The Jews in Christian Europe

A Source Book · 315–1791

Jacob Rader Marcus
Marc Saperstein

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Pope Gregory the Great and the Jews
590–604

Gregory the Great (590–604) is important in Jewish history because his attitude toward the Jews finally became the official policy of the Catholic Church. This policy is an attempt to crystallize the status of the Jews as it had evolved under the Christian Roman emperors of the fourth, fifth, and sixth centuries. It is most clearly expressed in the very last paragraph of the letter to Fantinus quoted below.

The first of the Latin letters given below shows Gregory's distaste for forced baptisms, although he himself was most eager to bring the Jews over to Christianity.

The second letter describes the great pope's efforts to do justice to the Jews of Palermo, in Sicily. The bishop there, Victor, had seized and occupied a synagogue, and when he saw that Gregory objected, he quickly consecrated it as a church, making its return to Jewry impossible. Gregory attempted to correct this injustice by restoring to the Jews the value of the buildings and by instituting a search for the contents that had been carried off. The reason for this attitude was Gregory's desire to adhere closely to the principles of the Roman law which already defined the privileges and the disabilities of the Jews. He himself did nothing, however, to improve their legal condition.

7.1 Gregory to Virgilius, Bishop of Arles, and Theodorus, Bishop of Marseilles, June 591

Though the opportunity of a suitable time and suitable persons for writing to your Fraternity and duly returning your salutation has failed me so far, the result has been that I can now at one and the same time acquit myself of what is due to love and fraternal relationship, and also touch on the complaint of certain persons which has reached us, with respect to the way in which the souls of the erring should be saved.

Very many, though indeed of the Jewish religion, resident in this province [Rome], and from time to time traveling for various matters of business to the regions of Marseilles, have apprised us that many of the Jews settled in those parts have been brought to the font of baptism more by force than by preaching.1 Now I consider the intention in such cases to be worthy of praise, and allow that it proceeds from the love of our Lord. But I fear lest this same intention, unless adequate justification from Holy Scripture accompany it, should either have no profitable effect; or there will ensue further (God forbid) the loss of the very souls which we wish to save.

For, when anyone is brought to the font of baptism, not by the sweetness of preaching but by compulsion, he returns to his former superstition, and dies the worse from having been born again.2

Let, therefore, your Fraternity stir up such men by frequent preaching, to the end that through the sweetness of their teacher they may desire the more to change their old life. For so our purpose is rightly accomplished, and the mind of the convert returns not again to his former vomit. Wherefore discourse must be addressed to them, such as may burn up the thorns of error in them, and illuminate what is dark in them by preaching, so that your Fraternity may through your frequent admonition receive a reward for them, and lead them, so far as God may grant it, to the regeneration of a new life.3

1 Apparently Jews in Rome felt comfortable appealing to the pope on behalf of mistreatment of Jews in southern France. The general strategy of Jewish self-defense was to cultivate access to those at the top of the pyramids of authority in Christian society.

2 Note the assumptions in this concise formulation. First: baptism under duress, though prohibited before the fact, in after the fact a sacrament that is valid and indelible. Second: the natural response of someone forced to accept Christianity will be to return as soon as possible to the previous religious identity. Third: since that person is now a Christian, his status will be that of a heretic, guilty of "judaising," which is far worse than the status of a Jew ("dies the worse from having been born again").

3 Though Gregory was ready to force pagans into Christianity, he believed Jews should be converted only by preaching and example.
7.2 Gregory to Fantinus, Defender [papal administrator] of Palermo, October 598

A little time ago [in June] we wrote to Victor, our brother and fellow-bishop, that—insomuch as certain of the Jews have complained in a petition presented to us that synagogues with their guest-chambers [for the poor and ailing], situated in the city of Palermo, had been unreasonably taken possession of by him—he should keep aloof from the consecration of them [as churches] until it could be ascertained whether this thing had actually been done, lest perchance injury should appear to have been alleged by the Jews of their own [ill] will. And, indeed, having regard to his priestly office, we could not easily believe that our aforesaid bishop [Victor] had done anything unsuitably.

But, we found from the report of Salarius, our notary [a papal agent], who was afterwards there, that there had been no reasonable cause for taking possession of those synagogues, and that they had been unadvisedly and rashly consecrated. Therefore enjoin thine Excellency (since what has been once consecrated cannot any more be restored to the Jews) that it be thy care to see that our aforesaid bishop and fellow-bishop pay the price at which our sons, the glorious Venantius the Patriarch and Urcicarus the Abbot, may value the synagogues themselves with the guest-chambers that are under them or annexed to their walls, and the gardens thereto adjoining. Thus what he has caused to be taken possession of may belong to the Church, and they [the Jews] may in no wise be oppressed or suffer any injustice.

Moreover, let books or ornaments that have been carried off be in like manner sought for. And, if any have been openly taken away, we desire them also to be restored without any question. For, as there ought to be no license for them to do anything in their synagogues beyond what is decreed by law, so neither damage nor any cost ought to be brought upon them contrary to justice and equity, as we have ourselves already written.4

4 Apparently when Bishop Victor found out that the pope wanted him to restore the synagogues he hastily consecrated them.

5 Gregory here refers to his letter of June, 501, to Victor, Bishop of Palermo: “Just as one ought not to grant any freedom to the Jews in their synagogues beyond that permitted by law, so should the Jews in no way suffer to those things already conceded to them.” This dictum, beginning with the Latin words quot jusso judaeos num, was frequently repeated in the bulls of later popes.

Additional Sources

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Louis the Pious
Frankfurt, 839

The Early Medieval Carolingian dynasty – established by Charles Martel and continued most notably by his son Pepin, his grandson Charlemagne, and his great-grandson Louis the Pious – developed a policy toward Jews that was fundamentally different from that of the Visigothic kings of Spain. Indeed, it demonstrated that the Visigothic policy repudiating tolerance of Jews in principle would be the exception, rather than the rule, for Christian Europe. Following the traditions of Roman law, Jews were not permitted to hold positions of authority over Christians, but their status was one of freemen, entitled to specific privileges to be granted by the king. Charlemagne himself encouraged Jewish economic activity, especially by merchants, and he took advantage of the skills of selected Jews, sending in 797 a Jew as interpreter in a mission to the Caliph Harun al-Rashid in Baghdad. He also used Jewish military personnel in a campaign against Barcelona beginning in 802.

The policies were formulated not in an encompassing charter that would apply to an entire community, as would become common beginning in the late eleventh century, but rather in privileges (“private laws”) that applied to specific individuals or families. The most important of these were issued by Charlemagne’s son, Louis the Pious, who served as Emperor from 844 until his death in 840, and sustained a policy that may indeed be termed “pro-Jewish.” Perhaps most striking in the document below is the uncompromising endorsement of permission for Jews to own alodial property, or real estate (which would become increasingly problematic in the feudal age). It is unclear whether all of the components of the property specified – „their houses and the other buildings, lands cultivated and uncultivated, vineyards, meadows, pastures, waters and watercourses, mills, passageways and ways of
egress and regress"—actually applied to the Jews who were specified or whether it was standard legal terminology automatically applied to any real estate dispute, but the language certainly gives the impression that the weak of the Jews was substantial. Ownership of extensive properties would have implied authority over Christians who lived or worked on the property, but that does not seem to have been a problem for the Emperor.

The benevolent policy of Louis the Pious toward individual Jews obviously seemed totally appropriate to him, but it aroused the antagonism of Church leaders, as will be seen in Chapter 10.

9.4. A Privilege Allowing Certain Jews to Own Real Estate

In the name of the Lord God and our Savior Jesus Christ, Louis Emperor and Augustus by the renewed favor of the divine clemency.

Although the Apostolic reading exorts us to do good especially unto those who are of the household of faith, it does not prohibit us from doing the same to all the others, out of benevolent devotion, and even encourages to pursue it further for the sake of the divine compassion.

Let, therefore, the dexterity of all the [faithful] of God’s holy Church as well as ours present as well as future, know that our beloved brother Hugo, venerable abbot and supreme Notary of our sacred palace, introduced to our presence certain Hebrews, namely Gaudius [Isaac?], Jacobus, and Vivacius, his sons, and we learnt their complaints from his narration as well as from theirs. They advised the summit of our clemency how they have lost through certain animosities—sorries, depreciations—carried out by certain malevolent people the order of our authority, which we have formerly made for them concerning certain properties named Valerianae or Baguilla, which belong to them by right of succession from their ancestors, that order enabling them to possess them without hindrance.

And they entreated and supplicated our manumetude that we would order the said order of our authority to be written down again for them and be given to them and that they would be able through that order to maintain

the said properties in future without hindrance and without objection or disturbance from anyone.

We have turned favorable ear to their requests for the sake of the divine love and decreed that this our imperial document be made and given to them, in which we order and command that the said Hebrews and their posterity shall hold and possess through this authority of ours the said properties with all their appurtenances and adjuncts, namely, with their houses and the other buildings, lands cultivated and uncultivated, vineyards, meadows, pastures, waters and watercourses, mills, passages, and ways of egress and regress without objection, detention or diminution on the part of anyone; and that they shall have free powers to exercise over them in everything according to the rights of proprietors, to ordain, dispose, or do with, to sell, to give, or to exchange; and that no one shall dare to raise against them any calumny or disturbance on account of the earlier-mentioned properties, but they shall be allowed to possess them securely and undisturbed.

And in order that the authority of our confirmation should obtain inviolate and unshaken power, we have ordered that it be undersigned according to our usage and impressed by our bull.

Given on the eighth day before the calends of March," with the favor of Christ on the twenty-sixth year of the empire of the Lord Louis the Pious and Augustus, the second indiction. Executed in the royal palace in Frankfurt.

In the name of God, felicitously. Amen.

Bibliography

Surveys
Baron, 4:48–53; Ben-Sasson, 4:20; Sjov, 57–61; El: "Louis the Pious."

Studies

4 A paraphrase of Gal. 6:10 (Linder).
5 St. Valentin and Baguilla, in the vicinity of Carcassonne.

Calendars denoted the first day of the month in the Roman calendar.

6 A fifteen-year cycle used in dating medieval European documents.
were granted autonomy over a region in southern France under Patriarchs who claimed descent from the line of King David.


Additional Sources


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Between the period of the classical Church Fathers and the First Crusade, Jews and Christian Churchmen achieved such notoriety for their anti-Jewish public discourse as Agobard, Bishop of Lyons during the rule of the Emperor Louis the Pious. Observing the Jews in Lyons and surrounding communities, Agobard was struck by behavior that seemed to him inconsistent both with legal traditions of the past and with the proper place of Jews in Christian society. As this behavior was to a large extent explicitly sanctioned by the Emperor, he found himself in a difficult position: driven to express his profound dismay at the sight of Jews thriving socially, economically, and even politically, he recognized that it was far wiser to express his powerful criticisms as directed toward others who, he stated, must be misrepresenting the will of the Pious King – even to the point of forging documents that apparently were signed by the Emperor.

Some of his writings were focused on specific practices that had long raised legal problems. In a slave-holding society, Jews were permitted to own non-Christian slaves, but certainly not Christian slaves; that would reverse the proper hierarchy. But what if a Christian priest came and, against the wishes of a Jew who had legally purchased a pagan slave, baptized the pagan slave? Other letters written by Agobard – "On the Superstitions and Errors of the Jews" and (the text partially translated below), "On the Insolence of the Jews" – are aimed directly at Jewish practices and beliefs. An important recurrent theme is that Jews violate the conditions of their toleration not only by their economic prosperity but by their blasphemous curting of Jesus and indeed all Christians. The text ends with an accusation that Jews of Lyons are involved in the slave trade to the point of stealing a Christian child from Lyons and selling him into slavery in Spain.
tensely sent to King Charles [d. 877] and to the bishops and other estatas of our faith in his kingdom [of France] that the above-mentioned apostates be extradited in order that he should no longer be a hindrance or a mortal danger to the Christians who live in Spain.  

Bibliography

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Talmudic."

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Bachrach, Bernard, Early Medieval Jewish Policy in Western Europe (Minneapolis: University of Minnesota Press, 1977), 113–16.

Additional Sources

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4 There is no record that the Muslims surrendered Bodo to Charles after this protest.

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12

Charters

1084–1244

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unsuch as the Jews, during the Middle Ages, were looked upon as a distinct racial and religious group who could not and should not be subject to the same laws as Christians, they were given special charters by which they were governed.

The document issued by Rudiger, Bishop of Speyer, in 1084, was intended to induce neighboring Jews, whose quarter in Mainz had been devastated by a fire, to settle in the city where he was feudal overlord. This was apparently a community founded ex nihilo, and presumably some negotiation was made with Jewish leaders to determine what would be required for a healthy Jewish community. The introduction to the text, asserting that a Jewish population would be considered to be an asset, continues the tradition of Carolingian France.

Six years after Rudiger's charter, the Emperor Henry IV extended privileges ("private laws") to the Jews of his entire kingdom, significantly expanding them by articulating responses to legal conflicts that had undoubtedly arisen. Unmistakable is the message that the Jews of Germany are under imperial protection, and no one should think of harming them. Rather more surprising is the permission given for practices that had been questioned by such Church authorities as Agobard, including the use of Christian servant women and the sale to Christians of wine made under Jewish supervision. In all legal disputes, respect is shown for the Jewish cantor. This charter was repeated almost verbatim by the Emperor Frederick I, in 1157.

Perhaps the most famous of these charters is the grant made by Frederick the Belligerent in July 1144 to the Jews of his duchy of Austria. This document is important because it was so adopted, with some changes, by most east
European countries to which the masses of Jews finally drifted: Hungary, Bohemia, Poland, Silesia, and Lithuania. This charter—a very favorable one—was issued to encourage money-lending among the Austrian Jews and probably also to attract moneyed Jews to migrate to this outlying German state which was in need of ready credit. As in the charter of Henry IV, every effort is made in this Latin constitution to grant the Jews ample opportunity to sell their wares and, above all, to lend money. They were given adequate protection: they were subject to the direct jurisdiction of the Duke who guaranteed them safety of life and limb. The right of the Jews to govern themselves in communal and religious matters was not specified by the Duke, but this was taken for granted. We may assume, indeed, that the Jews of Austria enjoyed extensive political autonomy under this pact.

12.1 Charter of Rudiger, Bishop of Speyer, September 13, 1084

In the name of the Holy and Indivisible Trinity, I, Rudiger, surnamed Hauermann, Bishop of Speyer! When I wanted to make the village of Speyer into a city, I thought it would increase the honor of our place a thousand-fold if I were to bring in Jews.2

1. I have therefore collected some Jews and located them in a place apart from the dwellings and association of the other inhabitants of the city, and that they may be protected from the attacks and violence of the mob, I have surrounded their quarter with a wall. The land for their dwellings I had acquired in a legal way for the hill [on which they are to live]. I secured partly by purchase and partly by trade, and the valley [which I have given them] I received as a gift from the heirs who possessed it. I have given them this hill and valley on condition that they pay every year three times one half pounds of money coined in the mint of Speyer, for the use of the brothers [monks of a monastery which is not named here].

2. I have given them the free right of changing gold and silver coins and of buying and selling everything they wish within their own walls and outside the gate clear up to the boat-landing [on the Rhine] and also on the wharf itself. And they have the same right throughout the whole city.

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1 In this context, Bishop Rudiger is functioning not as part of the Church hierarchy, but as part of the feudal hierarchy under the emperor.
2 Speyer was certainly more than a tiny village (villa) at the time; it was the site of one of the largest Romanesque cathedrals in Europe, consecrated in 1006.
3 Besides, I have given them a piece of the land of the church as a burial-ground. This land they shall hold forever.
4 I have also granted that, if a Jew comes to them from some other place and is their guest for a time, he shall pay no tolls [to the city].
5 The chief leader of their community (archisynagogus)3 shall have the same position and authority among them as the mayor of the city has among the citizens. He shall judge all the cases which arise among them or against them. If he is not able to decide any case it shall be taken before the bishop or his chamberlain.
6 They are bound to watch, guard, and defend only their own walls, in which work their servants may assist them.
7 They may hire Christian nurses and Christian servants.4
8. The slaughtered meats which their law forbids them to eat they may sell to Christians, and the Christians may buy them.5
9. To add to my kindness to them I grant them the most favorable laws and conditions that the Jews have in any city of the German kingdom.

Finally, to round out these concessions, I have granted that they may enjoy privileges better than those of the Jews in any other city of Germany. Let any of my successors diminish this gift and concession, or constrain them to pay greater taxes, alleging that they have usurped these privileges, and have no episcopal warrant for them, I have left this charter as a suitable testimony of the said grant. And that this may never be forgotten, I have signed it, and confirmed it with my seal as may be seen below.

Given on September 13, 1084, etc.

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3 The Archisynagogus, a term going back to antiquity, need not be a rabbi; it could be a respected and influential layman.
4 Jews employing Christian servants was highly contentious in the Middle Ages, while the arrangement was freely adopted by both sides, it seemed to many Church leaders to violate the ground rules of toleration by reversing the proper hierarchy.
5 Another highly contentious issue: the complaints made by Agobard (Chapter 11).
12.2 Chart of Emperor Henry IV, February 19, 1190

In the name of the Holy and undivided Trinity, Henry, by divine mercy third August emperor of the Romans, to all the bishops, abbots, dukes, counts, and all subjects of the laws of our kingdom:

Let it be known that certain Jews, Judah b. Kalonymus, David b. Moshulam, Moses b. Yukutiel, and their associates, came before us at Speyer and requested that we take and hold them under our protection, along with their descendants and all those who seem to hope for security through them. May all our faithful know that this has been done. Therefore through the intervention and petition of Huonmann, bishop of Speyer, we have ordered that this authoritative writ of ours be granted and given to them. Hence by the royal declaration of our majesty, we order and command that:

1. Henceforth no one who is invested in our kingdom with any dignity or power, neither small nor great, neither free man nor servant, shall presume to attack or assault them on any illicit grounds.

2. Nor shall anyone dare to take from them any of their property, which they possess by hereditary right, whether in land or in houses or in gardens or in vineyards or in fields or in slaves or in other property both moveable and immovable. If indeed anyone shall perpetrate violence against them in disregard of this edict, he shall be forced to pay to the treasury of the bishop the sum of one pound of gold; also he shall repay doubly the item which he took from them.

3. They may have the free right to exchange their goods in just trading with all men and to travel freely and peacefully within the bounds of our kingdom in order to carry on their business and trade, to buy, and to sell. No one may exact from them tolls or demand any public or private levy.

4. Guests are not to be lodged in their homes without their consent. No one may requisition from them a horse for a royal or episcopal journey or for the service of a royal expedition.

5. If a stolen item be found in their possession and if the Jew claims that he bought it, he shall substantiate by an oath according to his law how much

be paid and how much he would accept, and in that way he shall return the item to him to whom it belonged.7

6. No one shall presume to baptize their sons or daughters against their will. If anyone baptizes them against their will or when they have been carried off by stealth or seized forcibly, he shall pay twelve pounds to the royal or episcopal treasury. If certain of them wish freely to be baptized, they shall be held three days, so that it be clearly known if indeed they repudiate their law because of Christian faith or by virtue of some injury which they have suffered. Just as they leave behind their ancestral law, so also are they to leave behind their possessions.

7. No one shall divert their pagan slaves from their service, baptizing them under the pretext of Christian faith. If anyone does this, he shall pay a ban, i.e., three pounds of silver, enforced by the judicial authority. Moreover he shall return the slave to his master without delay. The slave must abide by all the commands of his master, except for the observance of the Christian faith, with whose sacraments he has been imbued.

8. It is permissible to have Christians do their work, except on festivals and Sundays.

9. It is not, however, permissible for them to buy a Christian slave.8

10. If a Christian has a dispute or contention against a Jew concerning any matter or vice versa, each may carry out justice and prove his case according to his law.

11. No one may force a Jew to judgment by hot irons or boiling water or frigid water or turn them over for stripes or place them in prison.9 Rather he shall swear by his law after forty days. Nor may he be convicted by any witnesses

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7 The problem of someone paying in good faith for what turns out to be stolen goods arises in every legal system. Roman law required the return of the item without compensation. For the subsequent history of this generous provision, see Kisch, [Bibliography] 166–67. Selma Stein, Jews of the Rhineland (Philadelphia: JPS, 1985), 113–15.

8 This is a compromise on a contentious matter. Jews may have Christian servants who freely agree to work for them, but they may not purchase Christian slaves. They may however, retain slaves who were baptised in order to take them away from their Jewish owners, although such slaves had now become Christians and had to observe Christian holidays.

9 The reason for exemptions of Jews from trial by ordeal is that the ordeal was apparently based on religious belief. Free Christians (unlike serfs) were entitled to prove their case through oaths and witnesses (Kisch, 150).
on any issue. Anyone who wishes to force them against this edict shall be forced to pay a ban, i.e., three pounds of silver.

12. If anyone shall wound a Jew, but not mortally, he shall pay one pound of gold. If it be a slave that killed or wounded him, his master shall both pay the import stipulated and shall hand over the slave for punishment. If, suffering from indigestion, he be unable to pay the prescribed amount, the same penalty will be levied by means of which the assassin of the Jew Vivus was punished at the time of Emperor Henry my father, viz., his eyes will be put out and his right hand cut off.10

13. If the Jews have a dispute or a case among themselves to be decided, they shall be judged and convicted by their peers and by none other. If any wicked one among them wishes to hide the truth of an internal affair, he shall be forced, according to their law, by him who stands in charge of the synagogue by appointment of the bishop to confess the truth of the matter in question. If difficult issues or disputes are raised among them or against them, they shall be referred to the presence of the bishop— their peace being preserved in the meantime— so that they might be settled by his judgment.

14. Moreover, they may have the right to sell their wine and their dyes and their medicines to Christians.11 As we have stated, no one shall demand from them a money levy or transport services or any exacting public or private.

In order that the authority of this concession remain inviolate for all times, we have ordered that this charter be written and sealed with the impression of our seal.

I, Humbert the Chancellor, in place of Archchancellor Ruthard, recognize the sign of lord Henry, third august emperor of the Romans.

12.3 Charter of Frederick, Duke of Austria, July 3, 1244

Frederick, by the grace of God Duke of Austria and Styria and lord of Carniola, offers greetings at all times to all who will read this letter in the future. Inasmuch as we desire that men of all classes dwelling in our land should share our favor and good will, we do therefore decree that these laws, devised for all Jews found in the land of Austria, shall be observed by them without violation.

1. We decree, therefore, first, that in cases involving money, or immovable property, or a criminal complaint touching the person or property of a Jew, no Christian shall be admitted as a witness against a Jew unless there is a Jewish witness together with the Christian.

2. Likewise, if a Christian should bring suit against a Jew, asserting that he had pawned his pledges with him and the Jew should deny this, and then if the Christian should not wish to accord any belief in the mere statement of the Jew, the Jew may prove his contention by taking an oath upon an object equivalent in value to that which was brought to him, and shall then go forth free.12

3. Likewise, if a Christian has deposited a pledge with a Jew, stating that he had left it with the Jew for a smaller sum than the Jew admits, the Jew shall then take an oath upon the pledge pawned with him, and the Christian must not refuse to pay the amount that the Jew has proved through his oath.

4. Likewise, if a Jew says that he returned the Christian’s pledge as a loan to the Christian, without, however, the presence of witnesses, and if the Christian denies this, then the Christian is able to clear himself in this matter through the oath of himself alone.

5. Likewise, a Jew is allowed to receive all things as pledges which may be pawned with him— no matter what they are called without making any investigation about them, except bloody and wet clothes which he shall under no circumstances accept.13

6. Likewise, if a Christian charges that the pledge which a Jew has was taken from him by theft or robbery, the Jew must swear on that pledge that when he received it he did not know that it had been removed by theft or robbery. In this oath the amount for which the pledge was pawned to him shall also be included. Thus, inasmuch as the Jew has brought his proof, the Christian shall pay him the capital and the interest that has accrued in the meantime.14

10 A rather dramatic precedent of severe corporal punishment for killing a Jew (whose Hebrew name was undoubtedly Hezzyim). Repeated by Emperor Frederick in his charter of 1247.

11 For Church opposition to the practice of Jews selling wine to Christians, see Agobard (Chapter 10).

12 Moneylending on pledges was the leading Jewish business at this time.

13 Such garments presuppose murder and theft.

14 Then the Christian takes back his property.
7. Likewise, if a Jew, through the accident of fire or through theft or violence, should lose his own goods, together with the pledges pawned with him, and this is established, yet the Christian who has pledged something with him nevertheless brings suit against him, the Jew may free himself merely by his own oath.\textsuperscript{15}

8. Likewise, if the Jews engage in quarrel or actually fight among themselves, the judge of our city shall claim no jurisdiction over them; only the Duke alone or the chief official of his land shall exercise jurisdiction. If, however, the accusation touches the person, this case shall be reserved for the Duke alone for judgment.

9. Likewise, if a Christian should inflict any sort of a wound upon a Jew, the accused shall pay to the Duke twelve marks of gold which are to be turned in to the treasury. He must also pay, to the person who has been injured, twelve marks of silver and the expenses incurred for the medicine needed in his cure.

10. Likewise, if a Christian should kill a Jew he shall be punished with the proper sentence, death, and all his movable and immovable property shall pass into the power of the Duke.

11. Likewise, if a Christian strikes a Jew, without, however, having split his blood, he shall pay to the Duke four marks of gold, and to the man he struck four marks of silver. If he has no money, he shall offer satisfaction for the crime committed by the loss of his hand.

12. Likewise, wherever a Jew shall pass through our territory no one shall offer any hindrance to him or molest or trouble him.\textsuperscript{16} If, however, he should be carrying any goods or other things for which he must pay duty at all customs offices, he shall pay only the prescribed duty which a citizen of that town, in which the Jew is then dwelling, pays.

13. Likewise, if the Jews, as is their custom, should transport any of their dead either from city to city, or from province to province, or from one Austrian land into another, we do not wish anything to be demanded of them by our customs offices.\textsuperscript{17} If, however, a customs officer should extort anything, then

he is to be punished for procuratio mortui, which means, in common language, robbery of the dead.

14. Likewise, if a Christian, moved by insouciance, should break into or desecrate the cemetery of the Jews, he shall die, as the court determines, and all his property, whatever it may be, shall be forfeited to the treasury of the Duke.

15. Likewise, if anyone wickedly throws something at the synagogues of the Jews we order that he pay two talents to the judge of the Jews.\textsuperscript{18}

16. Likewise, if a Jew be condemned by his judge to a money penalty, which is called wundel ("fine"), he shall pay only twelve dinars to him.

17. Likewise, if a Jew is summoned to court by order of his judge, but does not come the first or second time, he must pay the judge four dinars for each time. If he does not come at the third summons he shall pay thirty-six dinars to the judge mentioned.

18. Likewise, if a Jew has wounded another Jew he may not refuse to pay a penalty of two talents, which is called wundel, to his judge.

19. Likewise, we decree that no Jew shall take an oath on the Torah unless he has been summoned to our [the Duke's] presence.

20. Likewise, if a Jew was secretly murdered, and if through the testimony it cannot be determined by his friends who murdered him, yet after an investigation has been made the Jews begin to suspect someone, we are willing to supply the Jews with a champion against this suspect.\textsuperscript{19}

21. Likewise, if a Christian raises his hand in violence against a Jewess, we order that the hand of that person be cut off.

22. Likewise, the [Christian] judge of the Jews shall bring no case that has arisen among the Jews before his court, unless he be invited due to a complaint.\textsuperscript{20}

23. Likewise, if a Christian has redeemed his pledge from a Jew but has not paid the interest, the interest due shall become compounded if it is not paid within a month.

\textsuperscript{15} The Jew loses the money advanced and the Christian loses his pledge.

\textsuperscript{16} The Jew is to pay no road-fees in all Austrian lands.

\textsuperscript{17} Heavy road-fees were often imposed on Jewish corpses in transit.
24. Likewise, we do not wish anyone to seek quarters in a Jewish house.24
25. Likewise, if a Jew has lent money to a magnate of the country on his possessions or on a note and proves this documentarily, we will assign the pledged possessions to the Jew and defend them for him against violence.25
26. Likewise, if any man or woman should kidnap a Jewish child we wish that he be punished as a thief (by death).
27. Likewise, if a Jew has held in his possession, for a year, a pledge received from a Christian, and if the value of the pledge does not exceed the money lent together with the interest, the Jew may show the pledge to his judge and shall then have the right to sell it. If any pledge shall remain for a “year and a day”27 with a Jew, he shall not have to account for it afterwards to anyone.
28. Likewise, whatever Christian shall take his pledge away from a Jew by force or shall exercise violence in the Jew’s house shall be severely punished as a plunderer of our treasury.
29. Likewise, one shall in no place proceed in judgment against a Jew except in front of his synagogues, saving ourselves who have the power to summon them to our presence.28
30. Likewise, we decree that Jews shall indeed receive only eight dinars a week interest on the talent….29

Given at Starkenberg, in the year of the incarnation of the Lord, 1244, on the first of July.

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24 Forced entertainments of officials was considered a burden.
25 In this way Jews acquired estates, which they feared.
27 Sometimes interpreted as a year, six weeks, and three days, adding the interval between two ordinary popular courts. This principle was accepted by Jews as “the law of the state,” whereas Jewish law never granted ownership of a pledge to a lender simply through the passage of time.
28 Court was held for the Jews in the synods in front of their synagogues.
29 This was 11.35% annual interest. According to Xisch [Bibliography, 224–23], the common rate was 3 pennies per pound per week, equivalent to 43.5% per year.
The Crusaders in Mainz

1096

In the year 1095 Pope Urban II, aroused by the Muslim encroachments in Palestine, proclaimed a crusade against the Saracens to recover Jerusalem and the Holy Sepulcher. The following year, in the spring of 1096, bands of zealous crusaders led by monks and soldiers set out for the Holy Land. Many of the crusaders were pious, but there can be no question that many also were runaway serfs, ambitious businessmen, adventurers, and criminals. As they passed through Germany on their way to Jerusalem this motley crew killed thousands of "infidel" Jews in the larger cities such as Speyer, Worms, Mainz, and Cologne.

In May 1096 a band of crusaders led by Emicho, a German noble, forced its way into the city of Mainz and finally into the archiepiscopal palace where the Jews had taken refuge. The slaughter and suicide of the Jews in this palace with all the attendant horror and hysteria are graphically described in the following two selections taken from a Hebrew historical account by Solomon bar Samson - of whom we know very little - who wrote about 1440.

This and the other two Hebrew chronicles of Rhineland massacres need to be read critically. The passage that follows has several direct quotations that are attributed to all of the Jews crying out spontaneously an articulate sentence in one voice. While the texts are extremely valuable primary sources, scholars continue to debate the extent to which they contain a reliable testimony about thoughts, motivations, and behavior in 1096, or whether they include later reconstructions that reflect the mindset of survivors.

The final text is from a Christian chronicle of the First Crusade by Albert of Aix [Aachen]. The account of the fate of the Rhineland Jews at the hands of Count Emicho’s forces is a brief prelude to a lengthy chronicle focused

13.1 Facing Death

It was on the third day of Sivan… at noon [Tuesday, May 27], that Emicho the wicked, the enemy of the Jews, came with his whole army against the city gate, and the burghers opened it up for him. Then the enemies of the Lord said to each other: "Look! They have opened up the gate for us. Now let us avenge the blood of the hanged one." The children of the holy covenant were there, martyrs who feared the Most High, although they saw the great multitude, an army numerous as the sand on the shore of the sea, still clung to their Creator. Then young and old donned their armor and girded on their weapons, and at their head was Rabbi Kalonymus ben Mehailem, the chief of the community. Yet because of the many troubles and the facts which they had observed they had no strength to stand up against the enemy. Then came gangs and bands, sweeping through like a flood, until Mainz was filled from end to end.

For Emicho proclaimed in the hearing of the community that the enemy be driven from the city and be put to flight. Panic was great in the town. Each Jew in the inner court of the bishop girded on his weapons, and all moved towards the palace gate to fight the crusaders and the burghers. They fought each other up to the very gate, but the sins of the Jews brought it about that the enemy overcame them and took the gate.

The hand of the Lord was heavy against His people. All the gentiles were gathered together against the Jews in the courtyard to blot out their name, and the strength of our people weakened when they saw the wicked men. excavated the ruins of the medieval Jewish quarter.

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1 "The hanged one" (hehalel), echoing the use of the word in Deut. 21:23, in a demeaning way of referring to Jews in medieval Jewish texts. Obviously this could not have been a direct quotation from the Crusaders.

2 Exiling was a traditional manner of Jewish repentance in the hope of appeasing divine anger and receiving protection. Ironically, in this case the narrator claims that the Jews interfered with the Jews' most practical means resistance.
The Edomites overpowered them. The bishop's men, who had promised to help them, were the very first to flee, thus delivering the Jews into the hands of the enemy. They were indeed a poor support; even the bishop himself fled from his church for it was thought to kill him also because he had spoken good things of the Jews. . .

When the children of the holy covenant saw that the heavenly decree of death had been issued and that the enemy had conquered them and had entered the courtyard, then all of them — old men and young, virgins and children, servants and maids — cried out together to their Father in heaven and, weeping for themselves and for their lives, accepted as just the sentence of God. One to another they said, "Let us be strong and let us bear the yoke of the holy religion, for only in this world can the enemy kill us — and the easiest of the four deaths is by the sword. But we, our souls in paradise, shall continue to live eternally, in the great shining reflection of the divine glory." 5, 6

With a whole heart and with a willing soul they then spoke. "After all it is not right to criticize the acts of God — blessed be He and blessed be His name — who has given to us His Torah and a command to put ourselves to death, to kill ourselves for the unity of His holy name. 4 Happy are we if we do His will. Happy is anyone who is killed or slaughtered, who dies for the unity of His name, so that he is ready to enter the World to Come, to dwell in the heavenly camp with the righteous — with Rabba Akiba and his companions, the pillars of the universe, who were killed for His name's sake. 5 Not only this; but he exchanges the world of darkness for the world of light, the world of trouble for the world of joy, and the world that passes away for the world that lasts for all eternity. " Then all of them, to a man, cried out with a loud voice: "Now we must delay no longer for the enemy are already upon us. Let us hasten and offer ourselves as a sacrifice to the Lord. Let him who has a knife examine it that it not be nicked, and let him come and slaughter us for the sanctification of the Only One, the Everlasting, and then let him cut his own throat or plunge the knife into his own body. "

As soon as the enemy came into the courtyard they found some of the very pious there with our brilliant master, Isaac ben Moses. He stretched out his neck, and his head they cut off first. The others, wrapped in their fringed praying-shawls, sat by themselves in the courtyard, eager to do the will of their Creator. They did not care to flee into the chamber to save themselves for this temporal life, but out of love they received upon themselves the sentence of God. 7 The enemy showered stones and arrows upon them, but they did not care to flee; and "with the stroke of the sword, and with slaughter, and destruction" (Ezek. 9:5) the foe killed all of those whom they found there. When those in the chambers saw the deed of these righteous ones, how the enemy had already come upon them, they then cried out, all of them: "There is nothing better than for us to offer our lives as a sacrifice."

The women there girded their loins with strength and slew their sons and their daughters and then themselves. Many men, too, pucked up courage and killed their wives, their sons, their infants. The tender and delicate mother slaughtered the babe she had played with; all of them, men and women arose and slaughtered one another. 8 The maidens and the young brides and grooms looked out of the windows and in a loud voice cried: "Look and see, O our God, what we do for the sanctification of Thy great name in order not to exchange you for a hanged and crucified one..."

Thus were the precious children of Zion, the Jews of Mainz, tried with ten trials like Abraham, our father, and like Hananishah, Michael, and Azariah. 9 They bound their sons as Abraham bound Isaac his son, and they received upon themselves with a willing soul the yoke of the fear of God, the King of the Kings of Kings, the Holy One, blessed be He, rather than deny and exchange the religion of our King for "an abhorred offshoot" (Isa. 14:19), a bastard born of menstruation and lust. 10 They stretched out their necks to

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3 The Edomites were the traditional foes of the Jews: here, Christians are meant.
4 Archbishop Rathard had been paid to remain and defend the Jews. He was later accused of having received some of the plunder taken from them. It is clear that local bishops were not instigators of the violence, and in many cases made a good-faith effort to protect the Jews of their cities.
5 In Jewish law the four death penalties were stoning, burning, beheading, and strangulation.
6 While traditional martyrdom to avoid the sin of idolatry is understood to be a mandate from the Torah, there is no commandment that could be understood to justify suicide in this context, and certainly not the killing of other Jews, as the narrative will describe.
7 The Romans martyred Akiba during the Bar Kochba revolt, about 135 CE.
8 The taking of their own lives by Jews is presented as a reenactment of the ancient Temple sacrifice, for which a knife without blisters was required.
9 This is a description of traditional, passive martyrdom, in which the martyr makes no attempt to resist.
10 The outnumbered Jews had no chance to prevail. Enrico is reported to have had about twelve thousand men.
11 The narrator does not appear to recognize that such behavior is far more problematic in Jewish law. It is said here to be initiated not by the rabbis but by ordinary Jews.
12 Who were thrown into a fiery furnace (Dan. 3:15).
13 This contemptuous reference to Jesus is based on the assertions in the birth narrative of
the slaughter and they delivered their pure souls to their Father in heaven. Righteous and pious women bared their throats to each other, offering to be sacrificed for the unity of the Name. A father turning to his son or brother; a brother to his sister, a woman to her son or daughter, a neighbor to a neighbor or a friend, a groom to a bride, a fiancé to a fiancée, would kill and would be killed, and blood touched blood. The blood of the men mingled with their wives, the blood of the fathers with their children's, the blood of the brothers with their sisters, the blood of the teachers with their disciples, the blood of the grooms with their brides, the blood of the leaders with their captors, the blood of the judges with their scribes, and the blood of infants and sucklings with their mothers. For the unity of the honored and awe-inspiring Name were they killed and slaughtered.

The ears of one who hears these things will tingle, for who has ever heard anything like this? Inquire now and look about, was there ever such an abundant sacrifice as this since the days of the primeval Adam? Were there ever eleven hundred offerings on one day, each one of them like the sacrifice of Isaac, the son of Abraham?

For the sake of Isaac who was ready to be sacrificed on Mount Moriah, the world shook, as it is said, “Behold their valiant ones cry without: [the angels of peace weep bitterly]” (Isa. 31:7), and “the heavens grow dark” (Jer. 4:12). Yet see what these martyrs did! Why did the heavens not grow dark and the stars not withdraw their brightness? Why did not the moon and the sun grow dark in their heavens when on one day, on the third of Sivan, on a Tuesday, eleven hundred souls were killed and slaughtered, among them so many infants and sucklings who had never transgressed nor sinned, so many poor, innocent souls?

Wilt Thou, despite this, still restrain Thyself, O Lord? For Thy sake it was that these numberless souls were killed. Avenge quickly the blood of Thy servants which was spilt in our days and in our sight. Amen.

13.2 Rachel and Her Children

Now I shall recount and tell of the most unusual deeds that were done on that day [May 25, 1964] by these righteous ones… Who has ever seen anything like this? Who has ever heard of a deed like that which was performed by

Matthew's Gospel: Mary and Joseph were betrothed. Mary was pregnant; Joseph was not the father. Jewish readers concluded that the pregnancy was therefore the result of an adulterous relationship.
enemy killed all those who were left in the room and then stripped them naked; "See, O Lord, and behold, how abject I am become" (Lam. 1:11). Then the crusaders began to give thanks in the name of "the hanged one" because they had done what they wanted with all those in the room of the bishop so that not a soul escaped.14

13.4 A Contemporary Christian Chronicle (Albert of Aix)

At the beginning of summer in the same year in which Peter [the Hermit], and Gottschalk [a priest], after collecting an army, had set out, there assembled in like fashion a large and innumerable host of Christians from diverse kingdoms and lands, namely, from the realms of France, England, Flanders, and Lorraine. . . . I know not whether by a judgment of the Lord, or by some error of mind, they rose in a spirit of cruelty against the Jewish people scattered throughout these cities and slaughtered them without mercy, especially in the Kingdom of Lorraine, asserting it to be the beginning of their expedition and their duty against the enemies of the Christian faith. This slaughter of Jews was done first by beggars of Cologne. These suddenly fell upon a small band of Jews and severely wounded and killed many; they destroyed the houses and synagogues of the Jews and divided among themselves a very large amount of money. When the Jews saw this cruelty, about two hundred began flight by boat to Neuss in the silence of the night. The pilgrims and crusaders discovered them, and after taking away all their possessions, inflicted on them similar slaughter, leaving not even one alive.

Not long after this, they started upon their journey, as they had vowed, and arrived in a great multitude at the city of Mainz [= Mayence]. There Count Emico, a nobleman, a very mighty man in this region, was awaiting, with a large band of Teutons, the arrival of the pilgrims who were coming thither from diverse lands by the King's highway.

The Jews of this city, knowing of the slaughter of their brethren, and that they themselves could not escape the hands of so many fiends in hope of safety to Bishop Ruthard. They put an infinite treasure in his guard and trust, having much faith in his protection, because he was Bishop of the city. Then that excellent Bishop of the city cautiously set aside the incredible amount of money received from them. He placed the Jews in the very spacious hall of his own house, away from the sight of Count Emico and his followers, that they might remain safe and sound in a very secure and strong place.

But Emico and the rest of his band held a council and, after sunrise, attacked the Jews in the hall with arrows and lances. Breaking the bolts and doors, they killed the Jews, about seven hundred in number, who in vain resisted the force and attack of so many thousands. They killed the women, also, and with their swords pierced tender children of whatever age and sex. The Jews, seeing that their Christian enemies were attacking them and their children, and that they were sparring no age, likewise fell upon one another, brother children, wives, and sisters, and thus they perished at each other's hands. Horrible to say, mothers cut the throats of nursing children with knives and stabbed others, preferring them to perish thus by their own hands rather than to be killed by the weapons of the uncircumcised.15

From this cruel slaughter of the Jews a few escaped; and a few because of fear, rather than because of love of the Christian faith, were baptized. With their very great spoil they retired to these places, Count Emico, Clarebold [a nobleman of Vendelin], Thomas [de la Fe, from the House of Coucy], and all that was tolerable company of men and women then continued on their way to Jerusalem, directing their course towards the Kingdom of Hungary, where passage along the royal highway was usually not denied the pilgrims. But on arriving at Wiesenburg, the fortress of the King, which the river Danube and Leythau passed close protect with marshes, the bridge and gate of the fortress were found closed, to which the oppressive command of the King of Hungary, for great fear had entered all the Hunby command of the King of Hungary, for great fear had entered all the Hunby command of the King of Hungary, for great fear had entered all the Hunby command of the King of Hungary, for great fear had entered all the Hunby command of the King of Hungary, for great fear had entered all the Hunby command of the King of Hungary, for great fear had entered all the Hunby command of the King of Hungary, for great fear had entered all the Hunby command of the King of Hungary, for great fear had entered all the Hunby command of the King of Hungary, for great fear had entered all the Hun

14 The crusaders then held a thanksgiving service in the archbishop's palace where the massacre took place.

15 An account strikingly similar to the Hebrew chronicles, except for the different values judgment.
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than for the sake of God’s justice, although the Jews were opposed to Christ. The Lord is a just judge and orders no one unwillingly or under compulsion, to come under the yoke of the Catholic faith.

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