

“The Women Know Full Well:”

Niddah and Mikvaot in 1765 Bützow

by *Nesya Nelkin*

The mikveh is a female space, and not only because women control it...It is difficult to imagine women who would allow a man to penetrate their "holy of holies," the center of their Jewish way of life.

- Evyatar Marienberg, "The Women's Synagogue"¹

In this perspective, the domains of the prohibited and forbidden, with regard to sexuality, are determined...by the need for a moralizing and disciplining purity that allows the rabbinical order to exercise an almost unlimited control of women's behavior."

- Danielle Storper Perez and Florence Heyman, "Rabbis, Physicians, and the Woman's/Female Body"

Who controlled early-modern Ashkenazi mikvaot, and to what end? The above quotes are representatives of two broad frameworks common in contemporary scholarly approaches to these questions. According to the first, the mikveh was in this period a deeply sacred, exclusively female space, the women's counterpart to the inner sanctum of the Temple. According to the second, laws around niddah² and mikvaot were particularly potent and visceral means of patriarchal oppression, through which women were totally subordinated to rabbinical power. Whether or not either of these arguments hold up when analyzing large, well-established Jewish communities such as that of Altona-Hamburg-Wandsbek,³ they fall apart when applied to the communities which were emerging in the duchy of Mecklenburg-Schwerin in northern Germany in the mid-eighteenth century.

A series of letters between the schoolteacher of one such town, Bützow, and a highly controversial, highly influential rabbi in Altona, illuminate the dynamic between the local Jewish women and the men with whom their use of the mikveh brought them into contact and conflict. In this young community, where communal structure and organizations were not yet firmly established and positions of authority were subject to frequent challenges and changes, women were able to claim expertise and control over the local mikveh. At the same time, unstable communal structure meant that men in positions of middling status also had more space to seek authority, and may have seen asserting their limited power over women as one way to do so.

¹ Translation mine. Here Marienberg is questioning how male, Christian, eighteenth-century European artists knew what the mikvaot they drew looked like if, as he believes, they could not enter them.

² Ritual baths. See section I for a more detailed explanation.

³ In this period the Ashkenazi communities of these three cities were, for most purposes, joined, and together formed the largest Jewish community in Germany. Debra Kaplan, "'To Immerse Their Wives': Communal Identity and the 'Kahalische' Mikveh of Altona," *AJS Review* 36, no. 2 (November 2012), 258-259 provides a summary of the official relationship between these communities as it related to their mikvaot.

I. Background

a. Key Terms

Some background is necessary for these letters. Jewish religious law (halacha) associates uterine blood with a state of impurity, called niddah. Women⁴ enter this state if they menstruate or give birth, regardless of their marital status, but only married women are able to go through rituals of purification. The origins of some of the laws of niddah are first outlined in the Torah but are elaborated in the Talmud and later halachic codes. According to these laws, as they stood by the eighteenth century, a woman in a state of niddah must abstain from sexual intercourse and other forms of marital intimacy. In some medieval and early-modern Jewish communities, women in niddah were also restricted from full participation in synagogue prayer or were expected to refrain from synagogue attendance entirely.⁵ Once a woman believes she has stopped menstruating, she must start daily examinations for blood, performed by inserting a piece of white cloth into her vagina. Days on which she finds no blood on the cloth are called “clean” or “white days.” She is still in niddah during those days.⁵

Once she has counted seven consecutive “clean” days, a woman is supposed to prepare for purification in a type of bath called a mikveh.⁶ To ready herself

she bathes very thoroughly, combs her hair, and cuts her nails, so that there will be no barrier to prevent the water of the mikveh from touching every part of her body. When night falls, she goes to the mikveh itself. There she undresses and immerses fully in the water. In some communities, a woman watches her to ensure that all of her hair goes below the surface of the water; if the immersion is not complete, it does not count. She then repeats this immersion, usually two more times.⁷ Many rules govern the construction and maintenance of mikvaot. Among other specifications, a mikveh cannot be filled in its majority with water that was drawn with any sort of vessel; water must flow naturally into the mikveh.

She’elot u-teshuvot (questions and answers, usually translated as responsa) are correspondence between rabbis in different locations, in which the sender seeks a reply to a halachic question that he cannot answer himself. These questions are generally practical and specific, and have not been answered in earlier, more general halachic sources. The replies draw on principles and rulings from these earlier sources, other responsa, and practical experience to come to a conclusion, which then itself becomes a potential source of legal precedent.

⁴Though not everyone who menstruates or bears children is a woman, all of the primary sources discussed in this paper, and nearly all of the secondary sources, assume otherwise. Some queer Jews today are thinking and writing about how they can meaningfully engage with the laws of niddah, but in eighteenth-century Germany those laws were aggressively gendered. This shapes the way authority plays out in these sources, and I want to make that clear in my language.

⁵ See Evyatar Marienberg, “Menstruation in Sacred Spaces. Medieval and Early-Modern Jewish Women in the Synagogue,” *Nordisk Judaistik/Scandinavian Jewish Studies* 25, no. 1 (January 1, 2004): 7–16, for one discussion of the development of synagogue-related restrictions on menstruating women.

⁶ Though in most times and places married women have been their main users, mikvaot are not exclusively used for purification from niddah, and are not exclusively used by women.

⁷ One contemporary description of the choreography of the ritual can be found in a Yiddish-language book of blessings from 1741 Altona, probably given to a woman as a wedding gift. Jakob Sofer Ben Juda Löb aus Berlin, “Seder Birkat Hamazon,” Parchment, 26 ff., 10.5 x 7.2 cm (Altona, e-codices - Virtual Manuscript Library of Switzerland, 1741), <https://www.e-codices.ch/en/list/one/bc/b-0351>. The quote in the paper’s title introduces the books’ section explaining niddah and mikveh practices.

b. Setting

The events discussed below took place in 1765 in Bützow, Mecklenburg-Schwerin. Mecklenburg-Schwerin was a duchy in northern Germany; it is today part of the German state of Mecklenburg-West Pomerania. In the fourteenth and fifteenth centuries, the Jews of Mecklenburg suffered a series of expulsions and persecutions carried out both by their neighbors and by their rulers. Medieval Jewish presence in the region concluded in 1492 with the “Sternberg Burning.” A Jew from Sternberg was accused of converting a priest to Judaism and. The duke ordered the Jews of the city imprisoned and tortured, and when they did not confess to these crimes, 26 or 27 of them were burned. The duke then expelled the Jews who still remained in the duchy.⁸

Jews first began to return to Mecklenburg in the late seventeenth century, initially only to its larger cities. In order to live in Mecklenburg at that time, adult male Jews needed documents called *Schutzbriefe*, or protection letters. Men who held such documents were called *Schutzjuden*. Jewish women and children could live in the duchy only if they had a husband or father who held a *Schutzbrief*. This requirement, along with high taxes, restrictions on job choices, and the fact that Jews were not permitted to own land, limited Jewish settlement in Mecklenburg.

In the 1760s, Bützow was a rural town in Mecklenburg-Schwerin, “not above two miles in compass.”⁹ Having burned down in 1716, it was “not

well inhabited” in 1766, though it did briefly contain a university.¹⁰ Jews started to return to Bützow in 1738, earlier than they did to most provincial towns in Mecklenburg. Nonetheless, in 1765 it was still a small and relatively volatile community. It had a rabbi and some other religious officials, but many of these men seem to have brought their own trouble; as the events of these letters unfolded, the larger Jewish community of the region was suing the rabbi of Bützow.¹¹ The ban on Jewish land ownership also prevented Bützow’s Jews from establishing fixed, communally controlled structures and institutions like a permanent synagogue—or a Jewish-owned mikveh.

Jewish population information is first available for Bützow in 1787, when there were 69 Jews in the city; the population at the time of the *responsa* was almost certainly smaller.¹² In 1769, according to the report of a professor at the local university, there were eight *Schutzjuden* in Bützow.¹³ Of course, for each man with a *Schutzbrief* there were a number of Jews without them, either because they were dependents or because they lived in the town illegally. It is these Jews with whom this essay is most concerned, because among their numbers were the wives of the *Schutzjuden*, whose names were Schewe, Hanna, Händelche, Bräundl, Jütel, Zirl, Gütelche, and Beile. Also not listed by the professor, because by 1769 he was long gone from Bützow, was Joshua Aaron Lipschitz.

⁸ Jürgen Gramen and Sylvia Ulmer, “Sternberger Hostienfrevel,” *Juden in Mecklenburg*, September 20, 2015, http://www.juden-in-mecklenburg.de/Geschichte/Sternberger_Hostienfrevelprozess_1492.

⁹ Thomas Nugent, *Travels through Germany*, vol. 1, 2 vols. (London: E. and C. Dilly, 1768), 142.

¹⁰ *Ibid.*, 134; Jürgen Gramen and Sylvia Ulmer, “Bützow,” *Juden in Mecklenburg*, May 28, 2016, <http://www.juden-in-mecklenburg.de/Orte/Buetzow>.

¹¹ Jürgen Gramen and Sylvia Ulmer, “Chajim Friedberg,” *Juden in Mecklenburg*, May 21, 2016, http://www.juden-in-mecklenburg.de/Synagogen/Synagoge_Buetzow.

¹² Based on the trends shown in the population graph (*ibid.*).

¹³ Oluf Gerhard Tychsen, *Bützowische Nebenstunden*, vol. 6 (Bützow: Bützow Rostock Universitätsbibliothek, 1769), 7-14.

c. People

Lipschitz was likely born in Opatow, Poland.¹⁴ By 1765, he had been ordained as a rabbi but was working as a religious teacher in Bützow. His brief and tumultuous time there is mentioned in Oluf Gerhard Tychsen's *Bützowische Nebenstunden*.¹⁵ He was driven out of the town in 1765, but his expulsion was discussed in writing only vaguely. Tychsen claims the assistant rabbis of the rabbinical court in Schwerin arranged Lipschitz's persecution because he was so much brighter than them, despite his lower position. Lipschitz himself simply blames the "evil people of Bützow."¹⁶ When he had concerns about these villains, or about the similarly problematic residents of the towns in which he would later work, he turned to Jacob Emden.

Jacob Emden was born in Altona, Hamburg in 1697 and died in the same city 99 years later. He was the head of Emden's rabbinical court from 1728 to 1733, after which he returned to Altona. There he had a private press, a synagogue, and no official rabbinical post, which left him quite free to levy wild

attacks against even his most respected and powerful rabbinical contemporaries. He is best known for his feud with Jonathan Eybeschütz, the chief rabbi of the triple community of Altona-Hamburg-Wandsbek, whom he accused of Sabbateanism.¹⁷ He grudgingly paused his involvement in these larger dramas to respond to Lipschitz's comparatively mundane inquiries.

Lipschitz's questions and Emden's responsa provide almost no information about the women of Bützow. Lipschitz did not provide any of their names,¹⁸ and frequently spoke of them as if they were of a single mind and practice. I hope that this paper will demonstrate that they were not. As part of my attempt to center and differentiate these women in analyzing sources in which they are so thoroughly marginalized and homogenized, I have organized the names and scant information Tychsen provided Jewish women of Bützow into a chart, which is attached as an appendix to this paper.

II. "A Nonsense Custom... From Antiquity:" Bützow, January 20th, 1765¹⁹

As a schoolteacher in Bützow, Joshua son of Aaron Lipschitz probably did not command much respect. Historian Robert Liberles writes that religious teachers in Germany "were", as Lipschitz was "largely transient." This "hindered the efficacy of their instruction" and kept them from becoming very

involved in the communities where they taught. Teachers were widely mocked by rabbis, among others, as ignorant.²⁰ Lipschitz seems to have been a subject of particular ridicule, even before he was expelled from Bützow. The Jewish women of the town tormented him, referring to him by the

¹⁴ He refers to himself as "m'Afta," "from Opatow," in several of his letters.

¹⁵ Tychsen was a professor first at the University of Bützow and later the University of Rostock. He knew Lipschitz personally and corresponded with him even after Lipschitz left Mecklenburg. Tychsen, *Bützowische Nebenstunden*, 6:16

¹⁶ Jacob b. Tzvi Emden, *Sheilat Yaavetz*, vol. 2, 2 vols. (Lemberg, 1884), #53.

¹⁷ Solomon Schechter and Gotthard Deutsch, "Jonathan Eybeschütz," in *Jewish Encyclopedia* (New York: Funk & Wagnalls, 1906), <http://www.jewishencyclopedia.com/articles/5471-eibenschutz-jonathan>. He also accused him of cannibalism and incest

¹⁸ This is typical of responsa; the people discussed in such texts often go unnamed regardless of gender.

¹⁹ Emden, *Sheilat Yaavetz*, #51-52. All unattributed quotes in this section are my translation of this responsum.

²⁰ Marion A Kaplan, *Jewish Daily Life in Germany, 1618-1945* (Oxford; New York: Oxford University Press, 2005), 49-50.

diminutive form of his name, Schue.²¹ Nonetheless, when he sensed a crisis brewing in Bützow, he seemed to have felt the need to intervene.

A Jew in the community had borrowed money from a non-Jew, but when the latter came to collect his due the former claimed that he had forged the signature on the promissory note. Three other Bützow Jews received letters from Duke Frederick II summoning them to testify regarding the authenticity of the signature. These witnesses-to-be knew full well that the signature was real and that their fellow was a liar. So did Lipschitz, who warned them that halacha forbade them to testify against a Jew in any non-Jewish court, on pain of fines and excommunication. The men replied with a detailed halachic argument in favor of telling the truth, but also admitted that they would testify accurately no matter what Lipschitz said, because they feared for their lives if they lied.

Frightened as well, and unsure what to do, Lipschitz wrote a multi-page description of the matter to Jacob Emden, asking for advice and urging him to reply quickly. Tacked on to this long request was “one little question” regarding a crisis on a smaller scale, and it is this crisis which concerns me here. A woman who had recently given birth had come to Lipschitz with a question regarding a “nonsense custom which [the women] had among them from antiquity,” and his dismissal of the custom had landed her in hot halachic water.

According to Leviticus 12, a woman is impure as if she is a menstruant for seven days after bearing a son. She is in the more ambiguous state of “blood of purity” for 33 days following birth. Both the period of menstrual impurity and the period of “blood

of purity” are doubled after the birth of a daughter. According to the Shulchan Arukh,²² a woman may immerse in a mikveh and be intimate with her husband after only the initial one or two week interval of menstrual impurity, as long as she has stopped bleeding and counted seven clean days. Moses Isserles²³ notes that some places have a custom to postpone immersion until the woman is no longer in “blood of purity.” In places where this custom is already practiced, he writes that such stringency should be maintained. In places where such a custom has not been established, however, women should immerse after the initial one or two week period.²⁴

A woman had come to Lipschitz to ask him about a variation on the custom which Isserles described. Apparently, she knew of a long-standing tradition of delaying immersion for seven weeks and three days after the birth of a daughter. She wanted to know if immersing after seven weeks was “wicked.” I know of no extant halachic sources which mention, either positively or negatively, a delay of this specific length. It seems that Lipschitz didn’t either, given that he ignored the particulars of the woman’s question. He said only that if there was no custom among “them” to wait 40 days after a son and 80 after a daughter, she could immerse after only the initial one or two week period, provided that she had counted seven clean days. Lipschitz, itinerant and most likely unmarried, does not seem to have known himself what the custom of Bützow’s postpartum women was. He therefore invoked the halachic principle “puk chazi” — “go and see” — a command to examine local practice and determine the law on its basis.

The woman immersed after seven weeks and what she initially believed were seven clean days. Sever-

²¹ Tychsen, *Bützwische Nebenstunden*, 6:16.

²² A Sephardic halachic code written by Joseph Karo in Safed in 1563. The Shulchan Arukh, the Ashkenazi gloss to the Shulchan Arukh, and several major commentaries on the Shulchan Arukh, are Lipschitz’s main sources for his arguments in all of his letters.

²³ The author of the sixteenth-century Ashkenazi gloss to the Shulchan Arukh, the Mappah.

²⁴ Shulchan Arukh Yoreh Deah 194:1. On a practical level such immersion must have been very rare, because postpartum bleeding usually lasts longer than two weeks.

al days after immersion, she returned to Lipschitz and told him that she had accidentally counted only six clean days. He told her that this was “a simple matter:” she should wait six full days, count one more clean day, and then immerse again. She could not assume that she had been pure for any seven consecutive days, because he assumed that after immersion she had had sex with her husband, and it was therefore possible that she had expelled semen from her body on the day which should have been the seventh clean day.²⁵ The woman replied that “she had not expelled anything.” Besides, she continued, even though she had not counted correctly, she could not have slept with her husband until the seven clean days had elapsed, because he had been traveling and had returned home a full day after she had immersed. She therefore argued that, even though she had not acted according to halacha, the sex she had had with her husband was permissible ex-post-facto. Her claim seems to have stumped Lipschitz. He gave her no further response, or at least none worth writing down, and could only hope that Jacob Emden would have a better answer.

Five days later, Emden wrote his reply. Though an impassioned discussion of the witness issue comprised over three-quarters of his letter, its conclusion makes clear that he saw the immersion question as more urgent. He wrote that “because of a minority of spare time and urgent haste...and so as not to delay the mitzvah” he had “pressed the hour and turned [away] from all his [other] engagements, so as to reply with the next mail carrier after the reception of this letter.”

Emden agreed with the woman that after the fact, her immersion could be considered legitimate, but not for the reasons she had suggested. Immersion before seven clean days have been counted does not qualify

as immersion and does not purify, so he was shocked that Lipschitz could suggest that intercourse after early immersion might be permissible. However, he believed that this woman, like most women, probably had a custom to wait an additional day beyond what the law required before beginning to count clean days. He noted that it was Ashkenazi custom to add two additional days before beginning the count.²⁶ The first extra day was used to ensure that bleeding had actually stopped, but the second could qualify ex-post-facto as a clean day, even though at the time it was not intended to be counted as such. This loophole was possible on the condition that the woman had checked herself for bleeding at least once daily since the day before she started counting her clean days, which Emden felt was likely, given that it was “generally women’s practice to check themselves frequently.”

If she had checked herself diligently there “was room to be lenient ex-post-facto.” Nonetheless, Emden felt the need to be harsh, because he “saw and sensed frivolity in this woman, and...one who forgets is a transgressor.” Therefore, if she had not yet returned to a state of niddah, it was proper to require her to immerse again in order to create a barrier against future sin. If, however, the woman had not checked herself and found herself pure before she began to count, it was clear to Emden that her immersion had not counted. In that case, she needed to wait six days, count one clean day, and immerse again, as Lipschitz had initially instructed. Emden concluded his reply by dismissing “that foolish custom,” writing that it was “certainly not necessary to worry [about it], and not advisable to speak of it.”²⁷

Let’s ignore Emden’s advice for a moment. The woman’s first question highlighted an obscure variation in custom regarding ritual immersion after child-

²⁵ Semen is a source of halachic impurity; it renders a woman ritually impure when it leaves her body.

²⁶ He writes later in the letter that Sephardim only wait one extra day.

²⁷ Emden says the topic is discussed by David HaLevi Segal in a responsum. I can find no such discussion among published responsa.

birth. Waiting seven weeks and three days before purification is not advocated by any halachic codes. Such a custom, which is much longer than the widely-held lenient practice but shorter than the stringent one, raises a number of questions.

Who followed this custom? It is hard to imagine that a tradition specific to the Jewish women of Bützow, who had been in the city for 27 years at most, could have been described as ancient. Little information is available about where the women of Bützow lived before moving there, but their fathers and husbands seem to have come from all over Germany.²⁸ This suggests three possibilities. This woman may have been referring to a custom specific to her own family or hometown. If not, this custom may have been more widespread than extant halachic sources describe, common enough that many of Bützow's women accepted it despite their different origins. Finally, it is possible that one or a few of Bützow's women came from families which adhered to this custom, and then convinced the other women of the town to adopt it.

The custom is curious, regardless of who practiced it and where they learned it. Such a timeline for immersion is rather specific, yet, unlike the other schedules, it does not have an obvious biblical source. Nor does it align with the schedule by which at least some early-modern German Jewish women returned to their household duties and to the synagogue after childbirth.²⁹ It does, however, align with the timeline of the revelation of the Torah at Mount Sinai, which is traditionally believed to have occurred seven weeks after the Exodus from Egypt, and for which the Children of Israel (or at least the men) had to prepare by abstaining from sexual intercourse for three days.³⁰ The relative timing of the Exodus and the giving of the Torah are commemorated yearly in the cycle of Jewish holidays, so the women would no

doubt have been aware of it.

Whatever the source of the custom, this woman found it suspect. It is not clear from the language of her inquiry whether she wanted to know whether the custom itself was "wicked" or whether disregarding and immersing after only seven weeks was. The former question would demonstrate some level of awareness that the customs she saw around her conflicted with halachic norms, and therefore awareness of the norms themselves. The latter might mean that she wanted to immerse as early as possible. This is not at all surprising; if she was nearly as strict in her separation from her husband as the Shulchan Arukh demands, the restrictions would have complicated care for their newborn.

The woman's decision to go to Lipschitz both with this question and with news of her counting error demonstrates that she wanted rabbinic approval of her niddah-related practices. Still, she does not seem to have regarded him as the ultimate authority on the topic. She felt qualified to challenge his rulings with an argument that asserted understanding of both her own body and of halacha, and he was defeated, at least temporarily, by her challenge. While Emden was not convinced, and found the woman foolish, his criticism was that she was negligent, not that she was wrong to argue with Lipschitz. Nor did he challenge Lipschitz's suggestion that the answer to her initial question should be determined in part by local women's customs.

As for that custom which both Lipschitz and Emden dismissed as silly, this responsum demonstrates its merit, though neither rabbi admitted it. Had the woman had waited an extra three days before immersion, her later miscount would have been of no concern.

²⁸ See Section V.

²⁹ This occurred four to five weeks after birth. Elisheva Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe*, Jews, Christians, and Muslims from the Ancient to the Modern World (Princeton, N.J.: Princeton University Press, 2004), 105.

³⁰ "Be prepared for the third day; do not approach a woman." Exod. 19:15.

III. "The Women had a Mikveh for Themselves:" Parchim, 1765³¹

Something in Lipschitz and Emden's exchanges, quite probably something in their discussion of this woman, ignited a new controversy in Bützow.³² In April, Lipschitz left the town to visit the court in Schwerin. He went there first to prove that he had ruled correctly on several disputed cases, including that of the woman above, and secondly, to convince the rabbi there to make good on an earlier promise to help him find a better job in a different place. To aid him in his goals, he brought with him responsa from Emden and other rabbis which supported his views and which praised his character.

While Lipschitz was away, men entered his home and broke into his trunk, intending to steal the responsa he had received from various highly esteemed rabbis. They were especially seeking Emden's reply regarding the woman who immersed too early, discussed above. When the men found the letters missing, they were furious, or so Lipschitz assumed. In their anger, they decided to burn the documents he had left behind. Among these documents were Lipschitz's hatarot, documents from other rabbis granting him permission to pass judgement on ritual and financial matters. Without these documents, he could no longer function as a rabbi.³³

When Lipschitz returned to Bützow and saw what

the men had done, he was too distraught to write. But now, months later, he had regathered himself and come up with a plan, which he explained in a remarkably flowery³⁴ letter to Emden. He intended to present his skill with halachic reasoning, his literary style, and his good attitude before rabbis and ask them to consider his character and give him permission to judge as before.

Ever subtle, Lipschitz immediately began heaping praise and gratitude on Emden. He claimed that Emden's support in earlier conflicts had prevented his enemies from pursuing him with power given to them by the duke. He asked Emden to continue to watch over him, and to look out for possible new jobs he could take. Finally, he got to the crux of the matter: presentation of the conclusions he had reached the previous winter regarding a mikveh which "the women had for themselves." Lipschitz was confident that after reading his reasoning on the subject Emden would be convinced he was fit to serve as a rabbi. He therefore asked Emden to read his case and write him a new hatarah.

The women's mikveh was full of mud and muck.³⁵ Sometimes it had plenty of water, but sometimes it had none, and it lacked a cover. It stood in the courtyard of a non-Jewish man. When the women

³¹ Emden, *Sheilat Yaavetz*, #53. All unattributed quotes in this section are my translation of this responsum. I am very grateful to R. Moshe Moskowitz, who spoke with me about this responsum at length, helping me to understand some legal points and terminology I would have otherwise missed or misunderstood.

³² In Tychsen's view Lipschitz's troubles were the result of meddling on the part of the court at Schwerin, whose associate rabbis felt threatened by his superior intellect, and not necessarily by any particular ruling of his. However, Lipschitz himself seems to think that the men who broke into his home were especially interested in stealing his discussion of this woman. Since they failed, and therefore did not leave evidence of this particular intention, Lipschitz's opinion may have been based on previous tension around the case.

³³ Teachers did not generally have rabbinical certification; in another responsum, Emden allowed someone he felt was not qualified to serve even as a slaughterer to continue to teach. Kaplan, *Jewish Daily Life in Germany*, 1618-1945, 50. However, Lipschitz's journey to Schwerin shows that he sought to rise to a position on a rabbinical court, which he certainly could not do without hatarot.

³⁴ Responsa are always flowery, and Lipschitz's are particularly so; this one is still a standout.

³⁵ Here Lipschitz uses two different words for mud.

immersed themselves in the mikveh they would pay him for the service.³⁶ The women asked the owner to fill in the muddy mikveh and dig a new one. They requested that he not dig too deep, so that it would not become impossible to heat the water within. The owner dug another mikveh in his courtyard according to the women's specifications, and they immersed in this new mikveh from then on.

Lipschitz claims that he was oblivious to the whole situation, until that winter someone told him about the women's new mikveh. He measured it to check if it had the requisite amount of water. When he found that it did not have nearly enough, he forbade the women to immerse in it, apparently without telling them why. In reply, they proposed digging into the side of the mikveh and allowing water to flow from the resultant trench into the bath itself. This solution, though ill-fitted to the situation at hand, is an acceptable fix for some other cases in which a mikveh does not have enough water.

What made this case too complicated for the women's solution was the fact that the mikveh was owned by a non-Jew. This is only permissible if the mikveh's water volume never dips below twenty-one se'im.³⁷ If a mikveh below that volume is refilled with water from an unacceptable source, it is rendered void. Since the non-Jewish owner of the mikveh had no reason to know or care about halachic technicalities but plenty of reason to be concerned about his livelihood, it is assumed³⁸ that he would refill the mikveh improperly.³⁹ In this particular case there would be concern even if the mikveh remained above the minimum requisite level, for two reasons. Firstly,

the women had stipulated to the owner that he had to try to ensure that the mikveh would have enough water for immersion—at least 40 se'im—any time a woman needed it. Secondly, the small amount of water which was in the mikveh when Lipschitz visited it was dirty and foul-smelling. He thus concluded that the owner had motive to change the water out completely to ensure that the women were willing and able to continue using the mikveh, rendering all the water in the mikveh suspect.

In an explicit attempt to show off to Emden, Lipschitz sought convoluted ways to invalidate every possible argument to permit the mikveh's continued use. He concluded that the mikveh had to be emptied, sealed up, covered, and locked. Once it filled up naturally with groundwater, he would examine it again and determine whether it was usable. In the meantime, said Lipschitz, "woe to [the women] to immerse in that mikveh."

While his conclusions were not unprecedented, on his path to stringency, Lipschitz rejected concerns raised both by earlier halachic texts and by a peer about the effect his ruling would have on the women. As he noted in his letter, several earlier scholars permit leniency in cases of doubt about the legitimacy of a mikveh when stringency would force women to delay immersion.⁴⁰ Such delay kept women in a liminal state they considered religiously inappropriate⁴¹ and which was no doubt unpleasant in its limitation both of women's public activities and their interactions with their husbands. Lipschitz dismissed this argument, claiming that there were many rivers in which the women could immerse while the mikveh

³⁶ Here Lipschitz claims that he knew nothing of this situation.

³⁷ A seah (pl. se'im) is a halachic volume measure.

³⁸ By Emden, but also by many medieval responsa authors, several of whom he cites.

³⁹ Which is of course much easier than filling it correctly.

⁴⁰ Lipschitz cites the Shach, the Maharik (a fifteenth-century French-Italian rabbi), and the Ateret Zekenim, a 1720 commentary on a different section of the Shulchan Arukh by Austrian-Polish rabbi Menachem Mendel Auerbach here).

⁴¹ This, and not concern for the women, is the reason that this leniency exists. Immersion and procreation are both religious obligations and the fulfillment of such obligations should not be delayed. For this reason, women are supposed to immerse as soon as possible even when their husbands are out of town or otherwise unavailable. The woman in the first responsum tried to follow this rule, and it is out of concern for this rule that Emden replied so hastily.

was closed. He was also approached by “a teacher”⁴² who said that leniency was necessary to avoid casting aspersions on all of the women who had immersed in the mikveh before, which may have been all the married Jewish women of Bützow. If the mikveh was invalid, so were their immersions, and they had all had sex in a state of niddah. The punishments for violations of laws of menstrual impurity are quite serious, at least theoretically.⁴³ Retroactively deciding that all of the women who immersed in Bützow had done so improperly impacted their relationships with their husbands and with G-d, and damaged the social standing of their children.⁴⁴ Lipschitz’s argument therefore reads not only as pretentious but as dangerous.

Emden rejected much of Lipschitz’s reasoning, noting that he had ignored traditional stringencies in favor of much less substantial and more convoluted ones. Most significantly, Emden took issue with Lipschitz’s claim that the women could immerse in rivers while the mikveh was unusable. Many rabbis did not permit immersion in rivers. They feared that women would rush immersion out of concern for their modesty, and therefore not take care to immerse correctly. Despite these qualms about Lipschitz’s argument, Emden accepted most of his conclusions.

The brief reply Emden sent to Lipschitz does not so much as acknowledge the latter’s request for a hatarah, but a later note at the end of the document describes a whole drama of its own. Emden was unimpressed by Lipschitz. He felt that Lipschitz exaggerated the depth of his knowledge and in his ignorance had nearly made some catastrophically wrong rulings. Still, he wrote him a hatarah, because

he saw that Lipschitz never relied on his own judgment, but instead wrote to him in cases of doubt.

The women of Bützow’s concerns were marginal to the rabbis’ exchange; they were merely a tool which Lipschitz could use to demonstrate his legal prowess. What is truly central to the various interconnected anecdotes of these letters is authority. The rabbinical court at Schwerin persecuted Lipschitz, possibly because its members saw him as a threat to their authority. As a result, Lipschitz appealed to a more powerful rabbi to help him relocate. In the process he suffered tangible damage to his authority, through the destruction of his hatarot. He sought to repair this damage by demonstrating both his knowledge and his loyalty to the more authoritative Emden. Though the particulars of Lipschitz’s letter and arguments were questionable and arguably harmful to the people over whom he had previously held rather limited authority, Emden was still willing to help him gain a more powerful position elsewhere, because Lipschitz understood where he fit in the halachic hierarchy: in full subservience to Emden.

As a mere schoolteacher, Lipschitz’s authority was already limited. When his hatarot were burned, Lipschitz’s authority was further damaged, and he found himself in the rather uncomfortable position of needing to pass a judgment to prove that he should be allowed to pass judgment. Though his status as a rabbi was now in question and his job as a schoolteacher clearly precarious, he remained more authoritative than the women, who were categorically prohibited from making halachic decisions, even for themselves. Religious literature aimed at Jewish women was careful to remind them of this prohibition. If any

⁴²The term used here for “teacher” is ambiguous as to rank. Based on the way Lipschitz refers to himself in later letters, I think it is most likely that he is using it to one of the lower members of a rabbinic court.

⁴³Possible punishments include: divorce without receiving the money typically due to a divorcee, “karet,” a spiritual state in which a person is “cut off” from the Jewish community in both life and death and which was often assumed to result in premature death, or execution.

⁴⁴Children conceived by a mother in a state of niddah are called “bnei niddah,” or niddah children. Such children were undesirable matches for marriage. An earlier Bützow schoolteacher, angry at his treatment in the city, sent its residents a letter referring to them with a remarkable list of insults, including “bnei niddah” Tychsen, *Bützowische Nebenstunden*, 6:15. This was not an actual accusation but a generic invective. Still, it acknowledges the low status of children of this sort.

of the Jewish women of Bützow were literate, and I suspect that at least a few were, they may have read any of a number of genres of writing on women's commandments. These texts informed them, sometimes in great detail, about the laws which applied to them. At the same time they repeatedly reminded them that they could not rely on their own judgment to resolve legal questions, especially those related to niddah, but should instead go to a rabbi with all their doubts.⁴⁵

Contrary to this ideal, however, it was not the women of Bützow who scrupulously deferred to rabbinic authority; it was Lipschitz. Lipschitz seems to describe women whose mikveh use was relatively independent of rabbinic authority. They established the terms of their use of the mikveh with its owner directly; they determined when a new mikveh was built and shaped how it was constructed in accordance with their own needs. Lipschitz's emphasis on his

ignorance of the issues with the mikveh in his town in a letter aiming to prove that he was effective in his position there suggests that it was not his responsibility to supervise the mikveh closely, or even to have any knowledge of it. Lipschitz was not officially the rabbi of Bützow, but I have not come across evidence of any other religious authorities of the city involving themselves with the mikveh.

Prior to Lipschitz's intervention, the mikveh of Bützow was controlled day-to-day by the women who used it. Their choice to reply to Lipschitz's ban with a legal principle of their own suggests that they felt that they had knowledge worth sharing about how it should be run, even if they ultimately yielded to Lipschitz's conclusion. That they did yield is not clear. By the time he wrote this letter, Lipschitz was in Parchim 33 miles away, never to return,⁴⁶ and no mikveh has been found in Butzow.⁴⁷

IV. Conclusion

The dynamic between these women and Lipschitz contrasts strongly with the politics of mikvaot in Altona-Hamburg-Wandsbek. Debra Kaplan describes the lengths to which that community's Jewish authorities, both lay and religious, went to control mikvaot. They decreed in a long and severe series of

entries in communal records and rabbinic ordinances in which mikvaot where women were allowed to immerse and exactly how they should do so. Though Kaplan argues that this control was limited and non-compliance common, both rabbis and lay leaders in these cities felt authorized and were motivated to

⁴⁵ Jakob Sofer Ben Juda Löb aus Berlin, "Zürich, Braginsky Collection, B351," is a book of blessings from 1741 Altona which explains some of the laws and customs associated with these commandments. Though this book is particularly interesting for its inclusion of two illustrations and two tekhines (extra-liturgical Yiddish-language prayers) in its niddah section, it is not unique among books of blessings in its discussion of this topic. Some tekhines themselves provide instruction on women's commandments. A genre of Yiddish books specifically devoted to explaining proper observance of these commandments also emerged from the sixteenth century on. The most popular of these was Benjamin Slonik's *Sefer Mitzvot Nashim*, which was first published in Cracow in 1577. It was republished dozens of times, including several editions in eighteenth-century Germany. Edward Fram and Agnes Romer Segal, *My Dear Daughter: Rabbi Benjamin Slonik and the Education of Jewish Women in Sixteenth-Century Poland* (Hebrew Union College Press, 2007), <http://www.jstor.org/stable/j.ctt166sb3q> provides extensive context for and analysis of the book, as well as an English translation.

⁴⁶ After Parchim he was briefly a minor rabbi in Neustadtgödens; later he wrote Tychsen from Amsterdam, and someone who seems to be him is documented extensively as the rabbi of Middelburg until from sometime in the 1760s until at least the 1790s. Emden, *Sheilat Yaavetz*, #64; Tychsen, *Bützowische Nebenstunden*, 6:16; Tehilah van Luit, *Mediene Remnants: Yiddish Sources in the Netherlands Outside of Amsterdam* (Boston: Brill, 2009), 167-174.

⁴⁷ It is possible that a mikveh was once in the basement of the synagogue, which was built in 1787 and which collapsed in 1988. Jürgen Gramen and Sylvia Ulmer, "Synagoge Bützow," *Juden in Mecklenburg*, May 28, 2016, http://www.juden-in-mecklenburg.de/Synagogen/Synagoge_Buetzow.

regulate women's behavior to a much greater extent than parallel figures in Bützow. Kaplan discusses similar regulations in several other large communities.⁴⁸ While these large Jewish communities are important and well-documented, it is also necessary to examine those communities which were smaller and less stably structured, for they reveal different patterns.

Both of these responsa demonstrate clearly that mikveh and niddah laws did not allow rabbis to "exercise an almost unlimited control of women's behavior."⁴⁹ The women of Bützow seem to have been accustomed to little rabbinical oversight, let alone control, over this area of their lives. Still, they did not, at least as far as these sources describe, tend to seek to break with halachic norms, as they might have if they had interpreted them the way that Storper-Perez and Heyman do.⁵⁰ They generally seemed to want to remain in alignment with halacha. They recognized Lipschitz, a representative (if a weak one) of

rabbinic authority, as a factor in determining how to do so, but not the only factor; their own knowledge was another.

The latter responsum also makes clear that their mikveh was also far from the pure, private, female space Marienberg imagines, especially once rabbis got involved with it. Even beforehand, it was owned by a man, and a non-Jewish one at that, the very sort of person Marienberg assumes never even saw the insides of mikvaot. Once Lipschitz described these women and their mikveh in writing to Emden, their activities became more widely known; men from Schwerin to Altona were concerned with them. This source suggests that it is necessary to consider the mikveh not just as a sacred space but as a social and political one. I believe that further examination of differences in the functioning of mikvaot from community to community, as revealed through responsa, among other sources, is one way into such consideration.

V. Appendix: Jewish Women in Bützow in 1769, according to *Bützowische Nebenstunden* 6:7-14

In *Bützowische Nebenstunden*, Tychsen described every man in Bützow who held a Schutzbrief at the time of his writing. He included limited information about their wives and occasionally daughters. Though the specific women in described in Lipschitz's letters cannot (and probably should not)⁵¹ be identified, I have compiled as much information as possible about each woman named as living in Bützow at this time.

Because Tychsen was primarily interested in Schutzzjuden, who were all men, he almost exclusively named married women. It is unfortunate that Tychsen defined women through their husbands, but since in most cases unmarried women do not immerse in mikvaot, the chart below may still provide a relatively complete list of the users of the Bützow mikveh.⁵²

⁴⁸ Kaplan, "To Immerse Their Wives;" Perez and Heymann, "Rabbis, Physicians, and the Woman's/Female Body: The Appropriate Distance."

⁴⁹ Perez and Heymann, "Rabbis, Physicians, and the Woman's/Female Body: The Appropriate Distance," 131.

⁵⁰ While published halachic sources might have reason to omit descriptions of blatant violation of halacha, plenty describe practices their authors abhor, including practices related to niddah. See Shaye J. D. Cohen, "Purity, Piety, and Polemic: Medieval Rabbinic Denunciations of 'Incorrect' Purification Practices," in *Women and Water: Menstruation in Jewish Life and Law*, ed. Rachel Wasserfall (Hanover, NH: Brandeis University Press; University Press of New England, 1999), 82–100.

⁵¹ Though niddah/mikveh emerge in these responsa as more public than they are today, and more public than I had expected them to be, it still seems likely that the women discussed would not want the ways they may have failed to uphold various intimate and severe laws discussed in connection with their names and the names of their family members.

⁵² One woman, Mündel, was not married in 1769.

woman's name	husband	parent(s)	sibling(s)	child(ren)	other
Schewe (Bathsheba)	Nathan Hersch Cohen, Parnas		Chaim Friedberg (Jochim Gumpertz) Rabbi of Bützow	Zirel (Sarah)	Hanna's sister-in-law. Gütelche's sister-in-law.
Hanna	Chaim Friedberg (Jochim Gumpertz) Rabbi of Bützow	Lebh Bamberg	David Berlin, Chief Rabbi of Altona	Had a son, but he died.	Her husband was the 1st Jew to return to Bützow (1738). It is not clear when she moved there. Schewe's sister-in-law. Zirel's aunt.
Händelche	Aaron Isaac, engraver? and poet. Secretary and Chaver	Levien, an earlier Bützow school-teacher		12, including 1 set of female twins and 1 of male twins.	
Zirel (Sarah)	Dovid Heuman (Salomon) metallurgist? Gabai Tzedakah and Chaver	Schewe and Nathan Hersch Cohen the Parnas		Number not listed, but had a private teacher for them.	Hanna's niece.
Jütel	Isig (Isac Levien/ Itzik Rebnitz) cloth printer? Chaver.	Meir of Kremnen ben Berlin			Started a kosher cheese business with her husband. It failed; they could not pay the manager. She was used as a deposit for their debt for 6 mos. ⁵³
Gütelche	Yitzhak Liebman (Isaac Phillip/ Phillip Ruhlbars) Gabai Tzedakah	Meir of Kremnen ben Berlin			Schewe's sister-in-law.
Bräundel	Nathan/Natan Halberstadt	Salman Hirsch		Mündel	
Mündel	Engaged for three years to Hirsch Joschen of Jaroslow	Bräundel and Nathan/ Natan Halberstadt			Her parents could not afford her dowry, so no wedding date had yet been set.
Beile	Mousche (Moses) Levien	Saul Jochim of Goldberg			

⁵³ At which time Aaron redeemed her with a watch. I assume Tychsen means Aaron Isaac, but I do not know what his relationship to Jütel was.

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