

JOSEL OF ROSHEIM

and

His Time

The Life of the Jews

during

The Reformation Period

in Germany

*Descriptive
of the Jews.*

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NOTE : Revue des Etudes Juives is abbreviated R.E.J.
Zeitschrift fuer Geschichte der Juden in Deutschland is abbreviated
Ztschr.

Appendixes marked with letters, e.g. Appendix A refer to those
at the end of the thesis.

Foreword.

A man's life is inso facto bound up with the age in which he lives. But this truth is more evident when that individual is connected with the politics of that age. Every sound of a gun, every smile or frown of a sovereign assumes gigantic importance. And especially was this so during the Middle Ages.

The Fifteenth Century was coming to a close when Josel ben Gershom was born. Into the maelstrom which was to convulse the entire world did he enter. With difficulty we follow his activities during the many revolutions precipitated during that age. And that was an age of revolutions- social, political, religious and commercial. The Peasant's War was a manifestation of the first, the Schmalkaldic War an evidence of the second, the Protestant Reformation the product of the third, the discovery of America and its attendant results on world economy the cause of the last. Miscarriages preceded the birth of Modern Europe: revolutions preceded its evolution. But through the travail and labours of birth which so disturbed the world, Josel strove to maintain, if not to improve the conditions of his fellow Jews, who, even when the world was stable, trod an uneasy path.

Josel's life carries us into all the struggles of the first half of the Sixteenth Century. As each one in its turn threatened Jewish continuance and even existence, Josel's activities became evident. Addressing the leaders of the Peasant Army, refuting Margarita and Butzer, pleading before the Emperor, nobility and city councils, his activities were numerous.

Yet of him we know little beyond the facts which patient research has revealed in the documents contained in the archives and those matters which he himself recorded in his "Memoirs". The most exhaustive work has been done by Feilchenfeld: Rabinowitz has taken over much of his findings. By these, the earlier works of Speid, Loeb and Carmoly have been superseded. The fan-

ciful legends incorporated in Lehmann's novel are interesting even though unauthentic. The intercessor's "Memoirs", two statements attributed to him in 'Yossif Omet', the few fragments of his manuscript books which have been published and the results of search in the archives supply us with contemporary material.

No originality is claimed either in material or in method. The work of scholars has been investigated and their findings recorded. The benefits accruing from the study are not to be found within this thesis but are to be numbered among the intangibles that aid us.

CHAPTER ONE

It is no infrequent occurrence in Jewish history that the origins of an outstanding character are not known. And so with Rabbi Josel of Rosheim.¹ The reconstruction of the early period of his life is mostly conjecture, open to criticism and not at all definite. Tradition and fact are intertwined in a bewildering fashion.

The family of Loans² into which Josel was born was descended on the maternal side from the family of Rashi and thus, also, from the Luria family,³ and on his father's side he was descended of a family living in the district of Franche Comte learned in the Torah.⁴ It seems that in the year of the general and final expulsion from France (1395) the Loans family forsook France and journeyed to Switzerland, to the small city of Endingen, near Zürich.⁵ This was about 1399. About fifty years later we find one of the Loans family, Rabbi Jacob son of Rabbi Yechiel, physician to Frederick III (reigned 1440-1493) who liked him and knighted him. For many years he held this post and even after Frederick's death he was still retained by Maximilian I.⁶ That he was the one who taught Reuchlin Hebrew need only be mentioned here.⁷ The hypothesis is nearly certain that through Rabbi Jacob Loans his relative Rabbi Josel ben Gershom of Rosheim also became one of the courtiers of Maximilian and the greatest shtadlan in Israel.⁸

For about eighty years the Loans family lived peacefully in their new home in Endingen and experienced no hardship until the winter of 1470 when the passion of the community, aroused by a charge of murder, fell upon it. A murdered man was found in their cemetery and his murderer was not known. Hence, the community imprisoned three Jews, brothers, of the Loans family, Marklein, Elijah and Abarlein⁹ and accused them of having

killed the Christian, placed his blood in bottles and sent them to Frankfort and Pforzheim. Because of the severity of their punishment, the brothers admitted that they had murdered the man and done with his blood as their accusers charged. In addition, four Jews were seized in Pforzheim and the seven were ordered to be burned alive. One of those who were taken to be killed was Rabbi Gershom Loans, father of Josel; but he successfully escaped and saved himself¹⁰ and in 1477 we find him with his family in Obernai.¹¹

This occurrence is the first which Josel mentions in his "Memoirs", and thus he records it;

"And it happened in 1470-1471 that the persecutors of Emdingen caused their evil to fall upon three beloved brothers of my master and father (may his memory be for blessing!). They were arrested one at a time. My father barely escaped with his life. The enemies came to torture them with every kind of punishment until they were forced to confess lies concerning the scamp who was found in the cemetery. They were burnt for the sanctification of God's name, may He be blessed! The martyrs of Pforzheim were also burnt for the same deed. And the brother of my father-in-law was condemned to the wheel¹² in Haguenau at the same time. May their souls be bound up etc. Amen."¹³

We do not know the exact year of Josel's birth but from the "Memoirs" we know that after the tragic incident in Emdingen Rabbi Gershom moved to Obernai in Alsace.¹⁴ Yet even before the birth of Josel, many troubles and hardships overtook the Loans family. At that time René, prince of Lorraine and Charles the Bold, Duke of Burgundy, warred against each other. Within the French army were to be found Swiss mercenaries who, while returning from France to their own country, intended to pillage all the

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See 1.2.3
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memoirs
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Jews in Alsace and to take their wealth from them. Thus, in 1476-7, were many communities laid waste in Alsace; Schlettstadt, Bergheim, Ammersweiler, Turkheim, Ensisheim, Mulhouse, Kayzersberg and Colmar. But again Rabbi Gershom was able to save his life and that of his family by fleeing from Obernai. The details of the troubles in Alsace at this time are found in the second item of Josel's "Memoirs" which is here inserted.

"In 1476 a harsh decree was issued against the Alsatian Jews which is found in a translation which I made of a prayer which I came across in the community of Warzburg. And this is how it reads:

"In the year 1476, in the month of Tammuz, during the week when the section "Law of the Torah" is read, a priest came to me from the community of Colmar and showed me this letter and told me how it had come into his hands at the time when the Duke of Burgundy (Charles the Bold) laid siege to the Duke of Lorraine and also Alsace was joined with them in this alliance. The Swiss in the pay of the Duke of Lorraine made an agreement not to permit any Jews to dwell in that country or in Alsace. In their going to war against the Duke of Burgundy, in all the cities where the enemies of the Jews could act, some of the Jews were killed, some were forced to convert, some were plundered and spoiled; and they took what they found. I bought the book from that priest for eight l'vanim (?) and three profane books. Whoever comes and says that this book is his and gives me proof, I will return this book to him, says Jacob b. Rabbi Isaac of Nuremberg, parnas of the community of Wurzburg'.

"And I [Josel] was there [in Wurzburg] from Sunday, the third of Shevat until Monday the third of Adar, 1544, concerning the troubles brought about by a blood accusation when a boy was found drowned in the

Letter written by Josel
in 1544
Sept. 11. 518.

river and it was said 'The Jews drowned him'. And I found in the book which was written by a man from Nuremberg on the top of a certain page...

And when I came there I thought it proper to write as a memorial that which I heard from my father, and my mother. They, with their friends and children, left the city of Obernai and, joining with the inhabitants of the country, they journeyed and fled for their lives to two fortified places, Barr and Luetzelstein, where they were forced to remain a whole year, hungry and thirsty. In the cities of Schlettstadt, Bergheim, Kayserberg, Kestenhölz, Ammersweiler, Türkheim, Colmar and Ensisheim, wherever the Jews were found, the oppressors killed both young and old and drowned them in the river to force them to conversion. I received information from my father that forty-nine souls, men, rabbis, nasis, young men, boys and girls were martyred by sword, fire and water until their pure and holy souls departed. He said 'Six men were converted through compulsion. After that, according to reports and according to my own opinion, they were found worthy of returning to their father who is in Heaven, except one man whose name was Raphael who died in the city of Colmar. That man had held heretical views even as a Jew...This and another[evil befell us], since the decree was ordered in Tebeth and it was colder at that period than it had been for many years. Because of the severity and long period of cold, the Jews were not able to hide and conceal themselves in caves and pits and they fled to the houses of Türkheim and its environs. Their enemies came to hand them over to the executioners. There were eighty people there- men and women, girls and boys- and all of them prepared their souls for death and fell on their faces to seek mercy so that innocent blood should not be spilled. God (may He be blessed!) sent His aid and His messenger before them so that the captain, the head of the troops, was merciful to them and

And when I came there I thought it proper to write as a memorial that which I heard from my father, and my mother.

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said: 'If you bring eight hundred pieces of gold by to-morrow before noon, that will be ransom for them'; that is, ten pieces of gold for each one. But there was ~~only~~ ²⁰ ~~only~~ one good Jew to be found in this whole district and his name was Judah Bamis who lived in the city of Mulhouse- for the rest of the Jews had been killed or dispersed. Some of them had fled, some had been killed or drowned; and all their wealth was taken as spoil. When the report came to that good man in Mulhouse, he rent his garments, sat on the earth and wore sackclothe and put ashes on his head; both he and his household. Then he took all he could find on that day and night and sent his servant Mordecai with the sum of eight hundred pieces of gold as their ransom. But the messenger was not able to reach them before noon, the time agreed upon. All of them were led, bound one to the other, with one cord; rabbis, parnassim, women, boys and girls. They first took a man named Benet and they rent his clothes intending to cut off his head; and with him was the eminent Rabbi Zadok. Then all of them fell on their knees to pray to God and they bared their necks for slaughter. At the moment when the executioner bared his sword to cut off the heads one after the other, the servant arrived, calling in a loud voice, "Don't put your hands against the Jews! Is not the money for the prisoners in my hands?" Then the leaders took the eight hundred pieces of gold and sent the Jews in peace to the house of Rabbi Judah Bamis. That man Benet who had seen the sword bared over his head was dumb for more than half a year because of the shock. But after that he recovered. The man who had redeemed and saved them rejoiced with them in his house until the mobs had dispersed. All of the progeny of that man Bamis inherited wealth and honor. The son of my sister, Isaac ben Rabbi Yehiel Bamis was also a descendant of his and he was a

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poor man. And because he (Rabbi Judah Bamis) had exposed his life and his wealth to save lives, he ^{is} worthy to eat the fruit in this world while the stock remains for him and for his children after him in the world to come. There is not sufficient room here to write one tenth of how the Lord (may He be blessed !) did mercifully with those who had escaped from the midst of that persecution, to save many families and men of renown. Blessed be God that he saved my father and my mother, with out friends and relatives and the rest of the men and women, young men and small boys. And because of the martyrs, God sent His revenge against the Swiss many times...to avenge the blood of His servants which was spilt".

These are Josel's reminiscences of his youth in his home. These are reports which he noted and believed implicitly. We can deduce from them that at the time of these happenings (1476-1477) he was not yet born for when he gives thanks and praise to God for saving his father, his mother²¹ and the others, he does not include himself. Where his father went after this horrifying event we do not know for certain, just as we do not know the date of Josel's birth. At any rate we can decide definitely that he was born between 1478 and 1480.²² We have seen that it could not have been much before that date and from various sources we deduce the other.

²³
In the third paragraph of his "Memoirs" we read:

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"From 1503-to 1504-5 many people fought in the name of our Lord Emperor Maximilian against the Duke of Heidelberg until they reduced him. In that violent act they plundered everything that I had in the house²⁴ with its furnishings, more than four hundred florinsBut the Lord became my support and the provider of my household".

From this we see that in the years of these happenings (1503-5) he

had already built a house, furnished it and had children. If this is so, then he was between twenty and twenty-five years old, and thus he was²⁵ born between 1478 and 1480.

Also, in the letter of complaint which he wrote to the Council in²⁶ Haguenu sine dato, but about 1554, he says that "for fifty years I have now been aiding the Jews". Hence, when he began in 1504 he could not have²⁷ been much less than twenty-six. But this, with the note from the "Memoirs", are all we have throwing light on the year of his birth.

About his early education we also know nothing with certainty, ex-²⁸ cept that his father died while he was yet a lad. According to Lehmann,²⁹ Scheid,³⁰ Loeb,³¹ Rabbinowitz,³² and Carmoly³³ Josel was quite a scholar. Lehmann states that Rabbi Eliyahu Loans, in his commentary to the Zohar, Adereth Eliyahu, says that Josel received instruction from his³³ own father, Rabbi Gershom in secular and religious matters. One need only refer to Josel's "Memoirs", item 6, and read,

"And I have seen my uncle in my youth in Haguenu; when I was six years old I was with him and with my pious uncle Rabbi Elia, who went to the holy city of Jerusalem and wished to take me with him; there my father died" to disprove this.

Rabbinowitz has carried over the error in translation made by Scheid³⁴ and Loeb, as Stern³⁵ so cleverly shows. They had translated "lambdens" as [775], the first referring to him as a "talmudiste" and the latter as "et un bon talmudiste", instead of reading it "eins guten laumdens", that is "eines guten leumunds"- a good reputation. Rabbinowitz's statement that Josel was "one of the honored ones of the Beth Hamidrash and....stud-³⁶ied much in the books of the oral and written law" seems to be based on

one of the diligent students of the Beth Hamidrash.

Handwritten: -8- ... mentioning ...
the same error.

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Although Carmoly gives Rosheim as Josel's birthplace, he was not born there. Proof of this is to be found in the letter of complaint of the Jews of Haguenau against the city of Obernai in 1522³⁸ in which it speaks of Josel "jetzunt zu Rossen gesessen", showing that he was not there previously. Stronger proof is to be found in the letter of Josel to the Council of Haguenau in 1554³⁹ in which he says "For the past forty years I have dwelt in Rosheim". This, with other proofs, show him to have been settled in Rosheim since about 1516. Nor was he born in Obernai for, as we have said, the Jews were expelled from there in 1477 and were not permitted to return until 1500. It is therefore conjectured by Feilchenfeld that he may have been born in⁴⁰ Mittelbergheim.

According to our supposition, Josel settled in Rosheim about 1516 after he had married and had established a home. Rosheim is a little city in the country of Lower Alsace in the district of Muelheim, at the foot of the Vosges Mts. And there he did his first work for his people as shtadlan and patron. A plausible hypothesis is that it was then that he acquired his knowledge of secular matters for he was not very learned nor was he a master of scientific subjects. But he was versed in a knowledge of the various customs of Germany. One of the contemporary historians, whose name we do not know, testifies that:

"Rabbi Joselmann was the leader of the communities of Israel in all the Germanic countries. He gathered and collected all that pertained to the life of the Jews in all sections of the Diaspora. And the custom of this man at all times, whether at home or on his travels, was to write down on sheets of parchment everything that he interpreted in the Torah in a new way. He wrote on them everything that he would find in books- historical matters, biogra-

phies of Jewish scholars- and these sheafs began to amount to quite a collection.⁴¹"

This evidence is now preserved in scattered manuscripts which have been rescued from oblivion and which are found in the Bodleian Library of Oxford and are remnants of his books "Sepher HaMikneh" and "Derek HaKodesh" the contents of which will be discussed in the course of the book.

His wisdom is furthermore shown in political matters and in his ability to approach the rulers. In many documents and letters which are found in the archives of the kingdoms of southern Germany evidence is given that he found grace and favor in the eyes of the three emperors during whose reigns he lived and labored and with the various dukes and noblemen with whom he came in contact in his effort to improve the Jewish condition. His piety and his attachment to Judaism we can understand from some words of his which are quoted in⁴² "Yossif Ometz", words which give us an insight into his devotion:

"The great shtadlan, Rabbi Joselmann Rosheim wrote, 'He who has the merit by inner stimulation to take upon himself the kingdom of heaven wholeheartedly, if you wish to achieve that, your heart must turn away from your business at least a little while, at least for the phrase Sh'ma Yisrael. This you should do time after time until the concentration comes readily at all times. You should direct your heart heavenward everytime you awaken at night⁴³ and you will find grace and mercy in the eyes of God and man'".

To a greater degree can this piety be seen in this pious man who surrenders his life for the sanctification of the name of his God in the prayer which he composed and said during the time of persecution according to the following form:

"He who stretches forth his throat to be slain as a martyr should say the prayer 'My God, the soul which Thou hast given me' with a short confession

of sins. Then he should make a blessing with Shem u'malchus as for all other commandments, ending up with al mitzvas Kiddush Hashem and then he goes over to the specific instance in the following:

ברוך אתה " אלהינו מלך העולם אשר קדשנו במצותיו וצונו לאהוב
את השם הנכבד והנורא שהיה אלהינו לעתיד להיות בכל לבבנו ובכל
נפשנו ולקדש שמו ברבים: ברוך אתה " מקדש שמך ברבים

Then afterwards he who is about to die a martyr's death should read the verses:
Sh'ma Yisrael, and when he comes to the word Echod he should give up his life
for the sanctification of His name, blessed be He, and his soul will be
gathered into the bonds of life, Amen, Selah".
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NOTES TO CHAPTER ONE

1. His name is spelt in different fashions. See Isidore Loeb, Rabbi Joselmann de Rosheim, R.E.J. V, p. 94.
2. Louhans was located in Franche Comte. See H. Graetz, Divrai Y'mai Yisroel translated by Saul Pinchas Rabbino-witz (Warsaw, 1908) vol. VII, p. 46. See also Henri Gross, Gallia Judaica (Paris 1897) pp. 272-3.
3. Saul Pinchas Rabbino-witz, Rabbi Yosef Ish Rosheim (Warsaw, 1914) p. 15 note 1.
4. Graetz, op. cit. VII, p. 46.
5. Ibid. Loeb, Rabbi Joselmann de Rosheim, R.E.J. II, p. 272.
6. Graetz, op. cit. VII, p.45. Elie Scheid, Histoire de Rabbi Joselmann de Rosheim [Extraite de la Revue des Etudes Juives] (Paris, 1886) p.3.
7. Graetz, op. cit. VII, p.76. Gross, op. cit. p. 273.
8. Graetz, op. cit. VII, pp. 45, 47, 76 and notes.
9. Ludwig Feilchenfeld, Rabbi Josel von Rosheim, Ein Beitrag zur Geschichte der Juden in Deutschland in Reformationszeitalter (Strassburg, 1898) p. 5 reads Mercklin, Helya and Eberlin.
10. Ibid. p.5. Ludwig Geiger, Die Juden und die Deutsche Literatur in his Ztschr. II p.358.
11. Variants of this are Oberehnheim, Ueberenheim. I have chosen the simplest.
12. This reading is according to Isidore Kracauer, Rabbi Joselmann de Rosheim, R.E.J. XVI p. 85. Rabbino-witz, op. cit. p. 18 does not translate it.
13. Josel's "Memoirs" have been edited by Kracauer in his above-mentioned article. This, of course, is Item I.
14. Feilchenfeld, op. cit. p.6
15. Ibid. Graetz, op. cit. VII, p.46. Johannes Janssen, History of the German People at the Close of the Middle Ages (St. Louis, 1896-1903 6 vols.) translated by M.A. Mitchell and A.M. Christie II p.191. Louis XI of France had made a contract with the Swiss by which for a stated sum he could rely upon a certain supply of auxiliary troops.
16. Elie Scheid, Histoire des Juifs D'Alsace (Paris 1882) p. 74ff.

- 16.(continued) Ernest Belfort Bax, German Society at the Close of the Middle Ages (New York, 1894) pp. 158-9."A contemporary writer (Sebastian Franck, Chronica, CCXVII) describes them...and stigmatizes them as "unChristian, God-forsaken folk, whose hand is ever ready in striking stabbing, robbing burning, slaying, gaming, who delight in wine-bibbing, whoring, blaspheming and in the making of widows and orphans".
17. Scheid, Histoire, p. 74ff. Feilchenfeld, Josel, p.6
18. Krakauer, R.E.J.XVI, p.95 explains the date as between the fourth and tenth of Tammuz, that is, the fifteenth to twenty-first of June.
19. Ibid. The corresponding dates are from December to January.
20. Rabbinoitz, Yosef, p.20 note 1 suggests reading 'Bonus'.
21. Ibid. p.21
22. Feilchenfeld, op. cit. p.7; Scheid, Joselmann, p.3
23. Krakauer, R.E.J.XVI, p.96.
24. This reading is according to Krakauer, op. cit. Rabbinoitz, op. cit. p.21 reads 'four hundred' only. Florins and gulden are used interchangeably.
25. Rabbinoitz, op. cit. p.21
26. Feilchenfeld, Appendix XXX; Appendix R.
27. Eliakim Carmoly, La France Israelite (Frankfort, 1858) p. 132. Feilchenfeld, op. cit. p.7
28. Marcus Lehmann, Rabbi Joselmann von Rosheim (Frankfort, 1925) two volumes; I, p.8.
29. Scheid, Histoire, p.381.
30. Loeb, R.E.J. V, p.101
31. Rabbinoitz, op. cit. p.22
32. Carmoly, La France Isr. p.131.
33. Ibid.
34. M. Stern, Joselmann von Rosheim und Seine Nachkommen in Ztschr. III, p.65 note 1.
35. See Appendix J line 3.

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36. Yosef, p.22
37. La France Isr. p. 131. Loeb, too, R.E.J. II p. 272 repeats the error.
38. Feilchenfeld, Appendix II.
39. Ibid. Appendix XXX; Appendix R.
40. Feilchenfeld, Josel, p.9
41. Rabbinowitz, Yosef, p. 22 reports this.
42. Sefer Yossif Ometz by Joseph Juspa Hahn^{Nordlingen} (Frankfort, 1928)
43. Notice 18, p.5.
44. Notice 483., pp. 101-2. Both are abridged

CHAPTER TWO

Most confusing, perhaps, of all the problems involved in the study of the great shtadlan is the title which he uses at times, Befehlshaber and¹ Regierer of the Jewish Nation. When did he receive this title? From whom did he receive it?—these and similar questions have perplexed the scholars who dealt with it.

² According to Carmoly, Josel was appointed to the position of Befehls-³haber of the Jews by Emperor Maximilian in 1502. Scheid⁴ sets the date at 1503 when Maximilian visited Strasbourg and there named Josel as "Parnos umanhick" of the Jews of the Empire. Lehman,⁵ on the other hand, says that⁶ in the "Memoirs" of Josel it is reported in the year 1510. Loeb, more conservative,⁷ states that "it is difficult to say under what circumstances Emperor Maximilian I named him [Josel] Befehlshaber and Regierer of the Jews in Germany".

However, the evidence upon which these conjectures are made is neither substantial nor conclusive. In his "Memoirs", which contains material up to 1547, Josel does not mention this appointment at all which he would not have failed to do had it been given by Maximilian. But more important are the deductions to be made from the facts of the lawsuit brought against Josel by⁷ Wolfgang Weidner, a magistrate and an imperial treasury agent in Speyer. Josel, it appears, had taken to himself the title of "Befehlshaber and Regierer" and Weidner denounced him for this, accusing him of wishing to assign⁸ to himself an honor almost regal. The authorities demanded that he be severely punished for allowing himself to be called "Regierer" and to sign his signature with that title which might mislead the people into believing that he had something in common with the king. The Emperor Charles V himself⁹ wrote to him and ordered him to go to Speyer or to send a representative.

The summons was delivered to Josel on July 5, 1535¹⁰ and he hastened to take measures for his defence. Two days later he sent his proxy to Christopher Hos,¹¹ a lawyer and an imperial agent in Spire,¹² empowering him to represent and defend him since he could not take care of it himself.¹³ Thus, on the day of the trial, Hos addressed a plea to the imperial court in favor of Josel,¹³ stating that the use of the title "Regierer" had never been meant by his client to take a meaning harmful or humiliating to royalty but that he had made use of it simply because the title of "Parnas and Manhig" which all the Jews had bestowed upon him could not be translated into German in any other fashion than by this word. Moreover, there were many examples where the word "Regierer" had been used without any intention of harming royalty. Thus one said "Sola pecunia regnat" and this was translated into good German as "Das Geld regiert die Welt". In addition to this, Hos said that others had thus addressed Josel and that if they wished to punish his client or to take his title away from him, that would weaken Josel's position among his coreligionists so that he would no longer have the power over them which the Emperor wished him to have.

Yet, in spite of the eloquence and ability of his lawyer, Josel was found guilty, forced to abandon the title "Regierer" and had to pay all the expenses of the trial.¹⁴

¹⁵ As Kraßauer asserts, had Josel really received the title of "Befehlshaber and Regierer" from Maximilian I or from Charles V, he could easily have refuted the accusation and won his case by producing the decree which had given him that title. He could not do so, we conjecture, because the appointment had never been made officially and thus he had to justify himself that he had simply translated into German, without any ulterior motive, the

Hebrew title of "Parnas and Manhig" which his fellow Jews had given him.

Much later (1545, 1547, 1548) we find that Charles V calls him "Refehlshaber" but we do not know whether he gave him this title officially.

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Yet it is not impossible that Josel held a position comparable to a "government" rabbi. The office of that nature first appeared during the early part of the fifteenth century. Emperor Ruprecht of the Pfalz was the first of the Christian rulers in middle Europe to create this particular type of rabbinate and he appointed a certain Rabbi Israel to be leader of all the Jews in the German Empire. A few years after that, in 1435, the nobleman Conrad of Weinsberg, at the behest of Emperor Sigismund, appointed the Jew Anselm of Koeln to be chief rabbi of the German Jews. But the office of government rabbi was unimportant. The German Jews at that time were meticulous in religious matters and would not tolerate strangers who interfered in their religious matters. And they thus regarded the appointment of a government rabbi as an encroachment on their rights, and refused to accept his authority. In addition, such objections left room for criticism and quarreling against those who accepted the authority by royal appointment, thereby enabling such characters to tread upon the Jewish people. In the very time in which Josel lived we see an example of that kind in the new Jewish communities in Poland and Lithuania. The two government rabbis appointed by Emperor Sigismund I, Abraham of Bohemia over the congregations in Poland and Michael Joseffovitch of Brisk over the Lithuanian communities, held their offices a short time. Many complained against the latter that he did not follow tradition and the Torah closely causing this rabbinate, as a consequence, to be abolished.

There is one bit of evidence pointing to the fact that Josel was
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appointed by the government as leader of all the German Jews, and that

document dates from 1533. In any case, he ultimately became one of the
rabbis and judges in Alsace²⁵ as well as a representative to the court.²⁶

We can accept Krakauer's more cautious statement that his fellow Jews gave
Josel the honorary title of "Parnas umanhig" and that he, in translating it
into the German, gave himself the title of "Regierer oder Befehlshaber der
gemeinen Juedischeit"²⁷, and let the matter rest there.

The Jewish people in southern Germany recognized his authority as
rabbi and judge and they were early in recognizing that he was worthy of
being their intercessor and patron in times of trouble and political up=
heaval. Throughout the entire time that he tendered his services to the com=
munity he was not supported by the public. From the few facts which we have
concerning his early life, it is known that he dwelt among the people and
made his living through money lending.²⁸ Thus we read in his "Memoirs":²⁹

"In the years 1503-5 many people made war in behalf of our Lord Maximilian
against the Duke of Heidelberg until the latter was subdued. During that
period they robbed and plundered from me all that I had as pledges and
furniture to the value of more than four hundred florins".³⁰ Other documents³¹
substantiate this.

There is almost no doubt, therefore, that during that period of 1503-5
the intercessory activities of Josel had already begun in the courts of his
fatherland, Lower Alsace.³² Particularly, as is apparent from his own words,
he knew how to work into the good graces of the military leaders of the
Swiss, mercenaries in the employ of the German Emperor in his war with the
Duke of Kourpfalz (or of Heidelberg as Josel called him), and could deal
with them in ransoming Jewish prisoners.³³ Yet the Jewish communities had
not yet decided to accept their intercessor as their rabbi, for he was still
a young man and had not yet been elected to office by the congregations.

Thus the matter dragged until 1510 and only in that year did his activities as representative of the Jews of southern Germany begin, as is mentioned in his "Memoirs":³⁴

leads
"In 1510 I was elected in conjunction with the scholar Rabbi Zadok and other men to keep an eye in detailed supervision on the congregation, to lead them. It was during that year that trouble befell us. The troubles broke out in the country of Mark (either Brandenburg or Prussia) and thirty-eight pious God fearing souls were burnt in Berlin".

Spandau
The horrifying happening which Josel mentions is the first reference recorded by Jewish history concerning the Jews in Brandenburg and in the kingdom of Prussia in general. The details of the story are that a Christian of Pomerania had stolen the holy vessels of the Catholic cathedral and was caught with the booty. Although the stolen things were recovered, the holy bread was still missing. They tortured the thief with inhuman brutality to force him to confess what he had done with it. He then said that he had sold it for a high price to the Jews who dwelt in the cities of Spandau, Brandenburg and Stendal. All the accused were brought to Berlin and to the accusation of the desecration of the host was added the charge of ritual murder since the corpse of a Christian child had been found the slayer of whom was unknown. The prisoners were punished with fearful tortures but they bore their suffering with fortitude and would not confess to the sins which they had not committed. All but two who accepted baptism and lightened their punishment to decapitation by the sword were sentenced to be burnt alive on Friday and Saturday, the twelfth and thirteenth of Ab, 1510. The funeral pyre was set in the center of Berlin, near the Reichstag, where Luther's statue stands to-day. One of the religious fanatics of that day, Eck, tells us with con-

siderable interest, in a scandal sheet which he edited, how the Jews rejoiced when they heard their judgment, how they mounted the funeral pyre with joy, with the psalms of David on their lips, and bore their martyrdom with courage and strength.

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We have repeated this story because of the knowledge which it throws on the item from Josel's "Memoirs". There Josel tells us of two incidents: his election as one of the supervisors over the congregation in 1510 together with the terrible happening in Berlin. This gives us reason to believe that the news of the persecution which took place in northern Germany frightened and agitated the communities of the south. To add to their troubles, one of the fanatic priests published in Basel, near Alsace, a despicable book setting forth the facts of the occurrence in Berlin with the hope of arousing in the hearts of the common people zeal for their religion. It then became apparent to the communities in Alsace that it was imperative that an intercessor be chosen from among them to represent them. Since Josel had already achieved fame and had acquired standing before the powers, he was chosen as the Manhig and Parnas of Lower Alsace. And secondly, the story has been repeated for Josel remembered it and through it aided the Jews since thirty years after the event he was able to clearly prove the innocence of those who had been illegally condemned to death.

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However, in all these events which are mentioned by Josel himself and found in other sources, there remain many lacunae in the continuation of his activities. Amongst these doubtful instances may be reckoned his relationship with Emperor Maximilian I. How did that relationship arise and how did this intimacy develop between the Jew, one of the judges in a little town in Alsace and the Holy Roman Emperor develop? When did this significant

*assumed
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occurrence take place ? And what were the services which Josel rendered to the government in general in recognition of which the Emperor honored him ? 39

The answer to these questions can be made only through conjecture, in which a sketch of Maximilian's biography will aid us. He was the last of the medieval emperors of the Holy Roman Empire, the history of his grandson and heir, Charles V, being already ascribed to the beginning of the modern era. Maximilian was the last of the mighty knights, exceedingly ambitious. He made preparations to attack the Turks who at that time had spread into Europe, hoping to restore the Greek Byzantine Empire to its pristine glory and to sit on the throne of Constantine I, the first of the Holy Roman Emper-
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ors. He was also the first of the European monarchs to negotiate with the
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rulers of Moscow and he sent ambassadors to Tsar Ivan, the son of Vasil whom he hoped to convert, with his people, to the Roman Catholic Church. He even
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aspired to the papacy after the death of Pope Julius II. However, he accomplished little for he lacked the strength and the courage necessary for them. Emotionally, he very readily became excited over what he heard and saw and his courtiers used this weakness for their own benefit. But by the same token, their influence was neither strong nor lasting for from time to time others found ways and means to reach him and to influence him so that he changed his mind. These qualities of a changeling we can observe in his relationship with the Jews. During the first years of his reign he set himself to fulfill the wish of his father, Emperor Frederick III, a genuine friend of the Jews, who
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had asked him before he died to protect the Jews against their many enemies. But within a very short time, Maximilian joined the ranks of their oppressors and in return for monetary gifts acceded to the requests of the natives of the cities of southern Germany and the workmen's guilds for permission to

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expel the Jews. During his life charges of ritual murder increased as well
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as accusations regarding the desecration of the host. In his attempt to
show himself a true believer, he listened to every charge brought against the
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Jews and believed them. And because of this it was comparatively easy to
effect the expulsion of the Jews from Nuremberg and from the provinces of
Steiermarck, Corinthia, and finally even ^{from} in Regensburg. 47

But most of these events occurred in the first ten years of his reign.
During the latter part of his reign, from 1510 on, we see him inclined toward
kindness, though his vacillating habits still continued. From this we may con-
clude that his benevolent attitude toward the Jews during the second half of
his reign was brought about by the influence exerted over him by Josel, al-
though it must be admitted that even this influence was not always sufficient.
What this influence was, how it was exerted we can only conjecture.

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The "Document of Right and Authority" which Charles V gave to Josel
in February 1548, declared to Josel's family and descendants in perpetuity
the right to a freehold in Germany, that is, that they could do business in
any part of Germany and settle wherever it suited them best without anyone hav-
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ing the right to complain. In that document Charles V states:

"Be it hereby known that our Jew, Josel of Rosheim, the leader of all the
Jews, has long since been in possession of the rights of freedom to travel any
place in the kingdom of southern Germany and to carry on commerce without hin-
drance, he, his wife, his sons and daughters after him, and all his family,
by the authority of the document of rights which he has in his possession from
our grandfather Maximilian I. After his [Maximilian's] death, the rights and
privileges were further approved by our beloved brother [Ferdinand I who was
then ruler of Alsace and Lorraine as well as being king of Hungary, and after

ward became Emperor of Germany]...."

Many such statements which Charles V set forth in this document which he gave to Josel refer constantly to the kindness of his grandfather, Maximilian to the Jew Josel. And like his grandfather before him, finding the heart of the Jew faithful and steadfast, he agrees to give Josel the document of free-
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dom and protection. Charles further relates that Maximilian and all the nobility of Alsace were unstinting in their praise for all the favors which Josel did for the Emperor and for the royal family. Specifically, Charles tells us:

"Whenever we saw him, he was constantly interceding diligently and was the righteous truthful pleader for his brethren in the royal circles [or council chambers]. Despite his intentness in seeking the good of his coreligionists, he at the same time was of great help to us at the time of our last war with France. He supplied our army with food and money and other necessities of war...."
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From this we must conclude that the most important reason which brought about the relationship between Josel and Emperor Maximilian was the support which he extended to the Emperor's army in Alsace when it was encamped against the Swiss and the French. Yet to what extent that friendship reached, what further concrete appearance it took we do not know but that some relationship, and not an ordinary one, did exist is certain.

It is also clear that contrary to the opinion of some historians who
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attributed to Josel great deeds particularly in the fight against Pfefferkorn and the priests in their alignment against Reuchlin and the Talmud, there is
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more truth in the opinions of more modern historians, such as Krakauer and
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Feilchenfeld, who question this. From all the incidents of that quarrel
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there is nothing to prove that Josel was prominent in defence or that he was
outstanding is his intervention, or that he even took part in it. In his

"Memoirs" he says:

"There also arose enemies and adversaries among our people [Pfefferkorn and perhaps he also includes Margarita] to destroy the written law [it should read 'the oral law']. But God (blessed be He!) showed us ^{within} a miracle ~~of~~ miracles that, through the Christian scholars Reuchlin and his friends, the Torah was saved. And the ^{Jews} city of Frankfort extended itself to the limit with life and substance to underwrite the expense of this conflict and they saved us from the evil designs of Haman [Pfefferkorn]".

A more explicit and detailed account is found in his "Mikneh" which is in manuscript:

"See what happened to this wicked man who is known as a 'trefer^{ah} butcher' (May his name be blotted out!)[This refers to Pfefferkorn who, while a Jew, was a butcher]. He slandered both individuals and the Jewish community; and then he quarreled with some good men, slandering them to bring trouble upon all Israel. He wished to destroy the whole oral law and all the holy books. But God performed miracles. He sent a good man, Reuchlin, to overcome him in disputation before the bishop (Uriel of Mainz) [proving] that it was not right to ban the Talmud and the holy books. Our enemy was humiliated and the Jews rejoiced".

Other factors, too, show Josel's ~~lack of influence~~ in this early period. In 1507 the Emperor Maximilian, weary of hearing the same pleas from the inhabitants of Obernai, granted them the desired privilege of expelling the Jews and refusing them dwelling there even temporarily. And in December 1510 he decreed that, having listened to the councillors of that city who thought it would aid them were the Jews expelled, the Jews might be driven out of Colmar and never again be readmitted. And again, Josel, himself, could not escape slander and was himself arrested on a charge of ritual murder and

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imprisoned, as is told in his "Memoirs":

*CS 711
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Jews* "In 1514 some Jews of Mittelberg, ^{heim} and I among them, were arrested on the libelous charge of a 'mamzer'. They imprisoned eight of us in a dungeon until our innocence was proven. For the decree was revoked as in error and declared the truth that we were innocent. Praised be God who has not forsaken His mercies!"

Yet, beginning with the year 1515, we begin to see his definite work on behalf of the Jews of his country, Alsace. It is then that his intercessory work begins as we note from his "Memoirs":

61

"In 1515 I was sent to the Lord, the Emperor, with a complaint against the city of Enheim, the counts of Andlaw and the bishop [of Strassburg] because of their intention of expelling the Jews from Alsace. And because of that I had to go there two or three times. But the matter ended when a great fear and trembling fell upon all the nations in the (?) for they were called to come and defend themselves against the complaint which I brought against the city of Enheim. The bishop and the counts of Andlaw made a compromise with us but the city of Enheim...and did not appear before the Emperor on the date fixed for the trial".

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And in the immediate following years the influence of Josel with the Emperor and the princes is discernible in the royal letters which were issued to the Archbishop and Elector of Mainz, Albert [for he held both offices] and to the barons and bishops who were in his court, to warn them that they should not carry out their design of exiling the Jews of that area. At the end of this chapter some statements of this letter will be used to show clearly that these letters were written through the influence of the Jewish intercessor. This letter was written a second time, in December 1516, but sent to other nobles. It is a royal decree containing privileges for all the Jewish communities in

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two persons

Alsace and contains warnings for the burgomasters of the cities that they should instruct the inhabitants not to harm, oppress or threaten the Jews with expulsion.

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The next item of Josel's "Memoirs" deals with the period immediately following the reign of Maximilian I. In it are mentioned the terrible persecution and exile from Regensburg in 1519, the year in which the Emperor died. 67 The banishment from Regensburg and the destruction of the old community, famed and praised from earlier times, form a dark chapter in the history of the Jews in Germany at that time. Throughout the Middle Ages the Jews had lived in comparative security in Regensburg even during the period of pogroms and slaughters which accompanied the Black Death. The burghers of Regensburg repeatedly stood by the Jews and protected them from the attacks of the priests and rulers. 68 But even as early as the reign of Frederick III, the father of Maximilian I, the attitude of the burghers of that city had changed from friendship to enmity. Those ten years in the period of 1475-1485 were given over to outbreaks because of a renewal of the charge of ritual murder, reawakened with the death of a three year old child, Simon of Trent, later canonized by the Catholic Church. 69 Not only were the Jews charged with his death but the fanatical bishop of Regensburg accused Rabbi Israel B'rona of having himself killed a seven year old child. The outbreaks continued in Regensburg several years until the Emperor punished the councillors of that city. But the hatred continued increasing and although the Emperor aided the Jews several times, their position was becoming worse.

After the death of Frederick III, the burghers again made representations before his son Maximilian, requesting that the Jews be expelled from their city. During his lifetime their wish was not granted but during the inter-

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regnum which followed his death they accomplished what royalty had denied them
and expelled the Jews. 70 Josel tells us about this expulsion and says: 71

"In 1519 Emperor Maximilian died [in January]. The Jewish community was expelled, robbed of all its possessions and sent on ships down the Danube River. A small number of the Auerbach family established themselves in the court of the Duke of Bavaria. At that time the burghers of Dangolsheim decided to expel the Jews who dwelt among them. Then, in the month of Adar, they expelled all the Jews from the village of Dangolsheim. Then, too, their wicked neighbors heard about it and learned from them to do similarly. But God counselled the heart of our magistrate and the governor of Strasbourg to listen to my plea when I came before him. I went with the governor to Dangolsheim to argue with them until they retracted their evil thought, and the argument of those interested in public peace that "they [the Jews] have disturbed the privileges and peace of the province". Thereupon they allowed the Jews to return. And afterwards the governor came with soldiers with a desire to punish them with the aid of the village of Dangolsheim (?). It appeared as if all the Jews in the

vicinity of the Rhine were in danger. But may God be blessed in that He did not forget His mercy."

Thus we can see, from the preceding data that Josel began to be interested in the communal affairs in all the countries and provinces of Germany. Especially during the last years of Emperor Maximilian was he very assiduous in his intercessory work, seeking not only the well being of his brethren in Alsace, the land of his birth, but interesting himself with the rest of the Jewish communities in other parts of Germany, along the Rhine and the upper stretches of the Danube. The last two imperial decrees of the Emperor in behalf of the Jews in Alsace and in defence of the Jewish communities in the Rhine

residence. They didn't listen & so He came with troops to force them to do so. The leaders (for most of them) of Thann also helped the Jews. Had not the Dangolsheim burghers compelled to respect Jew. rights of residence, the whole country of Alsace would have been in danger of expulsion.

district, as well as Josel's activity at the time of the expulsion from Regensburg, testify that even then the position of Josel in the Emperor's court had been established.

Worthy of further mention is the imperial decree which Maximilian sent to Albert of Mainz, which we have already noted. At that time Albert of Brandenburg was chosen as the archbishop of Mainz, adding that religious authority to that of his civil position as one of the electors who chose the emperor of Germany. When the priests and monks of southern Germany were scheming to excommunicate the Scholastics, Reuchlin and the Humanists, and to expel the Jews from the old German cities, the archbishop invited the priests and lay leaders to a meeting in Mainz after which he went before the Emperor and declared that all the classes of the German people, dukes, bishops and others, were unanimous in their desire to expel the Jews and refuse them permission to return to dwell in the kingdom at any time. Thus they wished to deprive the Jews of all rights. But while they were thus scheming, the leaders of the Jewish communities in southern Germany, sensing their danger, were aroused and sent Josel to the court of the Emperor. And through his influence with the Emperor, the ruler of Germany sent a forceful decree to the elector and to the dukes and bishops who were convened in Mainz not to disturb the equanimity of the Jews who were dwelling in Germany by reason of the privileges which they had obtained from the emperors of the Holy Roman Empire from time immemorial, adding that whoever harms them would be regarded as if he damaged the property of the Emperor himself. Thus their plan to expel the Jews was frustrated.

The friendship and kindness which Emperor Maximilian showed to Josel was maintained until the former's death and made the intercessor's family and progeny freemen in Germany. By it they were given permission to do business in

Germany, to dwell where they wished, and to be exempt from all payment of duty in their traveling from place to place. This decree, as we have mentioned, was affirmed and carried down for his children and grandchildren through Charles V and Ferdinand I.

The history of the intercessor and his work after the death of Maximilian, from the beginning of the reign of Emperor Charles V until its end, is comprised of many noble deeds in which he took active part in all the countries of Germany. From that time, in 1520, the year of Charles' coronation as emperor of the Holy Roman Empire, when Josel was about forty years old, until his death, his history is less conjecture and more fact.

NOTES TO CHAPTER TWO

1. e.g. Appendix M, end of document.
2. Carmoly, La France Isr., p.132
3. Joselmann, p.3
4. Quoting Item 5. See below p. 15
5. Lehmann, Rabbi Joselmann I, pp. 90-91.
6. R.E.J.II, p. 272
7. See Appendices C and D. Also Feilchenfeld, Josel, Appendices X-XIII.
8. Scheid, Joselmann, p.4
9. See Appendix C.
10. Scheid, Joselmann, p.5. But Feilchenfeld, op.cit., says July 6, 1535.
11. Also recorded as Hoss. See Feilchenfeld, op. cit. p.13 and appendices.
12. Ibid. p.13, His note three of that page calls Scheid's account [Histoire, p.89] that 'Joselin had an enormous amount of work to take care of at Strasbourg and in the vicinity, keeping the promise he had made to the magistrate; he could therefore not go in person before the judges and gave his power of attorney to the lawyer..'' fanciful.
13. See Appendix D.
14. Feilchenfeld, op. cit. pp. 12-16. Scheid, Joselmann, pp.4-6; his Histoire pp. 89-90.
15. Proces de Rabbi Joselmann Contre La Ville de Colmar, R.E.J. XIX, p.287.
16. See documents in R.E.J.XIX, pp. 286-9; 292-3.
17. Graetz, Divrai, VI, pp. 108-9 and notes.
18. Moritz Guedemann, Geschichte des Erziehungswesens und die Cultur der Juden in Deutschland waehrend des XIV. und XV. Jahrhunderts. (Vienna, 1888, three volumes) III, p.35f. Also Otto Stobbe, Die Juden in Deutschland waehrend des Mittelalters in Politischer, Socialer und Rechlicher Beziehung (Braunschweig, 1866) p.146.
19. Feilchenfeld, op. cit. p.12. Graetz, op. cit. VI, p. 109.
20. In 1407.

12

21. Guedemann, Geschichte des Erziehungswesens, III, p.36; Graetz, Divrai, VI, p.141 and notes
22. Guedemann, op. cit. III, p.37.
23. Graetz, op. cit. VII, p.12.
24. Feilchenfeld, Josel, p.127.
25. Rabbinowitz, Yosef, Appendix 'Beth'.
26. Feilchenfeld, op. cit. p.25. For his predecessors see Scheid, Histoire, pp. 85,86.
27. R.E.J. XIX, p. 286
28. See below.
29. Item 3.
30. I have not given the passage in its entirety. It concludes with the statement that there remained some credits and one hundred and one (or one hundred and forty) gulden. See Kracauer, R.E.J. XVI p.96.
31. See Feilchenfeld, op. cit. p. 10
32. Ibid. p.21; also his appendices XXIX and XXX; Appendix R.
33. Rabbinowitz, op. cit. p.27
34. Item 4. Feilchenfeld, op. cit. p.20 uses this as proof to show that Josel was leader only in the community of Lower Alsace.
35. Feilchenfeld, op. cit. p. 126; Geiger in Ztschr. I, p. 196. The entire story is told in Leopold Zunz, Die Synagogale Poesie des Mittelalters (Berlin, 1855) pp.53-54. Graetz, Divrai, p. 84 and notes. See also Items 5 and 22 of the "Memoirs".
36. See note 32.
37. Rabbinowitz, op. cit. p. 30.
38. See below pp. 82ff.
39. Rabbinowitz, op. cit. p.30, note 1 for his explanation.
40. Ivan III, the Great (1462-1505). I have erred in calling him Tsar for that title was not assumed until 1547 with Ivan IV [Carlton J.H.Hayes, A Political, and Social History of Modern Europe (N.Y., 1925, two volumes) I, p. 22 and note 2.]
41. Comptes, Revue de la France, II, pp. 200-262.
42. Lehmann, Revue de la France, I pp. 83-84, especially note 1.

40. Janssen, German People, II pp.200-262
42. Lehmann, Rabbi Joselmann, I pp. 83-84, especially note 1.
43. Ibid. I, p. 233 which, according to legend, was written as a letter from Ferdinand to Charles in behalf of the Jews. Graetz, Divrai, VII, 45. Cohen, Emek Habacha, p.903
44. Ibid. VII, pp. 47-52.
45. Ibid.
46. Ibid.
47. In addition to Graetz, see A. Neubauer's reproduction of fragments of Josel's "Sefer HaMikneh" which contain some of these expulsions, Israelitische Letterbode, VI (1880-1881) p.137ff.
48. Appendix Q.
49. Ibid.
50. Ibid.
51. Ibid.
52. Graetz, op. cit. VII, p.86ff; Lehmann, op. cit., I, p.91ff; Scheid, R.E.J. XIII p.248; L. Geiger in Ztschr. II, p.323.
53. R.E.J. XIX p.286
54. Josel, p.22ff.
55. Rabbino-witz, Yosef, p.36
56. Item 5.
57. Rabbino-witz, op. cit. p. 37; Feilchenfeld, op. cit. p.23. About Pfefferkorn being a butcher, see Isadore Kracauer in Ztschr. I, p.161-
Die Konfiskation der Hebraischen Schriften in Frankfurt A.M. in den Jahren 1509 und 1510.
58. Appendix E; Scheid, Joselmann, p.6; his Histoire, p.77; Lehmann, op.cit. I, p.175 for copy of original document. This was on March 21.
59. Scheid, Joselmann, p.9ff. Lehmann, op. cit. pp. 72-73. Appendix G.
60. Item 6.
61. Item 7.

62. Krakauer, R.E.J. XVI, p.97

63. Josel here uses a phrase from Ecclesiastes XII:6- סגל אגל - and thus I have rendered it.

64. Rabbinowitz, Yosef, p. 38 thus marks it. Krakauer, R.E.J., XVI, p.88 reads: "fear and trembling fell upon all the nations and rulers בהר. He suggests reading בבר or בהמ as an abbreviation for בהמדר.

65. Feilchenfeld, Appendix I, in his Josel.

66. Item 8.

67. See also Lehmann, Rabbi Joselmann, I, p. 251.

68. Graetz, Divrai, VI, p.221.

69. Ibid. VI, pp. 285-293.

70. Bax, German Society, p.268 [Appendix B- his] as an example of the efforts to incite the populace against the Jews and its success. It quotes literally from Sebastian Franck's Chronica: "Anno 1516, Dr. Balthasar Hubmeyer [who was still a Catholic] did preach with vehemence against the Jews of Regensburg, showing how great an evil doth arise to the whole German nation, not alone from their faith, but also from their usury, and how unspeakable a tribute their usury doth bear away withal. Then was there a council held that they should pray the Emperor to the end that the Jews might be driven forth. Therefore did they [the people] break their synagogue in pieces, also many of their houses, and did build in the place thereof a temple in honor of Mary, to which they gave the name of Fair Mary",

70. Feilchenfeld, op. cit. p.57. Stobbe, Juden in Deutschland, p.80

71. Item 8.

72. Rabbinowitz, op. cit. p. 40 says he does not know what this means and Krakauer, R.E.J. XVI, p. 97 thinks the entire passage obscure.

73. Lehmann, op. cit. I, p. 230. Also Loeb and Scheid.

CHAPTER THREE

Most important of the social movements of the sixteenth century is the origin and development of the Protestant Movement bringing with it, either as cause or effect, the various religious reformations, both in the mother church and in its rebellious offsprings, various wars, and the counter reformation. Early in the sixteenth century, a few years before the ascension of the new monarch, Charles V, Luther nailed his Ninety-Five Theses to the door of his church in Wittenberg. Though underground murmurings had preceded it, and individuals such as Hus and Wycliffe had tried to reform the church from within, this was the first organized attempt at reformation. Its principles need not be discussed. ¹ It interests us solely as it had contact with Jewry and affected its status in the Germanies during the first half of the sixteenth century.

It is clear and indisputable that the Reformation movement was beneficial in its underlying spirit to the existence of the remnant of Jewry in Germany and in the countries around it. The primary reason for this is that the reformers tried to put an end to the dictatorship of man over man with regard to matters of belief and doctrines of faith. It cannot be denied, therefore, that the Reformation cleared the way for tolerance as well as for the revaluation of the world in the life of society and its functions. Nevertheless, it must be said that had the plan of Luther been established in all the principalities of Germany as well as in the other countries of central Europe according to his thinking, not one remnant of Israel would have remained there. ² Luther and Calvin were men strong in purpose, of perfect belief in their own ways, fanatical and zealous, insisting on their own point of view with cruelty born of excessive enthusiasm. They were stronger in belief than the cardinals, the bishops and even the Pope himself. Luther's words and deeds

3
during the Peasants' War (1524-5), of which we shall speak later, show how far his cruelty could extend 'for the sake of heaven'. Yet, to the contrary, the theological arguments and the divisions in the principalities of Germany between the Catholics and the Protestants and the wars waged throughout the country provided a reason for the survival of the Jews in their midst. Despite sorrow and deprivation, exile and humiliation, they managed to survive.

One of the most outstanding personalities during this time of turmoil and one of the greatest opponents to changes in the Catholic church as desired by Luther was the Emperor Charles V who reigned with vigor throughout the political stress and strain of the Reformation movement. The grandson of Maximilian I, Emperor of Germany, and the son of the daughter of Ferdinand, king of Spain, he was born in 1500 in Flanders. When he was sixteen years old he was called to the throne of Spain, remained there two years, leaving for Germany to be coronated there after the death of his grandfather Maximilian. 4

Though this emperor was a punctilious Catholic in his belief and faith, he is not to be numbered among the Obscurantists. When only fifteen years old, he had already read and studied a great deal and could fluently speak and write seven languages among which were Latin and Greek. 5 Yet as King of Spain and Italy he could not permit the Jews to remain and was therefore very assiduous in establishing court houses for the Inquisition in all the lands of his realm. 6 But he did not do this because he was a fanatic, since he feared the power of the priests, the bishops and the monkish societies he considered it a matter of political expediency. 7 Not so was his procedure when he ascended the throne of Germany. This empire was torn between hundreds of rulers who, though in affairs regarding the empire were loyal to the emperor, did as they saw fit within the boundaries of their own principalities. 8 Since the Jews were considered servants of the royal house, it was desirable for Charles V, who

was well versed in politics, to have the existence of an entire group the life of whose members depended entirely upon his mercy and who looked to him for assistance and support. This wily emperor knew that the correspondence which existed between the Jewish congregations in the various duchies and principalities of the empire could serve him well in many ways when it would be necessary for him to assert his power over the petty princes in those troublesome times.

Whatever Charles V did in political matters, his attitude was almost entirely utilitarian and opportunistic. With specific intent he supported the Catholic priesthood and the Inquisition in preparing funeral pyres for the Jews and non-believers in Spain, the Netherlands and the Italies. Because of the priests and especially because of Cardinal Ximenes he was compelled to ~~the~~ reject the embassies of the Marranos in Spain who were willing to give eight hundred thousand gold dinars to the royal treasury in return for the privilege of returning to their faith. Likewise because of the Church he expelled the Jews from southern Italy as well as from Tunis and Algiers which were at that time conquered by the Spanish.¹⁰ And with the same planning and purposiveness he appeared as though he were inclined kindly toward the Jews when he refused to fulfill the request of some of the nobles and priests of Germany who insisted that he expel the Jews.¹¹ He even gave privileges to the Jews in response to the efforts of Josel and also showed himself to the intercessor as a friend. We have already said and seen that Charles was sincere in his belief in Catholic Christianity. Yet though this loyalty to the Catholic church was great, he was a wise monarch seeking the good of all and in general not a blind fanatic. When he saw good reason and a need he could oppose even the father of the faith and battle against him.

The second year after his coronation, Charles gave the rule over Austria

to his younger brother Ferdinand by an agreement reached in 1521 in Worms. Ferdinand was already ruler in Flanders and Alsace and knew and recognized¹² Josel. The contacts of the intercessor with Ferdinand will be dealt with in a later chapter.

Such was the character of the emperor with whom Josel interceded the greater part of his life and the nature of whose work will now be continued.

In this investigation, Josel's activities fall into three groups. Throughout his life he worked to secure privileges and new rights for his brethren, or to restore and affirm the old ones. Added to this, he strove diligently to be en rapport with the leaders of the burghers and councils of every city, to influence the political leaders during the turmoil and upheaval of the Reformation. But, greater than these endeavors was his very commendable¹³ work of reconstructing from within. Rabbi and judge of his own community, ordained as a rabbi and teacher among the rabbis of Germany, as we shall see further on, he was renowned as a pious man. His ability and his influence over his people made them hearken to him. He was continually meticulous about the moral and upright conduct of the Jews in Germany lest there be villification among them or they become oppressors of the natives and thus bring trouble upon the community in general.

¹⁴
Reverting to Josel's "Memoirs", we read:

¹⁵
"In 1520¹⁶ our lord, the Emperor Charles V began to reign. I came before him and his council to seek our rights. I and the man who was with me secured privileges generally for all of Germany. Nevertheless, in that year the people of Rosheim and Kaisersburg issued decrees expelling the Jews from their lands. Even though, with the assistance of God, I was able to influence the emperor so that the expulsion from Kaisersburg was nullified completely, the expulsion from Rosheim was not nullified. By continuous vigorous activ-

ity and effort, we delayed it time after time, until to-day we do not know what will happen. We can only rely on our Father in heaven. He will rescue and save us from those who rise up against us."

This small item contains within it a very important chapter in the history of the Jews of Germany. Tradition has woven a story about the occurrence in which facts and fiction may well be confused.

17

When the Emperor Maximilian died, so the story goes, the seven electors assembled at Frankfort on the Main to choose Charles, the grandson of the deceased monarch emperor of Germany. Thus, on June 28, 1519, Charles I of Spain, nineteen years old, became Charles V, Holy Roman Emperor, and thereby became ruler not only of most of Europe, Spain, Flanders, Germany and the majority of the provinces of Italy, but also of all those new lands which had been recently discovered in North and South America.

A deep gloom fell upon the German Jews when they learnt of the election of Charles. Still, though he was King of Spain, had supported the Church and, under the influence of Cardinal Ximenes, had rejected the offer of eight hundred thousand gold dinars promised him by the Marranos if he would permit them to return and reassume their former religion, he was a native of Ghent. But the Jews were apprehensive and anticipated troublesome days for themselves. In addition, a report was also rumoured that the Dominican monks of Cologne were sending representatives to Madrid, the capital of Spain, to plead with the King to do in Germany what his forefather, Ferdinand, had done in Spain, to expel the Jews without delay from his entire kingdom.

The southern German Jews now looked to Josel and the rabbis and lay-leaders, then assembled in Frankfort, unanimously requested him to hasten to Spain and to influence him in behalf of the Jews. Disregarding the rumor

about the monks, the German Jews were in a very dangerous condition. The burghers of Regensburg utilized this interregnum to expel the Jews, as we have already related. The danger was imminent that the burghers of other German cities would follow suit, utilizing the period when there was no emperor in Germany to do as they pleased and thinking that that which would have been accomplished would become a fait accompli and that the new emperor would not permit the refugees to return to their old homes.

The story continues that after the expulsion from Regensburg, the lay leaders and rabbis of German Jewry decided to send Josel and Rabbi Moses¹⁸ Cohen of Frankfort¹⁹ to Madrid. Since any Jew would be punished by death were he found in Spain, these two representatives disguised themselves as knights and, due to their observance of ritual law, underwent great privation. Armed with letters of recommendation from some German nobles, they arrived in Madrid during the spring. Pesach was approaching and, knowing that Marranos were then common in many cities of Spain, they went down to the market to see if anyone would come to buy those vegetables usually used for the Seder. Here they met a knight whom they recognized as a Marrano. He took them to his home, invited them to celebrate the Passover with him and subsequently introduced them to King Charles.²⁰ But the day before this happened, the Dominican monks of Cologne had presented their plea to the King to interdict the Jews and heretics of Germany.²¹ But King Charles was by nature deliberate and despite his sincere attachment to the Church would not grant them their wish until he had first investigated conditions within his new domain. He therefore promised them an answer within a few days.

On the following day, Josel presented himself before the King and after some general conversation gave him the letter which he had received from Charles' grandfather, Maximilian, in which Josel was introduced as "Parnas and Manhig" of all the Jews in Germany and recommended as a wise and faith-

ful man and also requested that Charles sustain and honor him so that he²² might continue as the protector of the Jews in Germany.

The legend then continues that Josel found favor before King Charles, that the Dominican monks returned shamefaced for the king had told them that he wished first to visit Germany and to observe things for himself after which, if he thought it justifiable to expel the Jews, he would grant their petition. According to legend, however, Josel obtained no assurance other than the renewal of the time honored privileges. When he brought back this letter of assurance to those who had sent him, great was the rejoicing of the German Jews.

In this story we see truth and fiction interwoven. That part of the legend which relates to the letter of the deceased emperor which Josel brought²³ to Charles is corroborated by actual occurrences which happened later. The following thing alone would prove it. Charles V had, in most likelihood, had not seen a Jew before then and all that he had heard from his teachers, the priests and servants in the home of Isabella and Ferdinand concerning the Jews must have had the effect of convincing him that the Jews were veritable devils. Yet, no sooner had he reached the throne than a Jew, a rabbi, an intercessor, was confirmed before him who succeeded in securing from him²⁴ assurances for the German Jews. Furthermore, the evidence is strengthened by the fact that this youthfully crowned king kept his promises of kindness to the Jews during his entire reign and frequently spoke in their behalf to his brother Ferdinand. From this alone we learn that the statements may be considered authentic and that the assumption is perhaps true that the influence of the grandfather of the Emperor helped Josel since Charles must have known that this Jew had obtained favors from his grandfather Maximilian who had even given him a letter before he died for his grandson who, he

hoped, would rule after him.

Nevertheless, despite the success of the intercessor with the privileges which he ²⁶mentions in his "Memoirs", he did not obtain all that he wished. These privileges from the Emperor for "all of Germany" were in reality only established after a lapse of ten years from the time with which we are now dealing. For the present, the privileges were not received by Josel, the Jewish intercessor, but by the Jew haters in the German cities with permission and authority to expel the Jews and to rob them of life and property. Amongst these cities was Obernai, near Rosheim.

Obernai, since 1507, when it had received permission to expel the Jews, had tried to obtain the privilege of refusing the Jews passage through it. In 1516 it had tried to obtain that from Maximilian I but it was denied them. ²⁷ by the Emperor who contented himself simply with ratifying their old privileges of 1507, and, at the same time, gave the Jews privileges warning the cities of Alsace not to expel them from where they were living. ³⁰ The city could not resolve itself to this blow and in 1520 made a new attempt, this time before Charles V in Worms, but the Emperor kept within bounds by renewing, on September 16, the privileges which had been granted to this city by his grandfather. ³¹ Thus Schuster, the burgomaster of Obernai, together with the burgomasters of Rosheim and Kaisersberg, received permission to expel the Jews. ³² And at about the same time (in 1521) ³³ at the Diet of Worms, he confirmed and reiterated the privileges which Maximilian had granted the Jews in 1516. ³⁴

In spite of the refusal of the Emperor to grant their request, it appears that the city of Obernai prohibited freedom of passage to the Jews. Those of Rosheim, the majority of whom had come from Obernai, besought it, in vain,

not to consider them as aliens. This, with the preceding danger, made the Jews apprehensive and they empowered Josel to go before the Archduke Ferdinand, appointed by Charles V ruler over the hereditary Hapsburg lands (of which Alsace was a part) to complain about conditions. The Archduke nullified the decree of expulsion and decried the wicked things which the inhabitants of Rosheim and Kaisersberg had considered doing. Yet, even here, the success of the intercessor was not complete for the decrees of expulsion were not abrogated but only indefinitely postponed. As the intercessor himself said, "By continuous vigorous activity and effort, we delayed it time after time". And he therefore completes he thought pessimistically, placing no hope in princes, for "We can only rely on our Father in Heaven".

From all this, then, it can be decided that Josel obtained concessions "over all Germany" for this point is verified by a royal document that was promulgated later in 1530, although all these concessions were not carried out.

Yet the city of Obernai was not satisfied, nor were the Jews, for Josel tells us:

"In 1522 we had to go to Nuremberg by order of R. Nezalel (?). Because of this I came to protest against the city of Enheim because of that which they had done to us in the city and in the country around it. I succeeded in having the Abbot of Weissenburg appointed as commissioner to hear our protests, complaints and answers, and then to send these protests to the Parliament. Because of this, fear fell upon them [the burghers of Enheim] and they signed an agreement with the commissioner to open the gates and to conduct themselves peaceably with us according to the character of the letters which were signed between us".

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Thus, in 1522, at the Diet of Nuremberg, ~~whether~~ Josel had gone, Charles V appointed a commission to examine the question. Josel sent a complain^t to that commission under the title "Complaint of the Jewry of the prefecture of Haguenuau against the governor and the council of Obernai, to the Imperial Commission which has been recently appointed at Nuremberg by order of the Emperor".³⁹ Josel explains in it how the authorities of Obernai had obtained the edict of 1507, how, at that time, the magistrates of that city had been permitted to refuse their own fellow citizens passage through the city, despite the orders of the Emperor and the bailiff, how, at great sacrifice, he, Josel, leader of the Jews, had been sent to Maximilian at three different times, and how, finally, the Jews had demanded justice at the Diet of Worms and a commission had been very recently appointed by an imperial decree to examine their grievances. He concluded by demanding the complete rehabilitation of the Jews of Obernai and the annulment of the prejudicial privileges.⁴⁰

The report of the commission was favorable to the Jews and Charles V appointed Ruediger, abbot of Weissenburg, to hear the two parties and to put them in accord. Ruediger called the meeting for April 26, 1524 in Steinfels and appointed Gaspard of Morimont arbitrator. The latter finally succeeded in having the authorities of the city accept a compromise whereby the Jews could enter the city only on certain days, would be restricted in making loans, and were forced to wear a badge and pay a tax.⁴¹

For the Jews in Lower Alsace, things were quiet for a while. But their peace was soon disturbed by a great storm which was brewing in Germany and which was to stir up the entire land. The entire kingdom was to fall into turmoil due to the confusion and revolutions which went on in the various strata of society because of the Peasants' War. In the midst of this up-

heaval we see the Jews anticipating troublesome days, death and destruction as those of the Crusades.

NOTES TO CHAPTER THREE

1. See First Principles of the Reformation of The Ninety Five Theses and The Primary Works of Dr. Martin Luther, edited by Henry Wace and C.A.Bucklein (Philadelphia, 1855) for a complete study.
2. Preserved Smith, Life and Letters of Martin Luther (New York, 1911). In a letter which he wrote to his wife at Wittenberg dated from Eisleben, February 1, 1546, he said, "When the chief matters are settled I must devote myself to driving out the Jews. Count Albert is hostile to them....God willing I will help Count Albert from the pulpit"...
The Table Talk of Martin Luther, translated and edited by William Hazlitt (London, 1875), p. 353 § DCCCLXVII "...and that a Jew and a Christian agree as little as a cat and a mouse. And truly they hate us Christians as they do death: it galls them to see us. If I were master of the country I would not allow them to practice usury". Ibid. DCXV "Ingratitude is a very irksome thing, which no human being can tolerate....If I had to do with the Jews patience would have failed me...".
See also Janssen, German People, VI, p.280f.
3. Janssen, op. cit. IV, p.310ff. In a brochure entitled "Wider die mörderischen und raubischen Rotten der Bauern" he wrote "Therefore let whoever can, fall upon them, throttle them and stab them, openly or secretly, and consider that there can be nothing more pestilential, injurious or diabolical than a rebel....Therefore, dear lords, stab, strike, slaughter, wherever you can". In another pamphlet which he wrote, entitled "Ermahnung zum Frieden auf die Zwoelf Artikel der Bauerschaft in Schwaben" he repudiated all blame for the Peasants' War for himself and for his gospel.
4. Ibid. II, pp. 265-284, in Aachen (Aix-la-Chapelle) on October 22, 1520.
Also see Edward Armstrong, The Emperor Charles V (London, 1910 two volumes).
5. Armstrong, op. cit. I, p.10. He complained of being educated as though he were intended for a schoolmaster.
6. Ibid. I, p.43, 97, 109, 166; 114, 115
7. Ibid. I, p.43.
8. Janssen, op. cit. II, p.117ff; 125ff
9. Rabinowitz, Yosef, p.45.
10. Cecil Roth, A History of the Marranos (Philadelphia, 1932) for the refusal of the ransom, p.83. For Tunis, see Zemach David, ed. David Gans, (Warsaw, 1859) folio 52a column 1.
11. See below *im passim*.

12. Rabbinowitz, Yosef, p.46
 13. Feilchenfeld, Josel, p.45
 14. Item 9.
 15. Rabbinowitz reads בשנה ר"ץ However, Kracauer reads בשנה ר"ף as it should be. Feilchenfeld, op. cit. p.53ff.
 16. See below p.16.
 17. Lehmann, Rabbi Joselmann, I, p.244ff; Rabbinowitz, op.cit. p.48.
 18. This was "the man who was with me" whom Josel mentions in Item 9.
 19. Lehmann, op. cit. I, p.250 says that this law was in effect since September 5, 1499; Rabbinowitz, op. cit., p.50, since 1492.
 20. The story goes that the Knight told King Charles, "Behold, a knight came from Germany and asked me to present his request to you. He brought a letter for your Majesty, written by the now dead Emperor Maximilian I who designated you as his heir. His request before he died was that this knight should personally deliver this letter to you".. King Charles said, "Let him come".. Rabbinowitz, op. cit., p.51.
 21. Lehmann, op. cit., I, p.258ff.
 22. Ibid., I, p.233; Rabbinowitz, op. cit. pp.51-2.
 23. See Appendix Q.
 24. Feilchenfeld calls this an hyperbole, asserting that it only referred to Lower Alsace and that even there Josel was not entirely successful.
 25. We need not go into Rabbinowitz's interpretation and rationalization of this legend (Yosef, p.53ff.). It may be only a legendary repetition of Josel's later visit to Brussels.
 26. Item 9.
 27. Scheid, Joselmann, p.7; his Histoire, p.109f.
- [Notes 28 and 29 have, by error, been omitted]
30. Feilchenfeld, op. cit. 98 and Appendix I.
 31. Scheid, Joselmann, p.8

32. Feilchenfeld, Josel, p.98ff; Rabbino-witz, Yosef, p.56.
33. Lehmann, Rabbi Joselmann, II, pp.11-14.
34. Rabbino-witz, op. cit. p.56
35. Scheid, Joselmann, p.8
36. Feilchenfeld, op. cit. p.53.
37. Item 10.
38. See Lehmann, op. cit. II, pp. 16-17 for letter of Ruediger dated March 28, 1524.
39. Feilchenfeld, op. cit. Appendix II.
40. Scheid, Joselmann, p.8. Feilchenfeld, op. cit. p.99
41. Scheid gives Gaspard of Morimont as the name of the arbitrator; Feilchenfeld calls him Jacob von Moersperg and sets the date at April 22. See Appendix F for contents of document; also Scheid, Histoire, p.110; Krawauer, R.E.J. XVI, p.20; Feilchenfeld, op.cit. pp. 99-100.

and manors rather than in the large cities for in the cities they were constantly open to oppression, persecution, and suffering because of the hatred of the burghers and priests. With all the laxity in society and politics during the Middle Ages, there was, nevertheless, not nearly as much evil in times of peace as in times of turmoil, when the civil rule was entirely powerless and the land filled with civil war and irresponsibility. The danger which threatened the Jews of southern Germany was great for the threat seemed imminent that the troublesome days of the Crusades of 1096⁵ and 1171 were about to reoccur for them.

Early in 1525 the peasants of Alsace organized into a band of about fifteen hundred men and encamped in the Abbey of Altdorf about a half-mile⁶ from Rosheim where Josel dwelt. Stark terror fell upon the inhabitants of that town and its environs for the cruelty of the peasants was already known. With insane frenzy, with extreme cruelty they tortured whoever fell into their clutches, priests, knights and burghers. Nor did they discriminate between Jew and Christian. During this time of trouble and fear, Josel, the Jewish intercessor, had the courage to penetrate to the camp of the revolting⁷ peasants. He negotiated with the rebel leaders and they informed him of their intention to capture the city on the next day. He then returned and awakened two of the leading burghers and informed them of the danger which was threatening their city. One was so thoroughly frightened and fearful that he refused to get up from his bed. The other said he would not go to the rebel camp unless Josel would accompany him. In the meantime, the gates of the city were closed and for a brief spell the burghers were relieved of the threat from the rebels. In a short while, however, the peasant army was numerically increased and they decided to attack the city. It

was at that time that Josel, alone, saved the city through his wisdom for he returned to the Abbey and by his cleverness persuaded the leaders of the army and their "prophets" to delay. Some historians add that he even convinced Thomas Muenzer, the chief agitator of the peasants. Some also include that there Josel met Dietrich of Kestenholz who, fourteen years before, had caused considerable trouble for the community of Mittelberg, Alsace, and also for Josel, through a charge of ritual murder. Subsequently he recanted and admitted that the Jews were innocent. Then Josel helped him escape to Switzerland to escape punishment and in time he became one of the leaders of the peasant army. This man recognized his savior and spoke in his behalf to the peasant leader. And it was then decided that in return for eighty gold dinars the peasants agreed to withdraw from Rosheim and promised not to return until the other cities of the Empire would first have joined with them in revolt against the priests and the rulers. The Christian burghers of Rosheim then admitted that the Jew had saved the city by his wisdom and the burgomaster assured Josel with the words, "You and your descendants will enjoy the fruit of the good deed you have done for us, in that you saved us from impending danger." Nevertheless, the burghers of Rosheim did not fulfill their promise and instead of treating Josel and his fellow Jews as they had sworn to do, they harmed them as we will have occasion to learn further on.

Yet Josel did succeed in saving his coreligionists from death and annihilation. The leaders of the peasant army recognized now that the Jews were not to be blamed for the trouble and oppression which the peasants endured, for, like them, and even more than they, the Jews had to bear fearful persecutions. In a few communities the peasants had attacked the Jews.

But, through the influence of Josel, an order was issued by the leaders of the peasant army and by its generals, Hans von Matin, Erasmus Gerber and others, to give the Jews passports of safe-conduct, and letters were sent to all the leaders of the army everywhere not to attack the Jews.

14

15

Josel tells this story in his "Memoirs":

"In 1525 there was great confusion in many villages all over Germany where many bands had gathered and many individuals has assumed leadership and intended to swallow us alive. The attack had even begun in some areas but, by the mercy of God, I came to them in the Abbey, called Altdorf, and there I persuaded them and the leaders of their army to proclaim immunity to the Jews. Many proclamations were also issued to all the cities and provinces. And even though they later changed their minds and broke their word, nevertheless, by virtue of this prowlamation, they succeeded in giving the Jews time in which to catch their breath until the time when they (the peasants) were defeated by the Duke of Lorrain who killed many of them. In other provinces thousands and tens of thousands of peasants were killed. Praised be God who saved us from their hands and from their wicked designs. Thus may he continue to save us. Amen".

All the facts in the statement of Josel are corroborated and verified in the general histories dealing with this period. The revolting peasants wreaked their vengeance on the Church and the nobility. But with an even greater cruelty did these peers of the realm retaliate. Most of the peasants were put to death by torture. Those that remained were punished severely; they blinded them, cut out their tongues, severed their limbs and broke their bones. And to murder and torture was added pillage. All the important leaders of the realm, priests, knights, Catholic princes and Protestant dukes robbed

and pillaged without restraint. Luther and Melancthon, the two pillars of the Reformation, were the ring-leaders, urging the nobility to vent their wrath upon the peasants.¹⁶ They called this war "The Warfare of Israel against the Amalekites" and with circular letters which they issued they urged the dukes and the nobility to let none of the rebels escape. The whole country of southern Germany became a cemetery; riot and destruction were everywhere within it.

The Jew haters in Alsace then found an excuse to renew accusations against the Jews who dwelt in the small villages. Alsace was then considered, as we have already said, the property of the Austrian Hapsburgs. Emperor Charles V, who was then fighting in Italy first against Francis I of France and then against Pope Clement VII, left the government of the German Empire in the hands of the seven electors. Austria, together with Alsace, he left¹⁷ to his younger brother Ferdinand who was still an archduke. Thus Ferdinand ruled over Alsace and many other provinces of southern Germany. But he, too, did not live in the lands over which he ruled for he travelled most of the time in Austria whence he sent orders to the knights and leaders of southern Germany to take severe measures against the rebelling peasants. By nature he was easy going and pleasant and kind to his subjects. But withal he was the grandson of Ferdinand of Spain; his education and upbringing took place on Spanish soil and as a result he was a fanatic Catholic, very scrupulous in matters of religion and revengeful to those who dared rebel against the rule of Church and state.¹⁸

Most cruel among the nobles of that period was Frederick von Prechter Rosen of Hochfeld in Lower Alsace.¹⁹ With an accusation and a request he presented himself before Archduke Ferdinand. Economic conditions prompted his

charge. Immediately after the rebellion of the peasants, southern Germany became desolate. All business and industry was at a standstill. The nobility required a great deal of money for the rehabilitation and strengthening of their position. The loot which they had taken from the peasants was hardly sufficient to satisfy their wants for what they needed then was ready cash and that could only be obtained from the Jews. The German nobles succeeded in making loans, but, due to the precarious internal situation, at high rates of interest. With the coming of peace, they protested strongly against the usurious Jews and, with Frederick von Prechter Rosen of Hochfeld as their spokesman, accused them of having aided the rebellious peasants.

These calumnious charges succeeded in arousing the anger of Archduke Ferdinand against the Jews against which the efforts of Johann Hoffman, the royal treasurer, as Josel calls him, were of no avail. Prechter returned to Alsace bringing with him a royal decree, signed and sealed by Archduke Ferdinand, expelling all the Jews from Alsace in November 1527. This news, of course, struck terror in the hearts of the Jews of that country. Josel hurried to Haguenau, the metropolis of Lower Alsace, and presented his protest to the governor of the province for having published this decree to which the Emperor had not personally affixed his seal, arguing that therefore it did not have the authority of a royal decree. He could not reach Charles for the Emperor was in Spain and the month of November, the period set for the expulsion, was rapidly approaching. Hence, he set forth to intercept the Archduke, wherever he might be. The roads were then considered perilous because many of the peasants, who had been thoroughly scattered after their defeat, had returned and formed bands of brigands and highwaymen. On the way an accident befell him for the horse upon which he rode fell dead

and he was forced to continue afoot with his heavy baggage bundled on his shoulder. Travelling from city to city, never stopping to spend a night at any house, after many untoward circumstances he came to the city of Bruck²⁰ in Steiermarck where Ferdinand was holding court.²¹

²²
In this legend of the reception of Josel by the Archduke and the conversation which took place between them, truth and fiction are bewilderingly interwoven. But these facts are certain; Josel succeeded in convincing the Archduke that the Jews were not in alliance with the revolting peasants for although they had bought sacred objects and precious vessels, which the peasants found while plundering the churches and the palaces, they had been forced to do so for had they refused the peasants would have murdered them.

Thus, this time, too, the intercessor succeeded in nullifying the decree of expulsion. The Archduke wrote and sealed a legal document affirming the privileges which had been granted the Jews of Alsace by preceeding Emperors, and nullified the decree of expulsion. But, when Josel returned to his country, the nobles of Lower Alsace refused to carry out the order of the Archduke. They intended to expel the Jews and thus rebel against the ruler's order as Regensburg and Colmar had done. But that plan came to nought for, as Josel describes it, God punished the lords of Haguenau. Some of them died and the rest of them learned a lesson from it and no longer continued to disturb the tranquillity of the Jews.

23

Josel records this occurrence in his "Memoirs":

"In 1528 the rulers of Haguenau went to King Ferdinand I to bring charges and to urge him to expel us from their settlements, from among the inhabitants of the Reich, from all the villages and cities in their area. They forced the chief of the treasury Hoffman against his will and they issued

Handwritten note:
... of the
(...)

royal letters which are called ordinances. Then all the Jews of Alsace im-
portuned me to go as their leader as aforetime. I consented. A bad accident
which happened to my horse on the way prevented me from riding to the king's
court, wherever that was to be found. I felt sure that with a little exertion,
prayer and mercy my efforts would be successful. I found it necessary to
follow him to Bruck. ²⁴ There I went into the King's court and with the help
of Heaven I found favor in his eyes for he withdrew the first letters and
gave me other letters strengthening the position of the Jew as of old accord-
ing to the form of our privileges.

"Although the Jews had given me permission to spend three hundred gulden
for this, I spend only forty gulden for the round trip. But the intriguers
decided to ~~stip~~ things up again and to spoil everything. But God sent His
messengers of confusion and he slew ~~some~~ of them so that three of the in-
stigators died of a sudden plague and the fourth was arrested and taken from
Hochfelden by his enemies and they led him to his death. And the land has
been tranquil to this day. Blessed be God who wreaks vengeance on our en-
emies, who saved us from their hands and from the evil plot which they had
connived against us".

Incidentally, this is the first and only time that we find the inter-
cessor mentioning monetary matters. The sum which all the Jews collected
for him to pay for his services and the amount which he expended proves
that he derived no profit from the community for a long journey such as he
had taken, from Alsace to Steiermarck, and in a time of war and turmoil,
he states that he spent but forty gulden.

In 1529 we find the intercessor occupied in attempting to save the
lives of Jews outside the borders of Germany and he wrote his "Document of

Defense" to prove the falseness of the blood libel charge.

On May 21, 1529 (the thirteenth of Sivan) in Bösing, Hungary, thirty-
six Jews were arrested on a blood libel charge.²⁶ The accuser was a Christian woman who had lain on her child and smothered him. Only ten names of those martyred are known, and they were men. It appears that the remaining twenty-six were women and children over the age of ten. The younger children²⁷ were sent to monasteries and there were brought up as Catholics.

This dreadful event, occurring in the Hapsburg possessions, stirred the rabbis to ask the intercessor to go on their behalf to both Emperor Charles and to his vice-roy in Germany, Moravia, Hungary and Bohemia, Archduke Ferdinand. The rabbis then convened in Guenzburg, Bavaria, and there Josel prepared his "Document of Defense". They were considering various matters when the bad tidings came that that thirty-six souls had already been martyred and that the children had been baptized. "The Document of Defense" was thereupon sent to the Emperor and to the Archduke. The result was that those prisoners who remained, and they were "all the Jews of Moravia", were released²⁸ as Josel has recorded in his "Memoirs":

"In 1529 thirty-six Jews of Bösing, men, women, youths and girls, God-fearing people, were arrested on the charge of a lying scamp. They were²⁹ burnt on the thirteenth of Sivan, 1529. Because of this charge, all the³⁰ Jews of Moravia were arrested. At the request of our rabbis and ? ? I found it necessary to take all the old privileges from the popes and the emperors to the city of Guenzburg. There I clearly translated^{them together with} the words of defense into a document and I sent it to the Emperor and to his servants and thus proved our innocence. And they said to the prisoners, "Go". And with the help of God permission to leave was granted to those who remained.

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may grant merits
And God vindicated us because of the merit of those saints of Heaven who³¹
had given their lives for the sanctification of God's name."

From the words of Josel, "...and proved our innocence. And they said to the prisoners, "Go"." it appears that because of the "Document of Defense" the Emperor and the Archduke were convinced that the Jews were innocent of the blood libel charge. Unfortunately, that document, with the wealth of³² information it must have contained, has been lost.

Meanwhile 1530 was drawing near. That was a year in which the intercessor was to do good work for his people within and without. From then until his death his labors were to have more significant and more important results.

NOTES TO CHAPTER FOUR

1. For a complete study see Ernest Belfort Bax, The Peasants' War in Germany (1525-1526) (New York, 1899). Also Janssen, German People, II, pp. 121-369.
- 1a. For clerical abuses and scandals, see Janssen, op. cit. II, pp.292-297.
2. Bax, op. cit. p. 107.
3. Ibid. pp. 62,76,86.
4. Ibid. p.51, 154. Janssen, op. cit. IV, p.284.
5. e.g. Bax, op. cit. pp. 225,6.
6. Scheid, Histoire, p.83; his Joselmann, p.26; below 99-100. Feilchenfeld, Josel, Appendix XXX; Appendix R.
7. Feilchenfeld, op. cit., p.101ff. Lehmann, Rabbi Joselmann, II, p.26ff.
8. Lehmann, op. cit. II, p.31ff. For Muenzer see Janssen, op. cit., IV p.87ff, 291ff.
- [Note Number 9, by error, has been omitted]
10. Lehmann, op. cit. I, p.122ff. A copy of his charges against three Jews of Obernai in 1510 is to be found Ibid. p.106. This is taken from Rabinowitz, Yosel, p.59.
11. Lehmann, op. cit. II, p.34
12. Scheid, Joselmann, p.26.
13. Ibid. Feilchenfeld, op. cit. p.102
14. Rabinowitz, op. cit. p.60
15. Item 11.
16. See above p. 27 and notes.
17. Armstrong, Charles V, I, pp.84,85; Janssen, op. cit. II, p.100.
18. Janssen, op. cit., V and VI, ad loc.
19. For the story about him and the Jew Ahron von Urbis and his daughter, see Lehmann, op. cit., II, p.44ff.
20. Kracauer, R.E.J.XVI, p.98 says that Josel reached him inPrague. Feilchenfeld, op. cit., p.114, holds that it cannot be Bruck. See note 24 of this chapter.

21. This account is taken from Rabbinowitz, Yosef, p.62f and Lehmann, Rabbi Joselmann, II, p.63ff. For Bruck see Ibid., II,p.71
22. See Lehmann above.
23. Item 12.
24. As noted, Feilchenfeld, Josel, p.114 would read Prague where Ferdinand was located from April 7 until September 23, 1528.
25. Ibid, p.115. Lehmann, op. cit. II, pp.94-9. Rabbinowitz, op. cit. p.65 calls it Pressburg, in the vicinity of which Bosing is located.
26. Zunz, Synagogale Poesie, p.55.
27. Ibid.
28. Item 13.
29. That is, May 21.
30. Rabbinowitz thus marks it. Kracauer, R.E.J. XVI records '1551.
31. See Feilchenfeld, op. cit. p. 115ff.
32. Rabbinowitz, op. cit. p.66

CHAPTER FIVE

Again Jewry was caught in the maelstrom of events. The year 1530 was a year of great tribulation and of weighty consequences to the nations of Europe in general and to the German countries in particular. About seven years had passed since the time of the great Protestant schism in Christianity, formed of the many interpretations of Luther, Calvin, Zwingli and their adherents.¹ The breach widened with the passage of time. Emperor Charles V, despite his personal courage and strength, could not devote all his energies to the work of repairing the breach and of restoring Catholic Christianity for throughout this period he was engaged in warfare with Francis I, Pope Clement VII and the rulers of Italy.² Because of this preoccupation he all but ignored the people and the land over which he had been elected emperor.

In the year that the Emperor returned to Germany, he called an assembly of the dukes and nobles of the hundreds of principalities in Germany which was to meet in Augsburg in order to find ways and means of promoting political and religious peace so that the empire might not be irrevocably disunited.³ Catholic and Protestant leaders, political and religious, thus convened at Augsburg in the spring of 1530. Luther and his disciples came in the retinue of the Duke of Saxony. Every political leader came with a large entourage composed of soldiers, scholars and advisers. And to this diet the Jewish intercessor, Josel, also came for he realized that when the lay and ecclesiastical rulers of Germany would assemble that they would discuss the Jews and that many of them opposed to Jewry would wish to expel it from Germany.⁴

At that time, also, Turkey had reached the zenith of her power. The Sultan Suleiman conquered Hungary and with his numerous army approached the walls of Vienna. But this, too, was to affect the Jews. The Christians realized

that they had grossly mistreated the Jews and they also saw that Turkey had received, unquestioningly, the Jewish refugees who fled from every country and had given them permission to settle within her kingdom. The Catholics and Protestants, knowing this, disseminated calumnies among the masses and the soldiers of the Imperial army saying "The Jews, in a treacherous manner, have given comfort and aid to the enemies of the Christian peoples, the Mohammedans, so as to hand over to them the Christian rulers and their subjects".⁵ The Catholic and Protestant preachers assured their congregations that the Emperor was not kindly disposed to the Jews and intended to expel them. And they proved this by the negotiations which Charles V had with Pope Clement VII who asked him to follow in the footsteps of his grandfather Ferdinand and give him permission to establish Inquisition courts in the Empire and thus punish those who had been forced to accept Catholicism but secretly practiced Judaism. Thus the idea came to the minds of the Jew haters, both Protestant and Catholic, to take advantage of the Diet of Augsburg and to secure an edict from the Emperor expelling the Jews from the entire Holy Roman Empire. And they gave as their reason a fact and a deduction from that fact, that Jews hate the Christian powers under whom they live and make secret negotiations with the Turkish ruler who hoped to destroy all of Christian Europe.⁶

When Josel had arrived in Innsbruck, where the Emperor and Archduke Ferdinand were then holding court, he realized more fully the extent of the plans of Jew haters. He therefore strove to counteract their plots and to upset their machinations. In Innsbruck, Josel, personally, pleaded against⁷ the new accusation.⁸ His argument was accepted in good faith. About this⁹ event Josel wrote in his "Memoirs":

"In 1530 a great and persistent rumor went through all the countries that some of the Jews were carrying on treacherous negotiations with the Turks. These calumnies reached Charles V and King Ferdinand and they issued edicts against this, prohibiting us entrance to many lands. With the consent of the communities I prepared and arranged a letter of pleading. With the help of God, in Innsbruck, before Charles and Ferdinand, "Joseph found favor" for my petition was favorably accepted and all our privileges were re-affirmed."¹⁰

But another accusation which the nobles and priests of Germany levelled against the Jews disturbed the intercessor more. That was the charge of usury which was partly true. It is well known that the Jews in Germany at that time had almost no occupation other than usury open to them. Although the Catholic church definitely forbade usury (notwithstanding which this injunction was not strictly obeyed¹¹), the people found many excuses for turning their money over to the Jews for investment at high rates of interest. On the other hand, the German Jews had no other means of learning a livelihood other than dealing in second hand clothes, precious stones and lending money on interest.¹² Of Jewish craftsmen there were none except tailors and cobblers who did work for their fellow Jews. This condition was zealously watched by the Christian craft guilds. It is not the purpose of this paper to into an analysis of the causes which motivated the guilds to proscribe the activities of the Jews¹³ but only to note that they did so and thus forced the Jews to concentrate their business activities in usury. But since the Jews who did engage in usury did so with the consent of the Christians, particularly the bishops and priests, it was therefore impossible to abolish usury without causing enormous losses to the church and political

organizations and without destroying the financial status of many Christians¹⁴ and Jews.

The Diet of Augsburg was convened for the purpose of seeking a peaceful reconciliation between the Catholics and the Lutheran and Calvinist Protestants.¹⁵ In this city Luther's disciples, especially Melancthon, presented their arguments concerning the law and life of the Christian group as it should be according to the New Testament. In the fourth paragraph of the theses which the Protestants had prepared for the rulers of the Germanies¹⁶ to serve as a basis for discussion, was written:

"The usury which the Jews are exacting is becoming increasingly oppressive with the help and collusion of the Catholic priesthood. So much so that the government itself, through its local justices and courts, finds it impossible to obviate the calamity. Since the Christians who borrow the money assert under oath that they pay no interest for the money borrowed from the Jews, when everyone knows that a Jew will not lend out his money except on interest, it often happens that the Christians are forced to perjure themselves in that way. The bishops and the church is treacherously united with the Jews in this matter".

Thus matters stood in the spring of 1530 when Josel returned to Rosheim, happy in the thought that he had convinced the Emperor and the Archduke that the Jews were not contemplating rebellion by giving "comfort and aid" to the Turks. Yet hardly had he arrived home than the safety of the Jews in Colmar was disturbed. In this city, one of the most important of Upper Alsace, the Jews had been dwelling for hundreds of years. In 1510 Emperor Maximilian I had yielded to the request of the councillors of the city and the guilds to¹⁷ expel the Jews. But the natives of that city had business relations with

the Jews and the Jews again returned to live in that city. ¹⁸ After Josel's return in 1530, delegates came from these Jews beseeching him to intercede on their behalf with the Emperor since the councillors of that city had ¹⁹ again begun to oppress and persecute them. Thus Josel had to go to Augsburg where the Emperor was at the Diet. It may well be that at that time the intercessor conceived the thought finally to realize the object for which he had been striving for the past ten years- to receive general privileges for the Jews throughout the Germany Empire through the Emperor and the imperial leaders with the consent and cooperation of the petty kings, bishops, city coun- ²⁰ cillors and ecclesiastical representatives.

But just as had been the case twenty years before with the apostate Pfefferkorn so too now trouble arose from within the ranks of Jewry which was to stand in the intercessor's way. When the Jews were expelled from Regensburg many informers of their own number arose. The worst of them all was the son of Rabbi Jacob Margolios, the rabbi of Regensburg, of whom it is ²¹ known that he was one of Reuchlin's teachers. The son of this rabbi was irresponsible and perverse and the Jewish community excommunicated him be- ²² cause of his immoral conduct. Thereupon he embraced Catholicism, changed his name to Antonius Margarita and wrote a book full of perversions and calumnies ²³ against Judaism and the Jews. This apostate was more to be feared than Pfefferkorn because many Catholics believed the things that he wrote since he was the son of a famous rabbi, well known among the Christian scholars.

The book which he wrote carried the title "Der Ganze Juedische Glaube", published on March 16, 1530, a short while before the convening of the Diet. ²⁴ Since the book went through many editions in the course of a few months, ²⁵ we can see that he made a profound impression and that his readers were many. ²⁶

The charges which Margarita made against the Jews were that they curse the Christians and that they abuse the Christian religion and seduce Christian believers into embracing Judaism. He also accused the Jews of directing abuse against the founder of Christianity in the prayer Olenu Leshabeach. ²⁷

No sooner did the Emperor come to Augsburg on June 15, 1530, than this book was placed in his hands. There is even room to conjecture that the apostate appeared in person before the Emperor. It is therefore not to be wondered at that when Josel came before the Emperor to plead for the Jews ²⁸

living in the vicinity of Colmar that he was answered in anger. Before any

concession would be made, Josel must first answer the charges of the apostate. By order of the Emperor two men, learned in these matters, Matthew Hild and Dr. Brant, were appointed to listen to the debate between Margarita and Josel and to render a decision. The debate was held in Augsburg in July of ²⁹

1530, and, as Josel states in his "Sepher HaMikneh", before the Emperor and the German princes. ³⁰ The intercessor bettered the apostate and put all his

accusations to nought. The judges of the debate gave as their opinion that the accusations of the book were negated and voided by the force of Josel's refutation and the arguments which he gave. They also stated as their opinion that to distribute such a work among the masses was a grave menace to the peace of the Empire. The apostate Margarita was placed under arrest and forced ³¹ to give his oath never again to enter the city of Augsburg. The intercessor records all this in his "Sepher HaMikneh" where he states:

"This apostate after having been thus rebuked by the Emperor and advisers attached himself to Luther until the order came forth that he be imprisoned. To spare himself this imprisonment he took an oath to leave ? ? of Germany. ³² He went to Luther and became a thorn in our sides", and for evidence Josel

refers to the city councillors of Augsburg.

Also, certain Catholics at the Diet of Augsburg accused the Jews of leading many Catholics astray and inducing them to accept Lutheranism. From this accusation, too, Josel freed his brethren when he appeared before the Archbishop of Strasbourg and was triumphantly vindicated.³⁴

Only a few days elapsed before the intercessor was called to present himself before the Emperor. There, before the German princes and nobility, a general privilege was turned over to him for all the Jews in the German Empire patterned after the privilege which had been given to them by King Sigismund.³⁵ Briefly, the various points were:³⁶

1. All those who borrow money from the Jews are obligated to pay their debt at the stipulated time. Those who borrow on pledges must redeem them before the expiration of the year. If they do not redeem them, the Jews have permission to sell them or to do with them as they wish.
2. The nobles of the German principalities are to protect the life and property of the Jews. All highways are open to them that they may travel wherever they wish. In general, they are entitled to the same rights and liberties as the Christians.
3. Except for the taxes and tolls which are required by the emperor or the kings, the Jews are not to be subject to any additional tax.
4. It is forbidden to coerce the Jews in any way into the acceptance of the Christian faith.
5. The Jews return to the jurisdiction of the Imperial Court and are vassals of the crown. Therefore they cannot be oppressed or enslaved. But they have the right to travel at will from city to city without anyone raising an objection.
6. Any Jew who has complaints against the Emperor must present his case

6. Anyone who has complaints against the Jews must present his case not before the provincial diets but in the established courts: in secular and not ecclesiastical courts.
7. When a Jew takes an oath, he should swear by placing his hands on the Torah and should say only this, "So help me God in the name of the covenant which He made with His people at Mt. Sinai".³⁷
8. As witnesses against the Jews may be called only Jews or such Christians who are not suspected of being Jew haters.
9. The Emperor or the king is not permitted under any circumstance or consideration to sell the Jew or to transfer them from his power to that of another.

This was the substance of the privilege issued by King Sigismund, and given to the German Jews. It was now once again reissued, renewed and reaffirmed by Emperor Charles V on August 12, 1530. In the seal of the privilege it is said that "The purpose of this is that the Jews may be able to dwell in safety in the Empire and to establish themselves there. Those who transgress against the provisions of this privilege will be punished by paying a fine of twenty gold marks to the royal treasury".

It might be advantageous to repeat that the real cause for the intercessor's appearance in Augsburg at this time was the petition in which the burghers of Colmar and its environs complained against the Jews who exacted unduly usurious rates of interest. No sooner had the Colmarians appeared before the Emperor on July 29 than they received the privilege of denying the Jews the right of living in that part of Alsace. It was then that Josel hastened to Augsburg where he succeeded in silencing the calumniators and in refuting the accusations of the convert Margarita. He also received the

privileges which he sought for the Jews, primarily for those of Alsace and afterwards as a general privilege for the Jews of the entire German Empire.

We have now reached that time in the life of the great intercessor when we can see him in the full height of his power. Many intercessors who had lived before him had had standing in the courts of the rulers as the intercessors of their people. But all their power was centered in and concentrated on their relations with royalty. Never have they been found so honored among their own people that they were given the power and authority to improve the internal conditions of the Jewish people. At intervals some pressing reforms were introduced to save Jewry from the worst of all sins, the desecration of God's name. But this was usually done by a conference of rabbis and lay leaders. Yet the name of a single intercessor of all those who were influential in the royal courts is not known who personally took the interest to stimulate Jewish life, stood ready with word and deed to maintain the integrity of Jewish life and, at the same time, had the confidence and cooperation of the Jewish people. This power we find given to Josel some time after he had obtained the general privilege for all the Jews of the German countries.

Josel realized that the orders of even so powerful and influential a monarch as Charles V would not succeed in removing the evil which threatened all the Jews, especially in the smaller principalities, as long as the cause which was regarded by the Christians as evil remained. The attitude of the Christian rulers essentially was that the Jews were despised by the populace and the nobility because of their degraded and despicable manner of earning a livelihood, by lending money on pledges at a high rate of interest. These rulers seemed not to understand nor to be willing to understand that upon them rested the responsibility for having placed the Jew in that condition

since with their permission the Jew was not permitted to engage in commerce, craftsmanship or professional work.

At the time of the Diet of Augsburg, the charges made against the Jews were numerous, among which stood out most prominently the charge of usury. The complainants on this score were particularly the burghers, the heads of guilds and the priests. Here for the first time the Protestants showed that they excelled the Catholics in religious zeal and economic jealousy. All this Josel saw and he realized that it was obligatory on the part of the Jews to give assurance that they would not longer give cause for this complaint; that they would henceforth deny themselves excessive usury, deception and all such actions that might endanger the existence of all German Jewry; and that no longer would it occur that a few individuals would sin and that the anger aroused by that act would be poured upon the entire community. It may also be that the general privilege was granted him only on that condition. Hence, with the permission of the Emperor and the German nobles, Josel called a mass meeting of rabbis and lay leaders to convene in Augsburg to formulate resolutions for all the Jews within the Empire. Thus the intercessor became the legislator for his people and the initiator of worthwhile resolutions both in the life of the Jewish group and in its commercial relations with the natives of the country in which they lived.

Thus there appeared this remarkable phenomenon in Jewish history that simultaneously with the Diet called by the Emperor attended by the princes, offices, rulers and civil leaders of the German principalities, and within the very city to which these important personages came to legislate concerning matters of universal importance, the establishment of peace between Catholics and Protestants, the formulation of a unified policy in regard to

defense against the still rising power of the Sultan of Turkey, the election of a new king to rule over Germany to succeed Charles V who wished to relinquish this office in favor of his brother Ferdinand, the leaders of the communities of all German Jewry were also assembled to adjudicate their matters and to decide on various reforms in the life of the Jewish people according to the agenda which the 'Parnas and Manhig' Josel presented to them. They adopted his resolutions unanimously. They were translated into German and Latin and were even read to the Emperor, princes and nobles. Copies of them were made which were sent to all the communities of Germany that they might to comply with them, the contents of which were:

1. A Jew is forbidden to accept usury legally by selling the merchandise at an increased price, paid immediately or on time payments. This is considered "hidden" usury. The Jewish leaders throughout the German Empire who know of such cases and do not report them to the local authorities will be fined three gold dinars.
2. In lending money openly on interest it is forbidden to accept compound interest if the payments are extended for a short period of three months or for an entire year.
3. The lay leaders must see to it that the Jews are not permitted to sue a Christian in any court other than the one in the district in which the debtor lives, except in exceptional cases.
4. In accepting pledges the Jews are forbidden to lend money and to accept the pledge if they have reason to believe that the articles came to the borrower through theft or robbery.
5. It is forbidden to buy articles of value from children or from servants without first notifying the parents or masters.

6. A Jew is not permitted to present a claim to an heir for payment of his father's debt after his demise without first obtaining the consent of the lay leaders of his local community to whom it shall first be proven that the claims are just.
7. Jews who take money or merchandise either as loans or on credit from Christians and then abscond by fleeing from the town shall be severely punished. The lay leaders must publish throughout all the communities such interdicts on all transgressing Jews.
8. Rabbis and lay leaders are duty bound to accept the pleas and claims of Christians against Jews and to justly adjudicate between the two complainants since there is no difference between man and man on this earth.
9. The Jews are hereby cautioned not to protect criminals amongst them. Any Jew who knows of a fellow Jew who deals illegally with a Christian is duty bound to inform the lay leaders of the community.
10. The lay leaders, for their part, are duty bound to suppress crime, trickiness and deceit by all the means at their disposal.

These ten resolutions Josel presented on November 10, 1530 and the rabbis and lay leaders of the German communities concurred in them. The intercessor sealed them with words that must have come from his heart:

"I and my colleagues, assembled here as delegates of the Jewish people, give our pledge and assurance to fulfill these resolutions. If the lords and nobles, princes of the principalities and burgomasters of the entire Holy Roman Empire will also, for their part, do all in their power to see that we are permitted to dwell in peace in the places where we are living now, that we are not threatened from time to time nor frightened with pro-

nosed edicts of expulsion; that they will also grant us permission to travel from place to place and to do business without anyone objecting, seeking to dog our footsteps by constantly presenting accusations, because we are also human beings created in God's image and it is by His will that we dwell among you. In testimony of this, I, Josel of Rosheim, Manhig of all Israel in the land of Germany, have read and put the above statements to writing and subscribe it with my seal and with the sanction of the King's scribes in the city of Augsburg, November 17, 1530".

The above resolutions are to be found among the archives of various principalities of the Holy Roman Empire. As has been said, copies were made and⁴⁰ sent to many communities in Germany. In later chapters we shall have occasion to refer to these resolutions during the discussion of another problem.

However, it must be noted here that although these resolutions are to be found in the archives of many places in Southern Germany, yet in the contemporaneous Jewish literature there is found no reference to the meeting of the Jewish lay leaders in Augsburg nor to the activities of Josel in this matters, even though his name was famous in Israel not only in economic matters⁴¹ and intercession but also in matters of religion and piety.

In all the great achievements which Josel accomplished during the Diet of Augsburg in the summer of 1530 and the following winter, the intercessor does not mention his own name. With great modesty he tells us in a few lines of his activities particularly concerning the privilege: of the meeting which he called and about the resolutions which he presented he only makes mention⁴² he only makes mention as we learn from his 'Memoirs' where he says:

"It was at that time, during the year 1530, when all the leaders of the Empire, nobles and retainers untold, met to establish rules and regulations

2 with the intention of even abolishing usury, in those days, with the help of
God, I stood opposed and succeeded in having the privileges of Emperor Sigis-
mund renewed. The mouths of the accusers were closed and the land was tran-
43
quil."

NOTES TO CHAPTER FIVE

1. Thomas M. Lindsay, A History of the Protestant Reformation (New York, 1906-1910) two volumes, for a history of the movement from the Protestant point of view.
2. Janssen, German People, II, IV, V, VI *impassim* for accounts of these various wars.
3. Janssen, op. cit. V, *ad. loc.*
4. Rabbino-witz, Yosef, p.69
5. Feilchenfeld, Josel, p.116
6. This was also brought out in the Diet of Worms in 1545. Janssen, op. cit. VI, p.226 note 2.
7. H. Bresslau in Ztschr. V, p.309.
8. Feilchenfeld, op. cit. p.116
9. Item 14.
10. Bresslau, op. cit. Ztschr. V, 309.
11. Bax, German Society, pp. 120-122 and Appendix C of that work.
Social Germany in Luther's Time, being the memoirs of Bartholemew Sastrow; translated by Albert D. Vandam (New York, n.d.) p.111.
12. Israel Abrahams, Jewish Life in the Middle Ages (London, 1932) p.261.
13. Bax, German Society, *ad loc.*
14. Guedemann, Geschichte d. Erziehungswesens, III Chapter V.
15. Janssen, op. cit. V, *ad loc.*
16. Lindsay, op. cit. I, p.363ff. Janssen, op. cit. V, Chapter IX. According to Lehmann, Rabbi Joselmann, II, p.112ff, Josel spoke in opposition to it at the Diet.
17. Scheid, Joselmann, p.10f; his Histoire, p.100. Appendix G.
18. Scheid, Joselmann, pp.10.11
19. Scheid, Histoire, p.102.
20. Rabbino-witz, op. cit. p.72

21. Feilchenfeld, Josel, p.117ff. Guedemann, Geschichte d. Erziehungswesens, III, p.41. Graetz, Divrai, VII, Note 4 (pp.402-4)
22. Feilchenfeld, op. cit. p.117. Did so in 1522.
23. Ibid., for charges. Josel's "Sefer HaMikneh" as partly published by Neubauer in Israelitische Letterbode, VI, p.139. Joseph Perles, Beitraege zur Geschichte der Hebraeischen und Aramaeischen Studien (Munich, 1884) p.28, note 2.
24. Guedemann, op. cit. p.41
25. Geiger, Ztschr. II, p.324.
26. Breslau, Ztschr. V, pp. 310-311.
27. Perles, op. cit. p.28, note 2. Feilchenfeld, op. cit. pp. 117-118.
28. Ibid. p.118; Rabbinowitz, Yosef, p.74, note 1.
29. Ibid. But he gives the date as the 25th of the month.
30. Israelitische Letterbode, VI (1880-1881) pp.139f.
31. Breslau, Ztschr. V, pp. 312
32. Also quoted in Feilchenfeld, op. cit. p. 119; Rabbinowitz, op. cit. pp.74-3 and Perles, op. cit.
33. Breslau, op. cit., V, p.311
34. Feilchenfeld, op. cit. p.119
35. The date in which this was originally given is in doubt. G. Wolf, Ztschr. III p. 166 gives it as February 12, 1418. Lehmann, Rabbi Joselmann, II p. 123 gives it as 1416.
36. Lehmann, op. cit. pp. 118-122 gives it entirely as copied from the archives.
37. This can only be appreciated after reading other oaths that were required. See Scheid, Histoire, pp. 125-130.
38. Rabbinowitz, op. cit. p.77.
39. Feilchenfeld, op. cit. pp. 28-31; Scheid, Histoire, p.87; Lehmann, op.cit., II, pp. 128ff for a copy of the manuscript. It is difficult to decide the time and place of their presentation.
40. Feilchenfeld, op. cit. pp. 30-32. Breslau, Ztschr. V, 310-312.

41. Rabbinowitz, Yosef, p.81

42. Item 15.

43. Feilchenfeld, likewise has a digest of these privileges. Josel, p.54.

CHAPTER SIX

As we have seen, the great intercessor did everything possible to remove from German Jewry all possible charges of evil. He appeared before kings, princes, cardinals and bishops, and received assurances from all of them that they would try to give German Jewry security and not expel them from the places in which they dwelt. With the thought of eradicating the prejudice and hatred which arises sporadically in the hearts of the German people, he arranged many resolutions, unusual for their time, in order to remove the wrath both of the nations and of the rulers from his people. He reckoned well but he was mistaken.

To understand Josel's error it is necessary to stop the historical account for a moment and to investigate the life and political activities of the world during the Middle Ages and the first part of the modern period of history and to examine with this as its background the condition of Jewry within that world.

A significant phenomenon, one which causes man to marvel, is the Jewish Diaspora. The history of the Jews during the Medieval period is divisible into two segments, differentiated one from the other and unlike in their content, in the relations between the Jews and the people of Central Europe. In the first half of the Medieval period, from the fifth until the end of the eleventh century, persecutions were not continuous; the hatred against the Jew had almost disappeared; migrations of the Jew were almost unknown. The kings and subjects did not consider it a religious duty to oppress the Jew not to think him more wicked than the native population. But persecutions, decrees of expulsion, forcible conversions began and continued with increasing fervor during the last four hundred years of the Medieval period.

But how can the change of attitude of the German people toward the Jews since the first part of the Medieval period be explained ? Even during the time of Charlemagne and for generations after him, the Germans were very uncivilized. Their conditions were very primitive and for the same reason the hatred of one principality toward another much greater. It certainly was not due to the friendly attitude of the Jews for at that early period they were in no sense any friendlier in their attitude toward the native population than they were in the latter part of the Medieval period. They kept themselves apart and aloof, emphasized their own festivals and were far from mingling with the masses in friendly camaraderie.

The cause for this change in attitude can only be found in the social revolution of that time; the spread of population throughout Europe is significant for the history of Europe along the lines of political, social, economic and scientific development. Until the tenth or eleventh century no settlements could be found in the German countries that could be called cities, municipalities with many places of business, craftsmen and merchants. Castles and feudal estates, villages and hamlets were all that could be found throughout Central Europe. Society was divided into two classes: the nobility comprised of the feudal lords and the clergy and the peasants or freeholders. The Jews were then almost the only ones who acted as traders: they were the international middlemen. It was the Jew who bought the product, transported it to distant lands and in exchange purchased much needed merchandise for the nobility and the peasants; woollen and flax woven materials, silks, artistic vessels of gold and silver, precious stones and jewelry, spices and fruits from eastern and southern countries. ¹ In general, the Jews provided all things needed by society. And to these activities we may also add the business of usury, al-

though this was true to a much greater extent during the latter part of the Medieval period than in the former.

Between the eleventh and fourteenth centuries palaces and castles increased greatly, grew into fortified cities the population of which became urban. The peasants, in part, became merchants and the Jews, because of economic jealousy, came to be hated by them. Those who became craftsmen organized into guilds and one of the Catholic saints was selected as the patron saint of each guild. The priests and monks actively assisted in the establishment of various groups of merchants and business men and influenced the leaders of these groups. The Catholic Church acquired great influence as a result of the Crusades and in its program and conduct of affairs knew how to spread its power over all those actively engaged in worldly affairs. Every group and organization, even those interested solely in secular affairs, assumed a religious form. The holy spirit, as that age perceived it, hovered over all communal activities. Naturally, they regarded the Jews as wicked neighbors who crowded them, whether in the field or in commerce, industry, the professions or the crafts. Then the prohibitions, limitations and differentiations increased daily. Even the kings and rulers who may have recognized the truth were forced to suppress their own opinions because of the clergy and the masses.

At the end of the Medieval period there was another cause which changed and modified the life and activities of Central European society: the discovery of a new route to India and of America. Commerce thereby underwent radical changes and brought about a change for the worst in the conditions of the Germans. The Spaniards, Portuguese, English and Dutch became the masters of commerce in the New World while in Germany the Hanseatic League lost its

importance and the old commercial families of Germany their wealth. The urban populace realized that important commerce had passed out of their hands and, not realizing the causes and not being able to rebel against the powerful masters who had assumed leadership in religion and government, they ascribed their calamitous situation to the Jews. And clergy and nobility found it very simple and very advantageous to point their fingers at the Jews as the parasites of the earth. Then envy, jealousy and hatred increased. From the zeal of religion and the commercial jealousy of merchants and guildsmen there developed the misery of expulsions and migrations.

This terrible situation, in all its phases and harrowing details, appeared during the Diet of Augsburg. The power of the intercessor Josef prevailed only for the time being, during the period of the Diet, since there was no reason to oppress the Jews in order to gratify the nobles and clerics who were striving for power. It was, therefore, possible for the intercessor to obtain a reaffirmation of the Jewish privileges in all of Germany with the consent of the princes after his ten resolutions had been accepted and approved by them. Nevertheless, they still regarded the Jews with disfavor and never ceased scheming to expel them from the confines of Germany.

After the Diet of Augsburg, the Emperor returned to the country of his birth, Flanders and his brother, the newly appointed king of the Germans, Ferdinand, went to Vienna. For a while it seemed that the delegates to the Diet of Augsburg had labored in vain. Ferdinand was then occupied with his wars against the Turks who had conquered all of Hungary and whose leader, Suleiman, was then drawing near to Vienna to besiege it. And at the same time the Protestant leaders assembled at Schmalkald and there formed an alliance. Within a few years a fierce war broke out between Protestants and Catholics which

was to last for almost one hundred and fifty years.

The Protestants, with Luther as their leader, oppressed and persecuted the Jews to an even greater extent than did the Catholics. The intercessor was therefore burdened all his life with trials and law suits between the burghers, the persecutors, and the Jews, the persecuted. His entire life seemed to be composed of pleadings before the courts of justice and the Emperor. One item alone shall be mentioned.

Squabbles and quarrels once arose between the burghers and priests who led them, both Catholic and Lutheran, on the one hand, and the Jews on the other. The Jewish communities of Württemberg, Guezburg, Nuremburg, of the cities of Alsace and especially of Frankfort am Main, turned to Josel once again to send him in their behalf to the Emperor Charles, then in Brabant, Flanders, since they had been informed that their enemies had already sent messengers to the Emperor asking that the privileges that had been granted to the Jews at Augsburg be rescinded. This mission was a very difficult one for the Netherlands provinces were then considered part of Spain into which no Jew was allowed to enter.² Josel's own words concerning his journey to Brussels, where the Emperor then held court, are obscure³ but from the general tenor we may deduce that he was arrested by the Inquisition and forced to spend some time in prison. As we have said, the intercessor suppresses the conversation which he had with the Emperor and the incidents which happened to him during his stay in the Netherlands.⁴ But from the general tenor of his story we may conclude that the Emperor assured him that he would not permit the German cities to execute their intentions and promised that this matter would be considered at the Diet of Regensburg which was to be called in 1533.

We know with certainty that he remained in Brussels for four months, and that while he was en route he completed a book. This he records in his "Memoirs":⁵

"In 1531 the accusers began to seek to persuade the Emperor once more in Brabant, Flanders, where no Jewish man was known to be. I was induced by many to travel to that country to oppose these evil plans with the help of Heaven. I was in the court of the Emperor from Rosh Chodesh Adar to Rosh Chodesh Sivan 1531 in behalf of the communities and even though the General known as Retraut appeared to swallow me alive even unto the gates of death, nevertheless, by the mercy of God, who sent His angel before me, I was saved from his hand and from all these who were lying in wait for me. In these days I secured a private audience with the Emperor where I presented my plea and he answered me kindly. In the meantime, while I was free and alone in my room, I composed the book "Derek HaKedesh". I really profited by these days of solitude and I said to myself 'Happy were all these men of antiquity who dedicated their hearts and minds to withdrawal from the vanities of the world and to engage in spiritual matters, etc.'"

In the following year, 1532, the imperial diet met in Regensburg. This convention was attended only by the Catholics for the alliance between the adherents of the two Christian faiths in Germany had already weakened considerably. The Protestant nobles, who had already made preparations for war as we have mentioned, were no longer willing to obey the Emperor. However, at this diet, even the Catholic princes continued to make accusations against the Jews. Josel journeyed to Regensburg and while there met Solomon Melche who had come there with his travelling companion David Reubeni, two fanciful visionaries. Josel and Solomon Melche represent two extremes, not only in purposes and plans but also in temperaments. Josel's life was dedicated to the betterment of the life of his fellow Jews. He was a practical man who regarded his fellow men and their deeds with clear eye and mind, far removed from dreams

and fancies; a man who knew how to face the problems of life and who was continually active in saving his people from imminent trouble. The Portuguese nobleman was his opposite. Though a modern man, knowing how to bear himself among nobility and how to act like one of them, Solomon Melcho was a Kabbalist, "riding on a chariot of phantasy," meditating over and pondering on methods of preparing the way for the Messiah. Josel judged correctly that if the Emperor considered these matters about which Solomon Melcho had spoken with him important, then he, Josel, would lose all his favor and influence with Charles V and would no longer be able to intervene with him. Therefore he found it best for the Jews of Germany, whose representative and intercessor he was, not to ally himself with this dreamer, even though he thought well of him. Thus
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Josel recorded the incident in his "Memoirs":

"In 1532 I found it necessary to go again to the Emperor to protect Israel during the diet in the city of Regensburg. The Lord was with us and saved us in those days from the accusations of the princes and nobles which would have prevented us from gaining a livelihood among the gentiles by means of usury. During those days the foreigner, the proselyte to Judaism, Rabbi Solomon Melcho, came with strange thoughts to arouse the Emperor by his saying that he had come to call all the Jews to go to war against the Turks. When I heard what his intentions were, I wrote him a letter to warn him not to arouse the Emperor lest the great fire [thereby kindled] consume us. I departed from the city of Regensburg so that the Emperor would not be able to say that I was allied with him [Solomon Melcho] in his activity regarding these strange thoughts. When Solomon went to the Emperor he was placed in chains and taken to the city of Bologna. There he was martyred for sanctifying God's name according to the religion of Israel and he removed many from

to the (for 1532 & 1531)

sin [when his steadfastness was seen by the Marranos]. May his soul, etc."

The sketch of Josel in this quotation errs in minor detail from the facts that have been established about Solomon Molcho. Thus we know, for example, that Molcho was not martyred in Bologna but in Mantua.¹¹ And from this account we can also clearly see the wisdom of the intercessor, that like a man experienced and accustomed to worldly affairs, his mind was well balanced and practical.

The Diet of Regensburg occurred during a period of warfare. The Turkish army had pushed up from Hungary, encamping only a few days journey from Vienna. As has been said, they intended to lay siege to the capital and destroy it. Within the kingdom was rent with civil war between the Catholics and the Protestants and without the kingdom was exposed to the great danger of the army of the greatest power then on earth, the kingdom of Turkey. Because of these circumstances, Emperor Charles V returned to Regensburg to arouse the Christians, to coalesce them into one group and to unite all of them for a religious war against the Mohammedans. Josel knew that the Emperor could be hard hearted and cruel. In Spain and in Portugal, in Naples and in Belgium he supported the Inquisition and ordered hundreds and thousands of Jews and heretics to be burned. Only in Germany were there political reasons and causes which permitted the Jews to remain in the land. Josel, their intercessor, was thus able to find favor with him and when the "Manhig of the Jews" would come before the Emperor, the harsh monarch would show him kindness. Often did he refer to him as "My friend Joselin" and the intercessor was thus in a position to influence the Emperor in behalf of the German Jews. Yet when the report came to Josel that Solomon Molcho and David Reubeni were en route to the Imperial Diet at Regensburg with a great entourage and with a

Jewish flag embroidered with the letters 'ב'ו'נ' fluttering on their
12 chariot, the intercessor perceived that they would cause harm to the
Jews of Germany and bring about their destruction. We do not know the con-
tents of the letter which the intercessor sent to Melchior "to warn him not to
arouse the Emperor lest the great fire consume us" but we can conjecture from
the notice in the "Memoirs" that Josel was opposed since this would place
himself and Israel in general in a dangerous situation.

At another time Josel showed himself to be a wise statesman, practical
and unobsessed by fancy. During the Imperial Diet at Regensburg Josel received
a letter from the Emperor granting him freedom of journey throughout the em-
pire, in which the Emperor calls him "chief of the Jews in the lands of Ger-
many".¹³ And in the very next year, 1533, a blood accusation charge was

made in the city of Ratibor,¹⁴ Silesia, an area half German and half Slavonic-
Polish. Its ruler, Margrave George of the house of Brandenburg, had married
one of the daughters of the reigning house of Poland. The Margrave was in-
clined to Lutheranism and the majority of the natives had already accepted
the new revelation. We may note that the first time that a blood accusation
charge occurred in that land it was in a kingdom ruled by a Protestant. The
danger was exceedingly great since the city was on what was then the boundary
of Poland in which country even at that time there were very many Jews.

The representatives of the Jews of the city of Silesia then came to
Frankfort to have Josel intercede to save two hundred people who were im-
prisoned and expected to be burned. Three of the Jewish leaders had already
been punished so severely that they had acknowledged the crime which they had
not committed and had been sentenced to be burned. The details need not here
concern us except to repeat the words of the intercessor himself as they are

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recorded in his "Memoirs":

"In 1533 strict justice was meted out to our brethren, the inhabitants of Silesia when all the [Jewish] inhabitants were imprisoned. I found it necessary to go to the cities of Schwabach and Ansbach with Rabbi Lieberman to try to release the prisoners. The parnas and two or three other men had been burned because of this charge...In any case, we finally made the lies apparent and with the help of Heaven the prisoners were told 'Go free'..... I spent more than six hundred dinars for this in order to convince and make clear to the Margrave George that we and all Israel were innocent of this crime and accusation."

During these many years that the intercessor worked in behalf of all Jewry, he did not forsake those of his own countries and of those countries round about it. But these matters which deal with the individual cities rather than the general conditions a separate chapter has been set aside. In this chapter we intend to discuss particularly the deeds of the intercessor as they were concerned with the entire Jewish German group according to the notices in his "Memoirs". Not only were these actions concerned with the Jews near his native city but they extended to those Jews who were in distant lands.

Thus, during the years 1534-1537 we see Josel occupied with Jewish affairs, urging his people to aid those more in need of assistance than themselves. Even in this type of work Josel was unusual. But the background which caused him to take up the defense of those in need were fearful and shook the hearts of the Jews of that age.

Sultan Suleiman II waged war against the Christian kingdoms of Europe for many years. Especially were his activities directed against the Kingdom

of Italy (Venice and Genoa), the Emperor of Germany and Spain. The rulers of Tunis, Algiers and Morocco were considered the allies of the Turks for, with their ships, they controlled commerce on the Mediterranean Sea. They would fall on the coasts of Italy and Spain, taking many captives and much spoil and, in addition, they preyed on the merchant ships and warships which belonged to the Christian nations of Southern Europe. These sea-fighters made an alliance with the Sultan by which Suleiman appointed them as captains and commanders in his navy. These men, and especially their brave commander-in-chief, Chayir Redin, terrified the people of Christian Europe by capturing the Spanish galleons filled with gold, spices and other products of the Orient.

Emperor Charles realized all this and he therefore commanded the cessation of his wars in Italy and in Germany (against the Protestants) in order to press all his troops into difficult service on the coast of North Africa, to displace the rulers and reseal his ally Muli Hasan, a friend of the Christians. This was a religious war, a war between Christianity and Mohammedanism. Priests and monks, with their holy crosses in their hands, went to war; they sang songs in praise of the Catholic Church and at same time wielded the sword. And this time the Christian armies were successful. The city of Tunis was taken by storm. Many Jews were killed and those which were saved were taken captive to be sold as slaves.

This victory did not bring much gain to the people of Christian Europe for a short while after the report reached Charles V that the king of France had allied himself with the Turkish Sultan and the Protestant princes against the Holy Roman Empire. Charles, taking all his armies with him, hastened to return to Italy and Germany. But the Jews of Tunis, those who had left Spain and had acquired possessions in this city thirty and forty years before, at

the time of the great expulsion, still remained in great danger. Rabbi Abraham of Tunis who lived at that time wrote, "Alas ! The earth swallowed some of us; others were killed by the sword and some died a natural death." 18
A great number of Jews were taken captive by the Emperor's army and were taken to the slave markets in Rome, Venice and Naples to be sold as Joseph HaKohen records in his "Emek HaBacha": "Many died at that time...when the Christians came to the city of Tunis...and they sold them as slaves to the four corners of the earth. In Naples and Genoa the communities of Italy re-deemed a great number at that time. May God remember them for good". 19

Even in distant lands the need of the unfortunate Jews of North Africa was made known. Letters reached the cities of Germany asking them to interest themselves in the redeeming of the captives. Josel was among the leaders in this activity as he records in his "Memoirs": 20

"In the years 1533-1535 rigorous justice was meted out in the Barbary country whither our lord the Emperor had gone to wage war against them; their cities Korom and Patras were captured. 21 Many Jews were killed because of our many sins. Many were taken captive. The communities of that area wrote [to us] to help redeem and support them, as the letters which are written in this book show. 22 And although a tax of one-quarter percent was imposed for their redemption in Alsace, we were not able to forward the money to reliable men for the ransoming of the captives; 23 and I thought: The remainder of the ransom money of the captives should be used for other redemptions or for other important deeds like it and so on. I spent some of it in the affair concerning the tribulations caused by a harsh decree in the country and community of Prague and some of it for the saving of souls. May it be the will of God, blessed be He ! that it be acceptable. May His name be blessed." 24 25

"The harsh decree in the country and community of Prague " which the intercessor mentions in his "Memoirs" showed him willing not only to act as representative for his people but also as interpreter and peace-maker within Jewry. Here it was more difficult to maintain peace than to influence nobility for his fellow Jews, because of thralldom and exile, rearing and education, were by nature argumentative and divisive. In Bohemia, and especially in its capital Prague the Jews had dwelt from of old. Yet this old community was known as a place of dissension which thereafter spread to the other communities of Bohemia. The immediate cause for the dissension and violence was the weight of the heavy taxes imposed on the Jews by the King, by the nobles and knights and even by the Church and the monasteries. These taxes were not imposed equally on each Jew but were set as a fixed sum upon the entire Jewish group. The collection of the taxes and their division among the communities according to the number of families, their position and wealth was delegated to the leaders of the communities. By authorization of the government, the leaders of the Prague community held full power to impose the taxes upon all the communities of that country and the heads of the community in each city, in their turn, had full power to apportion the sum assigned it among the Jews in their city. This arrangement became a source of dispute for each man saw in his community and each community saw in Prague a perversion of judgment and an unjust apportionment. All of them considered their own poverty and affliction and ascertained that the other Jews were more able to bear the burden of taxation and imposts than they. Spurred on by this dissension increased: envy, prejudice and the desire of each man to satisfy himself at the expense of his coreligionists was rife.

At this time King Ferdinand levied such unbearable imposts on the

communities that the increased tax assessments aroused the murmurings of the Jews in Bohemia against their leaders in Prague. The Jews of Horowitz complained more than all the others. The government officials paid no attention to this and went about to collect the taxes and to hand them over to the leaders of the Prague community. But when it was seen that even the rabbis of Posen and Germany could not make the dissenters arbitrate, it was decided to call upon Josel, the intercessor, to effect a compromise. It is clear that the intercessor's journey to Prague was made at the request of both the government and the leaders of the community.

In the autumn of 1534 the intercessor made his journey to this far distant place, travelling from the western limit of Germany, Alsace, to the northeast corner of the Empire, Prague. Josel's arrival made a deep impression and from far and near Jews of the province came to see their fellow Jew whom the Emperor and King honored and to whom princes showed respect. Yet the intercessor did not accomplish the purpose for which he had been called. Although at first the representatives accepted the compromise arrived at by Josel and the Rabbi of Prague, Abraham ben Abigdor, the men of Horowitz later went back on their word. They even surrounded the house in which the intercessor was lodging and threatened him with violence. This action and the contention which still persisted must have done much to dull the honor of the intercessor in the opinions of the King and princes and in time caused evil to fall upon every Jew in that country for about eight years after this event a decree was issued ordering the complete expulsion of the Jews from Bohemia.

But the intercessor did not harbor any hatred against these Jews of Bohemia and still wished them well. In reference to this unfortunate occur-

ence he recorded in his "Memoirs";

"In 1534 confusion and contention arose between the community of Prague and the men of Horowitz and of other places until two parties arose against each other in the rest of the communities in Bohemia. Then the rabbis of Posen and of Germany communicated with each other in order to render their opinion alike and to place all the matters of contention before men of truth.

Then it was decided to select the renowned Rabbi Abraham ben Abigdor. Upon me devolved the duty of making fences and of arranging the resolutions. At the request of the rabbis and with their permission, after many trials I came to the great city to co-operate with the Gaon. We resolved and arranged twenty-three excellent and acceptable resolutions which it pleased them as well as the people of Horowitz to agree to and to sign. Altogether more than four hundred men signed this resolution. Nevertheless, while I was still in the vicinity, the enemy gave evidence of his presence for there arose a man from Horowitz, Sheftal by name, who with his friends intended to hand me over to assassins. I was forced to be on my guard in the city of Prague three

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times to defend myself. The entire assembly sided with me and with the help of God I was discharged an innocent man, free from the hands of the devouring lions. But with all that there came people who at first glance seemed to be men of understanding. Yet they sided with the disturbing element to my hurt. Nevertheless, truth finds its way for there appeared outstanding men

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from every side, Italian and Austrian, to assume the garb of zealots of the Lord of Hosts to defend my honor and to fight my battles in recognition of all the blessings [which I had bestowed ?] as they are written in that book. And the quarrels which were investigated and which caused so much grief to the people of Horowitz were really the cause for Jacob's [Israel's]

oppression, because of our great sins of destruction and not construction as is evidenced by tribulation after tribulation. May the holy one forgive them and their great sins. So may it be. Amen."

With the closing words, that because of the quarrels 'Jacob' became an object of persecution, the intercessor hints at and refers to the expulsion from Bohemia and Prague in 1452 to which we will have occasion to refer.

NOTES TO CHAPTER SIX

1. Abrahams, Jewish Life in Middle Ages, Chapter XI.
2. The Inquisition had been extended here. See Graetz, Divrai, VII ad loc.
3. Feilchenfeld, Josel p.55ff for the cause for the journey and the journey itself.
4. Lehmann, Rabbi Joselmann, II, p.146ff fills the gap with fiction.
5. Item 16.
6. From this we may conclude that the enemies of the Jews were lying in wait for him, hoping to entrap him and then report him to the Inquisition as Lehmann, op. cit. records.
7. Janssen, German People, V, pp.274-389. This must have been the second of a pair held within a short while of each other.
8. Ibid. Feilchenfeld, op. cit., p.50 and Item 17 of the "Memoirs".
9. Graetz, op. cit., VII p.172ff, 187-9. Lehmann, op. cit. II, p.160ff.
10. Item 17.
11. Graetz, op. cit. VII, p.189. Also Roth, Marranos, p.149.
12. Graetz, op. cit. VII, p.188. Cohen, Emek Habacha, p.115, 116.
13. Feilchenfeld, op. cit. p.56. It reads, "als der judenschaft in teutschen landen oberster", "us gewalt und bevelch kais. Mt."
14. Rabbinoivitz, Yosef, p.94. Kracauer, R.E.J. XVI, p.99 reads "Ratibor".
15. Item 18.
16. Janssen, op. cit. V, pp. 438-441. Chayir Redin is also rendered Chairredin. Also Gans, Zemach David, folio 52a, column 1.
17. Graetz, op. cit., VII, pp.196-7. Gans, op. cit., l.c.
18. Rabbinoivitz's, אשכול אברהם (Warsaw, 1894) p.183; Cohen, Emek Habacha, p.119.
19. Cohen, op. cit. pp. 117-118.
20. Item 19.
21. Cohen, op. cit., p.113.
22. אשכול. Kracauer, R.E.J. XVI, p. 99 takes it as meaning Italy.

23. If I have translated this correctly, this may be an indication that the "Memoirs" as we have them are incomplete.
24. That is, a tax of one-fourth gulden for each hundred gulden possessed. Kracauer, R.E.J.XVI, p.99.
25. This may have been due more to the unsettled conditions of the roads and the dangers encountered in travel.
26. See 'Letter of Safe Conduct' given to Josel on October 20, 1534, in Feilchenfeld, Josel, Appendix IX.
27. Ibid. p.47 ff. G. Wolf in Ztschr. I:311. Item 19
28. Guedemann, Geschichte d. Erziehungswesens, III, p.158. Item 19 of the "Memoirs".
29. Gans, Zemach David, folio 42b, column 1.
30. Item 19.
31. Kracauer, R.E.J.XVI, p.99 explains this.
32. See note 22 above.

CHAPTER SEVEN

We have already called attention to the fact in preceding chapters that in the hatred which the Germans harbored against the Jews no difference is to be noted between Catholics and Protestants. And we have also seen that, whether the intercessor was successful or not, Josel always was received in the courts of the Catholic princes of Germany, that he was continually approaching them and, in the main, was favorably received by them. But inestimably more difficult was the task of the intercessor in the German countries which were ruled by Protestant princes.

Josel was opposed to the leader of the Protestant reformation, his ~~colends~~ leagues and disciples. The intercessor had already reached middle age and he realized that this new movement in Christianity not only would not bring any relief to the distressed and oppressed Jews but would increase their troubles and suffering, for the Protestant leaders were more fanatical than ¹ the Catholics.

Trouble arose in the north, in Saxony, the land of Luther's birth. In 1537 some iniquitous Jews were found there. ² The ruler of Saxony, Elector John Frederick (1532-1554), an adherent of Luther, instead of reprimanding and punishing ~~them~~ criminals according to the degree of their crime, hearkened to the advice of his teacher Martin Luther and issued an order expelling the ³ Jews from the province. Any found in it would be severely punished. Because of this expulsion a great danger was imminent for all the other Jews dwelling in countries ruled by Protestant princes for it was known that Elector John Frederick had first consulted Luther and then had acted upon his advice. Nor was Luther content with giving advice to nobility but he published books and pamphlets and even delivered sermons to the natives in which he advocated

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the alternative of death or exile for the Jews.

Again the rabbis and lay leaders convened at Frankfort, which, incidentally, was the stronghold of Protestantism. By a consensus of opinion Josel was summoned and was given full authority to journey to the province of Saxony, then called Meissen, and there present himself before the Elector and Luther whose influence would be able to arrest these persecutions. In order to provide himself with letters of recommendation, the intercessor went to Strasbourg, the capital of Alsace, and requested such documents from the city Council as well as from the Lutheran pastors who were known to be pillars of Protestantism, Wolfgang Capito and Butzer. His request was granted and the Strasbourg council gave him a letter of introduction to Elector John Frederick in which they are fulsome in their praise of him. They said that he was an upright Jew who guarded with honesty and zeal the interests of his fellow Jews. They quoted Paul's epistle to the Romans in which it is urged that the Jews be pitied since they are the tree which bears the olives from which the oil used to illumine religion on earth is crushed. Thus they urged the Elector to grant Josel an audience and to fulfill his request.

In addition, the first of the two Protestant scholars previously mentioned, the pious and popular Capito, also gave him a letter of introduction to Luther, in which the pastor said that Butzer concurred with him in this plan of saving the Jews of Saxony but could not write since he was preparing to leave for Basel. He, too, wrote favorably of Josel "one of the most pious among the Jews....with a very good reputation whom the Jews consider their patron" and urged that despite the crimes of certain vagabond Jews, who had already been publicly punished, the Jews as a group should not be hamed. Capito's letter, dated April 26, 1537, kind and sympathetic, requested

that mercy be shown to all of Jewry.

The intercessor, relying on these letters, hopefully left for Saxony and after many trials he reached Wittenburg, in which Luther dwelt. Josel was soon convinced that Luther had changed his earlier attitude toward the
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Jews during the time in which he had written the pamphlet "That the Author
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of the New Testament was a Jew". At first Luther refused to have anything to do with the Parnas and Manhig of the German Jews and it was only after the intercessor had repeatedly petitioned and begged in letters to him that the priest replied in a bitter letter in which he said that since he held his friend, the good and prudent Jew Josel of Rosheim, in high esteem he would reveal his thoughts and admit as truth that whereas he was formerly merciful to the Jews and wrote in their behalf, saying good things about them, now he was convinced that he had accorded kindness to those who were not worthy of sympathy or mercy since they were ungrateful and had repaid him poorly for his goodness. In his dealing mercifully with the Jews he had not intended to strengthen them in their error and perverseness. And now, since they refused to recognize the revelation of the New Testament, he intended to write an indictment of the accursed Jews who had put him to shame and had put his hope of seeing them join the Christian Church to naught. Not only would he not say anything in behalf of the Jews to the Elector John Frederick but he would advise him to deal with them as refractory and rebellious
14
people should be treated.

Apparently the intercessor was not able to obtain an audience with the ruler of Saxony. Even if he had he could not have hoped to receive any favors from him after what Luther had written to him. Yet, despite all this, the intercessor did not relinquish his hope for he definitely decided to

lay the matter before the Elector of Saxony when the latter would come to Frankfort am Main to attend the Diet of German Lutheran princes which was to be held in 1538 and at which the three political pillars of the Protestant Church were to meet, the Elector of Saxony, Landgrave Philip of Hesse and Joachim II of Brandenburg (Prussia). They were the rulers who first gave political assistance to Lutheranism in Germany through the Schmalkaldic League.¹⁵

In the meantime Luther was carrying out his promise. In 1538 he published his tract titled "A Letter Against Those Who Keep the Sabbath: By a Good Friend". In it he expressed his contempt for all those Jews who had refused to join his cause.¹⁶ During the fall of that year Butzer, his colleague, who, as we have seen,¹⁷ was well disposed to the Jews, came from Strasbourg and visited with him. And under Luther's influence his friendly attitude, too, changed to bitter hatred; now the Jews could only rely on the friendly attitude of the scholarly Capito.

An event which was to give Butzer the opportunity of revealing his opposition to the Jews soon occurred. The Landgrave Philip of Hesse was unique among the Protestant nobles in that he did not completely agree with Luther. Although he had fought against the Catholic Emperor he was far from a fanatic and was more inclined toward Zwingli than to Luther. At that time the councillors of Hesse protested to Philip about the Jews and drew up a list of regulations according to which they would permit the Jews to remain in that land.¹⁸ According to their proposal:¹⁹

1. The Jews were to be permitted to engage in business wherever there were no Christian traders nor craft guilds.
2. Their business was to be honest.
3. They were prohibited from taking interest by themselves but if they

lent money to Christians the native parliaments would determine the amount of interest.

4. They would select chiefs from among their number to punish their transgressors according to their laws.
5. The tax "Coin of Protection" [Schutzpfennig] was to be placed upon the Jews for the benefit of the faithful ruler of the province.
6. They were to be forced to listen to sermons [of Christian preachers in their churches].
7. They were to dispute with them regarding religious matters.

This liberal proposal Landgrave Philip placed before Butzer and six other²⁰ pastors in Hesse and asked that they express their opinions. These preachers of a gospel of love and mercy differed in their plan from the burghers. They held that it would be beneficial to the entire realm were all of its inhabitants of one religion and thus they justified the rulers who had expelled the Jews from their lands. However, if Philip had already decided to permit the Jews to remain in his territory, they, in their turn would require of him that he grant²¹ the Jews that favor only on the following conditions:

1. They will be prohibited from building any new synagogues.
2. They will be required to take an oath to observe only the commandments of the Bible, not those of the Talmud or later rabbinic decisions.
3. They will be prohibited not only from practicing usury but also from taking part in industry, the trades and the crafts.
4. Their work will be to plow the fields, raise the earthworks, dig lime, work with clay and bricks: to be chimney sweeps, to clean latrines and to dress corpses.

But the Landgrave did not agree with them and in a heated letter he announced his refusal to accept their plans. The only question which they would have to answer was whether they would expel the Jews or permit them to remain and live as civilized people.

The proposals of the priests and the Landgrave's answer were published, apparently through the Jews or at their request that the general community might be informed and might judge between the just ruler and the over-zealous
22 fanatical priests.

Meanwhile the Protestant rulers were convened in Frankfort to decide on their reaction to the invitation extended to them by Pope Paul III to take part in the ecclesiastical assembly which was proposed to be held in the city of Trent. The Elector of Saxony, the Landgrave of Hesse and the Elector of Brandenburg were the leaders of this assembly and to it came Josel.

We have already had occasion to mention Joachim II (1535-1571) of Brandenburg. His father, Joachim I, had remained a faithful Catholic until his death in 1535 and he himself was very cautious in his actions. Although he accepted the 'new revelation' and sponsored it in his own province, he was far from being a fanatic.

During the assembly at Frankfort, when Butzer met with Josel, questions led to important debates in the presence of the nobles whose custom it then was to concern themselves not only with political but also with theological problems and to decide between the disputants. Thoughtfully and with de-
23 liberateness the intercessor disputed with Butzer regarding the abusive book which the latter had written against the Jews. From the Pentateuch, from the Prophets and even from the New Testament Josel brought evidence to prove that the mission of the righteous priests of the religion of mercy and love

should be to bring peace into the world while Butzer's book was written to arouse hatred and to destroy the finer qualities of mankind. Thus did the intercessor sneak to the rulers and the nobles;

"On the road which leads to the city of Frankfort some Christian men attacked a poor Jew, smote him and robbed him of all which he had, and while they were perpetrating this crime, they said, "Look now, Jew ! Read what is written in this book and see how the scholarly priest Butzer gives us permission to take from you, Jews, wealth and after that, life."²⁴

In the heat of the debate, when the attention of the assembly was turned to blood accusations and desecrations of the host, the intercessor found an opportunity to show the innocence of the Jews regarding these charges. In an earlier chapter²⁵ we noted the event as it is recorded in the intercessor's "Memoirs".²⁶ There we are informed of the burning of thirty-six Jews, men and women, in the square of Berlin because of a false accusation that the Jews had taken holy bread from a thief whom they had hired to do this work that he might be accused of desecrating the holy objects of Christianity.

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About thirty years had passed since the time of that horrible event when in the presence of those assembled at Frankfort the innocence and righteousness of those who had been martyred was revealed. We can deduce from the generalities of the account that Josel made use of these facts to cast light on that horrible murder.

²⁸
During the assembly in Frankfort the eminent scholar Philip Melancthon,²⁹ who was known as the "Preceptor of the German People", testified that in Wittenburg there could be found an old Lutheran priest who had formerly been a Catholic. In the presence of Melancthon, Butzer and others³⁰ he had written a confession. Twenty-nine years before thirty-six Jews had been brought from

various cities in the province of Brandenburg to Berlin and placed in prison. All the Jews suffered because of one Jew who, it was charged, had seen the happening. The prisoners were severely tortured and because of the punishments some of them admitted the crime which they had not committed and they were all condemned to die by burning. The bishop then sent this priest, Izibyo Niger, to them to urge them to convert, but except for two who accepted baptism and whose punishment was made lighter whereby they died by decapitation they would not listen to him. The night preceding the execution of the prisoners, a witness came to this priest and besought him to permit him to confess his sins. In his confession he admitted that he had testified falsely and that his soul had had no rest because of pangs of conscience for he felt that he was the murderer of thirty six innocent people. According to the laws of Catholicism, the priest was forbidden to reveal the confession to any one except the bishop. On that same night the priest went to the bishop's home, awakened him and told him all that he had heard from the false witness and begged of him permission to reveal this confession to the judges and to the Elector (Joachim I). But the bishop withheld permission and the thirty six Jews were martyred. From then on the priest knew no peace and when the Reformation broke out these feelings of unrest were the cause of his forsaking Catholicism and accepting Lutheranism. He gave the confession to Melancthon and his friends proving that he who had accused the Jews was a thief and that he had stolen the holy vessels. He feared that he would be arrested and he therefore invented the story that the Jews had desecrated the holy objects. This story and the clarification of the event by Melancthon disturbed the noblemen who were in session and especially Joachim II whose father, the Elector of Brandenburg before him, had condemned these men to death. Josel's words then influenced this ruler to

be gracious to the Jews and he permitted them to resettle in his land. ³¹

However, upon the Elector of Saxony, John Frederick, who was under Luther's thumb, this story made no lasting impression; nor did Butzer ~~think~~ consider the implications of the occurrence important for he continued preaching accusations against the Jews. Not so with the Elector of Brandenburg and the Landgrave of Hesse. The former, Joachim II, from then on was well disposed to the Jews and maintained a Jew, Leopold, as his physician and financier. ³² The Landgrave Philip, for his part, prolonged the time that the Jews ³³ might sojourn in Hesse according to the conditions mentioned above.

Butzer saw how the Jewish position had been improved and to counteract this ³⁴ movement published an abusive pamphlet "About the Jews" in which, among other things, he indicates the dispute between him and Josel. The pamphlet was included within the calumnious literature which Luther broadcast from time to time thus poisoning the German mind against the Jews.

The entire incident is verified and corroborated in the "Letter of Comfort ³⁵ [תורת חסד]" which Josel wrote at that time to explain the occurrence. Likewise these facts find support in the general histories dealing with that ³⁶ period ³⁷ as well as in the intercessor's "Memoirs" where he stated briefly:

"In 1537 Elector John Frederick of Saxony came ^{to entreat us} to expel us and not to permit the Jews in his province because of the priest Martin Luther (may his body and soul be bound up with Gehinnom) who published abusive books and who said "He who helps the Jews loses his hope ([as borne out] by the many stories of conversions of nobles and commoners) until there is hardly any existence remaining for the haters of Israel." With the consent of our ³⁸ rabbis I received exceptional letters from the leading men of Strasbourg. ³⁹ I then went up to the province of Meissen and Thuringia to seek an inter-

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view with the ruler of Saxony but I was not able to show [the letters to him] until he came to the city of Frankfort with the other nobles, among whom was the Elector of Brandenburg who intended to expel all the Jews. But by a metamorphosis and because of the debates which I conducted in the presence of many scholars, the wisest of the people, arguing that the words of our holy Scriptures were not in accord with those of Luther, Butzer and their colleagues until they agreed regarding the blessings. And there a great miracle was done for us for it was revealed and made known publicly in the presence of Elector Joachim [II] that all those men who had been burnt during the life of his father in 1510, thirty-eight souls of Israel, who had been burnt on the evidence of a liar and evil perjurer, were innocent, for the thief had already acknowledged his deceit but an adversary, an enemy, the bishop, commanded the priest not to tell the confession of the thief to the Elector. Therefore the Electors changed their minds about expelling the Jews and until this day Elector Joachim II has maintained this policy. But [the Elector of] Saxony broke his promise and harmed us exceedingly and for it was the country punished. Blessed be God who avenges His people".

Yet, although Josel thus publicly emphasized Jewry's innocence of these charges, the opponents of Judaism continued their attacks. The Lutheran priests, and especially Butzer, the oldest and most zealous of the Protestants, increased their calumnies in order to arouse more bitter hatred. In a new edition of the defamatory pamphlet, about which we have already written, published on May 10, 1539, Butzer added some new accusations and, in the name of Luther, called upon the German people to expel the Jews from their Empire. Despite the fact that the Landgrave of Hesse paid no attention to this and showed his sympathy to the Jews, the attacked people feared lest

they be destroyed. In desperation they turned to the intercessor who bestirred himself to do the only thing which he could do, to answer the accusations of Butzer and to prove them false by publishing a pamphlet. This tract, written in Hebrew and titled "The Letter of Comfort" was published primarily for the Jews of Hesse. Copies of it were sent to all the Jewish communities in that principality to be read in the synagogue on every Sabbath of the year. ⁴⁶

In brief the letter contained the answers which the intercessor made to Butzer's accusations; an account of the criminal~~s~~ deeds of which the Jews were accused; words of rebuke to the Jews urging them to keep themselves aloof from fraud and dishonesty in their business dealings with Christians and from everything that would cause a desecration of God's name; disapproval of the usurers who made fortunes contrary to law; and words of comfort saying that the deliverer of Israel was soon to come and its righteousness revealed. He knew that it was impossible to prohibit the Jews from lending money on interest after all other means of gaining a livelihood in crafts and arts had been closed to them, but he sought to have them take low rates of interest so as not to handicap business.

The intercessor, always practical, realized that scarcely would the contents of this booklet become known to the Christians than they would find new accusations to make against the Jews, charging that they reviled the Christian councils and said shameful things about Jesus, the Apostles and the Lutherans even within this new brochure. ⁴⁷ He therefore quickly translated the booklet from Hebrew into German in order to convince the Christians [and perhaps also for use by the Jews who did not know Hebrew] that it was not intended to offend any man or his faith but to protect his fellow Jews and to support them in this time of trouble. He sent the letter with a German trans-

lation to the councillors of Strasbourg begging them to read it and given him an attestation that there was nothing in it derogatory to the leader of Protestantism nor to his colleague and disciples.⁴⁸ In 1541 Josel sent the brochure in Hebrew and German, with the letter of request to the princes of the council, to the secretary of that body.

Josel's original brochure does not exist even in manuscript; and of the German translation which was made only fragments of a resumé and the letter of Josel to the Council of Strasbourg and its reply have been found. The contents of the booklet appear to be,⁴⁹

1. Strengthening the Jews in the principality of Hesse. In the introduction the intercessor explains the events which caused him to write this booklet, saying that the Jews of Hesse wrote to him in reference to the proposition of Butzer⁵⁰ that the Jews should be forced to listen to the sermons of the priests in their churches so that they would be thereby influenced to join the Christian Church. The Jews suffered pangs of conscience because of this since they had gone to the churches and heard the sermons of the priests who had advised them to free themselves from their troubles by accepting baptism. And again he wrote how the pious and wise Melancthon had succeeded in proving the innocence of the thirty six Jews who had been martyred in Berlin in 1510.

2. He explained that the Jews should refuse to enter into disputation with the adherents of other religions, especially with the priests; they should reply only when asked questions by the rulers. They should answer properly according to Malachi, "For I the Lord change not; and ye, O Sons of Jacob are not consumed",⁵¹ "Remember ye the law of Moses my servant, which I have commanded unto him in Horeb for all Israel, even statutes and ordinances."⁵²

3. He again exhorted his people regarding the lending of money on interest

and explained that even the Bible said "to the gentiles you may lend". Yet the rabbis of the Talmud prohibited even the lending of money to gentiles on interest and would permit only "in order to make a living" and to scholars.⁵³ And lately, since in Germany the Jews were denied the privilege of pursuing the work of craftsmen or artisans, lending on interest was the only way of "making a living". Yet he warned them to be cautious so as not to desecrate God's name lest they be fraudulent and the rest of Jewry be punished because of them.

4. The intercessor warned his people that they should be quiet and meek, content with little, and refuse to mix with the natives. In the name of Isaiah he repeated to them "Go, my people, into your rooms; close the doors after you until the rage has passed over".

5. He commanded them to pray for the peace of the country and for the government of the province that it might remove the disgrace of those who profaned the prayers of Israel and accused the Jews of having prayers which cursed and abused Christianity and Jesus. He again recorded the disputation which he had had with the apostate Margarita who also had made charges against the prayers of Israel. He wrote how he had defeated him in the debate on the Holy Scriptures by making use of the prayers of Daniel since no mention is made there of Israel's hatred for other nations and how Jeremiah, too, had commanded the people to pray for the peace of the city to which they had been exiled. In warning his people to refrain from disputations with the priests of other religions he quoted the words of Micah, "Let each man go in the name of his God".

Not long after Josel again set out to reply to those who scoffed at the Jewish manner of life. Luther, who, as we have noted, had already showed

signs of his hatred to Israel now, in 1543, expressed it in an abusive book⁵⁴ intended to arouse anger and hatred, "About the Jews and Their Lies", and in⁵⁵ the same year another defamatory pamphlet "About the Ineffable Name" to which we have already referred. The intercessor saw the great harm which the contents of these books could cause to the Jews of Protestant countries as well as those of his native Alsace. Hence, he sent a letter to the leaders of the Strasbourg council requesting them not to permit these books to circulate in the capital city nor in the other cities of the province.⁵⁶ In it he expressed the hope that he himself would answer the charges of Luther and refute all his accusations and lies as he had done with the anostate Margarita before Emperor Charles V and the Diet of Augsburg. Yet he feared that the fanaticism of the mob would be aroused and that in their hatred they would harm the Jews who, according to their prophet and prelat, Luther, were the objects of the anger of the Lord. On the same day that this letter came to the councillors of Strasbourg a report reached them that the Protestant preacher of the city of Hochfeld had already expounded Luther's plan to exterminate⁵⁷ the Jews in his church. This event convinced the councillors that they did not wish to hearken to the Protestant leader. Their answer to Josel was that they would examine Luther's books and if they found any calumnies in them they would not permit them to be printed or circulated in Alsace and that the preachers would be warned not to preach abusive and hateful sermons against⁵⁸ the Jews. Again in that same year Josel sent another letter to the council⁵⁹ of Strasbourg in reference to Luther's book "About the Ineffable Name", in which, in general, the intercessor proved that even the great scholar Capito, who was held in high esteem by the Alsatians and who had died in 1541, admitted that he had read the Talmud, its commentaries and all the prayers of Israel yet had not found in them one thing derogatory to Jesus. He uses Scriptures

to support his request that the nobility intercede in behalf of the Jews before the rulers of Saxony and Hesse because God had shown mercy to the rebellious and refractory Jews as Isaiah⁶⁰ and Zechariah⁶¹ had recorded.

Josel's intercession was not successful. The Strasbourg councillors answered his petition in an unsatisfactory manner when they advised him to turn his request over to the governor of the province in Hagenau and to the Elector of Brandenburg. We do not know what the intercessor did after that or whether⁶² he was successful.

Thus far we have been interested in the intercessory activities of Josel before dukes, nobles and councillors of the cities and princes of the Protestant countries. It is true, in the main, that his intercession bore no fruits. However, the fact that one Jew, who, according to the laws of the Empire, was no better than his brethren, who, bereft of all law, were distressed and ravaged, was willing to journey from principality to principality in order to prove the dishonesty and falseness of Luther, who then ruled through his religion and whose words were regarded as commands by his adherents, this point of view alone should show us the strength of the intercessor's courage and his self-effacement in order to fulfill his mission as redeemer and protagonist of his crushed people.

According to the presentation of the events in this chapter, we see how great was the hatred, how strong the fanaticism of the leaders of the Reformation in Germany and how they prevented the intercessor's activities from being successful. More effective than in this area was the work of Josel in the courts of the Catholic potentates and especially in the court of Emperor Charles V who retained his attachment and friendship with Josel all the days of the intercessor's life and even caused them to be continued with his sons

as we know from the evidence contained in the letters which have come down to us signed and sealed by that monarch.

NOTES TO CHAPTER SEVEN

1. See above p.26 and note.
2. Feilchenfeld, Josel, p. 121ff. Bresslau, Ztschr. V, p.312.
3. Scheid, Joselmann, p.17
4. This has already been touched on and will be dealt with below.
5. Meissen is a city located in Saxony.
6. Scheid, Joselmann, p.17ff.
7. Janssen, op. cit. V, ad loc. Feilchenfeld, op. cit. p.119ff.
8. XI;24.
9. See Appendix K.
10. Bresslau, Ztschr. V, pp. 313-326. Appendix J. Scheid, Joselmann, p.18ff.
11. Here Scheid makes the error referred to in Chapter One, p.7.
12. For Luther's early hope of converting the Jews to Christianity, see Feilchenfeld, op. cit. p.120.
13. Scheid, Joselmann, p.17ff.
14. Bresslau, Ztschr. V, pp. 313-314. Appendix L.
15. Bresslau, Ztschr. V, p.327. Feilchenfeld, op. cit. Appendix XVI.
Janssen, German People, V and VI ad loc. Gans, Zemach David, folio 51b, column 2.
16. Bresslau, Ztschr. V, p.315.
17. See Appendix J.
18. Feilchenfeld, op. cit. p.122.
19. Ibid. p.123; Bresslau, Ztschr. V, p.315.
20. Feilchenfeld, pp.124-5.
21. Ibid. p.125
22. Rabbinowitz, Yosef, p.106
23. Feilchenfeld, op. cit. p.126; "Memoirs" Item 22; Bresslau, Ztschr. V, p.317; Appendix T.

24. Feilchenfeld, Josel, p.126 and Appendix XVI; Bresslau, Ztschr. V, n.319.
25. Chanter Two, nn.15,16.
26. Item 5.
27. The incident occurring in 1539.
28. James William Richard, Philip Melanchthon (New York, 1898).
29. Ibid., pp. 128, 134 explain the title.
30. See Feilchenfeld, op. cit. p.127; his Appendix XVI and Appendix T.
Also two noblemen of Strasbourg, Beatus von Donzenheim and St. Boeckel; Rabbinowitz, Yosef, p.108.
31. "Memoirs" Item 22.
32. ~~Grätz~~, Divrai, VII, p.221.
33. See above p.79.
34. See Feilchenfeld, op. cit. p.125 and elsewhere.
35. Appendix, T; Feilchenfeld, op. cit. Appendix XVI.
36. Janssen, German People, V and VI ad loc.
37. Item 22.
38. See Appendix J and K.
39. That is, Saxony.
40. I have read as Rabbinowitz, op. cit. p. 110, suggests- נאמרים instead of נאמרים.
41. I do not know what this means. *See marginal note to text*
42. He includes in this number the two who were converted and decapitated.
43. Rabbinowitz, op. cit. p.111 note 2 thinks that this suggests their defeat at the hand of the army of Charles V during the Schmalkaldic War.
44. Geiger, Ztschr. II, p.330. Bresslau, Ztschr. V, p.318. Feilchenfeld, op.cit p.127.
45. Ibid.

46. See note 35 above. Scheid, Joselmann, p.19ff; Feilchenfeld, Josel, p.128ff.
47. See Scheid, Joselmann, p.19, where it is said that these charges actually were made.
48. Appendix M.
49. Rabbinowitz, Yosef, p.113f.
50. See above pp.80 and 81.
51. Chapter III, v.6.
42. Chapter III, v.23.
53. B.Baba Metzia folios 70 and 71.
54. Geiger, Ztschr. II, p.326; Feilchenfeld, op. cit. p.132 for analysis.
55. Feilchenfeld, op. cit. pp. 133-4 for analysis. Graetz, Divrai, p.76.
56. Feilchenfeld, op. cit. p.134; Scheid, Joselmann, p.23.
57. Ibid.
58. Ibid.
59. Appendix N.
60. Isaiah XLVII:6.
61. Micah I:15.
62. Feilchenfeld, op. cit. p.136; Leeb, R.E.J.V., p.102; Bresslau, Ztschr. V, pp.322-324.

CHAPTER EIGHT

During the ten year interval between 1530, at the conclusion of the Diet of Augsburg, and 1541 we found Josel occupied with affairs that concerned themselves with all of Jewry in Germany. He sought to obtain privileges from the Emperor and tried to remove enemies and dishonest men from within the Jewish group by an internal reformation. He attempted to show clearly that innocent and righteous Jews had been killed because of false blood accusations; he took pains to incline the Protestant rulers toward the Jews who were to be found in the lands under their suzerainty. But despite all this his interest in the individual communities within his native Alsace did not cease; in most of the principalities of southern Germany he interceded with the stern, fanatical councillors who hated the Jews and were envious of their incomes. The quarrels between these petty persecutors and the Jews were always numerous. It was therefore necessary for the intercessor to appear continually in the courts of justice and it devolved upon him to come before the higher courts and even before Emperor Charles V, King Ferdinand and various nobles in protest against the oppression and subjection imposed on the Jews.

It would be difficult to explain individually all the events which affected every Jew in Germany. Yet it would be impossible to neglect them entirely. It is therefore intended to indicate the history of the Jews and of their intercessor Josel in a short account of important events arranged not chronologically but geographically.

Strasbourg

Josel usually found favor in the council of Strasbourg. In the preceding chapter we noted at length that he had obtained a letter of recommendation

from that body for the Elector of Saxony. However, often before and after this did he appear there for his relations with them were fairly numerous. His first contact with them, perhaps, was in 1512. Since he used to come to that city on questions relative to his functions he believed that he was able to avoid paying the tax which the city council had placed upon each Jew who entered the city. But the magistrate would not agree to exempt him and in 1512, when he was arrested for a second time, he was condemned to pay a fine.¹ During the Peasants' War he approached them many times begging protection for the Jews in Alsace.² Strasbourg served generally as a refuge for the Jews of the neighborhood and in 1534, when Alsace was overrun with troops rejoining either the French army or that of Charles V, in a letter dated May 3, Josel, after having recalled that on a previous occasion, when rumors of war were current, the council had ordered the Jews to retire to the city, asked the same favor, Alsace then being submerged by a mass of troops and the Jews being obliged to procure protection to safeguard themselves from danger. His request was later favorably received and, after June, Josel and his family, with other Alsatian Jews,³ were permitted to take refuge in Strasbourg.

Josel appeared in connection with a number of religious questions in which the city of Strasbourg was more or less interested. A Jew of Wingersheim had been killed during the winter of 1533-1534 and the assassin had been imprisoned. His condemnation would have been as disquieting to the Jews as his acquittal. Josel therefore begged the authorities of Strasbourg to arbitrate the matter and he offered to be among those to consider it. His proposal was accepted and on May 27, 1534 he received an invitation to come to Strasbourg on June 2 with some members of the family of the man who had been killed in order to be present with the other appointed arbiters in his capacity of leader of the Jews.

A letter of safe conduct was given him to this effect by the provost Conrad Althoffen so that he, with those who accompanied him, could be exempted from paying the entrance tax and that he might remain in the city as long as necessary.⁴ Nothing further is known about this.

Since Strasbourg was a free city, it was not subject to any foreign jurisdiction, not even that of the Emperor. The Imperial privileges sometimes conflicted with those of the city and the council kept zealous watch to preserve its prerogatives. On June 23, 1534 they wrote to Josel complaining that the Jews had recourse to tribunals other than those of the city, some going even to the Imperial court in Rothweil. Because of this Josel wrote a circular on this subject to the Jews of the province on June 25, 1534, ordering them to cease this practice.⁵ But in spite of this a Jew Samuel of Aspach cited a Mr. Claus before the court at Rothweil and a Jewess, Bluemel of Hochfeld erred in the same way. The city of Strasbourg did not fail to complain to Josel who hastened to obtain the stoppage of the suit. But the affair dragged on until the council of Strasbourg threatened to prohibit all the Jews from entering the city and forbidding all the inhabitants from having any relations with them. Not knowing what to do, Josel convened a meeting of the representatives of the Jews of Haguenaue and discussed means of terminating this conflict with them. An agreement was reached between the city and the Jews and approved by the council. Authorized copies were made and, stamped with the seal of the city, giving them more authority, were sent to each of the communities of Lower Alsace on July 17, 1536.⁶

Josel had also addressed copies of the document to the leaders of the Jewish communities in Upper Alsace but since they had scarcely any relations with the Strasbourgiens they did not feel the necessity of accepting the agreement.

7
However, in 1542, some Jews of Upper Alsace came as representatives of the Jews of that district to ask the city to enter into a like agreement with them. On July 3, 1543 the magistrate consented if they would first obtain Josel's approval. The latter approved the agreement and affixed his seal to it on July 17, 1543.⁸

9
V In 1545 Erasmus, bishop of Strasbourg, received a privilege from Charles V whereby the Jews were not to lend money to anyone under the bishop's jurisdiction without authorization, nor were they to buy any mortgages. A fine of twenty gold marks was to be paid by any Jew disobeying this edict. Josel is silent about this in his "Memoirs" nor does it appear that he did anything about it.

Colmar

More difficult for the intercessor were his dealings with the burghers of Colmar. As early as 1507 they had sent a representative to Emperor Maximilian I requesting him to permit them to expel the Jews.¹⁰ Finally, as we have already mentioned elsewhere, on January 22, 1510, the Emperor granted them permission to expel the Jews.¹¹ The Jews immediately received the order to leave the city after Easter¹² but later it was extended to St. George's Day of 1511¹³ and then postponed again for another year. Difficulties regarding their cemetery arose¹⁴ but they were finally expelled on St. George's Day of 1512 and found refuge in nearby villages. But the expulsion was not complete and¹⁵ business traffic between the Jews and the Colmarians was not interrupted. The city council disapproved of this commerce and succeeded in having Charles V issue an edict at Augsburg on July 29, 1530 whereby the Jews could no longer lend money there except on movable objects;¹⁶ in case of contravention the debt was to be considered null and the capital lost without appeal.¹⁷ This

clause, although it was most restrictive, seemed too liberal to the burgo-
master for on February 22, 1534, he had announced in the churches that the in-
habitants of Colmar were forbidden to give lodging to the Jews under penalty
of losing their burgher rights.¹⁸ Josel, for his own part, was warned on the
following March 19 to prevent his coreligionists, under his orders, from coming
to barter at Colmar¹⁹ for they had two new grievances against them; the Jews
had introduced foreign money, principally that of Lorraine, into Colmar so that
the national currency was leaving the country and was being replaced with money
of inferior value, and, furthermore, the Jews were abusing the privilege that
had been granted them of dealing in second hand goods and were also selling new
clothes to the detriment of the burgher merchants.²⁰ The intercessor hastened
to reply three days later that after Easter he would write to the Jews in the
villages nearby and make the necessary remonstrances to them on behalf of the
city.²¹ In 1537 the same prohibition was again promulgated from the pulpit.

Meanwhile the Jews continued to come to Colmar during the week. The city
then complained to Emperor Charles V that despite the prohibitions made by
Emperor Maximilian against the Jews living in Colmar they still appeared there
not only on fair and market days but also on other days of the week and brought
merchandise into the city.²² It sent representatives to the Emperor who was
then attending the Diet in Regensburg and from him, on April 11, 1541, received
a privilege whereby the Jews were henceforth prohibited from entering Colmar²³
without individual written permission from the burgomaster even on market
days. The Jews, in their turn, petitioned Charles to be merciful to them and,
perhaps through the influence of Josel, also obtained a privilege, on May 24,
1544, whereby they would be permitted to take their merchandise to fairs in
the cities.²⁴

These two contradictory edicts gave rise to disagreements between the Jews and the city of Colmar and the latter, in order to terminate the affair, prohibited its burghers, by a placard posted on October 4, 1544, from borrowing anything from the Jews and from doing business of any kind with them so that all excuses for coming to Colmar might be removed. ²⁵ Josel appeared before ^{25A} the Emperor in Augsburg and obtained from him privileges, on December 23, 1547 for the Jews of Alsace as well as a public declaration from him that the Colmarians would not be permitted to prohibit the Jews from entering that city. ²⁶ The nobles and councillors of the city tried to influence the Emperor and to have him rescind the Jewish privileges since it contradicted the edict of his grandfather Maximilian. Josel then took the suit to law and summoned the city council to the highest court where the intercessor was declared innocent. ²⁷ The law suit, however, continued many years after the death of Josel.

Landau (Bavaria)

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In 1541 a decree was issued by the councillors of Landau expelling the Jews from the city. Josel summoned the council before the governor of the province and a compromise was reached whereby judges would be chosen by the consent of both sides. The Jews, although then vindicated and not expelled from the city, from then on were liable to persecution and expulsion. Neither as a group nor individually were they permitted to enter and trade on market days. They even tried to imprison the Jews and the dispute came before the ruler of Bavaria. The result is not clear but from the words of Josel, found in his ²⁹ "Memoirs" we know that the Jews were then expelled from Landau and from two other cities in the Rhine district. He records that "We were driven out of Mainz, Esslingen and Landau" and adds that "all of it is because of our

great sins. The generation is not proper to be lead in truth and perfection as our fathers were lead as they have written for us". From the sense of his words it appears that the "great sins" were in business matters between the Jews and the Christians. Repeatedly he warns his fellow Jews not to sin by taking more than the recognized amount of interest.

30

Turkheim

In 1546 the city of Turkheim expelled the Jews. After they had protested to the Governor of the province and could get not satisfaction, they turned to the Emperor. He was amenable to their request and, on May 31, 1546, sent word to the Count Palatine that he should protect them and force the burghers of Turkheim to comply with all the clauses of the privileges granted in the Jews' behalf in 1530. Yet the Emperor added that the Jews, for their part, should be prudent in their business dealings and in making loans lest they deal dishonestly with the Christians.

32

The Count Palatine Frederick, kindly disposed to the Jews, who, when he was governor of Alsace, had given them privileges on October 3, 1544, replied that up to that time no complaints had reached him from the Jews about this persecution. Yet he quickly fulfilled the command of the Emperor and sent the latter's letter to the governmental secretary of Haguenau, in which district Turkheim was located, ordering him to obey the edict and to recall the Jews to the city. This was accomplished through the intercession of Josef a shor time before his death.

33

Obernai (Oberenheim, Obernau)

Of his efforts not in behalf of all Israel but for the individual commun-

ities, his activities in behalf of the Jews of Obernai are also important. Like a scarlet thread this intercession passes through Josel's career from the beginning of his public activity until near the end of his life.

Expelled as early as 1476 from Obernai, it was not until 1500³⁴ that the Jews resettled there. Yet they were constantly exposed to the attacks of the local authorities; they were obliged to wear distinctive clothing and the Jewish strangers who wished to pass through the city were forced to pay a tax. When in 1507 Maximilian returned to Strasbourg, the burgomaster of Obernai sent a representative to him, who, after making extravagant promises, succeeded in obtaining a privilege from the Emperor granting the city permission to ex-³⁵pel the Jews.

From then on, as we have elsewhere noted at length,³⁶ their position was precarious and, under the compromise reached in 1524, their privileges limited.

Rosheim

Josel, during the last years of his life, had some rather serious difficulties with the burgomaster of Rosheim, the city in which he lived. The Jews were firmly established there but were continually liable to oppression and attack by the natives. The intercessor, on two different occasions during grave circumstances, rendered important services to that city. The first, which we have already mentioned,³⁷ was during the Peasants' War.³⁸ The peasants had gathered in the spring months of 1525 about the abbey of Altdorf, about 15,000³⁹ in number, lead by their chiefs Erasmus Gerber, of Molsheim, Peter of Nartheim, Diebolt of Dalheim and Ittel Joerg of Rosheim.⁴⁰ Josel, fearing that their troops would fall upon the Jews, went to Altdorf and obtained a letter of recommendation in behalf of the Jews addressed to the other peasant leaders in

41

Alsace and southern Germany. On his return to Rosheim, he went immediately to the two burgomasters and urged them to go to Altdorf to come to an understanding with the chiefs and thus prevent Rosheim from being sacked. John Mayer, one of the burgomasters, had not the courage to do this; the other, Jacob Wagner, would not go unless Josel consented to accompany him. They went together and in Wagner's presence Josel, out of his own funds, gave eighty gulden to the leaders of the peasants and received from them a treaty formally stamped with the seals of Peter, Diebolt and Gerber by which they were to respect the city of Rosheim.

43

Twenty-five years later, Josel again aided the city. Charles V, in 1547, had deposed Elector John Frederick of Saxony and had returned his principality to Duke Moritz of Saxony, thereby causing wars and unrest which lasted until 1550 and which occasioned the movement of troops in Alsace. The city of Rosheim was in a most lively state of disquietude. Josel offered to go to Innsbruck to obtain letters of protection from the Emperor and in the case that during his absence Albert of Brandenburg should appear at Rosheim they would be able, he thought, to pay him a ransom. For this purpose Josel offered to lend the city four hundred gulden on condition that the burghers of the city promised to follow his example. Josel then left for Innsbruck but when he arrived there he found that Charles V had fled to Passau. The intercessor was preparing to go to that city when he learned that peace had been signed. His journey, made mostly on horse, cost him more than sixty gulden which he never claimed from the city.

45

Josel was repaid with ingratitude. The council of Rosheim had limited the number of Jewish families that could live in the city and had fixed the number at eight. According to the usual custom, the servants, clerks and all those

who lived or were looked upon as living in the same household were included within the family. Thus David, the son-in-law of Josel, was able to live with the intercessor in Rosheim. Josel had also hoped to be able to establish his son as schoolmaster in Rosheim that his position might be secure. Two other families had also hoped to be able to enjoy the same privilege. Thus⁴⁶ in 1553 there were about twelve Jewish families in Rosheim, not eight.

Josel was at Heidelberg, where he was interceding in behalf of the Jews of Dangolsheim,⁴⁷ when the burgomaster ordered the four surplus families, among which were the families of Josel's son-in-law David and his own son's⁴⁸ to leave the city under punishment of a fine of five livres. Since these families wished to await the return of Josel, the burgomaster, to reimburse himself for the pronounced fine, seized valuable objects, even a silver goblet from Josel's home. An incautious speech of the burgomaster then aroused the populace against the Jews and vandalism broke out. The wife, daughter and a grand-daughter of the intercessor were so frightened that they fell ill and had to take to their beds.⁴⁹ On Josel's return the burgomaster promised to suppress the attacks but when these⁵⁰ orders renewed themselves the intercessor, to put an end to them, asked the magistrate of Haguenau to judge the suit, demanding justice as head of a household. Regarding this he wrote a touching letter to the magistrate.⁵¹ On March 6, 1544 the burgomaster of Rosheim answered, denying the accusations of the intercessor and refuting all the good which he had done for them thirty years before, stating that it had not been done for their good but for the benefit of his fellow Jews and himself. They admitted that they had not permitted the sons and sons-in-law of the Jews to lodge in the city and when the Jews disobeyed this law they were punished. It was true that things had happened that should not have occurred, but the

authorities were entirely innocent of them. If children threw stones at the Jewish houses, the parents could not be held responsible. The city had gone to much trouble to maintain order, maintaining even a night guard for that purpose, and regretted that the latter never was able to place his hand upon the vandals. The wife and children of Josel had been wrong in permitting themselves to be frightened and the city would not have prevented the people of Josel's household from crying 'Mordio'- murder. Josel, too, had been wrong in setting his son Jacob up in Rosheim as schoolmaster, since there was one there already, and if they would continue to increase their number at this rate, the Jews would never be gotten rid of. For all which Josel had done for the city, they concluded, the city had thanked him for everything. 52

It seems to follow from this document that the burgomaster refused to arbitrate and Josel took his law suit before the highest court of justice. 53 The end of that affair is not known but it seems that the intercessor then died.

Dangolsheim

The legal battles with the burghers of Dangolsheim were drawn out for many years. We have already mentioned the notice of the intercessor in his "Memoirs" 54 which contains the information that through his intercession in 1519 the burghers of this place were prohibited from expelling the Jews. 55 But now, more than thirty years later, an affair arose which was to actively occupy the intercessor for three year, perhaps the last of his life.

In March, 1522, following a quarrel between the son-in-law of Itzig, a Jew of Dangolsheim, and the valet of the provost of the town, the burghers demanded the expulsion of the Jews and the burgomaster was disposed to declare it. 56 Other Alsations joined those of Dangolsheim in requesting from the

Count Palatine Frederick authorization to expel the Jews from their territory. On January 27, 1553, Henry of Fleckenstein, governor of Alsace, sent the complaint of the magistrate of Dangolsheim to Frederick, in which it was stated that the Jews of Dangolsheim, who, at the beginning, numbered only four families, now numbered ten, all occupied in commerce and money lending, making a total of forty-five people.⁵⁷ After an attempted compromise made by the governor on May 15, 1553, in the presence of Josel and the Jews of Dangolsheim, the intercessor, who believed it impossible to accept the proposed conditions, addressed a complaint to the Elector dated May 21, but Frederick paid not attention to it and on June 17 ordered the authorities of Dangolsheim to the liquidate the debts of the inhabitants to the Jews and to expel within a year all the Jews who were not able to produce certificates of admission acquired according to the law.⁵⁸

The authorities made their report on August 27 and on September 12 the Elector ordered the expulsion of the Jews. The governor announced this to them on October 24 and granted them a delay until St. George's Day of 1554.⁵⁹ Josel protested to the Emperor and on January 17, 1554 obtained from Charles V a letter for the Elector.⁶⁰ Frederick reviewed the case but sustained the measure of expulsion and the Jews finally had to leave Dangolsheim in April, 1554.⁶¹

One of the activities at the end of his life for the good of an individual community but which at the same time benefited all of Jewry occurred in 1541.⁶² A Christian child was lost near the city of Weissenburg, in Franken, Bavaria. The incident occurred during the Passover and when the body was found some time later the Jews were accused of having killed him to use his blood during the festival. The bishop in the nearby city of Eichstätt⁶³ arrested some Jews and held them for trial. He also commanded the nobles and bishops in the

vicinage to imprison the Jews under their rule. When the suit came to trial, the Jews were found innocent. Then, with the assistance of Otto Frederick of Neuburg and the noblemen of Pappenheim, Josel succeeded in having all the
64
captives released.

At this time, too, an incident occurred in which the intercessor displayed his knowledge of the appropriateness of silence. Ten years years had passed since the complete expulsion from Spain. Unnoticed, wealthy Marrano families settled in southern Italy and especially in Naples, even though that has become a province under the suzerainty of Spain. The fanatical Catholics tried to set up an Inquisition court there but Dona Benvenida Abrabanel, the wife of Samuel ben Isaac Abrabanel, and her friend, the wife of the Spanish governor in that country, begged for mercy before the Emperor that this not be done in Naples and Charles V, perhaps influenced by the Abrabanel's wealth, acquiesced.
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Seventeen years after that the Emperor changed his decision and decided to set up Inquisition courts in all the cities of southern Italy. So uneasy was the Jewish position that even Samuel Abrabanel left Naples.
66
The Jews were
67
expelled from all of southern Italy and did not return until later times.

The Jews of Italy sent one of their number, variously called Solomon
68
Ros and Solomon Romano to intercede for them. The Emperor showed him no favor and his letters of introduction from nobles, priests, bishops and cardinals were of no use to him. He himself would have been in danger had not, according to some scholars,
69
Josel protected him. The intercessor, writing about this
70
in his "Memoirs" records:

"In 1541 when I came to the Diet of Regensburg in behalf of the public, to obtain privileges from my lord, the Emperor, harsh justice was meted out to the Jews of Naples. And even though a man from Rome, a good mediator,

2 Solomon Ros by name, the Emperor was not willing to listen to him and he commanded that they all be expelled from those provinces; and to Solomon he said "Say no more or as punishment your head will be demanded by the Kingdom; etc."

2 This incident occurred in the summer of 1541. Even if Josel had nothing to do with the permission that the Emperor gave Solomon Rose to return to his home, yet his influence is noticeable in that at that same time that the Emperor refused to show any kindness to Italian Jewry he showed favor to those of Germany for Josel received from him privileges in the form of a public declaration to the dukes, nobles, bishops and electors, as well as the free cities of Germany, that they permit the Jews to journey through all of Germany, to do business throughout the country and to visit all the cities on market days; the Jews were also released from wearing the badge. 71

Of all the mediation of Josel in behalf of individual communities, the most important was his intercession in behalf of the oldest community in Germany, Prague. The period between Emperor Charles' wars in Italy and those with the Protestant princes of Germany, the Schmalkaldic War (1547), was a turbulent one during a time of peace. Wars in those days were fought by mercenaries and when there was no war these soldiers roved in bands and would lie in wait for travellers. Groups of brigands were very numerous in Bohemia and in 1541 they burnt many cities, towns and hamlets. 72 Then the report spread that the Jews were the incendiaries. In Bohemia and in its neighboring provinces Silesia and Hungary many Jews were taken into custody and imprisoned. Tortured with severe punishments, many could not stand the trials and to free themselves from their troubles falsely admitted that they had committed the deeds which were imputed to them. Many were sentenced to death by hanging and decapitation. Again they were suspected of being in conspiracy with Turkey and had informed

her of the secret preparations being made for war against her. The city council of Prague decided to expel the Jews and, after King Ferdinand confirmed this decision, all the Jews of Bohemia were expelled in Adar 1542; only ten households were permitted to remain in Prague. Not long after the innocence of the Jews was revealed; most of the incendiaries were captured and some of the noblemen wished to recall the Jews. The Josel was again called to Prague. Because of the terrible plight that had fallen upon the Jews, he did not remind the people of Prague of the persecution to which they had subjected him eight years before. He hurried to make the long journey from Alsace to Prague on roads beset with danger, appeared before King Ferdinand and was successful in his intercession for the ruler issued a document recalling the Jews who had not yet left the borders of the countries. This event is noted in his "Memoirs" with more additional material than is found in the notices of other chroniclers. There he records:

"In the year 1541 (2) strict justice was meted out to all the Jews of Bohemia and Prague with fiery serpents according to law with four types of punishment, decapitation, burning, crucifixion and bitter and immediate exile imposed on all of them. In response to the urgent request of the multitude I approached like a friend in need with other influential people in Prague to petition the King. And God, blessed be He !, saw the intensity of ^{the} your fasting and affliction, repentance, prayer and charity and He saw fit to save a remnant so that I was finally privileged to see how the people returned to their houses and rebuilt their destroyed homes".

But it appears that when the Jews returned to their homes that contention, slander and denunciation returned at the same time, for Josel continues to say:

"And although I heard from them personally and from what they wrote when

Some

I visited them on Rosh Chodesh Tammuz, 1547, in Prague that many families returned to their evil ways because of quarrels. Nevertheless I pleaded with them and they promised to walk in the paths of truth and peace. And thus may it be His will."

From this account we learn that in all the intercessor journeyed to Prague three times. Yet his influence, though it might have been great with kings, could not keep dissension and slander out of that community.

In 1543, in Wurzburg, a blood accusation charge was made⁷⁹ but, by virtue of a document brought from the Emperor,⁸⁰ the prisoners were released, Josel wrote in his "Memoirs",⁸¹

"In 1543-4 strict justice was meted out, because of our great sins, to five people, one man, three women and one young girl because of a false accusation. The body of an infant was found and the man, women and child were tortured within an inch of their lives yet they would not confess the false charge. In those days I was successful in Wurzburg and Speyer with the document of the Emperor, I and certain other men. After many expenditures the prisoners were released and the young girl sanctified God's name. Stoically she bore many tortures for more than thirty-two weeks. God be praised who saved them!"

This was important because of its results in 1544-5 in the privilege which was then given to the Jews of Germany by Charles V, about which we shall say more in this same chapter. Yet it should be noted that when Josel was in Speyer he had already obtained the consent of the Emperor for these privileges.

Josel returned to his home in the early part of 1545 when a messenger arrived from the Emperor, who was then at Speyer with the German nobles consulting on plans to meet the Turks who were again pushing up from Hungary, ordering the intercessor to come to him. The war being waged against Turkey was

a religious war but the King of France did not consider it as such and, despite the fury of the Catholic Church and the Christian kings, had made an alliance with Mohammedan Turkey. Emperor Charles V, as a consequence, decided to attack France.⁸² Since the royal treasury was empty, the monarch thought to fill it with Jewish money and he ordered the intercessor to bring the money to the treasury within a month. After many discussions it was decided to contribute three thousand gold dinars to the royal treasury, in addition to the maintenance of the Empire during the war, and about one thousand gulden in gifts.⁸³

Despite all this, Josel did not succeed in pacifying the petty rulers of the German principalities and they would have decided to expel the Jews had not one of the clergy spoken in their behalf,⁸⁴ as the intercessor recorded in his "Memoirs":⁸⁵

"In 1545³ the Emperor journeyed with a mighty army against France and its king to a city near Paris. At that time the nobles came to get permission to compel all the Jews of Germany to help. We finally agreed to give the Emperor three thousand gulden, fifteen 'batzim' to each gulden, and four hundred crowns for his household, in addition to gifts worth one thousand gulden. On the same day that I came to Worms, the princes and dukes decided to expel the Jews from there and to obtain the consent of the Emperor. But one good man arose, may he be remembered for good,⁸⁶ who explained and made to clear to them that they should not let the Jews disappear from among them, for according to their religion and their custom it was necessary to retain the Jews in the kingdom of the Emperor and of the King of Rome as a remembrance.⁸⁷ Thus were they kept from their evil purpose...but some individual men were exiled...in Mainz,⁸⁸ Esslingen and Landau, etc."⁸⁹

What the intercessor had begun in Speyer in his effort to receive privileges

for the Jews, and supported by the financial aid the Jews had given the Emperor, he completed in the following year at the Diet of Regensburg.

The Emperor had gone to war against France, the ally of Turkey. Successful, he conquered stronghold after stronghold until he was a few days march from Paris. Then Francis I, King of France sued for peace and the war was soon over. 90

Obviously, the intercessor had acted wisely in supporting the Catholic Emperor. This became more evident at the Diet of Regensburg when Charles V asked the nobles assembled there to send representatives to the Council of Trent. The monarch, haughty after his victory over France, no longer feared the Protestant nobles. He even went so far as to banish the Elector of Saxony and the Landgrave of Hesse, as a result of which the Schmalkaldic War broke out a short while later (in 1546). 91

A half year before this the Emperor had asked the intercessor to come to Regensburg to complete the privileges of which he had assured him the year before in Speyer. 92 Since, in the language of the intercessor, "these privileges were more powerful than ever had been obtained from Emperors or kings", we therefore note them. These privileges, promulgated in 1545 in Regensburg, were based on those of April 1544. 93 After an explanation of the "great privilege" given to the German Jews in 1530, Charles recorded that the heads of various Jewish communities in the Empire had come with the complaint that certain individuals had refused them justice, during the Diet in Speyer. Therefore the Emperor now renewed all the privileges and orders which had been granted up to now to protect them and to give them liberty according to law; that their schools and synagogues would be continually open and that no one would harm them; that they would be under the protection of the Empire; officials could not molest them and they could travel anyplace within the Empire with a passport without paying

extra taxes on entering and leaving the cities through which they passed. The Emperor repeated the orders contained in the privilege of 1541 that only in the cities in which they lived would the Jews have to wear the yellowish-red badge, but not when they travelled on the road or when they went through cities or villages; that no one could exile any Jew or Jewess from the place in which they had settled after the coronation of the Emperor without a letter of permission for this from the monarch; permission was granted them to take interest on loans which they made to Christians at such rate as would permit them to maintain themselves since that was their livelihood.

94

In this privilege, also, Charles V reaffirmed the pronouncement which Emperor Frederick II had made in 1236 according to which the blood accusation was declared false. The Emperor included this, as we have already mentioned, because of the blood accusation which had been made in Würzburg in 1543.

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After he had obtained these privileges, Josel did not depart but remained to see what would befall the Jews after the Schmalkaldic War broke out. And he had not long to wait. In the Emperor's army, encamped in Bavaria, were twelve Spanish companies which the Emperor had brought from that part of his kingdom. A report reached the intercessor that in Bavaria Spanish soldiers had killed some Jews, plundered their homes and humiliated the women and girls. He hurried to Ingolstadt, in Upper Bavaria, where the Emperor, in command of his army, was stationed. There he had an audience with the Chancellor of the realm and from there he sent a letter to the Emperor's advisors, complaining against the activities of those troops and their commanders. He also said that since he was also an official [Bevehlshaber] of Germany Jewry it was incumbent upon him to arouse the lords of the German people, for the Jews were then, as in former times, considered servants of the royal house and dependent on it; therefore

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97

those who were desirous of Jewish property or who wished to kill them should be considered rebels. He petitioned that the Emperor harshly punish those who committed these crimes that it might serve as a lesson for the entire army. 98
Shortly after the Emperor commanded that any soldier or officer who harmed the Jews would be considered guilty of a crime deserving the death penalty. 98
This order was announced to all the companies in the field and from then on pillage and murder ceased in the cities in which Catholic troops were encamped.

Josel recounted this event in great detail, portraying a complete picture of the civil condition at that time. In his "Memoirs" he wrote: 99

"In 1546 our Lord, the Emperor, came to the city of Regensburg and commanded all the dukes and princes to attend the Reichstag and to adjust their differences and matters of dispute, especially religious ones. And although most of them came, the dukes of Saxony and Hesse and their party [Protestants] rebelled and enraged the Emperor by rebelling against him. Many days and years between this and that... I worked for the new and powerful privileges the like of which had not been granted before by emperors or kings. The Emperor and his councillors had already assured me in Speyer that they would grant them to us. On the day of the great Diet of Regensburg I strongly urged the rulers to confirm my words. And thus, with the help of God, they were written and sealed with the seal and the hand of the Emperor.

in the manuscript
in the new charter enlarged privileges

"From then on the Emperor decided to muster his armies and to make war on the two princes mentioned above. People came whose language one does not understand, the Spaniards, who were to do great harm against the Jews. And were not God with us to save us when I went to speak to the great king, second to the Emperor, who is called Grarella, ^{99a} to ask and implore the Emperor to protect us... Thus he did and he went to the Emperor [and said]: 'Behold the Jews have borne

outlaw
official

so many troubles because of these Lutherans and now these dark Spaniards have come act in a free fashion against these people despite the new privileges which you have recently granted them.' And the Emperor properly said, 'We will not permit them to act wildly with the Jews. Behold, write and seal, with commands and punishments, that no one of our army may lift a hand or a foot to harm or to injure any Jew.' And for this, orders went out, publicly, throughout all of Germany-'Whoever transgresses the command of the Emperor shall die'. Immediately the Spaniards came to make peace with all the Jews. And when the Emperor and his hosts went to wage war, the Jews came bringing bread and wine to provision the army, more than fifty wagons full and carriages. And the two dukes of Saxony and Hesse, with their allies, from all the cities of Germany, came with their armies, totaling more than one hundred thousand men, armored knights and infantry. And although the armies of our lord the Emperor were not as strong nor as numerous as theirs, being only about forty thousand, yet God aided him in driving them to destruction and in the end the two princes were captured by him and those that yet remain are being captured. And we, we the people of Israel, called in a loud voice praying morning and evening "Our Father our King" and "Song of Unity" in the community of Frankfort that God might protect our lord the Emperor and His people Israel, for He is not powerless to save, whether with many or with few. The entire victory which the Emperor ^{achieved} ~~enjoyed~~ in the year 1547 and the miracles and the wonders were done for us for God has protected us, His people Israel, in His mercy and not one of its members were harmed during this great war. Blessed be God who did not remove His mercy from us and delivered us from those hordes, and may He so continue."

Josel continued to follow the incidents of the Schmalkaldic War for, when Frankfort was captured by the Emperor's troops, the Jewish community sent him

to conciliate the officers so that no harm might come to the Jews. ¹⁰⁰ This information is contained in the last item of the intercessor's "Memoirs" and from him we can learn nothing further regarding the activities of his last years.

After the Protestant noblemen, members of the Schmalkaldic League, had been defeated by the Catholic Imperial army in April, 1547, near the city of Muehlberg, the strength of the North German dukes was completely broken. ^{100a} The rulers and cities which had rebelled against the Emperor sued for peace and an Imperial Diet was convened at Augsburg. There death sentences were imposed upon ¹⁰¹ the rebellious leaders, the Elector of Saxony and the Landgrave of Hesse.

However, even during the war, he showed kindness to the Jews who complained to him about the German Protestant knights who, when marching through Swabia, ¹⁰² had exacted money from the Jewish communities. Josel had likewise previously presented letters of complaint to the Protestant princes and to the council of Strasbourg, which was numbered among the revolting cities, seeking justice for ¹⁰³ the oppressed Jews of Swabia. When he had received no satisfaction from them he took his case to the Emperor, who, recognizing Josel's position among the Jews, addressed him as 'Leader of the Jewish nation in all the provinces of the kingdom of Germany' [Josl Jud von Rusheim unser gemeiner Judischheit im heiligen Reich Teuscher Nation Bevelhaber] and gave him an open letter for all sections of the Empire and for all the officers of the army in behalf of the Jews. It asked that the Christian subjects of the Empire treat the Jews in accordance with all the privileges granted them by the emperors; that they be permitted to journey throughout the land, to do business in it, and be protected ¹⁰⁴ from all enemies. Privileges like this, forceful and reinforced with threats of punishment, had not been granted the Jews since the time of Emperor Frederick III

At that time, too, Charles V renewed the important privileges of which
he had found Josel, his household, wife, sons and daughters, worthy. ¹⁰⁶ This
document containing the privileges had already been granted him in 1547. ¹⁰⁷
However, when the intercessor was in Bohemia, presenting himself before King
Ferdinand I in Leitmeritz, this document had been lost. ¹⁰⁸ We do not know
what he was doing during June, 1547 in the court of King Ferdinand but from
what he himself wrote in his "Memoirs" ¹⁰⁹ that "I heard from them [the men of
the Prague community] and learnt that some houses were destroyed through
strife", we may conclude that this time, too, he had made his journey to urge
the Jews, who were very much divided, to union and concord. ¹¹⁰ The intercessor
then asked the Emperor to renew the document and this request the monarch willingly
fulfilled. According to these privileges he and his descendants were
granted all the privileges of which the intercessor had been found worthy in his
youth by Emperor Maximilian I; the the Hapsburg emperors would protect the
family of Josel and permit them to travel throughout the kingdom, from city
to city, without hindrance; anyone having a law suit with them would have to
bring the suit before the law court of their city. The authorities throughout
the entire kingdom were obliged to continually protect them and give them
support; anyone plotting against this family would be punished, in addition
to the fixed punishment for criminals, with a fine of ten marks which were to
be brought to the treasury of the Imperial Privy Court. ¹¹¹ Josel made a copy of
this document, affirmed by the councillors of Obernai, for his son-in-law, who
journeyed through the Empire, and so that he himself would not have to carry
the document with him wherever he went and chance the loss of it. ¹¹²

At another time Josel revealed himself as the advocate of Jewry in the
Holy Roman Empire. Charles V had convened a diet in Augsburg in 1550 ¹¹³ in

which some rulers and leaders of the Germanies complained that the Jews exacted compound interest so that the interest amounted to two and three times more than the principle and also that they turned over the pledges of the Christians to other Christians who were harsh litigants. To this the Emperor replied in an edict of February 14, 1551 by which the Jews were forbidden to sell the pledges which they held belonging to Christians to anyone else without the consent of the Christians who had borrowed the money and that of the crown courts.¹¹⁴ If the Jews disobeyed this order their privilege would cease altogether and their promissory notes would lose validity in the courts.

The Jews concluded from the wording of this edict that the order touched only on loans for pledges of real property not loans of cash on promissory notes or chattel. The Christians, however, claimed that it also forbade the Jew from assigning promissory notes to assignees. By this interpretation the Jews would lose their rights in court of all the claims which they held against Christians.

Since this unfavorable decree in reality nullified financial dealings between Jews and Christians, the rabbis and lay leaders convened at Frankfurt in 1551¹¹⁵ and drew up a petition for the Emperor in which they said that the Jews were more heavily burdened with taxation and imposts than the Christians. Fees for passports, for entering and leaving cities, for crossing bridges and fords were demanded of them. In addition, they had to travel about to do business, were forced to make long detours to avoid those cities and towns through which they were forbidden transit. If, as they were, prohibited to buy land and forbidden to enter the trades and crafts, money lending were denied them, they would have no means of sustaining themselves.

¹¹⁶
This petition, prepared by the intercessor, was forcefully and logic-

ally written. The outcome of this mediatory work is not precisely known but from the kindness which the Emperor's advisers showed to Josel in that year ¹¹⁷ it may be conjectured that he also succeeded in this.

In that same year Josel worked in behalf of the oppressed Jews in Württemberg. Certain Jews, by their acts, had stirred up accusations against the entire Jewish group. Instead of punishing the individual criminals Duke Christof requested permission of the Emperor to expel all the Jews and to prohibit them passage through the land under his suzerainty. The intercessor had already had legal contacts with the rulers of Württemberg. His efforts to obtain permission for the Jews to pass through the province from Duke Ulrich had not eventualized ¹¹⁸ and he had hoped to obtain it from the new duke, Christof, in 1551. Two Jews had gone into this province, imprisoned and fined one hundred gulden. Although the fine had been paid, they still remained prisoners for the authorities refused to return their passports to them. The intercessor then decided to put a stop to the trouble caused the Jews who had business in Württemberg or who found it necessary to pass through that province. He took his complaint against the Duke to the Emperor's council and charged that the rulers of Württemberg were punishing all German Jewry for the crimes of individual Jews, barring the way on market days and, in general, prohibiting them passage throughout the entire province. In addition, he sent a letter to the Duke requesting of him permission to come to Württemberg and to remain in the capital, Stuttgart, for about a month so that he could explain to him how illegal and unjust his conduct with the Jews was, especially since many inhabitants of the province were indebted to the Jews, ^{118A} and had lawsuits with them.

¹¹⁹

Josel, through a certain Johann Abranburger, received passports permitting him and his servants to journey through all the provinces of Germany and to be exempt from all taxes imposed on Jews entering and leaving cities in Württem-

berg. He was also given a letter for the authorities of Wurttemberg in which the Jew, the 'bevelhaber' of the Jewish nation in Germany, was praised, and which also requested them to do all in their power to reach an agreement with him in reference to the differences between the rulers and the Jews.

The intercessor finally reached Wurttemberg where he had to wait quite a while before he was granted an audience with the Duke. When that finally did occur, Josel acquiesced to the demand of the Duke that every Jew who passed through his province ~~would have to pay~~ one gulden as a head tax, no matter whence he came; women and children paid a proportionate rate. The minutiae of this agreement need not be discussed but in general it was not favorable to the Jews.

Other incidents occurring during the last years of the intercessor's life have already been mentioned. The time of his death, the place of his burial are as obscure as his date and place of birth. It is assumed that when in April 1554 the Jews were expelled from Dangoelshelm Josel was no longer alive.

NOTES TO CHAPTER EIGHT

1. Scheid, Joselmann, p.14
2. Feilchenfeld, Josel, p.82; Alfred Glaser, Geschichte der Juden in Strassburg (Strassburg, 1924) ad loc.
3. Scheid, Joselmann, p.14
4. Feilchenfeld, op. cit. pp. 80,81. Scheid, Joselmann, pp.14,15. Feilchenfeld, op. cit. Appendix VIII.
5. Appendix A.
6. Feilchenfeld, op. cit. p.36 gives the name of the town as Eschbach.
6. Ibid. pp.36-37, and Appendix XIV. Scheid, Joselmann, pp.15-16. But he dates it July 18.
7. Hayyim of Isenach, David of Obergheim and Josel of Krotzingen. See Scheid, Joselmann, p.16
8. Ibid.
9. Appendix B. Scheid, Histoire, p.116.
10. Scheid, Joselmann, p.9; his Histoire, p.99.
11. Xavier Mossmann, Etude sur L'Histoire des Juifs A Colmar (Colmar, 1866) p.19f. Appendix G.
12. Scheid, Histoire p. 100 states that the Jews petitioned for a respite and hence could remain that long. Both here and in his Joselmann, p.10, Josel is given credit for the intercession.
13. Scheid, Histoire, p.101.
14. Ibid. p.102f.
15. Feilchenfeld, op. cit. p.83; Scheid Histoire, p.102; his Joselmann, p.11.
16. Mossmann, op. cit. p.21
17. Scheid, Joselmann, p.17.
18. Scheid, Histoire, p.102.
19. Feilchenfeld, op. cit. p.83.
20. Scheid, Joselmann, pp.11,12.

21. Scheid, Histoire, p.103.
22. Scheid, Ibid; Feilchenfeld, Josel, p.83.
23. Appendix H. Scheid, Histoire, p.103; his Joselmann, p.13; Mossmann, Colmar, p.22 but he dates it April 24.
24. Appendix I.
25. Feilchenfeld, op. cit. p.84; Scheid, Histoire, p.104; his Joselmann, p.13.
- 25a. Kracauer, REJ XIX, p.292f; Mossmann, op. cit. p.28.
26. Feilchenfeld, op. cit. p.84
27. For Colmar, see Feilchenfeld, op. cit. pp.83-93; Scheid, Joselmann, pp.9-13; Mossmann, op. cit. pp. 19-41.
28. Feilchenfeld, op. cit. pp.93-4; Scheid, Joselmann, pp.23-4; Rabbincowitz, Yosef, p.120 incorrectly dates it 1543.
29. Item 27.
30. For the occurrence see Feilchenfeld, op. cit. Appendix XVII.
31. Feilchenfeld, op. cit. Appendix XX.
32. Ibid. and p.95.
33. Ibid. Rabbincowitz, op. cit. p.121 note 2.
34. Feilchenfeld, op. cit. p.95. Scheid, Joselmann, incorrectly says 1497.
35. Appendix E. Feilchenfeld, op. cit. p.96 and Appendix II.
36. See above p.34ff.
37. See above p.37ff.
38. Feilchenfeld, op. cit. p.101.
39. Ibid. The exact number of peasants differs.
40. Scheid's Joselmann, p.27ff.
41. "Memoirs" Item 4.
42. Scheid, Joselmann, p.27, But Feilchenfeld, op. cit. p.101, says his name was Hans Mangel.

43. Feilchenfeld, Josel, Appendix XXX.
44. Janssen, German People, VI ad loc.
45. Feilchenfeld, op. cit. p.102 and Appendix XXX.
46. Ibid. p.103; Scheid, Joselmann, p.27.
47. Scheid, Joselmann, p.28.
48. Feilchenfeld, op. cit. p.103.
49. See Appendix R, §5.
50. Scheid, Joselmann, p.28.
51. Appendix R.
52. Feilchenfeld, op. cit. p.105.
53. Scheid, Joselmann, p.29.
54. Item 8.
55. Feilchenfeld, op. cit. p.106.
56. Scheid, Joselmann, p.25; Feilchenfeld, op. cit. p.106 says that it was in 1553.
57. So with Feilchenfeld, Ibid. and Rabbino-witz, Yosef, p.124. But Scheid, says 'seven' and 'eleven' respectively, in his Joselmann, p.25.
58. Ibid.
59. Feilchenfeld, op. cit. p.110.
60. Ibid. p.112.
61. Ibid. pp.112-3.
62. Graetz, Divrai, VII, p.227. Feilchenfeld, op. cit. p.113.
63. This reading is according to Feilchenfeld and Graetz. Rabbino-witz, Yosef, p.124 reads וְשֵׁשׁ וְעֶשְׂרִים -Erstatt.
64. Graetz, op. cit. p.227 reads Neuburg, amending it from אין ד'ר'ש. See Feilchenfeld, op. cit. p.113. Josel's "Memoirs" Item 24, though referring to this, is very unclear. Kracauer, R.E.J. XVI, p.100 states that the "Jews of (Wasser-)Truedingen (or, perhaps, Treuchtlingen)" were accused of having killed the child.

65. Graetz, Divrai, VII, p. 225.
66. Ibid.
67. Ibid. VII, p.246.
68. Ibid. VII, pp.244-5 and note. According to Lehmann, Rabbi Joselmann, II, II, p.278ff, Josel met him.
69. Ibid; Rabbino^witz, Yosef, p.125.
70. Item 23.
71. Feilchenfeld, Josel, pp.58-60.
72. Ibid. pp.78,79. Cohen, Emek Habacha, p.120.
73. Graetz, op. cit. VII, p.226; Cohen, op. cit. p.120; Gans, Zemach David, folio 52b, column 1.
74. Graetz, Ibid.
75. See above p.73f.
76. Graetz, op. cit. VII, p.226; Feilchenfeld, op. cit. pp.48,49;78,79.
Johann Franz von Hermann, Geschichte der Israeliten in Boehmen,
(Vienna, 1818), ad loc.
77. See note 73 above.
78. Item 25.
79. Feilchenfeld, op. cit. p.59
80. Scheid, Histoire, p.80. Appendix O.
81. Item 26.
82. Janssen, German People, IV, pp.1-15
83. Graetz, op. cit. VII, p.47; Feilchenfeld, op. cit. p.61; Kracauer, R.E.J.
XIX, p.288 and translated into Hebrew in Rabbino^witz, op. cit.,
p.129 note 1.
84. Rabbino^witz, op. cit. p.129
85. Item 27.
86. A batz is equal to four kreuzers. See Janssen, op. cit. IV, p.220 note.
87. Graetz, op. cit. VII, pp.231-2 thinks he is Cardinal Alexander Farnese.

88. Feilchenfeld, Josel, p.63. Stobbe, Juden in Deutschland, p.17 note 2, quoting the Benedictine Monk Glaber Rodolphus who lived about the middle of the eleventh century:
 "Et quoniam oportet, quamvis as illorum confusionem, ut ex illis aliqui in futurum supersint vel ad confirmandum proprium nefas seu ad testimonium sanguinis fusi Christi, idcirco vero credimus Christianorum animositatem divina dispensante providentia in eis ad tempus mansuevisse".
89. See Kracauer, R.E.J.XIX, p.287.
90. Armstrong, Charles V, II, pp.28-30. Treaty of Crepy, September 18, 1544.
91. Janssen, German People, VI, p.285ff.
92. Feilchenfeld, op. cit. p.57ff.
93. Bresslau, Ztschr. V, p.324. Feilchenfeld, op. cit. p.58.
94. Ibid. Lehmann, Rabbi Joselmann, II, pp.261-9 contains a copy of the document.
95. Hoeniger, Ztschr. I, p.142. Stobbe, Ztschr. I, p.206.
96. Feilchenfeld, op. cit. p.63.
97. Contained in Lehmann, op. cit. II, pp.258-262.
98. Josel's "Memoirs" Item 28. Feilchenfeld, op. cit. Appendix XXI.
99. Item 28.
- 99a. Rabbinowitz, Yosel, p.134 reads thus. However, the text reads "Granvelda" which Feilchenfeld, op. cit. p. 63, and Kracauer, R.E.J.XVI, p.101, take as Granvella.
100. Josel's "Memoirs" Item 29.
- 100a. Armstrong, op. cit. II, pp. 150-152.
101. Janssen, op. cit. VI ad loc.; Armstrong, op. cit. II, but the sentence was not imposed.
102. Feilchenfeld, op. cit. p.64; Janssen, op. cit. VI, p.335.
103. Feilchenfeld, op. cit. p.65 and Appendix XXI.
104. Ibid. Appendix XXIII.
105. Reigned from 1440-1493. See Graetz, op. cit. ad loc.

106. Feilchenfeld, Josel, p.66; for it see M. Stern, Ztschr. III, p.69f.
107. Feilchenfeld, op. cit. p.67.
108. See Appendix Q.
109. ⁴Item 25.
110. Kracauer, R.E.J. XVI, p.100.
111. Part of this document can be found in Kracauer, R.E.J. XIX, p.286; Stern, Ztschr. III, p.72ff; Appendix Q.
112. Rabbino⁴witz, Yosef, p.141.
113. Feilchenfeld, op. cit., pp.66,67.
114. Ibid. p.68.
115. Ibid. pp.68,69.
116. G. Wolf, Ztschr. III, 168-9.
117. Feilchenfeld, op. cit. p.70.
118. Ibid.
- 118a. Ibid. pp.71,72, and Appendix ~~XXVI~~.
119. Ibid. p.71 in which Feilchenfeld calls him Valentin Frauenberger. See also his appendix XXVI which gives this more credence. I have followed Rabbino⁴witz, op. cit. p.144 in my appellation.
120. One quarter gulden for women and one eighth gulden for children.
121. Feilchenfeld, op. cit. Appendix XXVIII; Lehmann, Rabbi Joselmann, II, p.382.
122. Scheid, Joselmann, p.26.

CHAPTER NINE

Men of action are seldom litterateurs. Yet the intercessor Josel, under trying circumstances, found leisure in which to write. As we have already mentioned, he completed a work called "Derech HaKodesh" in 1531 while he was¹ awaiting an audience at the court of the Emperor in Brussels. In like fashion was his "Sefer HaMikneh" completed on July 28, 1546 when he was in Regensburg.²

From the "Sefer HaMikneh", most of which is to be found in the Bodleian Library in Oxford,³ and from a few fragments which Neubauer has published, it appears that the book "Derech HaKodesh" contained rules of religious conditions under which a Jew should live to prepare himself, if necessary, to give up his life for the sanctification of God's name; for, as he says, he had a tradition that those who thus died received no punishments and their souls departed from their bodies without any death pains.⁴ Of the book itself, we possess no more than the notices which are mentioned in his name included in "Yossif Ometz"⁵ to which we have already referred.

More important for historical research are the fragments that have been published of the manuscript of "Sefer HaMikneh".⁶ From them it appears that the book contained religious thoughts as well as notices, incidents and references to contemporaries.

Thus, for example, on folio 81, the intercessor recorded:

"Scriptures say: 'Acquire wisdom'. Solomon the King intimates by this that a man should try in all his work to acquire wisdom, therefore...from the little experience which I have had...originally milk and honey from study and from eminent elders and from the interpretations which they have made, I will give you a taste in a few short sayings in order to bring joy to your hearts and consolation after the words of rebuke that preceded, although it was burden-

some to me because of the many exacting activities in the court of the king, our lord, the Emperor, in Regensburg. Blessed be the Merciful One who has supported and sustained and brought me near to this day, the day before Rosh Chodesh Elul, 1546, in the court of the Emperor here in Regensburg, to finish the work of the public needs, who has also saved me from the wolves and the bears [his enemies] and has given me strength and help to finish these words of rebuke and correction concerning the permissible and the forbidden things. Also a record of the severe edicts, concerning which my soul weeps in seclusion because of the great and terrible occurrences, nine columnsarranged according to the principles of the Torah in six chapters, more precious than fine gold to him whose soul thirsteth and yearns for ultimate peace and success. He may peruse with wisdom and understanding and perhaps he may acquire here and there some fine sayings from this book which I have called "Sefer HaMikneh", so that he may labor therein, strive and copy it when he lies down and when he rises, when he goes forth and when he returns, each man according to the limits of his capacity, according to his capabilities and accomplishments. He who ^{is} understanding will increase his knowledge; to engrave them on the tablets of his heart so that he and his posterity will be praised in the land, having acquired for themselves the principles of the secrets of the Torah and faith. Thus may it be His will. Amen."

From this extract it is evident that "Sefer HaMikneh" was divided into two parts different in their contents. The first part contained the "nine columns" or "six chapters", the rebukes. And, as we have noticed in our study, the German Jews were in need of severe rebukes because of the great number of informers and traducers. Even the intercessor said that he "feared to write in the book all the ugly accounts of heresy and slander..." and he warns them

not to associate with informers and traducers lest they destroy their own souls and those of their children. He brings proof⁷ from the Chumash, from the Haglographa and from the words of sages and Geonim that traducers and informers defraud their own souls and the souls of their children. Informing leads to conversion and at that time in Germany there were many apostates who caused the Jews trouble. Besides Pfefferkorn and Margarita, Josel mentions these converts and slanderers: "Alas for the destruction of Regensburg and the province of Flanders because of that traducer and informer of Posen", "the evil man who⁸ was called when he was Jewish Jacob Bagnida"; "for the evil and wicked man who⁹ was called Samuel Ensheim when he was Jewish" and he concludes the section dealing with rebukes with "Yet I was loathe to write and thus expose the deeds of the wicked ones."

It is clearly evident that the Jews did not restrain themselves for Josel added, "The sages say that an intelligent man should guard his soul, his spirit¹⁰ and his body from intoxication", and "Now I am going to advise my sons and sons-in-law not to trespass the words which we have acquired from the teachings of the sages, and it was better then than now,...says your old father Joseph ben Rabbi Gershom".^{10A}

Very little remains of the second section in which Josel deals with the mystical Kabbala of his day, which, to us would be without interest.¹¹

The third work by the intercessor is his "Memoirs" to which we have consistently referred, and from which much material has been drawn. The space which has been devoted to it within this study precludes the possibility of further discussion.¹²

NOTES TO CHAPTER NINE

1. See above, p.65.
2. See above, p.111 ff.
3. Ad. Neubauer, Catal. of the Hebr. Manusc. in the Bodl. Library, Oxford, 1886, col.773, n.2240.
4. Rabbino~~w~~itz, Yosef, p.137; Feilchenfeld, Josel, p.138.
5. §§ 18 and 483 and are translated in Feilchenfeld, op. cit. pp.138,139. See above pp.9,10.
6. Ad. Neubauer in the Israelitische Letterbode (1880-1881) VI, pp.137-141; also Kirchheim, Graetz Monatsschrift (1875) p.408 immediately precedes that account.
7. Rabbino~~w~~itz, op. cit. p.37, note 1. Folio 71.
8. Folio 71.
9. Folio 70.
10. Folio 279.
- 10a. Folio 290, col.2.
11. Feilchenfeld, op. cit. p.141.
12. Kracauer in R.E.J.XVI.

Conclusion

The activities of this unusual man were outstanding. For fifty years his life was inextricably bound up with the life of the Jewish communities in most of the principalities of the German Empire. The deeds of his life form one long chain of unusual events, seemingly miraculous at times. Yet despite his influence and contemporary importance, neither the date of his death nor the place of his burial are known. His memory made but little lasting impressions. It is only within the "Memorbuch" of certain southern German cities, of all those which he aided, that his memory is recalled. Thus, we read in the "Memorbuch" of Hanau:

"May God remember the soul of...Rabbenu Gershom Meor Hagolah, Rabbenu Solomon ben Rabbi Isaac, Rabbenu Jacob ben Rabbi Meir Ish Tom,... the soul of the elder and prince Rabbenu Joseph ben Rabbi Gershom who is called Joselmann... with the soul of Abraham, Isaac and Jacob because he sanctified his life, his wealth and his glory for the benefit of each and all of the communities. For more than forty years he stood before kings and princes, nullified harsh decrees regarding Israel and removed exile, oppression, murder and slaughter far from his people. He even received documents of authority from the Emperor protecting all Israel. Yet he sought no reward in this world but worked for the love of his God and for His people Israel. For this, may his portion be with the shepherds and leaders of Israel. May his soul be bound up with those of the living, with the righteous ones of the world, and may he rest in Paradise".

This is the only monument erected to Josel, the intercessor of German Jewry during the stormy period of the first half of the Sixteenth Century.

APPENDIX

Josel and the city of Strasbourg. Letter which Josel addressed to the Jews of the province dated June 25, 1534 regarding law suits being held in that city. [Scheid's Joselmann de Rosheim, p.15, the principal passages].

"On June 23, 1534, the lords of the city of Strasbourg again complained to me about one named Jacob of Schopfen who is accused of carrying on illicit business, usury. Besides, according to the Jewish statutes, similar affairs are prohibited to you, and no Jew or Jewess is permitted to cheat his neighbor, for one should only seek that which is necessary for living, as it has always been.

Each one, also, should respect the ancient liberties, should only cite a person before the usual judges and should not go any further in appeal.

Relying on that which precedes, it is my duty to announce to all the Jews of both sexes, and principally to the aforementioned Jacob, not to deviate from these Jewish statutes; in other words, that every Jew who has a quarrel with a citizen of Strasbourg, or who thinks he has one, should know that he should remain before the usual judges as we have already indicated. If any Jew allows himself to violate this law, and the lords of Strasbourg complain about it and I or Jewry acquire definite knowledge of it, he shall be immediately excommunicated and cursed, nor may any Jew eat or drink with him, nor receive him in his home or have relations with him; and he shall be completely separated from the community until he has given satisfaction to the lords of Strasbourg...and in order that we should not be at fault, I have, with the approval of other Jews, and in my capacity as Regierer of the Jews of the German countries, I have published the present ordinances, stamped with my seal, and have humbly begged the city of Strasbourg, in order that it would surely be obeyed, to have this present notice read to every Jew who will come to ask for a passport and to make him take an oath that he will agree to it..."

[The entire document is in Feilchenfeld, Josel, Appendix VIII]

Privilege granted by Charles V to Erasmus, bishop of Strasbourg in 1545.

[Scheid's Histoire des Juifs d'Alsace, p. 116f]

"We Charles the Fifth, etc., recognize publicly, by these documents, that our dear prince and subject, the respectable Erasmus, bishop of Strasbourg, has made us know how much his subjects in the aforementioned diocese have suffered as a result of the contracts that they make daily with the Jews, and that if they are not curbed, his subjects will finally be completely ruined.

He has also humbly urged and begged us to come to his aid by means of our royal power. Taking into consideration his faithful services, those rendered to royalty by his predecessors and those which he himself will never fail to give us, we have hearkened to his prayer. Consequently, with a knowledge of the cause and after due reflection, we have granted the abovementioned Erasmus, bishop of Strasbourg, as well as his successors, by virtue of our power as Roman Emperor and by these presents, that hereafter it shall be well understood and agreed that no Jew nor Jewess of the diocese of Strasbourg shall lend anything to any of the subjects and persons under the jurisdiction of the bishop of Strasbourg on any real estate whatsoever without a special authorization from the said bishop, from his bailiffs or 'schultheis'; furthermore, the Jews shall not buy a mortgage from any of the subjects of the bishop.

If this order is not executed, all these acts shall be considered null and void.

Furthermore, we desire that the contractors shall be punished by a fine of twenty gold marks, of which half shall be deposited in the royal pay-houses and the other half in those of the bishopric.

Given in our imperial city of Worms, the twenty-ninth day of July 1545, etc.
Signed: Carol".

Letter from Charles V to Josel, July 3, 1535 in regard to his title [From Scheid's Joselmann de Rosheim n.4.] [Feilchenfeld, Josel, Appendix X- but he dates it July 6]

"We, Charles, by grace of God, elected Roman emperor:
I would inform you, Josel, Jew of Rosheim, that the honorable and learned Wolfgang Weidner, our very loyal subject, doctor of laws, imperial treasury agent, has summoned you to our imperial court. He is opposed to religious and secular princes not recognizing the laws of the empire, and, under severe punishments and fines, carrying, without any special authorization, whoever that person may be, a false title whatsoever, be it secretly or openly. Now you, more than all the others, ought to observe these laws, especially in these difficult times (when each bad subject bestows a royal title upon himself). Without the permission of our noble scholars and the very loyal judges of the imperial court and their assessors in the above named court, you have pleased to take to yourself, unjustly, the name of Regierer of the nation of the Jews in the Empire. Moreover, you have, on certain documents, signed that title, and you have honored yourself with it verbally while calling yourself thus. More than that, you would give a bad example through that and would serve as a model for the others who would incur very grave punishments.

Since I myself am the only Regierer of the Jewish nation, one would think that you were exalting yourself in order to mock and humble me. That is why we could not prevent ourselves from complying with the prayer and the supplication which the agent made to us and to permit him to summon you before the imperial court in order to have justice rendered. I beg you, therefore, since I have been elected to see that all laws are obeyed, that you return this summons. You will have to come the twenty-first of the following month before the imperial court, and if there should be no meeting that day, it will be held on the day immediately following. In the case that you are not willing to come yourself, represent yourself by your attorney to whom you will give your proxy so that he will represent you in the aforementioned court".

D

Argument of Christopher Hos, Josel's attorney, before the imperial court.
[From Scheid's Joselmann de Rosheim pp.5-6] [Feilchenfeld, Josel, Appendix XII]

"All the world knows that for about thirty years, in the time of the Emperor Maximilian as well as of the present Emperor, Josel has been appointed to represent the aforesaid Jewry. All the world gave him the title Regierer. Thus the said Josel by several letters or certificates, of which I could submit to you a very great number, to have you realize that the imperial counsellors, the marshals of the regiment of Ensisheim, the governors of Bohemia, the princes of Germany, the cities, etc., call him 'supreme head of the Jews', 'chief rabbi of the Jews', and Regierer, which is the same thing. Likewise, the cities of Upper and Lower Alsace, as well as the Jews of Bohemia and all of Germany, call him the only supreme head (Oberster der Juden), chief rabbi and Regierer of the Jewish nation.

It is impossible to give him any other title because:

1. There is another Josel in Alsace who is called Jew Josel (he is Parnos at Krotzingen) and one might confuse them.
2. Josel has, besides, been appointed by all Jewry to represent them at the diets and everywhere else as their supreme head (Oberster).
3. Then, the expression Parnos Umanhick, the title which has been officially given to him, is otherwise absolutely untranslatable into good German. The learned scholars of Frankfort, Worms, Esslingen, Friedberg, could not find

another term.

4. Finally, it has never come to Josel's mind to honor himself by that title, and how much the less to offend His Majesty, because he knows that he has not a more devoted servant than he".

E

Privilege granted to Obernai by Maximilian I on March 21, 1507. [Scheid's Histoire des Juifs d'Alsace, p.77]

"We, Maximilian, etc., etc.,..., have granted the burgomaster and the council of Obernai the right of not having to tolerate in the future any Jews within its confines, and we promise them, on behalf of ourselves and our successors in the Holy Empire, that they will never be forced to receive them again, in any way.

In faith of which we affix the royal seal on the present document.

Given at Strasbourg, March 21, 1507, in the twenty-second year of the empire, of the seventeenth of our rule of Hungary".

Joselmann and the city of Obernai- the compromise reached in 1524. [From Scheid's Joselmann de Rosheim pp. 8-9] [Also Scheid's Histoire, n.110f.]

1. That the Jews be informed and note well that they may come to Obernai only on the days of market and fair; that this will cost them each time, per person, six deniers, as an entrance tax.
2. Permission is not given them to pass the night there.
3. If the need requires it and if it is necessary that a Jew go through the city, without a task to keep him there, outside of the days of the market, he will pay two deniers.
4. No Jews may make any loans of money in the city. If our citizens do not find it (money) elsewhere, the Jews may deliver [money] to them for pledges against moveable objects. But, in this case, it is necessary that a time be stipulated in writing for the recovery of the pledges. The delay expires, the Jew will be free to do with it as he may wish.
5. Unless he be sent for, a Jew may not enter into the house of an inhabitant of the place.
6. If a citizen applies, of his own accord, to a Jew to make a loan, the foregoing conditions ought not to be changed.
7. In this case or in any other, the Jew may not make out the writing (bill) without which he will lose the interest on his capital, and will pay a tax of one florin.
8. Finally, every Jew who will enter the city will carry either a ring or a certain mark in a visible place, which may distinguish him.

Josel and the city of Colmar. License to the magistrates of Colmar from Maximilian dated January 22, 1510. [From Scheid's Joselmann de Rosheim, p.10]

"The Burgomaster and the council of Colmar would receive for themselves and for their successors permission to expel the Jews and Jewesses who lived in the city within a short time, and to never be obliged again to readmit them. If one of them, it was said, should wish to come there to make an exchange or to transact some business, he would be obliged to wear on his outer garment a yellow circle which would distinguish him and he would have to pay for the right of admission such as existed from of old".

H

Privilege to the burghers of Colmar from Charles V, Ratisbon 1541. [From Scheid's Joselmann de Rosheim, p.12] [Also Scheid's Histoire, n.103f]

"Our dear Burgomaster and council of the imperial city of Colmar have complained to us that our gracious lord and master Maximilian, of glorious memory, had granted to the citizens of that city that no Jew could ever settle in the abovementioned city, which, up to this day, has been punctiliously observed. But the Jews have not failed to choose their home-sites as near as possible to Colmar, in the cities, villages and hamlets. Consequently, they come to the annual fairs, semi-annual and triannuals and to the weekly markets and continue their dangerous marketting in that city. In this city there is a double danger; first, the merchants of the vicinity no longer come en masse as formerly because of the competition of the Jews; and then the merchants of Colmar suffer a great deal from their presence which thus prevents them from having the full enjoyment of their own commerce.

The Jews make money affairs very harmful to the inhabitants and the citizens. It is for this reason that the magistrates have asked us in their name and in the name of the people under their jurisdiction to give them a privilege delivering them from this evil.

Taking their petition into consideration, we have accorded and are according the above mentioned Burgomaster and council of the city of Colmar the right to no longer permit the Jews to come to the annual, semi-annual and triannual fairs and weekly markets with or without merchandise to retail, without a special authorization from the Burgomaster and the council of Colmar, who will have the power to inflict on the delinquent a suitable punishment without anyone being able to restrain them. Ratisbon, April 11, 1541".

I

License which the Jews of Colmar received from Charles V, Ratisbon, 1544. [From Scheid's Joselmann de Rosheim, p.13]

"The Jews...make us understand that, in spite of the privileges that were granted them by us and by our predecessors, they have often been harmed in their business dealings, a fact which causes them considerable trouble. They also have asked us to come to their help and to retain intact for them the privileges and liberties which they possess; especially those which were given them in 1530, one on the eighteenth of May and the other on August twelfth, at the Diet of Augsburg. As it is only just to maintain each one in his rights, and that we ought not allow anyone for this reason to molest those who enjoy these privileges, we desire, by virtue of our power as Roman Emperor, that they leave the Jews living in the Holy Empire and in

other countries in peace.

And in order that no one should be ignorant of this, we make known by these presents that Jewry retains all its rights, liberties and privileges which it has received from our predecessors and from ourselves, and that everyone should observe all the points, articles and paragraphs which are here enclosed. Let no one of our subjects seek to harm the Jews in their goods or in their person, but let them tolerate them and attend to their own business. If anyone has permitted himself to take of their things, for one reason or another, he shall be forced to immediately return them to their legitimate owner. Especially let one take note that they [the Jews] should be left [to dwell] in the cities, towns, and hamlets where they actually live, and that they do not prevent them from going to the cities, fairs, villages and hamlets of the Empire and of the principalities, be it by land or by sea. Given at Ratisbon, May 24, 1544".

Josel and Martin Luther. Letter of recommendation which Dr. Wölf Capito of
Strasbourg, a friend of Luther, gave to Josel when the latter decided to

visit Luther. [Scheid's Joselmann de Rosheim p. 17f]

[Bresslau, Ztschr. V, pp.326-7. Dated April 26, 1537]

"May grace and peace be with our honorable father in God !

Joseph, ~~one of the most pious among the Jews~~, after their manner of viewing things, and a very great scholar, whom the other Jews consider as their patron, has made us a partner in a petition which he had received from Saxe. In this letter he is informed that his Highness, the Elector of Saxe, for certain misdeeds committed by certain vagabonds who have been publicly punished, according to reports, has been irritated to that point where he has made known his intention of expelling the Jews from his principality and of never again permitting them to pass through his lands. He is likewise said to have already published an edict according to which every Jewish stranger who will be found in his principality will incur a heavy penalty. We can hardly believe that this generous prince could have been able to conceive such hatred against these poor people.

However, at the request of Joseph, we have not been able to refuse him a letter of recommendation for you. Since we are also of his opinion, either that you hear him yourself or that you take cognizance of his petition; finally, according to the duties of our trust, which God shows us as the image of the highest forgiveness, that you take in hand the affairs of the Jews and that you support them before the Emperor. In this way they will see that we are ready to do the best not only for strangers but even for our enemies. Honorable father, do not be angry with us for having recommended this Jew and for having burdened you with so heavy a burden, for we are not unaware of the fact that you need your time for other things, but we believe that it is our duty to help the unfortunate. It is for this reason that we are relying on your goodness and that we allow ourselves to beg these similar favors of you.

I am going to send you a long letter by a messenger or by the men from Augsburg, so that there will be no delay.

I send my greetings as does my community to you holy orders, dear father and master. Butzer, who to-day is going to Bâle and who knows the contents of this letter, sends you his respects and urges you to seriously consider this matter.

May God spare you to us and to your servants with happiness".

*This should read "having a fine reputation". See n.7 of thesis.

The magistrate of Strasbourg also gave Josel a letter of recommendation at the same time (1537). [Scheid's Joselmann de Rosheim, p. 18].

[Bresslau, Ztschr. V, p.325.]

"To the Duke John Frederick, Elector of Saxony;

Most gracious Lord; here enclosed we have the honor of sending to his ducal grace a copy of the petition which Josel, Jew of Rosheim, addressed to us. This Jew has been favorably known to us for a long time as our neighbor. For many years we have watched him guard with zeal and in the most honorable way the interests of his coreligionists and always, following the custom of the Jews and according to his own intelligence, he relies on God's goodness. It is for an affair of this kind that he wishes to undertake a journey to your ducal grace.

Following the precept of St. Paul, that we should pity these poor people and aid them, we are giving him this recommendation, addressed to your ducal grace, to urge you to be kind enough to let him come freely to you and to have the goodness to listen to his report.

In exchange for your fair dealings, we shall constantly be obedient to your ducal grace.

Signed, May 5, 1537."

L

Letter which Luther wrote to Josel. [Scheid's Joselmann de Rosheim, p. 19]

"My dear Josel: I had indeed the intention of working on your behalf before my gracious lord, both by my works and by my writings, as moreover, I have proved by several of my brochures which were useful to the Jews. But your people have made such poor use of my services and do so many things that we cannot tolerate that they have made me lose all desire of pleading your cause before the princes and lords. For my heart has always been and is directed toward them (the Jews) and demands that they be treated with kindness so that some day they may find in our God the Messiah whom they await; but they should not believe that by my favors they will be strengthened in their error and that they may become worse than they are now."

M

Letter which Josel wrote to the magistrate and council of Strasbourg explaining

his "Letter of Consolation" [אגרת הנוחם] [Scheid's Joselmann de

Rosheim, p.21] [Bresslau, Ztschr. V, pp.327-8, dated March, 9, 1541]

"Severe, noble, serious, venerated, wise, gracious and obliging lords; my most humble salutation to your grace; Gracious lords, last year, after there had been published at Frankfort several brochures written by different preachers of Hesse, in which also the name of Martin Butzer is sited, who, on two different occasions, as chief of the priests, has made troublesome attacks against the Jews, I have borne this blow with much patience on my part. But the Jews of Hesse and elsewhere have suffered greatly in consequence of these publications and have complained to me begging me to come to their help in giving them advice; I therefore wrote a brochure refuting article by article the accusations charged against the Jews.

Gracious lords, I have also given to my brethren in Israel, as much as my feeble means and my intelligence allow me, advice which I have drawn from the Holy Bible and from the history of the prophets in which I told them not to be concerned with the assertions of Martin Butzer, or anyone else: also that they should not discuss religion with anyone, neither publicly nor secretly, but to accept all, for God would not send us adversity did we not deserve it. In the aforementioned brochure I thus put myself to the trouble of answering, by quotations from the Bible, all these charges which are too often directed against us; and I proved our innocence.

My brethren have undergone, as a result of these writings, trials to which they have answered simply, as a pious Jew should do, begging and praising God, their divine Father,

And so that the people should not be ignorant but should know that God does not take pleasure in injustice, but in pity and mercy, I have sent in each Jewish community a special brochure, to one of the learned men of the place,

with the request that he read the contents to his coreligionists, so that in their capacity of pious Israelites they should conduct themselves honestly and honorably in the fear of God.

Gracious lords, in this way I guarded against the mistakes of certain ignorant Jews or of Christians, as I feared would be produced among people who have no notion of the Holy Scriptures.

And in order to cut short this calumny I have had this little Hebrew document translated, by a pious person, in your language, that is to say, in German, so that intelligent people may see that I in no place in this document have sought to harm or to disparage anyone, but to satisfy everybody.

Gracious lords, several people have advised me to publish this brochure, which I cannot do because there are too many ignorant people. But, as the council of Strasbourg is composed of men of high intelligence, and as I desire greatly that they be convinced of the falsity of the assertion of our adversaries, I am submitting this document to them. It is for this reason, gracious lords, that I am leaving this brochure with the municipal secretary. Kindly examine the contents thoroughly, discuss every phrase and every word and be convinced that it contains absolutely nothing that would harm anybody.

This being done, I urge you, gentlemen, not to refuse to grant me a certificate stating that which I maintain. I trust that your grace will send me this statement.

I never forget to pray to the all powerful God for the health of your graces and for a long and peaceful administration of affairs.

Kindly send me your gracious reply by a messenger, who can use my horse which I am leaving here. Your very devoted,

Scheid read "Rossen" instead of
"Costen". See Bresslau, op.cit.
p.308 note 4.

Ioeslé, Jew of Rosheim,
Befehlshaber of the Jewish nation".

N

Letter of Josel to the council of Strasbourg asking its advice about writing a brochure appealing to public opinion in reference to the charges made by

Luther in "Concerning the Jews and their Lies". [Scheid's Joselmann de Rosheim, p.22]. [Bresslau, Ztschr. V, pp.322-4]

"Severe, noble, wise and gracious lords; Sometime ago I advised you of the sufferings that the Jews and your humble servants have endured because of certain writings. Now, there is no longer any way of living thus; the common people say that if one robs or kills a Jew one may, for that, obtain absolution because Martin Luther said so in his brochure.

Several years ago, when Capito was alive, you promised me aid and protection. You even then prohibited anyone from seeking justice himself....

Now, I wish no longer to dispute with Martin Luther, for, in 1537, at the court of Saxony, he seemed willing to listen to my explanations, and since he again allows himself to be enraged by the baptized Jews he has preached 'rechet' against us as well as having documents printed. I went seven times to see him at Meissen without ever having been received by him. I was only able to receive a letter from him which I have submitted to you.

His brochure will appear in this country. I come, consequently, to ask you to aid me with your advice. As the Jews of Meissen, those of the Duchy of Brunschwig, of Saxony, of Hesse are tormented because of Luther, I wish to refute him, without saying anything evil about him or about his writings,

but solely by explanations drawn from the Bible, the prophets and the Talmud,
for I have gone over all these books yet I have never found that which Martin
Luther has seen there.

I therefore submit to you a proof.

July 11, 1543."

Document which Josel obtained from Charles V in 1544 at the Diet of Speyer in reference to the blood accusation. [Scheid's Histoire des Juifs d'Alsace, p. 92f] [In part this may also be found in his Joselmann etc., p.24]

".....The Jewish nation still represents to us, as on several occasions, that its enemies accuse it, on certain occasions, of needing Christian blood, that, consequently, it has to submit to harsh treatment, without a single proof of these false accusations, and that they simply take faith in the word of envious people.

However it is necessary to take into consideration the explanations that are given on this subject by the popes, our holy fathers, who forbid anyone to believe the stories. Besides, we should take into account the decrees that were issued for the same purpose by the Emperor Frederick of blessed memory who based his edicts on the papal declarations and who strongly urged all the cities and all the villages of the empire not to allow anyone to place any faith in these inventions. In addition, as supreme chief of the Jewish nation, he

[Scheid, Histoire des Juifs d'Alsace, p. 118ff]. In 1547 the following edicts appeared:

"Ordinances concerning the Jews of the Upper-Austrian counties in Alsace and especially those of the regency of Ensisheim.

Ferdinand, first bailiff of Upper-Alsace decrees:

1. There can be only one Jewish household for each place in the regency, that is to say, husband, wife, unmarried children and servants.
2. The synagogue of Ensisheim shall be closed. If the person who lives there shall receive strangers to pray there, even secretly, he shall be liable to a fine of one silk mark, as well as the stranger.
3. No one shall give lodging to a strange Jew for more than one day and two nights without a special permission. In case of infraction, the guilty parties will be punished by a fine of one florin.
4. The Jews shall not lend anything on real estate. If they do not submit to this article of our ordinances, they shall lose their credits. And if they then cite their debtors before one of our judges, we shall forbid these magistrates from having anything to do with the matter.
5. The Jews shall have no other property than one house in which to live and the necessary cattle for their own use.
6. It is formally forbidden them to cite one of their debtors before any other judges than those of Ensisheim.
7. We forbid them from gambling with the Christians, neither for small sums nor for large ones, in public establishments or elsewhere.
8. If one of them wishes to marry one of his children, he shall have to ask for permission. In case he receives the permission, he shall have the wedding at his own home, without dancing in public and without inviting Christians to be present there.
9. If, at the feast of Tabernacles, they wish to erect tents, they shall be constructed only within the interior of their homes or of their courts.
10. As we wish that a Jew be easily recognizable, and especially that he be distinguishable from the Christian, we charge the Israelites of the regency to wear garments made especially for them. Men and women, all shall wear, upon entering the cities or villages, a yellow circle attached to their clothes or cloaks in a conspicuous place. Besides, the men shall wear caps, the women aprons.
11. It is expressly forbidden them to go over an agreement, whatever it may be, in an inn.
12. If one of them should die, we do not wish that his coreligionists should have him buried on a Sunday or on a general holiday. If, however, there should be two consecutive holidays, we shall permit them to take care of the burial in the afternoon.
13. They shall not lend money on any object in gold or in silver, neither on any household article.
14. If, on their festival of Easter, they wish to give some unleavened bread to a Christian, they must first ask for permission to do this.
15. If the women wish to take a bath, we wish them to take it, secretly, as early or as late as possible.
16. Because of the sorrow that we bear holy week for our church, we wish the Jews to remain at home during those eight days.
17. We forbid them under the most severe penalty from starting a religious discussion with a Christian.
18. Every Jewish stranger who wishes to profit by the fairs and markets of the regency, shall furnish a pledge and shall be accompanied in the cities.
19. It is expressly forbidden everybody to have any business dealings on Sundays or holidays. This 28th day of March, 1547. Signed; Ferdinand.

Letter of safe conduct which the Emperor Charles V gave to Josel on February 28, 1548, in the city of Augsburg. [Rabbinowitz's, Yoseph Ish Rosheim, p. 151ff]. [Selected sections].

"We, Charles V, by grace of God chosen Roman Emperor, continually adding land and broadening the boundaries of the Kingdom of Germany, Spain, etc., etc., King of Jerusalem, Hungary, etc., announce in this royal document that the Jew Josel of Rosheim has come to us and reported with feelings of humility that although he had received a document of protection and safe conduct and passport, he and his wife, his prgeny, his servants, his possessions and his wealth, from my Father, our father Emperor Maximilian I (may his glory rest), and after the death of our father, our elder the Emperor Maximilian (may his memory be for blessing) he received a similar letter of protection and safe conduct from us and from our brother the beloved King of Rome (Ferdinand I). This document, besides protection and safe conduct, made him and his household free from transport duties from place to place, and gave them permission to travel within all the boundaries of Germany, in the dukedoms and principalities, etc., to trade without reparation (?) of travel, entering and leaving cities; to pronounce free from all kinds of these imposts, his male and female progeny. And when the Jew, the aforementioned Joselin, in the year 1547, was in Prague standing before our brother, the beloved King of Rome and he presented himself before him in the city of Litmoritz which is in Bohemia, this document (from the Emperors Maximilian and Charles) was lost and there remained to him of it only a transcript of the document of protection and safe conduct and passport which was given to him (by Charles V) which was kept in the archives of our beloved city Oberehnheim and upon it was placed the signet and the seal of this city. All this he (Josel) reported to us and he humbly begged us to renew the protection, shield and privilege of freedom and passport from place to place, to affirm the document with the royal consent. We considered this request which was stated in words of humility and we also recalled all the good word and the benefit he had rendered us and the Holy Empire from then until now. Therefore, in order to deal with this man according to his good deeds which he had done for the congregations (?) and the evidence contained in the letters of attestation on the honesty of his guidance from many governors of the provinces and from the lords, nobles of the Kingdom of Germany and from the natives of many cities in Alsace. And in the midst (of all these letters) was also found a letter telling the honesty of the aforementioned Jew Joselin from our grandfather, the founder of our family, (may his memory be for praise and for blessing), from the nobles of the province of Lower Alsace who dwell in Hagenau, that he (the Jew) was an honest leader according to his nature and his position, and that he had never been punished for a crime or transgression against the government; that he, from earlier times, had come like a messenger from Jewry to watch over their affairs in the diets of the government; and we met him in other places, doing his work with diligence; and he proved his righteousness and his faith to our kingdom in the latest war with France, when he supported our armies and all of our soldiers with money and with victuals. Therefore we were softened by his request. Therefore we confirm, affirm and attest the letter of protection and defense from the Roman Empire in Germany, to him, his wife, his sons, his sons-in-law, with all their wealth and possessions. And this letter will be, in place of the letter of protection which was lost, for witness and evidence in the hands of the Jew Joselin, his sons,

etc., to make known wherever they may go that the Kingdom has extended mercy to protect them and make them secure in every place of the Holy Empire, before us and before the princes and nobles who will arise after us, to declare the mentioned Jew, and all that he possesses, and his descendants after him, free from all kinds of royal taxes exacted from travelers on entering and leaving the cities of the realm; to go to and fro free in any place, to trade and to behave according to the customs of the Jews and according to all the laws of privilege granted to the Jews without any disturbance or abuse. In addition to this, we are being gracious to him with mercy and with freedom, that in all the places of the realm where Jews dwell, they have permission, he and his wife, his sons and offsprings, with their wealth, their possessions and their moveable goods. And if a man has a summons against them, their business or their goods, he shall summon them only to the court of the city in which they dwell and not to the court in the city of the one who is summoning them. Also they (the descendants of Josel) shall enjoy the general privileges [granted] to every Jew of the realm and especially those which they inherit from the privileges which the emperors of Germany and the kings of Rome, our fathers, granted their fathers; with all these shall they be privileged and they shall enjoy and use them. No one shall try to do anything against them nor to lessen their rights. They shall not endure harm from anyone, to lessen the privileges of freedom.

And so we command and order (?) the princes, nobles, bishops, lords, knights, vassals, judges, councillors, etc., etc., and all our loyal vassals and subjects in all the realm to give to the mentioned Jew Josel, his sons, his wife, his sons-in-law, their wives, children and households, protection, defense, free passport from place to place on the basis of this royal letter, confirmed and affirmed a month from to-day- for all of them (the princes) are obliged to help and assist them (the descendants of Josel); that they may collect debts and payments due them according to the letters of proof, lawfully and justly; that they may journey freely in all the territory of Germany, in the duchies, the lands, the wild places (?) and in the villages, etc.,etc. Anyone who trespasses these orders shall be punished...."

Contents of the Letter of Complaint which Josel wrote in the latter part of his life (after 1552) to the Council of Hagenau. [Rabbinowitz's Yoseph Ish Rosheim, p.159 ff and Feilchenfeld, Appendix XXX, p.207ff].

"To the honorable, noble, learned councillors of the city and district of Hagenau ! I, your humble servant, and the Jews of the city of Rosheim find ourselves compelled to come before you with a complaint against the head of the burghers and the heads of the councillors of this city who have rebelled against righteousness and justice and against the affirmed and sealed letters which were affirmed and sealed between the inhabitants, the burghers and the Jews of the place- these latter suffering oppressions and distresses until their strength has become too weak to endure and to be silent concerning the yoke that has been made for them:

Yet, since these letters of agreement were written at different times and since the councillors may not know their contents nor the deeds which were done too us, therefore I regard it necessary for us to recount all the facts from beginning to end. I request you, princes of Hagenau and the district, that it be not evil in your eyes if I recount at length the entirety of the yoke which has been made for us in the source of these many years:

1. It is true (now) that exceedingly evil things have been done, for the head of the burghers and all the inhabitants of the city of Rosheim have made a yoke and have done evil day and night not only to the Jews who live there but they have also done great harm to the alien Jews who pass through this city. Most of them they smote and plundered, until these Jews were forced to present their defence and their complaints before the Imperial Privy Court against those who disturbed the peace of the province. The noble Dr. M. Swapach drew up the documents accusing the men of Rosheim of that crime (disturbing the province). But I, the elder, did not wish to bring matters before that body and we decided to present our grievance before the judges of the place- that is, the noble councillors of the province of Hagenau, etc.,etc..

2. I then (when the wickedness of the men of Rosheim had been revealed) came with a complaint and request before the honorable council in Hagenau and I requested in humility that, if it were favorable to the councillors, they should summon the two adversaries before them; that they should decree that one should bring his grievances and his accusations before them- the Jews and the leaders of the burghers of Rosheim and the province. The two sides should elucidate their complaints on a chosen day before the entire council so that it might mediate peacefully; and if the two sides would not compromise, then let the law take its course.

3. It is also certainly true that the honorable councillors of Hagenau, who continually show me kindness, answered me that they were ready to interest themselves in these, our quarrels, with great seriousness and zeal in order to bring about a compromise between the Jews and the inhabitants of Rosheim, if the men of that city would likewise ask them. Then the matter would be handed over for investigation and examination to one of the councillors, Magister Bartholome Botzheim, etc.,etc.. But again the secretary of the city would not join themselves in order to bring about peace for our sake.

4. And it is also certainly true that they (the men of Rosheim) paid no attention to all this but continued to oppress the Jews and to harm them: day and night they would shatter and break through the windows and doors of the houses of the Jews. And they did violence and oppressed even the Jews who

were found in the vicinity of the city, etc., etc.. Thus they added to our low estate for some years and all that time they rebelled against the document of his Honor the Emperor, written with an energetic order to the leader of the troop (?) and to the councillors of Hagenau especially in regard to the deeds of the inhabitants of Rosheim to lessen their spirit and to punish them and the great men would not harm the Jews again, neither those who dwell there nor the aliens who were found in the vicinity of the city; and then the public order was issued in many copies to the officials that they should not dare to trespass against this letter regarding the privileges that were given (then to the Jews).

5. And it is also certainly true that after all these matters four inhabitants of Rosheim were found who had had agains shattered at midnight the windows of the Jews and the doors of their homes and even the shutters of their shops. And when I forced, because of important affairs, to journey far from my house, they fell upon my wife and upon my children and they maltreated them so that they fell ill. And when these evil-doers were judged, they were punished very lightly; a fine of one Strasbourger pound or three or four days incarceration in the tower of the city. But they did not consider paying damages of injury and disgrace to my wife and children who, because of their evil deeds, had fallen ill. And despite all this evil, the destruction of our homes, some of which fell upon us, a yearly tax of one hundred gulden was placed upon us...etc.

6. Thus they did to me, who for fifty years was the representative of the Jews and I suffered and bore tortures and fears. Never have I refused anything. For instead of strife and war, peace, love and fraternity should exist between men. For all the forty years which I dwelt in Rosheim, I was obedient and attentive not only to the voice of the rulers but also to everything which the natives sought of me. It is incumbent upon me to relate the good which I did for the inhabitants of this place at the time of the Peasants' War when 15000 peasants besieged the city of Rosheim and they pitched their tents in the fort of Altorf about one-half mile from the city, and the city fell into a state of besiegement. Only I, alone, went to the enemy who encamped against the city. I placed myself in a state of danger: I went at midnight to awaken the head of the burghers, Hans Mangen and his assistant Jacob Wagner from their sleep and I advised them to close the city gates. And I went a second time to the leaders of the band of revolting peasants, Asamus Gerwer, Peter von Nartheim and Dieholten von Dalheim and I handed over to them eighty pieces of pure gold and they gave me a letter and seal of protection that they would leave the city and would no longer come to its gates until they had first conquered all the other cities of the kingdom. And when this thing was told to the men of Rosheim, the heads of the natives came forth to meet me and said "You and your progeny shall receive their reward for the good which you have done us".

7. Not many years after that, when I had lost my riches and my substance in France and sent more than seventy pieces of gold to Innsbruck...and when the Margrave Albrecht drew near to the city it was already known that he would take silver as ransom from all the cities through which he and his large army passed. I took out of my own pocket four hundred gulden in gold and silver and took it to the leaders of the burghers to lend them if they would draw enough money from their sources to induce the leader of the army to turn away from the city and not to enter and destroy it. Thus and thus did I do for the good of the community. And despite all this, they repaid me with evil

for my good deeds, and they forced me to bring charges against them."
§§ 8 and 9 contain in detail enumeration of the good deeds which Josel had done for the city of Rosheim and the wicked deeds which the burghers of Rosheim had done and were doing to him and to the other Jews who dwelt in that city up to that day.

10. "For sixty years, you councillors and you fathers tested me and ~~saw~~ my work. Now you have seen the letters of complaint which we have sent to you; decide who is righteous; bring out my innocence and the innocence of my children with me to the light, etc., etc."

[This is but a free and incomplete translation.]

Document from the communities to Josel (written July 14, 1551) authorizing him to be their ambassador and to represent them before the government. [Rabbinowitz's Yoseph Ish Rosheim p. 162 ff and Feilchenfeld's Rabbi Josel von Rosheim Appendix XXVII, p. 202 f].

After a blessing of peace in the name of the Lord, God of Israel, the rabbis and leaders of the communities inform Josel that in his intermediary work he should be informed of the following:

1. That the Jews had already made an agreement with Duke Albrecht of Bavaria to continually pay for the right of travel for Jews, going and coming, - one-half gulden for each Jew, an Ort (an Ort is a coin equivalent to a fourth or a third of a gulden in those days in Germany) for each Jewess and one-half Ort for each Jewish child; and after the payment of this sum permission is given them to journey through all the cities of Bavaria. If three or four Jews wish to journey together on the same trip, then all of them together pay one-half Batz. And so that they will not do business on the way lending money, and in those places where it is customary to place taxes on the Jews by the imposition of other amounts, they must pay them; except, in addition, those taxes already long customary.
2. We have read that which you have written to us, that which was arranged between you and his Highness Kristobal (Cristoffel) Virt (Wirt. [Wirtenburg ?]) and how you came to an agreement with him regarding permission of entrance: and we concur with that.
3. Although you, yourself, know this, we repeat that His Royal Highness, Emperor in the German Roman Empire, has sent letters of command to all the heads of the divisions of the people that in all the roads throughout Germany they should not exact from the Jewish travelers more than the customary imposts.
4. Also at the Imperial Diet which was held in the later days in Augsburg, it was decided by the Emperor, Dukes and other leaders of the German people, that we would be permitted to enter into trade, faithfully, on market days, etc.
5. That which you have written to us regarding the edict from the Emperor not to call upon the princes, etc....but that we tell the intercessor which one of all the princes and dukes in this matter etc...; we agree to your plan and permission is given you to bring it to completion.
6. We also agree with you regarding the compromises between the ignorant Jews who stayed in the dukedom of Virt (Wirt.) and that prince....
7. Just as we agreed with you, so we all disagree with you regarding the Jews in the principality of Virt (Wirt.), that they should not push their grievances but should agree to the legal judgments between them and the inhabitants of another province according to the result of the findings of the judges in that province.
8. We inform you that you have permission to impose punishments on every Jew and Jewess who trespasses the ordinary things and the innovations which you have made.
9. Inform us please of the agreement and the arrangement which you will make.

At the end of the document it is explained that that document was sent in answer to questions of Josel and was written by the rabbis and leaders who were gathered at Frankfort July 14, 5311 of creation (1551).

Document of Consolation written by Josel to his fellow Jews after the

appearance of Butzer's book. [Rabbinowitz's Yoseph Ish Rosheim, p.164 ff, Feilchenfeld's Rabbi Josel von Rosheim Appendix XVI, p. 180 ff]

The contents of the letter;

After Josel blesses his brethren with peace in the name of the God of Israel, he urged them to await continually the salvation of the Lord and for His mercies every day. He says; "The man who disturbs us, Martin Butzer, has imputed sins and crimes in his dispute with you and he has also published his hatred in order to make you appear disgraceful in the eyes of the nobility and to arouse their hatred against you; he has imputed crimes against you the like of which you could not imagine. And not this alone, but he has also blasphemed our Torah and even offered to preach his disgraceful sermons before you in order to stir up doubt in you regarding the faith of Israel which has been kept pure for us from the time of Abraham our father until now. I have received the letter which you sent me....etc. And although I am burdened with the affairs of the group, yet for the sake of God and in order to establish you truthfully so that you do not err from the good and straight way, that you be wholly with God and his Torah, I indicate briefly with allusions, with the mercy of God who does mercifully and teaches man understanding in the Holy Scriptures etc."

"The first chapter (in the book of accusation which Butzer has written) about which you complain, is intended to arouse against you the anger and hatred of the rabble. In many places he has already achieved his purpose. In the vicinity of Friedburg (Fridpurg) a Jewish man was flogged and all his possessions were taken from him. The evil doer said; See, Jew, what the teacher Butzer has published against you, how he has permitted the taking of your blood. My beloved brethren, I have done what I could; I disputed with Butzer in Frankfurt and I defeated him. Yet he continues to write and publish his attacks, and his soul knows no satiety. Therefore I am sending you this booklet so that you may answer your blasphemers, for you refute them with our Holy Scriptures, for all his accusations and attacks are founded in lies etc."

From here on is lacking in manuscript. In the third folio Josel tells at length the horrible occurrence in Berlin; the burning of the thirty six martyrs and how the matter came to light through Philip Melanchthon and the monk who afterwards accepted Protestantism and testified that the one who stole the sacred articles had confessed to him that he had done the crime and that the Jews who had been martyred were innocent, and righteous. Their innocence and righteousness was made evident about thirty years after their martyrdom. In the manuscript Josel expands this matter so that the Jews would be able to write and to publish the occurrence to admonish the people and the government not to judge too quickly and thereby spill innocent blood as was done in Berlin in 1510.

In the seventh folio Josel says; "In this letter I do not wish to revile any man with evil words or even change his thoughts. All that I wish is to vindicate ourselves and to remove from us the shame of our revilers in order that even the gentiles may know all the wickedness of Butzer, that the ruling

Landgrave, in whose heart God has placed mercy to do good things for our people, and that fellow Butzer is sending his accusations to him and accuses us of every kind of calumny." Josel then recounts all the dispute between him and that accuser. The last of his words to Butzer were: "The Lord, who has guarded His people from the time of Abraham until now, will guard us even from so fearful and harsh an enemy as you." "With these words", says Josel, "I left him; and then I heard that he again continued to do evil and to make accusations. But now even the people who follow him know that it is not the spirit of God which speaks in him but the spirit of hatred and enmity, which you know is only intended to destroy and to damage and to stir up strife between different nations and religions. And where there is hatred, wrath and anger, the Lord is not merciful to all His creatures." And regarding the plan which Butzer advised, to force all the Jews to come and listen to the sermons of the priests which were said to put the Torah to shame, Josel advised not to listen to this- even to the orders of men of power and officials- and not to go to hear the sermons. And for this reason alone, for if the Jews would go to hear the sermons of the Protestant priests it would show that already some doubt had arose in their hearts about the truth of Judaism. And let them not think that they will answer these accusations. The priests themselves know that their words will not stand examination but they want the Jews to say things opposed to the priests that they find an opportunity to fall upon them.

From folio nine to folio fourteen are found the principles of Judaism. In folio nineteen Josel tells in great detail his journey to Saxony, to the Duke, and that he had with him a letter from the great scholar Dr. Wolf Capito, which was written with the knowledge and consent of Butzer, that he should be treated with kindness and pity.

In folio twenty he relates the goodness and mercy which the rulers of Strasbourg did for the Jews at the time of the Peasants' Revolt.

In folio twenty-one he writes: "The Protestants accuse the Jews that they are supporting the Catholics; and in the Catholic councils they say that the entire Reformation Movement was caused by the Jews: from this it is obvious that accusations of this kind are based on lies. The Jews are content to dwell in peace and to serve their God and they have no interest in the schismatic strife which has arisen in the Christian church.

From folio twenty three to the end he relates the words of the discussions between himself and the proselyte Margarita in Augsburg and how this proselyte was put to shame.