Oral History of the Middle Ages
The Spoken Word in Context

Edited by Gerhard Jaritz and Michael Richter

Krems and Budapest 2001
Rituals of Repentance and Testimonies at Rabbinical Courts in the 15th Century

Martha Keil

Because the Jewish legal system is a system of precedents based on the laws of the Halakha, the laws of Torah and Talmud, we are in the lucky situation that the legal decisions of famous rabbinical authorities in the Middle Ages have been transmitted from generation to generation by their students as a source for further judgements which consider Halakha, tradition, local customs and the actual demands of the presence. These so-called teshuvot, answers, Hebrew Responsa, are written decisions about legal questions posed to rabbis, mostly by their rabbinical colleagues. The greatest part of them deals with concrete cases, but some are also theoretical questions. The institution derives from Roman law and is still alive today, comparable to the littera written by the canonists of the papal curia.1

Thousands of Responsa from the high and late Middle Ages have been preserved and are still used by rabbis as precedences for their own legal decisions.2

Three main different types of oral statements appear in these sources: Firstly, ceremonies like rituals of repentance (mehila) and oaths (shevuta), partly with traditionally fixed formulae, either in vernacular or Hebrew or, in most cases, both. Secondly, vernacular testimonies at rabbinical courts, where the witnesses spoke freely, but still in a formal atmosphere. In most of the cases the author of the Responsum translated them into Hebrew, often shortened the reports or made conclusions, but cited the most important statements at full length. The third kind of oral statements are vows (neder) and spontaneous statements in a situation of anger, outrage or distress. They only come before a court when they contain insults and oaths which consider Halakha, tradition, local customs and the actual demands of the presence. These so-called oaths or vows (shevuta) are a necessary, everyday part of the Jewish legal system in all communities.3

This paper does not deal with the wide field of formula statements of and at Jewish courts such as judgements, the different types of ban (herem) and especially the oath. Taking an oath was not an extraordinary and rare event in Jewish life and the living together of Christians and Jews. It was a necessary, everyday part of the administrative, juridical, and commercial contacts between Jews and Christians and of course of the inner Jewish community life as well.

It is no coincidence that the two Jewish oath formulas preserved from the 15th century deal with the declaration of taxable possessions. The existence of Jewish communities under Christian rule was dependent on their financial capacities, therefore tax administration was the main task of the medieval community organisation. The oath to declare possessions, income, redeemed and outstanding loans was indispensable for this procedure.4 The Hebrew oath of Rabbi Yacov bar Shimon of Mestre (died ca. 1480) is cited in the book of R. Isserlein's Responsa and midrashon, written by his student and servant Joseph bar Moshe of Höchstadt. Compared to the oaths Jews were – at least theoretically – supposed to take at Christian courts, the curse formula is quite harmless:

And so we stand before the Place (makom = God), blessed be He, and you take upon yourself the heavy oath, the oath of the Torah who shattered the entire universe in the hour when the Lord, blessed be He, said: 'Thou shalt not take the name of the Lord thy God in vain!' (Lev. 19, 12) And it is written (Ex. 20, 7) that the Lord does not leave unpunished the one who takes His Name in vain. And if you tell us the truth, you will be blessed by the Lord, blessed and praised be He, but if, God forbid, you don't say the truth, then the shame will come upon your head and we (the community) and the entirety of Israel will confirm it. And the man says 'amen.'

The minutes of a rabbis' conference in September, 1415, in Austria, probably Wiener Neustadt transmit another oath, this time in German. It is appended to ordinances of Austrian community leaders and rabbis concerning an onerous tax imposed by Duke Ernest the Strong of Inner Austria to pay the "third penny" to Emperor Sigismund. It contains the curse that the perjured person will not be assisted by God any more, that he has to give his soul to the devil and his life and possessions to his prince without mercy:

Vnd swer das auf die zehne gepott Moya, die mir derselbe Moya gespott und auf gerecht hat von des lebendigen gots wegen, also sol mir derselbe got nymmer anders zuhüff kömen, hie vnd dort, und ob ich daruber anders tue oder erfunden würde, so gib ich dem tewfel mein Seel, meinem herren leib vnd guet an alle gnd.5

---

The oath has to be taken in the yard of the synagogue or in the synagogue itself by holding or at least touching the Pentateuch or the Torah scroll. The ceremony takes place in the presence of a congregation of ten men (minyan), the beni homines of the community (tov ha-kabul) or the tax administrators. The space, the sacred objects, the witnessing community, the solemn atmosphere, and the significance of the formula make the ceremony to a public performance of highest importance.

Oaths that Jews had to take before Christian courts usually consisted of similar formulas and ceremonies because Christian authorities were interested in the credibility of this legal act. That is why many municipal ordinances ask the oath-taker to put his arm between the corresponding pages of the book Exodus or Leviticus, as in the following Jewry law of Cologne:

*Primo interit Judeus synagogam cum judice et actore et euisus calcis nudis pedibus stet et imponeat dextram manum suam usque ad membrum brachii in librum Leviticus, et claudatur liber.*

The curses in case of a false oath are threatening with punishments out of the Torah, like the extermination of Korah (Num. 16) or, in the oath of the Jews in Vienna, the destruction of Sodom and Gomorrah (Gen. 19). The increasing mistrust towards Jews led to humiliating self-curses like the cruel example in a Viennese manuscript of 1466: "... if I swear a false oath and step back from my place, I will fly into such a rage that I have to tear my wife and children into pieces and devour them instead of food (and ob ich unrecht swer, wenn ich von meiner stelle trete, das ich also warten muss werden, dass ich mein weib und kindz zweiyssen muss und fressen fuer das prost)." We do not know if and where this formula was used, but at this time certainly not in Vienna, because after the Viennese gesser, the extermination of the Jewish community in 1421, no Jews lived there anymore. Beside that, another Jewry oath of Vienna is preserved "which is characterized by shortness and dignity."

Formulas like that and humiliating ceremonies like standing on the bleeding skin of a sow ("Sauhaut"), the main symbol of impurity, as ordered in the Sachen­spiegel and other legal books, were probably never or only rarely applied. Remarkably enough, in Nuremberg the "Sauhaut" was inserted into the oath in the year 1364 as a consequence of the persecutions of the Black Death in 1349, when 562 Jews were murdered. Before that catastrophe, a short oath without any self­curse was in use.

It is hard to decide which legal proscriptions were applied in the legal practice and which of them stayed theoretical. Many historians and even contemporaries had their doubts that ceremonies like that were ever applied or, like Jacob Marcus, they at least stated other, "milder and more dignified" versions. Michael Toch gives examples of a number of cities where, beside the "Sauhaut" ceremony and extensive self-curses, a second ceremony without any contemptuous attributes existed. He concludes that these ceremonies do not describe a real oath situation but express a "radical anti-Jewish discourse [...]. His task is inter­Christian and refers to Jews only in their function of objects for the projection of aggression, feelings of guilt and fears." 12

I. Rituals of Repentance

*Insults and injuries*

During a longlasting quarrel in Ulm, which started 1435 and ended with a heavy punishment in 1440, the *haver* (title of a scholar, but not a rabbi) Solim Walch went to the Christian mayor to complain about his fellow Jews. This act alone was a heavy sin against the rules of a Jewish community in the Middle Ages because a denunciation to the Christian authorities endangered the whole community. A traitor like that was called *mosser*, deliverer, or *malshin*, traitor, and he was usually punished by the *herem*, the Jewish ban, which meant religious and social excommunication and, in consequence, loss of property and protection.

The quartel started with Solim’s refusal to pay his part of the collective tax, the *miskolat* (love ha-kahal) due to his Jews, Simlin refused to accept the Jewish ban, which meant religious and social excommunication and, in consequence, loss of property and protection.


Rituals of Repentance

parts; the majority was held by Rabbi Seligman, rabbi of the community and wealthy moneylender. His party also acted in the municipal authorities for support to force Simlin to accept the rabbinical judgement. The municipal councils got deeply involved in the case; more than 170 documents dealing with this process are preserved. Simlin was even imprisoned until he swore "Urfehde" on 1440 VIII 27. Then he swore to accept the severe punishments the two famous rabbis Yakov Weil and Salman Katz of Nuremberg had imposed on him; the deprivation of his heaven-title, forty lashes of the whip or, instead of that, the paying of 40 florins to the zedaka, the charity fund of the community, and one year of severe repentance.

Simlin, however, not only violated the collective balance by breaking the rules of the community, he also attacked the honour of Rabbi Seligman as a Jew and as a scholar. He insulted him as a "Mansser", a bastard, which means an illegal - not necessarily illegitimate - descent and compared his erudition with that of a child of three years. Further, he expressed his doubts about the honesty of the witnesses and judges of the rabbinical court. For these insults he had to ask openly for forgiveness in the synagogues of Ulm, Constance, and Nuremberg. Ceremonies of this kind usually took place in the synagogue during the Shabbat service, after the reading of the Torah - a public performance par excellence. By doubting his legal descent, Simlin had not only offended Rabbi Seligman himself, but also his parents Abraham and Mina. Therefore, he had to ask for their forgiveness as well. They were already deceased, so he had to go to their graves at the Jewish graveyard of Ulm. Rabbi Yakov Weil of Erfurt (died 1453) deals with this case in a long response, six pages in two columns, citing several letters and minutes of both sides. Finally he wrote his judgement over Simlin, and there he cited the formula of repentance in full length in, as he calls it, "ashkenasic" language (Hebrew words in italics and yiddish for the letter "het"):

Ich hon moreiu ha-rov Selikman ein mansser geheissen, damit hon ich pouge ve-nouve gewesene an ha-nikhdh rov Avraham s' l'koved un seines weipp marat Mina s' l. Hatosi, ovisi, poshosi. Ich bitt den boure yis' (borekh), das er mirs mohel sei un' daer noch ha-nikhdh rov Avraham s' l'koved un' fur Mina s' l.(I have called Rabbi Seligman a Mansser, that's why I was beating and touching the honour of this Abraham of blessed memory and his wife Mina of blessed memory.)

The formula itself is in Hebrew: chatai, aviti, poshiti, taken from the vidui, the confession of sins at the Yom Kippur service: "I have sinned, committed an outrage and failed. I ask the Creator that He will forgive me and also Avraham and Mina of blessed memory."

In case the reader does not understand German, or Western Yiddish, "Judendeutsch" or simply German with Hebrew loanwords (here is not the place to discuss this topic), Yakov Weil translates the whole statement into Hebrew. On the bima, the Torah desk in the synagogue, Simlin also has to speak to his public confession and repentance in German (this statement is also cited in Hebrew):

Hort zu rabbanusai, ich hon mesires geton, ich hon gebrochen di haskomet di rabbonim hon gemacht da ich of gehasemot bin, ich hon och pouge ve-nouve gewesene an koved mishpohese selikman in rov Selikman. Ich hon eich morei ruva ha-rov Selikman an sein koved geret das ich gesprochen, er sei mit ein rov, ein kind kon mein we, da mit hon ich oich den rabbonim ubel geret, di (MnA) mowrienu ha-rov rebbei Selikman gemeshket hot (sic!) zu Rov. Ich hon och (MnA) mowrienu ha-rov rebbei Selikman me ubel geret un' oich kohli. Ich hon och den dayonim un' ein tei edinim ubel geret. Hatosi, ovisi, poshosi. Ich bitt den boure yis' (borekh), das er mirs mohel sei un' di rabbonim, die (MnA) mowrienu ha-Rov Rebbei Selikman gemeshket hot (sic!) un' oich (MnA) mowrienu ha-rov rebbei Selikman un' oich kohli un' oich di edinim un' oich di dayonim, ich bitt si al meibele.

(Listen, gentlemen, I have committed delivery, I have broken the decisions the Rabbis have made and that I myself have signed as well. I have also insulted and touched the honour of the family of Rabbi Selikman. I also insulted the honour of Rabbi Selikman as a Rabbi and said that he does not know more than a child, and by that I also insulted the Rabbis who have ordained him to a Rabbi. I also insulted the community and the judges and some of the witnesses. I have sinned, committed an outrage and failed. I ask

---

15 See Germania Judaica, III/2, pp. 1506 f. n. 25. He was also active in Treviri and Constance, where he was imprisoned with the other Jews of Constance because of a blood libel. After having paid a quarter of the enormous ransom of 20,000 florins he was released and moved to Ulm. His admission to the town took place in 1431 VI 22.

16 Yakov Weil, one of the most famous scholars of his time, was born around 1390, studied in Mainz, was rabbi in Nuremberg from around 1422 till 1429, then in Augsburg till 1438, then probably in Bamberg and finally, at the latest in 1443, he moved to Erfurt where he died in 1453. See Germania Judaica, III/1, p. 96, n. 12.


21 Many thanks to Yaakov Guggenheim, Hebrew University Jerusalem, who helped me with the ashtkenasiso-phonemic transcription of the Hebrew words and the transcription into English! See also Werner Weisenberg, Lektion zum religiösen Wortschatz und Brauchtum der deutschen Juden (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1994).
the Creator, He shall be praised, that He will forgive me and also the Rabbis who have ordained Rabbi Selikman to a Rabbi and also the community and also the witnesses and also the judges, I ask them all for forgiveness."

As Yakov Weil stated, during the three days after this judgement arrived in Ulm, the Rabbis there would let Simlin know about it, and he had to do the ritual of repentance at the graves of Selikman's parents, as stated above. In the next three days he had to fulfill the other ritual in the synagogue, and within 30 days he had to repeat it in the synagogues of Constance and Nuremberg. Beside that, he had to pay all the costs of the process.

As we are talking about a judgement, it is obvious that these sentences are supposed to be spoken by the repentant, but it is not known if he really did so. At the end of his responsum R. Yakov Weil threatens to ban Simlin if he does not fulfill the judgement – so he himself is not sure if his words will become "oral history" in the proper sense of words.

The formula chotai, aviti, pashotai (here given in their ashkenasic pronunciation haos, osvi, pochosai) – "I have sinned, committed an outrage and failed" – also appears in other ceremonies of repentance of 15th-century responsa material, at least when a man is the defendant. All the other elements of the ritual follow a certain order, but the words are added according to the situation.

Yakov Weil also judges a case where a certain Shimon hurt his fellow Jew Ruben (both common pseudonyms in teshuvot) with a stick of wood, "until the blood ran down from the forehead to the chin." Shimon had to ask for repentance in the synagogue during the morning prayer with these words, spoken or at least cited in Hebrew:

I have sinned before the laws of Israel and before Ruben, and I have increased the shame because I have beaten him with a wooden stick until the blood ran down from the forehead to the chin. I have sinned, committed an outrage and failed, and I ask the Lord, He shall be praised, that he will forgive me, and I also ask Ruben to forgive me.12

Like the other defraudant, Simlin, Shimon has to suffer lashes in the public space of the synagogue and he has to pay a certain sum to Ruben and bear the costs of the doctor.

The case of an adulterous woman

Because the marriage bond (kiddushin, which means "holy") is divinely sanctioned and the prohibition of adultery is of biblical – in the eyes of religious Jews, divine – origin, not only the husband is offended by adultery, but also God (see Gen. 20, 6; 39, 8-9). The gravity of this transgression is underscored by its punishment by death for both the man and the woman (see Lev. 20, 10; Deut. 22, 22). It is probable that even in biblical times the adulterer could buy himself off by paying the husband a certain sum of money as compensation. In talmudic and post-talmudic times, the adulteress could be punished by stoning or burning, in the case of a Cohen's daughter, imprisonment and, commonly, public flogging.24 Medieval Jewish courts had to judge in tension between the strength of Jewish law and the restrictions Christian authorities imposed on Jewish jurisdiction. They also had to be concerned about their good reputation. We can assume that these punishments were sentenced and executed under exclusion of the Christian neighbourhood.25

A very cruel ritual of repentance is transmitted to us by Rabbi Israel Bruna of Brno and Regensburg, who died in the 1480s, and by Rabbi Yakov Weil of Mainz (died 1453).26 A woman, probably living in Regensburg or its surroundings, who committed adultery and wanted to make teshuvah (repentance) had to appear before Rabbi Salman Kizingen of Regensburg. He ordered her to take off her bonnet (kipa), to cover herself with a veil and to disarrange her hair like the (adulterous woman) in the bible whose hair was "loosened" (Num. 5, 18). Then, her husband should order her to enter the winter house in the presence of the men, and he should say to her in this language (German): "Kunst du praze, du soleine, du eshet ish soine, was willst?" ("Do you come, whore, prostitute, wife of a husband who betrayed him, what do you want?"). And she had to answer: "Ich beken mein suend, ich bin ein praze, ein soine, ich will teshuvah tun of mein suend." ("I confess my sin, I am a whore, a prostitute, I ask for repentance!")

Then she had to sit in cold water in wintertime until she fainted, before they should take her out and warm her up. A glossa explains that the judges must act according to her state of health, and they can make it easier for her. Afterwards she has to fast for a year, which means neither meat nor wine.

The second judge Rabbi Yakov Weil, who in the introduction of his decision complains that "the violation of this adulterous woman is great like the sea, who will heal her!" ordered some other details of the ritual which followed the rules of R. Yehuda ha-Hassid of Regensburg (beginning of the 13th century): now, she must confess in the Fraensinfal what she had done: "I sinned before the Lord, my God, I brought shame on myself and I feel ashamed, and so I return and make teshuvah." This, she must also repeat in German (leshon Ashkenas), unfortunately not cited in the original. The asked repetition in German seems to prove that this

12 Yakov Weil, She'elot u-Teshuvot, p. 99, col. 2, nr. 147.
13 Yakov Weil, She'elot u-Teshuvot, nr. 28. In a similar case of physical attack during the hoshana rabbah procession in the synagogue of Graz at the feast of tabernacles, the formula of the repentant is a little bit simpler. He just says: "I have sinned before the Lord and before you because I have insulted the Holiness of the synagogue [...]; and therefore I ask the Lord of Israel for pardon and repentance and then you for forgiveness," Isserlein bar Petahya, Pesahim u-Khetuvim (see note 29), nr. 210 (cited in Hebrew).
24 Encyclopedia Judaica, II, cols. 313-316, article "Adultery."
25 Oe corporeal punishments in rabbinical courts see Eric Zimmer, Harmony and Discord (see note 3), pp. 96-97. He points out two different ways of flogging: The loud beating to cause severe pain to the transgressor was only imposed on murderers. The common flogging, imposed on informers, offenders and slanderers, in the synagogue in front of the public was meant to subject the guilty to humiliation and disgrace.
26 Israel Bruna, Sefer She'elot u-Teshuvot (Stettin, 1860), nr. 225 and Yakov Weil, nr. 12.
woman was able to speak at least a little Hebrew. Yakov Weil adds that she had to do this repentance in the synagogues of Ulm, Augsburg, and Pappenheim as well.

Yehuda of Regensburg gives cruel details for punishment, like sitting naked in the snow and in summer in the middle of bees and mosquitoes. After one year of total fasting and two years of partly fasting and separation from society, dressed in black like a mourner, the defendant woman is stigmatized for her whole life - this lifelong consequence replaces the capital punishment ordained in the Torah for adultery.

It must be added that the Jewish Law makes it very difficult to find a woman guilty of adultery. Two male adult Jews must see the adultery with their own eyes. If the husband is suspicious, he must warn her, and only if she is found in an obvious situation with this specific man is she taken to court. In most of the cases divorce was the necessary consequence, but the woman was not forced to undergo such a humiliating and painful procedure. The point in the cited case is that the woman herself was eager to make teshuvah, repentance, to „heal the violation“ she committed between herself and her husband, her society and her God.

We do not know why the sources on adultery cases from the Middle Ages are so rare: Either the level of morality was quite high, or husbands simply divorced their unfaithful wives or – also probable – such information was suppressed by inner-jewish censorship. So, the cited ritual with its deterrent parts certainly was not executed very often in the Middle Ages, and to call a woman scorne or prize gave her the right to appeal to a Jewish court.²⁷

II. Eyewitness reports

Many responsa contain eyewitness reports. The oral testimonies are marked by the expression „ve leshono“, “This is his statement”, at the beginning and “ad kan leshono“ “Up to here his statement” at the end, although often the author does not cite the original vernacular statement, but only a Hebrew translation which apparently shortens the report of the questioned person. Sometimes the author cites the German testimony, marked by the explanation “hileschor Aschkenas“, “in Ashkenasic language”, and he translates the whole statement into Hebrew. We can


²⁸ Israel Bruen, nr. 76. He makes a distinction between an intentional offense and an expression of outrage. Zimmer, Harmony and Discord, p. 93, cites a case of Rabbi Menahem of Mersburg (14th century) where someone, who had called a woman "immonor", was punished by 40 lashes.
RITUALS OF REPENTANCE

174

This legal decision is a good illustration of the cramped living space of a Jewish household in the Middle Ages and of the tensions that could arise between its members. Michael Toch showed, based on lists of debts at the end of the 15th century, that the size of Jewish households in Nuremberg depended on their economic status: In the year 1489, seven of 15 households had two to three male persons of 12 years and older, six had five to six and the two top families eight and eleven. Including women and children, the households consisted of four to 44 members. One quarter of the households accommodated servants and most of them illegal fellow occupants. We can imagine the atmosphere of attraction, jealousy, hate or perhaps just the fun of gossip, even if it could seriously harm someone. The role gossip played in a world without much diversion and entertainment is not to be underestimated: "Shabbat is the wound of the week, where all the servants and everyone is free," sighed Rabbi Yakov Molin when he was confronted with the case of a kidneshe lazon, a joke betrothal of a young, high-spirited talmud student and an elderly widow who was greedy for money. In spite of the triviality of the case, the rumours had spread out on Shabbat, when the whole kehilah met in the synagogue or in the yard of the synagogue, in such a fast and intensive way that he immediately had to consult his rabbinical teachers in Austria to restore the good reputation of his community members.

It is not surprising that in his testament, written around 1357, Rabbi Eleasar of Mainz seriously admonished his children: "Let me repeat my warning against gossip and scandal. And as ye speak no scandal, so listen to none; for if there were no receivers there would be no bearers of slanderous tales; therefore the reception and credit of slander is as serious an offense as the originating of it. The less you say, the less cause you give for animosity, while (Prov. 10, 19), 'in the multitude of words there wanteth not transgression'."

Corresponding to the task of the rabbi who watches over the moral decency of his community, the head of the house plays the role of an internal judge, as long as no law is seriously violated. In the case of the maiden's affair the father of the woman and she herself are concerned about the honour of the family and ask for a clear proof. The words of the young girl, who is perhaps full of fantasies at her age of eleven or twelve, are believed, although she is female and not an adult, and she is able to first get the maid into trouble and then to clear her of her charge. Further, we can ask why the servant first admitted that he had "whored", although he did not "really lie with her," probably the sense of morality was very strong. Finally, it is remarkable that all the men present believed the woman, including the husband who openly confessed his trust in his wife, and the rabbis. She could defend herself and was not forced into humiliating interrogations. But Rabbi Isserlein did not decide carelessly. For his justification, he cited several authorities of the Talmud and the 12th and 13th century, among them the great Maimonides and Rabbi Meir bar Baruj of Rothenburg. Although his arguments had a solid base on the decisions of his forerunners, he asked Israel Bruna for a third rabbinical decision beside his own and that of Yakov Weil.

III. Vows and spontaneous statements in times of anger, grief or distress

These cases can only arise halakhic problems if a person is taking a rash vow that he cannot keep afterwards and/or, as in the following case, if he denies his Jewish religion, which means apostasy. In a response to Abraham Katzellenbogen of Ofen, Isserlein of Wiener Neustadt has to judge someone who said in rage: "Er soll sich toifen off sein Schieger in sein Hois sol gen."

"He will get baptized if his "Schwiegere" should enter his house." "Schwiegere" can mean every relative by marriage. We later get to know that the mother-in-law is meant. Abraham Katzellenbogen cites Mordehai ben Hillel of the 13th century that someone who is denying his Jewishness is to be punished, but many other rabbis share the opinion that vows like that, spoken in anger or grief, should not be taken seriously. The Talmud (Shevuot 36a) forbids vows that bring harm with them and vows of joke, but, says Isserlein, many old people make jokes and no court will take notice of them.

In another case of Rabbi Israel Bruna, a woman says on the way to a marriage party: "As ich ein Juedin bin, ich will nit tanzen zu der hassenel!" - "I won't dance at the marriage party or I am not a Jewess anymore!") This is also not to be taken seriously. "It's the way of the women to say things like that, this sentence is not considered a vow", Israel Bruna states. If a person takes a vow in an hour of distress, however, like in illness or captivity, the rabbis do not cancel it; it is seen as a sort of duty towards God, who heard the prayers. Moshe Minz cites a decision of Rabbi Yehuda he-Hassid of Regensburg where a sick man promised to study a whole year if he should recover. Although this promise was not made in the way of an official vow or oath, it was valid. Many people promised to pay a certain sum to the zedaka, the welfare organisation of the community. When the person gives a promise that is impossible to keep, it is cancelled at Yom Kippur during the kol nidre ritual. Rabbi Yosman Katz of Wiener Neustadt cancelled the vow of a woman who promised to make a pilgrimage to Jerusalem, but on the way she was attacked and raped and could not continue her journey. With permission of

39 R. Yakov Molin (Maharil) of Mainz, died 1427, relies on a statement in the Talmud, Kiddushin 81a: "The wound of the year is the fast". Yakov Molin, She'elot u-Teshuvot, ed. Yehoshua Saz (Jerusalem, 1980), nr. 96 (101). Also in this decision we find a few statements in German.
his teacher Rabbi Isserlein, he freed her without further discussion. The general opinion was not to be too strict about vows taken in an emotional situation; here the Rabbis of the Middle Ages acted more leniently than the Talmudic scholars.

I tried to take my task seriously and to look for real spoken works, oral history in the true meaning of the word. What interested me was not only the use of the languages in the different settings, but also the private and public space where the statements were made, the characteristics of both speakers and listeners and the relationships between them. The rabbinical teshuvot, citing formalized and spontaneous oral statements in Hebrew and German, are a unique source for our purpose to trace oral history in the Middle Ages.

The material presented here is just a tiny sample of the evidence that may be mustered to illustrate the integration of judicial testimony gathered at a canonization hearing into narrative biography. By the twelfth century many hagiographical sources were often based on eyewitness testimony to the saint's life and miracles reported in the course of a papal canonization process, a hearing conducted by the local bishop or statements recorded before a notary. Even prior to the formal adoption of the canon law procedures for the deposition of testimony and the conduct of an inquisition or inquiry, embraced in the 1234 Decretals of Pope Gregory IX, many miracle collections in particular betray signs of some kind of official inquiry guided by the rules of evidence. The adoption of Alexander III's 1161 demand that all cults and relics require papal approval merely hastened the growing reliance on legitimate evidence of a virtuous life and provable miracles as the foundation of sainthood, perhaps encouraged by the worrisome rise of heresy.

Following Biblical precedent, the classic miracle demands the presence of bystanders who would become the voices of the faith and praise God after witnessing the supernatural intervention of the Christian deity. To cite just one early example, Stephen of Grandmont's (d. 1160) biographer Gerard Ithier noted that signs and prodigies are the surest ways of convincing non-believers. He therefore

---

1 For some of the primary sources, see Henricus de Segusio [Hostiensis], Summa aurea, ed. Nicholas Soranzo (Lyons, 1537; repr. Aalen: Scientia, 1962), fol. 187 v; Decretales Gregorii noni, II. tit. 20. c. 52, in Emil Friedberg and Lewis Richter, eds., Corpus iuris canonici, 2 vols. (Leipzig: Tauchnitz, 1879); Innocent IV, Apparatus quinque litterarum decretales, ed. P. Reselle (Venice: Johannes Hainman, 1610), pp. 546 ff.
