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THE JEWISH FACTOR IN MEDIEVAL CIVILIZATION*

By SALO W. BARON

The subject of this paper reveals from the outset a number of ambiguities which call for a few explanatory remarks. The present writer is, for instance, painfully aware of the dichotomy inherent in it between the approach of a western historian and that made from the standpoint of Jewish history. In its usual application medieval civilization refers to the civilization of western and central Europe during the Middle Ages, excluding not only the vast areas under the domination of Islam, but even Christian Europe of the Byzantine and eastern, Slavonic variety. While such a distinction may largely be justified by the more intensive interest of the West European nations in their own history and, genetically, also by the subsequent unparalleled expansion of western man and his culture which carried his medieval heritage to the ends of the globe, it hardly corresponds to the realities of medieval Jewry. To the end of the twelfth century the overwhelming majority of the Jewish people lived under the domination of Islam. Even later its main numerical, economic and cultural strength lay in countries such as Spain (with the adjoining southern French provinces), Portugal and southern Italy, upon which Muslim domination had left an indelible imprint. Any generalization such as "medieval civilization," moreover, is likely to obscure the tremendous differences in time and space. Despite all the uniformity established by the Catholic *Weltanschauung* — in itself a dynamic force notwithstanding its strong traditional moorings — which permeated all western countries throughout this entire period, there existed, of course, great differences between the civilization of Spain and

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of Germany and, still more so, between that of the eighth and of the fifteenth centuries. On the Jewish side the height of medievalism was not really attained until the enforced ghetto, authoritarian community and Lurianic Kabbalah of the sixteenth and seventeenth centuries, coincided with western Europe's deliberate separation from the *medium aevum* by the choice of this designation for an avowedly closed historical era.

Neither is the term "Jewish," used in this connection, entirely unequivocal. The racial concept of the Jew may have played but a minor role in the consciousness of medieval man. Yet there undoubtedly existed certain ethnic and social characteristics which, aside from his religion, set the Jew apart from his neighbors and caused him to "influence" them in a variety of often intangible ways. Even the religious influences emanating from the Jewish group were not of an easily definable type. With the Old Testament constituting in size about three quarters of the Christian Bible and hence holding a preëminent position in the life and thought of medieval Europe any change in emphasis from the New to the Old law, especially among heterodox Christians, could be, and often was, classified as judaizing. This type of "judaization" sometimes took place without any active collaboration by professing or newly converted Jews. Often, however, it was directly stimulated by the presence of Jews of either type, little as the latter may have been aware of the impact of their strange, and therefore mysterious, folkways and their most casual remarks upon the minds of thoughtful Christians.

Most questionable, however, is the designation "factor." Influences of one group upon another are generally hard to trace; parallels may too readily be mistaken for influences. The relative paucity of records concerning many important areas of medieval life increases the danger of such headlong conclusions. Bias, too, of more than the usual amount and intensity has opened many a pitfall before the investigator. From the beginning anti-Semitism or Jewish apologetics have colored far too many descriptions in both original sources and modern letters. Nevertheless, the term "factor" still seems preferable to the usual phraseology of "Jewish contributions to medieval civilization" which, without being less ambiguous, has decidedly apologetic overtones.

The purpose of this paper is not so much to describe the workings of the Jewish factor in detail, as to point out the areas of research hitherto more or less extensively cultivated and to contrast them with those which have not yet been adequately treated. Much of this neglect is evidently due to the peculiar difficulties inherent in the available source material. Many a general medievalist, even if entirely devoid of bias, has conscientiously abstained from dealing with the Jewish factor because he did not consider himself competent to utilize the extensive Hebrew sources, only a small part of which are available in translation. Jewish historians, on the other hand, had spent so many years in acquiring the necessary training in Hebrew letters, in rabbinics, philosophy, etc., that they were unable to penetrate more deeply into the life of the contemporary non-Jewish environment. This is by no means an isolated phenomenon of Jewish research. It has long been realized that, for instance, the concentration on the indispensable preparatory philological training in the Arabic language and literature has exhausted most of the available scholarly energies in this field and been coresponsible for the relative absence of penetrating historical or sociological investigations of Muslim civilization. Despite repeated warnings sounded over a period of many years modern historiography has been dominated by two independent lines of investigation, cultivated by medieval historians on the one hand, and by students of Hebrew literature on the other, and even now the intermingling of the two streams is but in its incipient stages.¹

¹ For several decades Eugen Täubler and others have preached such a unity of approach, but in practical execution these demands were heeded by only a few Jewish historians. Fritz Baer's writings on Spanish-Jewish history are a noteworthy example of a successful blending of the two approaches. In general historiography the assignment of a separate chapter on Jews and the nearly complete silence on them in other chapters in the *Cambridge Medieval History* still had the earmarks of a reluctant compromise. G. G. Coulton's *Medieval Panorama: The English Scene from Conquest to Reformation* (Cambridge, 1938), however, is an illustration of far more effective integration. Nazi historiography, on the other hand, despite its over-emphasis on the Jewish question, has thus far failed to produce any worth-while collections of new materials which alone might prove to be of more permanent value.

I. BIOLOGICAL ASPECTS

The mere presence of a permanent Jewish minority amidst a more or less homogeneous majority exerted considerable influence on the latter's civilization. Positively and negatively contacts between Jews and Christians added a characteristic tinge to the peculiar social and cultural life of each region. That is why a more thorough investigation of all localities where Jews were found and of the number, absolute as well as relative, of Jews inhabiting them, would undoubtedly shed new light on the importance of the Jewish factor in their evolution. Unfortunately, the demographic studies of medieval Jewry thus far undertaken are woefully inadequate and, at best, fragmentary. While this situation may well be excused on the ground of the fragmentary nature of the extant sources and the general unreliability of figures quoted in them, a concerted, more vigorous attempt to ascertain the proportionate strength of the Jews in various parts of Europe over a period of many generations would doubtless yield some significant results.²

We know, for example, chiefly from Arabic sources, that the Jews constituted the popular majority of many cities throughout the Iberian peninsula before its complete reconquest by the Christians. This is true not only of the parts long dominated by Islam, but also of some of those which had been recaptured by the Christians at an early period. From Al-Idrisi, the recently recovered Al-Ḥimyari and other writers, we learn that Granada—that last citadel of Muslim culture in Spain—had long been called by the Muslims *Iḡranāṭat al-Yahūd* (Jewish Granada) not only because of its very large Jewish population, but also because of the Jews' apparently uncontroverted claim to having founded the city centuries before it became the capital of a

² The difficulties of such an undertaking are, of course, very great, since even the general demographic studies in medieval history are as yet far from satisfactory. For a brief recent discussion of the pertinent problems cf. the two essays by Josiah C. Russell on "Medieval Population," *Social Forces*, XV (1937), 501–11; and "Medieval Demography," in Caroline F. Ware's (ed.), *The Cultural Approach to History* (New York, 1940), pp. 291–93.

Moorish kingdom.³ From Menaḥem ibn Zeraḥ's description of neighboring Lucena, formerly the celebrated seat of Alfasi's and Ibn Megas's academy, we learn that "the entire township consists of Jews. According to tradition, they are descendants of the early exiles from Jerusalem who had settled there and built the town."⁴ This startling assertion seems to be borne out by the information supplied by Al-Idrisi and other non-Jewish writers. Even in northern Spain, which had long reverted to Christian rule, Al-Idrisi calls Tarragona a *medīnat al-Yahūd* (Jewish city), with but a sprinkling of Christians.⁵ Al-Ḥimyarī informs us that Barcelona, the very center of Spanish Christendom before the reconquest of Toledo in 1085, had "as many Jews as Christians."⁶ This numerical equality naturally changed in favor of the Christian population during the later periods. Nevertheless, at the end of the fourteenth century there still lived more than a thousand Jewish families in Barcelona as well as in each of several other Spanish cities. As medieval cities go, this

³ E. Lévi-Provençal, *La Peninsule Ibérique au moyen-âge d'après le Kitāb ar-Rawḍ al-mi'ṭar fī ḥabar al-aḫṭār d'Ibn 'Abd al-Mun'im al-Ḥimyarī*, ed., transl. into French and annotated (Leyden, 1938), no. 19, pp. 23 (Arabic), 30 (French).

⁴ Menaḥem ibn Zeraḥ, צדה לדרך, Introd. (Sabionetta, 1567-68), fol. 15a. Cf. also David Kaufmann, *Gesammelte Schriften* (Frankfort, 1908-15), II, 105 n. 2. In a much earlier responsum of Naṭronai Gaon we likewise read שאליוסנה מקום ישראל ויש בה ישראל הרבה . . . ואין בניכם גוי כל עיקר Cf. *Kebuṣat ḥakamim*, Vienna, 1860-61. The exaggeration of the latter assertion is evident. It becomes even more dubious in the light of the following claim that similar conditions prevailed in the capital, Cordova, where, too, the author states, וישראל מרובים וישמעאל מעט.

⁵ Muḥammad ibn al-Idrisi (Edrisi), *Description de l'Afrique et de l'Espagne*, ed. and transl. into French by R. Dozy and M. J. de Goeje (Leyden, 1866), pp. 191 (Arabic), 231 (French). The same designation is used for Lucena *ibid.*, pp. 205 (Arabic), 252 (French).

⁶ Lévi-Provençal (Al-Ḥimyarī), *op. cit.*, no. 42, pp. 42 f. (Arabic), 53 ff. (French). This passage, seems, like the following, to have been lifted by the author from Al-Bakri who had evidently copied at least the story of Raymond Berenguer I's romance from a contemporary eleventh-century source. Cf. the word *اليوم* p. 42 l. 15. Cf. also the editor's remarks in the introduction, pp. xxii ff., and his notes to the transl. p. 54. For the general Spanish population of the period, cf. the present writer's remarks in his "Yehudah Halevi: An Answer to a Historic Challenge," *Jewish Social Studies*, III (1941), 246 f.

might easily have been a ratio of one-fifth to one-third of the respective local populations as assumed by a conservative modern investigator.⁷

Jewish numerical strength waned further north. In northern France, Germany and England, most Jewish communities were very slight in number, often reaching at best but one to two per cent of a city's population. However, even there, a more thoroughgoing analysis will detect the concentration of Jews in certain focal centers, which undoubtedly enabled them to exert an influence far beyond their numbers. Above all the large majority of European Jewry lived in the nascent and growing urban communities. The northern cities may long have embraced only a tiny minority of each country's population, but it was they who marched in the vanguard of medieval civilization and, as has been noted, it is with good reason that the term "civilization" is derived from *civitas* (city). For one example, English Jewry at the time of its expulsion may or may not have counted some 16,000 souls who are recorded by contemporary chroniclers to have left the country in 1290. Even assuming the authenticity of this tradition and of a report that children were not allowed to leave and were forcibly converted, the total number of British Jews during the reign of Edward I could not possibly have exceeded 20,000 in a total English population of more than 2,500,000. Very likely the proportion was less than one-half of one per cent. This would seem an insignificant ratio, indeed. When one considers, however, the geographic distribution of the Jews, these numbers assume a new meaning. One immediately realizes that after their exclusion from many English cities (Bury of St. Edmond, 1190; Leicester, 1231; Newcastle, 1234; Wycombe, 1235; Southampton, 1236; Berkhamsted, 1242; Newbury, 1244; Derby, 1263), and Henry III's express enactment in 1253 that they must not settle in towns in which they had not previously been established, their bulk was concentrated in a few areas (17-20 in all) such as York, Lincoln, Bristol,

⁷ Fritz Baer, "Probleme der spanisch-jüdischen Geschichte," *Korrespondenzblatt . . . Akademie für die Wissenschaft des Judentums*, VI (1925), 8.

Cambridge, Oxford and, especially, London.⁸ From one-tenth to one-quarter of all English Jewry in the later years of Henry III and under Edward I must have congregated in London, in which case it may easily have constituted some 5 per cent of the capital's population.⁹ The influences emanating from such a single, cen-

⁸ R. Lionel Abrahams, "The Expulsion of the Jews from England," *JQR*, O. S. VII (1894-95), 90, 245; idem, "The Condition of the Jews of England at the Time of their Expulsion in 1290," *Transactions of the Jewish Historical Society of England*, II (1894-95), 97 ff. (the list on p. 85 enumerates 20 localities). If the royal decree of 1253 stating "quod nullus Judaeus receptetur in aliqua villa sine speciali licentia Regis nisi in villis illis in quibus Judaei manere consueverunt" (Thomas Madox, *History and Antiquity of the Exchequer of the Kings*, London, 1769, I, 249), left open the loophole of royal license, there is no evidence that Jews availed themselves of that opportunity to any significant extent. From the point of view of population figures such exceptions, if any, may be entirely disregarded. On the contrary, the trend toward concentration was intensified when in 1269-84 successive decrees all but eliminated the Jews from towns which did not possess chirograph offices. Cf. Cecil Roth's recent *History of the Jews in England* (London, 1941), pp. 82, 91 ff. Cf. also *ibid.*, pp. 272 f. for a brief discussion of the general problem of Anglo-Jewish population.

⁹ No reliable information concerning London's general and Jewish population in 1290 seems to be available. But even if a poll tax record of 1380 indicating the existence of 20,397 persons over fifteen years of age (cf. Charles Pendrill, *London Life in the 14th Century*, London, 1925, p. 105) is an understatement (cf. Ephraim Lipson, *The Economic History of England*, 7th ed., London, 1937, pp. 122 f.) we may readily assume that a century earlier the city embraced only about 30,000-40,000 inhabitants. In this case, too, it would have exceeded in size most Continental metropolises. To be sure "Jew Street" (Old Jewry) first recorded in 1115 was not disproportionately large, but it certainly could accommodate 2,000 Jews or more. Moreover, there is no evidence that all London Jews lived in the ghetto. The municipal ordinance of 1276-78 forbidding the burghers to lease houses from or to Jews, because the latter were to remain within their quarter (quoted from the *Calendar of Letter Book A* by Martin Weinbaum in his *London unter Eduard I und II. Verfassungs- und Wirtschaftsgeschichtliche Studien*, Stuttgart, 1933, p. 85) seems clearly to indicate the opposite practice. In Oxford, on the other hand, during the thirteenth century the Great and Little Jewries occupied between them a fairly large section of the town area. Cf. the map of Oxford adapted by Sarah Cohen in her essay on "The Oxford Jewry in the Thirteenth Century," *Transactions J. H. S. E.*, XIII (1936), 295. It may readily be assumed that the population density in the Jewish quarter at least equaled that of the remainder of the city.

trally located community, through its ramified business contacts with nobles, clerics, and burghers, its extension into rural England by virtue of frequent, though legally precarious tenures, and its manifold relations with the European Continent, may have given many a stimulus to the rise of the medieval English civilization. At the same time on the Continent, tiny groups of Jews were scattered over a very large number of smaller localities, including villages. In a village embracing only one or two Jewish families some fresh stimuli, perhaps irritants, were bound to be injected into the peasants' outlook and thinking, the cumulative value of which cannot easily be overestimated.

Apart from such statistical studies which are still in their infancy, fuller consideration of personal relationship between Jews and Christians would elucidate many aspects of Jewish influence. Abraham Berliner and others, who casually discussed these personal contacts, have largely limited their investigations to the few extant records of intellectual collaboration. Beyond such contacts between more or less superior intellects, however, there were innumerable instances of daily exchange of ideas, as well as of goods, between the two groups which in their totality undoubtedly had even farther reaching effects. Agobard, the well-known anti-Jewish archbishop of Lyons during the Carolingian age, speaks of his "almost daily" meetings with Jews.¹⁰ Other, less prejudiced Christians, had still fewer objections to conversing daily with their Jewish neighbors. Positively or negatively, such relationships must have helped shape the medieval outlook in a direct, though often intangible fashion. The very antagonisms which they often generated became a factor in the evolution.

These personal contacts may have diminished in both frequency and intimacy after the rise of "technical" ghettos towards the end of the Middle Ages, but they were never completely severed, except through the physical removal of the Jews *via* expulsion. A general survey of medieval Jewish quarters, moreover, reveals that they were usually placed in the central districts of their respective towns. This situation is easily explainable.

¹⁰ "Quotidie pene cum eis loquentes." *De judaicis superstitionibus*, IX, end, in Migne's *Patrologia latina*, CIV, 86.

Medieval cities naturally grew along trade routes, which often went back to the period of Roman domination. It has recently been shown that, for example, the Paris Jewish settlements, reaching back to ancient times, clustered around such routes which had doubtless been used by the first Jewish settlers coming with the Romans, whether as merchants or as soldiers.¹¹ Having settled in such quarters as a rule at the beginning of the city's evolution, the Jews lived in what for the most part was the original city area. When the population subsequently grew in number and affluence and inhabited an ever increasing urban territory, the older sector usually remained in the center. The growing insecurity of Jewish life likewise made it advisable for the Jews to live in closer settlements in the vicinity of baronial or episcopal castles, city halls and other centers of government which might thus be in a position to extend help during riots. These foci of government, too, were for the most part centrally located.¹² It was only during the last medieval century that the antagonistic legislation of both Spain and Germany forcibly removed many Jewish quarters from central to peripheral

¹¹ Robert Anchel, "The Early History of the Jewish Quarters in Paris," *Jewish Social Studies*, II (1940), 45-60. Cf. also S. W. Baron, "Rashi and the Community of Troyes," *Rashi Anniversary Volume* of the Academy, pp. 51 f.; and, especially, Alexander Pinthus, "Studien über die bauliche Entwicklung der Judengassen in deutschen Städten," *ZGJD*, II (1930-31), 101-30, 197-217, 284-300.

¹² The central location of the Jewish quarters is evident on the map of almost any medieval city. See, for example, the aforementioned map of Oxford, where Jewry Hall appears at but a short distance from Gild Hall, and where St. Edward's Church is not far from the New (?) Synagogue. As is well known the enforced removal of the famous Frankfort Jewish quarter to the town's periphery in 1460 largely originated from the resentment of many pious Christians, including the rather humane emperor Frederick III, against the close proximity of Jewish settlers and worshipers to the city's cathedral which in many respects served as the imperial church of Germany. Cf. e. g. A. Freimann and F. Kracauer, *Frankfort* (Philadelphia, 1929), pp. 38 ff. Similarly in the smaller Sicilian town of Savoca the Viceroy ordered in 1470 the transfer of the synagogue from "centro et meliori loco" to the periphery, because the Jews "maxime die sabati semper canunt eorum officium alta voce eorum more" and disturb neighboring Christians. Cf. B. and G. Lagumina, *Codice diplomatico dei Giudei di Sicilia* (Palermo, 1884-95), II Pt. 1, no. 533.

districts. Previously the old Jewish quarter of Cologne, for example, actually included in its area the city hall itself, which accounts for the curious regulation that when the municipal elders attended a night session the ghetto gates had to remain open long after official closing time.¹³ In view of this peculiar circumstance the Jew appeared not only more conspicuous to some of his Christian neighbors, but he also attracted wider attention and became more influential than was warranted by his numerical strength.

The closeness of social intercourse between medieval Jews and Christians often broke down the walls of segregation, even in the most obscure and outlawed domain of sex relationships. Both Jewish and Christian legislation tried to suppress intimacies between Christians and Jews with all the means at their disposal. Nevertheless, in the very face of horrible death threatened by many city laws, if not by Canon Law itself, and of lynching, at least theoretically encouraged by Jewish law, intermarriage and still more, illicit relationships, were far more frequent than is indicated in the sources.¹⁴

In the Mediterranean countries, particularly, the greater concentration of Jews and their lesser social and cultural segregation from the non-Jewish population greatly fostered such intimate contacts. There undoubtedly is more than a grain of truth in a southern rabbi's (Solomon Duran's) proud assertion that "among all nations you will find no nation so free of fornication as is Israel."¹⁵ Nevertheless, casual court records and utterances of rabbis, Jewish and Christian preachers and moralists persistently inform us of the existence of numerous Spanish and Italian Jews who had Christian mistresses and concubines. Solomon ibn Verga and Abraham Zacuto have actually tried to explain the catastrophic expulsions of the Jews from the Iberian

¹³ Cf. Adolf Kober, *Cologne* (Philadelphia, 1940), pp. 83 f., 88.

¹⁴ Some data have been assembled by Louis I. Newman in his brief essay on "Intermarriage in the Middle Ages," *Jewish Institute Quarterly*, II (1926), Jan., pp. 2-8; March, pp. 22-28. See also Israel Abrahams's *Jewish Life in the Middle Ages*, 2d ed. (London, 1932), pp. 109 ff., and the present author's *Social and Religious History of the Jews* (New York, 1937), II, 42 f.; III, 108 f.; and *The Jewish Community* (Philadelphia, 1942), II, 311 ff.; III, 205.

¹⁵ Solomon b. Simon Duran, *סלחטת מצוה* (Leipzig, 1856), p. 14.

peninsula and the previous century-long persecutions by the fact that the ancestors of Spanish Jewry had "taken Gentile women into their houses until they became pregnant. Their children became Gentiles and afterwards were among the murderers of their fathers."¹⁶ The important Conference of North-Italian communities, held at Forli in 1418, bitterly complained that "Gentile women appear as permissible" in the eyes of many Italian Jews and stated, "This is a very serious sin, indeed, aggravated by the possibility of their generating offspring outside the fold. That is why we have agreed that special officers in each town and city make careful investigations and searches for all such offenders."¹⁷ The realistic background and apparent futility of these resolutions are well illustrated by Ciardini in his book on the Florentine Jewish bankers, where he has analyzed the extant archival records of criminal prosecutions of Jews in that city during the fifteenth century. Compiling a statistical account from these records the present author has reached the conclusion that, while we are familiar with the cause of less than half of these prosecutions, some forty per cent of all those known to have been condemned for a specified transgression relate to cases of sex relationships with Christians. True, Florence of the period of Renaissance is by no means typical. It was an extraordinarily gay city, which did not even try to

¹⁶ Abraham Zacuto, *ס' יחסין השלם*, ed. by Filipowski, 2d impression (Frankfort, 1925), fol. 225a; Solomon ibn Verga, *שבט יהודה*, ed. by M. Wiener, 2d impression (Hannover, 1924), p. 95. Cf. also M. Golde, "Familienleben der spanischen Juden vor ihrer Vertreibung 1492," *Jüdische Familienforschung*, II (1929), 110-14; H. J. Zimmels, *Die Marranen in der rabbinischen Literatur* (Berlin, 1932), pp. 60 ff. For Portugal one might also mention the complaints of the Cortes of Evora in 1481 that Jewish tailors, cobblers and other craftsmen in their journeys through the villages and mountain settlements entertained illicit intercourse with the wives and daughters of farmers while the latter were working in the fields. Cf. M. Kayserling, *Geschichte der Juden in Portugal* (Leipzig, 1867), pp. 85 f. The repeated royal decrees forbidding Jewish women to visit Christian houses for business unaccompanied by men and parallel prohibitions for Christian women to enter alone Jewish dwellings bear, in their very reiteration, the earmarks of ineffectiveness. Cf. *Ordenaçoens do Senhor Rey D. Affonso V* (Coimbra, 1792), II, 80.

¹⁷ L. Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1924), pp. 286 f., 294.

hide behind its beautiful artistic façade the prevailing laxity of public and private morals. Little wonder that the rather prosperous and Italianized Jewish community could not escape the general trend. But, what is more remarkable, the then extremely pious community of Ratisbon likewise witnessed within a few years (1460–67) three cases of prosecution for the same transgression. The well-known accusations of Agobard concerning the despoliation of Christian domestics by Jewish employers, the decisions of the Fourth Lateran Council to introduce the badge, allegedly as a preventive against mixed relationships and the fulminations of Honorius IV in his epistles to England, in 1286, “Yet Christians and Jews go on meeting in each others’ houses. They spend their leisure in banqueting and feasting together and hence the opportunity for mischief becomes easy,” bear evident marks of exaggeration. Nevertheless, written by responsible leaders of the Church they must have sufficiently resembled reality to appear reasonably plausible to contemporary readers.¹⁸ The establishment of houses of ill-repute in or near the Jewish quarter was doubtless often dictated by anti-Jewish animus. Sometimes, however, they seem to have been placed there also for the convenience of Jewish patrons who would thus not be forced to leave their quarter at night and expose themselves to danger of prosecution on this score.¹⁹

¹⁸ The passage from Honorius IV’s bull is given here in the English transl. of B. L. Abrahams in his aforementioned essay, *JQR*, O. S. VII, 442. The Ratisbon records are cited from the hitherto unpublished documentary Appendix (available to the writer in page proof) of Raphael Straus’s *Juden-gemeinde Regensburg im ausgehenden Mittelalter* (Heidelberg, 1932), nos. 44–47, 56, 168, Pt. 24. The latter case which resulted in the expulsion of a Christian cobbler and his wife from the city (1467), was based upon the following characteristic confession of the shoemaker: “. . . und mer so han ich meiner haus-frauen vergondt, das sy eynen J., der vormalen umb sy gepult, haym in mein haus . . . gezilt hette, und als derselbig J. zu ir in die kamer kame, da kame ich mit ungestym an die kamer . . ., da nottet wir baide dem J. 10 gulden r. ab. . . .” Cf. also the earlier censure of the behavior of Ratisbon Jewish women in an inquiry addressed to Meir of Rothenburg על בעליותן ריגושפורק על בעליותן מאן ומקדם וכ”ש עתה. Cf. his *Responsa*, ed. Prague, no. 946.

¹⁹ The few extant rabbinic discussions on the subject, to be sure, refer to purely Jewish institutions of this kind. But their protagonists defended them on the ground that they were needed to counteract adultery and illicit relations

In short, this entire realm of sexual interrelations, extremely important not only for the racial history of both groups, but also for their social coexistence, its impact upon mutual friendships or hatreds and the success of anti-Jewish propaganda, its influence on the guilt consciousness of the individuals involved and the religious fervor of their repentance, the rôle played by the Catholic confession in its detection and prevention, and its contributions to Jewish and Christian asceticism would merit much more searching investigation than has been given to it thus far.

More significant were the physical and spiritual contributions of the Jews to medieval Christian civilization through individual and mass conversion. In periods of great stress the speed of conversionary effort was greatly accelerated, but even in normal times

with Gentiles. Cf., e. g., Isaac Arama's *יקרה יצחק*, I, 20 (ed. Lwow, 1868, fol. 162a); Judah Menz, *Responsa*, no. 5 (ed. Fürth, 1766, fol. 7b). But the numerous accusations of Jews for prohibited relations with Christian *meretrices* point also to the frequent interdenominational use of such houses.

A large, hitherto almost unexplored, body of materials for mixed amorous relationships may be culled together from medieval belles-lettres which, though fictional in nature, undoubtedly reflect life's daily realities at least as much as the normative sources. For example, the frequency of the literary theme of the seduction of Jewish girls by Christian suitors ever since the days of Caesarius of Heisterbach (1170-1240), indicates a certain recurrence of such episodes. Cf. Caesarius's *Dialogue on Miracles*. Engl. transl. by Scott and Bland (London, 1929), I, 102 ff. (the generally anti-Jewish author explains these amorous ventures by referring to one of the young ladies as one "who like many of her kind was a very beautiful girl"); and Fritz Aronstein, "Eine jüdische Novelle von Grimmelshausen," *ZGJD*, V (1939), 239 ff. Similarly, the presentation in a popular fifteenth-century Italian play *Agnolo Ebreo* of an extremely benevolent Jew who, long before his ultimate conversion, was married to a Christian wife, must have had some verisimilitude to convince contemporary audiences. Cf. the text in Alessandro d'Ancona's, *Le sacre rappresentazioni dei secoli XIV, XV, XVI* (Turin, 1872), III, 485 ff.; and Heinz Pflaum's remarks in his essay on "Les scènes des Juifs dans la littérature dramatique du moyen âge," *REJ*, LXXXIX (1930), 125 f. The possible deeper correlation between the very frequent representation of the Jews under the guise of a scorpion in medieval art, and the ancient use of the scorpion to symbolize sex might also bear investigation. Cf. Marcel Bulard's fascinating monograph on *Le scorpion, symbole du peuple juif dans l'art religieux des XIV^e, XV^e, XVI^e siècles* (Paris, 1935), especially, p. 66 n. 7.

the pressure exerted by the majority creed, its strong appeal as a foremost missionary religion and the frequent political and social advantages looming after conversion, attracted many individuals, especially those weak in their Jewish faith. The story of the young Jew who, in trying to collect a debt owed to his father by the bishop of Münster, was lavishly entertained for weeks at the bishop's castle and ultimately persuaded to join the Church, where he soon rose to the position of Abbot of Scheda, has been told in picturesque detail by the distinguished Protestant theologian, Reinhold Seeberg.²⁰ Some of these converts, for example, Petrus Alfonsi, became not only leading Christian polemicists against Judaism, but also most influential writers of their age.

We shall probably never know how many Jews were converted to western Christianity in the course of the Middle Ages. That the numbers were very large goes without saying. If Isidore Loeb's estimates for Spain are at all correct, it would appear that from some 900,000 who had lived there at the end of the thirteenth century, there remained only some 225,000 to be affected by the decree of expulsion in 1492.²¹ While losses through pestilences and bloodshed, especially during the Black Death of 1348-49 and Martinez' "Holy War" against them in 1391, undoubtedly were very great, it may readily be assumed that the Jews would have participated in the normal slight increase of the Spanish population, rather than have lost three-quarters of their number, were it not for some large-scale conversion, which took place especially in the years 1391-1415. Defection through

²⁰ In his *Hermann von Scheda ein jüdischer Proselyt des zwölften Jahrhunderts* (Leipzig, 1891). Cf. also Julius Aronius, "Hermann der Prämonstratenser," *ZGJD*, O. S. II (1888), 217-31; and, more broadly, Leopold Lucas, "Judentaufen und Judentum zur Zeit des Papstes Innozenz III," *Festschrift . . . Martin Philippon* (Leipzig, 1916), pp. 25-38; Michael Adler, *Jews of Medieval England* (London, 1939), pp. 277-379 (on the London *domus conversorum*).

²¹ I. Loeb, "Le nombre des Juifs de Castille et d'Espagne au moyen âge," *REJ*, XIV (1887), 161-83. These estimates, insofar as they relate to the period of 1492 have been essentially confirmed by the new data made available by Alexander Marx in his essay on "The Expulsion of the Jews from Spain: Two New Accounts," *JQR*, O. S. XX (1908), 245 ff.

baptism became such a frequent phenomenon in the Spanish communities that, for instance, that of Saragossa from 1415 on regularly figured budgetary deficiencies accruing from such losses.²² The fatal blow of 1492, finally, according to Loeb brought about the mass conversion of some 50,000 Spanish Jews who preferred conversion to exile. On a lesser scale the same factors must have operated in other countries. Southern Italy, in particular, from the thirteenth century on, embraced a considerable number of converts, including some whose orthodoxy was so suspect as to create a full-fledged problem of *neofiti*. In some cases communal leaders themselves were seized by the mass psychosis, and we learn, *e. g.*, about one Manoforte, elder of the Trani synagogue, who in 1267 was granted by the King an annual revenue of 6 ounces of gold in reward for his conversion and his promise to convert others. Little wonder that the number of baptized Jews in Trani alone amounted at that time to 310, and that of all Apulia to about 1,300.²³ Particularly the early mass conversions in Visigothic Spain, Gaul and northern Italy during the fateful seventh century must have injected a relatively large proportion of Jewish "blood" into the veins of the West-European nations.

Conversion undoubtedly stimulated the incursion of Jewish modes of thinking and living into the western ways of life. Much

²² Cf. Manuel Serrano y Sanz, *Orígenes de la dominación española en América* (Madrid, 1918), I, 466; and F. Baer's review of this work in *MGWJ*, LXIX (1925), 57 ff. In the will of a local widow of 1443 provision is made that, in case the community of Saragossa should "for whatever reason be destroyed or depopulated or else change its religion," the legacy be transferred to the largest Jewish community in Aragon. Cf. *ibid.*, p. 186 (Baer, p. 60).

²³ G. Carano-Donvito, "Gli Ebrei nella storia economica di Puglia," *Rivista di Politica Economica*, XXIII (1933), 838. For the problem of the *neofiti*, which was very much akin to that of the Spanish Marranos, cf. U. Cassuto, "Un ignoto capitolo di storia ebraica," *Judaica, Festschrift . . . Hermann Cohen* (Berlin, 1912), pp. 389-404; idem, "Iscrizioni ebraiche a Trani," *Rivista degli studi orientali*, XIII (1932), 172-78. It may also be noted that in 1280 the London *domus conversorum* alone accommodated 96 inmates, in addition to many more outside the establishment. Cf. Michael Adler, *op. cit.*, 288 ff., 306, 308 f.

as the Church demanded from each convert that he forget his past and consider himself a newly born child,²⁴ no adult Jew could escape the influence of his earlier environment and of his spiritual heritage. Consciously or unconsciously he influenced his newly acquired coreligionists by impressing upon them certain Jewish convictions and attitudes. The aforementioned Petrus Alfonsi, apparently one of the most sincere converts, could not help in his *Doctrina clericalis* transmitting not only to the Spaniards, but also to Englishmen, among whom he lived later, and to other Christians much of the heritage of the Judeo-Muslim worlds which he left at the mature age of forty-three. Indeed the *Doctrina* became one of the main vehicles of diffusion of certain advanced eastern cultural patterns among the western nations.²⁵

Some zealous Christians, indeed, resented such incursion of "foreign" ideologies. The intrinsic orthodoxy of converts, especially in periods of mass baptism which generated more or less segregated groups of baptized Jews and Jewesses, was often suspected by their fellow Christians. The problem of Marranism, coming to an historic climax in fifteenth-century Spain, had emerged on many previous occasions. Visigothic Spain in the seventh century, especially, had witnessed such an extensive legislation designed to absorb speedily the newly-won adherents to the faith as to give a semblance of truth to modern allegations of its "racial" anti-Semitism. To be sure, "race" was still an unknown concept, and whatever racial feeling there existed was latent rather than overt. Even the story of the English gentlewoman, told by Sir Thomas More, who, upon suddenly learning that the Virgin had been a Jewess, was deeply chagrined and

²⁴ The Church followed therein the well-known principle of the rabbis: גר שנתויר כקטן שנוולד דמי (Yeb. 62a, etc.), causing thereby considerable difficulty to those Jewish jurists who, invoking the opposite adage for Jews: ישראל אע"פ (Sanh. 44a), insisted that, e. g., a wife of a converted Jew must obtain from him a regular writ of divorce. The Church consistently preached the automatic annulment of such marriages. For a somewhat strained defense of the Jewish position, cf. e. g. Arama's עקרה יצחק IV, 97 (ed. Lwow 1868, fol. 89ab).

²⁵ That Petrus was also a distinguished and influential astronomer is emphasized by J. M. Millás in his Hebrew essay devoted to this subject in *Tarbiz*, IX (1937-38), 55-64.

exclaimed "so help me God and halidom, I shall love her the worse while I live," mirrors only such latent animosities. Nevertheless the removal of children of Visigothic converts from their homes and entrusting their education to "old" Christians, as well as the stimulation of intermarriage between the old and the new groups, clearly expressed the instinctive desire of the majority of Iberian Christians completely to absorb the minority.²⁶ If this process was checked before long by the Moorish conquest of Spain in 712, there undoubtedly remained in the country for all generations thereafter a great many Christian descendants of Jews who, even as Mozarabs, helped furnish the nucleus for the subsequent Christian reconquest of the Peninsula. These early ancestors of the Christian Spaniards, whose number must have been legion, were entirely forgotten by the time when the new waves of conversion after 1391 began stimulating a novel, almost irrational quest for *limpieza* (racial purity) and produced such extravagances as the *Libro verde di Aragon* or the *Tizon de la nobleza*.²⁷ There was, indeed, more than an over-

²⁶ Sir Thomas More, "A Dialogue concerning heresyes and matters of religion (1528)" in *English Works* (London, 1557), p. 137 (also in the facsimile edition thereof with a modern version by W. E. Campbell [London, 1923], p. 56 of the transl.); Councils of Toledo, IV, can. 57-64 (633); XVII can. 8 (694) in Mansi's *Sacrorum conciliorum collectio*, X, 634 f.; XII, 102. Cf. *Lex Visigothorum*, XII, 2, 17 (reporting the *placitum* of the baptized Toledan Jews to King Receswinth in 654); "We will not on any pretext, either ourselves, our children or our descendants, choose wives from our own race; but in the case of both sexes we will always link ourselves in matrimony with Christians." Quoted here in the English transl. by James Parkes in *The Conflict of the Church and the Synagogue* (London, 1934), p. 394. Cf. also in general Jean Juster, *La condition légale des Juifs sous les rois visigoths* (Paris, 1912), pp. 14 ff., 36 ff., 45; Solomon Katz, *The Jews in the Visigothic and Frankish Kingdoms of Spain and Gaul* (Cambridge, Mass., 1934), *passim*.

²⁷ Cf. Amador de los Rios's edition of the "Green Book of Aragon" in *Revista de España*, CV (1885), 547-78; CVI (1885), 249-88, 567-603; and Cardinal Francisco Mendoza y Bovadilla's *Tizon de la nobleza española*, 3d ed. (Barcelona, 1880). Proof of "purity of blood" was often demanded even from artisans applying for admission to a Christian guild. Cf. Julius Klein, "Medieval Spanish Guilds," *Facts and Factors in Economic History* (in honor of E. F. Gay, Cambridge, Mass., 1932), p. 184. Sporadic manifestations of enmity toward converts came to the fore in Spain also in periods of less frequent conversion. For instance in 1118, hardly three decades after the reconquest of

dose of bitter irony in Ibn Verga's ascribing to the Marrano interlocutor of a Spanish king the assertion that "Judaism is one of the incurable diseases."²⁸

II. ECONOMIC FACTORS

The Jewish contributions to the economic development of medieval Europe have thus far been largely treated under the aspect of Jewish banking and international trade. There is no doubt that in both these economic domains the Jews played a rôle far in excess of their numbers. While a great many aspects of medieval Jewish commerce are still obscure and while, for example, the Jewish part in introducing certain advanced instrumentalities, such as commercial papers issued on bearers, is not yet fully clarified, there is no question that the Jews arriving in ever-increasing numbers from near-eastern lands brought with them methods of trade theretofore unfamiliar in the West.²⁹

It has long rightly been felt, however, although it could not always be fully documented, that such incursion of eastern

Toledo by the Christians and some nine years after a bloody anti-Jewish riot there, the local burghers forced Alfonso VII of Castile to promise them that "no Jew, not even a converted Jew, shall exercise any jurisdiction over any Christian in Toledo and its territory." Cf. Baer's *Juden im christlichen Spanien* (Berlin, 1936), I, Pt. 2, no. 18.

²⁸ שבט יהודה ed. by Wiener, p. 97.

²⁹ Before this problem could be brought to a satisfactory solution, however, we would have to know much more about the economic history of the Jews under the Great Caliphate and its successor states. It is to be hoped that the beginning, limited in scope and area, made by Walter J. Fishel in his *Jews in the Economic and Political Life of Mediaeval Islam* (London, 1937); and by the writer's study of "The Economic Views of Maimonides" in his edition of *Essays on Maimonides* (New York, 1941), pp. 127-264, will be followed up by many detailed researches. It must be conceded, however, that the significant Jewish contributions during Europe's "dark" ages before the first Crusade will probably always remain full of obscurities. Even the few glimpses warranted to us by eastern sources are largely of a legalistic and ritualistic, rather than economic, nature. Cf. e. g., Aron Freimann's brief summary, "Verbindungen von Juden in Deutschland mit denen in Babylonien und Palästina während des Mittelalters bis zum ersten Kreuzzug," *ZGJD*, I (1929), 165-67.

models through the instrumentality of Jews arriving from the Orient, was not limited to international commerce and banking. In the local trade of the growing urban centers north of the Alps and Pyrenees the Jews must have performed certain pioneering services not only as the distributors of luxury goods brought by their coreligionists from the Orient, as salesmen whose persuasive powers stimulated the demand for new articles of consumption in the rapidly expanding markets of nobles and clerics, and as visitors to the regional fairs along the Rhine and in the Champagne, but also as petty traders and peddlers among the masses of the population in a period of extremely bad roads and insecurity of travel.³⁰ Their rôle as merchant explorers of the adjacent East-European areas and in drawing the western Slavonic peoples into the orbit of western civilization is still shrouded in darkness, interrupted only by a few flashes of light thrown by Ibn Khordadbeh's description of the Radanites, Ibrahim ibn Yakub's travelogue, the story of Ḥasdai ibn Shaprut's mediators in his correspondence with the Khazars, the Raffelstädten Toll Ordinance of 907 and the coins struck by the Hebrew minters of the early Kings of Poland. In the few instances recorded in Sicily and southern France we know of Jewish artisans performing pioneering services in teaching new crafts to the western nations. The fact, too, that in medieval England stone houses were considered "too expensive for anyone but aristocrats, or great ecclesiastics or Jews" has led to an explanation, first timidly suggested by Joseph Jacobs,

³⁰ Despite the work done by Caro, Schipper and the students of special phases of medieval Jewish economic history, much material, particularly outside Germany, still awaits thoroughgoing investigation. For instance, the economic data supplied by the early German *ס' מעשה הגאונים*, ed. by A. Epstein and J. Freimann (Berlin, 1909) and those scattered in the *Tosafot*, have been but briefly summarized by I. Elbogen in his "Hebräische Quellen zur Frühgeschichte der Juden in Deutschland," *ZGJD*, I (1929), 39 ff.; and by Louis Rabinowitz in *The Social Life of the Jews of Northern France in the XII-XIV Centuries, as Reflected in the Rabbinic Literature of the Period* (London, 1938), respectively. An interesting approach, though based on partial evidence only, is exemplified by Isaac A. Agus's analysis of "The Value of the *Ketubah* as a Standard of the Economic Position of the Jews in Medieval Germany" (Hebrew), *Horeb*, V (1939), 143-68.

that it was the Jew who introduced into England stone masonry, both because he had long been inured to living in stone houses in Palestine and because he felt safer behind the shelter of stone walls.³¹ It is also very likely that some of the new Jewish settlers from the East, who replenished the ranks of Spanish Jewry decimated by the protracted Visigothic persecutions, having learned the methods of most intensive fruit growing and truck farming in the densely populated eastern lands, took an active part in helping convert the Iberian peninsula into a land of flourishing orchards and truck gardens under the Moorish domination. Radiating from Spain and Sicily and in part carried by immigrating Jews some such Jewish influences upon the gradual intensification of northern agriculture are well within the realm of historical probabilities. The thrice-told story of the three Jewish purchasers of *Kermes* trees in the Miramar district in southern France (1138)³² may serve as an illustration of the stimulus given to agricultural production by Jewish traders and craftsmen, if not directly by Jewish tillers of the soil. The existence of the latter, too, is fully attested in the sources. The part, finally, played by the Jews in employing non-Jewish labor and in spreading, through it, a certain familiarity with some newer methods of production and new articles of consumption, must have been equally considerable, despite the constant reiteration of the prohibition for Jews to employ Christian servants. The few essays on Jewish slave trade hitherto published³³ have fallen far short from satisfying our scientific curiosity in

³¹ Coulton, *op. cit.*, p. 310; Jacobs, *The Jews of Angevin England* (London, 1893), pp. 383 ff. Cf. also Roth, *History of the Jews in England*, pp. 11, 15, 123.

³² Cf. Georg Caro, *Sozial-und Wirtschaftsgeschichte der Juden im Mittelalter*, I, 2d ed. (Frankfort, 1924), p. 250.

³³ Cf. especially the data assembled by Eugen Täubler in his "Zur Handelsbedeutung der Juden in Deutschland von Beginn des Städtewesens," *Festschrift . . . Martin Philippon* (Leipzig, 1916), pp. 381 ff.; and by Simha Assaf in his "Slavery and Slave Trade among the Jews in the Middle Ages" (Hebrew), *Zion*, IV (1938-39), 91-125; V (1939-40), 271-80. Cf. also the extensive study of "L'esclavage dans le monde ibérique médiéval" by Charles Verlinden in *Anuario de historia del derecho español*, XI-XIII (1934-36) which includes material of Jewish interest.

this very important area of Judeo-Christian relations. Much research, however, is still required to squeeze out of the recalcitrant body of documentary material all the available evidence for these vital Jewish functions in medieval economy.

Even a fuller appreciation of the effects of Jewish money-lending still awaits elucidation from various angles. The relatively minor rôle, for instance, played by Jewish bankers in the growing deposit and transfer trade in the later Middle Ages, though fully understandable in the light of Jewish insecurity, ought not to blind us to the fact that the Jews may have been instrumental in popularizing some of the new methods among the Christian nations.³⁴ Some negative contributions, too, ought to be considered. For example, the spread of the *montes pietatis* among the Latin nations was undoubtedly the effect of Bernardino da Feltre's anti-Jewish animus and his attempt to replace the indispensable Jewish moneylender by supplying, through philanthropy, cheap credit to the local populations.³⁵ One ought also to examine more closely, than has hitherto been done, the effects of Jewish moneylending upon national independence of foreign credit. It is a matter of record that the kings of England and France, particularly after the elimination of the Jews, were deeply indebted to Italian and other foreign bankers. Save in the case of bankruptcy, such as that of England which ruined the

³⁴ Some pertinent information on this subject may be found in Moses Hoffmann's *Der Geldhandel der deutschen Juden bis zum Jahre 1350* (Leipzig, 1910); and in the manifold discussions elicited by Werner Sombart's *Die Juden und das Wirtschaftsleben* (Leipzig, 1911). This literature is most conveniently listed in A. Philips's "antikritisch-bibliographische Studie" under the same title which appeared, under Sombart's auspices, in Berlin, 1929. Further light on the subject may be obtained from the views of European rabbis, incidentally analyzed by the present writer in *Essays on Maimonides*, pp. 199 ff.; or as they were summarized and adjusted to the new conditions by the sixteenth-century banker-scholar, Yehiel Nissim da Pisa, in his as yet unpublished *Hayye 'olam*. Cf. the brief excerpt therefrom published by A. Marx in *Ha-Zofeh*, VI (1922), 19-23; and in English transl. in the *American Economic Review*, VI (1916), 609-14. However, the study of this entire ramified problem, both in its theoretical and practical implications, still is but in its incipient stages.

³⁵ Cf. especially, H. Holzapfel, *Die Anfänge der Montes Pietatis (1462-1515)* (Munich, 1903); Maurice Weber, *Les origines des monts-de-piété* (Rixheim, 1920).

Florentine firm of Peruzzi, this meant the continuous transfer of British and French funds to Italy in payment of the high annual interest. It may well have been due to the existence of a large and affluent Jewish banking group in the Iberian peninsula (as well as in early modern Poland) which made these countries relatively immune from the control of foreign bankers. The Jew, however exacting, was after all at the mercy of the local powers, and the payment of interest to him not only left the money within the country, but ultimately reverted to the state treasury in the form of taxes or enforced loans. In fact, Aragon, apparently guided by such "mercantilist" considerations, on certain occasions insisted that the Jewish communities raise the amounts necessary for their forcible participation in government financing by borrowing from coreligionists abroad, thus bringing fresh capital into the country.³⁶ Finally, fuller studies of the amounts paid by Jews in taxes to their respective governments and of their importance in the fiscal structure of these countries, particularly in periods of economic and political crisis, which still are a major scientific desideratum, would doubtless reveal the extent to which the Jews helped buttress central or regional powers against the forces of the "estates," which otherwise often were in the control of the country's purse-strings. Thus they greatly contributed to the gradual undermining of the feudal order.³⁷

³⁶ Cf. Pierre Vidal, "Les Juifs des anciens comtés de Roussillon et de Cerdagne," *REJ*, XV (1887), 50; Fritz Baer, *Studien zur Geschichte der Juden im Königreich Aragonien* (Berlin, 1913), p. 45.

³⁷ Of course, Jewish loans could also be used by feudal lords to strengthen their baronial control. In fact, the lesser barons of England bitterly complained at the Parliament of Oxford in 1258 that the bigger lords deliberately ousted them from their estates with the help of their Jewish bankers. Cf. William Stubbs, ed., *Select Charters and Other Illustrations of English Constitutional History*, 9th ed. revised by H. W. C. Davis (Oxford, 1913), p. 377. There is also little doubt that Jewish assistance, through banking and revenue farming, was in part co-responsible for the extensive *Bauernlegen* by the German nobles in the late medieval period. It was largely this factor which so greatly endangered the Jewish population of southwestern Germany at the outbreak of the Peasant Wars in the early sixteenth century, a danger which was in part averted by Josel of Rosheim's courageous intervention. Cf. Alfred Stern, "Die Juden im Grossen Deutschen Bauernkriege, 1525," *Jüdische Zeitschrift für Wissenschaft und Leben*, VIII (1870), 57-72; Josel's *Diary*, no. 11, published

Along the same anti-feudal lines undoubtedly operated also the concentration of the Jews in those branches of economy which were not sharply monopolized by guild restrictions. In the Mediterranean countries, as later in Poland, the mere existence of powerful Jewish guilds partly counteracted such monopolistic extremes. Elsewhere, too, the Jews, forced out of the guild-dominated areas, had to exploit more intensively the few remaining opportunities and constantly to be on the look-out for new openings. That they thus could serve, often unwittingly, as vehicles of economic progress, was due not so much to their enforced breaches of medieval regimentation for which Werner Sombart has adduced some rather tenuous documentation, but to the sheer force of necessity, "the mother of invention."

They were greatly assisted therein by having at their disposal an economic tradition and a legal system, both of which had originated in areas of more advanced economy. In the feudalistic medieval world the Jews were perhaps the most "liberal" economic group, not only by their enforced inventiveness in the struggle for economic survival, but paradoxically also because of their staunch adherence to tradition. What the "reception" of Roman law at large meant to the German or French economies of the early modern period, was accomplished on a minor scale by the Jews acting within the earlier medieval economy under the legal requirements of talmudic law, which was likewise basically formulated under the semi-capitalist civilization of the Hellenistic and early Roman Empires. As a matter of fact, the teachings of the Roman schools of a Labeo and Capito reached early modern Europe in the diluted form of the *Code of Justinian* which in many ways reflected the increasingly feudal order of the Byzantine Empire. The norms of the schools of Hillel and Shammai and their early successors, on the other hand, were available to medieval Jewry directly through the Mishnah and other extant tannaitic collections. Even where they,

by Isidor Kracauer in *REJ*, XVI (1888), 89; and Ludwig Feilchenfeld, *Rabbi Josel von Rosheim* (Strasbourg, 1898), pp. 101 f., 209 f. Nevertheless, the centralizing effects of Jewish banking doubtless far exceeded its incidental strengthening of centrifugal forces.

too, had been modified by the Babylonian Talmud to meet the requirements of the semi-feudal Persian environment, they had retained much of their pristine "liberal" orientation in the self-governing Babylonian Jewish communities. Moreover, by the time Jews began to influence European economy in any significant degree, talmudic law had undergone the reverse process of liberalization by the Geonic teachers acting under the stimulus of the semi-capitalistic evolution of the Great Caliphate. A great amount of sociological and rabbinic research, however, is yet needed to clarify medieval Jewry's ideological and practical stimuli in the many fields of their economic endeavor.³⁸

III. CULTURAL CONTRIBUTIONS

The Jewish factor in the development of medieval science and philosophy has frequently been treated from the point of view of the transmission of Eastern culture to the West through Jewish translators or Jewish collaborators with Christian translators. To be sure, even this aspect has largely been dealt with only bibliographically, i. e., by the enumeration of persons

³⁸ A clearer knowledge of the social teachings of rabbinic Judaism in their historical development seems to be one of the urgent tasks for contemporary scholarship. The difficulties of such a study, or rather series of studies, though considerable, are not insurmountable. Cf. the present writer's brief remarks in *JQR*, XXXII (1941-42), 324 f. The extent to which Jewish legal concepts and practices influenced non-Jewish jurists, especially in countries where Christian judges and administrators had frequent occasion to apply the teachings of Jewish law to Jewish parties, would likewise merit consideration. Pedro IV's order, in 1383, to the communities of Barcelona, Gerona and Perpignan speedily to prepare for his use a Catalan translation of the Maimonidean Code (cf. Antonio Rubio y Lluch's *Documents per l'història de la cultura catalana migeval*, Barcelona, 1908-21, I, no. 338) dramatically illustrates the necessity for some Christian leaders to familiarize themselves with the intricacies of Jewish law. Once acquired, such familiarity, reinforced by the parties' disputes over controversial matters, must have made a permanent impression upon the legal thinking of many an influential non-Jewish judge. Clear vestiges of such influences in the subsequent development of English law have, indeed, been found by F. Ashe Lincoln in his *The Starra: Their Effect on Early English Law and Administration* (London, 1939).

recorded in such a capacity in one or another medieval work.³⁹ A fuller evaluation of these contributions, however, still awaits elucidation by thoroughgoing monographic treatment of each particular act of transmission and of the relative share of the Jews in it. It is one thing to learn that such and such a Jew was helpful in the translation of a particular Arabic work into Latin, and another thing to estimate the relative importance of that work for medieval science and of the translator's peculiarities which may have influenced or colored a particular scientific doctrine. Of course, this preliminary bibliographical work had to be done first. But it is high time now, several decades after Steinschneider, that this more quantitative approach be supplemented by the more significant qualitative evaluation and the ascertainment of, so to say, the specific gravity of each particular contribution.

Of equal importance also are the innumerable personal contacts between Jewish and Christian scholars in the West. Whether or not they actually collaborated on a particular project, such scholars were always mutually stimulated by an exchange of ideas and very likely reciprocally influenced one another even in the interpretation of specific texts. True, a considerable body of evidence for such direct intellectual contacts has come down to us only from Italy in the thirteenth to the sixteenth centuries. But a more careful investigation of the extant sources will easily demonstrate that if, for example, Abraham bar Ḥijya (Sava-sorda) worked together with Rudolph of Bruges on the translation of *De Astrolabio*,⁴⁰ it may readily be assumed that Rudolph received many a suggestion or differing point of view from the

³⁹ The enormous contributions in this field by Steinschneider are still unexcelled in either factual information or methods of approach. Needless to say that many specific data have since been supplied by a great many specialists in various fields. Good and readable summaries of more recent knowledge may be found in Charles and Dorothy Singer's survey of "The Jewish Factor in Medieval Thought" in the *Legacy of Israel*, 2d impression (Oxford, 1928), pp. 173-282; and in A. Marx's "The Scientific Work of some Outstanding Mediaeval Scholars," *Essays and Studies in Memory of Linda R. Miller* (New York, 1938), pp. 117-70.

⁴⁰ Cf. Solomon Gandz, "The Astrolabe in Jewish Literature," *HUCA*, IV (1927), 470 n. 4.

great Jewish astronomer also in other fields of mathematics and astronomy. It is a matter of record that Leonardo Pisano, perhaps the greatest medieval mathematician in the West, was deeply indebted to both Arabic and Jewish sources, which undoubtedly were transmitted to him in part by Jewish neighbors. Once more the problem of Jewish converts who carried over their intellectual heritage into their new Christian environment, for instance Avendath (Ibn Daud, if, indeed, he was a convert and not a professing Jew),⁴¹ would merit further careful investigation.

"Fritz Baer, "Eine jüdische Messiasprophetie auf das Jahr 1186 und der dritte Kreuzzug," *MGWJ*, LXX (1926), 119. Neither were Jewish contributions in the realm of European belles-lettres, though far less conspicuous than in the field of science and philosophy, altogether negligible. The transmission of oriental songs and tales, in both literary and oral form, must in some part at least have been accomplished by Jewish arrivals in the West. For their general importance in medieval literatures cf. H. A. R. Gibb, "Literature," in Th. Arnold's and A. Guillaume's *Legacy of Islam* (Oxford, 1931), pp. 180-209. A thorough investigation by specialists of the stray records and examination of the Jewish ingredients and contributions to the literature of the type of *Cid* or the works of Boccaccio might yet reveal unsuspected interrelations. Once more the work of translators, such as John of Capua's thirteenth-century translation of the *Kalila ve-dimna* into Latin under the title *Directorium humanae vitae*, comes first to mind. But here, too, one ought to avoid concentration on the literary masterpieces, which legitimately absorb most of the attention of the literary historians, and descend to the broad expanses of the popular literature of every age. Whatever its literary quality, its popular appeal is of primary concern to the student of social factors. Similarly the Jewish assistant of two German poets who helped them continue the famous epic poem of Wolfram von Eschenbach on the basis of a French work evidently was not an entirely exceptional phenomenon even in the countries north of the Alps and Pyrenees. The career of the German-Jewish *Minnesänger*, Süßkind von Trimberg, though far more unique, likewise presupposes a degree of literary contacts, which could not possibly be suspected on the basis of the more formal, legalistic and official records. Although his difficulties amidst a hostile environment undoubtedly were very great, we need not take too seriously the mood of resignation in his poem (in modernized German):

Nach alter Judensitte will ich fortan leben
 Und stille meines Weges ziehen
 Der Mantel soll unfahn mich lang
 Tief unter meinem Hute
 Demütiglich sei nun mein Gang,
 Und nie mehr sing ich höfischen Gesang,
 Seid mich die Herren schieden von dem Gute.

Far less known are the intellectual relationships between Christians and Jews in the study of the Bible. It has long been recognized that the extremely influential Bible commentaries by Nicolas de Lyra were deeply indebted to both Rashi and Kimḥi. Dr. Hailperin's essay in the Academy's Rashi volume⁴² while shedding new light on many details of such indebtedness, fully bears out this general assumption. Further investigations are needed, however, to elucidate the indebtedness of the other medieval Christian Bible commentators (also preachers and moralists) to both the ancient Jewish tradition and the medieval Jewish Bible exegesis. The ancient tradition may have come to them primarily through their own patristic predecessors. It is nevertheless apparent that some elements of this tradition percolated into the medieval Christian world through contemporary Jewish students of the Midrash and the accepted Jewish commentaries. The collaboration of Moses Arragel with several Christian priests in the preparation of a new Castilian translation of the Bible at the instance of Prior Luis de Guzman (the so-called Alba Bible)⁴³ furnishes a striking illustration of how intimate such cooperation was at times. That relatively few instances of this type were recorded was undoubtedly due to the suspicions of Church organs against the spread of Bibles

from which, for instance, Wilhelm Grau in *Die Judenfrage in der deutschen Geschichte* (2d ed., Leipzig, 1937, p. 9), deduces the complete breakdown of his attempted assimilation. For a more balanced recent analysis, cf. Meier Spanier, "Der Spruchdichter Süßkind von Trimberg," *Jahrbuch für jüdische Geschichte und Literatur*, XXXI (1938), 124-36.

⁴² "Nicolas de Lyra and Rashi: The Minor Prophets," *Rashi Anniversary Volume*, pp. 115-47. Certain points of contact at the very beginning of Franco-German Bible exegesis are indicated, but not elaborated, by Israel Lévi in "Un commentaire biblique de Léontin le maître de R. Gershom (vers l'an 1000)," *REJ*, XLIX (1904), 231-43. These remarks have but partially been vitiated by A. Epstein's subsequent demonstration that the author of this commentary lived several generations later. Cf. his "Leontin und andere Namen in den טעמים של חומש," *MGWJ*, XLIX (1905), 557-70.

⁴³ *Biblia (Antiguo Testamento)*, published by the Duke of Berwick y Alba (Madrid, 1920-22). The fact that such public collaboration was possible within a decade or two after the severe anti-Jewish reaction in Spain lasting from 1391 to 1415 and culminating in the bitter disputation of Tortosa, is doubly noteworthy.

in the vernacular which not only seemed to diminish the authority of the clergy among the intelligent laity, but also opened the gates to heretical interpretation.⁴⁴ However, one may take it for granted that in innumerable instances individual Christians, clerics as well as laymen, sought the advice of their Jewish friends in the interpretation of some obscure passages in the Old Testament.

Moreover, the mere presence of a Jewish community exerted a certain influence on the medieval mentality which, though not easily recorded, was of incalculable importance. Thomas Huxley, himself rather an agnostic, extolled the influence of the Bible on western civilization by pointing out that, among its other merits, "it forbids the veriest hind who never left his village to be ignorant of the existence of other countries and other civilizations, and of a great past stretching back to the furthest limits of the oldest civilizations of the world."⁴⁵ This international outlook and historical consciousness of medieval man, however rudimentary, were undoubtedly reinforced by the presence of Jews who, through the very strangeness of their appearance and mores, appeared to him as the embodiment of that ancient civilization.

The Jewish influences on the development of medieval mysticism and magic arts are often hidden behind the veil of the general obscurity investing these occult domains of human life. We know from some specialized research that leading Christian mystics in Spain, Germany and Italy, especially Jacob Böhme and Pico della Mirandola, were deeply indebted to Jewish philosophers, such as Gabirol, and to the Kabbalah. We also know that the Christian populace frequently accused Jews of engaging in magic and witchcraft,⁴⁶ an accusation which though not fully

⁴⁴ For this reason, e. g., James I of Aragon ordered in 1233 all laymen to surrender the Bibles *in Romancio* within 8 days to their respective bishops. There were also other instances of such repressive legislation. Cf. Louis I. Newman, *Jewish Influence on Christian Reform Movements* (New York, 1925), p. 316.

⁴⁵ Quoted by Albert S. Cook in "The Authorized Version and Its Influence," *Cambridge History of English Literature* (Cambridge, 1919-31), IV, 43.

⁴⁶ Cf. the instances cited by Joshua Trachtenberg in his *Jewish Magic and Superstition* (New York, 1939), pp. 1 f., 271; Rubio y Lluçh, *op. cit.*, no. 247;

borne out by facts nevertheless undoubtedly represented a kernel of historic reality. Here again personal contacts undoubtedly were far more widespread and effective than any form of literary transmission which alone could bibliographically be ascertained.

One might mention in this connection, finally, the influence exerted by Jews and Jewish converts on the so-called Christian Hebraists. Throughout the ages Christians interested in the pursuit of Hebrew studies had recourse to Jewish teachers and other Jewish acquaintances. To be sure, the knowledge of Hebrew, especially before the Council of Vienne in 1311, was very limited even among Christian ecclesiastics. But there is little doubt that in addition to the few prominent writers such as Roger Bacon and, possibly, Sir Robert Grosseteste,⁴⁷ whose acquaintance with the Hebrew language may be gleaned from their writings, there were numerous other students of Hebrew with varying degrees of accomplishment who sought instruction and advice from among their Jewish friends. The Council of Vienne through its resolution to establish chairs for Hebrew at Oxford, Paris, Salamanca and Bologna (following upon Clement V's decision of 1310 to institute regular instruction in oriental languages in the papal capital), although prompted by missionary zeal and an attempt to convert the Jews to Christianity, undoubtedly fostered such personal relations between the Christian Hebraists and more or less learned Jews.⁴⁸ The full story of the Christian

Baer in *Juden im christlichen Spanien* (Berlin, 1929-36), I, Pt. 2, no. 352; and Roth in *History of the Jews in England*, p. 121.

⁴⁷ Cf. Lee M. Friedman, *Robert Grosseteste and the Jews* (Cambridge, Mass., 1934); Roth, *op. cit.*, p. 129.

⁴⁸ Cf. A. Kleinhaus, "Der Studiengang der Professoren der hl. Schrift im 13. und 14. Jahrhundert," *Biblica*, XIV (1933), 381-99. A curious illustration for such extended contacts from a slightly later period is offered by the career of the well-known reformer, Andreas Osiander. Living in Nuremberg, which by that time had excluded Jews from residence in the city, he persuaded the Council to allow a Jewish schoolmaster from neighboring Schnaittach to visit him there for purposes of Hebrew instruction (1529). The knowledge so acquired he then utilized for missionizing among Jewish pupils, on the one hand, and for the preparation of his remarkable pamphlet against the blood accusation, on the other hand. Cf. Emanuel Hirsch, *Die Theologie des Andreas*

Hebraists and their relation to Jews, on the study of which the late George Alexander Kohut spent many years of his life, is yet to be told in illuminating detail.

Raymond Lull, the mastermind behind the decision of the Council of Vienne unwittingly helped reinforce still another bridge between Christian and Jewish thinking. True to his general advocacy of exclusively spiritual means of conversion, he went further than his predecessors in instituting regular missionary sermons among Jews.⁴⁹ Such sermons which, in the course of time tended to become caricatures through the use of enforced attendance and other routine methods of compulsion,

Osiander (Göttingen, 1919), *passim*. Cf. also, in general, the selected writings cited in the present author's *History*, III, 136 ff.; and his *Bibliography of Jewish Social Studies* (New York, 1941), pp. [109 ff.].

⁴⁹ Cf. especially James II's decree of 1299 enjoining Jewish audiences in all synagogues of Aragon to listen attentively to Lull's sermons, delivered at the latter's choice on any Saturday or Sunday. The Jews, however, were given an opportunity to reply, of which, if we may judge from the large controversial literature circulated by the Jews of Spain, they undoubtedly availed themselves often and effectively. See the text published by M. Kayserling in his "Notes sur l'histoire des Juifs en Espagne," *REJ*, XXVII (1893), 148 f. For Lull's (whose indebtedness to Yehudah Halevi's *Kuzari* may be mentioned here in passing) preëminent role at the Council of Vienne and for his sponsorship of the resolution calling for the establishment of Hebrew chairs at the leading European universities, cf. Ewald Müller's, *Das Konzil von Vienne, 1311-12* (Münster, 1934), *passim*. Cf. also, in general, Berthold Althamer, "Glaubenszwang und Glaubensfreiheit in der Missionstheorie des Raymundus Lullus," *Historisches Jahrbuch*, XLVIII (1928), 586-610; E. A. Peers, *Ramon Lull* (London, 1929), *passim*; and Fritz Baer's brief remarks in the *Korrespondenzblatt . . . Akademie*, VI (1929), 19.

Another angle of the polemical literature, worthy of consideration, is the stimulus indubitably given by it to the rise of vernacular literatures. It is easily understandable that both attacks and apologies, addressed to the masses, had to be written in a language accessible to them, as is evidenced also by the history of the later Protestant-Catholic controversy. We learn, indeed, that Isidore of Seville's *Defense of the Catholic Faith against the Jews* was translated into German in a monastery near Strasbourg as far back as the eighth or the ninth century, thus becoming one of the earliest documents of German literature. Cf. James Parkes, *The Jew in the Medieval Community* (London, 1938), p. 32. Raymond Lull's major contribution to the vernacular Catalan literature, in which his philosophic works were truly pioneering, may also have been largely influenced by his missionary interests.

were originally animated by the sincere belief that if a Jewish audience were shown that the messiahship of Jesus was indicated not only by a correct interpretation of the Old Testament, but also by the talmudic sources themselves, it would speedily recognize its error and accept the Christian religion.⁵⁰ Conversionist sermons of this type may quite early have degenerated into popular spectacles increasing the ill-will between the two groups. None the less, they must have stimulated the Christian preachers and the ecclesiastics and rulers supporting them to devote considerable thought to those aspects of Judaism and to those Jewish literary sources which could best be utilized in making Christian dogmas palatable to Jewish audiences.

On the other hand, we also have numerous records of Christians attending Jewish sermons. Agobard had already bitterly complained of some Christians in the diocese of Lyons who claimed "that the Jews preach better to them than our priests."⁵¹ In Spain and Renaissance Italy, especially, where both the social intercourse between Jews and Christians was more intimate and the Jewish preachers in better command of the vernacular idiom, Jewish sermons were often extremely popular among the educated classes. No one shall ever really be able to gauge the extent of the transmission of Jewish concepts to the Christian public through these oratorical performances.

Similarly religious disputations between Jews and Christians often served to arouse the interest of the Christian debaters and onlookers in the Jewish side of the controversy, though not nearly as much as they helped to spread the teachings of Christianity among the Jews. We ought to bear in mind not only the great public semi-gladiatorial combats, such as those in which Yehiel of Paris or Nahmanides rather successfully defended the Jewish cause, or like the long drawn-out disputa-

⁵⁰ Cecil Roth has called attention to the persistence of this paradoxical argumentation on the part of Christian disputants and polemicists. Cf. "The Mediaeval Conception of the Jew: A New Interpretation," *Essays and Studies in Memory of Linda R. Miller*, pp. 171-90. The truth of this contention will be borne out to any reader of such a general summary of Christian polemical literature, as A. Lukyn Williams's *Adversus Judaeos: A Bird's-Eye View of Christian Apologiae until the Renaissance* (Cambridge, 1935).

⁵¹ *Op. cit.*, col. 74 f.

tion at Tortosa which, often attended by king and pope in person, before long degenerated into a one-sided *informatio* of Joseph Albo and his associates by their Christian opponents.⁵² In addition to these much-publicized events, there were innumerable semi-public or private debates between individual Jews and Christians, the majority of which undoubtedly never found their way into any written record. Those few, however, knowledge of which happens to have come down to us, such as the early disputation of Pavia (about 800 C. E.) or that between the proctor of Westminster Abbey and a Mayence Jew (11th cent.), demonstrate how often Jews were in a position to defend their cause candidly and overtly, despite the danger of prosecution for blasphemy against the dominant creed. Such altercations undoubtedly enabled many a Christian to acquire some familiarity with the religion of his Jewish neighbors. Even the most pious Christians, moreover, by virtue of contrast, were forced to reconsider their position towards their own creed. If there is any truth in the old adage that one learns one's own language best by studying a foreign tongue, they evidently learned much more about their own religion than if there had been no Jews around to point out to them its characteristic peculiarities.

A great many, however, were not altogether confirmed in their Christian orthodoxy through such contacts with Jews. Judaism may officially have ceased to be a missionary religion

⁵² Cf. especially the searching analysis of these debates in Fritz Baer's "The Disputations of Yehiel of Paris and Nahmanides" (Hebrew), *Tarbiz*, II (1931), 172-87; and "Die Disputation von Tortosa," *Spanische Forschungen der Görresgesellschaft*, 1st ser., III (1939), 307-36. Together with his fascinating study of the arguments of the baptized anti-Jewish polemist, Abner of Burgos in the *Korrespondenzblatt . . . Akademie für die Wissenschaft des Judentums*, X (1929), 20-37, these essays have whetted the appetites of the readers looking forward to the long-delayed publication of the special volume of Baer's *Juden im christlichen Spanien* which was to be devoted to Judeo-Christian polemics. In the meantime, cf. also Bernardo Sanvisenti, "Un documento sobre la luche antijudaica en la España del siglo XV," *Boletín de la Academia Argentina de Letras*, VII (1939), 137-50. Much more preliminary work of this kind is yet needed, however, before a fuller understanding of the mainsprings and objectives of the religious controversies between Jews and Christians or Muslims, once auspiciously inaugurated by the works of Steinschneider and Isidore Loeb, will be possible of attainment. Cf. also Baron, *History*, III, 113 f.

for centuries past, but it was none the less very difficult to persuade all Jewish individuals to abstain from communicating to their Christian friends and employees some Jewish beliefs or rituals. The unceasing stream of denunciation of such Jewish influences and the endless reiteration of legislative enactments by Church and state bent upon their elimination, though doubtless grossly exaggerated, reflect a modicum of reality which is rarely mirrored in the usual documents.

Of course, one need not take too literally the accusation of "judaizing" hurled by orthodox Christians at their sectarian opponents, or by one Christian sect at another. Such an "invective" at times need not have contained any truth at all and often was used quite recklessly in discrediting an opponent before the uncritical populace. In some cases a reversion to the Old Testament against the New, as with the Franco-Italian Passagii, seemed to offer sufficient substantiation to the accusers. The insistence, particularly, on the Sabbath observance on Saturday rather than Sunday appeared as the most obvious and obnoxious manifestation of Jewish influence. Although direct Jewish paternity at the resurgence of such Christian currents down to the Russian Subotniki and the Anglo Saxon Seventh-Day Adventists can rarely be attested by extant sources and must have been difficult to prove even for the contemporary inquisitors, their underground persistence through the ages may well have been linked in some fashion with the tenacity of the Jewish people itself among the Christian nations.⁵³ There is no gain-saying that heretical trends must have been nurtured by the ever-present example of religious disparity offered by Judaism and, occasionally, also by the direct stimulation of professing or converted Jews who repudiated one or another teaching of the authoritarian Church. In the case of converted Jews, in

⁵³ Many instances of the allegation of "judaizing" in the Christian sectarian conflicts have been assembled by Louis I. Newman in his *Jewish Influence*. Cf. the passages listed in the Index under this term. Cf. also P. Alfandéry, "Sur les Passagiens," *REJ*, LXXXII (1926), 353-61. For the Christian Sabbath observance in the Carolingian age, cf. the sources cited by Solomon Katz in his study of "Pope Gregory the Great and the Jews," *JQR*, XXIV (1933), 120 n. 45. These instances could easily be multiplied.

particular, especially those forcibly baptized, there was great temptation for their former Jewish friends and relatives to try to regain them for their erstwhile creed. The frequent prosecutions of individual Jews, especially rabbis, really or allegedly guilty of aiding religious relapses of this type, bear somber testimony to the reality of such individual persuasion.

Finally the anti-Jewish literature itself testifies to the vitality of the Jewish factor in medieval civilization. Much of that literature undoubtedly was stereotype within a well-accepted genre, and could have been written even if no Jews had remained in Christian Europe at all. Jewish "perfidy" and "infidelity," or what was so designated by way of contrast to the Christian dogmas and practices which the authors wished to extol, could have been put up as an internal bogey before the Christian nations as a result of purely historical reminiscences. However, the force of the argument was increased many times over by the ever-present realistic illustration through well-known inmates of a neighboring Jewish quarter. In its very negation of Judaism, the Church and its medieval apologists have thus become deeply indebted to the ubiquitous Jewish factor among them.

IV. POLITICAL DICHOTOMIES

Politically and legally, too, the peculiar status of the Jews injected a new element into the political structure of medieval society which, while often complicating the task of legislators and judges, added a particular hue to the multicolored pattern of the medieval political evolution. Whatever one's judgment may be about the value of such a contribution it is unquestionable that the presence of a Jewish minority added much to the richness and variety of public life.

There is a certain basic dualism in the political status of medieval Jewry, which often baffles modern investigators and defies their attempts at clear-cut definitions. On the whole, the Jewish group was considered a corporate body within the corporate structure of medieval society. As a corporate body the Jews enjoyed a particular status of their own with a peculiar system of rights and duties. It is easy to overemphasize the

Jewish disabilities and extremely burdensome duties, as was done, indeed overdone, during the Emancipation era. Any comparison with the contemporary legislation of Nazi Germany and fascist Italy, however, will reveal that we are maligning the Middle Ages when we call the Nuremberg laws a reversal to the medieval status. Unlike today, when the Jews are the sole minority placed by law outside the framework of the population who between them enjoy complete equality — be it only equality in subjugation — the medieval Jews at their worst were better off, both politically and economically, than the masses of villeins who usually constituted the majority of each European nation. We may be allowed to repeat here the paradoxical statement that medieval Jewry, much as it suffered from disabilities and contempt, still belonged to the privileged minority of every country insofar as it was tolerated at all. This was possible because, from the point of view of public law, it was considered as but a corporate body like other bodies, its status being determined by a combination of specific legal enactments and of customs born in times immemorial and carried along on the wave of medieval traditionalism.⁵⁴

⁵⁴ These obviously unorthodox views were first expounded by the present author in a brief essay on "Ghetto and Emancipation" *Menorah Journal*, XIV (1928), 515–26. They were expanded in various other connections, such as his essay on "Jewish Emancipation," *Encyclopaedia of the Social Sciences*, VIII (1932), 394–99; and his *History*, II, *passim*. It was a foregone conclusion that they would not readily be accepted by the majority of Jewish scholars. The criticism, however, expressed in this respect by Fritz Baer in his extensive Hebrew review of the latter work, or rather in his statement of dissenting opinions, in *Zion*, III (1937–38), 291, seems entirely beside the point. His remark that it was first the anti-Semites who contended that the Jews had no just reason for complaint and that Jewish authors merely followed them in denouncing the "lachrymose conception of Jewish history" is certainly erroneous insofar as the present writer is concerned. The latter is still unable to locate any anti-Semitic forerunners and, to the best of his knowledge, was the first to coin the term "lachrymose conception" (in the aforementioned essay in the *Menorah Journal*) when his scholarly conscience (subconsciously perhaps also his pride in the Jewish heritage) made him impatient with the eternal self-pity characteristic of Jewish historiography. He fully acknowledged, however, the venerable antecedents of the doctrine of Jewish martyrology and even tried to explain them sociologically as reaching far back into the early stages of social control in the Diaspora community. Cf. especially his *History*, III, 5 f.,

At the same time the Jewish community was a corporate body of a unique kind consisting of a group of permanent "aliens," essentially living apart from corporate Christian society. Little as one is inclined today to subscribe to the older theories of medieval Jewish serfdom which traced this dependence of the Jews on the royal power back to the original Teuton "law of aliens" (Fremdenrecht),⁵⁵ there is no denying that in the mental picture of most medieval men the Jew appeared as a permanent stranger. Whether or not this explains the vast extent of Jewish self-government, it undoubtedly helps us understand the deep-rooted suspicions and frequent misunderstandings which permeated all Judeo-Christian relations. This alienage of the Jews was in itself unparalleled, inasmuch as, in contrast to other aliens, Jews were not expected to become "natives," except by conversion to Christianity, i. e. the conscious act of separation from their own group. It made no difference how long the Jew lived in a particular country and whether or not he had actually settled there before the arrival of those ethnic groups who later claimed "native" rights on that soil. He was, moreover, an alien without a motherland. Much as the Christian world accepted the spiritual yearning of the Jews for the restoration to Palestine, and often itself considered such a return as a necessary prerequisite for the second coming of Christ — the equivalent of the Jewish messianic hope⁵⁶ — Palestine obviously was not the mother

42 f., 104 f. It is high time, in any case, to divorce the indubitable reality of the general insecurity of medieval Jewish life from the consideration of the Jews' objective political and especially legal status in such medieval countries where they were tolerated by law.

⁵⁵ This theory once effectively championed by Joh. E. Scherer (in *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern*, Leipzig, 1901; further studies in this field promised by the author have unfortunately remained unpublished), has in part been abandoned by subsequent writers. The pendulum seems to have swung too far to the other extreme, however. Cf. G. Kisch, "Research in Medieval Legal History of the Jews" in these *Proceedings*, VI (1934-35), 240 n. 15; and his "The Jewry-Law in Medieval German Law-Books," *ibid.*, VII (1936), 64 ff.

⁵⁶ A careful analysis of the deeper interrelations between medieval Jewish and Christian messianism is still a desideratum. It may be hoped that certain

country of exilic Jewry in the normal sense. It could neither threaten reciprocity nor could its legislation in any way affect the changing personal law of the individual Jew or of his western community.⁵⁷

This ambiguity between corporate status which was at once like and unlike that of other bodies, and between alienage and permanent habitat, was tied up with still another dichotomy. Ever since the Christian Roman Empire, the Church preached the preservation of the Jewish people to the end of days, but demanded at the same time, for the sake of both prestige and better "testimony," that it be kept in a status of submission and overt inferiority. The principle of toleration in its practical application may have varied by periods, countries and even individuals. In extreme cases, such as that of John Duns Scotus, a Franciscan living in the overheated atmosphere of pre-expulsion England, it could mean merely the keeping alive of a few Jews somewhere on a distant island.⁵⁸ In other cases, as in papal Rome itself, it meant the preservation of the Jewish community in its historic continuity without a single interruption through expulsion or large-scale massacre. The lowness of social status was likewise subject to individual discretion and to changing tempers of rulers and peoples. But it was this very contradictory nature of the two principles which, by allowing for alternating

phases of this interplay of ideas will be clarified by a study now in preparation by the writer's pupil, Abraham Berger.

⁵⁷ The difference between the generally accepted Palestinocentric doctrine and the far more realistic appreciation of Palestine's actual remoteness from the medieval scene by the rabbis themselves may well be observed on the examples cited by J. H. Zimmels in his study of "Erez Israel in der Responsenliteratur des späteren Mittelalters," *MGWJ*, LXXIV (1930), 44-64. That, nevertheless, the impact of the doctrine was felt also in many walks of private and communal life goes without saying. Cf. especially, Fritz Baer's *Galut* (Berlin, 1936); his "Palestine and Exile in Medieval Conception" (Hebrew), *Šiyyon*, VI (1934), 149-71; and the few illustrations cited in S. W. Baron's *Community*, II, 339 ff.; III, 215 f.

⁵⁸ *Sententiae*, IV, dist. 4, qu. 9 in *Opera omnia* (Paris, 1891-95), XVI, 489: "Unde sufficeret aliquos paucos in aliqua insula sequestratos permitti legem suam servare, de quibus tandem illa prophetia Isaiae [10, 22 quoted by Paul, Romans, 9, 27] impleretur."

emphases upon the one or the other, accounted for the great elasticity and adaptability of medieval legislation and, in many ways, explains the unique destinies of medieval Jewry.

Even Jewish serfdom was subject to equivocal interpretation. The Holy Roman emperors claimed to own the Jews as successors of the ancient Roman Empire which had subdued Palestine and only conditionally liberated its Jewish population. The Church, on the other hand, demanded full control over Jewry because Jewish subjection was merely the effect of the Jewish repudiation of Christ. For this reason alone, it had long been foretold, "the elder shall serve the younger" and the Jewish people shall be *perpetuae servituti subacti*.⁵⁹ The various Christian kings and princes, however, interpreted the curse resting upon the Jews as the expression of the divine will to deliver the Jewish people to the whimsical mastery of their Christian sovereigns, whoever and wherever they might be. The struggle between kings and

⁵⁹ This homiletical interpretation of *והרב יעבוד צעיר* (Gen. 25, 23) is used by Augustine in his *Quaestiones in Heptateuchum*, I, 83 (Migne, *Patrologia latina*, XXXIV, 567: "solet et sic intelligi quod dictum est, ut in Esau figuratus sit major populus Dei, hoc est Israeliticus secundum carnem; per Jacob autem figuratus est ipse Jacob secundum spiritualem progeniem") to justify the doctrine of Jewish serfdom developed by himself and the other Church Fathers. Cf. especially Leopold Lucas, *Zur Geschichte der Juden im vierten Jahrhundert* (Berlin, 1910), pp. 90 ff.; Jean Juster, *Les Juifs dans l'Empire Romain* (Paris, 1914), I, 44 ff., 46 n. 8, 226 ff. This doctrine found expression in the anti-Jewish legislation of the various councils of Toledo (note especially the term concerning all the Hebrew persons being *perpetuae subiectae servituti* employed by the seventeenth Council of Toledo in 694 [can. 8 in Mansi's *Collectio*, XII, 102] which later found widespread application) and laid the foundation for the medieval doctrines of Jewish serfdom. The latter, due to the equivocal nature of Jewish status and the corresponding ambiguity of the legal enactments, has long puzzled jurists and historians. Cf. the remarks and the literature cited by the present writer in his *History*, II, 22 ff.; III, 100 ff. Further progress has been made in the study of this complex subject by Guido Kisch and other recent writers. Cf. especially his "The Jewry Law in the Medieval German Law Books II," in these *Proceedings*, X (1940), 151 ff. and the literature quoted there. However, the vast majority of these studies having been limited to the German areas, a real resolution of the existing difficulties may be expected only from the application of similar rigid standards to the investigation of the Jewish status and of the juristic literature thereon, both civil and canonical, in medieval Italy, Spain, France and England.

cities for the control over Jews merely added another disharmonious element to Jewish political allegiance and the general ambiguity of Jewish existence.⁶⁰

In most cases, however, the Jews were pressed into an alliance with the powers that were which often augured badly for them in periods of change. Living permanently under the protection of the kings, paying for such protection with enormous taxes and loans and often directly supporting the royal power in their capacity of tax farmers, contractors, administrative and diplomatic advisers (particularly on the Iberian Peninsula), they were easily associated in the popular mind with the forces of governmental and of class oppression. Peasantry and urban proletariat were not prone to penetrate behind the surface and to take note of the compulsion under which the Jewish puppets of their real oppressors had acted. They saw first of all the immediate agents of oppression and struck at them whenever the latter became unbearable. The defencelessness of these agents, moreover, contrasted with the great power of the ruling classes, made the former the more obvious targets of popular resentment, as religious antagonisms had long prepared the ground for Jew-baiting demagogues. Our understanding of the widespread medieval massacres of Jews is likely to gain very much by a closer investigation of the motivating forces behind each outburst. It was easy for a Zunz to generalize that the mere existence of the Jews was "their sole really proven crime," but it was not mere religious fanaticism which inspired the German peasants during the aforementioned peasant revolts to attack Jews and

⁶⁰ The general attitude of the medieval cities to the Jews, despite innumerable monographs pertaining to local conditions of various Jewish communities, is yet to be fully examined. Herbert Fischer's *Die verfassungsrechtliche Stellung der Juden in den deutschen Städten während des dreizehnten Jahrhunderts*, Breslau, 1931, is, considerable reservations by critics notwithstanding (cf. G. Kisch's remarks in these *Proceedings*, VI, 264 f., 268 f.) a step in the right direction. Similar studies for other periods and countries, not only from the juridical, but also from the economic and sociological angle, would help lay the foundation for a real understanding of one of the vital factors in shaping the destinies of medieval Jewry. For the time being cf. particularly the present author's remarks (with special reference to Jewish self-government) in his *Community*, I, 274 ff.; III, 63 ff., and the literature cited there.

clerics alike. Neither was it mere religious fanaticism which accounted for the social revolution of Majorcan peasantry. Largely aimed at the ruling classes, it struck directly at the Jews because of the great indebtedness of the agricultural population to Jewish moneylenders and tax-farmers.⁶¹ The nexus between social revolution and anti-Jewish massacres during the Cossak rebellion has long been recognized.⁶² Much research, however, is yet needed to clarify in detail the forces at work in the numerous pogroms which increased in number and intensity in the three centuries beginning with the First Crusade.

In an entirely different fashion and, in some respects, more profoundly, the Jews, by unwittingly becoming allies of the royal power, helped undermine their very survival in many European countries. It is due only to the absence of sufficient detailed researches in the field of medieval Jewish taxation, that we know so little about the extent to which the fiscal contributions of medieval Jewry helped the western princes in gradually overcoming the resistance of their feudal lords. But there is little doubt that, through their loyalty to the Crown, and their services as a "sponge" sucking up the wealth of the country for the benefit of the rulers — this figure of speech, first coined by Hessian theologians in 1538⁶³ has since become a cliché — the Jews helped unify England, France, Spain and Portugal. The unification of the country on a national basis, however, held many evil portents for the Jews. As soon as a medieval country was converted into a "national" state — however unclear and often subconscious medieval nationalism still was — it began to resent deeply the presence of the only "alien" minority in its midst. The present writer has long tried to unravel the deep connections between the processes of national unification and the growth of religious intolerance which, as a rule, first manifested itself in undisciplined mob reactions, was then followed

⁶¹ Cf. Alfred Morel Fatio, "Notes et documents sur les Juifs des Baléares," *REJ*, IV (1882), 38 f.

⁶² Cf., e. g., the most recent study of Jacob Shatzky in his Supplement to the Yiddish transl. of Nathan Neta Hannover's *יין טצווילה* (Wilno, 1938).

⁶³ L. Munk, "Die Judenlandtage in Hessen-Cassel," *MGWJ*, XLI (1897), 507.

by severe anti-Jewish legislation and, finally, culminated in complete exclusion *via* expulsion or enforced conversion.⁶⁴ But he readily concedes the need of further searching investigations to explore the complex ramifications of this vital problem.⁶⁵

This tragic nexus between loyalty to the Crown and ultimate self-destruction was duplicated conversely on a different plane by a subtle interlocking of the interests of Jewry and those of the medieval Church. Overtly representing two hostile principles, in Christendom's public mind, in art and literature always envisaged as the "Synagogue of Satan," battling, though subdued by, the Church Divine, the two institutions nevertheless complemented one another; in a deeper sense needed one another for the full realization of their program on earth. It was interterritorial Jewry which, in a subtle way and quite unwittingly, helped the interterritorial Church to overcome the nationalist disparities and to achieve the characteristic medieval super-national unity of culture. Reciprocally, the Church, despite personal anti-Jewish leanings of many of its protagonists and its unceasing denunciations of Jewish "perfidy," insisted upon that kind of limited toleration which alone made it possible for the Jews to survive the successive waves of persecution.⁶⁶

⁶⁴ Baron, "Nationalism and Intolerance," *Menorah Journal*, XVI (1929), 405-15; XVII (1929), 148-58; *History*, II, 38 ff.; III, 107 f. None of the criticisms or differing opinions which have come to the writer's attention have in the least shaken his conviction of the validity of this theory.

⁶⁵ In Germany and Italy, particularly, the operation of these factors was greatly complicated by the conflict between Papacy and Empire, the struggle between the imperial and the territorial powers, the growing complete independence of the north-Italian states as opposed to the rule of foreign dynasties in southern Italy, the growth of the Venetian Empire and, finally, the rise of an individualistic and commercial civilization in the age of the Renaissance. Nevertheless some phenomena, akin to those in western Europe, manifested themselves also in these central-European areas.

⁶⁶ These interrelations, long sensed and, as is usual, gravely distorted by racial anti-Semites (cf., for one example, Herman de Vries de Heekelingen's *Juifs et Catholiques*, Paris, 1939) will require much further elucidation in detail. The two authors who in recent years have contributed a good deal to the discussion of this problem, namely Solomon Grayzel (cf. the introduction to his *The Church and the Jews in the XIIIth Century*, Philadelphia, 1933) and James Parkes (cf. *The Conflict of the Church and the Synagogue*, London, 1934,

This polarity of all Judeo-Christian relations was climaxed by the peculiar make-up of Jewish self-government. Outwardly resembling the autonomous features of other corporate bodies, the Jewish community once again was a corporate body of a unique kind. As a matter of fact there existed an undeclared deep conflict in the very concept of sovereignty. From the point of view of the state, Church and city it was the Christian ruler who was the true sovereign, who, hampered solely by the power of tradition and custom, could at his discretion grant the Jews their self-government or curtail and even abrogate it. Despite numerous Jewish professions of acceptance of these royal claims, however, the very core of Jewish self-government, the doctrine of Jewish law, led to diametrically opposite results. According to Jewish belief, Jewish law in all its essentials was divinely ordained and could not be abrogated by any human power. The principle of *dina de-malkuta dina* (law of the kingdom is law) which, by seemingly recognizing the royal point of view, tried to establish a *modus vivendi* between exilic Jewry and the Gentile powers, in essence merely reiterated and reinforced the sovereign claims of Jewish law. Its gradual halakic evolution may still be in need of much clarification and thorough monographic study,⁶⁷ but it appears certain that what it really meant to express was

covering the first eight centuries of the Judeo-Christian controversy; the third volume of this series to be devoted to the same subject in the later Middle Ages is still eagerly awaited) seem to have blocked their own way by their unqualified acceptance of the traditional view which has blamed most of the misfortunes of medieval Jewry on the Church and its teachings. Cf. also Grayzel, "Christian-Jewish Relations in the First Millennium," *Essays on Antisemitism*, ed. by Koppel S. Pinson (New York, 1942), pp. 25-44; and Parkes, "Christian Influence on the Status of the Jews in Europe," *Historia judaica*, I (1938), 31-38. This view, born from the stress and strain of the struggle for Emancipation especially in Protestant countries, was even then justifiable on psychological rather than scholastic grounds. Today, when the entire Judeo-Christian world outlook is under a most ferocious attack, it is high time that a calmer and more dispassionate view of these internecine conflicts replace the scholastically long outworn conception.

⁶⁷ The two brief essays on this subject by Leopold Löw in his *Gesammelte Schriften*, III (Szegedin, 1893), 347-58; and by Abraham N. Z. Roth in *Ha-Soker*, V (1937-38), 110-26, have merely scratched the surface. Cf. also Baron, *Community*, I, 214 f.; II, 210 ff.; III, 52.

that royal law is to be respected, provided that it does not infringe upon any essential of Jewish law. If the king demands, however, that a Jew commit any of the ritualistically prohibited acts, such royal enactment is not to be considered valid law and must not be respected. In the case of three major commandments the Jew is even enjoined to resist royal force at the cost of his life. Some rabbis went so far as to claim, as did Mordecai b. Hillel, that if the king tries to extort from Jews theretofore unaccustomed ameracements, he is no longer acting as a legitimate ruler, and that, hence, his ordinance ought to be disregarded and all civil claims based on it entirely rejected.⁶⁸ Whether or not regnant rabbinic opinion was thus ready to repudiate royal sovereignty in taxation, which is now so clearly recognized as the particular domain of statehood, the underlying philosophy of this decision, as elsewhere, was that it is up to the rabbinic judge to determine in each particular instance the Jewish validity and applicability of royal enactments. In other words, it is the rabbinic exponent of Jewish law who reserves to himself the ultimate decision. This claim, superficially paradoxical, was fully justified under the assumption that the *jus divinum* of the Torah could be subject to modification only by the internal evolution of the Jewish people and by the incursion of such new elements as were introduced into it by a divinely ordained fate. In the final sense it is, therefore, the Jewish people alone which,

⁶⁸ Mordecai b. Hillel on B. K., no. 152 (quoting a London rabbi, probably Elijah Menaḥem; the author distinguishes between מתנה = amercement whose royal collection is illegal and, legal taxes, מסים). Similarly Meir of Rothenburg denouncing, as did many other medieval rabbis, arbitrary royal grants of tax immunities to Jewish favorites without a corresponding reduction of the fiscal burdens of the community as a whole, declared that המלך הבא לשנות את הדין אין שומעים לו ולא אמרינן בכה'נ' דינא דמלכותא דינא דלאו דינא דמלכותא הוא. Cf. his *Responsa*, ed. Prague, no. 134; Baron, *Community*, II, 274 ff.; III, 192 f. This view appears less paradoxical, when one considers the general medieval reverence for custom and opposition to sudden change injurious to an entire class. This attitude, as applied to unaccustomed Jewish taxation, dominates also the well-known views of Thomas Aquinas, as they were, somewhat hastily, formulated in his epistle, *De regimine Judaeorum*. For the latter's origin cf. particularly Henri Pirenne, "La duchesse Aleyde de Brabant et le 'De regimine Judaeorum' de Saint Thomas d'Aquin," *Bulletin de l'Académie royale de Belgique*, Classe des Lettres, 5th ser., XIV (1928), 43-55.

acting through its representative spokesmen, the rabbis, was to determine the limitations of its sovereignty.

Neither side was interested in pressing this inherent conflict to its logical extreme. In practice, outward Jewish submissiveness coupled with royal reticence in interfering with the life of Jewish subjects outside the restricted areas of politics and finance all but eliminated possible clashes. Certainly if compared with the parallel claims of the Catholic clergy the difficulties with the Jews appeared infinitesimal. That thoughtful Christians nevertheless sensed dimly the extraordinary position of Jewry, may be noted from Augustine's semi-envious observation, essentially repeated by Erasmus, on "the more tolerable condition of the Jews who, though they have not recognized the days of liberty, are yet subjected to burdens of law, not to human presumptions."⁶⁹

Such a unique concatenation of contrasts and conflicts, some of which were merely sensed and never clearly formulated by medieval man, undoubtedly introduced an element of instability into all social relations. But instability was perhaps welcome to medieval dynamics. To be sure, our traditional concept of slow medieval progression has undergone considerable revision in recent years. We now realize the dynamism of medieval civilization, despite its earthbound and tradition-bound rhythm of evolution. There is no doubt, however, and further detailed research will undoubtedly make it ever clearer, that the *Spannungen* generated by the dichotomies of Jewish status added impetus to the speed of change and, if one may still use this term today, of human progress.

V. COMMUNITY OF THINKING

Viewing the problem as a whole it may be asserted that the Jewish factor in medieval civilization can well serve as a criterion of its genuineness and inwardness. Despite the enormous Jewish sufferings which not even the staunchest opponent of the lachry-

⁶⁹ Augustine, *Epistolae*, LV (*Ad Inquisitiones Januarii*, II), 19 in Migne's *Patrol. lat.*, XXXIII, 221; Erasmus of Rotterdam, *Opera* (Leyden, 1703-6), VI, 64, on Mt. 11, 30.

mose conception of Jewish history would wish to minimize, we must testify to the general fairness or at least attempted fairness of the medieval man. Numerous exceptions notwithstanding — and exceptions to rules have almost become a rule in medieval life — one must admit that the prevailing legislation of practically all medieval countries tried to safeguard the legitimate interests of the Jewish minority. According to the dominant opinion one was not to force a Jew to appear before the court of his Christian opponent; the Jew could insist upon repairing to his own court, if he was the defendant, or more frequently, to a special mixed court or a generally less prejudiced superior court of the king or his highest officials. At times such royal courts acting in the self-interest of their masters and the latter's Jewish "serfs," were accused of consistently siding with the Jewish parties. Neither were the Jews to be condemned on the testimony of Christian witnesses alone. Their inclusion, along with clerics, women and other defenseless groups, under the safeguards of royal "peace," was intended to grant them a higher degree of protection than could be safeguarded by mere paper privileges.

One must also always bear in mind that, despite the tremendous bloodshed from 1096–1391, we can find no instance of governmentally-instigated pogroms. It was left to the Czarist government of the late nineteenth century,⁷⁰ and to its disciples among the Nazis to introduce this new, anarchical feature into the relationship between the state and its Jewry. This is far from denying the Jewish role of "scapegoat" in the medieval as well as in the modern world. Indeed, this function of western Jewry to serve as an outlet for accumulated hatreds, as a sort of safety valve within explosive societies, is yet to be investigated in detail. Nevertheless, one may readily acquit all medieval governments of acting in a way reminiscent of November 1938.

Fairness also essentially permeated the relations between the Church and the Jews. Despite its all-embracing claims for

⁷⁰ Cf. M. Paléologue, "L'antisémitisme moyen du gouvernement sous Alexandre II et Alexandre III," *Annales politiques et littéraires*, CXII (1938), 19–22; Mark Vishniak, "Antisemitism in Tsarist Russia," *Essays on Antisemitism*, ed. by Pinson, pp. 79–110.

supremacy, despite its overt attempts to penetrate all domains of public and private life, the Church imposed upon itself limitations in regard to Jews which are truly remarkable. An inquisitor, such as Eymeric may claim that the Pope has jurisdiction over the Jewish community even with respect to its internal affairs, and that he may prosecute Jewish heresies on a par with deviations from Christian orthodoxy. In practice, he admits, the popes will usually find it impolitic to exercise such jurisdiction.⁷¹ As a matter of record, interventions of this kind were extremely rare and, when they occurred, they were usually instigated by Jews. The very Inquisition whose bloody record has written many a sombre page in Jewish history was, on principle, limited to Marranos and other professing Christians and only to such Jews as were accused of attacking Christianity or of proselytizing among Christians, including backsliding converts. Ecclesiastical censorship, too, as employed before the invention of printing and outside of Italy long thereafter, reveals far more self-restraint and respect for the legitimate disparity of minority opinion than one usually associates with medieval intolerance. We may now resent the burning of the Maimonidean Guide, incidentally instigated by Jewish anti-Maimonists; we may even more deeply deplore the recurrent burnings of the Talmud, the results of which are still felt today, for, having deprived us of practically all older manuscripts, they greatly hamper any attempt at a critical edition of this monumental body of literature. We shall none the less have to admit that Church censorship has rarely interfered with the autonomous development of Jewish culture. A mere perusal of Eisenstein's *Ošar ha-viḳḳuḥim*, whatever one thinks of the scholarly merits of this compilation, will show to every unprejudiced reader the great leeway given to Jewish apologetics. Not only orally, but in often widely circulating pamphlets and treatises the Jews were in a position frankly to discuss the differences between their own and the Christian attitude to life.⁷² In few modern countries, not only totalitarian

⁷¹ Nicholas Eymeric, *Directorium inquisitorum*, ed. and annotated by F. Pegna (Venice, 1607), fol. 353b.

⁷² Of course, individual Christians, even ecclesiastics, may not always have approved of such latitude. The preacher, Berthold of Ratisbon recommended

but all such as have seen in censorship a necessary safeguard at least in emergency periods, would men be allowed to speak their minds so freely and in a way so clearly running counter to the established order and the interests of its dominant group.

Above all, despite the divergences between Judaism and Christianity there was a basic unity of thinking which converted all conflicts into a struggle between brethren rather than a war between strangers. Only in the light of such unity of thinking was it possible for the greatest masterminds of the Christian world to quote freely the views of Maimonides and other Jewish teachers.⁷³ Only such unity made it possible for Gabirol to write a philosophic work so interdenominational in character as to permit thereafter the mistaken notion that its author had been either a Muslim or a Christian. The Christians may have had little use and understanding for the minutiae of Jewish law,⁷⁴ just as the Jews may have completely lacked an appreciation of the mysteries of the trinitarian dogma. The basic outlook of all Europeans was so much determined by the common Judeo-Christian heritage as to relegate these differences into the realm

to his listeners to avoid religious disputations with Bible-expert Jews or else to settle the argument quickly by thrusting a "sword into a Jew's belly as far as it would go." Cited by G. G. Coulton in his *Ten Medieval Studies* (Cambridge, 1930), pp. 35, 120. A similar story of a Christian debater in Paris who made short shrift of the opposing unrestrained argument by killing his Jewish opponent is told with much gusto by a leading preacher, such as Caesarius of Heisterbach in one of his homilies. Cf. *Wundergeschichten*, ed. by Alfons Hilka (Bonn, 1933-37), I, 1212. But such extralegal incidents are no more proof of the official attitude than are, for example, sanguinary pre-election riots in America.

⁷³ A most glowing description of this unity of thought, coupled with an implied appeal for emulation today, may be found in Étienne Gilson's "Homage to Maimonides," in *Essays on Maimonides*, ed. by Baron, pp. 19-35.

⁷⁴ The utter misunderstanding, for instance, of the nature of the Jewish Sabbath, despite its basic acceptance by Christianity, was reflected in numerous folktales told and retold for the amusement of Christian audiences. According to one such incredible story, reflecting the crudity of medieval humor much more than Jewish attitudes, a Jew who had fallen into a sewer on a Saturday refused to be salvaged from it on his day of extreme rest, whereupon the prince (in one version it was the Count of Champagne) ordered that he be left there also during the following Sunday. Cf. Caesarius of Heisterbach, *Wundergeschichten*, I, 151 f. and the editor's note thereto.

of non-essentials, however much heat was spent on their discussion.

In conclusion, it may be stated that this presentation was not intended as a defense of the medieval civilization. Such defense would be doubly unwarranted; as the writer is not at all convinced of the historian's task to sit in judgment over previous generations. But it is well worth while to remember now, in this period of epochal transitions, that within the autonomous structure of a great era in human civilization, such as that of the Christian Middle Ages, the Jewish factor, in both its tangible elements and its imponderabilia, played a great role and has left on it (and indirectly on western civilization today) the indelible imprint of its remarkable historic career.