Dubnow Simon

# History of the Jews in Russia and Poland. Volume 1 of 3. From the Beginning...

**Simon Dubnow**

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*http://www.litres.ru/pages/biblio_book/?art=23146099*
*History of the Jews in Russia and Poland, Volume 1 [of 3] / From the Beginning until the Death of Alexander I (1825):*
*ISBN http://www.gutenberg.org/ebooks/41547*

# Содержание

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## TRANSLATOR'S PREFACE

It is not my intention to expatiate in these prefatory remarks on the present work and its author. A history of the Jews in Russia and Poland from the pen of S. M. Dubnow needs neither justification nor recommendation. The want of a work of this kind has long been keenly felt by those interested in Jewish life or Jewish letters, never more keenly than to-day when the flare of the world conflagration has thrown into ghastly relief the tragic plight of the largest Jewry of the Diaspora. As for the author, his power of grasping and presenting the broad aspects of general Jewish history and his lifelong, painstaking labors in the particular field of Russian-Jewish history fit him in singular measure to cope with the task to which this work is dedicated.

In what follows I merely wish to render account of the

English translation and of the form of the original which it has endeavored to reproduce.

The translation is based upon a work in Russian which was especially prepared by Mr. Dubnow for The Jewish Publication Society of America. Those acquainted with modern Jewish literature in the Russian language know that the author of our book has treated the same subject in his general history of the Jewish people, in three volumes, and in a number of special studies published by him in the periodical *Yevreyskaya Starina* ("Jewish Antiquity"). Upon this material Mr. Dubnow has freely drawn for the present work, after subjecting it to a careful revision, and so supplementing and co-ordinating it that to all intents and purposes the book issued herewith is a new and independent publication. Moreover, the history of Russian Jewry after 1881, comprising the gruesome era of pogroms and expulsions, has been written by Mr. Dubnow entirely anew, and will appear for the first time as part of this work. The present publication may thus properly claim to give the first comprehensive and systematic account of the history of Russo-Polish Jewry.

The work is divided into two volumes. The first volume, now offered to the public, contains the history of the Jews of Russia and Poland from its beginnings until the death of Alexander I., in 1825. The second volume will continue the historic narrative up to the very threshold of the present. The book was originally scheduled to appear at a later date. The great events of our time,

which have made the question of Russian Jewry a part of the world problem, suggested the importance of earlier publication. In order that there might be as little delay as possible in giving the book to the public, the maps and the bibliographical apparatus were reserved for the second volume. The same volume, which, it is hoped, will appear in the course of this year, will contain also the index to the whole work.

My task as translator has been considerably facilitated by the self-abnegation of the author, who gave me permission to act as editor and to adapt the original to the requirements of an English version. I have made frequent use of the privilege accorded to me, and have endeavored throughout to bridge the wide gap which stretches between the Russian and American reading public in matters of literary taste. This editorial activity includes a number of changes in the framework of the book, which was originally divided into sections of disproportionate length, and has now been arranged in a more uniform manner. In the course of this rearrangement, it became necessary to change the wording of some of the headings so as to bring them into greater conformity with English literary usage. It should be pointed out, however, that the changes made are of a stylistic nature, or relate only to the skeleton of the book. With the exception of a few passages, they leave the contents untouched, and the responsibility for the latter rests entirely with the author.

As translator I had resolved to keep myself in the background and act solely as the interpreter of the author. Much to my regret I

found myself unable to maintain this attitude uniformly. The text was already in type when it was borne in upon me that the subject of the book, dealing as it does with the lands of Eastern Europe, was a *terra incognita* to the average American reader, and that many things in it must perforce be wholly or partly unintelligible to him if left without an explanation. There was nothing for me to do but to step into the breach and supply the deficiency. I did so by adding a number of footnotes, which, in distinction from those of the author, are placed in brackets. With very few exceptions these notes are not of a supplementary, but of an explanatory, nature. They are confined to such information as the reader may need to grasp the full bearing of the text. I trust that in some small measure these detached notes may serve instead of a systematic account of the general development of Eastern Europe, which, it was originally hoped, might be supplied by the authoritative pen of Mr. Dubnow himself, as a background for the history of Russo-Polish Jewry. An attempt in this direction, within a narrow compass and with no pretense to completeness, has been undertaken by the present writer in a recent publication of his own.[1]

[1] "The Jews of Russia and Poland. A Bird's-Bye View of Their History and Culture" (G. P. Putnam's Sons, 1915). To avoid any misconception on the part of the reader, I desire to point out that the aim and scope of my little volume are totally different from those of Mr. Dubnow's work. As indicated in the title of my sketch, and as stated in the preface to it, my purpose was none other than to present a "bird's-eye view" of the subject, to point out the large bearings of the problem, with no intention on my part "to offer new and independent results of investigation." The publication is based on a course of lectures delivered by me before the Dropsie

A word must be said concerning the spelling of foreign names and terms, which are naturally numerous in a work like the present. After considerable deliberation I decided on the phonetic method, as being the most convenient from the point of view of the reader. I have consequently endeavored to reproduce, as far as possible, the original sounds of all foreign words in English characters. In conformity with this principle, I have adopted the spelling *Tzar*, instead of *Czar*. As far as I am aware, the only exception is the Russian word *ukase*, which reflects in its spelling the effect of French transmission, and is to be pronounced *ookaz*, with the accent on the last syllable. Needless to say I have had to resort to artificial contrivances to indicate those sounds which are unknown in English, but I have reduced these contrivances to a minimum. They are as follows: *zh* represents the Slavic sound which corresponds to French *j*; *kh* stands for the sound which is to be pronounced like hard German *ch* (as in *lachen*, not as in *brechen*); *tz* is the equivalent of a Slavic letter which is to be pronounced like German *z*. To avoid mispronunciation, *g* in all foreign words has been spelled *gh* before *e* and *i*. *U* in these words is to be pronounced like *oo*, and *a* like French and short German *a*. With every desire for uniformity, I have yet little doubt that inconsistencies will be

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College for Hebrew and Cognate Learning in Philadelphia in March, 1915. My natural reluctance to anticipate Mr. Dubnow's large work was overcome by the encouragement of several friends, among them Mr. Dubnow himself, who, from their knowledge of public affairs, thought that a succinct, popular presentation of the destinies of the Jews in the Eastern war area was a word in due season.

found, particularly in the transliteration of Hebrew, which, as a Semitic idiom, is more difficult of phonetic reproduction than are even the Slavic languages. I hope that these inconsistencies are not numerous enough to be offensive.

The method of transliteration referred to in the foregoing presents a special difficulty in the case of Polish names, in view of the fact that the Polish language uses the general European alphabet, and that the Polish spelling of such names has found access to other languages. In some instances even the question of identity may arise. Thus, to quote but one example out of many, the name *Chmielnicki*, written in this form in Polish, differs considerably from the phonetic spelling *Khmelnitzk*i, adopted in this volume. To meet this difficulty, the index to this work will give all Polish names and expressions both in their transliterated English forms and in their original Polish spelling.

In conclusion, it is my pleasant duty to record my appreciation of the help rendered me in my task. I am indebted to the Honorable Mayer Sulzberger for his great kindness in reading the proofs of this volume and in giving me the benefit of his subtle literary judgment. Professor Alexander Marx has assisted me by reading the proofs and making a number of suggestions. My thanks are finally due to Miss Henrietta Szold for her indefatigable and most valuable co-operation.

*I. F.*

New York, May 19, 1916.

# CHAPTER I
# THE JEWISH DIASPORA IN EASTERN EUROPE

## 1. The Jewish Settlements on the Shores of the Black Sea

From the point of view of antiquity the Jewish Diaspora in the east of Europe is the equal of that in the west, though vastly its inferior in geographic expansion and spiritual development. It is even possible that the settlement of Jews in the east of Europe antedates their settlement in the west. For Eastern Europe, beginning with Alexander the Great, received its immigrants from the ancient lands of Hellenized Asia, while the immigration into Western Europe proceeded in the main from the Roman Empire, the heir to the Hellenic dominion of the East.

Among the ancient Jewish settlements in Eastern Europe the colonies situated on the northern shores of the Black Sea, now forming a part of the Russian Empire, occupy a prominent place.

Far back in antiquity the Greeks of Asia Minor and the Ionian Islands gravitated towards the northern shores of the Pontus Euxinus, the fertile lands of Tauris – the present Crimea.[2]

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[2] [Later on the author differentiates between Tauris and the Crimea, using the former term to designate the northern coast of the Black Sea in general, with the Crimea as a part of it. The modern Russian Government of Tavrida is similarly made up of two sections: the larger northern part consists of the mainland, the smaller southern part

Beginning with the sixth century B.C.E., they established their colonies in those parts, whence they exported corn to their homeland, Greece. When, after the conquests of Alexander the Great, Judea became a part of the Hellenistic Orient, and sent forth the "great Diaspora" into all the dominions of the Seleucids and Ptolemies, one of the branches of this Diaspora must have reached as far as distant Tauris. Following in the wake of the Greeks, the Jews wandered thither from Asia Minor, that conglomerate of countries and cities – Cilicia, Galatia, Miletus, Ephesus, Sardis, Tarsus – which harbored, at the beginning of the Christian era, important Jewish communities, the earliest nurseries of Christianity. In the first century of the Christian era, which marks the consolidation of the Roman power over the Hellenized East, we meet in the Greek colonies of Tauris with fully organized Jewish communities, which undoubtedly represent offshoots of a much older colonization.

During the same period there flourished in the Crimea and on the adjacent shores of the Black and Azov Seas, called by the Greeks Pontus and Maeotis, in the lands of the Scythians, Sarmatians, and Taurians, a number of diminutive Greek city-republics – Cimmerian Bosporus, or Panticapaeum (at present Kerch), Phanagoria (the Taman Peninsula), Olbia, Gorgippia (now Anapa), and others. The most active of these colonies was

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is identical with the Crimean Peninsula, connected with the mainland by the Isthmus of Perekop. In antiquity the name Tauri, or Taurians, was restricted to the inhabitants of the mountainous south coast of the Crimea.]

Bosporus-Panticapaeum, which was situated at the confluence of the Black and Azov Seas. The kings, or archonts, of Bosporus, of the Greek dynasty of the Rhescuporides, acknowledged the sovereignty of Rome. They styled themselves, in accordance with the customary formula, "friends of the Caesars and the Romans," and frequently added to their title the Roman dynastic appellation "Tiberius-Julius." The Jewish historian Josephus Flavius, in depicting the irresistible sway of the Roman world-power in his time, refers to this colony in the following terms: "Why need I speak of the Heniochi and Colchians and the nation of the Tauri, and those who inhabit the Bosporus and the nations about Pontus and Maeotis … who are now subject to three thousand armed men, and where forty long ships keep in peace the sea which before was unnavigable, and is very tempestuous?" (Bell. Jud. II. xvi. 4.) These words were written shortly after the downfall of Judea, about the year 80 of the Christian era.

Now from practically the same year (80-81) date the Greek inscriptions which were discovered on the soil of ancient Bosporus in Tauris, testifying to the existence there of a well-organized Jewish community, with a house of prayer. The following is the text of one of these inscriptions, engraved on a marble tablet which is kept in the Hermitage of Petrograd:

> In the reign of King Tiberius Julius Rhescuporides, the pious friend of the Caesars and the Romans, in the year 377,[3] on the twelfth day of the month of Peritios,

[3] The date is that of the "Bosporan era," and corresponds to the year 80-81 of the

> I, Chresta, formerly the wife of Drusus, declare in the house of prayer (προσευχή) that my foster-son Heracles is free once [for all], in accordance with my vow, so that he may not be captured or annoyed by my heirs, and may move about wherever he chooses, without let or hindrance, except for [the obligation of visiting] the house of prayer for worship and constant attendance. [Done] with the approval of my heirs Iphicleides and Heliconias, and with the participation of the Synagogue of the Jews in the guardianship (συνεπιτροπευούσης δὲ καὶ τῆς συναγωγῆς τῶν Ἰουδαίων).

This inscription, paralleled by a similar document of the same period, was evidently meant to certify the act of liberating a slave, which, according to custom, was performed publicly, in the "house of prayer," with the participation of the representatives of the Jewish community.[4]

The contents of the inscriptions enable us to draw the following conclusions bearing on the history of the Jews during that period:

> 1. The Jewish community in Taurian Bosporus was made up of Hellenized Jews, who employed the Greek language in their religious and civil documents, and called themselves by Greek names (Chresta, Drusus, Heracles, Artemisia, etc.).
> 2. While assimilated to the Greeks in point of language,

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common era.

[4] In the Greek documents of that period Synagogue signifies, not a house of worship, but a religious community.

they were firmly united among themselves by the bond of religion, as is shown by the obligation, imposed even on the freedman, the *libertinus*, to visit the house of prayer for worship. 3. The Jewish community enjoyed a certain amount of civil autonomy, as shown in the case cited above, in which the community appears in the rôle of a juridical person, acting as the guardian of the liberated slaves.

It is to be assumed that similar communities of Hellenized Jews were found in the other Greek colonies of Tauris, their population being constantly swelled by the influx of immigrants from Asia Minor, Syria, and Egypt, particularly from Judeo-Hellenistic Alexandria. Since these communities of the first Christian century appear to have been well-organized and to have possessed their own institutions, we are safe in assuming that they were preceded by a more primitive phase of communal Jewish life, in the shape of petty settlements and trading stations, which must have arisen in earlier centuries.

From the first centuries of the Christian era date a number of tombstones bearing representations of the holy candlestick, the Menorah. The religious influence of Judaism in Tauris and in the Azov region is attested by various other indications. The inscriptions contain several references to "those who fear God the Most High" (σεβόμενοι θεὸν ὕψιστον), a phrase applied in the Greco-Roman world to pagans who stand half-way between polytheism on the one hand and Judaism or primitive Christianity on the other.

The Judeo-Hellenistic Diaspora in Tauris, on the northern shores of the Black Sea, was, like its parent stock in Asia Minor, the center of a Christian propaganda. Towards the end of the third century we find in Chersonesus, near Sevastopol, Christian bishops wielding considerable power. The exercise of this power was evidently responsible for the pagan rebellion of which we read in the lives of the Christian martyrs Basil and Capiton. On the sixth of December of the year 300 the pagan inhabitants rose in revolt against these two bishops and their fellow-missionaries, and were joined by the Jews, whom, it would seem, the zealots of the new faith had endeavored equally to drag into the bosom of the Church.

The existence of a Jewish settlement in the Bosporan kingdom was also known to St. Jerome, the famous Church father, who lived at the end of the fourth century in far-off Palestine. On the authority of his Jewish teacher he applied verse 20 in Obadiah, "and the captivity of Jerusalem which is in Sepharad," to the Taurian Bosporus, the remotest corner of the Jewish Diaspora.[5]

With the division of the Roman Empire into two halves the Greco-Judean colonies on the Black Sea were naturally drawn into the sphere of influence of the eastern part, the Empire of Byzantium, the capital of which, Constantinople, was situated on the opposite coast of the Black Sea. Commercial relations brought the Taurian colony into ever closer contact

[5] [It is possible that the identification was suggested by the similarity in sound between Bosporus and *bi-Spharad*, the Hebrew for "in Sepharad."]

with the metropolis of Byzantium, and the Jews vied with the Greeks in the promotion of trade. The persecutions of the militant Church of Byzantium under the Emperors Theodosius II., Zeno, and Justinian, during the fifth and sixth centuries, drove the Jews from the ancient provinces of the Empire into the Taurian colonies. In the eighth century the Jewish population of these colonies was so numerous that the Byzantine chronicler Theophanes places the Jews in the forefront of the various groups of the population. "In Phanagoria and the neighboring region," says Theophanes, "the Jews who live there are surrounded by many other tribes."

These colonies were frequently visited by Christian missionaries, who endeavored to convert the native population to their faith, and incidentally also to win over the Jews. The Patriarchs of Constantinople were then hopeful of drawing the people of the Old Testament into the fold of the New. The Patriarch Photius, of the ninth century, writes thus to the Bishop of Bosporus (Kerch): "Wert thou also to capture the Judeans there, securing their obedience unto Christ, I should welcome with my whole soul the fruits of such beautiful hopes." The "Judeans," however, not only did not take the bait of the missionaries, but even managed to spoil their propaganda among the pagans. The most illustrious of all Byzantine missionaries, Cyril and Methodius, had frequent occasion to quarrel with "the Judeans, who blaspheme the Christian faith," and the boastful ecclesiastic legend asserts that the holy brothers "by prayer and

eloquence defeated the Judeans [in disputes] and put them to shame" (about 860).

The struggle between the Christian missionaries and the Jews during that period had for its object the Khazar nation, part of whom had embraced Judaism.

2. The Kingdom of the Khazars

While Byzantium was pressing on the Euxine colonies from the west, endeavoring to draw them, together with the adjoining lands of the Slavs, into the sphere of Christian civilization, a new power from the east, from the Caucasus and the Caspian region, came rushing along in the same direction. We refer to the Khazars, or Kazars.[6] Forming originally a conglomerate of Finno-Turkish tribes, the warlike Khazars appeared in the Caucasus during the "migration of nations," and began to make inroads into the Persian Empire of the Sassanids, often acting as the tools of Persia's rival, Byzantium. The great Arabic conquests of the seventh century and the rise of the powerful Eastern Caliphate checked the movement of the Khazars towards the East, and turned it westward, to the shores of the Caspian Sea, the mouths of the Volga and the Don, the Byzantine colonies on the Black and Azov Seas, and, in particular, the flourishing region of Tauris. At the mouth of the Volga, where the mighty

[6] [The Arabic and other medieval authors write the name with a *kh* (= hard German *ch*), hence the frequent spelling Chazars. In Hebrew sources the word is written with a *k* (כ), except in a recently discovered document (see Schechter, Jew. Quart. Review, new series, iii. 184), where it is spelled with a *k* (ק). Besides *Khazar* and *Kazar*, the name is also found in the form *Kozar*, or *Kuzar*.]

river joins the Caspian Sea, near the present city of Astrakhan, arose the kingdom of the Khazars with its capital Ityl, the name originally designating the river Volga. From there the bellicose Khazars made constant raids upon the Slavonian tribes far and near, to the very gates of Kiev, forcing them to become their tributaries.

Another Khazar center was established in the Crimea, among Byzantine Greeks and Jews. From the Crimea the Khazars pressed forward in the direction of Byzantium and the Balkan Peninsula, constituting a serious menace to the Roman Empire of the East. As a rule, the Byzantine emperors concluded alliances with the kings, or khagans, of the Khazars, checking their unbridled energy by means of concessions and the payment of tribute. In Constantinople the illusion was fostered that the Church, and with it Byzantine diplomacy, were in the end bound to triumph over all the Khazars – by converting them to Christianity. With this purpose in view, missionaries were dispatched from Byzantium, while the local bishops of Tauris were working zealously to the same end. But the task proved extremely difficult, for the Greek Church found itself face to face with a powerful rival in Judaism, which succeeded in establishing its hold on a part of the Khazar nation.

While yet in their pagan state, the Khazars were exposed at one and the same time to the influences of three religions: Mohammedanism, which pursued its triumphant march from the Arabic Caliphate; Christianity, which was spreading in

Byzantium, and Judaism, which, headed by the Exilarchs and Gaons of Babylonia, was centered in the Caliphate, while its ramifications spread all over the Empire of Byzantium and its colonies on the Black Sea. The Arabs and the Byzantines succeeded in converting several groups of the Khazar population to Islam and Christianity, but the lion's share fell to Judaism, for it managed to get hold of the royal dynasty and the ruling classes.

The conversion of the Khazars to Judaism, which took place about 740, is described circumstantially in the traditions preserved among the Jews and in the accounts of the medieval Arabic travelers:

> The King, or Khagan, of the Khazars, by the name of Bulan, had resolved to abandon paganism, but was undecided as to the religion he should adopt instead. Messengers sent by the Caliph persuaded him to accept Islam, envoys from Byzantium endeavored to win him over to Christianity, and representatives of Judaism championed their own faith. As a result, Bulan arranged a disputation between the advocates of the three religions, to be held in his presence, but he failed to carry away any definite conviction from their arguments and mutual refutations. Thereupon the King invited first the Christian and then the Mohammedan, and questioned them separately. On asking the former which religion he thought was the better of the two, Judaism or Mohammedanism, he received the reply: Judaism, since it is the older of the two, and the basis of all religions.[7]

[7] According to another version of the same story, quoted by the Arabic geographer

> On asking the Mohammedan, which religion he preferred, Judaism or Christianity, he received the same reply in favor of Judaism, with the same motivation. "If that be the case," Bulan argued in consequence, "if both the Mohammedan and the Christian acknowledge the superiority of Judaism to the religion of their antagonist, I too prefer to adopt the Jewish religion." Bulan accordingly embraced Judaism, and many of the Khazar nobles followed his example.

According to the Jewish sources, one of Bulan's descendants, the Khagan Obadiah, was a particularly zealous adherent of Judaism. He invited – possibly from Babylonia – many Jewish sages to his country, to instruct the converted Khazars in Bible and Talmud, and he founded synagogues, and established Divine services.

In the ninth and tenth centuries, the kingdom of the Khazars, governed by rulers professing the Jewish faith, attained to outward power and inner prosperity. The accounts of the Arabic writers of that period throw an interesting light on the inner life of the Khazars, which was marked by religious tolerance. The king of the Khazars and the governing classes professed the Jewish religion. Among the lower classes the three monotheistic religions were all represented, and in addition a considerable

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al-Bekri (d. 1094), the Bishop who was championing the cause of Christianity said in reply to the King's inquiry: "I believe that Jesus Christ, the son of Mary, is the Word, and that he revealed the mysteries of the great and exalted God." A Jew who lived at the royal court and was present at the disputation interrupted him with the remark: "He [the Bishop] believes in things which are unintelligible to me."

number of pagans still survived. In spite of the fact that royalty and nobility professed Judaism, the principle of religious equality was never violated. The khagan had under him seven (according to another version, nine) judges: two for the followers of the Jewish religion, two each for the Christians and Mohammedans, and one for the pagans – the Slavs, the Russians, and other races. Only occasionally did the Khazar king show signs of intolerance, particularly when rumors concerning Jewish persecutions in other countries came to his ears. Thus, on one occasion, about 921, on being informed that the Mohammedans had destroyed a synagogue somewhere in the land of Babunj, the Khagan gave orders to destroy the tower (minaret) of a certain mosque and to kill the muezzins (the heralds who call to prayer), explaining his attitude in these words: "I should have destroyed the mosque itself, had I not feared that not a single synagogue would be left standing in the lands of the Mohammedans."

In the kingdom of the Khazars, favorably situated as it was between the Caliphate of Bagdad and the Byzantine Empire, the Jews evidently played an important economic rôle. During the ninth and tenth centuries the territory of the Khazars was traversed by one of the great trade routes which connected the three parts of the Old World. According to the testimony of Ibn Khordadbeh, an Arabic geographer of the ninth century, Jewish merchants, who were able to speak the principal Asiatic and European languages, "traveled from West to East and from East to West, on sea and by land." The land route led from Persia and

the Caucasus "through the country of the Slavs, near the capital of the Khazars" (the mouth of the Volga), by crossing the Sea of Jorjan (the Caspian Sea). Another Arabic writer, named Ibn Fakih,[8] who wrote shortly after 900, testifies that on the route of the "Slav merchants," who were trading between the Sea of the Khazars (the Caspian Sea) and that of Rum (the Byzantine or Black Sea), was found the Jewish city of Samkers, on the Taman Peninsula, near the Crimea.[9]

During this period of prosperity the kingdom of the Khazars received a considerable Jewish influx from Byzantium, where the Jews were persecuted by Emperor Basil the Macedonian (867-886), being forcibly converted to Christianity, while hundreds of Jewish communities were devastated. The Jewish emigrants from Byzantium were naturally attracted towards a land in which Judaism was the religion of the Government and the Court, though equal toleration was accorded to all other religions. The well-known Arabic writer Masudi refers to this Jewish immigration in the following passage:

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[8] [The author, evidently relying on the authority of Harkavy, writes *Ibn Sharzi*. The writer referred to by Harkavy is Ali Ibn Ja`far ash-Shaizari (wrongly called Ibn Sharzi), who made an extract from Ibn Fakih's "Book of Countries" about 1022. This extract has since been published by de Goeje in his *Bibliotheca Geographicorum Arabicorum*, vol. v. Our reference is found there on p. 271. I have put Ibn Fakih's name in the text, as there is no reason to doubt that our passage was found in the original work, which was written more than a hundred years earlier.]

[9] [See on the name of this city de Goeje's remarks in his edition of Ibn Fakih, p. 271, note *a*.]

> The population of the Khazar capital consists of Moslems, Christians, Jews, and pagans. The king, his court, and all members of the Khazar tribe profess the Jewish religion, which has been the dominant faith of the country since the time of the Caliph Harun ar-Rashid. Many Jews who settled among the Khazars came from all the cities of the Moslems and the lands of Rum (Byzantium), the reason being that the king of Rum persecuted the Jews of his empire in order to force them to adopt Christianity… In this way a large number of Jews left the land of Rum in order to depart to the Khazars.

This testimony dates from the year 954. Contemporaneous with it is the extremely interesting correspondence between Joseph, the Khagan of the Khazars, and Hasdai Ibn Shaprut, the Jewish statesman of the Cordova Caliphate in Spain. Being a high official at the court of Abderrahman III., Hasdai maintained diplomatic relations with the emperors of Byzantium and other rulers of Asia and Europe, and in this way came to learn of the Khazar kingdom, through the Persian and Byzantine ambassadors. The news of the existence of a land somewhere beyond the seas where a Jew sat on the throne, and Judaism was the religion of the state, filled Hasdai with joy. Firmly convinced that he had found the clue to the lost Jewish kingdom of which popular Jewish tradition had so much to tell, the Jewish statesman at the Moslem court felt the burning need of getting in touch with the rulers of Khazaria, and, in case the rumors should prove correct, of transferring his abode thither and devoting his powers

of statesmanship to his fellow-Jews. Prolonged inquiries elicited the information that the land of the Khazars lay fifteen days by sea from Constantinople, that it stood in commercial relations with Byzantium, that the name of its present ruler was Joseph, and that the safest means of communicating with him was by way of Hungary, Bulgaria, and Russia. After several vain attempts to get in touch with the ruler of the Khazars Hasdai finally succeeded in having an elaborate Hebrew epistle delivered into the hands of King Joseph (about 955).

In his epistle Hasdai first gives an account of himself and his position at the court of Cordova, and then proceeds to beg the King of the Khazars to inform him in detail of the rise and present status of "the Jewish kingdom," being anxious to find out "whether there is anywhere a soil and a kingdom where scattered Israel is not subject and subordinate to others."

> Were I to know – Hasdai continues – that this is true, I should renounce my place of honor, abandon my lofty rank, forsake my family, and wander over mountains and hills, by sea and on land, until I reached the dwelling-place of my lord and sovereign, there to behold his greatness and splendor, the seats of his subjects, the position of his servants, and the tranquillity of the remnant of Israel… Having been cast down from our former glory, and now living in exile, we are powerless to answer those who constantly say unto us: "Every nation hath its own kingdom, while you have no trace [of a kingdom] on earth." But when we received the news about our lord and sovereign, about

> the power of his kingdom and the multitude of his hosts, we were filled with astonishment. We lifted our heads, our spirit revived, and our hands were strengthened, the kingdom of my lord serving us as an answer. Would that this rumor might increase in strength [*i. e.* be verified], for thereby will our greatness be enhanced!

After long and painful waiting Hasdai received the King's reply. In it the ruler of the Khazars gives an account of the heterogeneous composition of his people and the various religions professed by it. He describes how King Bulan and his princes embraced the Jewish faith after testing the various rival creeds, and how zealously it was upheld by the Kings Obadiah, Hezekiah, Manasseh, Hanukkah, Isaac, Zebulun, Moses (or Manasseh II.), Nissi, Aaron, Menahem, Benjamin, Aaron (II.), the last being the father of the writer, King Joseph. The King continues:

> I reside [*i. e.* my residence is situated] at the mouth of the river Ityl [Volga]; at the end of the river is found the Sea of Jorjan [the Caspian Sea]. The beginning of the river is towards the east, at a distance of a four months' journey. Along the banks of the river there are many nations living in towns and villages, in open as well as fortified places. These are their names: Burtas, Bulgar, Suvar, Arisu, Tzarmis, Venentit, Sever, Slaviun.[10] Each of these nations is very numerous, and all of them are tributary to me. From there the boundary turns towards Buarezm [probably Khwarism],

[10] A group of Slav nations.

up to Jorjan, and all the inhabitants of the sea-shore, for a distance of one month's journey, are tributary to me. To the south are found Semender, Bak-Tadlud, up to the gates of Bab al-Abwab, which are situated on the coast.[11] … To the west there are Sarkel, Samkrtz, Kertz, Sugdai, Alus, Lambat, Bartnit, Alubika, Kut, Mankup, Budak, Alma, and Gruzin.[12] All these localities are situated on the shores of the Sea of Kostantinia[13] towards the west… They are all tributary to me. Their dwellings and camping-places are scattered over a distance of a four months' journey.

Know and take notice that I live at the mouth of the river [Volga], and with the help of the Almighty I guard the entrance to this river, and prevent the Russians, who arrive in vessels, from passing into the Caspian Sea for the purpose of making their way to the Ishmaelites [Mohammedans]. In the same manner I keep the enemies on land from approaching the gates of Bab al-Abwab. Because of this I am at war with them, and were I to let them pass but once, they would destroy the whole land of the Ishmaelites as far as Bagdad… Our eyes are [turned] to God and to the wise men of Israel who preside over the academies of Jerusalem and Babylon. We are far away from Zion, but it has come to our ears that, on account of our sins, the calculations [concerning the coming of the Messiah] have become confused, so that we know nothing. May it

[11] A group of Caucasian cities (Semender = Tarku, near Shamir-Khan-Shur; Bab al-Abwab = Derbent).

[12] A group of Crimean cities (Kerch, Sudak, Mangup, and others).

[13] [*I. e.* Sea of Constantinople, another name for the Black Sea.]

please the Lord to act for the sake of His great Name. May the destruction of His temple, and the cutting off of the holy service, and the misfortunes that have befallen us, not appear small in His sight. May the words of the prophet be fulfilled: "And the Lord, whom ye seek, shall suddenly come to His temple" (Mal. iii. 1). We have nothing in our possession [concerning the coming of the Messiah] except the prophecy of Daniel. May the God of Israel hasten our redemption and gather together all our exiled and scattered [brethren] in my lifetime, in thy lifetime, and in the lifetime of the whole house of Israel, who love His name.

The concluding phrases cast a shadow of doubt on the authenticity of this epistle or, more correctly, of some parts of both epistles, which more probably reflect the mournful Messianic temper of the sixteenth century, when this correspondence was brought to light by Spanish exiles who had made their way to Constantinople, than the state of mind of a Spanish dignitary or a Khazar king of the tenth century. However, the essential data contained in Joseph's epistle are so completely in accord with the reports of contemporaneous Arabic writers that the substance of this correspondence may be safely declared to be authentic.[14]

Joseph's epistle must have arrived in Spain about 960. Only

[14] This supposition is confirmed by a recently discovered Genizah fragment containing a portion of another Khazar epistle, which supplements and modifies the epistle of King Joseph. See Schechter, "An Unknown Khazar Document," Jewish Quarterly Review, new series, iii. 181 ff.

a few years later events occurred which made this King the last ruler of the Khazars. The apprehensions, voiced in his letter, concerning the Russians, with whom the King was at war, and who were ready to "destroy the whole land of the Ishmaelites as far as Bagdad," were speedily realized. A few years later the Slavonian tribes, who had in the meantime been united under the leadership of Russian princes, not only threw off the yoke of the Khazars, whose vassals they were, but also succeeded in invading and finally destroying their center at the mouth of the Volga. Prince Svyatoslav of Kiev devastated the Khazar territories on the Ityl, and, penetrating to the heart of the country, dislodged the Khazars from the Caspian region (966-969). The Khazars withdrew to their possessions on the Black Sea, and established themselves in particular on the Crimean Peninsula, which for a long time retained the name of Khazaria.

The greatly reduced Khazar kingdom in Tauris, the survival of a mighty empire, was able to hold its own for nearly half a century, until in the eleventh century it fell a prey to the Russians and Byzantines (1016). The relatives of the last khagan fled, according to tradition, to their coreligionists in Spain. The Khazar nation was scattered, and was subsequently lost among the other nations. The remnants of the Khazars in the Crimea who professed Judaism were in all likelihood merged with the native Jews, consisting partly of Rabbanites and partly of Karaites.

In this way the ancient Jewish settlements on the Crimean

Peninsula suddenly received a large increase. At the same time the influx of Jewish immigrants, who, together with the Greeks, moved from Byzantium towards the northern shores of the Black Sea, continued as theretofore, the greater part of these immigrants consisting of Karaites, who were found in large numbers in the Byzantine Empire. Even the subsequent dominion of the Pechenegs and Polovtzis, who ruled over the Tauris region after the downfall of the Khazars, failed to uproot the ancient traditions, and as late as the twelfth century the name Khazaria meets us in contemporary documents. About the year 1175 the traveler Pethahiah of Ratisbon visited "the land of the Kedars and that of the Khazars, which are separated from each other by a sea tongue," meaning the continental part of Tauris, where the nomadic Polovtzis (Kedars) were roaming about, and the Crimean Peninsula, between which two regions lie the Gulf of Perekop and the isthmus of the same name. In the land of the Kedars Pethahiah did not find genuine Jews, but *minim*, heretics or sectarians, who "do not believe in the traditions of the sages, eat their Sabbath meal in the dark, are ignorant of the Talmudic forms of the benedictions and prayers, and have not even heard of the Talmud." It is evident that the author is describing the Karaites.

3. The Jews in the Early Russian Principalities and in the Tataric Khanate of the Crimea[15]

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[15] [During the early centuries of its existence Russia was made up of a number of independent principalities, over which the Principality of Kiev, "the mother of Russian

With the growth of the Russian Principality of Kiev, which received its ecclesiastic organization from the hands of Byzantine monks, it gradually became another objective of Jewish immigration. The Jews came thither not only from Khazaria, or the Crimea, but also, following in the wake of the Greeks, from the Empire of Byzantium, developing the commercial life of the principality and connecting that primitive region with the centers of human civilization. The popular legend, which is reproduced in the ancient Russian chronicles, and is no doubt tinged with the spirit of Byzantine clericalism, makes the Jews participate in the competition of religions for the conquest of pagan Russia, in that famous spectacle of the "test of creeds" which took place in 986 in the presence of Vladimir, Prince of Kiev.

> The church legend narrates that when Vladimir had announced his intention to abandon idolatry, he received a visit from Khazarian Jews, who said to him: "We have heard that the Christians have come to preach their faith, but they believe in one who was crucified by us, while we believe in the one God, the God of Abraham, Isaac, and Jacob." Vladimir asked the Jews: "What does your law prescribe?" To this they replied: "To be circumcised, not to eat pork or

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cities," exercised, or rather claimed, the right of overlordship. From 1238 to 1462 the Russian lands were subject to the dominion of the Tatars. During the fourteenth century, while yet under Tatar rule, the Principality of Moscow gained the ascendancy over the other Russian states. The absorption of the latter and the creation of the autocratic Tzardom of Muscovy was the work of Ivan III. (1462-1505), his son Basil (1505-1533), and his grandson Ivan IV. the Terrible (1533-1584).]

game, and to keep the Sabbath." "Where is your country?" inquired the Prince. "In Jerusalem," replied the Jews. "But do you live there?" he asked. "We do not," answered the Jews, "for the Lord was wroth with our forefathers, and scattered us all over the earth for our sins, while our land was given away to the Christians." Thereupon Vladimir exclaimed: "How then dare you teach others when you yourselves are rejected by God and scattered? If God loved you, you would not be dispersed in strange lands. Do you intend to inflict the same misfortune on me?"

This popular tradition is historically true only insofar as it reflects the ecclesiastic and political struggle of the time. It was in Taurian Chersonesus, the ancient scene of Jewish and Byzantine rivalry, that the threads were woven which subsequently tied pagan Russia to Byzantium. The attempts of the Taurian, or Khazarian, Jews to assert their claims in the religious competition at Kiev were bound to prove a failure. For community of political and economic interests was forcing Byzantium and the Principality of Kiev into an alliance, which was finally consummated at the end of the tenth century by the conversion of Russia to Greek Orthodox Christianity. The alliance resulted in the downfall of their common enemy, the Khazars, who, for several centuries, had been struggling with the Byzantines on the shores of the Black Sea, and at the same time had held in subjection the tribes of the Slavs. In consequence of the defeat of the Khazars, a part of the Jewish-Khazarian center in Tauris was transferred to the Principality of Kiev.

The coincidence of the settlement of Jews in Kiev with the conversion of Russia to the Greek Orthodox faith foreshadows the course of history. The very earliest phase of Russian cultural life is stamped by the Byzantine spirit of intolerance in relation to the Jews. The Abbot of the famous Pechera monastery, Theodosius (1057-1074), taught the Kiovians to live at peace with friends and foes, "but with their own foes, not with those of God." God's foes, however, are Jews and heretics, "who hold a crooked religion." In the Life of Theodosius written by the celebrated Russian chronicler Nestor we are told that this austere monk was in the habit of getting up in the night and secretly going to the Jews to argue with them about Christ. He would scold them, branding them as wicked and godless, and would purposely irritate them, in the hope of being killed "for the profession of Christ" and thus attaining to martyrdom, though it would seem that the Jews consistently refused to grant him this pleasure. Hatred against Jews and Judaism was equally preached by Theodosius' contemporaries Illarion and John, Metropolitans of Kiev (about 1050 and 1080).

This propaganda of religious intolerance did not remain without effect. In the beginning of the twelfth century the Jewish colony of Kiev experienced the first pogrom. Under Grand Duke Svyatopolk II. (1093-1113) the Jews of Kiev had enjoyed complete liberty of trade and commerce. The Prince had protected his Jewish subjects, and had intrusted some of them with the collection of the customs and other ducal imposts. But

during the interregnum following the death of Svyatopolk (1113) they had to pay dearly for the liberty enjoyed by them. The Kiovians had offered the throne of the principality to Vladimir Monomakh, but he was slow about entering the capital. As a result, riots broke out. The Kiev mob revolted, and, after looting the residences of several high officials, threw itself upon the Jews and plundered their property. The well-intentioned among the inhabitants of Kiev dispatched a second delegation to Monomakh, warning him that, if he tarried longer, the riots would assume formidable dimensions. Thereupon Monomakh arrived and restored order in the capital.

Nevertheless the Jews continued to reside in Kiev. In 1124 they suffered severely from a fire which destroyed a considerable portion of the city. In the chronicles of that period (1146-1151) mention is frequently made of the "Jewish gate" in Kiev. Jewish merchants were attracted towards this city, a growing commercial center serving as the connecting link between Western Europe on the one hand and the Black Sea provinces and the Asiatic continent on the other. Reference to Kiev is made by the Jewish travelers of the time, Benjamin of Tudela and Pethahiah of Ratisbon (1160-1190). The former speaks of "the kingdom of Russia, stretching from the gates of Prague to the gates of Kiev, a large city on the border of the kingdom." The latter, Pethahiah, informs us that, on leaving his home in Ratisbon, he proceeded to Prague, the capital of Bohemia; from Prague he went to Poland, and from there "to Kiev, which is in

Russia," whereupon he traveled for six days, until he reached the Dnieper, and, having crossed it, finally arrived on the coast of the Black Sea and in the Crimea.

After the Crusades, when considerable settlements of Jewish immigrants from Germany began to spring up in Poland, part of these immigrants found their way into the Principality of Kiev. The German rabbis of the twelfth century occasionally refer in their writings to the journeys of German Jews traveling with their merchandise to "Russ" and "Sclavonia" (= Slavonia, Slav countries). The Jews of Russia, who lacked rabbinical authorities of their own, addressed their inquiries to the Jewish scholars of Germany, or sent their studious young men to the West to obtain a Talmudic education. Hebrew sources of the twelfth century make mention of the names of Rabbi Isaac of Chernigov and Rabbi Moses of Kiev. The latter is quoted as having addressed an inquiry to the well-known Gaon of Bagdad, Samuel ben Ali.

The conquest of the Crimea by the Tatar khans in the thirteenth century and the gradual extension of their sovereignty to the Principalities of Kiev and Moscow brought the old center of Judaism in the Tauris region in close contact with its offshoots in various parts of Russia. Kiev enters into regular commercial intercourse with Kaffa (Theodosia) on the Crimean sea-shore. Kaffa becomes during that period an international emporium, owing to the Genoese, who had obtained from the Tatar khans concessions for Kaffa and the surrounding country, and had founded there a commercial colony of the Genoese Republic.

The Crimean Peninsula was joined to the world commerce of Italy, and merchantmen were constantly ploughing the seas between Genoa and Kaffa, passing through the Byzantine Dardanelles. Italians, Greeks, Jews, and Armenians flocked to Kaffa and the adjacent localities on the southern coast of the Crimea. The Government of the Genoese Republic time and again instructed its consuls who were charged with the administration of the Crimean colony to observe the principles of religious toleration in their attitude towards this heterogeneous population. If the testimony of the traveler Schiltberger, who visited the Crimea between 1394 and 1427, may be relied upon, there were in Kaffa Jews "of two kinds," evidently Rabbanites and Karaites, who had two synagogues and four thousand houses, an imposing population to judge by its numbers.

The great crisis in the history of Byzantium – the capture of Constantinople by the Turks – affected also the Genoese colony in the Crimea. The Turks began to hamper the Genoese in their navigation through the straits. In 1455 the Genoese Government ceded its Kaffa possessions to the Bank of St. George in Genoa. The new administration set out to restore order in the colony and establish normal relations between the various races inhabiting it; but the days of this cultural oasis on the Black Sea were numbered. In 1475 Kaffa was taken by the Turks, and the whole peninsula fell under Turco-Tataric dominion.

Important Jewish communities were to be found during that period also in the older Tataric possessions of the Crimea. Two

Jewish communities, one consisting of Rabbanites and the other of Karaites, flourished, during the thirteenth century, in the ancient capital of the Tatar khans, named Solkhat (now Eski-Krym). Beginning with 1428, the old Karaite community of Chufut-Kale ("the Rock of the Jews"), situated near the new Tatar capital, Bakhchi-Sarai, grows in numbers and influence. The memory of this community is perpetuated by a huge number of tombstones, ranging from the thirteenth to the eighteenth century. Crimea, now peopled with Jews, sends forth settlers to Lithuania, where, at the end of the fourteenth century, Grand Duke Vitovt[16] takes them under his protection. Crimean colonies spring up in the Lithuanian towns of Troki and Lutzk, which, as will be seen later, are granted extensive privileges by the ruler of the land.

The establishment of Turkish sovereignty over the Crimea (1475-1783) resulted in a closer commercial relationship between the Jewish center on the Peninsula and the Principality of Moscow, which at that time fenced herself off from the outside world by a Chinese wall, and, with few exceptions, barred from her dominions all foreigners and infidels, or "Basurmans."[17] In the second half of the fifteenth century the Grand Duke of Muscovy, Ivan III., was constrained to seek the help of

[16] [Also written Witowt. Another form of the name is Witold.]

[17] [*Basurman*, or *Busurman*, mutilated from *Mussulman*, is an archaic and contemptuous designation for Mohammedans and in general for all who do not profess the Greek Orthodox faith.]

several Crimean Jews in his diplomatic negotiations with the Khan of the Crimea, Mengli-Guiray. One of the agents of the Muscovite Prince was an influential Jew of Kaffa, by the name of Khoza Kokos, who was instrumental in bringing about a military alliance between the Grand Duke and the Khan (1472-1475). It is curious to note that Kokos wrote his letters to Ivan III. in Hebrew, so that the Muscovite ruler, who evidently could find no one in Moscow familiar with that language, had to request his agent to correspond with him in Russian or "in the Basurman language" (Tataric or perhaps Italian). Another agent of Ivan III., Zechariah Guizolfi, was an Italian Jew, who had previously occupied an important post in the Genoese colony in the Crimea, and was the owner of the Taman Peninsula ("the Prince of Taman"). He stood in close relations to Khan Mengli-Guiray, and in this capacity carried on a diplomatic correspondence with the Prince of Muscovy (1484-1500). Later on Zechariah was on the point of taking up his abode in Moscow in order to participate more directly in the foreign affairs of Russia, but circumstances interfered with the execution of the plan.

During the same period there arose in Moscow, as the result of a secret propaganda of Judaism, a religious movement known under the name of the "Judaizing heresy." According to the Russian chroniclers, the originator of this heresy was the learned Jew Skharia (Zechariah), who had emigrated with a number of coreligionists from Kiev to the ancient Russian city of Novgorod. Profiting by the religious unrest rife at that

time in Novgorod – a new sect, called the Strigolniki,[18] had arisen in the city, which abrogated the Church rites, and went to the point of denying the divinity of Christ – Zechariah got in touch with several representatives of the Orthodox clergy, and succeeded in converting them to Judaism. The leaders of the Novgorod apostates, the priests Denis and Alexius, went to Moscow in 1480, and converted a number of the Greek Orthodox there, some of the new converts even submitting to the rite of circumcision. The "Judaizing heresy" was soon intrenched among the nobility of Moscow and in the court circles. Among its sympathizers was the daughter-in-law of the Grand Duke, Helena.

The Archbishop of Novgorod, Hennadius, called attention to the dangerous propagation of the "Judaizing heresy," and made valiant efforts to uproot it in his diocese. In Moscow the fight against the new doctrine proved extremely difficult. But here too it was finally checked, owing to the vigorous endeavors of Hennadius and other Orthodox zealots. By the decision of the Church Council of 1504, supported by the orders of Ivan III., the principal apostates were burned at the stake, while the others were cast into prison or exiled to monasteries. As a result, the "Judaizing heresy" ceased to exist.[19]

Another tragic occurrence in the same period affords a lurid illustration of Muscovite superstition. At the court of Grand

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[18] [The name is derived from their founder, Carp Strigolnik.]

[19] [For later "Judaizing" tendencies in Russia, see pp. 251 *et seq.* and 401 *et seq.*]

Duke Ivan III. the post of physician was occupied by a learned Jew, Master Leon, who had been invited from Venice. In the beginning of 1490 the eldest son of the Grand Duke fell dangerously ill. Master Leon tried to cure his patient by means of hot cupping-glasses and various medicaments. Questioned by the Grand Duke whether his son had any chances of recovery, the physician, in an unguarded moment, replied: "I shall not fail to cure your son; otherwise you may put me to death!" On March 15, 1490, the patient died. When the forty days of mourning were over, Ivan III. gave orders to cut off the head of the Jewish physician for his failure to effect a cure. The execution was carried out publicly, on one of the squares of Moscow.

In the eyes of the Muscovites both the learned theologian Skharia and the physician Leon were adepts of the "black art," or magicians. The "Judaizing heresy" instilled in them a superstitious fear of the Jews, of whom they only knew by hearsay. As long as such ideas and manners prevailed, the Jews could scarcely expect to be hospitably received in the land of the Muscovites. No wonder then that for a long time the Jews appear there, not in the capacity of permanent residents, but as itinerant merchants, who in a few cases – and with extreme reluctance at that – are accorded the right of temporary sojourn in "holy Russia."

# CHAPTER II
# THE JEWISH COLONIES IN POLAND AND LITHUANIA

1. The Immigration from Western Europe during the Period of the Crusades

While the Jewish colonies on the shores of the Black Sea and on the territory of modern South Russia were due to immigration from the lands of the Greco-Byzantine and Mohammedan East, the Jewish settlements in Poland were founded by new-comers from Western Europe, from the lands of German culture and "the Latin faith."[20] This division was a natural product of the historic development that made Slavonian Russia gravitate towards the East, and Slavonian Poland turn towards the West. Even prior to her joining the ecclesiastic organization of the West, Poland had attained to prominence as a commercial colony of Germany. The Slav lands on the banks of the Varta and Vistula, being nearest to Western Europe, were bound to attract the Jews, at a very early period, in their capacity as international traders.

[20] It need scarcely be pointed out that, in speaking of the Jewish immigration into Poland, we have in mind the *predominating* element, which came from the West. It is quite possible that there was an admixture of settlers from the Khazar kingdom, from the Crimea, and from the Orient in general, who were afterwards merged with the western element.

There is reason to believe that, as far back as the ninth century, Jews living in the German provinces of Charlemagne's Empire carried on commerce with the neighboring Slav countries, and visited Poland with their merchandise. These ephemeral visits frequently led to their permanent settlement in those strange lands.

Information concerning the Jews of pre-Christian Poland has come down to us in the shape of hazy legends. One of these legends narrates that, after the death of Prince Popiel, about the middle of the ninth century, the Poles assembled in Krushvitza, their ancient capital, to choose a successor to the dead sovereign. After prolonged disputes concerning the person to be elected, it was finally agreed that the first man found entering the town the following morning should be chosen as the ruler. It so happened that on the following morning the first to enter the town was the Jew Abraham Prokhovnik.[21] He was seized and proclaimed prince, but he declined the honor, urging that it be accorded to a wise Pole by the name of Piast, who thus became the progenitor of the Piast dynasty.

Another legend has it that at the end of the ninth century a Jewish delegation from Germany waited upon the Polish Prince Leshek, to plead for the admission of Jews into Poland. Leshek subjected the delegates to a protracted cross-examination concerning the principles of the Jewish religion and Jewish

[21] The word signifies "the powder merchant" – five hundred years before the invention of powder!

morality, and finally complied with their request. Thereupon large numbers of German Jews began to arrive in Poland, and, in 905, they obtained special written privileges, which, according to the same legend, were subsequently lost. These obscure tales, though lacking all foundation in fact, and undoubtedly invented in much later times, contain a grain of historic truth, in that they indicate the existence of Jewish settlements in pagan Poland, and point to their German origin.

The propagation of Latin Christianity in Poland (beginning with 966), which placed the country under the control not only of the emperors of Germany but also of its bishops as the representatives of the Roman See, was bound to stimulate the intercourse between the two countries and result in an increased influx of Jewish merchants and settlers. However, this slow commercial colonization would scarcely have assumed any considerable dimensions, had not exceptional circumstances forced a large number of Jews to seek refuge in Poland. A compulsory immigration of this kind began after the first Crusade, in 1096. It started in near-by Slavonian Bohemia, where the Crusaders attacked the Jews of Prague, and converted them forcibly to Christianity. The Bohemian Jews made up their minds to flee to neighboring Poland, which had not yet been reached by the devastating Christian hosts. The Bohemian Prince Vratislav robbed the immigrants on the way, but even this could not prevent many of them from leaving the country in which both people and Government were hostile to them (1098).

Beginning with this period there was a steady flow of Jews from the Rhine and Danube provinces into Poland, increasing in volume as a result of the Crusades (1146-1147 and 1196) and the severe Jewish persecutions in Germany. The accentuation of Jewish suffering in Germany during the twelfth and thirteenth centuries, when the royal power was incapable of shielding its *Kammerknechte* against the fury of the fanatical mob or the degrading canons of the Church, drove vast numbers of Jews into Poland. Here the refugees sought shelter in the provinces nearest to the Austro-German border, Cracow, Posen, Kalish, and Silesia.

The first signs of discord between Christians and Jews are to be noticed in the second half of the twelfth century, when Poland fell asunder into several feudal Principalities, or "Appanages."[22] The Prince of Great Poland, Mechislav III., the Old, in his desire to enforce law and order, found it necessary to issue, in 1173, strict injunctions forbidding all kinds of violence against the Jews and in particular the attacks upon them by Christian "scholars," the pupils of the ecclesiastic and monastic colleges. Those found guilty of such attacks were to be heavily fined. On the whole, the

[22] [The most important of these were: Great Poland, in the northwest, with the leading cities of Posen and Kalish; Little Poland, in the southwest, with Cracow and Lublin; and Red Russia, in the south, on which see p. 53, n. 2. In 1319 Great Poland and Little Poland were united by Vladislav Lokietek (see p. 50), who assumed the royal title. His son Casimir the Great annexed Red Russia. Thenceforward Great Poland, Little Poland, and Red Russia formed part of the Polish Kingdom, with Cracow as capital, though they were administered as separate Provinces. On the Principality of Mazovia, see p. 85, n. 1.]

rulers were willing to take the Jews under their protection. Under Mechislav the Old, Casimir the Just, and Leshek the White, who reigned at the end of the twelfth and the beginning of the thirteenth century, the Jews farmed and administered the mint of Great and of Little Poland. On the coins struck by these Jews, many of which have come down to us, the names of the ruling princes are marked in Hebrew characters.[23] At the very beginning of the thirteenth century (1203-1207) we hear of Jews owning lands and estates in Polish Silesia.

Such was the rise and growth of the Jewish colonies in Poland. As time went on, the commercial intercourse between these colonies and the West led to a spiritual relationship between them and the centers of Jewish culture in Europe. A contemporary Bohemian scholar of the Tosafist school, Rabbi Eliezer, informs us that the Jews of Poland, Russia, and Hungary, having no scholars of their own, invited their spiritual leaders from other countries, probably from Germany. These foreign scholars occupied the posts of rabbis, cantors, and school teachers among them, and were remunerated for their services. At the same time studious Polish Jews were in the habit of going abroad to perfect themselves in the sciences, as was also the case with the Jewish settlers in Russia. From the German mother country the Polish Jews received not only their language, a German dialect,

[23] Some coins bear the inscription יקסלופ לרק אקשמ, "Meshko (= Mechislav) Król Polski," "Meshko, king of Poland," or אקשמ הכרב, "Benediction [on] Meshko." Other coins give the names of the Jewish minters, such as Abraham, son of Isaac Nagid, Joseph Kalish, etc.

which subsequently developed into the Polish-Jewish jargon, or Yiddish, but also their religious culture and their communal organization. All this, however, was in an embryonic stage, and only gradually unfolded in the following period.

2. The Charter of Prince Boleslav and the Canons of the Church

The importance of Jewish immigration for the economic development of Poland was first realized by the feudal Polish princes of the thirteenth century. Prompted by the desire of cultivating industrial activities in their dominions, these princes gladly welcomed settlers from Germany, without making a distinction between Jews and Christians. Nor did the native Slav population suffer inconvenience from this immigration, which, on the contrary, brought the first elements of a higher civilization into the country. In a land which had not yet emerged from the primitive stage of agricultural economy, and possessed only two fixed classes, owners of the soil and tillers of the soil, the Jews naturally represented the "third estate," acting as the pioneers of trade and finance. They put their capital in circulation, by launching industrial undertakings, by leasing estates, and farming various articles of revenue (salt mines, customs duties), and by engaging in money-lending. The native population, which medieval culture, with its religious intolerance and class prejudice, had not yet had time to "train" properly, lived at peace with the Jews.

The influence of the Church, on the one hand, and that of

adjacent Christian Germany, on the other, slowly undermined this patriarchal order of things. The popes dispatched their legates to Poland to see to it that the well-known canonical statutes, which were permeated with implacable hatred against the adherents of Judaism, did not remain a dead letter, but were carried out in practice. During the same period the Polish princes, in particular Boleslav the Shy (1247-1279), endeavored to draw German emigrants into Poland, by bestowing upon them considerable privileges and the right of self-government, the so-called "Magdeburg Law," or *ius teutonicum*.[24] The Germans, while settling in the Polish cities as merchants and tradesmen,[25] and thus becoming the competitors of the Jews, imported from their native land into the new environment the spirit of economic class strife and denominational antagonism. The best of the Polish rulers were forced to combat the effects of this foreign importation, and found it necessary to encourage the economic activity of the Jews for the benefit of the country and to shield them against the insults of their Christian neighbors.

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[24] [*Das Magdeburger Recht*, a collection of laws based on the famous *Sachsenspiegel*, which was composed early in the thirteenth century in Saxony. Owing to the fame of the court of aldermen (*Schöppenstuhl*) at Magdeburg, the Magdeburg Law was adopted in many parts of Germany, Bohemia, Hungary, and particularly of Poland. One of its main provisions was the administrative and judicial independence of the municipalities.]

[25] [They were organized in mercantile guilds and trade-unions and formed the estate of burghers, called in Polish *mieszczanie*– pronounced *myeshchanye*– and in Latin *oppidani*, "town-dwellers," thus standing midway between the nobility, or *Shlakhta* (see p. 58, n. 1), and the serfs, or *khlops*.]

Boleslav of Kalish, surnamed the Pious, who ruled over the territory of Great Poland, was a prince of this kind. In 1264, with the consent of the highest dignitaries of the state, he promulgated a statute defining the rights of the Jews within his dominions. This charter of privileges, closely resembling in its contents the statutes of Frederick of Austria and Ottocar of Bohemia, became the corner-stone of Polish-Jewish legislation. Boleslav's charter consists of thirty-seven paragraphs, and begins with these words:

> The deeds of man, when unconfirmed by the voice of witnesses or by written documents, are bound to pass away swiftly and disappear from memory. Because of this, we, Boleslav, Prince of Great Poland, make it known to our contemporaries as well as to our descendants, to whom this writing shall come down, that the Jews, who have established themselves over the length and breadth of our country, have received from us the following statutes and privileges.

The first clause of the charter prescribes that, when civil and criminal cases are tried in court, the testimony of a Christian against a Jew is to be accepted only if confirmed by the deposition of a Jewish witness. The following clauses (§§ 2-7) determine the process of law in litigation between Christians and Jews, involving primarily pawnbroking; the rules prescribed there protect equally the interests of the Jewish creditor and the Christian debtor. Lawsuits between Jew and Jew do not fall within the jurisdiction of the general municipal courts, but are

tried either by the prince himself or by his lord lieutenant, the voyevoda[26], or the special judge appointed by the latter (§ 8). The Christian who has murdered or wounded a Jew answers for his crime before the princely court: in the former case the culprit incurs "due punishment," and his property is forfeit to the prince; in the latter case he has to satisfy the plaintiff, and must in addition pay a fine into the princely exchequer (§§ 9-10).

This is followed by a set of paragraphs which guarantee to the Jew the inviolability of his person and property. They forbid annoying Jewish merchants on the road, exacting from them higher customs duties than from Christians, demolishing Jewish cemeteries, and attacking synagogues or "schools" (§§ 12-15). In case of a nocturnal assault upon the home of a Jew, the Christian neighbors are obliged to come to his rescue as soon as they hear his cries; those who fail to respond are subject to a fine (§ 36).

The rights and functions of the "Jewish judge,"[27] who is appointed to try cases between Jew and Jew, sitting "in the

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[26] [The word, spelled in Polish *wojewoda*, signifies, like the corresponding German *Herzog*, military commander. The voyevoda was originally the leader of the army in war and the representative of the king in times of peace. After the unification of Poland, in 1319, the voyevodas became the administrators of the various Polish provinces (or *voyevodstvos*) on behalf of the king. Later on their duties were encroached upon by the starostas (see below, p. 60, n. 1). With the growth of the influence of the nobility, which resented the authority of the royal officials, their functions were limited to the calling of the militia in the case of war and the exercise of jurisdiction over the Jews of their province. They were members of the Royal Council, and as such wielded considerable influence. Their Latin title was *palatinus*.]

[27] [*Judex Judaeorum*. He was a Christian official, generally of noble rank. See p. 52.]

neighborhood of the synagogue or in some other place," are set forth elaborately (§§ 16-23). The kidnaping of Jewish children with the view of baptizing them is severely punished (§ 27). The charter further prohibits charging the Jews with the use of Christian blood for ritual purposes, in view of the fact that the groundlessness of such charges had been demonstrated by papal bulls. Should nevertheless such charges be raised, they must be corroborated by six witnesses, three Christians and three Jews. If the charges are substantiated, the guilty Jew loses his life; otherwise the same fate overtakes the Christian informer (§ 32). All these legal safeguards were, in the words of the charter, to remain in force "for all time."

The Polish lawgiver was evidently anxious to secure for the Jews such conditions of life as might enable them to benefit the country by their commercial activity, while enjoying liberty of conscience and living in harmony with the non-Jewish population. Boleslav's enactment expresses, not the individual will of the ruler, but the collective decision of the highest dignitaries and the representatives of the estates, who, as is pointed out in the document, had been previously consulted.

Thus the temporal powers of the state, guided by the economic needs of the country, endeavored to establish Jewish life in Poland on more or less rational civic foundations. The ecclesiastic authorities, however, inspired rather by the cosmopolitan ideals of the Roman Church than by love of their native land, strained all their energies to detach the Jews from

the general life of the country. They segregated them from the Christian population because of their alleged injuriousness to the Catholic faith, and reduced them to the position of a despised caste. The well-known Church Council of Breslau, convened in 1266 by the Papal Legate Guido, had the special mission of introducing in the oldest Polish diocese, that of Gnesen, the canonical laws, including those applying to the Jews. The motives by which this legislation was prompted are frankly stated in the preamble to the section of the Breslau "constitution" which deals with the Jews:

> In view of the fact – runs clause 12 – that Poland is a new plantation on the soil of Christianity (*quum adhuc terra Polonica sit in corpore Christianitatis nova plantatio*), there is reason to fear that her Christian population will fall an easy prey to the influence of the superstitions and evil habits of the Jews living among them, the more so as the Christian religion took root in the hearts of the faithful of these countries at a later date and in a more feeble manner. For this reason we most strictly enjoin that the Jews residing in the diocese of Gnesen shall not live side by side with the Christians, but shall live apart, in houses adjoining each other or connected with one another, in some section of the city or village. The section inhabited by Jews shall be separated from the general dwelling-place of the Christians by a hedge, wall, or ditch.

The Jews owning houses in the Christian quarter shall be compelled to sell them within the shortest term possible.

Further injunctions prescribe that the Jews shall lock themselves up in their houses while church processions are marching through the streets; that in each city they shall possess no more than one synagogue; that, "in order to be marked off from the Christians," they shall wear a peculiarly shaped hat, with a horn-like shield (*cornutum pileum*), and that any Jew showing himself on the street without this headgear shall be subject to punishment, in accordance with the custom of the country.

The Christians are forbidden, under penalty of excommunication, to invite Jews to a meal, or to eat and drink with them, or dance and make merry with them at weddings and other celebrations. The Christians are barred from buying meat and other eatables from Jews, since the sellers might treacherously put poison in them.

These prohibitions are followed by the ancient canonical enactments forbidding the Jews to keep Christian servants, nursery-maids, and wet-nurses, and barring them from collecting customs duties and exercising any other public function. A Jew living unlawfully with a Christian woman is liable to imprisonment and fine, while the woman is subject to a public whipping and to banishment from the town for all time.

The Church Council which held its sessions in Buda (Ofen), in Hungary, in 1279, was attended by the highest ecclesiastic dignitaries of Poland. This Council ratified the clause concerning the "Jewish sign," supplementing it by the following details: The Jews of both sexes shall be obliged to wear a ring of red cloth

sewed on to their upper garment, on the left side of the chest. The Jew appearing on the street without this sign shall be accounted a vagrant, and no Christian shall have the right to do business with him. A similar sign, only of saffron color, is prescribed for "Saracens and Ishmaelites," *i. e.* for Mohammedans. The law barring Jews from the collection of customs and the discharge of other public functions is extended by the Synod of Buda to the "sectarians," to the Christians of the Greek Orthodox persuasion.

In this manner the condition of the Jews of Poland in the thirteenth century was determined by two factors operating in different directions: the temporal powers, actuated by economic considerations, accorded the Jews the elementary rights of citizenship, while the ecclesiastic powers, prompted by religious intolerance, endeavored to exclude the Jews from civil life. As long as patriarchal conditions of life prevailed, and Catholicism in Poland had not yet assumed complete control over the country, the policy of the Church was powerless to inflict serious damage upon the Jews. They lived in safety, under the protection of the Polish princes, and, except for the German immigrants, managed to get along peaceably with the Christian population. But the clerical party was looking out for the future, taking assiduous care that "the new plantation on the soil of Christianity" should develop along the lines of the older plantations, and was scattering the seeds of religious hatred in the patient expectation of a plentiful harvest.

3. Rise of Polish Jewry under Casimir the Great

The Jewish emigration from Western Europe assumed especially large proportions in the first part of the fourteenth century. The butcheries perpetrated by the hordes of Rindfleisch and Armleder, and the massacres accompanying the Black Death, forced a large number of German Jews to seek shelter in Poland, which was then undergoing the process of unification and rejuvenation. In 1319, King Vladislav[28] Lokietek[29] laid the foundation for the political unity of Poland by abolishing the former feudal divisions, and his famous son Casimir the Great (1333-1370) was indefatigable in his endeavors to raise the level of civil and economic life in his united realm. Casimir the Great founded new cities and fortified old ones, promoted commerce and industry, and protected, with equal solicitude, the interests of all classes, not excluding those of the peasants. He was styled the "peasant king," and the popular commendation of his efforts in the upbuilding of the cities was crystallized in the saying that Casimir the Great "found a Poland of wood and left behind him a Poland of stone."

A ruler of this type could not but welcome the useful industrial activity of the Jews with the liveliest satisfaction. He was anxious to bring them in close contact with the Christian population on the common ground of peaceful labor and mutual helpfulness. He was equally quick to appreciate the advantages

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[28] [In Polish, Wladyslaw. The name is also found in the forms Wladislaus and Ladislaus.]

[29] [*I. e.* "Span-long," so called because of his diminutive stature.]

which the none too flourishing royal exchequer might derive from the experience of Jewish capitalists. Such must have been the motives which actuated Casimir when, in the second year of his reign (1344), he ratified, in Cracow, the charter which Boleslav of Kalish had granted to the Jews of Great Poland, and which he now extended in its operation to all the provinces of the kingdom.

On later occasions (1346-1370) Casimir amplified the charter of Boleslav by adding new enactments. In view of the hostility of the municipalities and the clergy towards the Jews, the King found it necessary to insist in particular on placing Jewish legal cases under his own jurisdiction, and taking them out of the hands of the municipal and ecclesiastic authorities. The Jews were granted the following privileges: the right of free transit through the whole country, of residing in the cities, towns, and villages, of renting and mortgaging the estates of the nobility, and lending money at a fixed rate of interest, the last pursuit being closed to Christians by virtue of canonical restrictions, and therefore left entirely in the hands of the Jews. The Polish lawgiver was equally solicitous about enforcing respect for the Jew as a human being and drawing him nearer to the Christian in private life, in violent contradiction with the tendency of the Church to isolate the infidels from the "flock of the faithful." "If the Jew," runs one of the clauses of Casimir's charter, "enters the house of a Christian, no one has a right to cause him any injury or unpleasantness. Every Jew is allowed to visit the municipal

baths in safety, in the same way as the Christians,[30] and pay the same fee as the Christians."

Casimir was equally interested in ordering the inner life of the Jews. The "Jewish judge," a Christian official appointed by the king to try Jewish cases, was enjoined to dispense justice in the synagogue or some other place, in accordance with the wishes of the representatives of the Jewish community. The rôle of process-server was assigned to the "schoolman," *i. e.* the synagogue beadle. This was the germ of the future system of Kahal autonomy.

It seems that in the fateful year of the Black Death (1348-1349) the Polish Jews too were in great danger. On the wings of the plague, which penetrated from Germany to Poland, came the hideous rumor charging the Jews with having poisoned the wells. If we are to trust the testimony of an Italian chronicler, Matteo Villani, some ten thousand Jews in the Polish cities bordering on Germany met their fate in 1348 at the hands of Christian mobs, even the King being powerless to shield the unfortunates against the fury of the people. A vague account in an old Polish chronicle relates that in the year 1349 the Jews were exterminated "in nearly the whole of Poland." It is possible that attacks on the Jews took place in the border towns, but, judging by the fact that the Jewish chroniclers, in describing the ravages of the Black Death, make no mention of Poland, these attacks cannot have been extensive. Be this as it may, there can

[30] A privilege denied to them by the canons of the Church.

be no doubt that, threatened with massacres in Germany, large numbers of Jews fled to the neighboring towns of Poland, and subsequently settled there.

It may be mentioned in this connection that from about the same time dates the origin of the Jewish community of Lvov (Lemberg),[31] the capital of Red Russia, or Galicia, which had been added to his dominions by Casimir the Great.[32] In 1356 Casimir, in granting the Magdeburg Law to the city of Lemberg, bestowed upon the local Jews the right "of being judged according to their own laws," *i. e.* autonomy in their communal affairs, a privilege accorded at the same time to the Ruthenians, Armenians, and Tatars.

Casimir the Great's attitude towards the Jews was thus a part of his general policy with reference to foreign settlers, whom he believed to be useful for the development of the country. This, however, did not prevent certain evil-minded persons, both then and in later ages, from seeing in these acts of rational statesmanship the manifestation of the King's personal predilections and attachments. Rumor had it that Casimir was

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[31] [Lvov, written in Polish Lwów, is used by the Poles and Russians; Lemberg is used by the Germans.]

[32] [Before Casimir the Great Red Russia formed an independent Principality (see p. 42, n. 1). The identity of Red Russia with Galicia has been assumed in the text for the sake of convenience. In reality Red Russia corresponds to present-day *Eastern* Galicia, in which the predominating population is Little Russian or Ruthenian, while *Western* Galicia, with Cracow, formed part of Little Poland. In addition Red Russia included a part of the present Russian Government of Podolia.]

favorably disposed towards the Jews because of his infatuation with the beautiful Jewess Estherka. This Jewish belle, the daughter of a tailor, is supposed to have captured the heart of the King so completely that in 1356 he abandoned a former favorite for her sake. Estherka lived in the royal palace of Lobzovo, near Cracow. She bore the King two daughters, who were brought up by their mother in the Jewish religion, and two sons, who were educated as Christians, and who subsequently became the progenitors of several noble families. Estherka was killed during the persecution to which the Jews were subjected by Casimir's successor, Louis of Hungary. The whole romantic episode presents a mixture of fact and fiction in which it is difficult to make out the truth.

Similarly blurred reports have come down to us concerning the persecutions by the new ruler, Louis of Hungary (1370-1382). During the reign of this King, when, as the Polish historians put it, justice had vanished, the law kept silent, and the people complained bitterly about the despotism of the judges and officials, an attempt was made to rob the Jews of the protection of the law. Nursed as he was in the Catholic traditions of Western Europe, Louis persecuted the Jews from religious motives, threatening with expulsion those among them who had refused to embrace the Christian faith. Fortunately for the Jews his reign in Poland was too ephemeral and unpopular to undo the work of his famous predecessor, the last king of the Piast dynasty. Only at a later date, during the protracted reign of the

Lithuanian Grand Duke Yaghello, who acquired the Polish crown by marrying, in 1386, Louis' daughter Yadviga, did the Church obtain power over the affairs of the state, gradually undermining the civil status of the Jews of Poland.

4. Polish Jewry During the Reign of Yaghello

With the outgoing fourteenth century, Poland was drawn more and more into the whirlpool of European politics. Catholicism served as the connecting link between this Slav country and Western Europe. Hence the influence of the West manifested itself primarily in the enhancement of ecclesiastic authority, which, being cosmopolitan in character, endeavored to obliterate all national and cultural distinctions. The Polish king Vladislav Yaghello (1386-1434), having been converted from paganism to Catholicism, and having forced his Lithuanian subjects to follow his example, adhered to the new faith with the ardor of a convert, and frequently yielded to the influence of the clergy. It was during his reign that the Jews of Poland suffered their first religious persecution in that country.

The Jews of Posen were charged with having bribed a poor Christian woman into stealing from the local Dominican church three hosts, which supposedly were stabbed and thrown into a pit. From the pierced hosts, so the superstitious rumor had it, blood spurted forth, in confirmation of the Eucharist dogma. Nor was this the only miracle which popular imagination ascribed to the three bits of holy bread. The Archbishop of Posen, having learned of the alleged blasphemy, instituted proceedings

against the Jews. The Rabbi of Posen, thirteen elders of the Jewish community, and the woman charged with the theft of the holy wafers, became the victims of popular superstition; after prolonged tortures they were all tied to pillars, and roasted alive on a slow fire (1399). Moreover, the Jews of Posen were punished by the imposition of an "eternal" fine, which they had to pay annually in favor of the Dominican church. This fine was rigorously exacted down to the eighteenth century, as long as the legend of the three hosts lingered in the memory of pious Catholics.

As in the West, religious motives in such cases merely served as a disguise to cover up motives of an economic nature – envy on the part of the Christian city-dwellers of the prosperity of the Jews, who had managed to obtain a foothold in certain branches of commerce, and eagerness to dispose in one way or another of inconvenient rivals. Similar motives, coupled with religious intolerance, were responsible for the anti-Jewish riots in Cracow in 1407. In that ancient capital of Poland the Jews had increased in numbers in the beginning of the fourteenth century, and, by their commercial enterprise, had attained to prosperity. The Cracow burghers were jealous of them, and the clergy found it improper that the doomed sons of the Synagogue should live so tranquilly under the shelter of the benevolent Church. A silent but stubborn agitation was carried on against the Jews, their enemies merely waiting for a convenient opportunity to square accounts with them.

On one occasion, on the third day of Easter, the priest Budek, who had gained the reputation of an implacable Jew-baiter, delivered a sermon in the Church of St. Barbara. As he was about to leave the pulpit, he suddenly announced to the worshipers that he had found a notice on the pulpit to this effect: "The Jews living in Cracow killed a Christian boy last night, and made sport over his blood; moreover, they threw stones at a priest who was going to visit a sick man, and was carrying a crucifix in his hands." No sooner had these words been uttered than the people rushed into the Jewish street, and began to loot the houses of "Christ's enemies." The royal authorities hastened to the rescue of the Jews, and by armed force put an end to the riots. But several hours later, when the bells of the town hall began to ring, summoning the members of the magistracy to a meeting, for the purpose of punishing the instigators of the disorders, some one in the crowd shouted that the magistracy was inviting the Christians to another attack upon the Jews. Thereupon the rabble came running from all parts of the city and began to slay and plunder the Jews, setting fire to their houses. Some Jews sought refuge in the Tower of St. Anne, but the mob set fire to the tower, and the unfortunate Jews had to surrender. A number of them, to save their lives, adopted Christianity, while the children of the slain were all baptized. Many Christians, according to the testimony of the Polish historian Dlugosh[33], grew rich on the money plundered

[33] Jan Dlugosz, called in Latin Johannes Longinus [author of *Historia Polonica*. He died in 1480].

from the Jews.

One cannot fail to perceive in all these catastrophes the influence of neighboring Germany[34]. It was from Germany that the clerical reaction which followed upon the struggle of the Church with the reformatory Huss movement penetrated to Poland. The Synod of Constance, which condemned Huss, was attended by the Archbishop of Gnesen, Nicholas Tromba, who appeared at the head of a Polish delegation. On his return, this leading dignitary of the Polish Church presided over the proceedings of the Synod of Kalish (1420), which had also been convened in connection with the Huss movement.

At the suggestion of this Archbishop, the Council of Kalish solemnly ratified all the anti-Jewish enactments which had been passed by the Councils of Breslau and Buda (Ofen),[35] but had seldom been carried out in practice. These laws, as will be remembered, forbade all intercourse between Jew and Christian, and ordered the Jews to live in separate quarters, to wear a distinctive mark on the upper garment, and so forth. At the same time the Jews were required to pay a tax in favor of the churches of those diocesan districts "where they now live, and where by right Christians ought to live," this tax to correspond to "the losses inflicted by them upon the Christians." These injunctions

[34] The recently published records of the court proceedings in the Cracow pogrom of 1407 show that its principal instigators were German artisans and merchants who resided in that city.

[35] See p. 47 and p. 49.

were issued as special instructions to the members of the clergy in all the dioceses.

The ecclesiastic tendencies gradually forced their way into secular legislation. The fanatics of the Church exerted their influence not only on the King but also on the landed nobility, the *Shlakhta*,[36] which at that time began to take a more active interest in the affairs of the state. At the convention of the Shlakhta in Varta[37] (1423) King Vladislav Yaghello sanctioned a law forbidding the Jews to lend money against written securities, only loans against pledges being permitted. The ecclesiastic origin of this enactment is betrayed in the ugly manner in which the law is justified in the preamble: "Whereas Jewish cunning is always directed against the Christians and aims rather at the property of the Christian than at his creed or person…"

5. The Jews of Lithuania during the Reign of Vitovt

An entirely different picture is presented at that time by Lithuania, which, in spite of its dynastic alliance with Poland, retained complete autonomy of administration. The patriarchal order of things, which was nearing its end in Poland, was

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[36] [Written in Polish *Szlachta*, probably derived from the old German *slahta*, in modern German *Geschlecht*, meaning *tribe*, *caste*. The Polish Shlakhta was in complete control of the Diet, or *sejm* (pronounced *saym*), from which the other estates, the peasants and burghers, were excluded almost entirely. In the course of time, the Shlakhta succeeded also in wresting the power from the king, who became a mere figurehead.]

[37] [In Polish, *Warta*, a town in the province of Kalish. These conventions of the nobility assumed, in the fifteenth century, the character of a national parliament for the whole of Poland.]

still firmly intrenched in the Duchy of Lithuania, but recently emerged from the stage of primitive paganism. Medieval culture had not yet taken hold of the inhabitants of the wooded banks of the Niemen, and the Jews were able to settle there without having to face violence and persecution.

It is difficult to determine the exact date of the first Jewish settlements in Lithuania. So much is certain, however, that by the end of the fourteenth century a number of important communities were in existence, such as those of Brest, Grodno, Troki, Lutzk, and Vladimir, the last two in Volhynia, which, prior to the Polish-Lithuanian Union of 1579, formed part of the Duchy. The first one to legalize the existence of these communities was the Lithuanian Grand Duke Vitovt, who ruled over Lithuania from 1388 to 1430, partly as an independent sovereign, partly in the name of his cousin, the Polish King Yaghello. In 1388 the Jews of Brest and other Lithuanian communities obtained from Vitovt a charter similar in content to the statutes of Boleslav of Kalish and Casimir the Great, and in 1389 even more extensive privileges were bestowed by him on the Jews of Grodno.

In these enactments the Lithuanian ruler exhibits, like Casimir, an enlightened solicitude for a peaceful relationship between Jews and Christians and for the inner welfare of the Jewish communities. Under the laws enacted by Vitovt the Jews of Lithuania formed a class of free citizens, standing under the immediate protection of the Grand Duke and his

local administration. They lived in independent communities, enjoying autonomy in their internal affairs as far as religion and property are concerned, while in criminal affairs they were liable to the court of the local starosta[38] or sub-starosta, and, in particularly important cases, to the court of the Grand Duke himself. The law guaranteed to the Jews inviolability of person and property, liberty of religion, the right of free transit, the free pursuit of commerce and trade, on equal terms with the Christians. The Lithuanian Jews carried on business on the market-places or in shops, they plied all kinds of trades, and occasionally engaged in agriculture. Men of wealth lent money on interest, leased from the Grand Duke the customs duties, the revenues on spirits, and other taxes. They held estates either in their own right or in the form of land leases. The taxes which they paid into the exchequer were adapted to the character of their occupations, and on the whole were not burdensome. Aside from the Rabbanite Jews there existed in Lithuania Karaites, who had immigrated from the Crimea, and had established themselves in the regions of Troki and Lutzk.

Accordingly the position of the Jews was more favorable

[38] [Lithuania was administered by starostas as Poland was by voyevodas (see p. 46, n. 1). The starostas – literally "elders" – were originally nobles holding an estate of the crown, which was given to them by the king for special services rendered to him. In the course of time they became, both in Lithuania and in Poland proper, governors of whole regions, taking over many of the functions of the voyevodas. The relationship between the two officers underwent many changes. On the effect of this change upon the jurisdiction of the Jews compare Bloch, *Die General-Privilegien der polnischen Judenschaft*, p. 35.]

in Lithuania than in Poland. Jewish immigrants, on their way from Germany to Poland, frequently went as far as Lithuania and settled there permanently. Lithuania formed the extreme boundary in the eastward movement of the Jews, Russia and Muscovy being almost entirely closed to them.

6. The Conflict between Royalty and Clergy under Casimir IV. and His Sons

The conflict of tendencies in the Polish legislation concerning the Jews manifested itself with particular violence in the reign of Casimir IV., the third king of the Yaghello dynasty. The attitude of Casimir IV. (1447-1492), who was imbued with the ideas of the humanistic movement then in vogue, was at first that of a wise ruler, the guardian of the common interests of his subjects. As Grand Duke of Lithuania he had followed the liberal Jewish policies of his predecessor Vitovt. He protected the personal and communal rights of both the Rabbanite and Karaite Jews – to the latter he granted, in 1441, the Magdeburg Law – and he frequently availed himself of the services of enterprising Jewish financiers and tax-farmers to increase the revenues of the state.

Having accepted the Polish crown, Casimir was resolved to rule independently and to disregard the designs of the all-powerful clergy. Shortly after his coronation, in August, 1447, while the King was on a visit to Posen, the city was devastated by a terrible fire. During the conflagration the ancient original of the charter which Casimir the Great had bestowed upon the Jews was lost. A Jewish delegation from the communities of

Posen, Kalish, and other cities petitioned the King to restore and ratify the old Jewish privileges, on the basis of copies of the charter which had been spared. Casimir readily granted the request of the deputies. "We desire" – he announces in his new charter – "that the Jews, whom we wish to protect in our own interest as well as in the interest of the royal exchequer, should feel comforted in our beneficent reign." Corroborating as it did all the rights and privileges previously conferred upon the Jews – liberty of residence and commerce, communal and judicial autonomy, inviolability of life and liberty, protection against groundless charges and attacks – the charter of Casimir IV. was a direct protest against the canonical laws only recently reissued for Poland by the Council of Kalish, and for the whole Catholic world by the great Council at Basle. In opposition to the main trend of the Council resolutions, the royal charter permitted the Jews to associate with Christians, and exempted them from the jurisdiction of the ecclesiastic law courts (1453).

The King's liberalism aroused the resentment of the Catholic clergy. The leader of the clerical party was the energetic Archbishop of Cracow, Cardinal Zbignyev Oleshnitzki, who openly headed the forces arrayed in opposition to the King. He denounced Casimir bitterly for granting protection to the Jews, "to the injury and insult of the holy faith."

> Do not imagine – Oleshnitzki writes to the King in May, 1454 – that in matters touching the Christian religion you are at liberty to pass any law you please. No one

> is great and strong enough to put down all opposition to himself when the interests of the faith are at stake. I therefore beg and implore your Royal Majesty to revoke the aforementioned privileges and liberties. Prove that you are a Catholic sovereign, and remove all occasion for disgracing your name and for worse offenses that are likely to follow.

In his letter Oleshnitzki refers to the well-known agitator and Jew-baiter, the Papal Legate Capistrano, who had come to Poland from Germany in the fall of 1453. With this "scourge of the Jews" as his ally Oleshnitzki started a campaign against Jews and heretics (or Hussites). On his arrival in Cracow Capistrano delivered on the market-place incendiary speeches against the Jews, and demanded of the King persistently to revoke the "godless" Jewish privileges, threatening him, in case of disobedience, with the tortures of hell and terrible misfortunes for the country.

At first the King refused to yield, but the march of events favored the anti-Jewish forces. Poland was at war with the Teutonic Order.[39] The first defeat sustained by the Polish troops in this war (September, 1454) gave the clergy an opportunity of proclaiming that the Lord was chastising the country for the King's disregard of Church interests and for his protection of the Jews. At last the King was forced to listen to the demands of

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[39] [A semi-ecclesiastic, semi-military organization of German knights, which originated in Palestine during the Crusades, and was afterwards transferred to Europe to propagate Christianity on the eastern confines of Germany. The Order developed into a powerful state, which became a great menace to Poland.]

the united clergy and nobility. In November, 1454, the Statute of Nyeshava[40] was promulgated, and by one of its clauses all former Jewish privileges were rescinded as "being equally opposed to Divine right and earthly laws." The reasons for the enactment, which were evidently dictated by Oleshnitzki, were formulated as follows: "For it is not meet that infidels should enjoy greater advantages than the worshipers of our Lord Christ, and slaves should have no right to occupy a better position than sons." The Varta Statutes of 1423 and the former canonical laws were declared in force again. Clericalism had scored a triumph.

This anti-Jewish tendency communicated itself to the people at large. In several towns the Jews were attacked. In 1463 detachments of Polish volunteers who were preparing for a crusade against the Turks passed through Lemberg and Cracow on their way to Hungary. The disorderly crowd, consisting of monks, students, peasants, and impoverished noblemen, threw itself on the Jews of Cracow on the third day of Easter, looted their houses, and killed about thirty people. When Casimir IV. learned what had happened, he imposed a fine on the magistracy for having failed to forestall the riots. Similar disorders were taking place about the same time in Lemberg, Posen, and other cities.

As far as Casimir IV. was concerned, the clerical policy, artificially foisted upon him, did not alter his personal readiness to shield the Jews. But under his sons, the Polish King John

[40] [In Polish *Nieszawa*, the meeting-place of the Diet of that year.]

Albrecht and the Lithuanian Grand Duke Alexander Yaghello, the anti-Jewish policy gained the upper hand. The former ratified, at the Piotrkov Diet of 1496, the Nyeshava Statute with its anti-Jewish restrictions. John Albrecht is also credited with the establishment of the first ghetto in Poland. In 1494 a large part of the Polish capital of Cracow was destroyed by fire, and the mob, taking advantage of the prevailing panic, plundered the property of the Jews. As a result, the Jews, who at that time were scattered over various parts of the city, were ordered by the King to move to Kazimiezh,[41] a suburb of Cracow, and to live there apart from the Christians. Kazimiezh became, in consequence, a wholly Jewish town, leading throughout the centuries a life of its own, and connected with the outside world by mere threads of economic relationship.

While the throne of Poland was occupied by John Albrecht, his brother Alexander ruled over Lithuania as grand duke. At first Alexander's attitude towards the Jews was rather favorable. In 1492 he complied with the petition of the Karaites of Troki, and confirmed the charter of Casimir IV., bestowing upon them the Magdeburg Law, and even supplementing it by a few additional privileges. Various items of public revenue, especially the customs duties, were as theretofore let to the Jews. Alexander also paid the Jewish capitalists part of the money advanced by them to his father. In 1495, however, the Grand Duke suddenly

[41] More exactly *Kazimierz*, the Polish form for Casimir (the Great), after whom the town was named.

issued a decree ordering the expulsion of all the Jews from Lithuania. It is not known whether this cruel action was due to the influence of the anti-Jewish clerical party, and was stimulated by the news of the expulsion of the Jews from Spain, or whether it was prompted by the financial dependence of the ruler on his Jewish creditors, or by the general desire to enrich himself at the expense of the exiles. As a matter of fact Alexander confiscated the immovable property of the expelled Jews in the districts of Grodno, Brest, Lutzk, and Troki, and a large part thereof was distributed by him among the local Christian residents. The banished Jews emigrated partly to the Crimea (Kaffa), but the majority settled, with the permission of King John Albrecht, in the neighboring Polish cities. However, when a few years later, after the death of his brother, Alexander accepted, in addition, the crown of Poland (1501), he allowed the Jews to return to Lithuania and settle in their former places of residence. On this occasion they received back, though not in all cases, the houses, estates, synagogues, and cemeteries previously owned by them (1503).

By the beginning of the fourteenth century Polish Jewry had become a big economic and social factor with which the state was bound to reckon. It was now destined to become also an independent spiritual entity, having stood for four hundred years under the tutelage of the Jewish center in Germany. The further development of this new factor forms one of the most prominent features of the next period.

# CHAPTER III
# THE AUTONOMOUS CENTER IN POLAND AT ITS ZENITH (1501-1648)

1. Social and Economic Conditions

In the same age in which the Jewish refugees from Spain and Portugal were wending their steps towards the Turkish East, bands of Jewish emigrants, fleeing from the stuffy ghettos of Germany and Austria, could be seen wandering towards the Slavonian East, towards Poland and Lithuania, where, during the period of the Reformation, a large autonomous Diaspora center sprang into life. The transmigration of Jewish centers, which is so prominent a feature of the sixteenth century, found its expression in two parallel movements: the demolished or impoverished centers of Western Europe were transplanted to the countries of Eastern Europe on the one hand, and to the lands of contiguous Western Asia on the other. Yet the destinies of the two Eastern centers – Turkey and Poland – were not identical. The Sephardim of Turkey were approaching the end of their brilliant historic career, and were gradually lapsing into Asiatic stupor, while the Ashkenazim of Poland, with a supply of fresh strength and the promise of an original culture, were

starting out on their broad historic development. The mission of the Sephardim was a memory of the past; that of the Ashkenazim was a hope for the future. After medieval Babylonia and Spain, no country presented so intense a concentration of Jewish energy and so vast a field for the development of a Jewish autonomous life as Poland in the sixteenth and the following centuries.[42]

The uninterrupted colonization of Slavonian lands by Jewish emigrants from Germany, which had been going on during the Middle Ages, prepared the soil for the historic process which converted Poland from a colony into a center of Judaism. The large Jewish population settled in the towns and villages of Poland and Lithuania formed, not a downtrodden caste, nor a homogeneous economic class, as in Germany, but an important social entity, unfolding its energy in many departments of social-economic life. It was not tied down to two exclusive occupations, money-lending and petty trade, but it participated in all branches of industrial endeavor, in production and manufacture, not excluding rural avocations, such as land tenure and farming. The men of wealth among the Jews farmed the tolls (transit and customs duties) and the excise (state taxes collected on wine[43] and other articles of consumption), and frequently attained to prominence as the financial agents of the kings. When, at a later date, the Jews were hampered in the business of tax-

[42] According to approximate computations, the number of Jews in Poland during that period (between 1501 and 1648) grew from 50,000 to 500,000.

[43] "Wine" is used here, as it is in the original, to designate alcoholic drinks in general.

farming, their capital found a new outlet in the lease of crown and Shlakhta estates, with the right of "propination,"[44] or liquor traffic, attached to it, as well as in working the salt mines, in timbering forests, and opening up the other resources of the soil. The big merchants were busy exporting agrarian products from Poland into Austria, Moldavo-Wallachia, and Turkey. The lower classes engaged in retail trade, handicrafts, farming, vegetable-growing, gardening, and, in some places, particularly in Lithuania, even in corn-growing.

The economic activity of the Jews, entwined with the material life of the country by numerous threads, was bound to produce a similar variety of form also in their legal condition. Considering the peculiar caste structure of the Polish state and the relative political freedom enjoyed in that semi-constitutional country by the "governing classes" – the landed nobility, the clergy, and partly the burghers – the legal position of the Jews was of necessity determined by the conflict of political and class interests. Bridled by an oligarchic constitution, the royal power was bound to clash with the vast privileges of the landed magnates, the big Shlakhta. The latter, in turn, on the one

[44] "Propination," in Polish, *propinacja* (pronounced *propinatzya*), from Latin and Greek *propino*, "to drink one's health," signifies in Polish law the right of distilling and selling spirituous liquors. This right was granted to the noble landowners by King John Albrecht in 1496, and became one of their most important sources of revenue. After the partition of Poland this right was confirmed for the former Polish territories by the Russian Government. The right of propination, exercised mostly by Jews on behalf of the nobles, proved a decisive factor in the economic and partly in the social life of Russo-Polish Jewry.

hand fought the claims of the petty rural Shlakhta, and on the other resisted the advance of the Christian urban estates, the business men, and craftsmen, who were a powerful factor, owing to their municipal autonomy and their well-organized guilds. The fight was carried on in the Diets, municipalities, and law courts. Within this conflict of economic interests the clergy of the dominant Catholic Church pursued its own line of attack. Having been weakened during the Reformation, it now renewed its strength in consequence of the Catholic reaction and the arduous endeavors of the Jesuits.

These estates differed in their relation to the Jews, each in accordance with its own interests. Medieval ideas had already taken such deep root in the Polish people that, despite the constitutional character of the country, a humane and lawful attitude towards the Jews was out of the question. They were appraised according to the advantages they could bestow upon this or that class, and since in many cases what was advantageous to one class was disadvantageous to another, a conflict of interests was unavoidable, with the result that the Jews were the objects of protection on the one side and the targets of persecution on the other.

The Jews of Poland were favored by two powers within the state, by royalty and in part by the big Shlakhta. They were opposed by two others, the clergy and the burghers. Aside from the interests of the exchequer, which was swelled by regular and irregular imposts upon the Jews, the kings derived personal

benefits from their commercial activities. They valued the financial services of the Jewish tax-farmers, who paid large sums in advance for the lease of customs duties and state revenues or for the tenure of the royal domains. These contractors and tenants became, as a rule, financial agents of the kings, owing to their ability to advance large sums of money, and were incidentally in a position to exert their influence upon the court in the interest of their coreligionists. The high nobility in turn appreciated the usefulness of the Jewish farmers and tenants to their estates, which they themselves, with their aristocratic indifference and indolence, knew only how to mismanage. The protection which this class accorded the Jews, principally at the Diets controlled by them, was in exact proportion to the services rendered by the Jews as middlemen between them and the peasants. The magnates accordingly were entirely indifferent to the welfare of the rest of Jewry, the toiling masses of the Jewish population.

Uncompromising hostility to the Jews marked the attitude of the urban estates, the merchants and artisans of the burgher class, with a considerable sprinkling of German settlers, whose influence was clearly noticeable. These organized tradesmen and handicraftsmen looked upon the Jews as their direct competitors. The magistracies, acting as the organs of municipal self-government, placed severe restrictions upon the Jews in the acquisition of real estate and in the pursuit of business and handicrafts, while the trade-unions occasionally set the riotous mobs at their heels. Still more resolute was the agitation of

the Catholic clergy, which frequently succeeded in influencing legislation in the spirit of ecclesiastic intolerance.

The interaction of all these forces shaped the legal and social status of the Polish-Lithuanian Jews in the course of the sixteenth and in the beginning of the seventeenth century, at a time when Poland was passing through the zenith of her political prosperity. The vacillations and upheavals in the position of the Jews were conditioned by the shifting of forces in the direction of the one or the other above-mentioned factors in the course of history.

2. The Liberal Régime of Sigismund I.

The opening years of the sixteenth century found the Jews fully restored to the rights of which their enemies had attempted to rob them at the end of the preceding century. Alexander Yaghello, the very same Lithuanian Grand Duke who, from some obscure motive, had banished the Jews from his dominions in 1495,[45] found it necessary to call them back as soon as he ascended the throne of Poland, after the demise of his brother. In 1503, "having consulted the lords of the realm," King Alexander announced his decision to the effect that the Jews exiled from Grodno and other cities of Lithuania should be allowed to return and settle "near the castles and in the localities in which they had lived formerly," and should be given back the houses, synagogues, cemeteries, farms, and fields, which had previously been in their possession. The reasons for this change of front may easily be traced to the vast economic importance of the Jews of

[45] See p. 65.

the Polish Kingdom, which had shortly before, in 1501, entered into a closer union with Lithuania, and to the invaluable services of the Jewish tax-farmers, on whom the royal budget to a large extent depended.

One of these "royal financiers" was the wealthy Yosko,[46] who farmed the customs and tolls in nearly half of Poland. To stimulate the endeavors of his financier, King Alexander exempted Yosko and his employees from the authority of the local administration, placing him, after the manner of court dignitaries, under the jurisdiction of the royal court. But, taken as a whole, the King was even now far from friendly to the Jews. In 1505 he permitted the inclusion of the ancient charter of Boleslav of Kalish, the *magna charta* of Jewish liberties, in the code of organic Polish laws, which was then being edited by the chancellor John Laski. But he was careful to point out that he did not thereby intend to ratify Boleslav's charter anew, but allowed its reproduction "for the purpose of safeguarding [the Christian population] against the Jews" (*ad cautelam defensionis contra Judaeos*).

Alexander's successor, Sigismund I. Yaghello (1506-1548), King of Poland and Grand Duke of Lithuania, favored a more liberal policy towards his Jewish subjects. Though a staunch Catholic, Sigismund was free from the spirit of anti-Jewish clericalism, and he endeavored to the best of his ability to live up to the principle proclaimed by him, that "equal justice should

[46] [Popular Polish form of the Jewish name Joseph.]

be meted out to the rich and mighty lords and to the meanest pauper." This lofty principle, so little compatible with the policy of class discrimination, could, however inadequately, be applied only there where the power of royalty was not handicapped by the mighty Shlakhta and the other estates. The only part of the Polish Empire where such a condition still existed in the time of Sigismund I. was Lithuania, the patrimony of the Yaghellos. There the royal, or rather the grand ducal, authority was more extensive and its form of manifestation more patriarchal than in the provinces of the Crown, or Poland proper. By intrusting a large part of the public tax contracts and land leases to the Jewish capitalists, the King could feel easy in his mind as to the integrity of his budget. The general contractor of the customs and other state revenues in Lithuania, Michael Yosefovich (son of Joseph), a Jew from Brest-Litovsk, exercised occasionally also the functions of grand ducal treasurer, being commissioned to pay out of the collected imposts the salaries of the local officials as well as the debts of his royal master.

Prompted by the desire of rewarding the services of his financier and at the same time putting the communal affairs of his Jewish subjects in better order, Sigismund appointed Michael Yosefovich to serve as the elder, or, to use the official term, the "senior," of all Lithuanian Jews (1514). The "senior" was invested with far-reaching powers: he had the right of conferring directly with the king in all important Jewish affairs, dispensing justice to his coreligionists in accordance with their

own laws, and collecting from them the taxes imposed by the state. He was to be assisted by a rabbi or "doctor," an expert in Jewish law. Whether the Lithuanian Jews acknowledged Michael Yosefovich as their supreme authority is open to doubt. The wealthy contractor, whom the will of the King had placed at the head of the Jews, could not in point of fact preside over their autonomous organization and their judiciary and rabbinate, since what was required was not officials, but men with special knowledge and training. All Michael could do was to act as the official go-between, representing the Jewish communities before the King and defending their rights and privileges as well as their commercial and fiscal interests. In any event Michael was more useful to his coreligionists than his brother Abraham Yosefovich, who, likewise a tax-farmer, sacrificed his Judaism for the sake of a successful career. King Alexander conferred upon Abraham the rank of Starosta of Smolensk, while Sigismund raised him to the exalted position of Chancellor of the Lithuanian Exchequer. Abraham and his offspring were soon lost in the ranks of the higher Polish nobility.

In agricultural Lithuania with its patriarchal conditions of life the antagonism between the classes was in its infancy, and as a result the right of the Jews to freedom of transit and occupation was but rarely contested. They lived in the towns and villages, and were not yet so sharply marked off, in language and mode of life, from the Christian population as they became afterwards. The Jewish communities of Brest, Grodno, Pinsk, and Troki, the

last consisting principally of Karaites, who had a municipality of their own, were important Jewish centers in the Duchy, and enjoyed considerable autonomy. The rabbi of Brest, Mendel Frank, received from the King extensive administrative and judicial powers, including the right of imposing the *herem* and other penalties upon the recalcitrant members of the community (1531).

In the large cities of Poland proper the position of the Jews was not nearly so favorable. Here commercial life had attained a higher stage of development than in Lithuania, and in many lines of business the Jews competed with the Christians. Taking advantage of the autonomy granted to the estates in the shape of the Magdeburg Law, the Christian business men and handicraftsmen, represented by their magistracies and trade-unions, were constantly endeavoring to restrict their rivals in their commercial pursuits. This was particularly the case in Posen, Cracow, and Lemberg, the leading centers respectively of the three provinces of Great Poland, Little Poland, and Red Russia (Galicia). In Posen the Jews were hampered by the burgomaster and the aldermen in carrying on their business or in displaying their goods in stores outside the Jewish quarter. When the Jews protested to the King, he warned the authorities of Posen not to subject their rivals to any hardships or to violate their privileges (1517). The Christian merchants retorted that the Jews occupied the best shops, not only in the center of the town, but also on the market-place, where formerly only "prominent Christian

merchants, both native and foreign [German], had been doing business," and where, in view of the concentration of large masses of Christians, the presence of Jews might lead to "great temptations," and even to seduction from the path of the "true faith." The reference to religion, used as a cloak for commercial greed, did not fail to impress the devout Sigismund, and he forbade the Jews to keep stores on the market-place (1520). The professors of Christian love in Posen similarly forbade their Jewish fellow-citizens to buy foodstuffs and other articles in the market until the Christian residents had completed their purchases. A little later the King, in consequence of the influx of Jews into Posen, gave orders that no new Jewish settlers be admitted into the city, and that no houses owned by Christians be sold to them, without the permission of the Kahal elders. The Jews were to be restricted to definite quarters and to be denied the right of building their houses among those belonging to Christians (1523).

The same was the case in Lemberg. Yielding to the complaints of the magistracy about the competition of the Jews, the King restricted their freedom of commerce in several particulars, barring them from selling cloth in the whole of [Red] Russia and Podolia, except at the fairs, and limiting their sale of horned cattle to two thousand head per year (1515). The Piotrkov Diet of 1521 passed a law confining the trade of the Lemberg Jews to four articles, wax, furs, cloth, and horned cattle. These restrictions were the result of the widespread agitation which

the pious Christian merchants had been conducting against their business rivals of other faiths. The magistracies of the three cities of Posen, Lemberg, and Cracow, attempted to form a coalition for the purpose of carrying on a joint economic fight against Jewry. In Cracow and its suburb Kazimiezh[47] the Jews had to endure even harsher restrictions in business than in the other two metropolitan centers of Poland.

Competition in business occasionally resulted in physical violence and street riots. Anti-Jewish attacks were taking place in Posen and in Brest-Kuyavsk,[48] and outbreaks were anticipated in Cracow. Representatives of the last Jewish community made their apprehensions known to the King. Sigismund issued a decree in 1530 denouncing in vehement terms the insolence of the rioters, who were hoping for immunity, and rigorously forbidding all acts of violence, under penalty of death and confiscation of property. To allay the fears of the Jews he ordered the burghers of Cracow to deposit the sum of ten thousand gulden with the exchequer as security for the maintenance of peace and safety in the city. The burgomasters, aldermen, and trade-unions were warned by the King that in all their differences with Jews "they should proceed in a legal manner, and not by violence, by resorting to force of arms and inciting disorders."

The King was powerless, however, to shield the Jews against

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[47] See p. 64, n. 1.

[48] [*I. e.* Brest of Kuyavia, a former Polish province on the left bank of the Vistula. It is to be distinguished from the well-known Brest-Litovsk, Brest of Lithuania.]

other unpleasant manifestations of the Polish class *régime*, such as the extortions of the officials. The highest dignitaries of the court no less than the local administration were ever ready to fish in the troubled waters of the conflict of classes. The second wife of Sigismund, Queen Bona Sforza, an avaricious Italian princess, sold the offices of the state to the highest bidder, while the courtiers and voyevodas were just as venal on their own behalf. The queen's favorite, Peter Kmita, Voyevoda of Cracow and Marshal of the Crown, managed to accept bribes simultaneously from the Jewish and the Christian merchants, who lodged complaints against each other, by promising both sides to defend their interests before the Diet or the King.

During the fourth decade of the sixteenth century the Jewish question became the object of violent disputes at the Polish Diets, the deputies of several regions having received anti-Jewish instructions.[49] Now the controlling factor in the Polish Diets was the Shlakhta, whose attitude towards the Jews was not uniform. The big Shlakhta, the magnates, the owners of huge

[49] The parliamentary order of Poland was somewhat complicated. Each region or *voyevodstvo* (see above, p. 46, n. 1), of which there were about sixty in Poland, had its own local assembly, or *sejmik* (pronounced *saymik*), *i. e.* little Diet, or Dietine. Deputies o£ these Dietines met at the respective *sejms* (pronounced *saym*), or Diets, of one of the three large provinces of Poland: Great Poland, Little Poland, and Red Russia. The national *sejm*, representing the whole of Poland, came into being towards the end of the fifteenth century. Beginning with 1573 it met regularly every two years for six weeks in Warsaw or in Grodno. Before the convocation of this national all-Polish Parliament, all local Dietines assembled on one and the same day to give instructions to the deputies elected to it.

estates and whole towns, were favorably disposed towards the Jews who lived in their domains, and added to their wealth as farmers and tax-payers. But the petty Shlakhta, the struggling squires, who were looking for places in the civil and state service, arrayed themselves on the side of the burgher class, which had always been hostile to the Jews. This petty Shlakhta bitterly resented the fact that the royal revenues had been turned over to Jewish contractors, who, as collectors of customs and taxes, attained to official dignity, and gradually forced their way into the ranks of the nobility. The income from the collection of the revenues and the influence connected with it this Shlakhta regarded as its inalienable prerogative. The clergy again saw in this enhancement of Jewish influence a serious menace to the Catholic faith, while the urban estates had a vital interest in limiting the commercial rights of the Jews.

At the Piotrkov Diet of 1538 the anti-Jewish agitation was carried on with considerable success. It resulted in the adoption of a statute, or a "constitution," containing a separate Jewish section, in which the old canonical laws cropped out:

> We hereby prescribe and decree – it is stated in that section – that from now on and for all future time all those who manage our revenues must unconditionally be members of the landed nobility, and persons professing the Christian faith… We ordain for inviolable observance that no Jews shall be intrusted [in the capacity of contractors] with the collection of revenues of any kind. For it is unworthy and contrary to divine right that persons of this

description should be admitted to any kind of honors or to the discharge of public functions among Christian people.

It is further decreed that the Jews have no right of unrestricted commerce, and can do no business in any locality, except with the special permission of the king or by agreement with the magistracies; in the villages they are forbidden to trade altogether. Pawnbroking and money-lending on the part of Jews are hedged about by a series of oppressive regulations. The capstone of the Piotrkov "constitution" is the following clause:

> Whereas the Jews, disregarding the ancient regulations, have thrown off the marks by which they were distinguishable from the Christians, and have arrogated to themselves a form of dress which closely resembles that of the Christians, so that it is impossible to recognize them, be it resolved for permanent observance: that the Jews of our realm, all and sundry, in whatever place they happen to be found, shall wear special marks, to wit, a barret, or hat, or some other headgear of yellow cloth. Exception is to be made in favor of travelers, who, while on the road, shall be permitted to discard or conceal marks of this kind.

The fine for violating this regulation is fixed at one gulden.

The only articles of the "constitution" of 1538 which had serious consequences for the Jews of the Crown – the Jews of Lithuania were not affected by these regulations – were those barring them from tax-farming and subjecting them to commercial restrictions. The canonical law concerning a

distinctive headgear was more in the nature of a demonstration than a serious legal enactment, since compliance with it, owing to the high state of culture among the Polish Jews and their important rôle in the economic life of the country, was a matter of impossibility. Behind this regulation lurks the hand of the Catholic clergy, which was alarmed at that time by the initial successes of the Reformation in Poland, and was in fear that the influence of Judaism might enhance the progress of the heresy. The excited imagination of the clerical fanatics perceived signs of a "Jewish propaganda" in the rationalistic doctrine of "Anti-Trinitarianism," which was then making its appearance, denying the dogma of the Holy Trinity. The specter of a rising sect of "Judaizers" haunted the guardians of the Church. One occurrence in particular engendered tremendous excitement among the inhabitants of Cracow. A Catholic woman of that city, Catherine Zaleshovska by name, the wife of an alderman, and four score years of age, was convicted of denying the fundamental dogmas of Christianity and adhering secretly to Jewish doctrines. The Bishop of Cracow, Peter Gamrat, having made futile endeavors to bring Catherine back into the fold of the Church, condemned her to death. The unfortunate woman was burned at the stake on the market-place of Cracow in 1539.

The following description of this event was penned by an eye-witness, the Polish writer Lucas Gurnitzki:

> The priest Gamrat, Bishop of Cracow, assembled all canons and collegiates in order to examine her [Catherine

Zaleshovska, who had been accused of "Judaizing"] as to her principles of faith. When, in accordance with our creed, she was asked whether she believed in Almighty God, the Creator of heaven and earth, she replied: "I believe in God, who created all that we see and do not see, who cannot be comprehended by the human reason, who poureth forth His bounty over man and over all things in the universe." "Do you believe in His only begotten Son, Jesus Christ, who was conceived by the Holy Ghost?" she was asked. She answered: "The Lord God has neither wife nor son, nor does He need them. For sons are needed by those who die, but God is eternal, and since He was not born, it is impossible that He should die. It is we whom He considers His sons, and His sons are those who walk in His paths." Here the collegiates shouted: "Thou utterest evil, thou miserable one! Bethink thyself! Surely there are prophecies that the Lord would send His Son into the world to be crucified for our sins, in order that we, having been disobedient from the days of our ancestor Adam, may be reconciled to God the Father?" A great deal more was said by the learned men to the apostate woman, but the more they spoke, the more stubborn was she in her contention that God was not and could not be born as a human being. When it was found impossible to detach her from her Jewish beliefs, it was decided to convict her of blasphemy. She was taken to the city jail, and a few days later she was burned. She went to her death without the slightest fear.

The well-known contemporary chronicler Bielski expresses

himself similarly: "She went to her death as if it were a wedding."

During the same time there were rumors afloat to the effect that in various places in Poland, particularly in the province of Cracow, many Christians were embracing Judaism, and, after undergoing circumcision, were fleeing for greater safety to Lithuania, where they were sheltered by the local Jews. When the rumor reached the King, he dispatched two commissioners to Lithuania to direct a strict investigation. The officers of the King proceeded with excessive ardor; they raided Jewish homes, and stopped travelers on the road, making arrests and holding cross-examinations. The inquiry failed to reveal the presence of Judaizing sectarians in Lithuania, though it caused the Jews considerable trouble and alarm (1539).

Scarcely had this investigation been closed when the Lithuanian Jews were faced by another charge. Many of them were said to be on the point of leaving the country, and, acting with the knowledge and co-operation of the Sultan, intended to emigrate to Turkey, accompanied by the Christians who had been converted to Judaism. It was even rumored that the Jews had already succeeded in dispatching a party of circumcised Christian children and adults across the Moldavian frontier. The King gave orders for a new investigation, which was marked, like the preceding one, by acts of lawlessness and violence. The Jews were in fear that the King might lend an ear to these accusations and withdraw his protection from them. Accordingly Jews of Brest, Grodno, and other Lithuanian cities, hastened to send

a deputation to King Sigismund, which solemnly assured him that all the rumors and accusations concerning them were mere slander, that the Lithuanian Jews were faithfully devoted to their country, that they had no intention to emigrate to Turkey, and, finally, that they had never tried to convert Christians to their faith. At the same time they made complaints about the insults and brutalities which had been inflicted upon them, pointing to the detrimental effect of the investigation on the trade of the country. The assertions of the deputation were borne out by the official inquiry, and Sigismund, returning his favor to the Jews, cleared them of all suspicion, and promised henceforward not to trouble them on wholesale charges unsupported by evidence. This pledge was embodied in a special charter, a sort of *habeas corpus*, granted by the King to the Jews of Lithuania in 1540.

All this, however, did not discourage the Catholic clergy, who, under the leadership of Bishop Gamrat, continued their agitation against the hated Jews. They incited public opinion against them by means of slanderous books, written in medieval style (*De stupendis erroribus Judaeorum*, 1541; *De sanctis interfectis a Judaeis*, 1543). The Church Synod of 1542 assembled in Piotrkov issued the following "constitution":

> The Synod, taking into consideration the many dangers that confront the Christians and the Church from the large number of Jews who, having been driven from the neighboring countries, have been admitted into Poland, and unscrupulously combine holiness with ungodliness, has

passed the following resolution: Lest the great concentration of Jews in the country lead, as must be apprehended, to even worse consequences, his Majesty the King be petitioned as follows: 1. That in the diocese of Gnesen and particularly in the city of Cracow[50] the number of Jews be reduced to a fixed norm, such as the district set aside for them can accommodate. 2. That in all other places where the Jews did not reside in former times they be denied the right of settlement, and be forbidden to buy houses from Christians, those already bought to be returned to their former owners. 3. That the new synagogues, even those erected by them in the city of Cracow, be ordered to be demolished. 4. Whereas the Church suffers the Jews for the sole purpose of recalling to our minds the tortures of our Saviour, their number shall in no circumstances increase. Moreover, according to the regulations of the holy canons, they shall be permitted only to repair their old synagogues but not erect new ones.

This is followed by seven more clauses containing various restrictions. The Jews are forbidden to keep Christian servants in their houses, particularly nursery-maids, to act as stewards of estates belonging to nobles ("lest those who ought to be the slaves of Christians should thereby acquire dominion and jurisdiction over them"), to work and to trade on Catholic holidays, and to offer their goods publicly for sale even on weekdays. It goes without saying that the rule prescribing a distinguishing Jewish

[50] [Gnesen as seat of the Primate; Cracow as capital.]

dress is not neglected.

This whole anti-Jewish fabric of laws, which the members of the Synod decided to submit to the King, failed to receive legal sanction. Still the Catholic clergy was for a long time guided by it in its policy towards the Jews, a policy, needless to say, of intolerance and gross prejudices. These restrictions were the *pia desideria* of priests and monks, some of which were realized during the subsequent Catholic reaction.

3. Liberalism and Reaction in the Reigns of Sigismund Augustus and Stephen Batory

Sigismund I.'s successor, the cultured and to some extent liberal-minded Sigismund II. Augustus (1548-1572), followed in his relations with the Jews the same principles of toleration and non-interference by which he was generally guided in his attitude towards the non-Christian and non-Catholic citizens of Poland. In the first year of his reign Sigismund II., complying with the request of the Jews of Great Poland, ratified, at the general Polish Diet held at Piotrkov, the old liberal statute of Casimir IV. In the preamble of this enactment the King declares that he confirms the rights and privileges of the Jews on the same grounds as the special privileges of the other estates, in other words, by virtue of his oath to uphold the constitution. Sigismund Augustus considerably amplified and solidified the self-government of the Jewish communities. He bestowed large administrative and judicial powers upon the rabbis and Kahal elders, sanctioning the application of "Jewish law" (*i. e.* of Biblical and Talmudical law)

in civil and partly even criminal cases between Jews (1551). In the general voyevoda courts, in which cases between Jews and Christians were tried, the presence of Jewish "seniors," *i. e.* of duly elected Kahal elders, was required (1556). This liability of the Jews to the royal or voyevoda courts had long constituted one of their important privileges, since it exempted them from the municipal, or magistrates' courts, which were just as hostile to them as the magistracies themselves.

This prerogative – the guarantee of greater impartiality on the part of the royal court – was limited to the Jews residing in the royal cities and villages, and did not extend to those living on the estates of the nobles or in the townships owned by them. Sigismund I. had decreed that "the nobles having Jews in their towns and villages may enjoy all the advantages to be derived from them, but must also try their cases. For we [the King], not deriving any advantages from such Jews, are not obliged to secure justice for them" (1539). Sigismund Augustus now enacted similarly that the Jews living on hereditary Shlakhta estates should be liable to the jurisdiction of the "hereditary owner," not to that of the royal representatives, the voyevoda and sub-voyevoda. As for the other royal privileges, they were extended to the Jews of this category only on condition of their paying the special Jewish head-tax to the King (1549). The split between royalty and Shlakhta, which became conspicuous in the reign of Sigismund Augustus, had already begun to undermine the system of royal patronage, more and more weakened as time

went on.

The relations between the Jews and the "third estate," the burghers, did not improve in the reign of Sigismund Augustus, but they assumed a more definite shape. The two competing agencies, the magistracies and the Kahals, regulated their mutual relations by means of compacts and agreements. In some cities, such as Cracow and Posen, these compacts were designed to safeguard the boundaries of the ghetto, outside of which the Jews had no right to live; in Posen the Jews were even forbidden to increase the number of Jewish houses over and above a fixed norm (49), with the result that they were obliged to build tall houses, with several stories. In other cities, among which was included the city of Warsaw,[51] the magistracies managed to obtain the so-called privilege *de non tolerandis Judaeis*, *i. e.* the right of either not admitting the Jews to settle anew, and confining those already settled to special sections of the city, away from the principal streets, or keeping the Jews away from the city altogether, allowing only the merchants to come on business and stay there for a few days. However, in the majority of Polish cities the protection of the King secured for the Jews equal rights with the other townspeople. For, as one of the royal edicts puts it, "inasmuch as the Jews carry all burdens in the same way as the burghers, their positions must be alike in everything,

[51] [Warsaw was originally the capital of the independent Principality of Mazovia. After the incorporation of Mazovia into the Polish Empire, in 1526, Warsaw emerged from its obscurity and in the latter part of the sixteenth century became the capital of united Poland and Lithuania, taking the place of Cracow and Vilna.]

except in religion and jurisdiction." In some places the King even went so far as to forbid the holding of the weekly market-day on Saturday, to safeguard the commercial interests of the Jews, who refused to do business on their day of rest.

With all the estates of Poland the Jews managed reasonably to agree save only with the Catholic clergy. This implacable foe of Judaism doubled his efforts as soon as the signal from Rome was given to start a reaction against the growing heresy of Protestantism and to combat all other forms of non-Catholic belief. The policy of Paul IV., the inquisitor on the throne of St. Peter, found an echo in Poland. The Papal Nuncio Lippomano, having arrived from Rome, conceived the idea of firing the religious zeal of the Catholics by one of those bloody spectacles which the inquisitorial Church was wont to arrange occasionally *ad maiorem Dei gloriam*. A rumor was set afloat that a poor woman in Sokhachev, Dorothy Lazhentzka by name, had sold to the Jews of the town the holy wafer received by her during communion, and that the wafer was stabbed by the "infidels" until it began to bleed. By order of the Bishop of Khelm three Jews who were charged with this sacrilege and their accomplice Dorothy Lazhentzka were thrown into prison, put on the rack, and finally sentenced to death. On learning of these happenings, the King sent orders to the Starosta of Sokhachev to stop the execution of the death sentence, but the clergy hastened to carry out the verdict,[52] and the alleged blasphemers were burned at

[52] According to another version, they forged the contents of the royal warrant.

the stake (1556). Before their death the martyred Jews made the following declaration:

> We have never stabbed the host, because we do not believe that the host is the Divine body (*nos enim nequaquam credimus hostiae inesse Dei corpus*), knowing that God has no body nor blood. We believe, as did our forefathers, that the Messiah is not God, but His messenger. We also know from experience that there can be no blood in flour.

These protestations of a monotheistic faith were silenced by the executioner, who stopped "the mouths of the criminals with burning torches."

Sigismund Augustus was shocked by these revolting proceedings, which had been engineered by the Nuncio Lippomano. He was quick to grasp that at the bottom of the absurd rumor concerning the "wounded" host lay a "pious fraud," the desire to demonstrate the truth of the Eucharist dogma in its Catholic formulation (the bread of communion as the actual body of Christ), which was rejected by the Calvinists and the extreme wing of the Reformation. "I am shocked by this hideous villainy," the King exclaimed in a fit of religious skepticism, "nor am I sufficiently devoid of common sense to believe that there could be any blood in the host." Lippomano's conduct aroused in particular the indignation of the Polish Protestants, who on dogmatic grounds could not give credence to the medieval fable concerning miracle-working hosts. All this did not prevent the

enemies of the Jews from exploiting the Sokhachev case in the interest of an anti-Jewish agitation. It was in all likelihood due to this agitation that the anti-Jewish "constitution" adopted by the Diet of 1538 was, at the insistence of numerous deputies, confirmed by the Diets of 1562 and 1565.

The articles of this anti-Semitic "constitution" were also embodied in the "Lithuanian Statute" promulgated in 1566. This "statute" interdicts the Jews from wearing the same style of clothes as the Christians and altogether from dressing smartly, from owning serfs or keeping domestics of the Christian faith, and from holding office among Christians, the last two restrictions being extended to the Tatars and other "infidels." The medieval libels found a favorable soil even in Lithuania. In 1564 a Jew was executed in Bielsk, on the charge of having killed a Christian girl, though the unfortunate victim loudly proclaimed his innocence from the steps of the scaffold. Nor were attempts wanting to manufacture similar trials in other Lithuanian localities. To put an end to the agitation fostered by fanatics and obscurantists, the King issued two decrees, in 1564 and 1566, in which the local authorities were strictly enjoined not to institute proceedings against Jews on the charge of ritual murder or desecration of hosts. Sigismund Augustus declares that experience and papal pronouncements had proved the groundlessness of such charges; that, in accordance with ancient Jewish privileges, all such charges must be substantiated by the testimony of four Christian and three Jewish witnesses,

and that, finally, the jurisdiction in all such cases belongs to the King himself and his Council at the General Diet.

Soon afterwards, in 1569, the agreement known as the "Union of Lublin" was concluded between Lithuania and the Crown, or Poland proper, providing for closer administrative and legislative co-operation between the two countries. This resulted in the co-ordination of the constitutional legislation for both parts of the "Republic,"[53] which, in turn, affected injuriously the status of the Jews of Lithuania. The latter country was gradually drawn into the general current of Polish politics, and hence drifted away from the patriarchal order of things, which had built up the prosperity of the Jews in the days of Vitovt. Sigismund Augustus died in 1572, three years after the conclusion of the Union of Lublin. The Jews had good reason to mourn the loss of this King, who had been their principal protector. His death marks the extinction of the Yaghello dynasty, and a new chapter begins in the history of Poland, "the elective period," when the kings are chosen by vote. After a protracted interregnum, the Shlakhta elected the French prince Henry of Valois (1574), one of the instigators of the Massacre of St. Bartholomew. This election greatly alarmed the Jews and the liberal-minded Poles, who anticipated a recrudescence of clericalism; but their fears were

[53] [With the gradual weakening of the royal power, which, after the extinction of the Yaghello dynasty, in 1572, was transformed into an elective office, the favorite designation for the Polish Empire came to be *Rzecz* (pronounced *Zhech*) *Pospolita*, a literal rendering of the Latin Res *Publica*. The term comprises Poland as well as Lithuania, which, in 1569, had been united in one Empire.]

soon allayed. After a few months' stay in Poland, Henry fled to his native land to accept the French crown, on the death of his brother Charles IX. The throne of Poland fell, by popular vote, to Stephen Batory (1576-1586), the valorous and enlightened Hungarian duke. His brief reign, which marks the end of the "golden age" of Polish history, was signalized by several acts of justice in relation to the Jews. In 1576 Stephen Batory issued two edicts, strictly forbidding the impeachment of Jews on the charge of ritual murder or sacrilege, in view of the recognized falsity of these accusations[54] and the popular disturbances accompanying them.

Stephen Batory even went one step further in pursuing the principle, that the Jews, because of their usefulness to the country on account of their commercial activity, had a claim to the same treatment as the corresponding Christian estates. In ratifying the old charters, he added a number of privileges, bearing in particular on the freedom of commerce. The King directed the voyevodas to protect the legitimate interests of the Jews against the encroachments of the magistracies and trade-unions, who hampered them in every possible manner in their pursuit of trades and handicrafts.

Stephen Batory intervened on behalf of the Jews of Posen, who had long been oppressed by a hostile magistracy. Setting aside the draconian regulations of the city fathers, the commercial rivals of the Jews, he permitted the latter to hire

[54] They are referred to in his edicts as *calumniae*.

business premises in all parts of the city and ply their trade even on the days of the Christian festivals. Anticipating the possibility of retaliatory measures on the part of the townspeople, the King impressed upon the magistracy the duty of safeguarding the inviolability of life and property in the city, at the risk of incurring the severest penalties in the case of neglect (1577). All these warnings, however, were powerless to avert a catastrophe. Three months after the promulgation of the royal edict the Jewish quarter in Posen was attacked by the mob, which looted Jewish property and killed a number of Jews. Ostensibly the riot was started because of the refusal of the Jews to allow one of their coreligionists, who was on the point of accepting baptism, to meet his wife. In reality this was nothing but a pretext. The attack had been prepared by the Christian merchants, who could not reconcile themselves to the extension of the commercial rights of their competitors. Batory imposed a heavy fine on the Posen magistracy for having failed to stop the disorders. Only when the members of the magistracy declared under oath that they had been entirely ignorant of the plot was the fine revoked.

As far as the Jews are concerned, Stephen Batory remained loyal to the traditions of a more liberal age, at a time when the Polish populace was already inoculated with the ideas of the "Catholic reaction" imported from Western Europe – ideas which in other respects the King himself was unable to resist. It was during his reign that the Jesuits, Peter Skarga and others, made their appearance as an active, organized body. Batory

extended his patronage to them, and intrusted them with the management of the academy established by him at Vilna. Was it possible for the King to foresee all the evil, darkness, and intolerance which these Jesuit schools would spread all over Poland? Could it have occurred to him that in these seats of learning, which soon monopolized the education of the ruling as well as the middle classes, one of the chief subjects of instruction would be a systematic course in Jew-baiting?

4. Shlakhta and Royalty in the Reigns of Sigismund III. and Vladislav IV.

The results of the upheaval which accompanied the extinction of the Yaghello dynasty assumed definite shape under the first two kings of the Swedish Vasa dynasty, Sigismund III. (1588-1632) and Vladislav IV. (1632-1648). The elective character of royalty made the latter dependent on the Shlakhta, which practically ruled the country, subordinating parliamentary legislation to the aristocratic and agricultural interests of their estate, and almost monopolizing the posts of voyevodas, starostas, and other important officials. At the same time the activity of the Jesuits strengthened the influence of clericalism in all departments of life. To eradicate Protestantism, to oppress the Greek Orthodox "peasant Church," and to reduce the Jews to the level of an ostracized caste of outlaws – such was the program of the Catholic reaction in Poland.

To attain these ends draconian measures were adopted

against the Evangelists and Arians.[55] The members of the Greek Orthodox Church were forced against their will into a union with the Catholics, and the rights of the "dissidents," or non-conformists, were constantly curtailed. The Jesuits, who managed to obtain control over the education of the growing generation, inoculated the Polish people with the virus of clericalism. The less the zealots of the Church had reason to expect the conversion of the Jews, the more did they despise and humiliate them. And if they did not altogether succeed in restoring the medieval order of things, it was no doubt due to the fact that the structure of the Polish state, with its irrepressible conflict of class interests, did not allow any kind of system to take firm root. "Poland subsists on disorders," was the boast of the political leaders of the age. The "golden liberty" of the Shlakhta degenerated more and more. It became a weapon in the hands of the higher classes to oppress the middle and the lower classes. It led to anarchy, it undermined the authority of the Diet, in which a single member could impose his veto on the decision of the whole assembly (the so-called *liberum veto*), and resulted in endless dissensions between the estates. On the other hand, one

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[55] [The Arian heresy, as modified and preached by Faustus Socinus (1539-1604), an Italian who settled in Poland, became a powerful factor in the Polish intellectual life of that period. Because of its liberal tendency, this doctrine appealed in particular to the educated classes, and its adherents, called Socinians, were largely recruited from the ranks of the Shlakhta. Under Sigismund III. a strong reaction set in, culminating in the law passed by the Diet of 1658, according to which all "Arians" were to leave the country within two years.]

must not forget that, while this division of power was disastrous for Poland, the absolute concentration of power after the pattern of Western Europe, in the circumstances then prevailing, might have proved even more disastrous. Under a system of monarchic absolutism, Poland might have become, during the period of the Catholic reaction, another Spain of Philip II. Disorder and class strife saved the Polish people from the "order" of the Inquisition and the consistency of autocratic hangmen.

The championship of Jewish interests passed by degrees from the hands of royalty into those of the wealthy parliamentary Shlakhta. Though more and more permeated by clerical tendencies, the fruit of Jesuit schooling, the nobility in most cases held its protecting hand over the Jews, to whom it was tied by the community of economic interests. The Jewish tax-collector in the towns and townlets, which were privately owned by the nobles, the Jewish *arendar*[56] in the village, who procured an income for the *pan*[57] from dairying, milling, distilling, liquor-selling and other enterprises – they were indispensable to the easy-going magnate, who was wont to let his estates take care of themselves, and while away his time in the capital, at the court, in merry amusements, or at the tumultuous sessions of the national

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[56] [*Arendar*, also *arendator*, from medieval Latin *arrendare*, "to rent," signifies in Polish and Russian a lessee, originally of a farm, subsequently of the tavern and, as is seen in the text, other sources of revenue on the estate. These arendars being mostly Jews, the name, abbreviated in Yiddish to *randar*, came practically to mean "village Jew."]

[57] [Literally, *lord*: the lord of the manor, noble landowner.]

and provincial assemblies, where politics were looked upon as a form of entertainment rather than a serious pursuit. This Polish aristocracy put a check on the anti-Semitic endeavors of the clergy, and confined the oppression of the Jews within certain limits. Even the devout Sigismund III., who was subject to Jesuit influence, continued the traditional rôle of Jewish protector. In 1588, shortly after his accession to the throne, he confirmed, at the request of the Jews, their right of trading in the cities, though not without certain restrictions which the demands of the Christian merchants had forced upon him.

Nevertheless the economic struggle in the cities continues with ever-increasing fury, manifesting itself more and more in the shape of malign religious fanaticism. In many cities the municipalities arrogate to themselves judicial authority over the Jews – the authority of the wolves over the sheep – contrary to the fundamental Polish law, which places all litigation between Jews and Christians under the jurisdiction of the royal officials, the voyevodas and starostas. The king, appealed to by the injured, has frequent occasion to remind the magistracies that the Jews are not to be judged by the Magdeburg Law, but by common Polish law, in addition to their own rabbinical courts for internal disputes. A pronouncement of this nature was issued, among others, by King Sigismund III., when the Jews of Brest appealed to him against the local municipality (1592). Their appeal was supported by the head of the Jewish community, Saul Yudich (son of Judah), contractor of customs and other state

revenues in Lithuania, who wielded considerable influence at the Polish court. He bore the title of "servant of the king," and was frequently in a position to render important services to his coreligionists.[58] But where the Jewish masses were not fortunate enough to possess such powerful advocates in the persons of the big tax-farmers and "servants of the king," their legitimate interests were frequently trampled upon. The burghers of Vilna, in their desire to dislodge their Jewish competitors from the city, did not stop at open violence. They demolished the synagogue, and sacked the Jewish residences in the houses owned by the Shlakhta (1592). In Kiev, where the Jews had been settled in the Old Russian period,[59] the burghers were endeavoring to secure from the King the privilege *de non tolerandis Judaeis* (1619).

The hostility of the burgher class, which was made up of Germans to a considerable extent, manifested itself with particular intensity in the old hotbed of anti-Semitism, in Posen. Attacks on the Jewish quarter on the part of the street mob and "lawful" persecutions on the part of the magistracy and trade-unions were a regular feature in the life of that city. In the case of several trades, as, for instance, in the needle trade, the Jewish

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[58] There is reason to believe that he is the hero of the legendary story according to which an influential Polish Jew by the name of Saul Wahl, a favorite of Prince Radziwill, was, during an interregnum, proclaimed Polish king by the Shlakhta, and reigned for one night.

[59] [See pp. 29 *et seq.* Kiev was captured by the Lithuanians in 1320, and remained, through the union of Lithuania and Poland, a part of the Polish Empire until 1654, when, together with the province of Little Russia, it was ceded to Muscovy.]

artisans were restricted to Jewish customers. In 1618 a painter employed to paint the walls of the Posen town hall drew all kinds of figures which were extremely offensive to the Jews, and subjected them to the ridicule of an idle street mob. Two years later the local clergy spread the rumor, that the table on which the famous three hosts had been pierced by the Jews in 1399[60] had been accidentally discovered in the house of a Jew. The fictitious relic was transferred to the Church of the Carmelites in a solemn procession, headed by the Bishop and the whole local priesthood. This demonstration helped to inflame the populace against the Jews. The crowd, fed on such spectacles, lost the last sparks of humanity. The scholars of the Jesuit colleges frequently invaded the Jewish quarter, making sport of the Jews and committing all kinds of excesses, in strange contradiction to the precept of the Gospels, to love their enemies, which they were taught in their schools.

Based on malicious fabrications, ritual murder trials become endemic during this period, and assume an ominous, inquisitorial character. Cases of this nature are given great prominence, and are tried by the highest Polish law court, the Crown Tribunal,[61] without any of the safeguards of impartiality which had been provided for such cases by the ancient charters of the Polish

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[60] See p. 55.

[61] [Stephen Batory instituted two supreme courts for the realm: one for the Crown, *i. e.* for Poland proper, and another for Lithuania. The former held its sessions in Lublin for Little Poland and in Piotrkov for Great Poland (see p. 164).]

kings, and had been more recently reaffirmed by Stephen Batory. In 1598 the Tribunal of Lublin sentenced three Jews to death on the charge of having slain a Christian boy, whose body had been found in a swamp in a near-by village. To force a confession from the accused the whole inquisitorial torture apparatus was set in motion, and execution by quartering was carried out with special solemnity in Lublin. The body of the youngster, the involuntary cause of the death of innocent victims, was transferred by the Jesuits to one of the local churches, where it became the object of superstitious veneration. Trials of this kind, with an occasional change of scene, were enacted in many other localities of Poland and Lithuania.

Simultaneously a literary agitation against the Jews was set on foot by the clerical party. Father Moyetzki published in 1598 in Cracow his ferociously anti-Jewish book entitled "Jewish Bestiality" (*Okrucieństwo Żydowskie*), enumerating all ritual murder trials which had ever taken place in Europe and particularly in Poland, and adding others which were invented for this purpose by the author.[62]

A Polish physician, named Shleshkovski, accused the Jewish physicians, his professional rivals, of systematically poisoning and delivering to death good Catholics, and declared the pest, raging at that time, to be a token of the Divine displeasure at the protection granted to the Jews in Poland (*Jasny dowód o doktorach żydowskich*, "A Clear Argument Concerning Jewish

[62] A second edition of the book appeared in 1636.

Physicians," 1623).

But the palm undoubtedly belongs to Sebastian Michinski, of Cracow, the frenzied author of the "Mirror of the Polish Crown" (*Zwierciadlo korony Polskiej*, 1618). As a docile pupil of the Jesuits, Michinski collected everything that superstition and malice had ever invented against the Jews. He charged the Jews with every mortal sin – with political treachery, robbery, swindling, witchcraft, murder, sacrilege. In this scurrilous pamphlet he calls upon the deputies of the Polish Diet to deal with the Jews as they had been dealt with in Spain, France, England, and other countries – to expel them. In particular, the book is full of libels against the rich Jews of Cracow, with the result that the sentiment against the Jewish population of that city rapidly drifted towards a riot. To forestall the possibility of excesses the King ordered the confiscation of the book. The incendiary attacks of Michinski also led to stormy debates at the Diet of 1618. While some deputies eulogized him as a champion of truth, others denounced him as a demagogue and a menace to the public welfare. The Diet showed enough common sense to refuse to follow the lead of a writer crazed with Jew-hatred; yet the opinions voiced by him gradually took hold of the Polish people, and prepared the soil for sinister conflicts.

Sigismund III.'s successor, Vladislav IV., was not so zealous in his Catholicism and in his devotion to the Jesuits as his father. He exhibited a certain amount of tolerance towards the professors of other creeds, endeavored to uphold the ancient Jewish privileges,

and made it, in general, his business to reconcile the warring estates with one another. However, the strife between the religious and social groups had already eaten so deeply into the vitals of Poland that even a far more energetic king than Vladislav IV. would scarcely have been able to put an end to it. Instead of harmonizing the conflicting interests, the King sided now with one, now with another, party. In 1633 Vladislav IV. confirmed, at the Coronation Diet,[63] the basic privileges of the Jews, granting them full freedom in their export trade, fixing the limits of their judicial autonomy, and instructing the municipalities to take measures for shielding them against popular outbreaks. But at the same time he forbade the Jewish communities to erect new synagogues or establish new cemeteries, without obtaining in each case a royal license. This restriction, by the way, may be considered a privilege, inasmuch as an attempt had been made by Sigismund III. to make the right of erecting synagogues dependent on the consent of the clergy.

Though on the whole desirous of respecting the rights of the Jews, nevertheless, in individual cases, the King acted favorably on the petitions of various cities to restrict these rights, and occasionally revoked his own orders. Thus in June, 1642, he permitted the Jews of Cracow to engage freely in export trade, but two months later he withdrew his permission,

[63] [In addition to the regular Diets, which assembled every two years (see above, p. 76, n. 1), there were held also Election Diets and Coronation Diets, in connection with the election and the coronation of the new king. The former met on a field near Warsaw; the latter were held in Cracow.]

the Christian merchants of Cracow having complained to him about the effectiveness of Jewish competition. Complying with the application of the burghers of Moghilev on the Dnieper,[64] he confirmed, in 1633, his father's orders concerning the transfer of the Jews from the center of the city to its outskirts, and subsequently, in 1646, sanctioned the decision of the magistracy prohibiting the letting of houses to them in a Christian neighborhood. The law forbidding Jews to engage in petty trade on the market-place effected in some cities a substantial rise in the prices of necessaries, and the Shlakhta petitioned the King to repeal this prohibition for the city of Vilna. Vladislav complied with the petition, but, to please the Vilna municipality, he imposed at the same time a number of severe restrictions on the local Jews, making them liable to the municipal courts in monetary litigation with Christians, confining their area of residence to the boundaries of the "Jewish street," and barring them from plying those trades which were pursued by the Christian trade-unions (1633). The same policy was responsible for the anti-Jewish riots which took place about the same time in Vilna, Brest, and other cities.

Nothing did more to accentuate these conflicts than the preposterous economic policy of the Polish Government. The Warsaw Diet of 1643, in endeavoring to determine the prices of various articles of merchandise, passed a law compelling all

[64] [Moghilev on the Dnieper, in White Russia, is to be distinguished from Moghilev on the Dniester, a town in the present Government of Podolia.]

merchants to limit themselves by a public oath to a definite rate of profit, which was fixed at seven per cent in the case of the native Christian (*incola*), five per cent in the case of the foreigner (*advena*), and only three per cent in the case of the Jew (*infidelis*). It is obvious that, being under the compulsion of selling his goods at a cheaper price, the Jew on the one hand was forced to lower the quality of his merchandise, and on the other hand was bound to undermine Christian trade, and thereby draw upon himself the wrath of his competitors.

As for the Polish clergy, true to its old policy it fostered in its flock the vulgar religious prejudices against the Jews. This applies, in particular, to the Jesuits, though, to a lesser degree, it holds good also in the case of the other Catholic orders of Poland. A frequent contrivance to raise the prestige of the Church was to engineer impressive demonstrations. In the spring of 1636, when a Christian child happened to disappear in Lublin, suspicion was cast upon the Jews, that they had tortured the child to death. The Crown Tribunal, which tried the case, and failed to find any evidence, acquitted the innocent Jews. Thereupon the local clergy, dissatisfied with the judgment of the court, manufactured a new case, this time with the necessary "evidence." A Carmelite monk by the name of Peter asserted that the Jews, having lured him into a house, told a German surgeon to bleed him, and that his blood was squeezed out and poured into a vessel, while the Jews murmured mysterious incantations over it. The Tribunal gave credit to this hideous charge, and, after going through

the regular legal proceedings, including the medieval "cross-examinations" and the rack, sentenced one Jew named Mark (Mordecai) to death. The Carmelite monks hastened to advertise the case for the purpose of planting the terrible prejudice more firmly in the hearts of the people.

Another trial of a similar nature took place in 1639. Two elders of the Jewish community of Lenchitza were sentenced to death by the Crown Tribunal on the charge of having murdered a Christian boy from a neighboring village. Neither the protestation of the Starosta of Lenchitza, that the case did not come within the jurisdiction of his court, nor the fact that the accused, though put upon the rack, refused to make a confession, were able to avert the death sentence. The bodies of the executed Jews were cut into pieces and hung on poles at the cross-roads. The Bernardine monks of Lenchitza turned the incident to good account by placing the remains of the supposedly martyred boy in their church and putting up a picture representing all the details of the murder. The superstitious Catholic masses flocked to the church to worship at the shrine of the juvenile saint, swelling the revenues of the Bernardine church – which was exactly what the devout monks were after.

While the Church was engineering the ritual murder trials for the sake of "business," the municipal agencies, representing the Christian merchant class, acted similarly for the purpose of ridding themselves of the Jews and getting trade under their absolute control. This policy is luridly illustrated by a tragic

occurrence, which, in the years 1635 to 1637, stirred the city of Cracow to its depths. A Pole by the name of Peter Yurkevich was convicted of having stolen some church vessels. At the cross-examination, having been put upon the rack, he testified that a Jewish tailor, named Jacob Gzheslik, had persuaded him to steal a host. Since the Jew had disappeared and could nowhere be found, Yurkevich was the only one to bear the death penalty. But before the execution, in making his confession to the priest, he stated – and he repeated the statement afterwards before an official committee of investigation – the following facts:

> I have stolen no sacraments from any church, and have never made my God an object of barter. I merely stole a few silver and other church dishes. My former depositions were made at the advice of the gentlemen of the magistracy. The first time I was conducted into the court room Judge Belza spoke to me as follows: "Depose that you have stolen the sacraments and sold them to the Jews. You will suffer no harm from it, while we shall have a weapon wherewith to expel the Jews from Cracow." I had hoped that this deposition would obtain freedom for me, and I did as I had been told.

But Yurkevich's statement had no effect. He was convicted on the strength of his original affidavit, though it had been squeezed out of him by trickery and torture, and he was burned at the stake. As for the Jews of Cracow, they had to bear the penalty in the shape of a riot, the mob attacking the Jewish ghetto and seizing forty Jews, who were carried off to be thrown into the river.

Seven men were drowned, while the others saved themselves by promising to embrace Christianity (May, 1637).

# CHAPTER IV
# THE INNER LIFE OF POLISH JEWRY AT ITS ZENITH

1. Kahal Autonomy and the Jewish Diets

The peculiar position occupied by the Jews in Poland made their social autonomy both necessary and possible. Constituting an historical nationality, with an inner life of its own, the Jews were segregated by the Government as a separate estate, an independent social body. Though forming an integral part of the urban population, the Jews were not officially included in any one of the general urban estates, whose affairs were administered by the magistracy or the trade-unions. Nor were they subjected to the jurisdiction of Christian law courts as far as their internal affairs were concerned. They formed an entirely independent class of citizens, and as such were in need of independent agencies of self-government and jurisdiction. The Jewish community constituted not only a national and cultural, but also a civil, entity. It formed a Jewish city within a Christian city, with its separate forms of life, its own religious, administrative, judicial, and charitable institutions. The Government of a country with sharply divided estates could not but legalize the autonomy of the Jewish Kahal, after having legalized the Magdeburg Law of the Christian urban estates, in

which the Germans constituted the predominating element. As for the kings, in their capacity as the official "guardians" of the Jews, they were especially concerned in having the Kahals properly organized, since the regular payment of the Jewish taxes was thereby assured. Moreover, the Government found it more to its convenience to deal with a well-defined body of representatives than with the unorganized masses.

As early as the period of royal "paternalism," during the reign of Sigismund I., the king endeavored to extend his fatherly protection to the Jewish system of communal self-government. The appointment of Michael Yosefovich as the "senior" of the Lithuanian Jews, with a rabbi as expert adviser[65], was designed to safeguard the interests of the exchequer by concentrating the power in the hands of a federation of Kahals in Lithuania. On more than one occasion Sigismund I. confirmed the "spiritual judges," or rabbis (*judices spirituales*, *doctores legis*), elected by the Jews in different parts of Poland, in their office. In 1518 he ratified, at the request of the Jews of Posen, their election of two leading rabbis, Moses and Mendel, to the posts of provincial judges for all the communities of Great Poland, bestowing upon the newly-elected officials the right of instructing and judging their coreligionists in accordance with the Jewish law. In Cracow, where the Jews were divided into two separate communities – one of native Polish Jews and another of immigrants from Bohemia, – the King empowered each of them to elect its own

[65] See pp. 72 and 73.

rabbi. The choice fell upon Rabbi Asher for the former, and upon Rabbi Peretz for the latter, community, and when a dispute arose between the two communities as to the ownership of the old synagogue, the King again intervened, and decided the case in favor of the native community (1519). In 1531 Mendel Frank, the rabbi of Brest, complained to the King that the Jews did not always respect his decisions, and brought their cases before the royal starostas. Accordingly Sigismund I. thought it necessary to warn the Jews to submit to the jurisdiction of their own "doctors," or rabbis, who dispensed justice according to the "Jewish law," and were given the right of imposing the "oath" (*herem*, excommunication) and all kinds of other penalties upon insubordinates. In the following year the King appointed as "senior," or chief rabbi, of Cracow the well-known scholar Moses Fishel – who, it may be added parenthetically, had taken the degree of Doctor of Medicine in Padua – to succeed Rabbi Asher, referred to previously. Pursuing the same policy of centralization, the King, a few years later, in 1541, confirmed in their office as chief rabbis (*seniores*) of the whole province of Little Poland two men "learned in the Jewish law," the same Rabbi Moses Fishel of Cracow, and the famous progenitor of Polish Talmudism, Rabbi Shalom Shakhna of Lublin.

In the same measure, however, in which the communal organization of the Jews gained in strength, and the functions of the rabbis and Kahal elders became more clearly defined, the Government gradually receded from its attitude of paternal

interference. The *magna charta* of Jewish autonomy may be said to be represented by the charter of Sigismund Augustus, issued on August 13, 1551, which embodies the fundamental principles of self-government for the Jewish communities of Great Poland.

According to this charter, the Jews are entitled to elect, by general agreement,[66] their own rabbis and "lawful judges" to take charge of their spiritual and social affairs. The rabbis and judges, elected in this manner, are authorized to expound all questions of the religious ritual, to perform marriages and grant divorces, to execute the transfer of property and other acts of a civil character, and to settle disputes between Jews in accordance with the "Mosaic law" (*iuxta ritum et morem legis illorum Mosaicae*) and the supplementary Jewish legislation. In conjunction with the Kahal elders they are empowered to subject offenders against the law to excommunication and other punishments, such as the Jewish customs may prescribe. In case the person punished in this manner does not recant within a month, the matter is to be brought to the knowledge of the king, who may sentence the incorrigible malefactor to death and confiscate his property. The local officers of the king are enjoined to lend their assistance in carrying out the orders of the rabbis and elders.

This enactment, coupled with a number of similar charters, which were subsequently promulgated for various provinces of Poland, conferred upon the elective representatives of the

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[66] [*Unanimi voto et consensu* are the exact words of the document. See Bersohn, *Dyplomatariusz* (Collection of ancient Polish enactments relating to Jews), p. 51.]

Jewish communities extensive autonomy in economic and administrative as well as judicial affairs, at the same time insuring its practical realization by placing at its disposal the power of the royal administration.

The firm consolidation of the *régime* of the self-governing community, the *Kahal*, dates from that period. In this appellation two concepts were merged: the "community," the aggregate of the local Jews, on the one hand, and, on the other, the "communal administration," representing the totality of all the Jewish institutions of a given locality, including the rabbinate. The activity of the Kahals assumed particularly large proportions beginning with the latter half of the sixteenth century.

All cities and towns with a Jewish population had their separate Kahal boards. Their size corresponded roughly to that of the given community. In large centers the membership of the Kahal board amounted to forty; in smaller towns it was limited to ten. The members of the Kahal were elected annually during the intermediate days of Passover. As a rule the election proceeded according to a double-graded system. Several electors (*borerim*), their number varying from nine to five, were appointed by lot from among the members of all synagogues, and these electors, after taking a solemn oath, chose the Kahal elders. The elders were divided into groups. Two of these, the *rashim* and *tubim* (the "heads" and "optimates"), stood at the head of the administration, and were in charge of the general affairs of the community. They were followed by the *dayyanim*, or judges, and

the *gabbaim*, or directors, who managed the synagogues as well as the educational and charitable institutions. The *rashim* and *tubim* formed the nucleus of the Kahal, seven of them making a quorum; in the smaller communities they were practically identical with the Kahal board.

The sphere of the Kahal's activity was very large. Within the area allotted to it the Kahal collected and turned over to the exchequer the state taxes, arranged the assessment of imposts, both of a general and a special character, took charge of the synagogues, the Talmudic academies, the cemeteries, and other communal institutions. The Kahal executed title-deeds on real estate, regulated the instruction of the young, organized the affairs appertaining to charity and to commerce and handicrafts, and with the help of the *dayyanim* and the rabbi settled disputes between the members of the community. As for the rabbi, while exercising unrestricted authority in religious affairs, he was in all else dependent on the Kahal board, which invited him to his post for a definite term. Only great authorities, far-famed on account of their Talmudic erudition, were able to assert their influence in all departments of communal life.

The Kahal of each city extended its authority to the adjacent settlements and villages which did not possess autonomous organizations of their own. Moreover, the Kahals of the large centers kept under their jurisdiction the minor Kahals, or *prikahalki*,[67] as they were officially called, of the towns and

[67] [Literally, By-Kahals.]

townlets of their district, as far as the apportionment of taxes and the judicial authority were concerned. This gave rise to the "Kahal boroughs," or *gheliloth* (singular, *galil*). Often disputes arose between the Kahal boroughs as to the boundaries of their districts, the contested minor communities submitting now to this, now to the other, "belligerent." On the whole, however, the moderate centralization of self-government benefited the Jewish population, since it introduced order and discipline into the Kahal hierarchy, and enabled it to defend the civil and national interests of Judaism more effectively.

The capstone of this Kahal organization were the so-called *Waads*,[68] the conferences or assemblies of rabbis and Kahal leaders. These conferences received their original impetus from the rabbis and judges. The rabbinical law courts, officially endowed with extensive powers, were guided in their decisions by the legislation embodied in the Bible and the Talmud, which made full provision for all questions of religious, civil, and domestic life as well as for all possible infractions of the law. Yet it was but natural that even in this extensive system of law disputed points should arise for which the competency of a single rabbi did not suffice. Moreover there were cases in which the litigants appealed from the decision of one rabbinical court to another, more authoritative, court. Finally lawsuits would occasionally arise between groups of the population, between one community and another, or between a private person and a

[68] [a = short German *a*. In Hebrew דעו.]

Kahal board. For such emergencies conferences of rabbis and elders would be called from time to time as the highest court of appeal.

Beginning with the middle of the sixteenth century these conferences met at the time of the great fairs, when large numbers of people congregated from various places, and litigants arrived in connection with their business affairs. The chief meeting-place was the Lublin fair, owing to the fact that Lublin was the residence of the father of Polish rabbinism, the above-mentioned Rabbi Shalom Shakhna, who was officially recognized as the "senior rabbi" of Little Poland. As far back as in the reign of Sigismund I. the "Jewish doctors," or rabbis, met there for the purpose of settling civil disputes "according to their law." In the latter part of the sixteenth century these conferences of rabbis and communal leaders, assembling in connection with the Lublin fairs, became more frequent, and led in a short time to the organization of regular, periodic conventions, which were attended by representatives from the principal Jewish communities of the whole of Poland.

The activity of these conferences, or conventions, passed, by gradual expansion, from the judicial sphere into that of administration and legislation. At these conventions laws were adopted determining the order of Kahal elections, fixing the competency of the rabbis and judges, granting permits for publishing books, and so forth. Occasionally these assemblies of Jewish notables endorsed by their authority the enactments of

the Polish Government. Thus, in 1580, the representatives of the Polish-Jewish communities, who assembled in Lublin, gave their solemn sanction to the well-known Polish law barring the Jews of the Crown, of Poland proper, from farming state taxes and other public revenues, in view of the fact that "certain people, thirsting for gain and wealth, to be obtained from extensive leases, might thereby expose the community to great danger."

Towards the end of the sixteenth century the fair conferences received a firmer organization. They were attended by the rabbis and Kahal representatives of the following provinces: Great Poland (the leading community being that of Posen), Little Poland (Cracow and Lublin), Red Russia (Lemberg), Volhynia (Ostrog and Kremenetz), and Lithuania (Brest and Grodno). Originally the name of the assembly varied with the number of provinces represented in it, and it was designated as the Council of the Three, or the Four, or the Five, Lands. Subsequently, when Lithuania withdrew from the Polish Kahal organization, establishing a federation of its own, and the four provinces of the Crown[69] began to send their delegates regularly to these conferences, the name of the assembly was ultimately fixed as "the Council of the Four Lands" (*Waad Arba Aratzoth*).

The "Council" was made up of several leading rabbis of

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[69] [Great Poland, Little Poland, Red Russia, and Volhynia. Volhynia at first formed part of the Lithuanian Duchy, but was ceded to the Crown, in 1569, by the Union of Lublin.]

Poland,[70] and of one delegate for each of the principal Kahals selected from among their elders – the number of the conferees altogether amounting to about thirty. They met periodically, once or twice a year, in Lublin and Yaroslav (Galicia) alternately. As a rule, the Council assembled in Lublin in early spring, between Purim and Passover, and in Yaroslav at the end of the summer, before the high holidays.

> The representatives of the Four Lands – says a well-known annalist of the first half of the seventeenth century[71]– reminded one of the Sanhedrin, which in ancient days assembled in the Chamber of Hewn Stones (*lishkath ha-gazith*) of the temple. They dispensed justice to all the Jews of the Polish realm, issued preventive measures and obligatory enactments (*takkanoth*), and imposed penalties as they saw fit. All the difficult cases were brought before their court. To facilitate matters the delegates of the Four Lands appointed [a special commission of] so-called "provincial judges" (*dayyane medinoth*) to settle disputes concerning property, while they themselves [in plenary session] examined criminal cases, matters appertaining to *hazaka* (priority of possession) and other difficult points of law.

The Council of the Four Lands was the guardian of Jewish civil interests in Poland. It sent its *shtadlans*[72] to the residential

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[70] In the middle of the seventeenth century their number was six.

[71] Nathan Hannover, in his *Yeven Metzula* [see p. 157, n. 1], ed. Venice, 1653, p. 12.

[72] [A Hebrew term designating public-spirited Jews who defend the interests of their

city of Warsaw[73] and other meeting-places of the Polish Diets for the purpose of securing from the king and his dignitaries the ratification of the ancient Jewish privileges, which had been violated by the local authorities, or of forestalling contemplated restrictive laws and increased fiscal burdens for the Jewish population.

But the main energy of the Waad was directed towards the regulation of the inner life of the Jews. The statute of 1607, framed, at the instance of the Waad, by Joshua Falk Cohen, Rabbi of Lublin, is typical of this solicitude. The following rules are prescribed for the purpose of fostering piety and commercial integrity among the Jewish people: to pay special attention to the observance of the dietary laws, to refrain from adopting the Christian form of dress; not to drink wine with Christians in the pot-houses, in order not to be classed among the disreputable members of the community; to watch over the chastity of Jewish women, particularly in the villages where the Jewish arendars[74] with their families were isolated in the midst of the Christian population. In the same statute rules are also laid down tending

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coreligionists before the Government. In Polish official documents they are referred to as "General Syndics." In Poland the *shtadlans* were regular officials maintained by the Jewish community. Comp. the article by L. Lewin, *Der Schtadlan im Posener Ghetto*, in *Festschrift* published in honor of Dr. Wolf Feilchenfeld (1907), pp. 31 *et seq.*]

[73] Towards the end of the sixteenth century Warsaw, instead of Cracow, became the residence of the Polish kings. The Jews had no right of domicile in Warsaw, and were permitted only to visit it temporarily. [See p. 85.]

[74] [See p. 93, n. 1.]

to restrain the activities of Jewish usurers and to regulate money credit in general.

In 1623 the Kahals of Lithuania withdrew from the federation of the Four Lands, and established a provincial organization of their own, which was centralized in the convention of delegates from the three principal Kahals of Brest, Grodno, and Pinsk. Subsequently, in 1652 and 1691, the Kahals of Vilna and Slutzk were added. The Lithuanian assembly was generally designated as the "Council of the Principal Communities of the Province of Lithuania" (*Waad Kehilloth Rashioth di-Medinath Lita*). The organic statute, framed by the first Council, comprises many aspects of the social and spiritual life of the Jews. It lays down rules concerning the mutual relationship of the communities, the methods of apportioning the taxes among them, the relations with the outside world (such as the Polish Diets, the local authorities, the landed nobility, and the urban estates), the elections of the Kahals, and the question of popular education. The Lithuanian Waad met every three years in various cities of Lithuania, but in cases of emergency extraordinary conventions were called. During the first years of its existence the Lithuanian Council was evidently subordinate to that of Poland, but at a later date this dependence ceased.

In this way both the Crown, or Poland proper, and Lithuania had their communal federations with central administrative agencies. As was pointed out previously, the Polish federation was composed of four provinces. The individual Kahals, which

were the component parts of each of these four provinces, held their own provincial assemblies, which stood in the same relation to the Waad as the "Dietines," or provincial Diets, of Poland, to the national Diet of the whole country.[75] Thus the communities of Great Poland had their own Great-Polish "Dietine," those of Volhynia their own Volhynian "Dietine," and so forth. The provincial Kahal conventions met for the purpose of allotting the taxes to the individual communities of a given province, in proportion to the size of its population, or of electing delegates to the federated Council. These Jewish Dietines acted as the intermediate agencies of self-government, standing half-way between the individual Kahals on the one hand and the general Waads of the Crown and of Lithuania on the other.

This firmly-knit organization of communal self-government could not but foster among the Jews of Poland a spirit of discipline and obedience to the law. It had an educational effect on the Jewish populace, which was left by the Government to itself, and had no share in the common life of the country. It provided the stateless nation with a substitute for national and political self-expression, keeping public spirit and civic virtue alive in it, and upholding and unfolding its genuine culture.

[75] [See p. 76, n. 1.]

# Конец ознакомительного фрагмента.