

Part III

The Medieval World

Jews in Two Cultures

Jews in Christian Europe

Ashkenaz in the Middle Ages

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Around the year 1200, Eleazar ben Juda ha-Roqeah (c. 1165–1238) told the following story with which he claimed the authenticity of particular pious traditions:

They received the esoteric traditions about the arrangements of the prayers as well as the other esoteric traditions, rabbi from rabbi, all the way back to Abu Aaron, the son of R. Samuel the Prince [ha-Nasi], who had left Babylonia because of a certain incident, and he was therefore required to travel all over the world. He came to the land of Lombardy, to a certain city called Lucca. There he found our Rabbi Moses . . . and he transmitted to him all his esoteric traditions. This is R. Moses bar Qalonimos, son of R. Meshullam b. R. Qalonimos b. R. Juda. [Now R. Moses] was the first who emigrated from Lombardy, he and his sons, R. Qalonimos and R. Yequtiël, and his relative R. Itiel, as well as the rest of the people who counted. All of them were taken from Lombardy by King Charles who resettled them in Mainz. There they grew to prodigious numbers until 1096 when the Lord visited His wrath upon the holy communities. Then were we all destroyed, utterly destroyed, except for a few of our relatives who survived including R. Qalonimos the Elder. He transmitted [the esoteric tradition] . . . to R. Eleazar Hazan of Speyer. Eleazar Hazan transmitted them to R. Samuel [the] Pietist and R. Samuel [the Pietist] transmitted them to R. Juda [the] Pietist. And from him did I, the insignificant one [ha-qatan], receive the esoteric traditions about the prayers as well as other traditions. . . .¹

Part I: From the Beginnings to about 1100

Migration and first settlements

The order of transmission of lore and religious practice which Eleazar drew up is a familiar method and style of medieval Jewish historiography. Included in this

account is the foundation history – or, better, myth – of the medieval Jewish communities north of the Alps: Emperor Charlemagne (768–814) himself had brought a group of Jews from Lombardy in Italy to the Rhineland center of Mainz. Despite the fact that the earliest reference to the Jewish community of Mainz dates only from the reign of the Ottonians and even though the story intends to create the history of a particular religious tradition, historical realities on several levels are amply reflected in this tale.²

Jews were serving at the court of Charlemagne. Three years before Charlemagne was crowned the first emperor of the Western Roman Empire (800), he ordered a certain Jew Isaac to accompany a delegation to the Abbasid caliph Harun al-Rashid (766–809). Mesopotamia – or Babylonia – with Baghdad was at the time not only the most important political and cultural center of the Islamic, but also of the Jewish, world with the exilarch and the geonim of the academies as influential leaders in the former Sassanian lands. Isaac’s ability to communicate in this environment was surely an important reason for Charlemagne’s trust in him.³ The elephant which Isaac presented as one of the caliph’s gifts to Charlemagne symbolized the success of the emissaries’ mission in making the arising northern empire known to the Abbasid rulers.

The presence of Jews in Charlemagne’s empire, which stretched over today’s France, Germany, and northern Italy, was not restricted to the imperial court. Some Jewish communities in Provence – Narbonne, Arles, Avignon – were of late antique origin and continued to exist throughout the “Fall of the Roman Empire” and the early medieval migration period, which had otherwise devastating effects on probably all Jewish communities north of the Alps. Among those Jewish communities with interrupted continuity were Cologne and maybe Trier (at the eastern border of the Roman Empire) which reliable sources date back to the fourth century CE.⁴ From southern France, Jews moved gradually to the north, “crossing” the Loire only in the eighth century, and reaching northeastern France in the ninth century.⁵

For these Jews in general, and also for some individuals and their families, Charlemagne and his successor Louis the Pious (r. 814–840) decreed legal and political charters⁶ which created a close relationship with the Jews and established a tradition of protection. They regulated basic components of lawsuits between Christians and Jews (determining the number of Jewish and Christian witnesses and the kind of oath Jews had to give), and ordered in special cases direct jurisdiction through the emperor. Legislation was adopted for economic areas with religious implications, such as the prohibition to baptize slaves – and therefore free them – against the Jewish owner’s will. This protective measure and the favorable treatment of Louis the Pious towards the Jews aroused angry resistance among religious circles, most prominently Bishop Agobard of Lyons (d. 840). Agobard and others aimed at isolating Jews from contacts with Christians.⁷ Certain imperial prohibitions can be understood as compliant with these aims or as preventive actions against the involvement of Church authorities: in financial transactions,

Jews were not allowed to accept church property as pawn, and had to refrain from hiring Christian day labourers on Sundays and holidays. On the other hand, Louis the Pious defended his realm of influence against the Church by explicitly proclaiming his protection of individual Jews “*cum pares eorum*” (with their companions), demanding in return their fidelity.⁸ This relationship was reciprocal, and reminds us of the personal obligations between a lord and his vassal.

Therefore, the story of Eleazar did not only reflect the close relationship of the two Carolingian emperors to the Jews, it also fostered this traditional relationship of protection by the emperors in general; in particular, it served as a foundation saga of Mainz that connected this community with the imperial house. From its beginnings in the tenth century, Mainz was the most important Jewish cultural center from Champagne in northeast France all the way to the east of Germany.

The earliest medieval Jewish settlements were Metz (893),⁹ Cologne (ninth century, documented in 1012), and Trier (tenth century, documented in 1066). Jewish settlements in Troyes and Reims (in the Champagne region) developed in the tenth century, therefore around as early as Mainz,¹⁰ Magdeburg,¹¹ and Regensburg (981), followed by Worms, Prague, and Speyer (1084)¹² in the eleventh century. These communities looked up to those in Speyer, Worms, and Mainz (in the Middle Rhine region and in close vicinity to each other), which gained such religious and legal prevalence that they were coined the “ShUM” communities (after their initials) and seen as the “birthplace” of Ashkenaz.

The formation of Jewish communities

Although the term Ashkenaz is already mentioned in the tenth century, the Jews preferred, till around the time of Eleazar, another term with a different connotation: Lotir or Land of Lotir, which clearly refers to Lotharingia and the *regnum Lotharii*.¹³ As one of the three successors after the division of Charlemagne’s empire it only existed between 843 and 870 as a kingdom; however, as the heartland of the Carolingian Empire it didn’t lose its symbolic importance. While Christian rulers made claims to rule over all of Lotharingia till the twelfth century, the self-identification of Jews with Lotir lasted as long, but had a different quality.

The inclusion of Mainz, Worms, and, later, Speyer connected the ShUM communities with the three communities in Lotharingia – Cologne, Metz, and Trier – and the entity Lotir. The name Lotir for this region evoked the traditional relationship between Jews and the emperor, their protector, and had similar aims to the foundation saga transmitted by Eleazar. Therefore, Jews had weighty reasons for clinging to the name Lotir. What factors held this entity together and created such an identity?

The *Machzor Vitry*, a halakhic-liturgical book, says of particular circumstances of lighting a candle at Passover: “so they are accustomed to do in the Kingdom Lotir (Malchut Lotir).” In the same book, a collection of customs is referred to as

“Kuntres Lotir” (Booklet/Commentary of Lotir) or as “Seder Lotir” (the Order of Lotir). Even though probably written down by Rashi’s (Shlomo ben Isaac, 1040–1105) “secretary” Simha ben Samuel of Vitry, and from a perspective outside of Lotir, we can assume a set of customs that were mostly uniform in Lotir.

Since the period up to the twelfth century was an era of immigration, the formation of such a set of customs and subsequently of a shared identity was rather complex. The waves of immigration to northern France and Germany proceeded on two routes: from Italy and from Spain via Provence to the north of France and to the Rhineland.¹⁴ Despite the homogeneity of customs, there remained local differences, especially between Mainz and Worms, that can in part be attributed to varying traditions in the inhabitants’ respective countries of origin. Whereas Mainz was under the influence of families who immigrated from Italy in the second half of the tenth century, the traditions of influential families in Worms were French.

Until the end of the eleventh century, only five families in Mainz and two families in Worms held the most important positions in their community.¹⁵ Over generations, they held supremacy as social and spiritual leaders and represented their community in front of the Christian city ruler, the bishop. All but one of the rabbinic scholars of Mainz belonged to these distinguished and notable families, the *Mishpahot Meyuhasot*. Even the adoption of a majority voting system for communal matters in the second quarter of the eleventh century didn’t jeopardize their position: the majority had to make sure that all of the “Old and the Great” – i.e., all members of the “notable families” – adhered to their opinion.¹⁶ These families were related to each other by family ties that were further strengthened through teacher–student relationships. In order to secure their family positions, they also made sure that their daughters’ rights were expanded: for instance, a ban was issued against divorcing a woman without her consent, and a rather high standard of the marriage *ketubba* (contract) ensured financial security in case of divorce or widowhood.¹⁷ Consequently, the bearers of a “Lotir identity” were the “notable families,” the scholars, and – last but not least – all community members who accepted communal decisions regarding customs and customary law.

This practice of local decision making was characteristic for rabbinical discussions. It was also based on the principle, already established by around 1000, according to which each community enjoyed autonomy in all legal affairs towards its members as well as towards other communities. As one of the first scholars, Meshullam ben Qalonimos (second half of the 10th century) allocated this autonomy and authority to each community by defining it as juridical court (*beit din*). By the thirteenth century, the community structure, its institutions, and functions were fully developed, due to the substantial rise of new community foundations and the pressure from a growing middle class who asserted a majority voting system without the predominance of the former “notable families.”¹⁸ The executive power to sanction lay in the hand of the *tovim*, between 7 and 12 “good people,” who were elected by the community members and had the right

as well as the obligation to demand taxes.¹⁹ The community decided who was admitted and who was banned from the city.²⁰ The *parnas*, the community leader, was in most cases not identical with the rabbis and scholars who were increasingly taking care of religious issues as legal decisions and teaching. This “professionalization” of the “rabbinate” gained momentum in the second half of the fifteenth century when rabbis were formally employed and given an income by the Jewish communities.²¹

This principle of communal autonomy and self-government is generally viewed as one of the most important achievements of the medieval Jewish Diaspora in northern Europe. Neither a structured, institutionalized, appointed leadership like that of the Nagid as in Spain, Kairouan, Egypt, or Yemen nor an even more influential central institution like that of an exilarch or gaon in the Middle East were adopted in medieval northern Europe.²² Instead, as new foundations of immigration waves in a wide area, with long distances between Jewish communities, the communities in northern Europe had developed organizational principles which responded to the geographical isolation of each community. In the Rhineland, where the Jewish communities had settled in closer vicinity and also within the most advanced Christian urban space, representatives held assemblies to coordinate their diverse interests, their legal decisions, and to solve particular legal cases. In about 1200, 1220, and 1223, the ShUM communities created and signed on to a canon of *taqanot* (legal regulations) which became – as *Taqanot ShUM* – valid in all three communities and bolstered their predominance over smaller communities. This idea of coordination and cooperation between communities had a parallel development among the Christian cities of the Rhineland from the first half of the thirteenth century.²³

The autonomy of each community in Lotir was also fostered by its relationship to Christian authorities. These Jewish communities had settled and developed in cathedral cities. Each of the bishops functioned both as the primary local protector of the Jewish community and as the Jews’ direct mediator to the king’s court. These bishops gave privileges to the Jewish communities of their city, acknowledging their communal self-government.

Also, with the granting of privileges in 1084, Rudiger Huozmann, bishop of Speyer, invited Jews to settle in order “to make a city out of his village” and to increase the reputation of his place of residence. The presence of Jews was, therefore, recognized as an important contribution towards urbanization. Within these cathedral cities, Jewish settlements were situated in the centers of urban communication, near the cathedrals and centers of power or at least in the direct area of markets and important roadways. The charters of 1084 stipulated a particular quarter and a location for the cemetery in Speyer which was given to the Jewish population on the condition of an annual fee. In general, the Jewish community was defined as an economic, religious-cultic, legal as well as a defense community: since most Jews till the twelfth century were traders, they welcomed the free right of exchanging gold and silver and of buying and selling within the city;

guests of the Speyer Jewish community were also exempted from paying tolls. Internal legal conflicts were adjudicated within the Jewish community; only indeterminable cases were brought to the attention of the bishop.

Glimpses into daily life indicate permission to sell to Christians meat Jews “consider unfit for themselves according to the sanctity of their law” and to employ Christian nurses and servants in Jewish households. This charter of 1084 is the first known catalogue of rights given not to Jewish individuals or to Jews in general, as in the Carolingian period, but to a Jewish community. Other communities received rights as well, however, Rudiger boasted that this charter would “grant [the Jews] a legal status more generous than any which the Jewish people have in any city of the German kingdom.”²⁴

Six years later, in 1090, the Jewish communities of Speyer and Worms gained the special protection of Salian emperor Henry IV.²⁵ His charters fixed the basic rights of the Jews on a broader basis, and created a new category of constitutional documents. By taking up Carolingian legislation and elements of Talmudic law, these charters were both referring to a traditional relationship between Jews and the emperor and complying with new needs and situations which Jews had communicated in their negotiations with Henry IV. In great detail, Henry defined his protection of each person against assaults from “any dignity or power, either small or great, either free man or serf.” Religious persecution in the form of forced baptism was also prohibited.

The imperial protection extended to the Jews’ “property . . . whether in land or in gardens or in vineyards or in fields or in slaves or in other property both movable and immovable.” Not only did Henry reinforce the principle of protection for members of both communities which was formulated – for individual Jews – by Louis the Pious, he also shared Louis’ standpoint on the baptism of slaves and expanded the freedom of trade and exemption from tolls to the whole empire. In juridical conflicts between Jews and Christians, “each may carry out justice and prove his case according to his law”; Jews were not to be subjected to the methods of any trial by ordeal. Disputes among Jews were to be solved within the Jewish community as was already stipulated by Bishop Rudiger. Interestingly, Henry added to Rudiger’s permission of employment of Christians in households the Carolingian exemption of Christian festivals and Sundays. The list of items explicitly permissible to sell to Christians – although the free trade regulation should have covered these items – did not include meat as in Rudiger’s charter, but mentioned wine, dyes, and medicine; all items which were traded in long-distance trade and reflected the knowledge of Mediterranean culture. Clearly, the Jews who had negotiated these permissions had been traders who also gained Henry’s approval to apply a Talmudic regulation regarding the restitution of stolen goods in market situations.²⁶

Despite the imperial privileges, the important powers remained with the bishops. In contrast, the Jews of Tzarfat (northern France) stood in the Isle de France in direct connection to the king, and in Champagne mainly to the dukes.

In the case of both regions, the autonomy of the Jewish communities didn't develop as thoroughly as in Lotir. It is indicative of a shared political reality that the Christian communities of France and the German Roman Empire stood in a similar relationship to the king and the dukes as the Jewish communities did in the respective regions. Nevertheless, the Christian political communities north of the Alps gained their relative autonomy only from the beginning of the twelfth century, and therefore later than the Jewish communities.²⁷

The pogroms during the first Crusade in 1096

The assurances that were given to these communities were soon put to a gruesome test during the First Crusade in 1096. The foundation saga of Eleazar echoes the devastating persecutions by the Crusaders and the inhabitants of those towns in which the Jews had till then had neighbourly relations with Christians, in Speyer, Worms, Mainz, Cologne, Trier, Metz, Regensburg, and Prague: "There they grew to prodigious numbers until 1096 when the Lord visited his wrath upon the holy communities. Then were we all destroyed, utterly destroyed, except for a few of our relatives who survived. . . ." ²⁸ Three Hebrew reports from the first half of the twelfth century describe the events in detail; they also give very high numbers of victims, especially for Mainz (1100 or 1300), Worms (800), and Cologne (300), and confirm in various aspects the trauma which these persecutions marked not only on the generation of victims but also on the memory of many Jews for centuries thereafter.²⁹

Some of the Crusader groups legitimized their actions with the conviction that the Jews, just as the Muslims, were the enemies of Christ: these persecutors sought revenge on the Jews for the alleged collaboration of "their – the Jews' – fathers" in the killing of Christ.³⁰ The attackers pursued two goals, the death or the baptism of the Jews, as also reported by two of the Hebrew chronicles: "Let us wipe them out among the nations; so that the name of Israel be remembered no more, unless they become like us and profess [their belief] in the son [of the menstruating one]."³¹ In order to avoid baptism, and therefore annihilation, many Jews preferred martyrdom as an act of "sanctifying the Divine Name" (*Qiddush ha-Shem*) on the model of the Aqedat Yitzhaq (the binding of Isaac by Abraham), which also included suicide and the killing of their fellow Jews.³² This reaction, although also criticized, was soon recognized as an ideal of Ashkenazi Jews, in contrast to the communities of Jews in Spain, who more frequently preferred short-term conversion to martyrdom.³³

As Eleazar's remark above suggests, the persecution of 1096 has been viewed and discussed as a watershed event by Jews throughout many centuries and by modern historians alike. With the persecution of 1096 a new model became the standard: the persecutions as a concomitant of a Crusade, as in the persecution in 1146/7, 1188, 1196, 1231, 1235, again in 1309 and 1421.³⁴

It also left a profound impression on Christian contemporaries, among them Albertus Aquensis, who reports some time between 1100 and 1140 on the persecution of the Jews in 1096:

The Jews, indeed, seeing how the Christian enemy were rising up against them and their little children and were sparing none of any age, even turned upon themselves and their companions, on children, women, mothers and sisters, and they all killed each other. Mothers with children at the breast – how horrible to relate – would cut their throats with knives, would stab others, preferring that they should die thus at their hands, rather than be killed by the weapons of the uncircumcised.³⁵

The cited source and several others reflect what kind of knowledge and opinion Christians had about the martyrdom of the Jews. By referring to some of these texts, Israel Yuval has claimed that the apparent negative Christian attitude toward the Jewish martyrdom may have contributed to the appearance of a particularly hostile and distorted Christian interpretation of Jewish martyrology: namely, the accusation of ritual murder, the conviction that Jews kill not only their own children (in a ritual way), but Christian children in a ritual way and for ritual purposes, in general (in 1147) or in order to imitate the crucifixion of Christ (in Norwich in 1144) or to gain the children's blood for a variety of ritual and medical purposes (blood libel accusation).³⁶ These accusations could also be accompanied by a supposed miracle as in the case of Pforzheim in 1261: the dead body of a seven-year-old girl began to bleed and pointed to the Jews, her alleged murderers. The explanation which Thomas of Cantimpré (1201–1272) gave for this supposed action was similar to the one of Thomas of Monmouth (active between 1149 and 1173) for the events in Norwich in 1144: each year and in every country, Jews would draw by lot which Jewish community would have to provide “Christian blood” for everybody. Thomas of Cantimpré then argued that the Jews of Pforzheim sought to use this Christian blood as a remedy against the “blood flow,” a supposedly particular Jewish illness.³⁷ All of the ritual murder or blood libel accusations, which are recur even today in parts of the world, were accompanied by persecutions of the accused.

Part II: From around 1100 to 1300

New methods in scholarship: reason and piety

As Eleazar pointed out, the persecutions affected Worms and Mainz as the intellectual centers of Lotir; many scholars were killed, among them those who had been in contact with Rashi, one of the most important scholars of the Middle Ages and himself a student in Mainz and Worms between 1055 and 1065. In Troyes,

Rashi and his school, the Tosafists (“the supplementers”), had attracted many students from Lotir by the first half of the twelfth century. A difference between Tzarfat (northern France) and the “Great Scholars of Lotir” comes to light in the kind of arguments used by Rashi and the Tosafists in their search for the literal and allegorical meaning of the Bible and the Talmud. Influenced by the Hebrew linguists of tenth-century Spain (particularly Menahem ben Saruq and Dunash ben Labrat), Rashi strived to explain the text in accordance with the rules of grammar and the syntactical context; he was searching for the *pshat* or the *peshuto shel miqra* – “the plain [or literal] meaning of the text” – “a term of marginal significance in the Talmud took centre stage in Rashi’s usage, reflecting its paramount importance in his interpretive approach.”³⁸ Whereas the Tosafists almost exclusively drew upon supporting texts in rabbinical and Talmudic literature, the argument of local tradition was much more convincing to Lotir’s communities and scholars than to the Tosafists. Lotir’s communities held on to their local traditions; in conflicts, the argument of a long-established praxis was valid and often decisive.³⁹

Very gifted students who left the Rhineland centers and Bohemia to study in Tzarfat turned to Rabbi Yaaqov ben Meir, the grandson of Rashi, better known as Rabbenu Tam (d. 1171), who was “undoubtedly the primary figure to bring the new hermeneutic system to maturity.” Students learned and developed these new methods of interpretation and analysis with such rigorously, that a return to their home “institutions” and to more conservative approaches became very problematic. They preferred to establish their own schools in Regensburg, Würzburg, and Rothenburg which had become flourishing centers of trade with the East.⁴⁰ From now on, these communities remained on the map of the intellectual-cultural centers of Judaism.

In the course of the twelfth century, rising numbers of Jewish settlements east of the Rhine also led to increased acceptance and popularity of the term Ashkenaz over the designation Lotir. The term Lotir, with its orientation to the West, was ill suited to this new reality; it had incorporated Mainz, Worms, and Speyer, but it was unable to accommodate the shift farther east of the Rhine valley. Whereas in the past two centuries the term Ashkenaz had mainly been used to describe regions to the east of the new intellectual centers, the designation had now moved westwards – it encompassed the region from Lotir to Regensburg and further to the east. Being a biblical term derived from Genesis 10:2–5, 1 Chronicles 1:6, and Jeremiah 51:27, the term Ashkenaz⁴¹ already had a long history of application to different regions in the East; it was therefore much more apt to be adopted and assimilated than the term Lotir with its origin in the political history of the Empire.

In the intellectual world, after more than a century of academic supremacy of Tzarfat over Ashkenaz, the cultural walls between Ashkenaz and Tzarfat were gradually lowered “in an ongoing and developing process that occurred during the second half of the twelfth century and reached its quantitative and qualitative peak in the literary output of Rabbi Isaac in the beginning of the thirteenth century,” as Avraham Reiner has pointed out.⁴² Rabbi Isaac ben Moses (Or

Zarua) of Vienna (bef. 1180–c. 1250) was a student of Eliezer ben Yoel ha-Levi of Bonn (Rabiah, d. 1235) who had studied in Regensburg and had made the French school of Rabbenu Tam acceptable in the more traditionally oriented Rhineland communities. Thus, Isaac Or Zarua, who also studied in Paris, became familiar with the German and French versions of Rabbenu Tam’s teachings as well as with the teachings of Rabbenu Tam’s successor Isaac ben Samuel of Dampierre (Isaac ha-Zaqen).

While the Jewish communities in Ashkenaz gradually acknowledged the Tosafists in their midst as legal and communal authorities, another group of scholars, the Haside Ashkenaz (the Pious of Ashkenaz), was gaining their attention. The leading figures of this new movement were Samuel ben Qalonimos (b. 1115), his son Juda ben Samuel the Hasid (1150–1217), and Juda’s relative and main disciple, Eleazar ben Juda ha-Roqeah of Worms (1165–1238). Their theological ideas were influenced by the teachings of Jewish Neoplatonists, and were adopted by intellectual strings of the Spanish Kabbala.⁴³ At the center of these ideas stood the concept of an infinite and immeasurable God of pure spirituality who is omnipresent through a system of hypostases – the embracing intermediary “Kavod” or “Shekhina” – he reveals to the world.⁴⁴ Since God consists, therefore, of more than what is revealed to the world, his divine Will is also infinite, partly revealed in the Torah, partly hidden. The task of the Hasid, the Pious, is to detect and fulfill the concealed Will of God. In order for the Hasid to fulfill this task, God himself created the world as a series of trials which gives the Hasid the opportunity to strive to discover new prohibitions, to observe additional acts of religious conduct beyond those proscribed in the Halakha and to earn reward. Since “reward is proportional to pain” – which is one of the guiding principles – a casuistry of penitential acts corresponding to every degree of transgression was developed, such as: the amount of pleasure derived from sin served as criteria for self-imposed asceticism and atonement (*teshuvat ha-mishqal*). All principles pointed to the highest of all: “Be forever resourceful in fearing God” and fear – love – him with your “whole heart” – selflessly, sacrificially, totally!⁴⁵ This kind of fear and love resembles a spiritualized form of *Qiddush ha-Shem*.⁴⁶ Therefore, the disastrous outcome of the 1096 persecutions has been discussed as another stimulus for the Haside Ashkenaz movement.⁴⁷ The attempt by contemporary Jews to explain the persecutions in religious terms as atonement for the adoration of the Golden Calf through the sacrifice of a generation chosen by God as especially worthy⁴⁸ could have inspired the belief that an even more pious conduct was according to God’s will.

This new morality implied manifestations of asceticism, self-denial, radical humility, and even self-affliction in everyday life. Surely, not everybody was cut out for such a pious way of life! It was Juda, Samuel’s son, who translated this new morality into a social elitist program and vision which also demanded political consequences. He distinguished between Pietist Jews and non-Pietist Jews, who were – according to his view – almost as “wicked” as Christians. His main

critique was directed against the communal leaders who are non-Pietists; he questioned their legitimacy, and instead propagated the charismatic and spiritual counter-leadership, a leadership for the elitist group of Pietists who would welcome new members only by initiation rites of ascetic atonement. However, the social claims for his own leadership authority, his eccentric claim to know the Will of God, and the underlying intent to force his ideas on non-Pietists made him and his group of followers rather unpopular. This reaction and a persecution in Speyer might have encouraged them to move to Regensburg.⁴⁹

Sefer Hasidim, the nonmystical compilation of this Pietist lore and anthology of exempla, also provides a picturesque window into the daily life. Criticizing Jews for their “non-Pietist” behavior, the exempla portray quite close social interactions between Jews and Christians in all areas of society. For instance, business with monks, encounters in churches, the reading of Latin books written by monks, disguise as a nun to save a Jewish woman from rape, speak of direct cultural exchanges which the *Sefer Hasidim* – similar to Christian authorities – was attempting to curtail. Direct cooperation between Jews and Christian on the production of Hebrew books is attested in their art, as Sarit Shalev-Eyni has illustrated.⁵⁰ The existence of a shared culture between Christians and Jews in Ashkenaz which entails a rather detailed knowledge about each other, in particular regarding rituals, religious images, and symbols, has become generally accepted by today’s scholarship.⁵¹ This knowledge about each other could be used in disputations or – if severely distorted – resulted in deadly accusations. The complex relations between the penitential system and practices of the Haside Ashkenaz and those of the Christian movements of piety demonstrate how difficult it is to define the cultural boundaries between Jews and Christians in Ashkenaz.⁵²

Whereas Juda’s concept of an ideal Jewish society failed under the ridicule of fellow Jews, Eleazar ben Juda ha-Roqeah offered a nonsectarian and nonrevolutionary political version of a personalized piety within a conventional community and under formal leadership. *Hilekhot Hasidut* (Laws of Pietism) and *Hilekhot Teshuva* (Laws of Atonement) – as part of the preface to his handbook of Jewish Rhenish law and local custom *Sefer ha-Roqeah* – were written for the personal use of the sinner and diminished the central role of the sage advisor.⁵³

Despite the differences between Samuel’s, Juda’s, and Eleazar’s written works, they have one central aspect in common, as Ivan Marcus has put it: “The Tosafists stimulated the Pietists to commit to writing their traditions, based on earlier custom.”⁵⁴ It was also in view of the Tosafists that Juda’s book *Sefer Hasidim* emphasized the study of the laws of Jewish practice. On the other hand, it condoned a synthesis of newer and older methods for the most elite and well-trained Pietists, as long as “practical halakhah and other ethical and religious dimensions of Torah study be given preference over the more intellectualized pursuit of dialectic *hiddushim*” (i.e., innovations of the Tosafists).⁵⁵

Evidently, Eleazar’s myth reclaimed the priority of the older traditions over the new intellectual and dialectic approach of the Tosafists. On the other hand, a

number of Tosafists were not as Halakho- or Talmudocentric as Rabbenu Tam and earlier Tosafists, but seem to have been influenced by various aspects of the Pietist movement. Ephraim Kanarfogel has emphasized “the involvement of tosafists with mysticism and magic, and with asceticism and *perishut*” (separatism) which “represents the continuation of a pattern established during the pre-Crusade period in Mainz.”⁵⁶ Since German as well as French Tosafists show this adaptation of aspects of the German piety movement, different paths of influence are discussed by today’s scholars. Did the works of the Haside Ashkenaz also reach the French Tosafists, did the French version of Hasidut have an impact on French Tosafists, or stood the French Tosafists in the tradition of that pre-Crusade Ashkenazic rabbinic culture which Eleazar was referring to? To what extent did the Pietists and Tosafists – perhaps also independently – draw on the older traditions of asceticism, magical techniques, and mystical conceptions of Hekhalot texts?⁵⁷ Peter Schäfer has pointed to the roots in Hekhalot literature and related literature for many behaviors of the Haside Ashkenaz, who made these forms more pronounced and extensive.⁵⁸ In any case, after the subsiding of the Haside Ashkenaz movement in the second half of the thirteenth century, their concepts regarding penances and certain aspects of confession were accepted by a significant number of Ashkenazic rabbinic authorities in the late Middle Ages and beyond. Because of their references to Hasidic ideals and values, some Tosafists (and Haside Ashkenaz) were cited by various kabbalistic works and Ashkenazic *minhagim* (customs) were adopted by the Spanish kabbalistic work the Zohar.⁵⁹ Despite the intellectual and spiritual breath and openness among Tosafists and Hasidim, “the German Pietists remain the only Ashkenazic figures who expressed a strong interest in theosophy and produced a substantial, if not systematic, corpus in this area.”⁶⁰

In this light, the claim for priority implied by Eleazar’s foundation myth was perhaps more political. The three leading Pietists belonged to the family of the Qalonimides. And by emphasizing their connection to Mainz and to their Italian ancestors who were among those who indeed brought the southern Italian traditions – along with the legal rulings of eighth- and ninth-century Baghdad – to study the Talmud to the north, Eleazar underscored the family’s claim to leadership against the influence of the Tosafists over the Jewish communities.⁶¹

Protection and dependency

Another scion of the Qalonimos family, Qalonimos ben Meir of Speyer, served at the court of Emperor Frederic I Barbarossa (1152–1190); although his service was not combined with an official representation of the Jewish communities – such a position as it was known in Spain was not available in Ashkenaz – he used his service to reach a substantial tax reduction for his community. His conduct was praised by several Jewish scholars throughout the centuries and reflects the growing tension

between communities and their individual members, who could through personal tax exemptions granted by their rulers cause financial damage to their community and erode community ties.

Although the imperial protection in 1096 and, therefore, the promises of the privileges of 1090 had utterly failed, the Jewish communities still depended on such protection. In 1157, the Jews of Worms gained confirmation of the 1090 privileges from Emperor Frederic I Barbarossa. To strengthen the traditional close and direct relationship with the Jewish community, Frederic I also intended to exclude any competing claims over the Jews in any legal affair – “neither bishop nor treasurer nor count nor judge nor anyone . . . presume to deal with them or against them in any affair or exaction related to justice” – by introducing a legal constellation for the Jews which he also granted to specific Christian communities: “since they belong to our chamber [*ad cameram attineant*],”⁶² i.e., they belong to the inner circle of the ruler’s court and to the inner realm of his reign. This concept was applied to all Jews of the Empire even before Frederic explicitly expressed it in his privilege for the Jews of Regensburg in 1182. Just months after the expulsion of the Jews from French crown land by the French king Philip Augustus (1180–1223),⁶³ Frederic programmatically stated the inclusion of the Jews into his realm and his perception of the imperial office as protector of all *fideles*, Christians and Jews alike.⁶⁴ When, in 1188, the atmosphere of an impending Crusade caused persecutions of Jews in Mainz, the Jews of several communities were brought to fortified castles, among them Münzenberg, whose *camerarius* Kuno acted in the interests and as a representative of the emperor.

In 1236, Frederic II (1212–1250) reissued the privileges of his grandfather, and expanded them to all Jews of the Empire, but introduced the term *servi camerae*. The *servi camerae* status (“chamber serfdom”) could now be interpreted to the disadvantage of the Jews, declaring them subordinated to the chamber as serfs or even unfree people.⁶⁵ The declaration itself was initially welcomed by the Jews since a severe blood libel accusation and persecution required the special protection of the Emperor.

Although many aspects of the 1236 privileges were, at the bequest of Jews, adopted into several statutes – in Austria (1244), Hungary (1251), Bohemia and Moravia (from 1255), Greater Poland (from 1264), Meissen (1265), as well as Silesia, Lesser Poland, and Ruthenia, and from the fourteenth century in Northern Italy – it is important to note that the term *servi* only entered the legislation of Bohemia and Poland. The *servi camerae* status was not unique to these “German” privileges. In 1176/7, statutes in the Kingdom of Aragon declared the Jews *servi regis*, and this term was adopted by several statutes in Castile as well. In France, the statute of Louis IX compared Jews to *servi* in 1230; and the English “Statute of Jewry” of 1275 defines Jews – they had arrived with the Norman conquerors in 1060 – as *serfs*.⁶⁶ Prior to these declarations, the more centralized reign in England and the French crown lands had established a binding relationship of the Jews to the king which excluded any competing claims over the Jews.

In the German Empire, the competing claims Frederic II intended to combat came especially from the Crusaders, the Pope (in 1240, Gregory IX condemned the Talmud and in 1242 in Paris had 24 wagonloads of Jewish books publicly burned), and the latter's "instrument," the Inquisition. Frederic's *servi camerae* declaration was occasioned by the blood libel accusation against the Jews in Fulda, Tauber-bischofsheim, and Lauda, and the subsequent persecution by Crusaders in 1235. After consultations in imitation of an inquisition trial, Frederic II concluded publicly: "it was not indicated in the Old Testament or in the New that Jews lust for the drinking of human blood. Rather, precisely the opposite, they guard against the intake of all blood . . . We can surely assume that for those to whom even the blood of permitted animals is forbidden, the desire for human blood cannot exist . . . By this sentence of the princes, we pronounce the Jews of the aforesaid place and the rest of the Jews of Germany completely absolved of this imputed crime. . . ." ⁶⁷ As a result he pronounced his protection for "our serfs the Jews." Even though Pope Innocent IV (1243–1254) in 1247, as well as several popes and secular authorities after him, clearly reiterated the absurdity of a blood libel accusation, the accusation remained widespread and led to many cruel and deadly persecutions.

In addition, the situation for the Jews became increasingly severe with changes of the papal policy under Pope Innocent III (1198–1216) which affected the general papal policy for centuries. In an attempt to assert the papal supremacy over secular rulers and the authority over the Jews, Innocent reinforced the patristic doctrine (issued by Augustine) of the "perpetual servitude" and subservience of the Jews (to Christians) for their alleged guilt of the crucifixion of Jesus, an idea which rapidly spread after 1234 by its inclusion in the Decrees of Pope Gregory IX (1227–1241), and which – ironically and unintended by the papacy – also underscored the legitimacy of the *servi camerae* status. To prevent "improper" subordination of Christians to Jews, the Fourth Lateran Council (1215) included four important decrees (paragraphs 67–70): Jewish moneylenders were prohibited from oppressing Christians with their "heavy and immoderate usury"; "Jews and Saracens shall easily be distinguishable from the rest of the populations by the quality of their clothes"; the prohibition "that Jews be given preferment in public office"; voluntary baptism was declared irreversible. ⁶⁸ On the basis of a previous definition of forced baptism by Innocent III in 1201, a forcibly converted Jew was, in effect, prohibited from reverting to Judaism, a decree which overruled the papal protective policy since popes Gregory the Great (590–604) and Calixtus II (1119–1124). ⁶⁹

These canons reflect new developments in the daily relationships between Jews and Christians. Distinct signs on clothing were enforced in England (1218 by Henry III), Sicily (1221 by Frederic II), and in Aragon (1228 by James I of Aragon) in the wake of the council. In Germany, repeated attempts by church officials, councils, papal legates, and town councils especially from the fifteenth century to enforce distinctive garb – not only for Jews, but also for the Christian society – remained in

most cases unsuccessful. The badge in the form of a wheel was finally asserted in the sixteenth century.⁷⁰

Economy: trade, moneylending, and other occupations

In the realm of economy, Jews came into the Carolingian Empire as merchants, who were either connected with the long-distance trade through other Jewish merchants or were themselves active on the different trade routes to Poland, Hungary, southern Russia, and Venice. As merchants of staple goods (for instance wine, grain, salted fish, horses and cattle, raw wool, garments, metal vessels) as well as luxury items (for example spices, medicine, precious textiles) and also slaves (although with no monopoly) they received privileges, including exemption from certain tolls.⁷¹ Despite the negative labeling among religious circles of dealing with money as greed, their occupation in trade was seen as useful and valuable not only to the emperors, but also to the emerging urban societies of the eleventh century, so much so that, as mentioned above, in the perception of Bishop Rudiger the presence of Jews was “to make a city of the village of Speyer” (1084).⁷²

Responsa – questions about legal matters to a scholar and his answers – reveal a merchants’ culture of behavioral codes among Jews. According to some local customs, the relationship of a merchant to his Christian customers was exclusive and protected against competitors; the merchant was holding a monopoly on a particular customer. It was prohibited to intercept merchandise bound for a particular destination and to forestall the merchants of that location. When merchandise was arriving in the city, each merchant of that city was considered to have an equal right to the opportunities for profit and “to purchase an equal share of that merchandise.”⁷³ In some cases, the community’s control over the admittance of Jews to the city was used to curtail competition. Women were also among the merchants; Eliezer bar Nathan (d. c. 1150) underscored that women were “bailiffs and money changers and negotiate and loan and borrow and repay and receive payment and make and take deposits. . . .” Female merchants were even so much away on business, although not active in long-distance trade, that Eliezer ben Yoel ha-Levi (1140–1225) stated “that daily women go with two or three men, and they (the women) see that the scholars can not prevent nor prohibit it.”⁷⁴

Urbanization in the German kingdom expanded and intensified rapidly from the middle of the twelfth century. In an eastward direction it developed the areas east of the Elbe and Saale from the beginning of the thirteenth century when Jews arrived together with Christians from the west.⁷⁵

More Christian merchants competed in the new markets of the old and the newly founded communities and established associations which excluded Jews. At the same time, the pace of monetary-based economic transactions increased and more demand for credit changed the opportunities for Jewish merchants. Since extending

credit as an investment strategy had always been part of the trade business and Jews had brought special know-how about credit mechanisms as family traditions from Italy and France or from the long-distance trade markets of the Mediterranean, they started to engage more and more in this former ancillary branch. From about the year 1000, Jews had played an important role in viticulture investments as well as in wine trade in the German kingdom; receiving wine as interest payments. Jewish moneylenders remained active in the wine trade during the later Middle Ages until the expulsions from towns and territories.⁷⁶ In some cases, Jewish owners of vineyards were personally involved in wine production, and, despite the prevalence of trade and moneylending, “there are further indications for some Jews making a living in agriculture.”⁷⁷

The service of Jews in matters of financial administration, toll, and coin minting was requested not only by Emperor Frederic I, but also by kings, counts, nobles, and bishops till the expulsions of the fourteenth to fifteenth centuries; they employed Jewish physicians as well.⁷⁸ In some cases, in which Jews acted as minters for Christian rulers and mint masters, coins carried the image of the Jewish minter or Jewish symbols together with the, however, dominant Christian equivalent. Until around 1230, the time of their disappearance, these symbols were used and accepted as proof regarding the high quality of the coin, and the mint master regarded the presence of Jews and Jewish symbols on their coins as advantageous. The main factor in changing the positive attitude towards the “Jewish coin” and the public display of cooperation with Jewish minters might have been the Fourth Lateran Council in 1215. In response to these decisions of the Council, the public demonstration of cooperation and of a close relationship between a Christian ruler and his Jewish minter might have been increasingly regarded as untenable and prone to criticism. This shift also meant that such coins were not to be commissioned since they might no longer be trusted by the general population.

A new negative stereotype of the Jewish moneylender was internalized by the broader population: Jews were increasingly represented as avaricious and idolatrous because of their supposed adoration of money and cupidity.⁷⁹ In 1146, Bernard of Clairvaux argued in favor of leaving the Jews alive since their presence would prevent the Christians’ activity in moneylending, which he considered to be worse than Jewish moneylending; his attack on business with money was part of a criticism of society. And despite the statement of the Fourth Lateran Council: “the more the Christian Religion refrains from the exaction of usury, the more seriously does the Jewish Perfidy become rooted in it.”⁸⁰ Christians from all social strata, including monasteries and clergy, remained in the credit business. The attack against moneylending was based on the biblical prohibition, for instance in Deuteronomy (23:20–21): “You shall not deduct interest from loans to your brother. But you may deduct interest from loans to foreigners.” According to the interpretation of clerical scholars, Christians were not allowed to demand interest from other Christians, thereby labeling any form of taking interest as usury. While this biblical prohibition was – of course – also binding among Jews, Jews and

Christians found ways to circumvent it and enable the taking of interest among their coreligionists, often through joint ventures, or partnerships. In some cases, a Jew or a Christian was asked to function as the middleman to facilitate business among coreligionists; in others, Jews could be indebted to Christian moneylenders. Jews didn't hold a monopoly in the credit business. Italian Christian moneylenders, the "Lombards" (from Piedmont), were advancing in the fast-growing business. From the thirteenth century on, the number of their banks admitted by secular and ecclesiastical rulers north of the Alps rose exponentially.⁸¹

Despite the fact that this prohibition didn't apply to moneylending between Jews and Christians, influential circles arguing that moneylending is theft and leads to "stealing time from God" equated Jews with moneylenders. The term *judaizare*, once meaning "to make Jewish," was now used for "lending money." In other words: "money-lending was not condemned because it was exclusively or primarily a 'Jewish activity,' rather, because money-lending was condemned, it became a 'Jewish' activity."⁸² All kinds of rulers – kings, bishops, counts, abbots – however, condoned the moneylending activities of the Jews (apart from the fact that they themselves had to raise substantial capital) since it served them as control mechanism over important "people of interest" who had loans from Jews. The successful moneylending business of Jews also allowed rulers to exact higher taxes from them. So much so that Isaac ben Moses Or Zarua (d. c. 1250), one of the most respected scholars of his time, restated the opinion of Isaac ben Samuel of Dampierre (d. c. 1200) who declared moneylending of Jews to Christians permissible for the following reason: "since everything we give as a loan, is necessary for our survival since we don't know how much tax the king is going to demand."⁸³ New demands had to be met or averted with bribe money.

With the substantial increase of moneylending from the thirteenth century, the relationship of the Jewish communities to the rulers who promised to secure their safety had become more and more fiscally driven. This development also affected the *servi camerae* relationship to the king. In 1286, Rudolf of Habsburg justified the property confiscation of Jews who had left his reign by declaring all Jews of the Empire as his possession in person and property. A similar policy of personal property had been decreed by the French king Louis IX (1226–1270) in 1230, relating to the lords and their relationship to "their" Jews: that no one should "obtain" the other's Jew.⁸⁴ Confiscation and arrest with ransom demands of individuals or whole communities were frequent instruments to press money from Jews, not only used by Rudolf I but also by princes and lords.⁸⁵ The most prominent victim was one of the greatest legal authorities, Rabbi Meir of Rothenburg, who was held prisoner by Rudolf from 1286 until his death in 1293. His body was held until 1307, when Alexander of Wimpfen paid the ransom money – Meir had refused and prohibited others to pay during his lifetime – to release it.⁸⁶ Extortion methods were also applied to the moneylending sector. In general, the Jews' credit business was regarded as an extension of the treasury of the king or other ruler under whose dominion the Jews lived; and the Jews had to

comply since they depended on the ruler's authority in enforcing the payment of interest and principal from their debtors. For this "service" of collecting interest and debt, the rulers often demanded a share of the profit; in some cases, they received or paid off the debts of the nobles, which allowed them to put political pressure on them.⁸⁷

Another problem for Jewish moneylenders was a particular clause, *Schadennemen*, in the contract between Christian business partners, popular since the thirteenth century, especially during economic crisis and in times of hunger. If one of the partners defaulted on his obligations, the other was protected by a credit from a Jewish moneylender in the name of the defaulting partner. It was then very unlikely that the Jewish moneylender – dealing with a bankrupt – would see any of his money returned to him. Furthermore, in the public opinion, he was perceived as oppressor of an unfortunate Christian who, although bankrupt, had to pay high interest rates to the Jew.

Persecutions in Ashkenaz in times of Western European expulsions

A continued series of regional and local persecutions as well as expulsions from England and France from the end of the thirteenth century made the economic interlacing of moneylending with politics and social problems apparent. Under the pretense of noncompliance with the prohibition on moneylending in the Statutum de Judeismo (1275), King Edward I ordered, in July 1290, all Jews of England to leave the island by November 1 and restore all pledges to their debtors. The king relinquished "his" Jews as a political instrument (through the Jews' moneylending business) against the barons and magnates. In return, the parliament granted him the single largest tax collection in medieval Europe.⁸⁸ English refugees to the continent were soon affected by another wave of expulsions in France which had begun in 1283 under Philip III. After regional expulsions from Gascony, Maine, Anjou, Poitou, and Nevers, Philip IV expelled the Jews from the Crown land in 1306; after their readmittance in 1315, Charles IV repeated the expulsion in 1322, the final expulsion being in 1394 by Charles VI.⁸⁹ These expulsions were enacted under a pretense of combating usury, but in fact they served to rob the Jews.

Though in the German-Roman Empire waves of expulsions of Jews set in only toward the end of the fourteenth century, persecutions had similar or even more brutal effects, reaching large regional dimensions. In 1287 in Oberwesel, Jews were accused of having ritually murdered a boy, the "Good Werner"; this accusation led to persecutions of Jews in the Middle Rhine and the Mosel area till 1289.⁹⁰ This incident occurred only one year after the blood libel accusation in Munich, where Jews were accused of drinking the blood of Christian children allegedly murdered by them. A new libel accompanied the "Rintfleisch" persecutions of 1298: since the Fourth Lateran Council had officially recognized the transubstantiation doctrine, the belief that the wafer and the wine actually become the body and the blood of

Christ through its consecration, led to the allegation that Jews would profane consecrated wafers/hosts with the intention to torture and kill Christ repeatedly, and, therefore, enact another form of ritual murder.⁹¹

During these persecutions, named after Rintfleisch, the leader of the marauding gangs, about 5000 Jews in about 130 locations, mainly in Franconia between Nuremberg, Würzburg and Rothenburg, were murdered; only after having won a conflict over the throne could King Albrecht I (1298–1308) intervene. These brutal killings, during which baptism was no option for escape, were orchestrated by the lower and middle classes of towns and villages, who since the thirteenth century had become increasingly dependent on credit, and were often indebted to Jews. Viniculture and agriculture – expanding areas in the middle Rhine valley and the regions south of the Main – were prone to great risks due to market developments and weather; interest rates were higher than for longer-standing credits, and this often led to resentment against Jews.

Persecutions with stronger economic motives and with regional dimensions, as well as the financial interpretations of the relationships between the Jewish communities and the rulers, their protectors, mark a turning phase for the history of the Jews in the German kingdom. The expulsions of the Jews from England and France increased the pressure on the Jews, and encouraged rulers and different strata of society in Germany in their actions against Jews. In France, the burning of the Talmud in 1242 had made a traumatic impression on Jewish scholars which Meir of Rothenburg (c. 1220–1293) had witnessed and captured in poetical lamentations. The expulsions from France severed the German Jewish scholars from an intellectual “lifeline” which had over centuries produced the ground for fruitful discussions among French and German Tosafists; this scholarly world was mirrored in the argumentative style of their scholarship. Meir of Rothenburg was the last and greatest scholar of this genre and of generations of scholars who had combined – as had Meir’s teacher Isaac Or Zarua and his teacher Eleazar ben Juda ha-Roqeah – the Tosafists’ approach with particular pietistic ideals (for instance asceticism) and traditions which had been further developed by the Haside Ashkenaz. His pupils, among them Meir ha-Cohen and Mordekhai ben Hillel, produced Talmudic compilations which served the scholars of the Later Middle Ages as important references for these halakhic traditions.⁹² Neither Italian nor Eastern European scholars were yet able to fill in for the loss of the French schools.

Part III: Between the Western European Turning Phase and the Black Death

The presence of Jews in the German kingdom reached its peak by the first half of the fourteenth century. From around ten Jewish settlements at the time of the First Crusade, the numbers rose to about five hundred about 1300 and to about a

thousand before the disastrous persecutions during the Black Death.⁹³ This development was part of a general population increase during which the number of towns multiplied from about five hundred around the year 1150 to about 3500 around 1350.⁹⁴ Many of the new settlements of Jews within the newly founded towns consisted of only one or two families. The Armleder persecution destroyed the most densely populated areas of Jewish settlement, where Jews had settled since the thirteenth century.

Politics in regional persecutions

An economically motivated social uprising directed against the upper classes and the clergy could easily turn against Jews who were the “weakest link.” This was the case in the regionally largest and most devastating pogroms of Ashkenaz before the persecutions during the Black Death. In 1336, the knight Arnold von Uissigheim led, as “King Armleder,” his “troops” of small farmers and town people against several towns, starting in the same area, in Röttingen, in which the Rintfleisch persecution had begun. Even after Arnold’s arrest and execution by Count Gottfried of Hohenlohe, persecutions continued till 1338 and spread from Franconia to Hesse, the middle Rhine area, and Alsace. Sixty-five Jewish communities were attacked and largely wiped out.

The actions which Emperor Louis the Bavarian (1282–1347) took during these persecutions are indicative of wideranging developments since the first half of the thirteenth century. Under the reign of Frederic II, royal rule in general and regarding Jews had been substantially weakened, leaving the power over Jewish communities, in particular over the new foundations, to the bishops, princes, and counts. The “Judenregal,” the royal privilege to rule over Jews, protect them, and receive in turn their taxes, – as implied and emphasized in the *servi camerae* status – was de facto enforced in the imperial cities and territories only.⁹⁵ In their endeavor to strengthen their royal power, subsequent kings and emperors started to utilize the Judenregal and the *servi camerae* status as a fiscal instrument to build up a constituency by granting or pawning these rights to bishops, princes, counts, and towns. The Jewish communities, who through their dependency on local and imperial protection had always been vulnerable, were now catapulted “into the firing line” of political and social conflicts. Through the commercialization of the Judenregal and subsequently of the protection of the Jews, the Jewish communities themselves were objectified, at the “mercy” of highly individualized decisions which were informed by combinations of local, regional, and state politics.

This explains why Emperor Louis the Bavarian showed no response to the killing of the Jews of Rufach and Sulz who “belonged” to the Bishop of Strasburg but intervened with an army to protect the Jews and the Jewish refugees in Colmar. His intervention secured his taxes from the Jews, since he was still in the possession of the Judenregal in the imperial city of Colmar. But he also had the Jews of Colmar

pay additional sums for this protection and for Louis' support of the anti-Armleder league in 1338. When he asked the city of Colmar to advance this extra duty, the Jews of Colmar were thrown into an additional dependence on the city of Colmar. The city council of Colmar also took over the responsibility for the tax payments of the Jews to the emperor, and received in return the possessions of the Jews including loans and pawns for two years. It is a reflection of the real security situation that the Jews of Colmar had not actually been saved by the imperial army, but by successful negotiations of patricians with anti-Jewish "forces" within the city.⁹⁶ This example shows how fiscal reasons dominated protection obligations, how the protection policy served power politics, and how, despite the payments to the emperor, security for the Jews very much depended on the outcome of local politics.

As the city councils gained influence and political weight, the situation of the Jews was often determined by complicated power constellations, as was the case in 1338 in Trier. In fear of the Armleder persecutions, Archbishop Baldwin of Trier accommodated the demands of the city council, which asked for the curtailment of the Jewish community to fifty families and a reduction of interest rates for credits of the Trier burghers with the local Jews. The city council promised, in return, the protection of the Jews, which, however, the Jews had to pay for with a rather high annual fee. In addition, the city council "took hostage" of the Jews by threatening to denounce their protection promise as soon as conflicts arose between the city council and the Archbishop. It is obvious that Archbishop Baldwin, who was otherwise a highly influential "player" in the politics of the empire, was unable to protect the Jews under his dominion.

Nevertheless, in his endeavor to profit from the financial opportunities of "his Jews" as much as possible, he adopted a particular form of dependency of the Jews towards the ruler. Jews who entered the relationship of "Erbeigenschaft" to the ruler relinquished direct ownership (*dominium directum*) over their property to the ruler, keeping only *dominium utile* (beneficial ownership). In hope of effective protection from the ruler, Jews agreed to marry and bequeath only among other Jewish "Erbeigenen." On the one hand, these Jews were not allowed to settle outside the dominion of the ruler, on the other, their right of residence remained unlimited. Despite the severe conditions of this Erbeigenschaft, it even gained attractiveness after 1349 when unlimited rights of residence for free Jews became almost impossible to obtain.⁹⁷

The city council as well as the local lord and the artisan guilds increasingly regulated from the beginning of the fourteenth century the occupation of Jews as artisans and merchants. Political pressure came from the artisan guilds, which had gained more weight in the political processes of the city councils and contested the competition from nonmember artisans. Despite the prevalence of moneylenders among Jews in Christian public opinion, Jews remained active in a variety of crafts and in locations where curtailments were not or were only partly enacted; some of these crafts had close relations to trade and moneylending, or provided

self-subsistence with kosher food products and ritual cloths. According to the Responsa literature, especially of Meir of Rothenburg, Jews were landlords renting out houses, mint masters (sometimes in cooperation with Christian mint masters), traders of silver, lead, wool, furs, horses, items taken in pawn (of all sorts), wine, and general merchandise. Pawned items often needed to be overhauled or repaired before selling, and vineyards were accepted as pledges by moneylenders who were sometimes also winegrowers. In order to prevent contact with Christians and to eliminate competition, the activities of Jewish butchers, tailors, bakers, and brewers were severely curtailed by Christian authorities.

Due to their religious and political nature – as confraternia bound by oath they constituted a religious community with a patron saint and participated in the election of the mayor – the guilds generally excluded Jews, which makes the order of the guild in Esslingen so remarkable; there, in 1331, Jews were explicitly admitted to the guild of the tanners and parchment makers without requiring them to renounce their religion.⁹⁸

The Armleder persecutions left Jewish communities in large areas of southern Germany devastated. They were accompanied, in 1337, by persecutions in Lower Bavaria which affected Deggendorf and about twenty Jewish communities; a Host desecration libel was propagated to legitimate the atrocities. A year later, and under the same pretext, around thirty settlements were destroyed in Lower and Upper Austria, Bohemia, and southern Moravia, starting in Pulkau.

Emperor Louis the Bavarian, who had used the granting of the “Judenregal” for his imperial politics, added another financial obligation to the Jews to fill his treasury. In 1342 he ordered the “goldener Opferpfennig,” an annual head tax of one gulden for all Jews of the empire above age 12. With this first head tax in the history of the German-Roman Empire, Louis claimed direct dominion over all Jews even though he had granted away or pawned the Judenregal over many of them. Out of gratitude for political support he canceled all debt obligations to Jews for the Bishop of Speyer (in 1315) and the Burgrave of Nuremberg (in 1343). This instrument, ironically coined “Schuldentilgung” (debt redemption), had disastrous effects on the business of many Jewish moneylenders; it had been exercised by French and English kings from the twelfth century. All of these actions were based on Louis’ interpretation of *servi camerae*. Emperor Charles IV (1346–1378) repeated the same programmatic interpretation that “all Jews belong to our *camera* in their body and possessions.” In the Golden Bull of 1356, the Judenregal was granted to the prince electors together with the regal for mining (*Bergwerksregal*) and the regal for toll (*Zollregal*).

The Black Death

The Black Death (from 1347 in Europe) was the greatest catastrophe for most parts of Europe during the Middle Ages. The *pestilentia permaxima* (greatest

plague) – transmitted by rat fleas reaching Europe from the Himalayas on trade routes by ship across the Mediterranean – and later eruptions killed between 25 and 50 percent of the general population, who in northern Europe had already suffered a death toll of about 15 percent during the great famine between 1315 and 1318. In addition to the plague, the Jewish communities were threatened and suffered persecutions on the largest scale between 1348 and 1351; only communities at the fringes of the Empire, in Bohemia, Slovenia, and Austria, were spared persecution.

For centuries, Jews had been suspected and accused of attempting to kill Christians through such crimes as ritual murder, blood libel, or desecration of the host. In the fourteenth century, these allegations were transferred to the context of mass dying. Especially in the German-Roman Empire, Jews were accused of conspiring together with their coreligionists against Christians and causing the plague by poisoning the wells in order to gain control over Christians. As in the Armleder pogroms, conversion to Christianity was no option to escape this accusation and persecution, and economic motives related to the moneylending business were important factors. Pogroms and persecutions predated in most cases the arrival of the plague in the area, and the appearance of the radical flagellants was not the immediate cause for the outbreak of violence against Jews. Instead, persecution and killings of Jews could take the course of spontaneous outbreaks intensified by rumors about well-poisoning, sermons by Franciscans, often on Sundays or holidays, or were carefully initiated and orchestrated to serve the interest of several social and political groups in political conflicts involving cities – also among city councils, guilds, patricians, burgers, and artisans – noble rulers, and the emperor. In Erfurt, for instance, a group of patricians keen on killing the local Jews obtained a letter of support from the Margrave Frederic II of Meissen who had legal claims over the Jews of Erfurt, and reached their “goal” despite the initial resistance of the city council. Since 1346, Charles IV had been in conflict with the dynasty of the Wittelsbacher, in particular with Günther von Schwarzburg (king from January till May 1349), over the imperial throne; by granting the Judenregal to nobles or cities he applied a traditional method in order to gain political support. This time, however, he combined such grants with the assurance – for instance in the case of Frankfurt, given one month prior to the deadly persecution – that in cases of pogroms the beneficiary could keep a large portion of possessions and credits of the killed Jews. In accordance with his interpretation of the *servi camerae* status, he granted not only rights over Jews, but their possessions, as well as houses and the synagogue, for a new marketplace in the city of Nuremberg – about three weeks before the pogrom in December 1349. The pogroms of Jews in Nuremberg went not only unpunished; Charles also confirmed to the city in 1350 the possessions of all killed Jews.⁹⁹ In contrast to the persecutions of 1096 and 1298, when due to the political weakness of the emperor the protection of the Jews failed, Charles IV took advantage of the persecutions, politically and even financially. He could often count on the political elite who, in pursuit of

their own goals, used lower classes of urban society as their instruments against the Jewish population.¹⁰⁰

Part IV: Movements to the East and to the South (1350–1520)

In some locations small numbers of Jews started to be readmitted months after the disastrous persecutions. In most cases, however, it took decades before Jews returned, and, even then, the continuation of new settlements was interrupted by several expulsions or abruptly ended by final local or regional expulsions some time between the end of the fourteenth and the beginning of the sixteenth century. These rather small settlements and their conditions differed in many ways from the communities before 1349. Jews hesitated to return to the western cities and towns; fewer than half of them were repopulated. This eastward shift within the German kingdom was already indicative of the emigration movements towards Eastern Europe in the wake of the final expulsions. It also negatively affected the centers of Jewish scholarship in the West, which had largely lost their intellectual elite.¹⁰¹ Austria, since it had suffered less from the Black Death persecutions, attracted students and scholars from all over northern Europe. In Vienna, Aaron Klausner (d. 1408), Shalom Neustadt (d. 1415/16), Jekel of Eger, and Aaron Bluemlin established the “Austrian School,” which was struck by deadly blows during the persecutions of 1420/21 (“Gezera of Vienna”). The students of this school dispersed over the different communities of the empire, but were unable to create centers of scholarship of the same status. Nevertheless, they functioned as supportive leaders, among them the great authority Jacob Molin (Maharil, d. 1427), for communities who repeatedly struggled with life-threatening situations and expulsions. Also, because of these realities, scholars produced praxis-oriented compilations of law, Responsa collections, and wrote down books of local customs (*minhagim*).¹⁰²

In contrast to the time before 1348, collective privileges for communities or groups of Jews were now granted in very few exceptional cases. Admittance and the right to abode was predominantly based on “letters of protection” (*Schutzbrieife*) for individuals with their family and households; these rights specified in the “letters of protection” were granted for a limited and specified period of time between one and six years or, if unlimited, could be revoked at any time or within one to three months. The limitation of “letters of protection” – first documented for 1252 in Cologne – often extended to the main areas of life, most importantly permitting moneylending or other occupations while regulating conditions such as interest rates and the pawn business. These letters and the protection they promised had to be paid for by high annual taxes and were renegotiated when up for renewal. They did not protect from customs fees, additional special taxes, or debt redemptions (*Schuldentilgungen*), if not explicitly mentioned in the letters. This individualization of the legal status of Jews – which also affected the areas of jurisdiction – was further

stratified by special privileges (with tax reductions) for people with special status as physicians,¹⁰³ diplomats, and financiers serving at the court of rulers. At the other end of the social ladder were those in the service of a “Schutzjude,” for example as a teacher or a maid, Jews without a “letter” who paid taxes and were, therefore, tolerated, or those Jews without any protection who were threatened with expulsion anytime.¹⁰⁴ The hospices of the communities, who in the High Middle Ages had mainly welcomed strangers, were now providing for more and more poor people. These poor, deprived of any right of residence, moved from community to community in search of small livelihoods.¹⁰⁵

Besides occupations in the service of lords, sources after 1350 and till the beginning of the sixteenth century also mention Jews in the leatherworking industry as shoemaker, girdle maker, furrier, or saddler; in metal processing as polisher, blacksmith, gunsmith, or goldsmith; in textile production as weaver and dyer. Bookbinder, book printer, painter, maker of playing cards and dice, miller, mason, glazier, and window-maker were also possible roles.¹⁰⁶ The variety of professions should not hide the fact that the numbers for these professions are rather small, and not comparable to the much broader representation of Jews in a much more diverse range of professions in the Mediterranean world. Jews were admitted in these professions because they offered a niche in the economy of a particular town.

Several cities, among them Augsburg, granted – for an additional fee – citizenship to their Jews (*concvilitas*). This citizenship guaranteed the right of residence (depending on the stipulations of the *Schutzbrieife*), promised – in return for taxes – protection of life and possessions, protection against legal claims from outside courts, and trade without restrictions. This policy seems to make reference to the privileges granted to the Jews in 1090 by Emperor Henry IV. In times of politics driven by the *servi camerae* concept, however, these rights established more than ever the claims of the city council over the Jews. In hope of additional protection, the community of the Jews paid its taxes now to the city council as well as to their other protectors.¹⁰⁷

Additional and increasingly higher taxes and fees payable to more than one ruler, cancellations of debts and interest payments as well as allocating credits forced by protectors, credits to bankrupted Christian business men, the fixation of low interest rates (as regulated in “letters of protection”), and the payment of bribes: all these became “legal” methods to expropriate Jews and extort large sums of money from them. Considering these opportunities for Christians, persecutions of Jews were not “necessary.”

A majority of the Jews who had been admitted with “letters of protection” were moneylenders who were carrying the burden of these financial obligations (in addition to higher social and financial obligations, including alms, towards those unfortunate Jews who depended on their coreligionists). Their clients changed gradually from the end of the fourteenth century: fewer nobles and burghers were turning to Jews – the competition of Christian moneylenders was noticeable. More than before, Jews were giving credit to artisans and farmers of the

middle and lower classes, with rather high interest rates due to high risks, which often resulted in explosive resentment against the Jewish population. No large profits could be expected from these types of business (based on pawning); since it became increasingly difficult to meet the financial demands of the rulers, many Jews were impoverished. Jewish moneylenders suffered another peak of financial extortion with long-term effects as a result of two large debt redemptions by King Wenzel (1376–1400) which forced many Jews to emigrate. For a generous fee to his own treasury, King Wenzel decreed in 1385 the cancellation of interest payments benefiting 37 cities; in 1390, he ordered the cancellation of the principal and the interest in favor of princes, nobles, and their subjects in large areas of southern Germany.¹⁰⁸ The interest of high society and its rulers in preserving the presence of Jews diminished with their increasing poverty, since Jews ceased to be able to provide the necessary funds to finance high society's politics and businesses.

This situation encouraged the spreading of religious propaganda against usury and attacks against Jews. Traditional perceptions about the Jews as enemies of Christ were openly preached in sermons, especially by the mendicant orders, and eagerly accepted by all strata of society. The political urban communities increasingly perceived themselves as *corpus Christi mysticum* ("the mystical body of Christ"). Separating the Jews not only from the religious community of this corpus, but also from the political community of a city, seemed to many political groups necessary and legitimate goals.¹⁰⁹

In consequence, till 1520 Jewish communities were expelled from most of the territories and larger cities. Among the old medieval Jewish communities, only Worms, Frankfurt am Main, and Prague survived. The expulsions followed judicial procedures. Whereas the expulsions of the Jews from England and France were acts of kings and the upper political elite, the territorial and urban expulsions in Germany were initiated by all strata of society. The individualization of the legal status of the Jews coincided with and made it possible that even personal decisions of individual rulers would lead to an expulsion. Expulsions were decreed, and accompanied by persecutions; a simple method was to revoke or not to renew letters of protection. The perpetrators, the involved Christian social groups and communities, aimed for the money and the property of the Jews. Thus, the newly founded university of Heidelberg (1386) acquired its buildings by confiscating the property of expelled Jews. The reasons for expulsions became arbitrary.

Where did these Jews go? In the wake of these expulsions, Ashkenaz changed, geographically and culturally. Those Jews who since about 1375 had turned to northern Italy in hope of finding better conditions, benefited from previous business relations into these regions, sometimes with family members. Most of them emigrated to the eastern parts of northern Italy, while former French Jews populated – increasingly after 1394 – the western Italian communities, both groups encountering Italian Jews. From the Iberian Peninsula, Jews arrived in the wake of the persecutions of 1391 as well as after the expulsion from Spain in 1492, southern Italy, and Sicily. Although to some extent within a melting pot, the Jewish

communities with their different backgrounds took care of their own traditions and prospered in their own cultural realms, accepted as citizens of the Italian cities.

Jews who turned to Eastern Europe (Poland and Hungary) from the fifteenth century found there legal traditions of mostly German origin, based on the privileges of 1090.¹¹⁰ The Ashkenazic religious, legal, and communal traditions which immigrants brought with them, and those cultivated in the East, were so prevalent that the cultural center of Ashkenaz moved to the East. This geographic shift of the center of Ashkenazic culture to the East was slowly reversed in the seventeenth century, forced by the persecutions of 1648.

Notes

- 1 Translation is that of Marcus (1981: 67); see also Shatzmiller (1985).
- 2 Marcus (1998a, 1998b: 122–126). For other tales see also Raspe (2010).
- 3 Raspe (2010: 17); Aronius (1970: 25–26).
- 4 Linder (1987: 120–124, 132–138). For a different view see Schütte (2004).
- 5 See the discussion since 2001 and most recently between Friedrich Lotter (2004) and Michael Toch (2005).
- 6 Linder (1997: 333–347); Aronius (1970: 26–33).
- 7 Schreckenbergr (1991: 491–499).
- 8 Linder (1997: 334–337).
- 9 Linder (1997: 552–553).
- 10 Schieffer (1998).
- 11 Ta-Shma (1997a).
- 12 Haverkamp (2005: 490–493); Porsche (2004); Transier (2004).
- 13 Weinreich (1980: 328–347); Gross and Schwarzfuchs (1969: 293–305).
- 14 Grossman (1996); Stow (1995).
- 15 Grossman (1992b, 1985).
- 16 Grossman (1975); Kanarfogel (1992a).
- 17 Grossman (1993, 2004).
- 18 Toch (2003a: 18–19); Grossman (1975); Kanarfogel (1992a).
- 19 Kanarfogel (1992a, 2000a).
- 20 Finkelstein (1924: 6–15); Toch (2003a: 19).
- 21 Yuval (1988).
- 22 Toch (2003a: 18).
- 23 Barzen (2003, 2004, 2012).
- 24 Chazan (1980: 58–59).
- 25 Chazan (1980: 60–66); Linder (1997: 353–358), for Worms. Gladiss (1959: 543–549). Appelt (1975: 284–286).
- 26 Lotter (1990).
- 27 Cluse, *Haverkamp and Yuval* (2003).
- 28 See the discussion on p. 169.
- 29 Cohen (2004); Haverkamp (2005: 20–24); Chazan (2000); Marcus (1999). In Regensburg, all Jews were forcibly baptized.

- 30 Cohen (2007).
- 31 Haverkamp (2005: 1–14, 252–253).
- 32 Haverkamp (2005: 14–24, 2009); Shepkaru (2006).
- 33 Yuval (2006: 172–173).
- 34 Mentgen (1999).
- 35 Edgington (2007: 52–53); Haverkamp (2008: 82).
- 36 Yuval (2006: 159–204).
- 37 Cluse (2000: 324–331).
- 38 Grossman (2000: 335, 337); Ta-Shma (1997b).
- 39 Reiner (2004: 275); (Ta-Shma 1992: 95–98); Soloveitchik (1985).
- 40 Reiner (2004: 277–278).
- 41 Marcus (2002: 449–450); Grossman (1988: 1); Krauss (1932); Elbogen, Freimann, and Tykocinski (1963: 11). The term “Ashkenaz” also superseded the terms “Alemania,” and the “Rinus.”
- 42 Reiner (2004: 276).
- 43 Kanarfogel (2000b: 256–257).
- 44 Scholem (1961: 111–116).
- 45 Marcus (1981: 11–12 and 21–52).
- 46 Schäfer (2004: 33–34).
- 47 Marcus (1981: 150–151, 2002: 485–486).
- 48 Haverkamp (2005: 15).
- 49 Marcus (1998b: 111–118, 1981: 55–106).
- 50 Shalev-Eyni (2010).
- 51 Schäfer (2004); Marcus (2002: 484–493, and 1996); see also Przybilski (2010), and for the 1096 chronicles Haverkamp (2009); Yuval (2006); Cohen (2004).
- 52 Fishman (2004, 2011).
- 53 Marcus (1998b: 118–126, 1981: 109–129).
- 54 Marcus (1998a: 413).
- 55 Kanarfogel (2000b: 69); Marcus (1998a: 413–414).
- 56 Kanarfogel (2000b: 253, 37–42).
- 57 Kanarfogel (2000b: 36, 51–52, 56–81, 256).
- 58 Schäfer (1990); Kanarfogel (2000b: 26–28, 254); Wolfson (1994).
- 59 Kanarfogel (2000b: 255–256).
- 60 Kanarfogel (2000b: 12).
- 61 Marcus (1998b: 118–126).
- 62 Chazan (1980: 63–64); Linder (1997: 353–358); Patschovsky (1993).
- 63 Jordan (1989: 31–34); Chazan (1973: 65–68).
- 64 Appelt (1990: 43–44).
- 65 Weiland (1963: 274–276); Patschovsky (1993); Abulafia (2004).
- 66 Abulafia (2004).
- 67 Chazan (1980: 124–126).
- 68 Grayzel (1966: 306–313); Aronius (1970: 174–177); Simonsohn (1991: 99).
- 69 Grayzel (1966: 15).
- 70 Mellinkoff (1993).
- 71 Toch (2008: 182–183).
- 72 See the discussion on p. 174.

- 73 Agus (1969: 79–94).
74 Grossman (2004: 118–119 and 122); Grossman (2001: 202 and 208); Keil (2008: 176–177).
75 Haverkamp (1992).
76 Soloveitchik (2003, 2004, 2008).
77 Toch (2008: 206).
78 Wenninger (2008); Toch (2008: 209).
79 Lipton (1999: 30–54). See also Shatzmiller (2007).
80 Grayzel (1966: 43–44).
81 Reichert (2003).
82 Lipton (1999: 33–34); Le Goff (1988).
83 Hoffmann (1910: 177).
84 Jordan (1989: 131–132).
85 Toch (2003a: 64).
86 Mattes (2003); Agus (1947).
87 For instance such was the case with Archbishop Baldwin of Trier, see Haverkamp (1985).
88 Prestwich (1997: 343); Mundill (1998, 2004); Brand (2000).
89 Nahon (2004); Jordan (1989).
90 Mentgen (1995b); Toch (2003a: 60).
91 Lotter (1988).
92 Toch (2003a: 30–31).
93 Toch (1997); Haverkamp (2002b).
94 Escher and Hirschmann (2005).
95 Toch (2003a: 48–49).
96 Mentgen (1995a: 186–189, 350–358).
97 Haverkamp (1985).
98 Maier (2010: 30, 57).
99 Haverkamp (1981: 272–278).
100 Ziwes (1995: 238–271); Jankrift (2006).
101 Toch (2003c); Haverkamp (2002b).
102 Toch (2003a: 31–32); Breuer and Guggenheim (2003); Yuval (1988).
103 Toch (2008: 209); Shatzmiller (1994).
104 Willoweit (2003: 2174–2181).
105 Barzen (2008).
106 Toch (2003b: 2139–2146).
107 Willoweit (2003: 2181–2187); Haverkamp (1996); Gilomen (2002).
108 Toch (2008: 203); Wenninger (1981: 38–48).
109 Cluse *et al.* (2003); Burgard, Haverkamp and Mentgen (1999).
110 See the discussion on p. 174.

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