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## JEWES AND THEIR ATTITUDE TOWARDS CHRISTIANS IN MEDIEVAL POLAND

### I

Nearly everything that we know about the history of the Jews in medieval Poland is to a certain degree concerned with the relations between the Jews and the Christians. We examine royal documents defining the legal status of the Jewish population, town, castle and district court records to outline the extent of Jewish contribution to Poland's economy, synodal legislature and preaching to comprehend the Church's attitude towards the followers of Judaism, we try to understand the origins of anti-Semitic tendencies, studying trials records. Confined almost exclusively to Christian sources, we forget that they reveal only one side of the coin. Despite universal awareness of Jewish culture's highly effective resistance to acculturation, historiography, far from being modest in its scope, provides no noteworthy work which would take into account Jewish attitude towards Christians. The only researcher to have extensively explored the issue as a subject in its own right was Jacob Katz, who in 1961 published a collection of essays entitled *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times*.<sup>1</sup> However interesting and inspiring, his deliberations are mainly concerned with the period which we refer to as early modern times. They are also very general in reflection and, more often than not, they fail to refer to the actual reality of the Diaspora.

Even the most precious of the works written by the researchers who were a witness to the Jewish culture still flourishing in Poland, such as the works by Majer Bałaban, Yitzhak Schipper (Ignacy Schiper)

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<sup>1</sup> New York, 1961.

or Emanuel Ringelblum,<sup>2</sup> almost exclusively fail to take into account the Jewish perspective. The same reservation concerns the post-war studies by Roman Grodecki and the latest: by Mateusz Goliński, Andrzej Janeczek or Paweł Fijałkowski.<sup>3</sup> Undoubtedly, the authors' personal interests were a decisive factor here, for which they must not be blamed. However, the weakness of this perspective, as well as all the consequences it entails, must not be overlooked. Historians specialising in the history of the Jews in medieval Poland cannot be excused by the fact that they must make do with predominantly Christian sources, which perforce provide information on the attitude of their authors, i.e. Christians, towards their 'elder brothers'. Absence of Hebrew sources, which in itself is not necessarily true, should not result in ignoring the issue.

Christian texts are by no means useless in the deliberations of the issue of Jewish attitude to the Christians. They must only be read more carefully than they usually are, which frequently requires overcoming the difficulties posed by translation. Admittedly, appropriate

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<sup>2</sup> Daniel Grinberg, 'Fenomen historiografii żydowskiej w II Rzeczypospolitej', *Studia Judaica*, i (1998), 18–32. Complete bibliography of Yitzhak Schipper: Jacob Litman, *The Economic Role of Jews in Medieval Poland: The Contribution of Yitzhak Schipper* (Lanham, 1984), 277–87; Emanuel Ringelblum, 'Dzieje zewnętrzne Żydów w dawnej Rzeczypospolitej', in Ignacy Schiper, Arie Tartakower and Aleksander Hafftko (eds.), *Żydzi w Polsce Odrodzonej*, 2 vols. (Warsaw, 1932-3), i, 37–80; Emanuel Ringelblum, *Żydzi w Warszawie od czasów najdawniejszych do ostatniego wygnania w r. 1527* (Warsaw, 1932).

<sup>3</sup> Roman Grodecki, 'Dzieje Żydów w Polsce do końca XIV wieku', in *idem, Polska piastowska*, ed. Jerzy Wyrozumski (Warsaw, 1969); Mateusz Goliński, *Wrocławskie spisy zastawów, długów i mienia żydowskiego z 1453 roku. Studium z historii kredytu i kultury materialnej* (Wrocław, 2006); Andrzej Janeczek, 'Miasta Rusi Czerwonej w nurcie modernizacji. Kontekst reform XIV-XVI w.', *Kwartalnik Historii Kultury Materialnej*, xliii, 1 (1995), 55–66; *idem*, 'Ethnicity, Religious Disparity and the Formation of the Multicultural Society of Red Ruthenia in the Middle Ages', in Thomas Wunsch and Andrzej Janeczek (eds.), *On the Frontier of Latin Europe: Integration and Segregation in Red Ruthenia, 1350–1600* (Warsaw, 2004), 15–45; Paweł Fijałkowski, 'Początki obecności Żydów na Mazowszu (do 1526 r.)', *Biuletyn Żydowskiego Instytutu Historycznego*, cxviii, 2 (2001), 182–5; Tomasz Jurek, 'Żydzi w późnośredniowiecznym Kaliszu', *Rocznik Kaliski*, xxiv (1992–3), 29–53; *idem*, 'Matrimonium sub fide Judaica contractum: Were mixed Christian-Jewish marriages possible in late medieval Poland?', in Piotr Górecki and Nancy van Deusen (eds.), *Central and Eastern Europe in the Middle Ages: A Cultural History* (London and New York, 2009), 82–93, 241–8.

interpretation of Latin source terms may be a problem. We ponder over the meaning of phrases like *episcopus iudaeorum* (a rabbi?, the elder of the community?) or *communitas iudaeorum* (all the members of the community or only those paying higher taxes?). It is all too easy to identify *excommunicatio iudaeorum* with Christian excommunication. Yet, the problem is more serious as it does not solely consist in the difficulties which Christian chroniclers encountered when trying to find Latin equivalents for Jewish institutions and practices, but also in the fact that a selection of a certain term prompted associations of essential significance.

Henryk of Wierzbno, ruling the Wrocław diocese in 1302–19, sent his parish priests a letter appealing to them to condemn and prevent abuses taking place in the town. This consisted in the fact that in their slaughterhouses, the ‘Jewish bishop’, with the permission from Christian butchers, kills and slaughters with his own hands the cattle belonging to the Jews following the custom of *gens iudaica*, and from the animals thus killed he selects what he likes, and what is impure (*immunda*) he rejects and puts aside and leaves for the Christians to eat.<sup>4</sup> The passage discussed, only part of a more extensive letter, which I will return to later, is – contrary to more general argumentation which its text includes – a paragraph of powerful impact referring, as it seems, to the situation of Wrocław at that time. It presents an image of a person called a ‘Jewish bishop’ (the title is also encountered in other sources concerned with the 14th century communities in Silesia as well as in Poland in the same century and at the beginning of the next). The Christians must have associated the term with a post of a high-ranking religious dignitary, who personally performed the slaughter, an activity which in the Middle Ages, due to the taboo of blood was burdened with negative connotations, as it also was outside the Jewish context.<sup>5</sup> Could there be a more vivid, rhetorically

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<sup>4</sup> *Das Formelbuch des Domherrn Arnold von Protzan*, in *Codex diplomaticus Silesiae*, ed. Wilhelm Wattenbach (Breslau, 1862), 75; cf. my article: “Die fleisch das nicht taug den Juden zu essen”. Miasta wobec problemu żydowskiego uboju rytualnego’, in *Civitas & Villa. Miasto i wieś w średniowiecznej Europie Środkowej* (Warsaw and Pułtusk, 2002), 299–308.

<sup>5</sup> Cf. Bronisław Geremek, ‘Activité économique et exclusion sociale: métiers maudites’, in Annalisa Guarducci (ed.), *Gerarchie economiche e gerarchie sociali. Secoli XII-XVIII* (Istituto internazionale di storia economica F. Datini, serie 2: Atti delle Settimane di Studi e altri convegni, 12, Florence, 1990), 797–816; Claudine

more effective concept referring to the imagination and feelings which would emphasise the divide between the faithful of both religions, religions which were perhaps most effectively linked and separated by the prohibition of contact with blood?

The terminology of Latin texts by no means constitutes the only problem. They cannot be fully understood without appropriate knowledge of Jewish culture.

A fragment of *The Annals* by Jan Długosz, which I analyse elsewhere from another perspective, about anti-Jewish riots in Cracow in 1407 reads that

to stop rioting, someone – whether a Jew or a Christian, no one knows – set fire to Jewish houses and as the fire spread, St Ann’s church and several streets went up in flames, because no one fought the fire ... Some of the Jews, escaping death, took refuge in the belfry of St Ann. They held out almost until dusk, but when fire was set, they surrendered voluntarily. Many of the survivors were of their own free will baptised. Also all the Jewish children, whom Christians spared or rescued from the flames were reborn in the holy water of baptism.<sup>6</sup>

The meaning of the text is clear. The followers of Moses burnt in fire, while the rescued children joined the flock of followers of Christ. However, the reader cannot resist an impression that the fragment is a description of martyrdom of Jews dying in fire. The concept of *Kidush ha-shem* – the death to hallow the name of God – developed among the Jews living in Germany and northern France following the First Crusade, when whole Jewish communities were confronted with a choice between death and the termination of physical and moral adherence to Jewishness.<sup>7</sup> Preparing the community members for the

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Fabre-Vassas, *La bête singulière. Les juifs, les chrétiens et le cochon* (Paris, 1994); Caroline W. Bynum, *Wonderful Blood: Theology and Practice in Late Medieval Northern Germany and Beyond* (Philadelphia, 2007).

<sup>6</sup> *Joannis Dlugossii Annales seu cronicae incliti Regni Poloniae*, ed. Jan Dąbrowski et al., 11 vols. (Warsaw, 1964–2005), lib. x-xi, 15–17; Maurice Michael (transl. and abr.), *The Annals of Jan Długosz: A History of Eastern Europe from A.D. 965 to A.D. 1480* (hereafter: Długosz, *Annals*) (Chichester, 1997), 366; cf. my article: ‘Jan Długosz o tumulcie krakowskim w 1407 roku’, in Cezary Kuklo (ed.), *Między polityką a kulturą* (Warsaw, 1999), 155–67.

<sup>7</sup> Ivan G. Marcus, *Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven, 1996); Jehudah ben Chemouel le Hassid, *Sefer Hassidim. Le guide des hassidim*, transl. Édouard Gourévitch (Paris, 1988), 49–68.

day when they will be forced to undergo the trial of faith became a pivotal element in Jewish religious education. The time following pogroms at the end of the 11th century was marked by the emergence of the need to understand and interpret in religious terms what had happened and to transform the tragedy into a lesson useful for the next generations. Such were the origins and symbolism of the descriptions of the events presented by Jews in their chronicles about the crusades and by Hasidic Ashkenazi literature.

Here is another source, whose understanding requires a broader perspective, a note from Warsaw borough and district court records dated for 1463:

We, the starost Michał of Rakowiec and Jan Słanko of Głowczyn, the borough writer of Warsaw, hereby testify that the Jews, i.e. Mucha from Pułtusk, Bieniasz, Isaac, Lazarus, Oszwa, Salomon from Warsaw, who [once] guaranteed, as it is written above in this book, that they would lawfully deliver Israel the Jew, dead or alive, did deliver the aforementioned Israel, the doctor, who had already passed away, and presented him to us as dead. We took this dead Jew, presented to us in accordance with the order in writing from Her Honour the Duchess, which the aforementioned Jews produced, ... and for a better and greater power of our testimony, we inspected him [and found that] he was lying dead in a wooden coffin. We stress that the order from Her Honour the Duchess, which these Jews produced, told us to free these Jews of their promise, noted above in this book, and erase it completely.<sup>8</sup>

From the halakhic point of view the Jews mentioned in the note were forced to break (one of the essential) principles prohibiting a removal of a corpse from the grave. The dead must be returned to the earth, where their body will spontaneously and naturally decompose.<sup>9</sup> Delivering Israel's body to the court must have additionally required a purchase of a 'coffin', as the Jews buried their dead directly in the ground. 'Direct' interpretation of the law and possibly the awareness

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<sup>8</sup> Emanuel Ringelblum and Rafał Mahler (eds.), *Teksty źródłowe do nauki historii Żydów w Polsce i we wschodniej Europie*, 1a [Warsaw, 1930], 57–8.

<sup>9</sup> 'It is not allowed to remove the body of the deceased and bury it in another place unless he requested it before his death or when [the body is to be moved] to *Erec Isra'el* or to a place next to the grave of the deceased's parents', quoted: *Kicur Shulchan Aruch Hashalem* (Jerusalem, 1987), p. 483, no. 11. Cf.: 'It is not allowed to open the grave after it was covered with sand, it is allowed before it is done'; *ibidem*, no. 12.

of the consequences of breaking the guarantee must also have been a decisive factor here.

Any consideration of the attitude of Judaism to Christianity cannot be separated from the attitude of Christianity to Judaism, as the stance of the Church was forged amidst the controversy with the Synagogue and was to a great extent influenced by the necessity to dissociate itself from Jewish roots.<sup>10</sup> This should be borne in mind when reading the scriptures of the Church Fathers, papal bulls and council decrees and constitutions from the Middle Ages.<sup>11</sup>

A perfect example of the Church's stance on the issue of the place of Jews in the Christian world is the above-mentioned letter of the bishop of Wrocław, Henryk of Wierzbno. He uses in it a wide scope of arguments when deliberating the right of ritual slaughter. Opposing the fact that Christians buy meat considered by the Jews non-kosher, he states that this practice defies the prohibitions of the holy canons, as it places the Christians below the Jews, which cannot be tolerated. According to the Fathers and canon law clauses, it is dishonourable and sacrilegious for the followers of Christ to eat what Jews spit at as impure, what they despise and abhor from. Therefore, Christian butchers in Wrocław were prohibited to pursue this practice on penalty of excommunication. In conclusion Henryk declares:

We are not going to and cannot change the rites ... and good customs of these Jews, which they have followed since antiquity and which the Church tolerates in holy canons.<sup>12</sup>

Henryk's arguments are not unique. They had long existed in Christian literature.<sup>13</sup>

Henryk of Wierzbno, a worldly man of letters, must have been aware of the Church's attitude to the followers of Judaism. He may have acquired the knowledge, which he passed on to his subordinates,

<sup>10</sup> Fabre-Vassas, *La bête singulière*.

<sup>11</sup> Bernhard Blumenkranz, *Juifs et chrétiens dans le monde occidentale, 430–1096* (Paris and La Haye, 1960); Salo W. Baron, "Plenitude of apostolic powers" and medieval "Jewish Serfdom", in *idem, Ancient and Medieval Jewish History: Essays*, ed. Leon A. Feldman (New Brunswick, 1972), 284–307.

<sup>12</sup> Cf. footnote 4.

<sup>13</sup> Jeremy Cohen, "Slay them not": Augustine and the Jews in modern Scholarship', *Medieval Encounters*, iv, 1 (1998), 78–92.

during his visits in Avignon and while reading Gratian's *Decretum*,<sup>14</sup> whose author, in the keeping with the Augustinian tradition, refers to the concept of the Jew as a witness to the truth, quoting a letter from Gregory I to the bishop of Naples. In this letter the Pope condemns the Christians who act improperly when they attempt to prevent the Jews from celebrating their holidays, which they and their ancestors had for long been permitted. He explains that this diminishes their chances of conversion. When constructing the other part of his argument, Henryk may have been inspired by Gratian's *Decretum*, who quoted the resolutions of the synod in Agde (506):

All the clergy and the lay should avoid befriending the Jews and should not accept their company. As they do not admit the Christians to the table, it is improper and sacrilegious that their bread should be eaten by the Christians. For what we eat with the Apostles' permission, they consider impure.

The ecclesiastical legislation of the turn of the 13th century, first and foremost the canons of the Fourth Council of the Lateran, reflects the process of the segregation strategy adopted by the Church.<sup>15</sup> The Statute of the synod of Wrocław (1267),<sup>16</sup> rooted in this universal legislation, stated in chapter 10:

on penalty of excommunication we most strictly prohibit all the Christians of this province that they should not dare to live together with the Jews or Jewesses, they are not allowed to feast or revel with them, so that they dare not to take part in banquets where they dance [together with the Jews].

Chapter 12 of the same legislation reads:

because ... Polish lands are a new plantation in the Christendom, so that the Christian people do not become infected with superstitions and vile customs of the Jews and so that Christian religion is more easily and more quickly instilled in the hearts of the faithful of this country, we order that

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<sup>14</sup> Emil Friedberg, *Corpus Iuris Canonici*, 2 vols. (Leipzig, 1879–81), i, 160–1, 211–12.

<sup>15</sup> Solomon Grayzel, *The Church and the Jews in the 13th Century* (New York, 1966); Robert I. Moore, *La persécution: sa formation en Europe (X<sup>e</sup>-XIII<sup>e</sup> siècle)* (transl. from Eng. by Catherine Malamoud, Paris, 1991), 97–104.

<sup>16</sup> *Antiquissimae constitutiones synodales provinciae Gneznensis*, ed. Romuald Hube (Saint Petersburg, 1856), 68–71.

the Jews living in this province of Gniezno do not live together with the Christians and that the houses of the Jews in towns and villages should be in separate quarters so that Jewish settlements are separated from Christian dwellings with a wall or moat.

The chapter continues:

if the Sacrament of the altar were to be carried past Jewish houses, on hearing the first sound the Jews must go inside and close the doors and windows.

Chapter 14 says:

we also order that [the Jews] do not frequent Christian houses, baths and inns, that they do not dare to keep a servant or servants in their houses in the day and in the night ... If a Jew engages in fornication with a Christian woman and is caught, he will be detained until he pays ten marks, while the Christian woman who has committed such a sinful deed, will be flogged by the town magistrate and expelled from the town without the hope of return.

For the Christians, the fact that the Jews come from the biblical Israel was merely a fact and nothing else.<sup>17</sup> Evaluation of spiritual consequences of the fact was negative, as for them the biblical Covenant was annulled with the coming of Christ, which is immortalised by those who accepted Him as the Messiah. When the Jews say that they are descendants of the people of Israel – *bonei Israel* – it means that they consider themselves, as the participants of the Covenant, the only owners of the revealed truth, while the Christians, similarly as all the pagans, remain beyond the biblical Covenant in every sense of the word. Thus, the problem of mutual mistrust consists not so much of religious differences, which is continually repeated in historiography, as in conflicting interpretations of the same tradition. It should be borne in mind, however, that both in Jewish understanding and theological language which explains the uniqueness of the Jews as the only true servants of God, the Christians remain merely an element of *ovdei avoda zara*, i.e. those who follow a foreign cult and commit idolatry. The biblical concept of Israel as the chosen people should be perceived as an indicator of Jewish separatism and the idea

<sup>17</sup> Katz, *Exclusiveness and Tolerance*, 4–25.



of martyrdom mentioned above. The concept of spiritual superiority born in Talmudic times survived in the Diaspora, while the fact of remaining in exile did not deprive the people of Israel of their exceptional status.

Tradition sanctioned the internal solidarity within a Jewish community in the Diaspora. It also provided the justification for exclusion tendencies, which were primarily aimed at Christianity. The Jews adopted a defensive position towards the Christianity as a predominating religion and – as mentioned above – towards any non-Jewish faith, both within the scope of theological confrontation and interpersonal contact. Ritual imperatives concerned with purity of food, of cult as well as of religious and domestic life aimed at absolute restriction of contacts between the Jews and the Christians. The motivation and consequences of the profound identification of the Jews with their religion should be perceived as the extension of a separate cultural and traditional structure protected by the precepts of the Talmud.

Life in a European society, however, required overcoming the patterns rooted in past times and in another situation. Recognition of the possibility of remaining a Jew in the Diaspora was paramount. Among the basic provisions, especially difficult to obey, was the prohibition to participate in any activity which would involve coming in contact with foreign cults and beliefs. Problems were numerous; there were not enough Jewish producers of food, builders and craftsmen. The precepts born in Palestine were gradually liberalised and certain forms of coexistence were sanctioned. An outstanding Talmudist of the Ashkenazi Diaspora, Rashi (the turn of the 12th century) wrote in his letter to his master Isaac ha-Levi:

Will our teacher please refrain from adding to the number of 'forbidden foods'; for it would be impossible to accept it, or we would never be able to eat meat'.<sup>18</sup>

In a similar way in his letter written in about 1200 rabbi Eliezer of Prague warned Judah the Pious residing in Speyer that for want of learned men (*lomdei Torah*) excessive demands concerning the election of a spiritual mentor by the inhabitants of Jewish colonies in

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<sup>18</sup> Irving A. Agus, *Urban Civilization in Pre-Crusade Europe: A Study of Organized Town-Life in Northwestern Europe during the Tenth and Eleventh Centuries Based on the Responsa Literature*, 2 vols. (New York, 1965), i, CCLXXV.

Poland, Hungary and Red Rus' may cause that 'they will be left without teaching, prayer and a just judge'.<sup>19</sup>

Liberalisation of the norms governing religious life could not be achieved by the change of canon, whose temporal reference was the era from the destruction of the Temple to the coming of the Messiah; it was only possible through reinterpretation of the Talmud. When asked by the Jewish community in Poznań about the principle of paying community taxes, Rabbi Isserlein (in the mid-15th century) wrote that they must consider it and decide on it on their own because the study of the Talmud will not provide the answer resolving the issue.<sup>20</sup>

*Sefer Hassidim* – the work from the turn of the 13th century written by the already-mentioned Judah the Pious, a Talmudist who was involved with nearly all 13th century Jewish scholars either coming from Poland or active there<sup>21</sup> – is a 'summa' of contemporary ideas, traditions, customs and beliefs of the German Jews from the Ashkenazi Diaspora, supporters of the *Hassidei Ashkenaz*<sup>22</sup> – a movement proposing extremely restrictive forms of piety. It is not only a handbook of faith but also a guide to religious practice, an inspiring work and an extraordinary document for a historian. *Sefer Hassidim* consists of nearly 2000 short texts, frequently presented as exempla, concerned with the study of the Torah and other holy books, interpretation of dreams, penitential practices, synagogue and oath, organisation of the community, system of justice, love and medicine. They include an extensive amount of advice concerning the relations with the non-Jewish environment. Some of them call for strict separation, some recommend caution motivated by fear and some warn that in the relations with the non-Jews the same moral values must be respected.

<sup>19</sup> Ringelblum and Mahler (eds.), *Teksty źródłowe*, 38–9; cf. Israel M. Ta-Shma, 'On the History of the Jews in Twelfth- and Thirteenth-Century Poland', *Polin*, x (1997), 288–9; my article: *Kontakty gmin żydowskich Europy Środkowej z rabinami zachodniej diaspory aszkenazyjskiej*, in Halina Manikowska and Hanna Zaremska (eds.), *Ecclesia et civitas. Kościół i życie religijne w mieście średniowiecznym* (Warsaw, 2002), 515–26.

<sup>20</sup> Responsa, no. 144.

<sup>21</sup> Ta-Shma, 'On the History of the Jews'.

<sup>22</sup> About *Sefer Hassidim* and its author, cf. Édouard Gourévitch, in *Jehuda ben Chemouel*, 69–154; Ivan G. Marcus, *Piety and Society: The Jewish Pietists of Medieval Germany* (Leiden, 1981); Eli Yassif, 'Entre culture populaire et culture savante. Les exempla dans *Sefer Hassidim*', *Annales. Histoire, Sciences Sociales*, xlix, 5 (1994), 1197–222.

The former seems to be concordant with the spirit of the statutes elaborated by the Church and presented in the canons of councils, treating the Jews as a selected community which a Christian should avoid, while physical contact with its members was forbidden as sinful. *Sefer Hassidim* offers advice to be remembered when considering the emergence of Jewish quarters in medieval towns and norms regulating location of Jewish houses and synagogues as well as instructions reminding of Church's prohibition of Jewish presence in the streets during Christian holidays. They should not be interpreted as the reflection of the attitudes universally adopted by the contemporary rabbinate as they are not concerned with the everyday reality of the Diaspora, but it should be remembered that they originated in one of the most important works of medieval Jewish literature.

The tendencies towards segregations professed by the Christian and Jewish authorities are accompanied by a reflection on conversion.<sup>23</sup> Except for the period of mass pogroms which took place when the participants of the First Crusade marched across German lands,<sup>24</sup> the number of conversions to Christianity in the medieval Ashkenaz Diaspora was very small,<sup>25</sup> contrary to the Sephardic Diaspora. This does not mean that the phenomenon did not undergo changes resulting from the evolution of mutual relations between both communities – Christian and Jewish, from the evolution of the Church's attitude towards the followers of Judaism and from the consequent, at least partial modification of rabbinic authorities' attitudes towards the instances of conversion of the Jews.<sup>26</sup>

Developing a consistent attitude towards Judaism and determining the status of Jewish population in a Christian society required the Church to overcome the legislative tradition rooted in the late antiquity. This was accomplished in the 12th century, when Gratian's

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<sup>23</sup> Cf. my article: 'Jewish Converts to Christianity in the Fifteenth-Century' (in Hebrew), *Gal-Ed*, xxi (2007), 15–28.

<sup>24</sup> Robert Chazan, *European Jewry and the First Crusade* (Berkeley, 1996).

<sup>25</sup> Eric Zimmer, *Harmony and Discord: An Analysis of the Decline of Jewish Self-Government in the 15th Century Central Europe* (New York, 1970), 165–6; Bernard Rosensweig, *Ashkenazic Jewry in Transition* (Waterloo, Ont., 1975), 26–31.

<sup>26</sup> Katz, *Exclusiveness and Tolerance*; Edward Fram, 'Perception and Reception of Repentant Apostates in Medieval Ashkenaz and Premodern Poland', *AJS Review*, xxi, 2 (1996), 299–339; Simha Goldin, 'Juifs et Juifs convertis au Moyen Age: "es-tu encore mon frère"?'', *Annales. Histoire, Sciences Sociale*, liv, 4 (1999), 851–74.

*Decretum*<sup>27</sup> was drawn, which eradicated the most obvious contradictions. *Constitutio pro Judaeis*, approved by consecutive popes (with few exceptions) between the 12th and 15th centuries, categorically forbade forcible baptism of the Jews, but it did not specify any particular course of action if such an illegitimate conversion did take place. Popes in their statements tended to adopt the view that it should retain its validity.<sup>28</sup>

Forcible conversion of children was the subject of deliberations of theologians and the Church's regulation. It was condemned by St Thomas as contradicting natural law and risky, as there was a danger that the children baptised against their parents' will may want to return to Judaism when they grow up. The view was shared by Innocent III and in the 15th century by Martin V. The debates were also an occasion for voicing the opinions which mitigated the principle by considering as sufficient the consent expressed by grandparents, a monarch or another superior.

Approving of more or less restricted right to forcible conversion and its irrevocable character, the Church also considered the issue of neophytes in a Christian society, legal consequences of the change of faith and religious education of converts. The decisions of consecutive councils and popes, which required providing new Christians with material help, were met with strong opposition from monarchs – especially in their aspect allowing the converts to retain their property and assets. With the development of the concept of 'Jewish serfdom' and the emergence of the idea of royal right to Jewish property, the view predominating in Europe assumed, generally, that the apostate's property was taken over by his Jewish family. Thus, an old tradition prevailed, clearly expressed in the document drawn by

<sup>27</sup> Robert Chazan (ed.), *Church, State and Jew in the Middle Ages* (New York, 1980), 19 ff.; canons: III, V, XL, XCIV.

<sup>28</sup> In practice the early Church – except the events which took place in Visigothic Spain (cf. Solomon Katz, *The Jews in the Visigothic and Frankish Kingdoms of Spain and Gaul* [repr. New York, 1970], 13, 15; Solomon Grayzel, *The Church and the Jews in the XIIIth Century*, ed. Kenneth R. Stow [New York, 1989], 4, 12–13) – did not make an excessive effort to regain baptised Jews who had returned to Judaism. When following mass pogroms from the First Crusade, rabbi Moses from Speyer tried to acquire permission for the baptised Jews to return to Judaism, he received it from emperor Henry IV with the consent of Pope Urban II and an objection from anti-Pope Clemens III.

Henry IV for the Jewish community in Speyer (1090), which stated: 'Similarly as they abandoned the law of the ancestors, so let them abandon their properties (par. 6)'.<sup>29</sup> The Church attempted to prevent this practice, also by threatening with excommunication (Gregory IX, John XXII) but mostly in vain (except for the Iberian Peninsula).

The stance of Jewish authorities towards the Jews who abandoned the religion of their ancestors in order to accept Christianity also changed,<sup>30</sup> concurrently with the modifications adopted by the Church. The 12th century was the pivotal point in the evolution. The memory of the pogroms from the end of the preceding century and the postulate of conversion, increasingly more forcibly put forward by the Church resulted in the atmosphere of tension and confronted the Synagogue with the need to rethink principles determining the relations of Jewish communities with their former members. The opinion expressed, among others, by Gershom Meor ha-Gola (turn of the 11th century) and Rashi that the fact of baptism does not terminate Jewishness and that change of religion does not make a convert a 'gentile' had significant legal consequences.<sup>31</sup> In principle the Levirate law was still in force, which meant that an apostate's widowed sister-in-law, if she was childless, was at least theoretically obliged to marry him or, in the least, to undergo the Chalazah Ceremony. To remarry, an apostate's wife had to acquire a divorce document (*Get*).

According to the virtually unanimous opinion of the scholars, a convert lost the right to inherit from his Jewish relatives. The opinion of halakhists concerning lending money at interest to apostates was not so unambiguous. Some, like Rashi, consistently supported the view that a convert remains a Jew and consequently cannot be charged an interest, others considered him an outsider and allowed lending money at usurious rates.

These norms – despite the professed immutability of the Halakha – were slowly undermined by reinterpretation. The period between the 12th and 13th centuries brought about reformulation and clarification of principles governing the practice of Christian faith and a change in the attitude towards those who did not belong to the Church, which resulted in an intensification of anti-Jewish persecution and

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<sup>29</sup> Chazan (ed.), *Church, State and Jew*, 61.

<sup>30</sup> Fram, 'Perception and Reception'; Goldin, 'Juifs et Juifs convertis', 851–84.

<sup>31</sup> Katz, *Exclusiveness and Tolerance*, 67–81, 123–4, 143–55.

led to an increase in the number of conversions, either voluntary or forcible. The rabbis' attitude towards the conversion as such became more orthodox. The arguments condemning and rejecting apostasy became more radical, even to the extent that they advocated the death penalty to a convert's family members. The 12th century thinkers no longer considered neophytes as brothers and denied them the benefits of solidarity of a Jewish community as well as allowed lending them money at interest. The door, so far wide open for those wanting to return, began to shut. Accepting them back from now on depended on, first and foremost, an apostate's behaviour, his zealotry in his attempts to regain the lost place among the followers of the religion of the ancestors.<sup>32</sup> Refusal of a return was still out of the question but caution and circumspection were advised in the case of those whose intentions seemed suspicious.

Radicalisation of Jewish principles was at least partially caused by the promulgation of the concept of martyr's death hallowing the name of God and the idea that integrity of Jewish existence depended on a series of trials. According to the author of *Sefer Hassidim*, a convert succumbing to material temptations had failed the test.

The legislation of the Universal Church concerned with Jewish converts was binding also in Poland, but local synodal statutes ignored the issue. When discussing the attitude of the Polish Church towards the Jews, we quite rightly treat it as a kind of reflection of the decisions or strategies outlined in Rome, away from the local conditions. In Poland other factors were more significant: the scholarly environment of the University of Cracow and, first and foremost, the fact specific for Poland that kings exercised their authority over the Jews continuously till the end of the Middle Ages. Apart from the persuasive power of preaching, it seems that ecclesiastical hierarchy and their attitudes contributed little to the forming of attitudes towards Jewish population, while the opportunity to undertake action was quite modest.

Jewish colonies in Poland were part of the Ashkenaz Diaspora. In the Middle Ages they constituted a periphery lacking its own centres of Talmudic thought, in the next era they became the centre. This is a fact of considerable consequences. Research into the history of

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<sup>32</sup> Isidor Kracauer, *Geschichte der Juden in Frankfurt a. M. (1150–1824)*, 2 vols. (Frankfurt a. M., 1925–7), i, 7.

the Jews requires that they are perceived as part of the population of the country where they lived, which is now obvious and universally accepted. This, however, should not obscure the fact that they maintained the bonds with the Jews living in more developed centres in the lands from which they had come.

In medieval Poland there was no important centre of Jewish religious studies, with a possible exception of the so-called Poznań Academy, active in the middle of the 15th century, about which we know almost nothing. It was probably connected with a temporary visit of a German scholarly Talmudist Moses Minz.<sup>33</sup> Studies by an Israeli researcher Israel M. Ta-Shma proved that early colonies in Poland remained in contact with the group of scholars gathered around already mentioned Judah the Pious.<sup>34</sup> Rudimentary indications reflect the interest of local Jewish communities in Talmudic studies abroad. The absence of their own centres of religious education and the resulting demand of 'spiritual leadership' was appreciated in the western Diaspora for the whole era.

The correspondence between Judah the Pious and Eliezer of Prague<sup>35</sup> quoted above is a good introduction to the problem. The correspondence was concerned with the difficulties encountered by the inhabitants of the newly established colonies in Central Europe and the resulting threat of relaxation of religious discipline. The cause of controversy and the reason for the exchange of letters between the two scholars in the last years of the 12th century was the cantors' right to collect taxes at Purim and other holidays and imposing fees at wedding ceremonies. The text of the correspondence proves that Judah instructed the communities from this part of Europe at their own request. It mentions Poland, Hungary and Red Rus' as the countries experiencing difficulties but not Bohemia, probably because the colony in Prague enjoyed spiritual support of Eliezer himself. From our perspective Judah is more important. He was an outstanding Talmudist of the Diaspora in the Rhineland, a representative of the *Hassidei Ashkenaz* school lead in the first half of the 12th century by

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<sup>33</sup> Lech Muszyński and Bronek Bergman, 'Sylwetki poznańskich rabinów', in Jacek Wiesiołowski (ed.), *Poznańscy Żydzi*, 2 vols. (*Kronika Miasta Poznania*, Poznań, 2006–9), i, 14–38.

<sup>34</sup> Cf. footnote 19.

<sup>35</sup> Vladimir Sadek, 'Medieval Jewish Scholars in Prague', *Review of the Society for History of Czechoslovak Jews*, v (1992–3), 13.

his father Samuel. Judah was for many years active in Speyer, which he left for Ratisbon at the end of his life. He and his disciples were connected with most of the 13th century rabbis who we know by name, active in or coming from Poland. Judah gave advice at the request from Central European Jewish communities. This kind of consultation required good knowledge of the Diaspora. Additionally, the learned men passing through on their way somewhere else were asked for advice.

The most important for the colonies in Poland were contacts with Prague, which for the whole Middle Ages was the centre of spiritual life for Central European Jews. The colony in Prague,<sup>36</sup> with which Eliezer was involved, attracted learned men from the western part of the Diaspora. Some of them stayed for longer. The first generation of scholars worked as early as in the 12th century, if not earlier. The 14th century was the time of crisis for the Ashkenaz rabbinate. The losses suffered by the Diaspora, especially in Germany, during the persecutions in the time of and after the Black Death, weakened the huge Jewish communities and caused migration eastwards. The migration waves brought with them scholars to still peripheral parts of the Diaspora. The scholars from Prague were preoccupied with Halakha, wrote commentaries to the Talmud, maintained contact with the centres in Germany and France. In the late Middle Ages the significance of Prague as a leading centre of spiritual life of Central European Jews did not diminish. The end of the 14th century, and especially the following century, were a difficult period for the local colony because of persecution, but intellectual life did not cease and Prague still remained the place where well-known scholars were to develop. However, they were increasingly more often forced to leave the town, escaping persecution. Yet, they returned at the first opportunity. A witness of the tragedy of the colony in Prague was Tov Lipman-Mulhausen, a creator of responsa composed in allegorical style, an exegete and a commentator of the Torah. He came to Prague to continue his studies, which he began in Lindau and Erfurt, under the supervision of Avigdor ben Issac Kara. During the riot in 1389 he was imprisoned. After a dispute with a convert Peter he

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<sup>36</sup> *Idem*, 'Yom Tov Lipman Mulhausen and His Rationalistic Way of Thinking', *Judaica Bohemiae*, xxiv (1988), 98–113; Hanna Zaremska, *Żydzi w średniowiecznej Europie Środkowej: w Czechach, Polsce i na Węgrzech* (Poznań, 2005), 100–9.



was forced to leave the town and settled down in Cracow, where in 1399–1410 he worked on his apologetic commentary to the Holy Scripture. At the end of his life he returned to Prague, where he died in 1420. It seems that while in Poland he may somehow have been involved in the copying a treatise devoted to the polemic with the Christian concept of transubstantiation, commissioned in 1469 by the Jewish community from Sandomierz.<sup>37</sup> Subsequent Jewish writings attributed the decline of the Bohemian Talmudic school to the departure of Jacob Polak,<sup>38</sup> who settled down in Cracow in the 1480s. By marrying Esther Fishel, he married into the most powerful family in the local community. In 1494–5 he was the elder of the local kahal (*kehilla*). In 1505 King Alexander nominated him a ‘doctor of Jewish law’, the supreme rabbi of Cracow or – according to some researchers – of Lesser Poland or even perhaps the whole country.<sup>39</sup> Earlier, Moses Minz had stayed in Poland for a longer period of time. When he was in Poznań, he remained in contact with his learned colleagues in Germany<sup>40</sup> and with Israel Isserlein residing in Wiener Neustadt.

In the 15th century the Jews living in Poland turned for advice concerning religious matters, domestic law and administration of the colony to the leading authorities of the Ashkenaz Diaspora, which was well served by the practice of *responsa*.<sup>41</sup> The contents of *responsa* and the evolution of their later versions, meant for new generations of the followers of Judaism, as well as the manner of editing the texts of the answers indicate the broader sense of this form of advice. Their authors wanted all the Jews of the Diaspora to respect the same norms and to understand the Law in the same way, aiming at

<sup>37</sup> Hebrew edition in: *Kiryat-Sefer*, lvi (1981), 369–72.

<sup>38</sup> Majer Bałaban, *Historia Żydów w Krakowie i na Kazimierzu, 1304–1868*, 2 vols. (Cracow, 1931), i, 68–70 and *passim*; *idem*, ‘Jakob Polak, der Baal Chillukim im Krakau und seine Zeit’, *Monatsschrift für Geschichte und Wissenschaft des Judentums*, lvii (1913), 59–73, 197–210; Elchanan Reiner, “‘Asher kol gdolei ha-’arets hazot hem talmidav” Rabi Jakov Polak: rishon we-rosh le hochmei’, in *idem* (ed.), *Kroke – Kazimierz – Krakow. Mechkarim be-toldot Jehudei Krakow* (Tel Aviv, 2001), 43 ff.

<sup>39</sup> Maurycy Horn, ‘Jewish Jurisdiction’s Dependence on Royal Power in Poland and Lithuania up to 1548’, *Acta Poloniae Historica*, 76 (1997), 5–17.

<sup>40</sup> *Responsa*, nos. 109, 114; Polish translation in: Ringelblum and Mahler (eds.), *Teksty źródłowe*, 40–1.

<sup>41</sup> Arieh Grabois, *Les sources hébraïques médiévales*, i: *Chroniques, Lettres et “Responsa”* (Turnhout, 1987), 60–95.

preserving the unity of Judaism. For the same purpose they consulted other rabbis before they issued their opinions.

Israel Isserlein, his namesake Israel Bruna and Moses Minz<sup>42</sup> were among the outstanding scholars of the 15th century Diaspora who issued responsa to the questions sent from Poland. Isserlein was the most widely read, his most important work is the collection of thematically arranged responsa. The area from which he received questions comprised – apart from Austria and Germany – also Bohemia (Brno, Prague, Wrocław, Cheb, Budejovice, Świdnica), and Hungary (Sopron, Buda, Pozsony [Bratislava]). He also advised the community in Poznań, probably at the time when Minz resided there, he knew about Jewish colonies in Kalisz and Pyzdry and about the Jews living in Grodno. Given the absence of local centres of Talmudic thought, the practice of responsa and personal contacts with learned men must have played an important role in the search for the solutions of the problems which the Torah and the Talmud failed to answer. They were mainly the problems resulting from the diversified conditions of the life in the Diaspora and absence of competent teachers.

The only supranational institution to which Jewish communities from Central Europe turned were the synods of German Jews.<sup>43</sup> Contacts with the Diaspora centres were continuous, permanent and necessary. The bond was strengthened by migration, the widespread practice of marrying partners from different countries and trade links. The bonds between the communities enabled to check on anti-Jewish feelings in various countries and decide on the directions of migration, but it also strengthened the feeling of mistrust on the part of the Christians.

The first article of the decree published by the Masovian Duke Konrad III in 1469<sup>44</sup> for the Jews from Warsaw forbade them on the penalty of 10 marks to summon their fellow believers before foreign rabbis (*doctores extranei*), neither in the first instance nor in appeal. This decision indicates, in comparison with the Kingdom of Poland,

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<sup>42</sup> Shlomo Eidelberg, *Jewish Life in Austria in the 15th Century: As Reflected in the Legal Writings of Rabbi Israel Isserlein and Contemporaries* (Philadelphia, 1962); cf. Responsa of Israel Isserlein: nos. 73, 142, 144, 184, 223, 224; of Israel Bruna: nos. 264–265; of Moses Minz, nos. 109, 114.

<sup>43</sup> Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1924); Eric Zimmer, *Jewish Synods in Germany during the Late Middle Ages (1286–1603)* (New York, 1978).

<sup>44</sup> Ringelblum, *Żydzi w Warszawie*, 119.

a considerable restriction of autonomy of the Jewish population in Masovia, at that time an independent duchy. Another article stated that the issues concerned with Jewish law (*lex ipsorum*) should be resolved by the duke's officials. Only if they transpired to be incompetent and were unable to make a decision in the matter to be decided in terms of Jewish law were the Jews allowed to turn to their superior called a *scholasticus* and residing in Warsaw. It may be assumed that it was a rabbi who adjudicated on the strength of the duke's mandate. His decisions could not be appealed to Jewish doctors on the penalty of 20 florins. Another article of the decree stated that the Jews from Warsaw should not recognise lawsuits and anathema cast by foreign Jews or foreign 'doctors'. The decree, interesting in itself, is worth remembering because it testifies to the existence of consultation practices (probably with the rabbis from the communities in the Kingdom of Poland) and the interpretation of this practice as an infringement of the sovereignty of duke's authority over the Jews.

## II

Jewish traders appeared in southern Poland – probably not later than in the mid-10th century – because the network of slave trade routes encompassed the country, where conditions enabling organisation of this type of trade emerged. The trade's development resulted from a favourable configuration of demand (first and foremost in the countries of the Muslim Middle East) and supply. The trade could not have developed without the consent of local political authority. In fact, it was the representatives of local authorities – if not the duke himself – who provided slaves, in their majority prisoners of war.<sup>45</sup> No texts from that time describing the circumstances of establishing new Jewish colonies in Central Europe are available. The oldest source known to me is concerned with Prague and was written in the mid-16th century. A chronicler Václav Hájek from Libočany presented

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<sup>45</sup> Aleksander Gieysztor, 'Les juifs et leurs activités économiques en Europe Orientale', in *Gli ebrei nell'alto medioevo* (Settimane di studio del Centro italiano di studi sull'alto medioevo, 26, Spoleto, 1980). Recently about the same subject, Sławomir Gawlas, 'Komerccjalizacja jako mechanizm europeizacji peryferii na przykładzie Polski', in Roman Czaja *et al.*, *Ziemia polskie wobec Zachodu. Studia nad rozwojem średniowiecznej Europy* (Warsaw, 2006), 25–116.

in his work a description of the events dated to 1067 accompanying the establishment of a Jewish colony in the capital of Bohemia. The description, conforming to contemporary notions, goes as follows:

Many Jews came to Prague and they brought magnificent gifts. They gave some to Duke Vratislas and some to Bishop Jaromir, asking for permission to [settle down] in the Older, in other words Smaller Town of Prague and they vowed to behave honestly, loyally and lawfully, making no blasphemy, and that they would additionally deliver to the duke's chambers two hundred marks ... The duke and the bishop considered their honest request and permitted them to buy twelve houses in Újezd.<sup>46</sup>

Establishment of a new colony, preceded by reconnaissance, was a subject of negotiation. Early-medieval Jewish settlements in Central Europe were set up in the most important centres – in Prague and in Esztergom, the latter being the capital of the state ruled by a Hungarian dynasty of the Arpads, as well as in Cracow, a town only recently incorporated by Poland but with the memory of Czech rule still fresh.<sup>47</sup> Evaluation of the conditions in the location of the planned settlement was not only concerned with the potential for economic activity. The choice also depended on the attitude of the authorities and Christian inhabitants towards the Jews and later – on the presence of other followers of Judaism and their experiences.

The description given by a Bohemian chronicler Cosmas<sup>48</sup> of the events taking place during a pogrom inflicted by crusaders in 1096 in a Jewish colony in Prague proves that the destruction of the settlement partly resulted from the fact that the duke was abroad. He guaranteed safety of the Jews and after his return he also claimed the right to the property of those who had escaped to Hungary (where, according to the chronicler, the ruler agreed to let the crusaders march across the country on the condition that they would promise to refrain from the use of force towards the inhabitants), and to Poland, which was not on the way to the Holy Land.

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<sup>46</sup> Gottlieb Bondy and František Dworský (eds.), *Zur Geschichte der Juden in Böhmen, Mähren und Schlesien, von 906 bis 1620*, 2 vols., i: 906–1576 (Prague, 1906), no. 8, 4.

<sup>47</sup> Cf. my article: 'Aspekty porównawcze w badaniach nad historią Żydów w średniowiecznej Polsce', *Rocznik Mazowiecki*, xiii (2001), 177–92.

<sup>48</sup> *Cosmae Pragensis Chronica Bohemorum*, ed. Bertold Bertholz, in MGH, SS rer. Germ., n.s., ii (Berlin, 1923), 162.

The Jews looked different, practised a different religion, knew the world, knew languages, were familiar with money. All of this contributed to their dissimilarity. The Middle Ages were the era when everyone needed a protector. Jews needed protection more than everyone else, which they were guaranteed by duke's privileges. In the Middle Ages they were the only acts which defined the public status of the Jewish population living in Poland and therefore constituted the object of their constant endeavours. The Jews perceived the issuers of statutes as their protectors and guardians, and their names were extolled in Jewish legends and literature.<sup>49</sup>

A privilege granted in 1264 in Kalisz by the duke of Greater Poland Boleslav the Pious to the Jews living in his province remained in effect in royal towns without major changes until the 18th century.<sup>50</sup> The statute defined the question of jurisdiction over the Jewish population, principles of money lending and trade as well as the norms concerned with the relations between the Jews and the Christians. The document was by no means unique.<sup>51</sup> Between 1244 and 1268 similar acts were issued first by the duke of Austria, Frederick II the Quarrelsome, and then the rulers of Hungary and Bohemia: Bela IV and Premysl Ottokar II. The Austrian document was modelled after the privilege granted by the Emperor Frederick II in 1238 to the Jews from Vienna. The basis for the Polish document was the text of the Bohemian diploma in its version from 1262. Royal privileges by Central European monarchs were granted on the initiative of the Jews and were modelled on the acts issued to their compatriots in the countries where they had settled earlier.<sup>52</sup> It may be safely assumed that also the text of the Bohemian document issued by Premysl Ottokar II found its way

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<sup>49</sup> Chone Shmeruk, *The Esterke Story in Yiddish and Polish Literature: A Case Study in the Mutual Relations of Two Cultural Traditions* (Studies of the Center for Research on the History and Culture of Polish Jews, Sidrat mehḡarim shel ha-Merkaz le-ḥeḡer toldot Yehude Polin ye-tarbutam, Jerusalem, 1985).

<sup>50</sup> Recently: Hanna Zaremska, 'Statut Bolesława Pobożnego dla Żydów. Uwagi w sprawie genezy', *Roczniki Dziejów Społecznych i Gospodarczych*, lxiv (2004), 107–34.

<sup>51</sup> Zofia Kowalska, 'Die großpolnischen und schlesischen Judenschutzbriefe des 13. Jahrhunderts im Verhältnis zu den Privilegien Kaiser Friedrichs II (1238) und Herzog Friedrichs II von Österreich (1244). Filiation der Dokumente und inhaltliche Analyse', *Zeitschrift für Ostmitteleuropa-Forschung*, xlvii (1998), 1–20.

<sup>52</sup> Nóra Berend, *At the Gate of Christendom: Jews, Muslims and 'Pagans' in Medieval Hungary, c. 1000 – c. 1300* (Cambridge, 2001), 74–84.

to the chancellor of Boleslav the Pious thanks to his Jewish subjects. On the Jews' request in 1364 Casimir the Great granted a privilege which was a transumpt of the Statute of Kalisz. Duke Vytautas of Lithuania modelled his privilege granted to the Jews from Brest on the text of the statute issued by Casimir the Great, provided by the Jews, whose copy was in possession of the community of Lwów.<sup>53</sup>

The provisions of Boleslav's privilege were referred to during court trials involving the Jews.<sup>54</sup> During a conflict between the town council in Lwów and local Jews in 1484 concerning the freedom to trade in cloth, the latter defended their liberties claiming that any restrictions contradict the privileges granted by Polish rulers and the law of the kingdom.<sup>55</sup>

Christian-Jewish relations in medieval Poland were exclusively shaped by an almost absolute monopoly of royal authority over the Jews, despite the attempts made by the nobility to undermine it by demanding their participation in granting the privileges<sup>56</sup> and less effective efforts made by the Church dignitaries in order to acquire the right to intervene in the matters concerning the Jews. In the feudal world, where customs and estate privileges restricted royal authority, Jewish communities – left to their own devices and deprived of allies in their relations with the monarch – constituted an exception. Kings knew well how to exploit this situation, first and foremost to increase their revenue, and allowed the Jews to carry out their money-lending activity. The possibility of increasing direct taxes was limited and therefore this became a way of financial exploitation of the royal subjects. The significant role which the Jews played in financial matters of the rulers transformed them into a negative symbol of strong royal authority.

The safety of the Jewish population thus depended on the king's attitude, which is substantiated by both Jewish and Christian sources.

<sup>53</sup> *Privilegia evreiam Vitautasa Velikogo 1388 goda*, ed. Stanislovas Lazutka and Edvardas Gudavičius (Moscow and Jerusalem, 1993).

<sup>54</sup> Stanisław Kutrzeba, 'Stanowisko prawne Żydów w XV wieku', *Przewodnik Naukowy i Literacki*, xxix (1901), 1007–18, 1147–56.

<sup>55</sup> *Akta grodzkie i ziemskie z czasów Rzeczypospolitej Polskiej z Archiwum tzw. bernardyńskiego we Lwowie* (hereafter: AGZ), 25 vols. (Lwów, 1868–1935), vii, 89.

<sup>56</sup> Cf. my article: 'Przywileje Kazimierza Wielkiego dla Żydów i ich średnio-wieczne konfirmacje', in Marcin Wodziński and Anna Michałowska-Mycielska (eds.), *Małżeństwo z rozsądku: Żydzi w społeczeństwie dawnej Rzeczypospolitej* (Wrocław, 2007), 11–34.

The letter sent to the Jewish synod in Bingen by the elder of the community in Cracow, terrified by a visit in Poland of a papal legate and a preacher John of Capistrano, known from his participation in the trials of Silesian Jews, reads:

now that the priest struck those who are under the authority of the king and the Cracow Kingdom ... who so far lived under the king and began to think whether they should join the sons of the Diaspora. The inhabitants of the world did not think that a misfortune would come.<sup>57</sup>

Historiographic presentation of relations between the followers of both faiths is burdened with bloody revolts aimed at the Jews. We owe Długosz, the author well familiar with contemporary anti-Jewish literature,<sup>58</sup> the longest descriptions of such riots in the towns of medieval Poland. The texts should be treated with a pinch of salt, though it should not be forgotten that such unrest did take place – which is corroborated by court records – and that it was of enormous significance for Jewish-Polish relations. In the introduction to the text in the chapters of *Annals*, devoted to the events which took place in 1407 in Cracow, Długosz states enigmatically that the fault for shameless behaviour of dishonest Jews committing crimes and those who grow wealthy through ‘base usury’ lies with of the ‘people in power’. Careful reading of the source leaves no doubt as to whom the chronicler meant. Royal functionaries came to the rescue of the Jews attacked by the townspeople. The starost of Cracow, Klemens from Moskarzewo, with the great procurator of Cracow, Litwos, arrived in the place of the slaughter. Due to their intervention

the crowd who had gathered to loot or to watch was driven away [an appropriate word, as it shows that the event took place in a concrete part of the town – the Jewish quarter] and returned home. The streets were manned with sentries.<sup>59</sup>

The unrest began again when the bell tolled, which was interpreted as another call for looting. It may be assumed that such was the intention

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<sup>57</sup> Cf. footnote 42.

<sup>58</sup> Urszula Borkowska OSU, *Treści ideowe w dziełach Długosza* (Lublin, 1983), 185–94; Maria Koczarska, ‘Mentalność Jana Długosza w świetle jego twórczości’, *Studia Źródłoznawcze*, xv (1971), 109–40.

<sup>59</sup> Długosz, *Annals*, 366; cf. my article: ‘Jan Długosz o tumulcie’.

of the town authorities, that the town council supported the action against the Jews and that its stance differed from that of royal envoys.

Długosz writes also about anti-Jewish unrest in Cracow in 1464, mentioned also by subsequent sources in Lwów. In 1463 Pope Pius II declared a crusade and consequent indulgences. The news of the crusade was favourably received in Poland. Volunteers, ready to march to Hungary, formed first units in Red Rus'. Having looted the country, they besieged Lwów, threatening with storm and fire if the town did not hand over the Jews to them. The town councillors refused and the invaders left, having only received a ransom and food. The town council was forced to make this decision under the pressure from the nobles who had taken refuge in the town, escaping from the crusaders pillaging their manors and hoping that their wealth would be safer in Lwów. Having withdrawn from the siege, the crusaders moved to Cracow. Here the course of events was different. The crusaders were joined by the people of Cracow.

In the evening of the Tuesday, after Easter, which was 3rd of April, having plotted in conspiracy, they attacked the Jews and looted and destroyed their homes and synagogues. More than 30 Jewish men and women were killed. A number sought refuge in the adjacent house of the Castellan of Cracow, Jan from Tęczyn. In the next morning, when the revolt became greater, they, too, were threatened by the crusaders, who wished to kill them. With the greatest effort they were saved by armed men sent by Jan, the bishop of Cracow, the Great Treasurer of the Kingdom of Poland and the starost, Jakub from Dębno, the councillors and the townspeople of Cracow. They were then taken to the castle. The same thing would have happened to the Jews all over Poland, had they not sought refuge in castles and other places of safety. The city fathers of Cracow were reprimanded and fined 3000 florins for not having prevented the persecution of the Jews.<sup>60</sup>

In a characteristically laconic tone Długosz tells about the events which he probably witnessed and reported nearly live. In the days so detrimental for the Jewish-Christian relations, such as in 1407, soon after the Holy Week, when riots against the followers of Judaism usually broke out, in the atmosphere of a holy war an exceptional scene developed right in front of the eyes of the townspeople and the crusaders prepared to defend the faith. From the house located in the junction of Market Square and Wiślina Street the Jews were

<sup>60</sup> Długosz, *Annals*, 548.



escorted to the Wawel Hill. The house belonged to Jan Tęczyński, voivode of Cracow, who was empowered by the king to exercise jurisdiction over the Jews. The town was obviously a witness to a display of strength and helplessness at the same time. The king sent his armed men to escort the Jews besieged in an unsafe place – a house, located in the centre of the town, owned by one of his officials – through a rebellious town. The ruler kept his promise and protected the Jews.

During the riots the forces of the antagonistic groups were unequal. However, even if the events got out of control of the bodies enforcing law and order in the town, the confrontation was not only a ‘clash’ between the Jews and hostile throngs. Town and royal forces intervened in the events, not necessarily when they were already over, just like in Cracow in 1464. Eventually unrest was put down. Both communities – Jewish and Christian – must have had at their disposal techniques mitigating the existing tensions, exacerbated by the unrest. Historiography subscribes to the view that anti-Jewish unrest was an uncontrollable, though frequently instigated phenomenon. This is true, though much less frequently do we consider the principles governing the co-existence between the rioters and their victims after the unrest. Their mutual relations followed a certain legal pattern, while law and order were at stake. The safety of the Jewish population depended on the attitude of the monarch. When in 1423 the councillors of Cracow arrested Jews in the circumstances unknown to us, the voivode sued them because ‘nullum ius ad eos habentes’.<sup>61</sup>

The Jews attacked by the Christians were not passive. In Bochnia, following the unrest of 1445,<sup>62</sup> the aggrieved Abraham, another Abraham and Joseph ‘scientes Ius ipsorum’ filed a suit for damages before the voivode’s court. A similar procedure was undertaken when the perpetrator was a clergyman and the trial took place before a consistory. After the unrest in Kalisz in 1458, the local Jews sought justice in court.<sup>63</sup>

As far as the execution of justice is concerned we are helpless. We do not know whether the perpetrators were actually punished

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<sup>61</sup> *Starodawne Prawa Polskiego Pomniki* (hereafter: SPPP), 12 vols. (Warsaw and Cracow, 1856–1921), ii, ed. Antoni Z. Helcel (Cracow, 1870), no. 1935.

<sup>62</sup> *Ibidem*, no. 3230.

<sup>63</sup> Bolesław Ulanowski (ed.), *Acta capitulorum nec non iudiciorum ecclesiasticorum selecta*, 3 vols. (Cracow, 1894–1918), ii, nos. 1919, 1920.

and whether the victims received compensation. Even in the case of the unrest in Cracow in 1407, which is well documented in the town court records,<sup>64</sup> we do not know whether the culprits were punished. Certainly, the Jews recovered at least some of their stolen possessions.

At least until the first decades of the 16th century, i.e. till the time when jurisdiction over the Jews was the responsibility of royal judges, both sides firmly claimed that the law should be the proper instrument of restoring peace and maintaining order in the relations between both communities. This conclusion confirms the view of the high status of legal instruments among the medieval regulators of social life. It may be assumed that for the Jews – by definition a weaker side in the case of conflict, but valuable for the monarchs as taxpayers and for the Christians as money-lending neighbours – this was one and only chance of survival. On the other hand the Christians were held in check by the monarch.

According to the letter of the statute by Boleslav the Pious, jurisdiction over the Jews was the responsibility of the duke, the voivode and the so-called Jewish judge. Even though the document does not mention it directly, this effectively meant that the Jews were exempt from the jurisdiction of borough or castellany courts as well as town courts, which was emphasised in the text.

Boleslav's privilege, which did not substantially change the status of the Jewish population in Poland, was a result of a need to sort out the situation in towns, whose inhabitants were transferred under the German law after the foundation. The situation of Christian – first and foremost German – 'free visitors' and Jewish population, until then similar, was now altered. The former were to enjoy the privileges resulting from the place of residence – and not the ethnic or social background – guaranteed by the foundation privilege: hereditary – in principle – right of property of the lots, self-government, lower justice; the latter – similarly as previously the remaining part of the 'town' – preserved their rights and duties. With the privilege of Kalisz the ruler solidified his Jewish *regale*, as it turned out permanently, because until the turn of the 16th century.

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<sup>64</sup> Bożena Wyrozumska (ed.), *Życie w średniowiecznym Krakowie. Wypisy źródłowe z ksiąg miejskich krakowskich* (hereafter: Wyrozumska, *Wypisy*) (Cracow, 1995), 165–7, 169–79, 185–93, 202, 209.

Jewish colonies of the Diaspora were located within the concentrations of Christian population, where the supervision of morals and obedience to the law was performed by the bodies constituting a different and more complex system. In the areas where the Jews came into contact with the Christians and in the areas within the competence of Christian courts (e.g. murder or inflicting grave wounds) they were subject not only to their own courts but also to the state law and the principles which interpreted their reprehensible deeds as criminal offences and not sins. This does not mean that from the perspective of the Jewish community they ceased to be treated as such. The main character of Israel Bruna's responsa<sup>65</sup> – a Jew responsible for murder and thus tried by a Christian court – turned to the rabbinic judges in Lwów asking for appropriate punishment. The judges asked a famous scholar for advice and in his responsa he recommended a long list of onerous atonement.

Even in the earliest documented period of the history of Ashkenaz Diaspora, Jewish colonies had their own courts (the colony in Cracow from the beginning of the 11th century<sup>66</sup>), while respected spiritual Jewish leaders, Gershom and Rabbenu after him, issued decrees forbidding the Jews to sue fellow believers before Christian courts without the mutual agreement of the parties concluded before a competent body. As was mentioned above, Boleslav's privilege respected this provision. Rabbinic literature justifies it with religious arguments. A Jew should respect the law of Halakha and thus those who know it best were to decide how its provisions should be observed.<sup>67</sup> The Jews illegally turned to non-Jewish, lay courts for various reasons. Sometimes the proceedings in Jewish courts were too time-consuming and onerous, on other occasions the parties sought a definitive decision as rabbinic courts tended to arbitrate and seek compromise. A significant issue was the question of execution of judicial decisions, important for the functioning of the whole medieval system of justice. Lay courts also offered a good solution to those who counted on a favourable decision of sympathetic judges or their 'prepaid' docility.

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<sup>65</sup> Responsa of Israel Bruna, nos. 264–5.

<sup>66</sup> Agus, *Urban Civilization*, no. 21, pp. 93–7; cf. Gieysztor, 'Les Juifs et leurs activités'; Ta-Shma, 'On the History of the Jews', 287–8.

<sup>67</sup> Zimmer, *Harmony and Discord*, 85–9; Rosensweig, *Ashkenazic Jewry*, 81–3.

The 15th century *responsa* concerned with the communities in Germany note numerous arbitrary cases when a Jew sued a Jew before a Christian court. They were not only obvious cases, lawfully exempt from the jurisdiction of Jewish self-government bodies, but also others, like battery, failing to bail a relative out of prison or the issues connected with the right to settle in a Jewish quarter. Such practices became widespread in the Ashkenaz Diaspora, which the researchers perceive as a symptom of a decline in religious discipline following the pogroms of the mid-14th century and the devaluation of the rabbinate. In specific situations Jewish law allowed a community to turn to non-Jewish authority with a request for assistance, which was concerned with forcing a 'rebel' to respect local regulations or resolving controversies about their interpretation. In other cases an anathema (*cherem*) was to be used.<sup>68</sup>

A sense of responsibility for the uncertain fate of Jewish population living in towns and a need to minimise dangers caused by the fact of practising usury and fencing, widespread among the Jews,<sup>69</sup> were the sources of practice, as it seems unknown outside Poland, of searching for stolen or pledged goods or the goods sold to the Jews. One of the articles of the statute from 1453 stated:

If a pledged object is stolen from a Christian and pledged among the Jews, he should turn to the elder of the school [i.e. synagogue – *senior schole ipsorum*], i.e. a rabbi who, on the punishment of anathema, is to ask them [the Jews] about this object, while the servant of the school [i.e. synagogue – *servitor scholae*] is to do this with the consent of the Jewish elders. If a Jew denied the possession of the stolen pledged object before the elder of the school and a Jewish elder and then it was found in his possession, this Jew will lose all the money paid for it and will pay the voivode 3 marks.<sup>70</sup>

<sup>68</sup> Izaak Lewin, *Kłątwa żydowska na Litwie w XVII i XVIII wieku* (Lwów, 1932); Eidelberg, *Jewish Life in Austria*, 86–8; *Responsa*, no. 276.

<sup>69</sup> Cf. my article: 'Rzecz skradziona w żydowskim zastawie', in Wojciech Brojer (ed.), *Kościół, kultura, społeczeństwo. Studia z dziejów średniowiecza i czasów nowożytnych* (Warsaw, 2000), 337–50.

<sup>70</sup> Ludwik Gumpłowicz, *Prawodawstwo polskie względem Żydów* (Cracow, 1867), 161–76; Bolesław Ulanowski, 'Najdawniejszy układ systematyczny prawa polskiego z XV wieku', *Archiwum Komisji Prawniczej*, v (Cracow, 1897), 99–112. The statute is considered a 15th century forgery by some researchers. There are many arguments supporting the view that it is not a confirmation of a document actually drawn up in the chancellery of Casimir the Great, but it also obvious that the document contains the norms which intended to clarify rather than change the existing provisions.

A source from 1465 says that Casimir IV Jagiellon, having read a report presented by his secretary and a canon of Przemyśl, Jerzy Litwosz, established a bail of 4 thousand marks, which was to be paid by those who infringed the principles of an agreement between Miriam, Israel and their relatives, and Moses the doctor, Jacob, Jordan and Nathan, the elder of the Cracow community and all the Jews, who were to stop harassing Miriam and Israel as the ruler granted them his protection in the form of *salvus conductus* in a specially issued document. We may safely assume that the events mentioned in this enigmatic note resulted from a dispute, which culminated in taking the case by the couple – who were in conflict with the community and its authorities – to a Christian court. This caused a ‘war’ where a *cherem* must have been found useful.<sup>71</sup>

The awareness of the power of the anathema must have prompted the monarchs to grant privileges exempting their Jewish tax collectors and leaseholder of customs houses from the jurisdiction of community courts. In 1370 King Casimir the Great ordered the town council of Cracow to issue a letter guaranteeing Lewko – a royal financier and a co-leaseholder of the salt mine in Wieliczka – and his family protection and an equal status with the town’s citizens.<sup>72</sup> The document was confirmed in 1378 and 1382.

Abraham from Prague (d. 1533), a financier of Polish kings: Alexander Jagiellon and Sigismund I the Old, a creditor of the ruler of Bohemia and Hungary, Ladislas II Jagiellon, and the Emperor Maximilian I, was in 1512 nominated a general tax collector for Jewish communities in Greater Poland and Masovia and from 1514 he also collected poll tax, mainly in Lesser Poland. The duties caused a conflict between Abraham and Jewish communities in Lwów and Cracow. The authorities of the latter prohibited him to live in Kazimierz (a town within Cracow’s agglomeration). Suffering from financial problems and anathemised, Abraham turned to the king for help. Sigismund I the Old – after the request from Emperor Maximilian – in 1518 exempted him from the jurisdiction of kahals and rabbis, whom he forbade to anathemise him on penalty of a fine, dismissed the accusations, exempted him from the obligation to pay

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<sup>71</sup> SPPP, ii, no. 3805.

<sup>72</sup> Wyrozumka, *Wypisy*, 54, 82, 90.

taxes levied on the Jews and allowed him to settle down in any town in the country.<sup>73</sup>

From the beginning of the 16th century, Jewish anathema was used at the request of the monarch as a means facilitating collection of taxes. In a document issued on 29 September 1514 Sigismund I the Old informed the Jews from Greater and Lesser Poland that he had commissioned the above-mentioned Abraham from Bohemia to collect taxes from them, which they were supposed to pay on penalty of lay punishment and anathema cast *per doctorem* as mandated by the king (*mandato nostro*), i.e. another document issued on the same day by the monarch, which obliged rabbis to use the threat of anathema to force the resisting Jews (*omnes inobedientes*) to do their duty.

The proscription of Abraham from the Jewish quarter issued by the Cracow Jewish community points at another form of exclusion practised in Jewish colonies – banishment. Its use resulted from the right of the elders to accept new members of the community or rather the right to refuse permission to remain in the colony and thus to take advantage of the protection guaranteed by the ruler and advantages provided by the Christian authority and the community itself.

The Jewish community in Cracow used the right of expulsion in 1477 to banish Moses and Jacob, the sons of Ephraim Fischel,<sup>74</sup> who himself had arrived in the town in the 1460s. The brothers came into conflict with the elders, at whose request they were banished from the town by the councillors. They refused to accept the verdict and, unable to travel to Cracow, they appealed to the voivode. They won the case. Mikołaj Chamiec, performing the function of a 'Jewish judge' entrusted to a Christian, exonerated Moses (Jacob was already dead), stating that he was not guilty of the deeds for which he had been banished. The verdict did not end the conflict. Both parties continued to accuse, insult and libel each other. It is significant that banishing the brothers required assistance from Christian authority. The kahal needed a sanction more effective than their own decision.

As seen from this example, Christian authority respected, and sometimes, reinforced Jewish decision of banishment and anathema,

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<sup>73</sup> Jan Ptaśnik, 'Abraham Iudaeus Bohemus', in *idem, Obrazki z przeszłości Krakowa*, ser. 2, (Biblioteka Krakowska, 23, Cracow, 1903), 38–42; Horn, 'Jewish Jurisdiction's Dependence', 8–9.

<sup>74</sup> SPPP, ii, no. 4192.

which was facilitated by the fact that both forms of punishment – excommunication reinforced with *brachium saeculare* and banishment – were known and widely exercised by the Polish and German law courts in Poland in those times.

Authorities of medieval towns granted civic rights to those who wanted to settle there and do business, taking advantage of town privileges. Both Christian and Jewish practices were to prevent the influx of unwanted newcomers and possible economic competition as well as threat from the people unburdened with the cost resulting from permanent residence in the town (taxes). Apart from those who did not have *ius civile*, there were those who only had *ius municipale*. The Jewish equivalent of the latter was a group of residents who did not pay taxes.

What Jewish anathema and Christian excommunication had primarily in common was the fact that both lead to the exclusion from the religious community, depriving of the advantages resulting from communal life. They are also similar in their significance and consequences. They exemplify analogous solutions used in Christian and Jewish practice of social and religious life. Reflection on the similarity should take into account common roots of Christianity and Judaism, parallelism of the processes forming the town system in medieval Europe as well as formation of organisational framework of the first Jewish communities in the Ashkenaz Diaspora.

Arriving in a new country, the Jews must have realised that the decision to change the place of residence would turn out to be right if their relations with the monarch and the town which they had selected were favourable, if the granted privileges were observed and if their own organisation was strong, efficient and capable of joint defence.<sup>75</sup> Only tight-knit communities were able to negotiate with the Christian society as partners. Local authorities were also interested in appropriate functioning of Jewish colonies if they wanted, which is beyond any doubt, to ensure constant income from Jewish taxes for the royal and town's treasury.

The Kahal was the supreme body of a Jewish community. The elders controlled the financial policy; they supervised transactions

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<sup>75</sup> Cf. my article: 'Uwagi o organizacji gmin żydowskich w średniowiecznej Polsce', in: Halina Manikowska, Agnieszka Bartoszewicz and Wojciech Fałkowski (eds.), *Aetas media – aetas moderna. Studia ofiarowane profesorowi Henrykowi Samsonowiczowi w siedemdziesiątą rocznicę urodzin* (Warsaw, 2000), 147–64.

executed by the inhabitants of the colony, mitigated internal conflicts, maintained contact with other communities, looked after widows and orphans. Together with the rabbis they made decisions concerning the religious needs of the community members. The council was also one of the courts. The Jewish elders represented the community in external relations and negotiated with the Christians. The names of the elders from the Cracow kahal are present in the act of 1469, which after long negotiations decided about relocating the colony in the town. They signed an agreement in 1485, which forced the Jews to resign from the right to pursue trade and craftsmanship in Cracow. Apart from these well-known examples of activity of the local kahal, other strategic moves strengthening or stabilising the community's position deserve attention. Because they controlled finances, the elders controlled the policy of lending and borrowing money in the name of the community.<sup>76</sup> They were also involved in the activities aiming at creating and preserving the self-contained Jewish quarter.<sup>77</sup> They bought property from the Christians for the community's money and made sure that it was re-sold solely to the Jews. This was at least partly a reaction to the strategy used by the town's authorities aimed at preventing the Jews from taking over Christian houses. In Cracow, similarly as in Prague, it also resulted from the need to prevent conflict, caused by the fact of close proximity of Jewish quarters to universities.

For the inhabitants of Jewish colonies the Christians were obviously first and foremost partners of their economic activity – money lending and trade. Usury was the object of a great theological debate of the medieval Christianity.<sup>78</sup> Acceptable or not, usury was basically illegal and a Christian lending money for interest committed a sin, whose

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<sup>76</sup> Wyrozumska, *Wypisy*, 708.

<sup>77</sup> Cf. my article: 'Jewish Street (*Platea Judeorum*) in Cracow: the 14th – the first half of the 15th c.', *Acta Poloniae Historica*, 83 (2001), 5–26.

<sup>78</sup> Gabriel Le Bras, 'Usure (La doctrine ecclésiastique de l'usure à l'époque classique [XII<sup>e</sup>-XV<sup>e</sup> siècle])', in *Dictionnaire de Théologie Catholique*, xv, 2 (Paris, 1950), col. 2336–74; John W. Baldwin, 'The Medieval Theories of the Just Price: Romanists, Canonists and Theologians in the Twelfth and Thirteenth Centuries', *Transactions of the American Philosophical Society*, s.n. 49 (1959), part 4; Krzysztof Olendzki, 'Moralność i kredyt. Kontrakt kupna-sprzedazy w traktatach uczonych środkowo-europejskich z przełomu XIV i XV', *Roczniki Dziejów Społecznych i Gospodarczych*, lvii (1996–7), 26–69.



absolution required restitution.<sup>79</sup> Judaism treated usury differently, depending on the religious denomination of the person borrowing money.<sup>80</sup> In accordance with the interpretation of a fragment from Deuteronomy [*Devarim*]<sup>81</sup> which is devoted to purely commercial transactions, only charging a pagan an interest was not a sin, while demanding usurious rates from a convert was considered reprehensible. The wisdom literature of the Bible considered that usury demanded from fellow-believers as a sin equal to the shedding of blood.

Research into the character and extent of Jewish money-lending activity is not advanced and its results do not offer a coherent picture. It shows the area of contact with various groups of Christian society. Henryk Samsonowicz's research focusing on the years 1430–50 and taking into account only more serious transactions concluded in towns, based on town books from Cracow, Sieradz, Ciężkowice, Radziejowice, Kowal, Warsaw and Poznań, shows that Jewish credit was taken by townspeople (78.3 per cent of all borrowers), then nobility and peasants (24 and 23.9 per cent respectively), while the third position was occupied by clergy (15.9 per cent).<sup>82</sup> Results of other research, carried out by Adam Rutkowski, based on another type of sources, i.e. district court records, and focused on Warsaw show that the first position is occupied by the gentry.<sup>83</sup> The situation was similar in Cracow at the end of the 14th century, where money was lent by a small group of Jewish usurers, who did business almost solely with the owners of land properties located north of the Vistula.

The role of Christians as the recipients of the products of Jewish craftsmen seems insignificant. The production was limited and was

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<sup>79</sup> Frederic C. Lane and Reinhold C. Mueller, *Money and Banking in Medieval and Renaissance Venice*, i: *Coins and Moneys of Account* (Baltimore and London, 1985), 75–8.

<sup>80</sup> Gourévitch, *Jehuda ben Chemouel Le Hassid*, 354–474.

<sup>81</sup> Deuteronomy 23: 20–21: 'Do not deduct advance interest from your brother, whether it is interest for money, interest for food, or interest for anything else for which interest is normally taken. Although you may take such interest from a gentile, you may not do so from your brother. [If you keep this rule,] God will bless you in all your endeavors on the land to which you are coming to occupy' (Rabbi Aryeh Kaplan's translation and commentary at Ort. org).

<sup>82</sup> Maria Bogucka and Henryk Samsonowicz, *Dzieje miast i mieszczaństwa w Polsce przedrozbiorowej* (Wrocław, 1986), 192–3.

<sup>83</sup> Adam Rutkowski, 'Kredyt żydowski na rynku lokalnym Warszawy w pierwszej połowie XV wieku', *Przegląd Historyczny*, lxx, 2 (1979), 267–84.

aimed primarily at the inhabitants of Jewish colonies. Not much is known about it. It is only certain that it did exist but could not develop on equal basis with Christian craftsmen organised along corporation lines. Certain areas were permitted on the strength of religious liberties guaranteed by privileges, such as butchery, bakery, wig-making, tailoring and furriery. Similarly as Jewish merchants dealing with illegal retail trade prohibited in some towns, Jewish craftsmen tried – dodging corporation legislation – to ply their trade in the areas exempt from town jurisdiction.<sup>84</sup>

The internal autonomy of Jewish communities, resulting from the specific legal status of their members, as well as the position of Jews in the economy and social structures of the town constituted important elements of its ‘separate’ character, which does not contradict the fact that economic functions performed by the Jews integrated them with town culture, market economy, property sales and credit. Skills, many centuries of tradition, knowledge of languages, contact with colonies of fellow-believers scattered all over the country and the continent, as well as financial resources made them people of the town. Yet, they did not participate in the Catholic, town culture of medieval Poland. The religion was an obstacle as it excluded them from organised forms of social life available only for Catholics.

Jewish immigrants, constantly arriving in Poland, decided to settle down for economic reasons and because they were convinced that they would be able to live in safety as Jews. This required meeting a series of conditions, primarily concerned with religious freedom. It should be remembered that the phenomenon of conversion from Judaism to Christianity had a very limited character in the medieval Ashkenaz Diaspora, including Poland.

The rights to have synagogues and cemeteries as well as to their protection were guaranteed by the privilege granted by Boleslav the Pious. Royal documents and agreements with Christian butchers ensured supply of kosher meat,<sup>85</sup> which required infringement of guild monopoly. Courts accepted a Jewish manner of taking an oath<sup>86</sup> and

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<sup>84</sup> AGZ, vi, no. 62.

<sup>85</sup> Cf. footnote 4.

<sup>86</sup> Cf. my article: ‘*Iuramentum Iudaeorum*. Żydowska przysięga w średniowiecznej Polsce’, in *E scientia et amicitia. Studia poświęcone Profesorowi Edwardowi Potkowskiemu* (Warsaw and Pułtusk, 1999), 229–44.

Jewish bodies of justice were assisted in executing punishment of religious character. However, they were liberties granted by monarchs and in a sense imposed on towns.

The existence of 'Jewish backstreets' (*vicus Iudaeorum*), a quarter situated around the synagogue, was of essential significance for the religious life of Jews in a medieval town. The view that at that time there were ghettos was abandoned long ago, though in my opinion too hastily. It is true that the Jews lived in the same streets (usually called *plateae Iudaeorum*) with the Christians (just like Gregorian Armenians and Catholic Armenians), but the fact did not cause greater enthusiasm. The Church proposed separation, while towns' authorities tended to settle the Jews away from the centre and restrict their right to buy and sell property. The Jews themselves, e.g. in Cracow, wanted to live in their separate quarter, not only to provide a minority with a safe environment to practise their religion, but they also wanted to live among their own people, united by a language, calendar, way of life and eating habits. Thus, both sides promoted separation.

In the Middle Ages and modern times Jewish streets were the place of anti-Jewish riots. Sources provide more information about hostility than friendship or sympathy. But, however scarce the latter are, they are sometimes encountered, though they do not form a coherent picture and should not be treated as a proof of normal coexistence. The cases of voluntary conversion of Jews to Christianity prove the proximity of contact (just like forcible conversions, however rare in Poland, were the aggravating factor). Especially important are the cases of conversion motivated by the will to marry a Catholic partner, even if it resulted from the need to improve one's own status.

The sources mentioning the Jews as guarantors of transactions concluded between the Christians or witnesses testifying for the benefit of a Christian party are not at all clear. This may indicate secret mediation in money-lending activities between Christians. The everyday character of contacts between the Jews and Christians is illustrated by the transactions in which the Jews lending money to Christian craftsmen accept a repayment of part of the debt in the form the shoemaking or tailoring services. Use of services of Christian craftsmen or servants must have been a part of ordinary life, which is substantiated by the sources.

Another area where the Jews and Christians came into contact were medical services, when the Jews treated the Christians and the

Christians treated the Jews. This is not the case of royal doctors, just like the famous doctor of the last Jagiellons, Izaczko from Spain, but of 'ordinary' Jews asked for assistance by their Christian neighbours, like the above-mentioned Israel, who had come to Warsaw from Oleśnica (Oels) in Silesia, and whom his fellow-believers promised to deliver, dead or alive, to the starost, Michał from Rakowiec if the need be.<sup>87</sup> The sources from Warsaw mention Sława, the wife of a famous financier Alexander, who promised to cure a Christian woman and agreed to accept payment only if the treatment was successful.<sup>88</sup> In 1527 a Jew, Felix from Sochaczew, treated the curate of St John's Collegiate, which ended in conflict. The clergyman paid the Jew, who frightened him with terrible consequences of the illness, for the medicine, which he did not take, 'having appealed to God's assistance' and therefore wanted the money back.<sup>89</sup>

The Jews were also treated by Christian doctors. A Jew, Salomon from Kazimierz, promised Andrzej, a surgeon, 7 florins, which was to be paid on the completion of the treatment.<sup>90</sup> A Jew, Jacob from Cracow, paid Jan, a doctor, two marks for the improvement of the eyesight of his wife and promised to give him a squirrel skin worth 3 *groshes* after receiving the medicine. If the treatment was not successful, both the cost of the treatment and the skin were to be returned to Jacob.<sup>91</sup>

It was in the Middle Ages that the grounds for the coexistence between the Christian population of contemporary Poland and the Jews were formed. The Jews adapted to the economic potential of the country. Forbidden to pursue certain economic activities, they became active in the areas which were available and thus the 'division of labour' between the Christians and the Jews emerged. Sometimes it meant that they performed the functions weakly represented among the Christians, which was the main motivation for bringing them over and granting them royal protection. In the case of usury it was confronted with moral apprehension. Usury obviously marginalised the Jews in social and moral spheres. However, the specific character

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<sup>87</sup> Cf. above, p. 129 and footnote 8.

<sup>88</sup> Ringelblum and Mahler (eds.), *Teksty źródłowe*, 103.

<sup>89</sup> *Ibidem*.

<sup>90</sup> Wyrozumska, *Wypisy*, 1159.

<sup>91</sup> SPPP, ii, no. 1860.

of Jewish participation in economic life resulted, first and foremost, from the fact that they were not invited to join the town legal system and remained beyond the structure of Christian corporate organisation of a town society – merchants' and craftsmen's guilds. This, as well as direct dependence on royal authority and protection, caused tensions which sometimes exploded in the acts of mass hatred directed at the Jewish population. The instances of everyday contact, friendship and co-operation between the followers of both religions mentioned in the sources should not obscure the inherent uncertainty of their coexistence.

*transl. Bartłomiej Madejski*