer be able to trust each other. Fulfilling one's oath was so important that if one was accused of breaking one's word, the town could essentially ban him from receiving any communal assistance, leaving him to his own devices.¹⁹⁹ In a time in which people truly needed the help of their neighbors in order to thrive, being excluded from one's community was a harsh punishment. Jews could ill afford to have their communal order be overturned due to Jews turning their backs on their neighbors.

Eleazar further illustrates this point with his description of the sin of informing to government officials. Jews lived with the knowledge that the Christian community could, at any moment, seek to oppress them. Therefore, giving the Christian authorities a reason to persecute a fellow Jew was an abomination in the eyes of Eleazar, tantamount to murdering the victim's entire family. Therefore, Eleazar mandates that one who informs against his neighbor undergo a very strict penitential regimen, which calls for the sinner to function as the victim's indentured servant. I believe that Eleazar desired to make the penance for this sin as humiliating and severe as he could to dissuade any Jew from committing this grave transgression.

197. BT Sotah 42b

198. Stow, 91

199. Ibid

The results of the sins of verbal wrongs could be disastrous for the community, as the sins of evil speech, gossip, and informing to the authorities all lead to friction within the society itself. The danger of increased dissent leading to a breakdown in societal order was genuine, due to the tight-knit nature of these small Jewish communities and how they functioned. Eleazar's *Hilchot Teshuvah* is a harsh reminder to those Jews who take these kinds of sins lightly that verbal transgressions can have disastrous consequences.

Chapter Seven

Heretical Thoughts and Actions in Eleazar's *Hilchot Teshuvah*

Up to this point, we have examined sins that a person commits against his neighbor. The sins of sexual immorality, economic injustice, verbal wrongdoings, and violent crimes are all prohibited in the Torah all fall into the category of sins against one's fellow. However, there is another category of sin upon which Eleazar expounds in his *Hilchot Teshuvah*, namely, sins between man and God. Eleazar mandates that, just like for a sins against one's neighbors, sins against God require acts of penance to atone for them.

Why does Eleazar concentrate on sins against the divine? If he was attempting to legislate against sins which are disruptive to the communal order, why not stop at sins committed against other people? I believe it is because Eleazar is writing about sins which were prevalent in his time. He did not only witness sins being committed against Jews. He also observed sins against Judaism. While sins against one's neighbor are certain to cause communal distress, sins against God also can contribute to societal instability.

Eleazar of Worms is concerned with the problem of heretical thoughts and actions. He emphasizes the sanctity and divine authenticity of the Torah, and maintains that a Jew who holds beliefs which deviate from it is considered a heretic. He also troubled by Jews who seem to be assimilating into the Christian world, as they perform activities consistent with the culture of Gentile world. A Jew living in close proximity to

Christians could be susceptible to incorporating deviant views into his theology, or rejecting religious concepts central to Judaism.

Heretical Thoughts

First, let us look at the various types of heretical thoughts with which Eleazar was concerned. In his *Hilchot Teshuvah*, he speaks of the one who denies the existence of God, one who rejects the divine nature of the Torah, and one who holds beliefs divergent from Judaism. He makes it clear that those who hold these beliefs are worse than sinners. They are heretics.

Eleazar devotes a paragraph to a Jew who denies the fundamental principle of the Jewish religion, specifically, the existence of God. Regarding the person who denies this central concept of Judaism, Eleazar claims it is as if “this person transgresses the entire Torah”.²⁰⁰ By denying the existence of God, the heretic rejects the teachings of the Torah and symbolically violates all the commandments contained therein.

Eleazar prescribes the actions one must undertake in order to atone for the sin of denying the existence of God. He states, “He needs to remove all clothing of splendor and not put adornments upon himself. He will mourn and weep and cause himself to suffer. He will afflict himself through fasting many years.... he will confess three times a day. He will not eat meat or drink wine and not bathe...unless it is Shabbat evening or the evening before a festival”.²⁰¹

Eleazar maintains that when this person repents and returns to Judaism, he is to be forgiven, as he writes, “Immediately, when he regrets and he immerses in a mikveh, he is

200. HTR par. 24

201. Ibid

judged as an Israelite".²⁰² This underscores a fundamental point in Eleazar's penitential system. If a person does proper penance for his transgression, he is completely forgiven. In this case, Eleazar explicitly states that a person who previously denied a principle of Judaism is to be welcomed back into the fold once he sincerely repents. He is not to be shunned because of his erroneous past. Traditionally speaking, a Jew who adopts heretical beliefs could be ignored or penalized by his former community. In the case of a convert, Eleazar notes, "A man who has turned to the religions of the nation is an apostate to the entire Torah...It is inferred in BT Avodah Zarah, "An Israelite that walks in foreign culture, whether going or returning, it is forbidden"²⁰³ to do business with him or give him anything".²⁰⁴ However, once he does penance, it is as if he had not transgressed. He can return to the community and be embraced.

Eleazar views rejection of the divine nature of Torah as tantamount to denying the validity and authenticity of the Torah, which is a grave transgression. Eleazar considers a Jew to be a heretic even if he questions the divine nature of the most minute point. He quotes from BT Sanhedrin 99, which states, "One who says that the entire Torah is divine, except for a particular verse...a particular point, a *kal v'chomer*²⁰⁵ argument, a *g'zerah shavah*²⁰⁶ ...he is cut off in this world and will be cut off in the world to come".²⁰⁷

Eleazar strikes out against those who accept beliefs which deviate from Judaism. He compiles a list of the kinds of beliefs which render a Jew a heretic:

"These are the heretics - one who says that the world

202. Ibid

203. BT Avodah Zarah 33a. Note the Talmud text states "לתרפות" which Eleazar changes to לתרבות

204. HTR pg. 34

205. Arguing similarities based on comparing two items of differing importance

206. An analogy between two established laws on the basis of verbal similarities in the texts

207. HTR pg. 34

pursues its natural course and there is no God in the world,
or one that says there was no creator before everything,
and one who says that God has an image and a form like a man,
and a body and a picture or combines other things with Him,
or one who says there was no divinely inspired prophecy,
or one who denies something from the Torah of Moses,
a spoken word or a point, or one who says there is no creator
who knows the doings and thoughts of man, or there is
no judgment for a man for his deeds, or there is no world
to come, and there is no future paid reward".²⁰⁸

Eleazar strikes out against those who hold these aforementioned heretical opinions. Note the comment about the "one who says that God has an image and a form like a man".²⁰⁹ This is seemingly a criticism of those who accept the Christian conception of the divine nature of Jesus. He also takes to task those who deny the concept of heavenly prophetic revelation, as well as those who dismiss the idea of divine judgment and providence. One who rejects the idea of divine providence limits God's knowledge, which normative rabbinic Judaism upholds. Also, those who disregard the idea of divine judgment not only undercut the penitential system, but also deny there are any heavenly consequences for earthly actions, which can lead to chaos and anarchy.

208. Ibid

209. Ibid

Heretical Actions

Eleazar is also concerned with heretical actions a Jew might be susceptible to committing. These activities serve to weaken a Jew's commitment to his religion and his people. Eleazar speaks of the sin of behaving frivolously in the synagogue, swearing an oath using God's name, profaning God's name, reading secular materials, and attempting to assimilate into the Gentile world through behaving like Christians.

Eleazar believes in the importance of showing God the utmost respect and reverence. One demonstration of divine irreverence comes in the form of speaking during services. Why did Eleazar stress this particular wrong? What is the harm of someone aimlessly chatting during the time of worship?

Speaking During Services

First, Eleazar points out, by speaking during services and not praying, the sinner is separating himself from the community and serving as a distraction to his friends who are trying to worship God properly. Eleazar notes, "One who speaks in the House of Assembly while his friends praise and sing, I apply regarding him this text regarding all wicked neighbors - 'for the paths of the Lord are straight. The righteous can walk upon them, but sinners stumble on them'.²¹⁰ He does not number himself with his friends and rejects praising his Creator."²¹¹ The person who speaks during a service may cause his neighbors to lose their concentration and render their prayers invalid.

Second, Eleazar compares the act of speaking in synagogue like turning one's back on God, for, after all, as he notes in Psalms 82:1, "God stands in the divine

²¹⁰. Hosea 14:9

²¹¹. HTR par. 26

assembly".²¹² He states that "The one who speaks does as if he turned to Him his neck, 'Why, when I came, was no one there? Why, when I called, would no one respond?'²¹³ 'I extended my hand and there was no one who paid any heed'²¹⁴." ²¹⁵ By speaking during the synagogue, it is similar to ignoring God. This is an unacceptable action which needs to be rectified.

For a person guilty of committing this infraction, Eleazar provides a method of returning to God. Instead of speaking frivolously in the synagogue, "Bow before Him and return to Him with fear...and with humility, with humbleness of heart. Supplicate yourself before Him and sing before Him with happiness and come before him with joy."²¹⁶ A person must transform his entire approach to prayer and the synagogue. Instead of coming to the worship service with a disrespectful attitude, he must be humble and filled with fear of the divine.

The *Hasidei Ashkenaz* believed in the importance of correct intention when it came to prayer. Merely stating the words of the liturgy by rote was not sufficient. They maintained that when a person prays, his mind and heart must be focused on divine worship and understanding the mystical meanings of each word. Thus, Eleazar writes that when one prays, he should strive to "unify the heavenly name with full intention of the heart and pray with full intention of the heart."²¹⁷ If one prays and does not concentrate on the mystical significance, it is tantamount to not praying at all, since God will not hearken to the words. Eleazar emphasizes the importance of maintaining a

212. Psalms 82:1

213. Isaiah 50:2

214. Proverbs 1:24

215. HTR par. 26

216. Ibid

217. Ibid

proper prayer orientation, saying, "When you say, 'Blessed are you,' if you think about vain things, it is as if you have scorned Him and did not have fear upon your face. Instead, think that He is before you to greet you."²¹⁸ A person should pray as if God is standing right before him.

Swearing an Oath Using the Divine Name

Another transgression against God upon which Eleazar expounds is using the divine name in an oath. This is an unforgivable offense, as Eleazar writes, "when one takes an oath... even if he swore it in truth, God will not pardon him".²¹⁹ Eleazar cites a biblical prooftext for this stance, "For the Lord, your God, will not clear one who swears falsely by God's name".²²⁰ Why is the sin of swearing by God's name in an oath so inexcusable? Eleazar informs the sinner, "Because one who transgresses a negative commandment or upon serious sins transgresses against God's word, but one who swears in the name of the Glorious King, it is as if you are harming God bodily."²²¹ This is a startling image. A person who uses the divine name in an oath is like one who does injury to God's body.

Though Eleazar provides a strong case that there is no remedy for someone who swears by the name of God, he sets out prescribed actions for a person who wishes to atone for this egregious wrong. He writes, "If a man transgresses an oath, he must flagellate himself several times, and also afflict himself through fasting and to

218. Ibid

219. HTR par. 25

220. Exodus 20:7

221. HTR par 25

confess.”²²² Eleazar also details restrictions on the sinner when it comes to swearing an oath. He states, “He has to be very careful regarding oaths, even if they are upon the truth or swearing upon the Torah or swearing on the souls of his fathers”.²²³ Swearing upon these is strongly discouraged. He may, however, swear an oath if “he swears upon his own head or upon his body.”²²⁴ Also, a person may swear that he will fulfill a commandment, citing BT Nedarim 8a’s quote from Psalm 119:106, “I have firmly sworn to keep your just laws”.²²⁵ Eleazar maintains that if a person does this, it may help him to “expedite the performance of the commandment”.²²⁶ This type of oath is permitted, but a person may not, under any circumstances, swear an oath “to transgress the Torah, and not, by the faith of the heavens, to nullify it from his mouth.”²²⁷

Eleazar desires to ensure that a person takes the proper precaution with the divine name. The proper respect for the divine name and keeping the correct intention in mind is necessary whenever one speaks the name of God. Eleazar reminds the reader about the necessity of maintaining one’s focus during divine worship, stating, “He will be very careful when he makes a blessing with the mention of the blessed name of the Lord, your God, with the mention of God’s name that all your limbs tremble to fear this Glorious and Awesome Name”.²²⁸

The ultimate violation of God is profaning the divine name. As stated in Eleazar’s introduction to the *Hilchot Teshuvah*, in which he cites Yoma 86a, “But a person who commits a profanation of God’s name, there is no strength in repentance to

222. Ibid

223. Ibid

224. Ibid

225. Ibid

226. Ibid

227. Ibid

228. Ibid

suspend the sentence or for Yom Kippur to atone or for sufferings to cleanse, but, together, they suspend the sentence and death cleanses".²²⁹ According to Eleazar, "The profanation of God's name is the worst of all transgressions".²³⁰ It is an unpardonable, unjustifiable act. In order to prove his point and demonstrate the severity of this wrong, Eleazar utilizes BT Kiddushin 40a, which states, "Credit is not allowed for the profanation of God's name, whether it was accidental or intentional...and if it²³¹ was balanced, it²³², tips the scale".²³³ This passage establishes that if a person profanes God's name, there is nothing he can do to remedy the situation. There is no amount of good deeds he can perform or physical chastisements he can undertake in order to atone for this transgression.

The power of the name of God, especially the tetragrammaton, the four letter name of God is a central concept in Jewish mysticism. Names in and of themselves contain great power, as magicians maintained that if one knew the name of a supernatural power, they could then wield control over it.²³⁴ Mystics, including the *Hasidei Ashkenaz* expounded upon this belief, extending it to the use of God's name as a source of creative power. According to a legend, one of the founders of the Pietist movement, R. Samuel, created a golem, a humanlike creature comprised of "virgin soil, from a mountainous place where no man has ever dug before", and brought it to life with the use of God's name.²³⁵ He inscribed it on a piece of paper and inserted it into the forehead of the golem, giving it life. Eleazar of Worms wrote down the formulas necessary to create a

229. BT Yoma 86a

230. HTR pg. 32

231. The scales

232. The profanation of God's name

233. Ibid

234. Trachtenberg, Joshua "*Jewish Magic and Superstition*" (Philadelphia: University of Pennsylvania, 2004 ed). 80

235. Ibid, 85.

golem in one of his mystical works, demonstrating his understanding of the power of the name of God.²³⁶ Another one of Eleazar's mystical texts, *Sefer Raziel*, contains a twenty two letter name of God which was utilized in future magical incantations and chants.²³⁷ The divine name contained enormous power, so to misuse the name of God or, even worse, to degrade it, was not only a sign of tremendous disrespect, but also could be physically dangerous. Therefore, the one who profanes God's name has no recourse.

Reading Heretical Literature

Another form of heretical activity which Eleazar expounds upon is the reading of forbidden literature. He believes a Jew should not engage in secular learning, as he quotes from Sanhedrin 90a "Rabbi Akiva says, even one who reads secular works"²³⁸, which Eleazar interprets to mean "heretical books, and the books of ben Sirah".²³⁹ This could only lead to a Jew straying from Judaism by adopting heretical ideas. Therefore, Eleazar promotes a form of censorship, designed to prevent acculturation which would trigger the acquisition of heretical beliefs.

Behaving like the Gentiles

Eleazar details numerous heretical activities which Jews might engage in to better assimilate into the Christian community. He writes, "He was happy on the day of their destruction,"²⁴⁰ he desecrated Shabbat, and he denied the fundamental principle of

236. Ibid

237. Ibid, 92

238. BT Sanhedrin 90a

239. HTR pg. 34

240. Referring to one who celebrates secular holidays

religion,²⁴¹ and he accepted a goddess and bowed to it, and ate all that is forbidden, and had sex with the daughter to a Gentile and transgressed something that would incur extirpation or death by the *Beit Din*".²⁴² If a Jew decides to celebrate Christian holidays, either because he is trying to establish good relations with the Christian community or because he is sincerely interested in converting, this, in Eleazar's eyes, is an unacceptable behavior. The same holds for one who violates Shabbat, the most sacred day of the week, and a person who eats foods which Jewish law prohibits.

Eleazar prescribes penances for those who have committed transgressions in order to assimilate into the Christian community. He writes, "Because of this, he will repent for all that he sinned and worship his Creator with all his soul and with all his heart and with all his might. He will lie upon the floor and he will suffer a great deal of distress. If one says to him, "apostate, wicked", he will keep silent. And all of his thoughts will be for good".²⁴³ Part of the penitential procedure for an apostate is returning to God and worshipping again as a Jew. The heretic must demonstrate that he desires to return to the religion that he spurned when engaging in Christian activities. He also must take the verbal abuse hurled at him by those he previously abandoned without argument. In addition to these actions, he must undergo physical mortifications, specifically, lying upon the floor instead of a bed. If he performs these penitential actions, he is forgiven for his apostasy.

Eleazar maintained that it did not matter if the sin was seemingly small in comparison to others. A person who committed an action forbidden by the Torah is a heretic. He writes, "A person who is accustomed to sin, whether it is a light one or a

241. The existence of God

242. HTR, par. 24

243. Ibid

severe one...to wear a combination of linen and wool, or shaves his beard with a razor, or trims their hair like that of the Gentiles²⁴⁴ or eats prohibited foods, or has sex with Gentile, or steals, and makes it²⁴⁵ public,²⁴⁶ this is a heretic, as if he denied the mitzvah, like the Holy One Blessed be He did not give it to Moses."²⁴⁷ Eleazar believes that any sign of a Jew attempting to integrate himself into the prevailing Christian community was tantamount to heresy. For instance, one could make the argument that, on a grand scale, a Jew shaving off his beard or wearing his hair like the Gentiles is not a major transgression on the level of denying the existence of God or rejecting the Torah. But for Eleazar, a Jew who changes his appearance in order to look like a Gentile is a heretic. He mentions the specific sin of shaving off one's sidelocks a second time, which emphasizes its importance, and mandates penance for this action, stating, "From now, do not destroy it again: grow your facial hair. As it says, 'In their laws, do not walk'²⁴⁸." ²⁴⁹

Analysis

Eleazar was keenly aware of the threat of apostasy and assimilation for Jews living in a Christian society. Within a Christian context, there were many opportunities for a Jew to commit apostasy, as the influence of the surrounding community was strong. When the average Jew of Ashkenaz left his home, he had to notice the Christian imagery and symbols present in his community. In addition, if a Jew was able to maintain cordial relationships with the governing Gentile powers, the temptation to transgress the more

244. lit. Cuthites

245. The Torah

246. For derision

247. HTR pg 34

248. Leviticus 18:3

249. HTR pg. 35

ritualistic commandments of Judaism could only grow. If a Jew could better integrate within the Christian world, socially, and, perhaps more importantly, economically, it might be difficult for a Jew to resist sharing an unkosher meal with a Gentile business associate.

I believe that in Eleazar's mind, transgressions against God served as a threat to the unity of the Jewish people. A Jew who casts aside God's commandments not only shuns his connection to Judaism, but also to the Jewish people. If he constantly disrupts religious services by acting in a frivolous manner, he disturbs everyone around him that is trying to worship God. In the eyes of those who strictly adhere to the commandments and believe in the divine authenticity of the Torah, the person who disengages himself from Judaism not only shows an inordinate amount of disrespect toward God, but also separates himself from his community when he behaves like a heretic. As Eleazar mentions, one of the twenty four sins which prevent proper repentance, taken from Pirke Avot,²⁵⁰ is "one who separates from the community".²⁵¹ If a Jew desires to live in the Gentile world, it would explicitly transgress the prohibition of disengaging oneself from the larger Jewish society.

Another major sociological concern connected to the Jews of Ashkenaz committing transgression against God is the corruption of the Jewish community. Eleazar expounds upon the sin of the person who causes others to commit a wrong or accept a heretical thought. He writes,

"All who cause the adult community to sin like Jeroboam
or contradicts the words of the Sages like Zadok or Beitos,

250. cf. Pirke Avot 2:4

251. HTR pg. 33

or impels the world to sin like Manesseh,
or one who deceives the world with his false errors,
one who commits transgressions like Jehoakim openly and brazenly,
and one who acts impudently, or separates from the community
by not fasting with them or joining them during their times of trouble,
they do not have a share in the world to come.²⁵²

A Jew who openly rejects the Torah and commits sins willfully without regret can cause others to follow his heretical example. This could be disastrous for a Jewish community already in danger of assimilating in response to Christian overtures. It would increase dissension to have apostates preaching their newfound beliefs or skepticisms to the rest of Jewish society. Eleazar is demonstrating that sins against God can cause disharmony and communal strife as much as sins committed against other people. Sins against God have potentially grave consequences for the Jewish communities of Ashkenaz, as heretics and apostates contribute to the decline in the strength of these small Jewish societies.

252. Ibid, pg. 34

Chapter Eight

Concluding Thoughts

Eleazar of Worms' *Hilchot Teshuvah* is a complex work which utilizes both Jewish and Christian sources in order to transmit teachings of penance to the pietist communities of Ashkenaz. There are clear Talmudic sources present within Eleazar's penitential system and there is apparent influence of *Hekhalot* literature, but the development of the penitential literature must be viewed within its historical context. Christian ascetic movements affected the development of the penitential system of the *Hasidei Ashkenaz* through a process of acculturation.

The system of penance present in this penitential treatise is unlike anything ever produced in Jewish literature, because it emphasizes ascetic rituals of penance involving physical mortifications as conduits for repentance. It departs from rabbinic teachings which focus on internal transformation and do not include ascetic acts like self flagellation and activities designed to increase physical discomfort. There are clear parallels of Eleazar's four different forms of penance, *teshuvah ha'ba'ah*, *teshuvah ha'geder*, *teshuvah ha'mishkal*, and *teshuvah ha'katuv*, in Christian penitential literature, which evinces the influence of Christian thought on the penitential system of the *Hasidei Ashkenaz*.

Eleazar's penitential work tells us a tremendous amount about the world of medieval Jewish communities in Ashkenaz. Investigating Eleazar's *Hilchot Teshuvah* allows us to understand the major problems of these Jewish communities. We discern which transgressions were on the forefront of Eleazar's mind, which sins were prevalent

during this time period. From studying the societies of medieval Jewry, by understanding what issues confronted them, we can better understand why Eleazar sought to prohibit the commission of the sins he emphasizes in his *Hilchot Teshuvah*.

By studying the number of times a transgression is mentioned, the level of specificity regarding each sin, and the severity of penance prescribed, we can ascertain which sins Eleazar believed were the most prevalent and significant to the Jewish communities of Ashkenaz. Through the exegesis of the text, we discovered five distinct categories of sin which Eleazar emphasizes in his *Hilchot Teshuvah*. The five categories which Eleazar concentrates on are sexual sins, economic transgressions, violent crimes, verbal wrongs, and heretical thought and actions.

Sexual sins pervade Eleazar's work. It is the first category of sin Eleazar details in his *Hilchot Teshuvah*. He enumerates different forms of sexual transgressions, including physical contact with a menstruant, sex with an engaged or married woman, and sex with a non-Jew. Because of the frequency of its mention and the severity of penances ascribed to them, we must conclude that sexual sins were being committed in these tight knit Jewish communities.

Additionally, Eleazar details various forms of economic transgressions. In his *Hilchot Teshuvah*, he mandates penances for those who steal from or rob their neighbors, as well as those who charge money as usurers. He makes it clear to his readers that economic sins are very grave, as they prevent God from hearing a person's prayers for repentance. Eleazar also reminds Jews of their obligation to the poor and their duty to engage in fair business practices. His emphasis on economic sins proves their prevalence within the Jewish communities of Ashkenaz.

Eleazar mandates severe penitential tasks in order to atone for violent crimes, especially murder. He details the physical mortifications an individual must undertake for striking his neighbor, including self flagellation and fasting. He also makes it clear that a sinner should make financial contributions in order to make restitution for a physical injury in order to achieve atonement. For murder, a sinner must undergo a three year period of exile, in addition to other ascetic acts. The severity of the penances tells us that violent crimes were important to Eleazar, who sought to deter their commission.

Eleazar details many different types of verbal wrongs for which a person need to undertake acts of penance, including shaming one's neighbor, gossip, and informing on one's neighbor to the governmental authorities. He elucidates these sins in great detail and reinforces the concept that verbal transgressions are just as harmful as physical transgressions. From his description and emphasis on verbal wrongs, we can conclude that they occurred frequently in the Jewish communities of medieval Ashkenaz.

Eleazar also details many different types of heretical behaviors in his *Hilchot Teshuvah*. He prescribes penances for those who reject the core values of Judaism, those who adopt traditions incongruous with Judaism, and those who behave frivolously in synagogue. He devotes a great deal of energy to describing the pitfalls of heretical thoughts and actions, which tells us that this was a prevalent issue in medieval Ashkenaz.

However, it is not sufficient to make conclusions about the prevalence of these give categories of sins using only Eleazar's *Hilchot Teshuvah* as a source. We need corroborating evidence based in the historical reality to justify our claims. So, by examining the Eleazar's emphasis on the five different categories of transgressions,

sexual, economic, violent, verbal, and heretical, in conjunction with the historical reality, we can ground our conclusions about the behaviors of the Jews of medieval Ashkenaz.

The economic, political, and social milieu of medieval Ashkenaz influenced Eleazar's penitential manual, as the times brought certain sins to the forefront and caused other transgressions which were less prevalent or problematic to be given a secondary status. If we accept Baskin's proposition that the tight knit communities in which Jews lived provided ample opportunity for sexual indiscretions²⁵³, it is a logical conclusion that Eleazar would focus on sexual sins in his *Hilchot Teshuvah*. The economic boom, in which Jews played a large role, provides a convincing background for Eleazar's concern with financial transgressions. It is reasonable to posit that Eleazar's emphasis on violent crimes is related to the backdrop of the Crusades. The tight knit communities and emphasis on oral commitments provides legitimacy to Eleazar's highlighting of verbal wrongs. It is also sensible that due to the social reality in which Jews and Christians lived in such close proximity and frequently interacted with each other during daily life that Eleazar would focus on the problems of heresy and apostasy. Thus, the historical evidence provides justification for Eleazar's emphasis upon particular sins.

From a sociological perspective, the sins which Eleazar emphasizes in his penitential work are the ones which could cause communal disharmony and potentially lead to the destruction of the Jewish communities of Ashkenaz. When sexual sins, economic transgressions, violent crimes, verbal wrongs, and heretical behaviors are frequently committed, it could lead to dissension and devastation to the tight knit Jewish societies in Ashkenaz. A person who engages in sexual intercourse with a married or engaged woman not only causes her to be forbidden to her betrothed, but also creates

253 Baskin, "Images of Women in Sefer Hasidim", 104

animosity within the Jewish community. One who charges interest to Jews in business transactions deprives his neighbors of their much needed income, further impoverishing the community, while charging interest to Gentiles only triggers tensions between the two religious groups. A person who frequently breaks his word when dealing with his neighbors undermines the societal order, as does one who shows no respect to his teachers or the one who puts his neighbor to shame. Violence between Jews, especially murder, causes massive societal disruption and leaves a community which was already a minority amidst a Christian majority even more susceptible to an attack. Finally, a Jew who accepts heretical beliefs or performs activities which vastly deviate from traditional Jewish practice can lead the community astray, endangering the Jewish character of the entire society.

Eleazar's *Hilchot Teshuvah* strikes out against transgressions which had the power to destabilize the Jewish communities of medieval Ashkenaz. By creating a system of penance which enables those who have sinned to atone, Eleazar explicates which sins he finds unacceptable and implicitly demands the cessation of the performance of these transgressions. Eleazar understood which sins could cause irreparable harm to society, and, for the good of the Jewish communities, he sought to curtail them through the proscription of the transgressions which he believed were the most egregious.

Chapter Nine

An Annotated Translation of Eleazar of Worms' *Hilchot Teshuvah*

Paragraph 1

Repentance existed before eternity, as shown in the chapter of BT Nedarim, "there is no difference among those who make oaths", "It was taught in a baraita, 'seven things were created before the world was created. These are the Torah, repentance, the Garden of Eden, Gehinnom, the Throne of Glory, the Holy Temple, and the name of the Messiah'".²⁵⁴ And thus, in Genesis Rabbah and in the Syriac Targum²⁵⁵, The Torah precedes it and the throne of glory is after it, the Garden of Eden is to the right and Gehinnom is to the left, and repentance is in the middle, in between the Garden of Eden and Gehinnom. Merit enters in the garden and lack of merit enters and is judged in Gehinnom.²⁵⁶ In BT Berachot, in the middle of "none can stand"²⁵⁷, "Rabbi Abahu said, 'In the place where penitents stand, the wholly righteous cannot stand, as it is said, 'Peace, Peace to the far and the near'²⁵⁸, to him that is far first, and to him that is near afterwards."²⁵⁹

And it is said in BT Yoma²⁶⁰ "Rabbi Mattiah ben Cheresh asked of Rabbi Eleazar ben Azariah in Rome, 'Have you heard of the four categories of atonement of Rabbi

254. BT Nedarim 39b

255. The Syriac Targum, also known as the Peshitta, meaning "simple, straightforward" is a translation of the Bible into Eastern Aramaic. Most scholars believe it was written in Edessa between the 1st and 4th centuries.

256. These directions comprise the entire universe

257. BT Berachot 34b

258. Isaiah 57:19

259. BT Berachot 34b

260. BT Yoma 86a

Ishmael expounded?'²⁶¹ He said to him, "There are three different categories of atonement and repentance is required with every one. A man transgresses against a positive commandment, but he does repentance, he is forgiven immediately, as it is said 'Turn back, O rebellious children, and I will heal your afflictions'.²⁶² If a man transgresses a negative commandment, but does repentance, the repentance suspends and Yom Kippur atones, as it is said, 'For on this day, atonement shall be made for you to cleanse you of all your sins'.²⁶³ A person transgresses a commandment that carries the obligation of extirpation or that carries the obligation of death by the *Beit Din*, but does repentance, the repentance and Yom Kippur suspends the sentence, and suffering cleanses, as it is said, 'I will punish their transgression with the rod, their iniquity with plagues'.²⁶⁴ But a person who commits a profanation of God's name, there is no strength in repentance to suspend the sentence or for Yom Kippur to atone or for sufferings to cleanse, but, together, they suspend the sentence and death cleanses, as it is said, 'Then the Lord of Hosts revealed Himself to my ears, this iniquity shall never be forgiven you until you die'".²⁶⁵

What characterizes a repentant individual? "For example when a person comes to a sinful situation"²⁶⁶ and he refrains from it. "Rav Judah indicated - in the same place, in the same circumstance, with the same woman".²⁶⁷

I shall now explain to you in brief the repentance procedures. There are three related to sin, and the fourth is penance, which is required with each one. Therefore, the

261. I explicate this passage further in chapter 2 of my thesis.

262. Jeremiah 3:22

263. Leviticus 16:30

264. Psalms 89:33

265. Isaiah 22:14

266. BT Yoma 86b

267. Ibid

Torah hints three times to repentance in "you are standing"²⁶⁸, and the fourth time in "and I pleaded".²⁶⁹ In the prophets, in Ezekiel three times: "if they will listen, if they will cease"²⁷⁰, and the fourth time: "the one who hears will hear, the one who ceases will cease".²⁷¹ In Ketuvim, there are three observances of the Torah: "Give me understanding, that I may observe Your teaching and keep it wholeheartedly".²⁷² "I will always obey Your teaching, forever and ever".²⁷³ "I remember your name at night, O Lord, and obey Your teaching".²⁷⁴ The fourth time is "My eyes shed streams of water because people do not obey Your teaching".²⁷⁵

And therefore, it is said on weekdays three times a day, "But He, being merciful, forgave iniquity".²⁷⁶ One of the songs, "But He, being merciful, forgave iniquity".²⁷⁷ and "O Lord, you will not withhold from me".²⁷⁸ And once before the psalm of David, and once in evening prayers before the *barechu*, and the fourth in the *kedushah*. The *kedushah* three times in the morning and once in afternoon prayer.

There are four subjects of teshuvah, and they are as follows - The repentance for a sin which involuntarily comes to the sinner another time (*teshuvah ha'ba'ah*), the repentance of making a fence (*teshuvah ha'geder*)²⁷⁹, the repentance of balancing the scales (*teshuvah ha'mishkal*)²⁸⁰, and the repentance mandated by the Scriptures (*teshuvah*

268. Deuteronomy. 30:2, 30:8, 30:10

269. Deuteronomy. 4:30

270. Ezekiel 2:5, 2:7, 3:11

271. Ezekiel 3:27

272. Psalms 119:34

273. Psalms 119:44

274. Psalms 119:55

275. Psalms 119:136

276. Psalms 68:38

277. Psalms 68:38

278. Psalms 40:12

279. A set of restrictions designed to keep a person from repeating the transgression

280. Undergoing sufferings corresponding to the pleasure of the transmission of the sin.

ha'katuv). Three categories of repentance are available, but the fourth, the penance which involuntarily comes to the sinner another time, is not available.

Paragraph 2

Ba'ah penance is if a person sins with a married woman and he and the woman are together again and he can sin like the first time, but he restrains himself and does not sin, this is it. Remember your Creator in the days of your birth, as it says in BT Avodah Zarah, "Happy is the man who fears the Lord".²⁸¹ ...Rav Amram said in the name of Rav, Happy is the man who does repentance, when he is a man. Rabbi Joshua ben Levi said, Happy is the man who can control his desire, that he is a man".²⁸² Now, the essence of repentance is confession, "A man or woman that does any human sin, to commit a sin against God, and his soul is guilty, they confess their sin that they have committed".²⁸³ "He shall confess that he has sin regarding it".²⁸⁴ "Let the wicked give up his ways, the sinful man his plans".²⁸⁵ If he confesses and does not feel sorrow in his heart, this is like immersing with an impurity in one's hand. As it is said in BT Berachot "(Do not be like fools who bring an offering and do not repent), for they know not that they do evil".²⁸⁶ And in BT Zevachim, "Rava said, A burnt offering is a votive gift. For how is it possible? If there is no repentance, as it says, 'the sacrifice of the wicked is an abomination'.²⁸⁷ ...and if he does repentance, he does not move from there until he is forgiven, and we

281. Psalm 112:1

282. BT Avodah Zarah 19a

283. Numbers 5:6-7

284. Leviticus 5:5

285. Isaiah 55:7

286. BT Berachot 23a

287. Proverbs 21:27

deduce from this it is a votive gift".²⁸⁸ Behold, if he does do repentance, the offering sacrifice is an abomination, so is confession with no regret. Therefore, when he confesses with tears, with intent in his heart, then there can be for him atonement. As it is said in BT Chagigah, "Whoever does something and regrets it is forgiven, as it is said, and he shall not fear me. thus if he does fear me, he is forgiven".²⁸⁹

Paragraph 3²⁹⁰

An unmarried menstruant, their nakedness, the soul of a man longs for, whether in its presence or not. If his heart is given to have sex with an unmarried virgin or unmarried woman²⁹¹, either in the established way or not in the established way²⁹², and he thinks in his heart, "What sin is there in an unmarried woman", he should be aware that when he has sex with her, she has not immersed. All women get their period, and therefore, it is as if he has sex with a menstruant, which is punishable by extirpation.

Paragraph 4

Ba'ah penance - this woman²⁹³ was sexually desirable to him and his heart is burning with love for her and he is able to have sex with her, but he breaks and severs the strings of his heart and removes himself and restrains his desire from having sex with her

288. BT Zevachim 7b

289. BT Chagigah 5a

290. Paragraphs 3-14 deal with sexual sins, which I discuss in greater detail in chapter 3 of my thesis.

291. A widow

292. The "established way" refers to vaginal intercourse, while "not in the established way" refers to sodomy

293. A menstruant

or with another woman, that she will listen to him and she is alone with him and he displays regret and does not sin and restrains his desire, this is *ba'ah penance*.

Paragraph 5

*Geder penance*²⁹⁴ - He does not look at social activities of women or virgins for a year or two, or more, and does not look upon the face of a woman or her chest or breasts or her genitals, even if it is his wife when she is still a menstruant that has not immersed. He shall not bathe, shall not eat hot food. He distances himself from anything that will cause him desire. He does not look at beasts, animals, or birds in the time that they are copulating with each other, lest he desire to sin.

Paragraph 6

*Mishkal penance*²⁹⁵ - According to the pleasure that he enjoyed by kissing (her) and by touching (her) and by having sex, he should cause himself suffering with remorse of his heart. He should afflict himself with fasting for no less than forty days, and he should not eat meat or drink wine the night after and the night before he afflicts himself with fasting. He must afflict himself when he lies down, day and night, to measure out the suffering against the passion and romantic desire that he enjoyed.

294. For the sin of having sex with a menstruant woman

295. Ibid

Paragraph 7

Katuv penance²⁹⁶ - Behold, he would be liable to extirpation for his intercourse, that he had sex with a woman that is still a menstruant, that has not immersed. Because of this, he shall lie with hardship upon the ground or upon a board, he should wear black and self flagellate, and afflict himself through fasting for no less than forty days. He shall confess every day three times, with weeping of the heart and tears, and he should not habituate himself to go to the social activities of women. "Reward is proportional to pain".²⁹⁷ This is good for him.

Paragraph 8

An engaged woman - if he sins with a young girl who is engaged and lies with her, that is (punishable) by stoning or with a married woman, that a man is (punishable) by strangulation or with all forbidden relatives, whether in the established way or not in the established way²⁹⁸, if he stimulates her sexual organ, with the head of his penis in her nakedness, behold, he is enjoying like one being satiated by tasting stolen water. Regarding passionate love and forbidden intercourse, upon this it is said, "a crooked thing cannot be made straight".²⁹⁹

Paragraph 9

Geder penance - He should guard himself from looking at women, and not with their ornaments upon them or ornaments not upon them. He should not look in a place of

296. Ibid

297. Pirke Avot 5:23

298. See note 292

299. Ecclesiastes 1:15

social activities of women or virgins, and he should not hear the sound of their singing, and he should not smell their perfumes upon them and he should distance himself from going near to a woman, and he should hear nothing that arises passionate desire and should not look suggestively towards a woman with his eyes or gesture suggestively either with his fingers or his lips, and even with his wife that is still menstruating and has not ritually immersed. He should not be alone with any one that is forbidden to him and not lie with anyone, even if it is his ritually clean wife in the gardens or in the fields. There is no thrusting inside his wife, and then ejaculating outside of her. He will not be busy with any woman and act in a frivolous manner.

Paragraph 10

Mishkal penance - He must weigh his suffering against the pleasure that he enjoyed with her. One complete year he is forbidden to eat meat and to drink wine, except for Shabbatot and for festivals and Purim, and he should not eat hot bread. He shall not bathe, except on a few festival days. He should not go to see anything amusing, except if he goes to weddings in the hour of blessing.³⁰⁰ And he should not pamper himself with anything. He should self flagellate every day and lie upon one board without a mattress, except on Shabbat and on festival days, upon straw or upon stalks and a bolster at his head. He shall remove the animalistic impulse which is inside him, the visceral essence. He will make his life difficult. (He will wear) a sackcloth upon his flesh and he will not speak about the subject of his passionate appetites or his kissing nor touching nor the types of loves nor passion nor coveting.

300. Underneath the Chuppah

Paragraph 11

Katuv penance - The prescribed penance for one who has sex with a married woman, this is death. He shall endure suffering extreme as death. He shall lie in ice or snow for an hour a day, every day once or twice a day, and on the hot days he should sit before the flies or the ants or before the bees. He will suffer many difficult trials. He will not engage in sexual intercourse with a woman unless it is his pure wife. He has to confess every day and weep daily and sigh, and every type of affliction and suffering since the adulteress is now forbidden to her husband. But if he raped her, she is not prohibited³⁰¹, it is suitable for him like³⁰² with forbidden ones or other punishments which he would be liable for death, that he transgressed upon them. He shall flagellate himself and afflict himself by fasting forty consecutive days. He shall sleep upon the earth and not bathe and not enjoy delights and not go to social activities of women nor virgins.

Paragraph 12

One who has sex with the daughter of an alien, with a non-Jewish woman, he is obligated to afflict himself and flagellate himself for being connected to her, as a fire that does not breathe.³⁰³ He will not eat meat and not drink wine and not bathe for not less than forty days, until the anger of the Lord becomes inactive towards him. And thus, one who sleeps with the daughter of a Canaanite maidservant afflicts himself and does not

301. To her husband

302. Penances for sexual activity

303. His desire will be extinguished

bathe for forty days and he fasts on the second and fifth day of the week.³⁰⁴ And thus, if he has sex with animals or living creatures or birds, he afflicts himself through fasting and does not bathe until complete penance rests upon him and he does not look at chickens or living things or beasts when they are copulating.

Paragraph 13

One who kisses, one who hugs, and one who touches women without having sex with them, first, he afflicts himself on the second and fifth day of the week. Secondly he does not do it any more and he distances himself from the opening of her home lest he comes in the hand of sin.

Paragraph 14

One who has sex with his menstruant wife afflicts himself through fasting for forty consecutive days and flagellates himself daily. He does not eat meat and does not drink wine. He does not eat any hot food or bathe during these days. A man who has sex with one forbidden to him or has sex with his menstruant wife, he has to sit in ice water the equivalent time it takes to roast an egg and swallow it, not less than three days and no more than forty days. Each day he will confess his sin between fasting and not fasting. And if he hugs his menstruant wife or kisses her or rubs the membrane of his penis on her flesh, he must afflict himself and confess. It is permissible for a man to be alone in one room with his menstruant wife, as it says in BT Sanhedrin , “hedged about with lillies”.³⁰⁵

304. The second and fifth days are the days of Torah reading, on which pietists observed
fasts

305. BT Sanhedrin 37a, quoting Song of Songs 7:3

And also in Eruvin in the chapter "one who lives", "he should not speak indecent words with her". He shall not hug her nor touch her nor kiss her and not eat with her and not drink with her until she is purified with water and after her purification he may rejoice with her and hug her and kiss her. He will sanctify himself in order to have sex with his wife. He should not degrade his speech. He should not see in her anything abhorrent, but he should take delight in touching her, and in every connection to fulfill his and her desires, so that he does not think about another, except her, because she is the wife of his embrace and he should show her affection and love.

Paragraph 15³⁰⁶

One who steals or robs, but then feels regret should restore it to the person he robbed or to his inheritor in total, "and return the robbed goods that he stole".³⁰⁷ He shall flagellate himself and afflict himself though fasting. He will groan so that he will feel regret and he will confess. If he comes upon the property of his friend and he could steal it, he restrains himself and distances himself from the property of his friend. He will increase in giving charitable donations and ask forgiveness from the person he robbed. Or, if there are no inheritors to the one that was robbed or he does not know them, he will give to the *Beit Din* what he stole or what he robbed and he will flagellate himself and confess.

306. Paragraph 15 deals with the sin of stealing or robbing, discussed further in chapter 5 of my thesis

307. Leviticus 5:23

Paragraph 16³⁰⁸

One who injures his neighbor regarding goods, property, injury, strikes or verbal wrong, there is no atonement for him unless he seeks out his neighbor and asks forgiveness of him, as it is said in Baba Kamma in chapter "one who injures", one who does injury to his neighbor, even if he gives him all the property in the world, he is not forgiven until he asks from him forgiveness. "Rabbi Yitzchak says, 'whoever vexes his neighbor, even if it is only through words needs to pacify him and increase his companions'".³⁰⁹ Also, it is said in the end of BT Yoma, "Rabbi Eleazar ben Azariah states, 'from all your sins before God, you will be purified'".³¹⁰ For sins between a human and the Holy One Blessed be He, Yom Kippur atones, but for sins between one human and a neighbor, Yom Kippur does not atone until he appeases his neighbor".³¹¹

In the laws of the priests, regarding evil speech, plagues come. Since Miriam who did not speak in front of Moses' face unbecoming words, how much the more so for speaking thus in front of your neighbor that one should "beware of skin affliction".³¹² "Remember what the Lord your God did to Miriam".³¹³ Regarding each sin, one should afflict himself through fasting and flagellate himself, all the more so upon those which obligate death by *Beit Din* and upon the obligation of extirpation. All the more so upon one who swears falsely by God's name and all the more so upon the profanation of God's name.

308. Paragraph 16 deals with multiple sins, including verbal wrongs, which I discuss in chapter 6 of my thesis, charging interest and robbery, dealt with in chapter 4, an acts of physical violence, elaborated in chapter 5.

309. BT Yoma 87a

310. Leviticus 16:30

311. BT Yoma 85b

312. Deuteronomy 24:8

313. Deuteronomy 24:9

Stealing or robbing or taking interest; Behold, he transgressed a negative commandment. He must return the entire amount of stolen goods or items he robbed or the interest and ask from him forgiveness. He then must flagellate himself on account of the negative commandment. He must afflict himself through fasting and confess. He must take care that he does not receive any deposits and none of his neighbor's property comes into his hand, for the soul of a person desires robbery. He will distance himself from it and do acts of loving kindness, either physically or financially, beyond what he has. And if he gives back the interest and he flagellates himself and confesses and afflicts himself through fasting and he guards himself from all types of interest and from anything connected to interest and from matters of interest and if he can support himself without interest even from the land of Israel he does not take one year, and does not dwell in places where they discuss matters of interest. For one who lends money, there is no life in the future, as it is said in Tanchuma, "if you lend money to any of my people".³¹⁴ It also says in the chapter "whoever lends", "The lenders dissolve, upon this from every heap of interest there will not be business and dwelling in repentance".

One who strikes his neighbor transgresses a negative commandment. He will request atonement from him and after this, he will confess that he sinned, that he struck him. He will afflict himself through fasting and he will not do it again. He will regret his sin and not lift his hand against his neighbor again, for he will be called wicked³¹⁵ "he said to the wicked, why do you strike your neighbor?"³¹⁶ As it is said in Sanhedrin in the chapter "death", "Rav Huna had his hand cut off"³¹⁷.³¹⁸ Also in Sanhedrin (Rabbi Hanina

314. Exodus 22:24

315. If he would do it again

316. Exodus 2:13

317. Of one who was accustomed to striking others

said), "One who strikes an Israelite in the jaw, it is as if he strikes the divine presence in the jaw".³¹⁹ One who raises his hand against his neighbor, even if he does not strike him, he is called wicked and a sinner. Rav Huna said you will take his hand if he strikes him, even though we don't judge as in Babylonia. As it is said in chapter "one who injures" 81 it is good that he gives to him his property and also he will seek him out to ask for forgiveness and he will self flagellate because he has transgressed a negative commandment, lest he strikes him again. He will afflict himself through fasting.

If he shamed him using words he transgressed a negative commandment, "Do not wrong each other".³²⁰ There was a repentant man, he will not say to him, remember your earlier deeds, as it is said in BT Baba Metzia in the chapter "the gold", there is sin regarding words, "Verbal wrongs are worse than wrongs concerning property, that for the first it is said, 'you shall fear the Lord'³²¹".³²² And also, the first regards the person, and the other regards the property. For the first, one can make reparation, and for the other, one cannot make reparation. One who publicly shames his neighbor it is as if he sheds blood - Redness departs and paleness comes. One who publicly shames his neighbor or gives him a bad name,³²³ even if he is known by that name, it does not raise him from Gehinnom".³²⁴ The gates of verbal sin do not close, and therefore, one needs to ask for forgiveness from him and afflict himself through fasting and self flagellate. If one speaks to the one who deceives, he will be silent. He will hear shame and he will not respond, and he will be careful of deceiving with his wife and honor her more than himself. The

318. BT Sanhedrin 58b

319. Ibid

320. Leviticus 25:17

321. Ibid

322. BT Baba Metzia 58b

323. A nickname

324. BT Baba Metzia 58b

one who deceives the stranger transgresses three injunctions, in the last chapters of BT Yoma, "All who angers his neighbor, even with words, needs to pacify him. If you have money in your hand, open up the palm of the hand to him"³²⁵. If not, send friends to him in order to intercede. If he is dead, he will bring ten people and stand upon the grave and say, "I have sinned before the Lord, the God of Israel, and against this person, that I wounded him".³²⁶ He disregards his characteristics and pardons him regarding all his sins.

Paragraph 17 - Matters of Penance and Confession

In BT Yoma,³²⁷ in the chapter "the Temple appointee said to them", "confess over it all the inequities and transgressions of the children of Israel".³²⁸ In what manner does one confess? One says "I have sinned, I have erred, I have transgressed".³²⁹ "Rabah bar Shmuel said, the law is in accordance with the Sages".³³⁰ A "חטא" (*Chayt*) is a sin that is in error. "A person that sins by mistake".³³¹ An "עון" (*Ávon*) is an intentional sin, for pleasure, for example, unchastity or eating forbidden things: "surely this person will be cut off - he bears his guilt".³³² A "פשע" (*Pesha*) is a sin of rebellion but he does not get pleasure out of it, for example, saying motzi on Shabbat or in kindling, "The king of Moab has rebelled against me".³³³

325. To give it to him

326. BT Yoma 36b

327. Ibid

328. Leviticus 16:21

329. BT Yoma 41b

330. BT Yoma 36b

331. Numbers 15:27

332. Numbers 16:31

333. 2 Kings 3:7

“Aaron will slaughter the bull of the sin offering, which is his, and make atonement”.³³⁴ He will slaughter on Yom Kippur and he will confess upon the bull twice, his sins and the sins of his house and the sins of the priests, and upon the goat, which is set free, has all the sins of Israel. And it says in the last chapters of BT Yoma³³⁵ - “On the Eve of Yom Kippur, one needs to confess before eating and drinking, in case that he becomes troubled³³⁶”, and even though he has confessed during the evening prayer with the nightfall, he will confess in the morning. With the morning prayers, he will confess at the additional service.³³⁷ In the additional service, he will confess at during the afternoon prayer.³³⁸ During the afternoon prayer, he will confess during the concluding service³³⁹,³⁴⁰ A person also needs to specify the sin transgression that he confessed to on the Day of Atonement. This is even if he hasn’t changed them, he needs to confess on the next Day of Atonement, “For I recognize my transgressions and am ever conscious of my sin³⁴¹”,³⁴² “as explained to us by Rabbi Eleazar ben Yaakov in the section “small but clear”³⁴³, and it is explained to us already Hamaduri.

Paragraph 18

The essence of the Vidui - But we have sinned - “We have been guilty, we have rebelled, we have robbed, we have spoken reproaches...(we have turned away from) your

334. Leviticus 16:11

335. BT Yoma 87b

336. Through drink

337. Musaf

338. Mincha

339. Neilah

340. BT Yoma 87b

341. lit. “my sin is always before me”

342. Psalms 51:5

343. BT Eruvin 62b

rules, and it has not profited us".³⁴⁴ We have transgressed positive commandments and we have transgressed negative commandments. We have transgressed those which obligate extirpation, we have transgressed those which obligate death according to the *Beit Din*. We have transgressed the written Torah and we have transgressed the oral Torah. We have forgotten Your great name, we have forgotten your kingdom and your awe. You are righteous above all others who come to us, because you have done truth and we have done evil.

In the Yerushalmi³⁴⁵ - In what manner does one confess? Rabbi Berachiah in the name of Rabbi Abbah son of Avinah, "Master of the universe, I have done evil in your eyes and I have stood in an evil path, and I cannot make a return thus. May it be your will, Lord, our God and God of our fathers, that you atone for us all our crimes, and forgive and pardon all our sins".

In Pesikta Rabbati in the chapter "rani v'smachi" "The Holy One blessed be He said to the ministering angels, 'Come and I will proclaim to you the righteousness of my children, that I have given them a taste in this world many troubles. I have brought sufferings upon them in every generation. In every hour, they do not reject me, rather, they call themselves wicked and call Me righteous, and they say in this language 'We have been guilty, we have rebelled, we have robbed, we have spoken reproaches...(we have turned away from) your rules, and it has not profited us'',³⁴⁶ and You are righteous over all that comes upon us and we have behaved wickedly''".³⁴⁷ Therefore Solomon

344. Vidui prayer

345. cf. with Yoma 8:7

346. Vidui prayer

347. Pesikta Rabbati chapter 35

praises the assembly of Israel "A woman of valor, who can find"?³⁴⁸, therefore we say, "if she is a wall".³⁴⁹

In the last part of BT Yoma³⁵⁰, "Penance atones for minor transgressions - positive commandments and negative commandments which are transformed by positive actions", and upon severer ones which obligate extirpation and those which obligate death by the *Beit Din*, "do not take"³⁵¹ with them and all others like them. Penance suspends³⁵² until Yom Kippur. One who says I will sin and repent, he does not get sufficient time to do penance. (One who says) I will sin and Yom Kippur will atone for me, the Day of Atonement will not atone".³⁵³ In the Midrash "Sing Aloud", "Return, O Israel to the Lord your God".³⁵⁴ All that the Holy One, Blessed be He, created, he did not pledge anything but repentance. "As I live, declares the Lord God, it is not the death of the wicked that I desire".³⁵⁵ The Holy One, Blessed be He said to Israel, Shame them to do penance. Behold, restore first, "Thus says the Lord, Behold, I will repent"³⁵⁶.³⁵⁷ Just as one who doesn't sin and does not offend, God forbid, says I will repent, all the more so that human beings needs to do complete penance, also the transgressions the he did in the beginning, he is not reminded, "The former things will not be remembered, they shall never come to mind".³⁵⁸ Bring tidings of peace, "Peace, Peace, to far and near"³⁵⁹, that

348. Proverbs 31:10

349. Song of Songs 8:9

350. BT Yoma 85b

351. God's name in vain

352. Judgment

353. BT Yoma 85b

354. Hosea 14:2

355. Ezekiel 33:11

356. The verse states "restore the fortunes of Jacob's tents and have compassion on his dwellings". This verse, in its literal sense, does not convey a sense of divine repentance, but God's promise to re-establish the exalted status of Israel.

357. Jeremiah 30:18

358. Isaiah 65:17

359. Isaiah 57:19

we will be brought near. "Return, O Israel to the Lord God"³⁶⁰, that it is with the attribute of mercy and with things that are accepted, "take words with you"³⁶¹ and nothing more, but rather walk empty and give back in full and say "forgive all guilt and take what is good".³⁶²

Paragraph 19

Our Rabbis expounded, "How great is the power of penance, since when a person decides in his heart to do penance immediately rises and stands before the Throne of Glory".³⁶³ "Return Israel to the Lord your God".³⁶⁴ The Holy One Blessed be He said even if you have transgressions against the Lord, against the Throne of Glory, "Return Israel to the Lord your God".³⁶⁵ And in the last part of BT Yoma, Yoma 86a, "Great is penance, for it brings healing to the world, as it is said, "I will heal your backsliding, I will love them devotedly".³⁶⁶ It arrives until the Throne of Glory and it draws near the one who is in exile. "He shall come as a redeemer to Zion, to those who turn back from sin"³⁶⁷ and brings near salvation. "Protect justice and do what is right".³⁶⁸ Premeditated sins have been committed like accidental sins. Return Israel, because you have fallen because of your sin. And those that have been committed³⁶⁹ are like merits, "When a wicked man turns back from his wickedness and does what is just and right"³⁷⁰, and his

360. Hosea 14:2

361. Hosea 14:3

362. Ibid

363. cf. Pesikta Rabbati chapter 44

364. Hosea 14:2

365. Ibid

366. Hosea 14:5

367. Isaiah 59:20

368. Isaiah 56:1

369. Premeditated sins

370. Ezekiel 32:19

days will be lengthened and he will surely live many years. A person sins and the Holy One, Blessed be He, is placated through words, "Take with you words and return",³⁷¹ and hold to him what is good and accept what is good. And as if he offered fruits of free will and complete, fruits of our lips love them freely. And in BT Masechet Ta'anit 16a in chapter "what is the order of fast days?" Scripture does not say relating to the people of Ninevah, "And God saw their sackcloth and their fasting, but rather, 'And God saw what they did, how they were turning back from their evil ways'³⁷². And in the tradition, "Rend your heart and not your garments and return to the Lord your God".³⁷³ And in Pesikta Shuvah, Rabbi Yehoshua ben Levi said, "If you will rend your hearts with penance, there will not be to rending upon your sons and upon your daughters. Why? For God is gracious and merciful".³⁷⁴

"My son, listen to my speech"³⁷⁵ incline your heart to the ways of penance. There is no faith like the faith of One God. There is no lesson like good teaching. There is no crown but the crown of humility. There is no diligence like the diligence of a group. There is no rejoicing like rejoicing with relief. There is no splendor like the splendor of mediation. There is no nobility like the one who preserves the rending.³⁷⁶ There is no adornment like the adornment of goodness. There is no behavior like polite behavior. There is no desiring like the desiring of piety. There is no enlightening like the enlightenment of songs of praise. There is no holiness like the holiness of sacrifice. There is no ascent like the ascent of penance. There is nothing good like listening.

371. Hosea 14:3

372. Jonah 3:10

373. Joel 2:13

374. Pesikta of Rav Kahana chapter 24

375. Proverbs 4:20

376. The feeling of being heartbroken

Paragraph 20

This is the law of one who repents with all his heart and soul. When he comes to cleave to his Creator, each person thinks in his heart, "I will be sanctified amidst the Israelite people".³⁷⁷ If he is in a time of religious persecution, it is proper to be killed and his soul be annihilated by means of severe sufferings, for the sake of his Creator. He will say to his heart, "I cannot restrain my spirit for a short time for the sake of my Creator, because I had to please in short time with illicit sexual conduct and with impurity? I will teach my eyes from observing the face of a woman, because she is fire. If a man guards himself from adultery sometimes for the sake of God and sometimes for the sake of his honor that they doesn't say it is adultery and it is the destroyer of his soul. He will do it, this is not worshipping the Creator truly, but if he restrains his soul instead, that there is in a place of no shame because all have seen the face of women, he does not do it, this is the true worship of the Creator. And he should have the ability to refrain from all the pleasures of the flesh through woman, from seeing them to touching them and lying with them and from seeing their desirable clothes and does not listen to their spoken voice in singing and from speaking with her from whether a married woman or an single woman except of his wife, he will be happy in it, when she is pure with all the love of his heart.

He who wastes seed in vain to satisfy his appetite, he will fast forty days and guard his soul, and he will not look upon the face of a woman, nor her clothes that are hung up on the wall, and not smell perfumes which are upon her, and to not stand in bed

377. Leviticus 22:32

that a man and his wife lay there, "as it is like he stands on her stomach".³⁷⁸ And from all alone time with her that he observes her in her clothes and he sees her face and her chest when her breasts are protruding or the exposed genitals, and the spirit of sexual arousal enters in his heart to mislead him and please his soul while he dwells with her and joy enters his heart and the heart of the woman and they are filled with impure thoughts and judge to "give to the man according to his needs with the proper fruit of his deeds".³⁷⁹ The man is able to refuse from all her words she that may bring to him a nocturnal emission as it is written, "Unchastity, wine, and new wine destroy the mind".³⁸⁰ She is fire until, she will consume until you are destroyed. Stolen waters are sweet, but his end descends to Gehinnom with a flame not fanned. Therefore, he should be quick and be aware about sexual thoughts about women, unless it is the wife of his embrace, he should be happy and enjoy himself in love every time that he pleases, because she is his guard against sin. Until here, upon all love of his pleasure, to love and to honor her then he will find the his heart's desire in her and from the merit to this and to come.

Paragraph 21 - Prayer of Return with All His Strength

Master of the Universe, You are the master of compassion, Lord our God and God of our fathers, I am ashamed to speak before you. Indeed, I have sinned against you. I have strayed from the good path. I have perverted justice. I have transgressed against your commandments. I remembered Your name to please you. I was wicked. The straight, I have bent, because I have been rebellious. I will know I have sinned. My sin is before me always. I cry with weeping of my heart. Streams of water fell from my eyes

378. BT Shabbat 140b

379. Jeremiah 17:10

380. Hosea 4:11

that I did not keep your Torah. The distress and straits of my heart increased, and I will give to my shame a sackcloth because I have lowered my adornments from me. I will confess before you with anxiety, trouble in my heart because my sins have passed, I will bow my head in mourning regarding my sins. When he cries, he shall say, "With bitterness my tears will be extinguished, your burning anger extinguished with blood, my heart, which is decayed. Your anger has extinguished my incendiary fire and penances of my regret will turn your anger from me. The flowing rivers of my tears will be regarded as a libation of wine and water, and the fat of my flesh like fats and suet, and the blood which was diminished as if it was thrown upon the altar and the sound of my sighing like the sound of the songs of the Levites and the sound of my groaning like the sound of the timbrel and lute and the breaking of my heart like the broken bales and blasts of the shofar, and the severing of the strings of my heart like the cords of the lute and pipe, and the weakness of my limbs be like the arranging of limbs and suet³⁸¹, and the pouring of my soul like water, will erase. May you erase my sins with the blood of my heart. And may my transgressions be extinguished by the vitality of my body. With my confession, let my guilty soul become purified. May the flow of my lips and the meditations of my heart atone for my intentions, my meditations, and the tearing of my heart rend each book of my transgressions and my many sighs be a comfort to you. and my pleas bring about your compassion to be gracious to me and my prayer be received with the prayer of your children, the children of your grace.³⁸² May the words of my mouth and the meditations of my heart before you be according to your will, Lord, my Rock and my Redeemer.

381. For a sacrifice

382. cf. Leviticus Rabbah 34:14, R. Tanhuma invokes the memory of the patriarchs when appealing to God's grace.

Paragraph 22

The ideas of returning. My son, heed to my advice. I love you, my son. Return now with penance. To love the Lord your God, is to fear Him. Do this, my son. Be saved and return to your father. Remember your Creator that created you. Keep away the spirit of illicit sexuality from your midst. In all your ways, know Him. Return to your father who created you. In every heart rejoice that God will discipline you in order to atone for your sins, because as it says in "each whose merits are greater than their sins is punished (in this world to pay him for his deeds)³⁸³ as if he burned the Torah".³⁸⁴ Happy are the righteous that they are punished for their minor sins that they commit in this world and punished for them only in this world. There is not a yoke. "And your wrath matches the fear of You".³⁸⁵ You struck he who did righteousness. "Hold fast to discipline"³⁸⁶ and bless God who judges. In every time that He loves you, He disciplines you, as the path of life is the rebuke of discipline. And your sins will be against you always and you will be ashamed of your deeds but your mitzvot will cleanse you and you will immerse in the mikveh of the Lord of Israel. Happy are you who He purifies and he who is your fountain and your well. Lift your heart to your Creator because His hand is stretched and spread to greet you. Prepare your heart completely to examine your heart³⁸⁷ and your kidneys³⁸⁸, lift your eyes heavenward, and He will enlighten His face to you with happiness. Cling with His love and with His fear because He is your God and the King of the world.

383. This phrase is not in the Talmud text.

384. BT Kiddushin 39b

385. Psalm 90:11

386. Proverbs 4:13

387. The source of intellect

388. The source of emotions

Do not be passionate regarding your eating, for because of this a wayward and defiant son is punished. One who sins in regard to a secular feast and with drinking is a glutton and drunkard. He should restrain himself from doing this feasting again unless it is a commanded feast and not continue with wine or strong drink unless it is his table with the sons of his house.

He should not revel in types of luxuries and put off his eating and his drinking for the sake of His Creator. A piece of bread with salt, you shall eat, according to your strength that you will suffer, and a 1/36th of a log of water you shall drink, and a life of trouble you shall live, and with the teaching you will labor. "There is reward to your works".³⁸⁹

Paragraph 23³⁹⁰

A murderer, a man who strikes his neighbor and murders him, either a man, a woman, or a small child, will go into exile for three years and flagellate himself. In every city he will say, "I am a murderer". He will not eat meat or drink wine and will not shave the hair of his beard or his head. He will not wash his clothes or wash his body. He will wash his beard once a month. To the hand which he murdered with and around his neck, he will tie a chain. He will walk barefoot and he will weep about his murder. He will afflict himself through fasting every day until his exile ends, and another year afterwards, he will afflict himself through fasting on the second and fifth day of the week, even though he fasted three years every day. He will not do anything bad to anyone and he will keep silent to every person, and if they will say to him, "murderer", he will not quarrel, but will be like one who is deaf. He will not go to play during these same three years.

389. Lamentations Rabbah Introduction:24

390. Paragraph 23 deals with murder, which is discussed further in chapter 6 of my thesis.

When they leave from the House of Assembly, he will dwell there every day, before the House of Assembly and they will pass him and they will not trample upon him. He will honor his wife and to each person he will confess every day.

Paragraph 24³⁹¹

One who denies the principle of religion,³⁹² behold, this person transgresses the entire Torah. He needs to remove all clothing of splendor³⁹³ and not put adornments upon himself. He will mourn and weep and cause himself to suffer. He will afflict himself through fasting many years. Each and every day he will humble himself. He will confess three times a day. He will not eat meat or drink wine and not bathe at all unless it is Shabbat evening or the evening before a festival. He will bathe a little, but not wash his head unless it is once or twice a month. He will not go to parties or to a marriage ceremony unless it is for a blessing.³⁹⁴ Immediately, when he regrets and he immerses in a mikveh, he is judged as an Israelite. All matters in which he sinned, he will make penance to his Creator and he will cause himself to suffer in proportion to his pleasure.

He was happy on the day of their destruction,³⁹⁵ he desecrated Shabbat, and he denied the principle of religion³⁹⁶, and he accepted a goddess and bowed to it, and ate all that is forbidden, and had sex with the daughter to a Gentile and transgressed something that would incur extirpation or death by the *Beit Din*. Because of this, he will repent for

391. Paragraph 24-26 deal with matters concerning sins against God, including heretical thoughts and actions, speaking in synagogue, and swearing an oath using God's name, which I cover in chapter 7 of my thesis.

392. The existence of God

393. Finery

394. Where he is to give or receive a blessing

395. Secular holidays

396. See note 392

all that he sinned and worship his Creator with all his soul and with all his heart and with all his might. He will lie upon the floor and he will suffer a great deal of distress. If one says to him, "apostate, wicked", he will keep silent. And all of his thoughts will be for good.

Paragraph 25³⁹⁷

An oath, when one takes an oath is severe even if he swore it in truth, God will not pardon him because one who transgresses a negative commandment or upon serious sins transgresses against God's word, but one who swears in the name of the Glorious King, it is as if you are harming God bodily. Therefore, "the whole world trembled when God spoke at Sinai".³⁹⁸ "For the Lord, your God, will not clear one who swears falsely by God's name".³⁹⁹ For the entire world is afflicted with sin of one who swears an oath. Why should God be angry at your voice and destroy the work of your hands? Because the oath destroys everything. If a man transgresses an oath, he must flagellate himself several times, and also afflict himself through fasting and to confess. He has to be very careful regarding oaths, even if they are upon the truth or swearing upon the Torah or swearing on the souls of his fathers, unless he swears upon his own head or upon his body. But it is permissible to swear to fulfill a commandment, as it is said in BT Nedarim 8a, "I have firmly sworn to keep your just laws"⁴⁰⁰, in order to expedite the performance of the commandment, but not to transgress the Torah, and not, with the faith of the heavens, to nullify it from his mouth. He will be very careful when he makes a blessing with the

397. See Chapter 7 of my thesis.

398. BT Shevuot 39a

399. Exodus 20:7

400. Psalms 119:106

mention of the blessed name of the Lord, your God, with the mention of God's name that all your limbs tremble to fear this Glorious and Awesome Name. Worship the Lord with fear⁴⁰¹, and thus, all of the Holy Names. Do not recite a blessing in vain and if you make a mistake, say after it, "blessed is the name of God's glorious kingdom forever and ever".

Paragraph 26⁴⁰² - Speaking in the House of Assembly

One who speaks in the House of Assembly while his friends praise and sing, I apply regarding him this text regarding all wicked neighbors - "for the paths of the Lord are straight. The righteous can walk upon them, but sinners stumble on them".⁴⁰³ He does not number himself with his friends and rejects praising his Creator. He moves the limit of his Creator⁴⁰⁴ and, "I have become to them diminished in sanctity"⁴⁰⁵, these are the synagogues. There should not be any frivolity, as it is said in chapter four of Megillah 28⁴⁰⁶, "God stands in the divine assembly".⁴⁰⁷ The one who speaks does as if he turned to Him his neck, "Why, when I came, was no one there? Why, when I called, would no one respond?"⁴⁰⁸ "I extended my hand and there was no one who paid any heed".⁴⁰⁹ Why is the Lord angry at your voice? God called to you, "Who asked that of you? Trample my courts no more".⁴¹⁰ But instead, bow before Him and return to Him with fear and with the bowing of the head, and with humility, with humbleness of heart. Supplicate yourself before Him and sing before Him with happiness and come before him with joy. Then He

401. Psalms 2:11

402. See Chapter 7 of my thesis

403. Hosca 14:9

404. He encroaches upon God

405. Ezekiel 11:16

406. This quote was not found in BT Megillah 28, but it does appear in BT Berachot 6a

407. Psalms 82:1

408. Isaiah 50:2

409. Proverbs 1:24

410. Isaiah 1:12

will be near to you and He will be found by you. Unify the heavenly name with full intention of the heart and pray with full intention of the heart. When you say, Blessed are you, that if you think about vain things, it is as if you have scorned Him and did not have fear upon your face. Instead, think that He is before you to greet you. "I am ever mindful of the Lord's presence".⁴¹¹ And put the fear of God on your face and the love of Him inside you and give the full intention of your heart, and be modest before Him. Confess your sins. Seek Him and He will be found for you and you will bless Him.

Paragraph 27⁴¹²

Informing. One who informs regarding his neighbor, behold, he sets governmental officials against him, slanders him, and takes his property and kills his neighbor and the wife of his embrace, and kills his sons and his daughters and all the sons of his house. If he had stolen or robbed his property, there will not be so much trouble or sin. Therefore he will pay to him (all the losses incurred) from his speech. He will be to him like a perpetual slave, and he will ask forgiveness from him in front of the entire world. He will self flagellate and he will afflict himself through fasting and confess as if he had killed all of his sons and daughters and all the sons of his house. And he teaches to the ruler to take the property of all sons of the covenant.

See how many transgressions he did, that, behold, the informers will be pushed down. Therefore, his sins will be against him and he will repent and break his spirit with all his force. What is the benefit for a man who is a master of speech to extinguish his

411. Psalms 16:8

412. Paragraph 27 deals with the sin of informing on a Jew to the governmental authorities, which I elaborate on in chapter 6 of my thesis.

candle and to be in darkness to the darkest of night like three pronged forks to increase river of Pishon which preferable while he is still in life, to be with the eternal ones. And if he does not pay, he will send friends to intercede for him and ask forgiveness to whom that he caused to suffer before he dies. When he does make some money he should restrict himself⁴¹³ and pay to the one his is obligated or to his inheritors. Because for one who informs, there is no treatment if he does not remove the blemish He will confess all his obligation and repent with all his heart.

Paragraph 28⁴¹⁴

One who gossips, there is no treatment unless he asks forgiveness and appeases all that he gossiped about. He should study in the meaning of peace and of the commandments. One who causes others to sin, there is no treatment for him and God does not grant him sufficient time and power to perform penance that his students that he caused to sin will be in Gehinnom and he will be in Gan Eden.⁴¹⁵ "A twisted thing cannot be made straight"⁴¹⁶ unless with complete penance to cause his body pain, to afflict himself through fasting, to confess, to weep, to regret, to supplicate himself each day and night. With his fasting and his afflictions, he should self flagellate, and to think about meriting the multitudes, and he should take concern and support his students of Torah or to teach his youths. He will make charitable donations and he will do physical acts of loving kindness.

413. Be frugal

414. Paragraph 28 deals with gossip, which I discuss further in chapter 6 of my thesis.

415. See BT Yoma 87a

416. Ecclesiastes 1:15

In chapter one of BT Rosh Hashanah 16b, "Rabbi Isaac said, four things tear the decree of judgment of a man and they are making charitable donations, crying out, change of name and change of deeds". In BT Megillah 28a, "Rabah said, he who forgoes retaliation, they pardon him from all of his sins". "Seek the Lord while He can still be found"⁴¹⁷, to an individual in the ten days of repentance, or the public, who is like the Lord our God in all our callings to Him for all time.

I will write about severe transgressions. In chapter one of BT Rosh Hashanah 17a, "The heretics, the informers, those who left Judaism, who rejected the Torah and rejected the concept of the resurrection of the dead and abandoned the ways of the community and "struck terror in the land of the living"⁴¹⁸, and who sinned and caused others to sin, like Jeroboam, son of Nebat and his followers, will all descend to Gehinnom and will be punished there for generations. Gehinnom ends, but for them, it never ends. In chapter one of BT Chagigah 9b, "Rabbi Shimon bar Mensia said, who is crooked and cannot be made straight? The one who has sex with a forbidden person and bears a bastard". It is established in the gemara, his unmarried sister. Or he forced himself upon a married woman and had sex with her and bears a bastard, there is no remedy for him. But if he does not bear a bastard, there is remedy for him. Thus it is taught by Rabbi Shimon bar Mensia, one who has sex with a married woman and causes her to be prohibited from her husband even though he is not banished from the world.⁴¹⁹ This is with a wife of Israel and from her will or force. A wife of a priest who is prohibited from her husband, there is no remedy, as it says in the section "the gold", "all who descend to Gehinnom ascend, except for those who have sex with a married woman, or who shame

417. Isaiah 55:6

418. Ezekiel 32:23

419. cf. BT Chagigah 9b

their neighbor in public, or who insults⁴²⁰ his neighbor, even if he is accustomed to that name".⁴²¹ They descend, but they do not ascend.

In BT Sotah 42b in the middle of the chapter "and there are those who have said", "There are four classes that do not receive the presence of the *Shekhinah*⁴²²: the class of scoffers, the class of flatterers, the class of liars, and the class of those who utilize evil speech".⁴²³ And in the first chapter of BT Kiddushin 40a, "In order that I might capture Israel in its own heart."⁴²⁴ Rabbi Acha bar Jacob said, it is idol worship, for a Master said, Idol worship is so severe, that all who rejects it, it is as if he acknowledges the truth of the entire Torah". And thus, if one accepts stringent idol worship, it is as if he rejects the entire Torah. In the end of BT Yoma 86a "The profanation of God's name - penance, Yom Kippur, and suffering suspends⁴²⁵ and death completes it". The profanation of God's name is the worst of all transgressions. In the middle of BT Kiddushin 40a, "Credit is not allowed for the profanation of God's name, whether it was accidental or intentional...and if it⁴²⁶ was balanced, it⁴²⁷ tips the scale". In BT Kiddushin 40b, "Rabbi Shimon bar Yochai says, Even if he is completely righteous all his days, but in the end, he rebels, and he regrets regarding the former good deeds, he destroys his former good deeds, "The righteousness of the righteous will not save him on the day of his wickedness."⁴²⁸ Even if he was wicked all his days and he makes penance in the end, his

420. Gives a bad name to

421. BT Baba Metzia 58b

422. The feminine aspect of God.

423. See chapter 7 of my thesis

424. Ezekiel 14:5

425. The divine decree

426. The scales

427. The profanation of God's name

428. Ezekiel 33:12. In Ezekiel, text reads "פֶּשַׁעוֹ" unlike in the HTR which reads "רָשָׁעוֹ"

wickedness is not recalled to him, "and as for the wickedness of the wicked, he shall not fall on the day of his penance because of his wickedness".⁴²⁹

Twenty four things prevent repentance, and these are them: 1. gossip, 2. evil speech, 3. one who is prone to anger 4. a master of thoughts⁴³⁰ 5. one who joins with the wicked, 6. one who looks upon nakedness, 7. one who shares with the thief, 8. one who says I will sin and I will repent, 9. one who one who elevates himself at the expense of his neighbor, 10. one who separates from the community, 11. one who leads his neighbor from the paths of goodness to the paths of wickedness, 12. one who despises his parents, 13. one who curses the community, 14. one who prevents the community from doing charity, 15. one who despises those who do acts of righteousness and the commandments 16. one who uses with the pledge of the poor, 17. those who accept bribes, 18. one who finds a lost article and does not return it, 19. he who sees his sons going into wicked⁴³¹ culture and does not attempt to prevent it, 20. one who eats the stolen goods of the poor, 21. one who disputes words of Torah, 22. whoever suspects innocent people, 23. one who hates reproaches, 24. one who mocks the commandments. All twenty four transgressions, "Inform Jerusalem of her abominations".⁴³² And each of the twenty four forbidden sexual unions in Achrei Mot. In Emor to the priests, twenty four expiations.

Nine things prevent prayer. The first is one who a decree of judgment has been sealed to Moses in the Torah portion "And I pleaded", They repented⁴³³, "do not speak any more".⁴³⁴ The second is one who prays without the intention of his heart. "They

429. Ibid

430. One who is conniving

431. Foreign

432. Ezekiel 16:2

433. Not in the verse

434. Deuteronomy 3:26

remembered that God was their Rock...yet they deceived Him in their speech...their hearts were inconsistent toward Him".⁴³⁵ The third is one who does not listen to words of Torah. "He who turns a deaf ear to instruction, his prayer is an abomination".⁴³⁶ The fourth is someone who does not reply to the poor. "His ears are deaf to the cries of the poor. He also will call and he will not be answered".⁴³⁷ The fifth is one who wrongs and steals. "You have devoured My people's flesh...But He will not answer them".⁴³⁸ The sixth is one who prays without cleanliness⁴³⁹ "Though you pray at length, I will not listen".⁴⁴⁰ The seventh is one that overcame his sins but did not repent. Isaiah 1 says, "It will be when they call, but they will not hear".⁴⁴¹ The eighth is someone who does not listen to rebukes. "And would not hear my rebuke...then they shall call me but I will not answer".⁴⁴² And the ninth is one who puts his trust in idol worship. "Do not plead with me, for I will not listen to you...the children gather sticks".⁴⁴³ And thus, there are nine. "Israel does not know, My people takes no thought. Sinful nation, people laden with iniquity, brood of evildoers, depraved children".⁴⁴⁴ They have rebelled against me⁴⁴⁵ chieftains of Sodom, people of Gomorrah⁴⁴⁶, and therefore, when you pray at length, I will not listen.⁴⁴⁷ For until nine, I pardon, but, "they have tested me ten times",⁴⁴⁸ then I

435. Psalms 78:35-37

436. Proverbs 28:9

437. Proverbs 21:13

438. Micah 3:3-4

439. Purity of thought

440. Isaiah 1:15

441. Zechariah 7:13

442. Proverbs 1:25, 28

443. Jeremiah 7:16,18

444. Isaiah 1:3-4

445. Isaiah 1:2

446. Isaiah 1:10

447. Isaiah 1:15

448. Numbers 14:22

punish. Therefore, in the haftorah, "Make a path, make a path"⁴⁴⁹ said the language of restraint and affliction, "the Lord's holy day honored".⁴⁵⁰ Thus, nine times. And repent on the fifth to atone for the nine things which delay prayer, therefore there is not nine in "May the Lord answer you in the time of trouble"⁴⁵¹ and concludes with, "May the King answer us when we call".⁴⁵² Therefore, there are nine days of penance until Yom Kippur, therefore nine. "When we fasted (did you not see), when we afflicted ourselves (did You pay no heed)? Because on your fast day, you see⁴⁵³ and do not fast⁴⁵⁴ (to your business). Your fasting is not the fast I desire, a day of affliction, a day when the Lord is favorable⁴⁵⁵ is this not the fast?"⁴⁵⁶ "The Lord is close to the brokenhearted".⁴⁵⁷ The heartbroken are dearer to the Holy One Blessed be He than the ministering angels, that the ministering angels are further from the *Shekhinah* 360,000 parasangs⁴⁵⁸, "Seraphim stood in attendance to Him",⁴⁵⁹ but the broken hearted, the Holy One blessed be He is close to them within a cubit.

All who sacrifice his will every day and confesses, I will account to him as if he has honored me in two worlds. a sacrifice of thanksgiving, he will honor me in this world and in the next world.⁴⁶⁰ The essence of atonement is according to confession, therefore the bull that he offers for atonement to Him and to the priests. The high priest confesses over it and the scapegoat, who is the atonement for all of Israel, confesses over it the sins

449. Isaiah 62:10

450. Isaiah 58:13

451. Psalm 20:2

452. Psalms 20:10

453. Eleazar writes "תצימר", while Isaiah 58:3 has "תצאמר"

454. Eleazar's interpolation

455. Eleazar writes "רנן", but Isaiah 58:5 has "רצון"

456. Approximation of Isaiah 58:3-5

457. Psalms 34:19

458. Symbolic measurement for a great distance

459. Isaiah 6:2

460. cf. Leviticus Rabbah 9:2

of Israel. Give thanks and reject Jerocham. "Now that I have repented, I am filled with remorse, now that I am made aware, I strike my thigh".⁴⁶¹ "Seek the Lord while He can be found, Call to Him while He is near".⁴⁶² Repent to the Lord, and He will have compassion on him.

In the chapter "portion" in BT Sanhedrin 90a⁴⁶³, "These are the portion of them that have no share in the world to come - one who says that resurrection of the dead is not (an idea) from the Torah, that the Torah is not from the heavens, and a heretic". One who degrades a wise student, and, "Rav Pappa says similarly, one who says 'those rabbis'"⁴⁶⁴ or "one who calls his rabbi by his name".⁴⁶⁵ "Rabbi Akiva says, even one who reads secular works"⁴⁶⁶ and heretical books, and the books of ben Sirah, "and one who whispers"⁴⁶⁷ over a wound, 'all the diseases that I brought upon the Egyptians, I will not bring upon you'.^{468,469} "And spits, "as the divine name cannot be expressed while spitting."⁴⁷⁰ "Abba Saul says, even one who pronounces the divine name according to its letters"⁴⁷¹ within limits⁴⁷² or with mocking. Or one who expounds upon the stories with reproach, "for he has spurned the word of the Lord".⁴⁷³ "One who says that the entire Torah is divine, except for a particular verse...a particular point, a kal v'chomer

461. Jeremiah 31:19

462. Isaiah 55:6

463. See chapter 7 of my thesis

464. BT Sanhedrin 100a

465. Ibid

466. BT Sanhedrin 90a

467. An incantation

468. Exodus 15:26

469. BT Sanhedrin 90a

470. BT Sanhedrin 101a

471. BT Sanhedrin 90a

472. Outside the Temple. Priests could only utter the divine name on Yom Kippur, inside the Holy of Holies.

473. Numbers 15:31

argument⁴⁷⁴, a g'zerah shavah⁴⁷⁵, this is 'because he has spurned the word of the Lord'⁴⁷⁶, he is cut off in this world and will be cut off in the world to come. Each time that he responds as this, if he does penance and confesses, he will have a place in the world to come.

These are the heretics⁴⁷⁷ - one who says that the world pursues its natural course and there is no God in the world, or one that says there was no creator before everything, and one who says that God has an image and a form like a man, and a body and a picture or combines other things with Him, or one who says there was no divinely inspired prophecy, or one who denies something from the Torah of Moses, a spoken word or a point, or one who says there is no creator who knows the doings and thoughts of man, or there is no judgment for a man for his deeds, or there is no world to come, and there is no future paid reward. These are the heretics and heathens that they are lowered if they don't make complete repentance, "God does not remit all punishments"⁴⁷⁸, as it says in BT Yoma 86a, "God remits punishment of those who repent, but does not remit punishment of those who do not repent". As it says in BT Yoma 86a, "One who transgressed a positive commandment and does penance⁴⁷⁹, he is not moved from there until they have forgiven him". Thus it says in chapter one of BT Shevuot 12b, "that positive commandment, how is this understood?" If he does repentance, they forgive him immediately, but a little bit of trouble will come to him, as he transgressed upon a positive commandment. Each person who returns with complete penance receives it, as it

474. Arguing similarities based on comparing two items of differing importance

475. An equal category. An analogy between two established laws on the basis of verbal similarities in the texts

476. BT Sanhedrin 99a

477. See chapter 7 of my thesis

478. Exodus 34:7

479. Talmud text has "ושב", here it has "עשה תשובה"

is said in chapter one of BT Avodah Zarah 17a about Rabbi Eleazar ben Dordia, "when he placed his head between his knees, he then wept aloud until his soul departed. Then, a heavenly voice came forth and said, Rabbi Eleazar ben Dordia is invited to live in the world to come", for what a man chooses to do and takes pleasure in, but then regrets and humbles himself, it is very hard for him, but according to suffering is reward.⁴⁸⁰

A person who is accustomed to sin⁴⁸¹, whether it is a light one or a severe one, to provoke anger, he is an apostate in regard to one commandment, or to wear a combination of linen and wool, or shaves his beard with a razor, or trims their hair like that of the Gentiles⁴⁸² or eats prohibited foods, or has sex with Gentile or steals, and makes it⁴⁸³ public⁴⁸⁴, this is a heretic, as if he denied the mitzvah, like the Holy One Blessed be He did not give it to Moses.

"A person suspected⁴⁸⁵ may not judge or offer testimony".⁴⁸⁶ He must feel regret and confess with weeping of the heart. He will not do anything like this evil anymore. He "distances himself from the ugliest and from similar".⁴⁸⁷

A man who has turned to the religions of the nations. He is an apostate to the entire Torah. And one who more zealously clings to it than the nations, as it is inferred in BT Avodah Zarah, "An Israelite that walks in foreign culture, whether going or returning, it is forbidden"⁴⁸⁸ to do business with him or give him anything.

480. Pirke Avot 5:22

481. See chapter 7 of my thesis

482. lit. Cuthites

483. The Torah

484. For derision

485. Of impropriety

486. BT Yoma 78a

487. BT Chullin 44b

488. BT Avodah Zarah 33a. Note the Talmud text states "לתרפות" which Eleazar changes to לתרבות

And thus, in chapter one of "the slaughtering" in BT Chullin 3b, "that a slaughtering of a Gentile is forbidden". One who guards Shabbat with desire, he is judged as an Israelite, but if he desecrates Shabbat publicly, he is judged as a Gentile, to rent his property, even if he didn't take part in the eiruv.

In chapter one of "the slaughtering" BT Chullin 5 and in Eiruvin, All that cause the adult community to sin like Jeroboam or contradicts the words of the Sages like Zadok or Beitos or impels the world to sin like Manesseh or one who deceives the world with his false errors, one who commits transgressions like Jehoakim openly and brazenly, and one who acts impudently, or separates from the community by not fasting with them or joining during their times of trouble, they do not have a share in the world to come, but if they do penance with sincerity and confess with sincerity and with tears, even if he denied the principle of religion,⁴⁸⁹ he returns to love his Creator, and does not return to his disgrace, but clings to his Creator, he has a portion in the world to come.

Hear the words of the Sages - Do not flatter a person, lest you sleep an endless sleep and you will be fast asleep. Do not come with flattery before Him, because He will pluck off while you are still tender.⁴⁹⁰ Therefore give to your heart to rid yourself of flattery, and know the truth. Do not, through flattery remember your Creator. You should be fearful before Him. Be sure in His rule, because He will be with you. See and compare the adult and the child all must refrain, and your king will be to you a strength and a tower.

My son, do not be proud, lest you be greedy and ruined. Your spirit will be lowered with a despondent heart, then God is with you. You will look and you will see

489. See note 392

490. cf. Job 8:12

that He hates the proud and he will restore your despondent heart. For what benefit is there in pride? For a soul is impure, a cup of bitterness, it defiles and makes inappropriate use of sacred property. "Why die before your time?"⁴⁹¹ "A ruthless avenger" will search for you.⁴⁹² Do not unite with the prideful, in a moment they will die suddenly. Be fearful from the presence of the proud. Regarding all the prideful, and one will see His glory in the place. They see that those with a lowered spirit will be supported and brought close to You.

My son, be careful of the negative precepts, lest you transgress one of them. You will self flagellate forty times, or with the strikes of disobedience⁴⁹³ if you have transgressed upon a general negative commandment. How much the more so regarding a negative commandment which obligates extirpation. You will fast no less than forty days and you will self flagellate every day, and give to Him thanks. One who shaves his sidelocks of his facial hair with a razor transgresses a few negative commandments. From now, do not destroy it again: grow your facial hair. As it says, "In their laws, do not walk".⁴⁹⁴

Be careful with the positive commandments lest you be flagellated with the strikes of disobedience. Thus, take care, "And your brother shall live with you".⁴⁹⁵ "Do not move your neighbor's landmark"⁴⁹⁶ and do not take from his livelihood. If he acquires a stock of goods or a coin from the authorities, if one comes and offers more to him in order to take from his friend, this is not something which will be forgiven. He is

491. Ecclesiastes 7:17

492. Proverbs 17:11

493. Administered by the court

494. Leviticus 18:3

495. Leviticus 25:35

496. Deuteronomy 19:14

called wicked; there is no robber like him. If he will not listen to his guides who have instructed him, one separates him until he repairs his wrongs through penance.

My son, if you sin with eyes, lest you stumble in it now or later. They will weigh you with scales with two witnesses. Do not sin with ears with a false report in a matter before you. In the time you will stand before your Master, He will not hear your many sins. Do not sin with your nose and with scent, lest He be angry on your account to cause you to smell. And from all good, you will be bereft. After Him, you will not be able to flee. Do not sin with your mouth or your tongue, because the master of wings⁴⁹⁷ will recall your sins. Your riches will not profit you in front of your Creator. Do not sin with your eating and do not increase your sacrilege because your body will cause you to stumble, and how can you stand to your fate? Do not sin with your hands. How can you stand in the face of your plunderer when your strength, your glory, your deeds, are witnesses against you? Do not sin within your heart, not with the doings of your thoughts and with the instruments of your insides. The king with your Creator knows you character. Do not sin with your genitalia, they will testify about all your deeds. Behold, when your flesh and hair end, they will recall all your words. Do not sin with any queen nor any lovely woman because she is like a prostitute. It becomes a habit that increases and multiples like a wave. Do not sin with your legs, lest your wheels⁴⁹⁸ are overturned. Run to the commandments from your cart to accustom your legs with the righteous. Thus do not sin with your spirit, with the strength of your soul. You will rejoice in my ordinances which will make you happy He will recount your righteousness before you. Don't sin with your soul. Do not increase your guilt. Busy yourself with your Torah with

497. Elisha

498. cf. Ecclesiastes 12:6

every force of your observance. Do not sin in the face of your Creator. Remember that He is your Creator and He is your Sustainer and Lifter, He is your Father and the one you must fear. Do not sin before Hashem, because He gives to you being. He moistens your eyes and your mouth like rain. He breathes your life. Do not desire and long for joy. His praises you should say aloud, in every time, you will bow before Him.

Do not be passionate regarding your food, be fearful of eating. He is your Creator. Do not eat something that has a doubt of being prohibited, how much the more so something clearly prohibited. Be careful lest sin will be within you. Watch who slaughters, if he is versed in the laws of slaughtering in every matter without doubt. Therefore, one who examines the beast according to the law, the lungs, and how it looks in all of its matters. If he inadvertently makes an error and it is discovered to be unfit after it⁴⁹⁹, one should warn him that if he would do it again, lest he will be removed and transferred according to the law until he can repair his wrong. One who examines and it is discovered after it that it is unfit, or he is the slaughterer and it is found after it unfit for eating due to unskillful slaughtering, like one who spears a cow and after it the fats are found, he is to be lashed, and to be warned that he will not do it again, and if he cannot be careful, one transfers him from his profession completely and to his to be lashed and to proclaim publicly regarding him until his repentance is seen without falsity and without ill intent. And when he will do the judgment that they have demanded then he is our brother. For any one that after it fats were discovered or after it has been checked it is found to be unfit for eating due to unskillful slaughtering, two or three times, already he will be forbidden until a later time that his repentance has been demonstrated. One who

499. His examination

prepares the cheeses or dairy, that none of Israel will supervise him "that all who is suspect in something does not judge or serve as a witness".⁵⁰⁰

This is the essence of repentance - Mentioning his sin and confession like Moses, peace be upon him, "they made for themselves a god of gold"⁵⁰¹, and distances himself from the transgression which he has committed, and from sin similar to it, and this is good for him. My son, be careful from the slightest of sin because it might small for you, but it might be great to Me. Come and see. The Torah says, "Surely you shall reprove your neighbor",⁵⁰² but nevertheless, the Torah says, "but do not bear sin on his account",⁵⁰³ that his face will not turn pale in public. If he does thus, he does not flagellate on account of a negative transgression, that there is no action. It is a grave sin to cause the face of your neighbor to pale in public, he does not have a part in the world to come. That is to say his brother, one who is takes part in the commandments. But if they rebuke him in secret and he does not listen, they shame him in public, "I censured them and cursed them".⁵⁰⁴ And one must reprove him like the early prophets. All "that which is hateful to you, do not do to your neighbor".⁵⁰⁵ "Peace, Peace to the far and the near, said the Lord, and I will heal them".⁵⁰⁶ "He repents and God heals him".⁵⁰⁷ "The sum of the matter, when all is said and done: Fear God and observe His commandments, for this applies to all mankind".⁵⁰⁸

500. BT Bechorot 30a

501. Exodus 32:31

502. Leviticus 19:17

503. Ibid

504. Nehemiah 13:25

505. BT Shabbat 31a

506. Isaiah 57:19

507. Isaiah 6:10

508. Ecclesiastes 12:13

Paragraph 29

These are those who will not cause their children to inherit property, and if they cause them to inherit, they will not cause their children's children to inherit - one who plays with dice⁵⁰⁹, a usurer, one who raises animals from the currency of the sabbatical year, and the currency which comes from overseas. A priest or a Levi that borrows about their foreign portion and they are insincere and defame the name of heaven. About them, the Scripture states, "Let the wicked return to Sheol".⁵¹⁰ Those who deduce from the birds, and those who make noise like bears, those who crush with their hands, and who kick with their feet, and those who walk on tips of their toes. Upon them, the Scripture says, "Let not the foot of the arrogant tread on me".⁵¹¹

Presumptuousness, telling evil speech, speaking falsehood, and sages in their own mind. About them, the Scripture says, "For lo, that day is at hand, burning like an oven".⁵¹² The one who marries a woman to his young son or who marries his daughter to an old man, and one who does good to a person that does not know.⁵¹³ About them, the Scripture says, "The Lord will never forgive him".⁵¹⁴

Tax collectors, those who take a share, the money changers, and customs collectors. About them, the Scripture says, "Your wealth, your wares".⁵¹⁵ One who lies about his partner to swallow him up without cause, and one who acts as a usurer to his friend in order to receive his home or his field. One who lives without a wife. One who

509. A gambler

510. Psalms 9:18

511. Psalm 36:12

512. Malachi 3:19

513. One who is not Jewish

514. Deuteronomy 29:19

515. Ezekiel 27:27

pronounces upon her a false charge in order to divorce her. Upon them, Scripture states, "I the Lord probe the heart".⁵¹⁶

Also, it was discovered in a baraita regarding the four things of the master of the house's property are seized by the treasury - withholding the laborer's wages, on account of removing the yoke from their necks and place it on their fellows⁵¹⁷, and on account of arrogance, which relates to all of them.⁵¹⁸

Regarding four things the property of the master of the house is transmitted to the ruling kingdom⁵¹⁹ - those who retain bills that have been paid⁵²⁰, those who are usurers, those who have the power to protest and do not protest, and those who declare to give money to charity but do not give.⁵²¹

It has already been written about the twenty four sins which prevent repentance and it has been written about the nine things which prevent prayer. For twenty four sins, family are ended and there is much suffering - the sin of not removing the dough⁵²², the sin of lawless men, the sin of forbidden wine, the sin of hating without cause, the sin of causing the face of your neighbor to turn white⁵²³, the sin of questioning judgment, the sin of doubt about fat and blood⁵²⁴, the sin of disregarding purity, the sin of the delay of the (fulfillment of) vow,⁵²⁵ the sin of a screaming woman,⁵²⁶ the sin of (disregarding) not taking vengeance, the sin of (disregarding) not bearing grudges, the sin of stealing the

516. Jeremiah 17:10

517. Refers to evading taxes so the brunt will be felt by others

518. BT Sukkot 29b

519. See chapter 4 of my thesis

520. So they can charge the person again

521. BT Sukkot 29a-b

522. BT Shabbat 32b

523. Humiliating him

524. Regarding whether or not the meat is kosher

525. BT Ta'anit 8b

526. BT Ketubot 72b

mind,⁵²⁷ the sin of the elderly who is despised by the masses, the sin of lacking faith, the sin of taking pleasure in idol worship, the sin of causing the masses to stumble, the sin of giving the judgment to the wicked to acquit him of judgment, the sin of digressing from the words of the sages, the sin of being compassionate to the cruel, the sin of being cruel upon the compassionate, the sin of the permitting the forbidden, the sin of forbidding the permissible. About them, Scripture states, "I have set my face against that man".⁵²⁸

For eight sins, Israel was exiled from their place - the sin of casting off the yoke of Torah, the sin of forbidden sexual relations, the sin of the profanation of God's name, the sin of a menstruant woman, the sin of perverting justice, the sin of bearing false witness, the sin of destroying the property of the Israelites for the Gentiles, the sin of reducing ephahs and weights.⁵²⁹ About them, Scripture states, "Therefore, now they will head the column of exiles".⁵³⁰ Those who feed the hungry, who clothe the naked, and give a portion to charity, about them, Scripture states, "they said, 'a righteous one, for it is good'".⁵³¹

527. Deceit

528. Ezekiel 14:8

529. Using unfair balances

530. Amos 6:7

531. Isaiah 3:10

Acknowledgments

I would like to take this opportunity to thank everyone who assisted me in the writing of my rabbinic thesis. First, heartfelt thanks to my thesis advisor, Dr. Sharon Koren of Hebrew Union College-Jewish Institute of Religion, for her guidance and her dedication. It was a pleasure working with her on this esoteric topic. I also want to express my gratitude to Henry Resnick for the time he spent with me helping to translate Eleazar of Worms' *Hilchot Teshuvah*. It was truly an enjoyable experience studying with him. I would like to thank the entire faculty of HUC-JIR for five years of Judaic learning and personal growth. Finally, I would like to thank my wife, Elizabeth, for her support and encouragement during this prolonged process. I could not have accomplished this without her.

חזק, חזק, ונתחזק

May we all go from strength to strength

Bibliography

Primary Sources

Babylonian Talmud, Schottenstein edition. Brooklyn: Artscroll.

Bahya ibn Pakuda. *The Duties of the Heart*. Translated by Ya'akov Feldman. Northvale, New Jersey: Jason Aronson Incorporated, 1996.

Eleazar of Worms. *Sefer Ha-Rokeah HaGadol*. Jerusalem: H'Mo'L, 1960

Judah HeHasid. *Sefer Hasidim*. Annotated notes by Yehuda Wistinetzki. Jerusalem: *Haverat Meqeeše Neradmeem*, 1998 edition.

Maimonides. *Mishneh Torah: Hilchot Teshuvah – The Laws of Repentance*. Translated by Rabbi Eliyahu Touger. New York: Moznaim Publishing Corporation, 1987.

Saadia Gaon. *The Book of Beliefs and Opinions*. Translated by Samuel Rosenblatt. New Haven: Yale University Press, 1948.

Secondary Sources

Baron, Salo. "The Jewish Factor in Medieval Civilization" in *"Medieval Jewish Life"* New York: Ktav Publishing House, 1976.

Baskin, Judith. "From Separation to Displacement." *AJS Review* 19 (1995): 1-18.

Baskin, Judith. "Images of Women in Sefer Hasidim." in *"Mysticism, Magic, and Kabbalah in Ashkenazi Judaism."* Berlin: Walter De Gruyer, 1995.

Baskin, Judith. "Women and Sexual Ambivalence in Sefer Hasidim." *The Jewish Quarterly Review* 96 (Winter 2006): 1-8.

Fishman, Talya. "The Penitential System of Hasidei Ashkenaz and the Problem of Cultural Boundaries." *The Journal of Jewish Thought and Philosophy* 8 (1999): 201-229.

Katz, Jacob. *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relationships in Medieval and Modern Times*. New York: Schocken Books, 1962.

Kisch, Guido. *The Jews of Medieval Jewry: A Study of Their Legal and Social Status*. New York: Ktav Publishing House, 1970.

- Marcus, Ivan G. "Judah the Pietist and Eleazar of Worms: From Charismatic to Conventional Leadership", in Moshe Idel's *"Jewish Mystical Leaders and Leadership in the 13th Century."* New York: Rowman and Littlefield Publishing, Inc. 2005.
- Marcus, Ivan G. *Piety and Society: The Jewish Pietists of Medieval Germany.* Leiden, the Netherlands: E. J Brill, 1991.
- Marcus, Ivan G. "Hierarchies, Religious Boundaries, and Jewish Spirituality in Medieval Germany." *Jewish History*, 1 (1986): 7-26
- Marcus, Ivan G. "The Politics and Ethics of Pietism in Judaism: The Hasidim of Medieval Germany." *The Journal of Religious Ethics* 8 (1980): 227-258.
- Marcus, Ivan G. "A Jewish-Christian Symbiosis", in David Biale's *"Cultures of the Jews: A New History."* New York: Schocken Books, 2002.
- McNeill, John T, and Helena M Gamer. *Medieval Handbooks of Penance.* New York: Columbia University Press, 1938.
- Rubin A. "The Concept of Repentance Among the Hasidey Ashkenaz." *The Journal of Jewish Studies* 16 (1965): 161-176.
- Schäfer, Peter. "The Ideal of Piety of the Ashkenazi Hasidim and its Roots in Jewish Tradition." *Jewish History* 4 (1990): 9-23.
- Scholem, Gershom. *Major Trends in Jewish Mysticism.* New York: Schocken Books, 1995.
- Stow, Kenneth. *Alienated Minority.* Cambridge: Harvard University Press, 1992.
- Trachtenberg, Joshua. *Jewish Magic and Superstition.* Philadelphia: University of Pennsylvania, 2004.
- Van Engen, John, "Jewish and Christians Together in the Twelfth Century" in *"Jews and Christians in Twelfth-Century Europe."* Edited by Michael A. Signer and John Van Engen Notre Dame: Notre Dame Press, 2001.