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THE SOCIAL AND ECONOMIC CONDITIONS OF THE JEWS  
IN FRANCE FROM THE NINTH THROUGH THE T'ELFTH CENTURIES

A Thesis

submitted in partial fulfillment of the re-  
quirements for the degree of Rabbi at the  
Hebrew Union College, Cincinnati, Ohio

by

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Referee: Dr. Jacob Mann

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*Mic. 11/78*

To My Wife

Frances Straus Lewis

הַיְּדֻת וְהַכְּבוֹד - לְיָמֶיהָ

וְהִיא תִּשְׂמְחֶנּוּ בְּיָמֵי לְבָבוֹתָהּ

"Strength and honor are her clothing;  
and she shall rejoice in time to come."

(Prov. 31.25)

## INTRODUCTION

Sometimes nothing is quite as perplexing as one's own inability to fathom what lies ahead. This was true in the case of the author's selection of a subject for his thesis. The subject "The Social and Economic Conditions of the Jews in France from the Ninth through the Twelfth Centuries" has proven a task too great for his limited time and more limited knowledge.

However, perseverance must bear its own reward. Despite the enormity of the subject the author feels that he has been able to piece together a fairly clear historical picture of the Jews in France from Charlemagne through their expulsion by Phillip Augustus.

Not all phases of the Jewish life in this period have been treated. With the consent of the referee that large sector of Jewish life generally considered under the term "spiritual" has been avoided. This omission was sanctioned because it would have made the subject impossible of treatment in a single work. All the other phases of Jewish life have been surveyed, some in greater detail than others.

In studying Jewish history a tendency so often develops in the student to look at Jewish history alone and ignore the history of the world at large. In order to overcome this, the general history has been brought in at every necessary stage.

Thus the first two chapters deal with the position of the Jews under the ruling houses of France. Chapter one, The Jews Under the Carolingians, begins with the founding of the Carolingian dynasty under Charles Martel. It goes through to the death of Louis V.

The second chapter, The Jews Under the Capet Dynasty, begins with the accession of Hugh Capet and concludes with Phillip Augustus. This covers the political history of the period and clears the way for a more intimate treatment of the life of Jewry.

The third chapter, The Synods, deals in a general manner with the conditions which gave rise to the convening of the synods under Rabbi Gershom of Mayence and later under the brothers Rabbi Jacob ben Meir of Ramerupt, and Rabbi Samuel ben Meir of Troyes; and also with the Takkanoth promulgated by these Synods and their effect upon Jewish life in France.

The fourth chapter, The Rabbis, brings us to that group of men from Rabbi Gershom of Mayence through the twelfth century Tosafists who so profoundly affected not only the Jewry and Judaism of their own day but all succeeding Jews and Judaism through our own time. While it has been stated above that the spiritual life of Jewry of this period was to be omitted no history of the Jews of France, no matter how sketchy or incomplete, can ignore these men so tremendous in their influence both individually and collectively. However, an

attempt has been made to select material dealing with their relation to the social, economic and legal relations with the people -- both Jews and non-Jews -- over that material dealing with their spiritual activity.

Chapter five, The Internal Life of the Jews, really needs a better title. In it the various occupations of Jews, their commercial activity, their communal and individual agreements and disagreements, their living conditions, their pleasures, their home atmosphere, etc., are all touched upon. Unfortunately, the sources treating these matters were limited. And a further limitation was placed upon the writer through his inability to master, in the time allotted, all the available material.

Chapter six, The External Life of the Jews, tries to give a picture of the relations between Jew and non-Jew. Some pains have been taken to show the harmonious intercourse that existed among the Jews and the Amalek, "the people of the land". Naturally, as in our own day, these pleasant associations received a severe setback from time to time when the selfish interests of nobles and clergy clashed with the common interests of Jew and non-Jew.

Chapter seven, Conclusions, offers the results of the writer's study. Here and there a conclusion which has been previously stated is again reviewed.

Following the Notes and Bibliography the author has placed some maps and geneological tables which he prepared as

aids for a clearer picture of the places and people mentioned in this work.

A word of acknowledgment is due two people. To my dear teacher, Dr. Jacob Mann, I owe not only my ardent desire to engage in this work but likewise the essential groundwork in the Jewish history and sources of this period. His unfortunate illness during this year prevented a close collaboration between master and student. However, if the writer continues to follow this study with more research in future years -- as he intends at the moment -- he will look to the wisdom and counsel of his teacher. It is my hope and prayer that the recovery which Dr. Mann is now enjoying will continue and that he will serve many, many fruitful years on the faculty of the Hebrew Union College.

To my dear wife I have affectionately dedicated this work. Without her patience and help I do not think this work would have been possible.

Gallia Judaica by Heinrich Gross has lifted the author out of many a perplexing problem and date. It is a veritable encyclopedia for name, date, place and bibliographical note which have been literally incorporated in this thesis.

Albert M. Lewis

## CHAPTER I.

### The Jews Under the Carolingians.

Of all the books that have ever been written, the Bible must have been the easiest to begin. For no beginning is quite as simple as (n'p k)P, the very beginning. However, since it has been our misfortune to choose a subject which began some few years after creation, we must cast about for a more appropriate opening. But where shall we begin? All right, let us say we are going to begin with an individual, Charlemagne, for instance. But Charlemagne had parents, ancestors. He was not the beginning. Then take an event. But events are not isolated things any more than individuals are. We begin with his coronation at the hands of Pope Leo III, on Christmas eve 800 C.E. That event is not the beginning of events. It is the result of an entire series of ancestral events.

Then let us go back. How far back? Shall we begin with Charles Martel, the grandfather of Charlemagne and select as the event his seizure of power at the expense of his Merovingian king? Perhaps this is the best for us. While it is not an actual physical beginning such as the act of creation it is, at least, an historical beginning. For this man, Charles Martel, and the event mentioned above bring to the history of France a new dynasty and, in a way, a new order of things.

The Merovingians had been declining in power and prestige for some time. By the beginning of the eighth century they had become nothing more than names. The actual rule was possessed by the major domus. This office, like that of the kingship, was hereditary. Each succeeding major domus had moved his hand up further on the sceptre. Charles Martel felt his grasp strong enough to wrest the rod of rule. This he did, and while abstaining from arrogating to himself the title of king, he was the ruler of the country. As such, he conducted the vigorous military campaigns which enlarged the Empire. The role of warrior suited Charles Martel better than any other. He was in the field constantly. Nor was he without success. But wars, then as now, are expensive holidays. Charles had no national treasury either. The money economy had not penetrated his Empire to any great extent. When his warriors clamored for payment, he looked over the available resources of his kingdom and paid as best he could. The resources were most always of a single kind - land. This he freely gave.

Charles didn't always possess a clear title to the land he lavished on his supporters. Theoretically, all land belonged to the king. However, theory in this case lacked the support of practice. The land worth owning was already parceled out to counts, lords, barons and the church. To take from one noble to give to another would not have materially increased his martial support. But to transfer from the church to a loyal noble did give him additional warrior strength.

"The Church had vast estates which were an irresistible temptation to a warrior seeking means to buy an army. Charles did not resist this temptation, and the lands of bishoprics and abbeys were bestowed upon men who would pay for them in military service. The seizure of Church land was made upon a large scale; his descendants restored forty-one estates to the abbey of St. Denis and this probably did not make a full restitution. Charles did even more. That church land might render its full military service, vacant bishoprics and abbeys were filled with his followers and the military bishop became a common phenomenon."<sup>1</sup>.

Naturally, the Church resented Charles Martel's action. True, he rendered signal service to it in carrying the Cross into the lands he conquered and even, on occasion, protecting it. But the Church never forgave him.

"His sons and grandsons were constantly reminded of his shortcomings and informed that he was most certainly to be found among the damned. Proof of this was established in a manner which eliminated argument. His tomb was opened and there issued forth either a column of black smoke, a dragon, or a loathsome serpent, none of which could be mistaken for anything but the devil himself."<sup>2</sup>.

His successors in office did not continue the high-handed acts of appropriation of Charles. But is it necessary to think that the drama enacted by the Church stayed their hands? They had as great a need of funds as their predecessor but perhaps they had found a new source of revenue. Is it unreasonable to suppose they were able to get along so well with the Church; tolerate the Jews; conduct military campaigns; and keep their warriors satisfied by using the Jews as the chief source of income for their military campaigns? Thus

they had no need of confiscating Church property. Naturally the Church did not look with a great deal of favor upon the open toleration of the Jews and their mercantile activity but so long as the Jews supplied the money saving their property, they felt it better to let things alone.

This is conjecture, but, as we shall have occasion to point out later, exacting from Jews in times of stress did become a common practice. In truth, of the life of the Jews and their activity under Charles Martel we have no record.

At his death in 741 the rule was divided between his two sons, Pepin the Short, and Carloman. Pepin is the younger and more statesmanly and uses the proud phrase "to whom the Lord hath entrusted the care of government", but used always the "we" and "our" hitherto employed by royalty alone.<sup>3.</sup> For some unknown reason they rescued a Merovingian from a monastery in 743, made him king, and gave him the name Childeric III. In 747, Carloman, apparently weary of mundane affairs, gave up his position and retired to a monastery. Pepin found his relations with Childeric III a little trying. He felt he should be king in name as well as in fact.

"And, if the public law of the Franks knew no procedure for the change of dynasty, the story of another chosen people, ... told how, when a king once proved unworthy, the God of heaven himself sent His prophet to anoint with oil the subject who should take his throne.

"It can never be quite certain, indeed, so close now were the relations of the Franks with Rome, that the scruple of conscience which in the autumn of 751 two envoys (of Pepin) laid before

Pope Zacharias - the question whether it were good or not that one man should bear the name of king while another really ruled - was not of Roman suggestion, or that the answer had not, in any case, been made sure in advance."<sup>4</sup>.

"The Merovingian and his son, rejected like Saul and Jonathon, went shorn into the cloister. The aged Boniface, in St. Peter's name, anointed king the new David (Pepin the Short) chosen by the Franks. (751)"<sup>5</sup>.

This act had a far greater meaning than the sanction of the Carolingian dynasty by the Church. It paved the way for the very close relations which were to exist between Pepin's successors and the See of Rome. This intimacy of Church and State was to have a profound effect not only upon the Catholics but upon the Jews as well. During the reigns of Pepin, Charlemagne and Louis the Pious, these rulers maintained the upper hand and prevented the Church from dictating the policy of the country. After them, during the rise of the papacy, state policy became an imitation of Church policy and the Jew suffered.

During Pepin's actual reign (752-768) he was constantly called to wars of aggression and defense against his southern neighbors, the Saracens. During one of these campaigns he successfully laid siege to and captured the city of Narbonne. This town was liberally inhabited by Christians, Saracens and Jews. Under the Saracen rule the Jews had been permitted the possession and acquisition of hereditary lands without molestation. Chances are, fearful of their rights under a Christian ruler, they sought a confirmation of their tenure from Pepin. Not wishing to disturb the tranquillity of their possession it is probable that he granted their request.

Later tradition both Christian and Hebrew has ascribed the above event to Charlemagne. According to the Christian chronicler, for the part they played in helping him capture the city, Charlemagne is supposed to have granted the Jews a third of the city and permitted them to live under a Jewish king as the Saracens lived under a Saracen king. 6.

In the Hebrew sources Meir b. Simon in his שו"ת דורא 6a states Charlemagne had his horse killed under him and would have been slain but for the intervention of a Jew. In gratitude the king gave the Jews the use of a third of the city and accorded protection to his descendants.

Abraham Ibn David of Toledo in his ספר פני משה 6b. says the favors were granted to a certain R. Machir whom Charlemagne had procured from Babylonia through Haroun-Al-Rashid. And that they were transmitted to his successors, the Kalonymos family.

The entire confusion of Pepin, Charlemagne, roi Juif, Narbonne, etc., can probably best be straightened out in the following manner. (1) Pepin was the king who laid successful siege to the city of Narbonne and granted the Jews the right to retain possession of their lands. (2) Charlemagne did bring a certain R. Machis from Rome or Lucca to his kingdom and may have established him in a school in Mayence. (3) At the battle of Crotona on July 13, 982 Emperor Otto II was rescued by a certain Jew Kalonymos.

In support of the above thesis the following arguments

*Paul R. Markus is now associated with Mayence*

are advanced. (1) As far as we know Charlemagne never laid siege to the city of Narbonne or captured it. Pepin besieged the city in 751 and it finally fell into his hands in 759.<sup>8c.</sup> Charles Martel fought against the Saracens at Narbonne in 737, but was not able to take possession of the city.<sup>7.</sup> Further there is a letter to the Archbishop of Narbonne Aribert from Pope Stephen III complaining that Jews are permitted to acquire hereditary estates, that Christians work for Jews, live with them and listen to their blasphemous speeches.<sup>8.</sup>

While the date of the letter, written c. 768-772, corresponds to the beginning of Charlemagne's reign, Aronius is probably correct in assuming that the Jews acquired these possessions under the mild laws of the Saracens and that they were confirmed in their rights by Charles and Charlemagne. I cannot account for Aronius' omission of Pepin. But his mention of Charles Martel confirms my belief that the right to hold land in Narbonne under the Christians precedes the reign of Charlemagne.

(2) Charlemagne made a trip to Rome in 787 and on his return brought with him a number of scholars. It is entirely possible that among them should have been found a Jewish man of letters. Joseph Haccohen's report<sup>9.</sup> that Charlemagne brought R. Kalonymos to Mayence and put him in charge of a school there has been accepted by some historians and rejected by others.<sup>10.</sup> Charlemagne, as we shall see, was anxious to raise the level of learning of his subjects. In addition, he

had many Jews at his court and they may have prompted him to the action. The tradition that Charlemagne procured R. Machir from the Caliph Haroun-Al-Rashid and established him in Narbonne is probably a corruption of the Kalonymos of Lucca<sup>11.</sup> tradition and the siege of Narbonne. There was a Kalonymos family in Narbonne that traced its descent back to a certain R. Machir.<sup>12.</sup> This Kalonymos family of the twelfth century in Narbonne enjoyed certain privileges of land tenure. Mayhap, through a syncretism in the tradition the Kalonymos who saved Otto II in 982 at the battle of Crotina<sup>13.</sup> became identified with the Kalonymos family already resident in Narbonne and later reported by Benjamin of Tudela.

Another tradition fused to this already mixed report the story of the relations of Charlemagne and Haroun-Al-Rashid. Charlemagne sent a Jew, Isaac,<sup>14.</sup> as a member of an embassy, to this caliph. In reporting this event some later historian credited Charlemagne with having brought R. Machir from Babylon to Narbonne through the agency of Haroun-Al-Rashid. It received support from the fact that a R. Machir had lived in Narbonne and enjoyed certain privileges. Aronius thinks the story of R. Machir and Charlemagne belongs to a much later date and has been confused with the Kalonymos of Lucca tradition as reported by Joseph Haccohen.

Confusion leads only to confusion, and we shall find ourselves in a regular labyrinth if we should attempt any discussion of the secondary works reporting and discussing these

15.  
various traditions and legends. Our conclusions have been stated at the beginning so we shall leave the matter rest here. In order not to confuse the text overmuch, some of the technical discussion has been relegated to the notes.<sup>13.</sup>

With regard to the "roi Juif" we are inclined to share H. Gross' opinion that it is a loose representation of the term לע"ל, "Nasi".<sup>17.</sup> The early Jewish settlers in Narbonne may have employed this term in referring to the head of their community and the non-Jews may have respectfully granted him the title "King of the Jews". It is improbable that any member of the Jewish community enjoyed any such prerogatives as would entitle him to be styled "king". A further discussion of the "roi Juif" is to be found in the notes (nos. 16 and 17).

However, the matter of the acquisition and possession of land by the Jews in the Carolingian era has a solid historical basis. Although our earliest record of such holding dates from the time of Charlemagne, there is no doubt but that he was continuing a precedent established by his predecessors. We shall discuss the matter of land tenure a little later.

Pepin the Short died in 768 leaving two sons, Carloman and Charles the Great. Carloman died in 771 and Charlemagne was the sole possessor of the crown. He was only twenty-nine years of age at this time (born April 2, 742) and before him stretched a turbulent Empire.

"It is not necessary here to say more than that the task of Charles extended beyond the preservation of peace and relations to external powers. In extended degree his care was devoted to economic conditions. The efforts of his predecessors for the promotion of commerce were continued. Measures for the maintenance and erection of bridges and roads were doubtless often undertaken from considerations of national defence, but they also were eminently calculated to serve the purposes of trade. Navigation was to be fostered and rendered safer. Numerous measures enable us to see how much understanding Charles brought to bear upon questions of trade. The numerous ordinances respecting tolls and customs had their origin in the same purpose - fiscal interests were not to be neglected, but they were not to be the main consideration - tolls were not to restrict trade.

"While all these measures were calculated to promote trade, Charles issued direct ordinances with regard to the manner of trade by the restriction of excessive privileges, the prohibition of trade by night, (when men could not see what they were buying) and by regulation for the trade in horses and cattle (essentials in time of war). The exportation of certain articles was entirely forbidden, especially the exportation of corn in the case of failure of the crops. A check was put upon speculation by the decree that corn might not be sold while still growing, or wine before the vintage. Steps were taken against the excessive raising of prices, and indeed tariffs of prices were actually issued by the state."<sup>18</sup>

This resume of the activities of Charlemagne gives us some understanding of why the Jews flourished and prospered during his reign and that of his successors. In a land where the king devoted so much attention to matters of trade, those who did the trading - the Jews - were bound to benefit. Charlemagne was more than a feudal king; he was a statesman. He welded together the warring vassals and subjected them to his will. He inaugurated a national government, crude as compared with the national states of our day, but serviceable

for the time in which it was conceived. He recognized that a national government could not depend on the agrarian economy of the time for its fiscal support. Trade and the fluid money and revenue it secured for the countries and rulers of the traders was a necessity. Charlemagne found a few traders in his realm but under his approving eye and protecting arm they enormously expanded the traffic. The Jews through the bonds of a common language found the positions of trader and merchant under such conditions very enticing.<sup>19.</sup> From France to Spain, to North Africa, to Italy, to Asia, to India their enterprise knew no bounds. And they trafficked up and down the length of Gaul and back and across the breadth of Charlemagne's Empire. By 810, if a ship was seen in the harbor of Gallia Narbonensis, it was possible to say that it belonged either to a Jewish, British or African trader.<sup>20.</sup>

A quaint story tells how a Jewish trader, at the behest of Charlemagne, deceived the vain and ambitious archbishop Richaulf of Mayence. The story attests to the Franconian trade Jews had with Palestine.<sup>21.</sup> Further proof of this extensive trade may be found in the fact that a Jew, Isaac, is sent along with two nobles as an embassy to Haroun-Al-Rasid.<sup>22.</sup> Whether he went, as Aronius thinks as an interpreter or, according to Soetbeer, a traveling marshal, either capacity required him to know the route and the languages of the various countries through which they traveled. The embassy left in 797. The two nobles Landfried and Sigismund, died on the journey and

*Landfried*

Issac returned alone. He was received by Charlemagne at Aachen (Aix-la-Chapelle) in October, 802. He brought with him an elephant and a clock with which the Emperor was much delighted.

As further evidence of the extensive maritime trade conducted by Jews from France with the East, many historians have resorted to the report in the Book of Ways by Ibn Khordadnbeh, postmaster general for the Caliph at Baghdad, written c.847.<sup>23.</sup> Due to the difficulty in explaining the term "Radanites" one cannot rely on this passage too greatly.<sup>24.</sup> D. Simonsen believes the term is derived from "Rhodaniçi", i.e. the merchants and navigators of the Rhone country in Southern France.<sup>25.</sup> Others believe it refers specifically to the Jews. The question has not been settled to our satisfaction and lacking a sufficient philological training we shall refrain from passing judgment.

On the matter of internal trade we possess more reliable information. As we progress from the earlier Carolingian period to the later and then to the time of the Capets this information grows more and more abundant.

For the time of Charlemagne there are some Capitularies<sup>26.</sup> prohibiting the sale of Church treasures to Jews. In one Capitulary he orders the Church heads to be very careful of the Church treasures because of the watchmen. He says he has heard a report that the Jews boast they can get anything they want from the watchmen. This Capitulary is repeated in

*Jewish & other merchants*

818 without specifically mentioning the Jews, and again in 832 by Lothair, son of Louis the Pious. Three Capitularies, dated prior to 814, deal with the Jews and trade. (1) No Jew can take Church property into pawn under the penalty of the loss of his wealth and his right hand. (2) No Jew may take a Gentile as a guarantee of payment of a debt either from a Gentile or a Jew. The penalty is the loss of the debt and the guarantee and the man is to be released. (3) No Jew is allowed to have a mint in his house or sell wine and grain. The penalty is the loss of his property and imprisonment until he can be brought before the Emperor.

While all of the Capitularies of Charlemagne dealing with the Jews are suspect as being antedated, this last with regard to the corn and wine trade is especially suspicious. In the letters of Agobard, with which we shall deal in connection with Louis the Pious, the Jews apparently enjoyed a very extensive and profitable trade in these commodities. They are to be found as wine merchants even at the court.

Commercial dealings necessitated the Jews coming into contact with the non-Jewish populace. All trade, no matter how primitive, must result in a certain amount of friction. This meant Jews had to resort to some form of judicial procedure in order to protect their rights and interests. ~~Canon~~ <sup>based on</sup> Western law, ~~according to~~ the Code of Theodosius, did not recognize the rights of the Jew in a dispute between a Jew and a Gentile. 27. Canon law had taken its place in Gaul alongside the old Salic

law of the Franks since the time of Clovis, the founder of the Merovingian dynasty.<sup>28.</sup> Therefore, it is to be regarded as something of a concession that Charlemagne in his Capitularies ~~made~~ instituted provisions for the adjudication of a suit between a Jew and a Gentile.<sup>29.</sup> It is not to be expected that Jews would be admitted on terms of equality with Gentiles in these matters of litigation. The spirit of the times was tacitly set against such provision.

Charlemagne did not make a day at court for a Jew a holiday. So harsh are the measures Jews must have gone out of their way to avoid any litigation with Gentiles. A special oath for Jews when testifying against a Christian has come down to us in a Capitulary.<sup>29a.</sup> The Jew is decked from head to foot twice in a sort of monk's rhubarb and swears on a Hebrew Pentateuch or a Latin Bible, if no Hebrew one is handy, the following: "God help me. The same God who gave the Law to Moses on Mt. Sinai; may the leprosy of the Syrian Naaman not come over me as it came over him, nor the earth swallow me up as it did Dathan and Abiram, for in this matter against you I have done no evil."

Disputes between Jews and Jews they were allowed to adjudicate according to their own law. But if a Jew brought suit against a Gentile, the Gentile must defend himself with firm witnesses or by an oath on a relic or by a burning iron (a form of trial by ordeal). The Jew then takes an oath with a wreath of thorns on his neck while standing on his knees and

a branch of thorns five cubits in length, full of stickers, is by force drawn across his hips until he has completed the oath.<sup>30.</sup> Another Capitulary ordered that if a Jew hailed a Gentile into court the Gentile needs three reliable witnesses, the Jew, depending on the amount involved, needs four, seven or nine. If a Gentile hails a Jew into court they each need three.<sup>31.</sup>

And if a Jew was convicted of a crime against a Gentile or a Christian then, as in the case of a patricide, he is sown into a sack and hurled into a deep ravine or burnt.<sup>32.</sup> Truly a pleasant fate to contemplate.

Many historians following Boretius suspect some of these Capitularies as emanating from a time much later than that of Charlemagne.<sup>33.</sup> It is not hard to be suspicious. Although we lack any truly reliable first-hand source on the legal condition of the Jews during the Carolingian era the indirect evidence hardly supports the harsh spirit felt in these Capitularies. And we do know how the condition of the Jew degenerated in much later times under the oppression of the Church. It is probable that some of the harsher strictures in these Capitularies were put there by the clergy of later times in order to bolster their demands for the repression of the Jew.

In dealing with Agabard we shall have occasion to refer again to these Capitularies. Under Louis the Pious we shall also deal with the "King's protection" which was given to certain Jews. Though we have no record of a Jew being

placed directly under Charlemagne's protection it was under this king that this institution received its initial development.

"The king was guardian of justice and peace. All stood beneath his protection. The king's peace was the general peace of the state, the king's protection covered every member of the state. But together with the general protection which ensured peace for everyone went a special king's protection, which was bestowed on individuals, placing the object of it in closer relation to the king and decreeing severer punishment for every injury to his person.

"The subject was bound to unconditional obedience to the king. An oath of allegiance was exacted, a custom not of Roman but of Merovingian origin, which had fallen into disuse, and was reintroduced by Charles the Great. Obedience was, however, claimed from every subject without oath, and disregard of the king's command was severely punished." 34

There is no mention of any court of higher appeal for the Jew. But the peculiar organization of the judicial system under Charlemagne shows that the local court was not the seat of final judgment. The local court was convened by the judicial official, especially the count. He summoned the free men of his Gau, or district, to judicial assemblies.

"The giving of judgment was universally the business of the people." 35. Where too frequently used, this summoning of the people to general assemblies pressed very heavily on those in more straightened circumstances. In order to supplement and to enlarge the judicial and administrative system, Charlemagne developed that peculiar institution known as the "missi dominici".

"The summit of the Carlovingian constitution was the organization of the office of the king's envoys, the missi dominici. ... From 779 on the

missi appear with the quite general function ad justitias faciendas, i.e., to preserve the right in every direction.

(p. 683) "The missus was to enter into communication with the officials and also with the people themselves, for to afford assistance against oppression and violence even of the officials was the most important duty of the royal envoy..... Because the (p. 684) king could not appear everywhere in person, his place was taken by men who were to be regarded as his representatives. Herein lies the essential character of the whole institution. Arrangements were made which enabled the king to appear personally active in all parts of the Empire. The fundamental ideal of the purely personal and immediate government of the monarch is thus realized. In this peculiarity lay the strength, but at the same time also the weakness, of the institution itself. Its strength showed itself in the fact that thereby an immense influence of the king was made possible, and all things were quickened from the centre. Its weakness was seen in the excessive dependence for strength on the personality of the monarch, and in the failure of continuous and immediate influence of the royal authority from the moment the central power failed. The institution had no strength of its own, it was absolutely dependent on the circumstances of the court. And when the influence from the centre, which under Charles had been so vigorous and powerful, ceased in the later years of Louis the Pious, the institution of the royal envoys became entirely degenerate. It either ceased entirely or it became territorial and thereby was robbed of its proper and original living principle." 36

Further information on the condition of the Jews under Charlemagne is impossible for lack of suitable sources. Two secondary works mention a Jewish physician of his by the name of Farragut.<sup>37</sup> I was not able to check the reference sufficiently and must be satisfied with simply reporting what I have read.

Before concluding the life of Charlemagne, one

further point is worthy of mention. It has already been stated in connection with the anointing of Pepin the Short by the See of Rome that thereby a strong link was forged between the Church and the Frankish state. In return Pepin gave the "donation of Pepin",<sup>38.</sup> which laid the foundation for the temporal power of the Holy See. Again and again the Popes called upon the Franks for military protection against the invading Lombards. Charlemagne, either mindful of the favor which the Pope had done in anointing his father and declaring an anathema on the Franks should they ever choose a king from another family or because he felt it was the duty of a Catholic king to defend the Church at all times, rendered invaluable military service to the Church. He received his reward on Christmas Day, 800. While kneeling in prayer in the chapel of St. Peter he was crowned Emperor by Pope Leo III. The populace witnessing the act shouted, "Hail to Charles the Augustus, crowned of God, the great and peace-bringing Emperor of the Romans."<sup>39.</sup>

Our subject does not lead us into a discussion of the implications this act had for the Church itself and for its relations with the Eastern Roman Empire. But this act is significant to us for the Western Roman Empire and for the Jews who resided in the lands of that Empire are manifold. Under Charlemagne and Louis the Pious the Emperor exercised his authority over both the temporal and spiritual realms. Church fanaticism was stayed by the commanding power of the

kings. Later rulers, anxious for the crown of the Empire, bargained away not only the spiritual power but likewise the temporal rule over their subjects. In later portions of this paper we shall have occasion to watch this rise of the Papacy and how it affected the Jews.

On the 28th of January, 814, Charlemagne died and Louis, already king of Aquitania, succeeded to the role of Emperor. He was thirty-six years of age.

"Learned, well acquainted with Latin, and able even to compose verses in that language, some knowledge of Greek, well-versed in moral theology, he was modest and unassuming, of a usually gentle temper, and he constantly showed himself capable of generosity and compassion even towards his enemies. His piety, to which he owes the surname by which history has known him from his own century to our own appears to have been deep and genuine. It was shown not only by his zealous observance of fast and festival and his prayerful habits, but by a sustained interest in the affairs of the Church."<sup>40</sup>.

The first mention of Louis' contact with Jews is not a particularly happy one.

"The Jewish and Christian merchants also, who were found established in the palace, were summoned to depart from it, as well as the superfluous women not required for the service of the court."<sup>41</sup>.

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But the later dealings of Louis the Pious with the Jews of his Empire show that he held the people as a whole in very high regard. A Capitulary of Louis the Pious dated by Aronius c.820, orders a certain Ernald, perhaps one of the "missi dominici", to investigate the merchants of Aachen to see if they are harboring any degenerates in their houses. <sup>42</sup> This applies to the merchants who have a place in the market and

*merchants, the Jews*

those who trade in other places, both Jews and non-Jews. The exact sense of the passage is not clear to me. It is the only other mention of Louis in an unpleasant connection with Jews that I have come across.

It is hard to tell exactly what were the relations between the king and the Jews at this time. In a later age the Jew is thought of as being under either the king's special protection or the protection of the count or baron of a particular locality. Graetz says:

"It is probable that with Louis the Pious originated the theory, current throughout the later period of the middle ages, and doubtless inspired by benevolent desires, that the Emperor is the natural patron of the Jews, and that they, being his wards, are inviolable."<sup>43</sup>

It is my opinion that this explanation of the development of the institution of commendatio, (or Kammerknechtschaft as it became known in Germany,) is too general. The institution is not so much the development of a practice initiated either by Charlemagne or Louis the Pious, as a parallel and necessary development in the whole scheme of feudalism. The feudal institutions, while nascent during the reigns of Charlemagne and Louis the Pious, were not wholly formed during this period. They represent a natural growth susceptible to the conditions of the later Middle Ages. The Jew, since he was a member of the major Catholic society only by sufferance, had to seek his place outside of the conventional organization which gave status to his Catholic neighbor. The institution of citizenship,

which allowed for the acceptance of men of varied faiths in a state had fallen into disuse. Theoretically the Jews were citizens of the Roman Empire but the Roman Empire no longer existed.<sup>44</sup> The Catholic Church had taken over the Roman Empire. Different people were residing in and ruling over different parts of that Empire. The Church eventually was to unify them under its sway, and its law was concerned only with the humiliation of the Jew. This was a Catholic country and the only test it knew for determining exclusion or inclusion within the society of that country was one's belief in the Church. The Jew did not believe; that excluded him. When the seeds of disbelief appeared even among the non-Jews in the thirteenth century with the Albigenses, the State through the influence of the Church, saw only one way of dealing with them - extermination. Heresy came to mean not only heresy against the Church but heresy against the State.

Louis the Pious determined the status of the Jew at his own discretion. And probably, unless called upon to render special privileges or protection, he followed a policy of toleration. Three charters have survived to us dealing with the special protection accorded by Louis the Pious to certain Jews. However, it is not to be assumed that only Jews sought and were accorded this special "king's protection". The development of the medieval society forced men to seek the shelter of the more powerful in the realm. We cannot here go into a discussion of the pyramidal structure of the feudal

society where every man became subject to another and the contractual relation was developed on the basis of land tenure. From time to time we shall pay proper attention to this matter. However, in dealing with these cases of commendation we must remember that they are by no means isolated instances, peculiar to the Jews mentioned in the charters or even to the Jewish group as a whole. The king accorded his protection to many individuals.<sup>45.</sup>

These three charters relating to Jews are all dated by Aronius prior to 825.<sup>46.</sup> A fourth charter is dated exactly February 22, 839, but implies charter of an earlier date.<sup>47.</sup>

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The charter grants (1) that nobody should dare to molest or malign them; (2) that nobody may take anything from their rightful property or ask for a toll or money for transportation; (3) that they may exchange their property or sell to whom they please; they may learn according to their laws; hire Gentiles for their service except on Sundays and Holy-days; they are also permitted to take foreign slaves and sell them within the domain of the Empire; (4) if a Gentile has a litigation against them he must bring three Gentile and three fit Jewish witnesses and in the reverse case the Jews have to convict their opponent by Gentile witnesses; (5) slaves of Jews are not to be incited to despise their masters <sup>nor</sup> are the slaves to be threatened with anathema in order to baptize them; (6) whoever kills a Jew has to pay a fine of ten pounds of gold; (7) nobody can lead them to a trial by fire or hot water

*live*  
*or incite his murder*

or whipping unless this is consonant with their law.

Before discussing the separate provisions of this grant of protection and their implications, we will turn to the two other charters of this time.<sup>49.</sup> David and Joseph of the city of Lyon together with their associates ("cum pares") place themselves under the royal protection. The provisions of their charter differ only slightly from those of the one given to Rabbi Domatus and his nephew. Scholars have seen in this grant to David and Joseph a connection with the appearance of Agobard. Since it is given to David and Joseph "cum pares" the individuals named may have been the heads of the community.

The third charter is granted to the Jew Abraham of Saragossa.<sup>50.</sup> The privileges accorded him are similar to those of the previous two. This similarity of form in the charters and privileges mentioned leads to the conclusion that there were many such grants and they had a more or less specific formula.<sup>51.</sup> The slight differences may be due to separate scribes or to the formula being changed to meet the requests of the individual Jews. In the charter given to Abramam the critical note of Aronius says the "res" must refer to estates.<sup>52.</sup> This strengthens the statement that we have made previously that Jews enjoyed the freedom of land tenure under the Carolingians.

With regard to the separate provisions of these charters as we have listed them under the grant to R. Domatus and his nephew, the following brief discussion is in order.

(1) The provision that nobody should malign or molest them implies that Jews were at times roughly handled by the general populace. (2) The further stipulation that nobody should take anything from their rightful property or ask for a toll of money for transportation also support the charge of a prevalent anti-Semitism. It also implies that Jews were hampered in their trade by illegal demands. Naturally it was to the Emperor's gain to save them from these exactions for it represented a loss to his own treasury. (3) The provision permitting them to sell or exchange their property to whom they pleased was probably a measure directed against the rapacious nobility and clergy. Aronius is probably correct in his observation that the holding of estates by Jews at this time was particularly obnoxious due to the meaning which land tenure carried with it at this time.<sup>53</sup> The nobility and clergy probably tried to restrict the sale of Jewish estates to themselves, and this restriction of the market would mean a severe loss to the Jew in most cases. That Jews are to be allowed to learn according to their own laws is apparently aimed especially at the Church. The fanaticism which led in later ages to the Auto-de-fas of the Talmud was already in evidence. Agobard and Amlo undoubtedly are to be looked upon as conspicuous because of their positions more than as isolated examples of the bigotry of their time. The weight of centuries has probably covered more than one predecessor and imitator of these enemies of our people and their faith. A later time

hence "in return for monetary reward" - 29 -  
than our own will recall only a Coughlin but we know he is only a leader with many followers.

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The right to hire Gentiles respecting the Sunday and holidays is a reflection of the time. In those days service was not ordinarily rendered in return for monetary reward. Service was given in return for protection and the right to occupy and work a specified piece of ground. Even the state was supported by "service".

"The subjects are seen under obligations not to pay taxes but to render service. This is a characteristic element in the national life of the age. (It is strange that we seem in the dictator countries to be reverting to that form of 'service to the state'.) The State demanded much, very much from the resources of the individual, in the form not of a tax but of personal service. These services were extraordinarily various. In a certain sense they were unlimited.... This service (servitium) embraced obligations of the most different kinds - the boarding, lodging and forwarding of those travelling or working on state business, the acceptance of duties as envoys, and also cooperation in work, and buildings in the public interest, fortifications, dikes, bridges, and the like." 54.

The permission to take foreign slaves and sell them within the domain of the Empire is probably more of a restriction than a privilege. The slave trade was not merely a matter of importation. But the exportation of slaves was prohibited. 55. Aronius 56. observes that this prohibition was not carefully observed.

(4) The provisions for the litigation between Jew and Gentile are less severe than those already mentioned in connection with the Capitularies of Charlemaigne. (See pages 18 and 19.)

(5) Slaves of Jews were probably approached by the clergy who saw in them souls to be saved from their own heathen beliefs and from their heathen masters.

(6) The order that a fine is to be paid by the murderer of a Jew is also in keeping with the spirit of the times.<sup>57.</sup> This was the common penalty for homicide, and the fine is paid to the family of the dead man. However, in the case of a murdered Jew the fine is paid into the fiscus.<sup>58.</sup>

(7) Most historians regard this freedom from trial by ordeal as a signal privilege for the Jew.<sup>59.</sup> What is meant by nisi liceat eis secundum illorum legem vivere vel ducere, beyond the plain translation of the words is not quite clear to me. The basis for trial by ordeal is taken from the Old Testament.<sup>60.</sup> Surely the Jews are thought of as living under the laws of their Bible. Does this mean that only where consent was obtained from the Jewish litigant or from the Rabbi of the community who interpreted the Law could the trial by ordeal be invoked? Or does it mean that the local Christian clergy could interpret the Old Testament to declare whether the Jewish litigant was to suffer the ordeal or not? Since no actual trial has come down to us these questions remain unanswered for me. We know, at a later date, Jews were subjected to tortures which resembled forms of this trial by ordeal.<sup>61.</sup>

Of course they may have been tortures and not trials in any sense of the word.

The fourth charter is given to a Jew Gaudifocus and

which is not Jewish. Case of 700 is quite different & certainly was not practiced anywhere at that time.

his sons Jacob and Vivacius. The Abbot and Chancellor  
Hugo <sup>63.</sup> brings them before the Emperor to set forth their  
complaints with his help. They had once had a letter of pro-  
tection from the Emperor which ensured their rightful possession  
of estates which they had inherited. The letter was taken away  
and desire its renewal. The Emperor grants their request and  
in languages similar to that of the three charters already dis-  
cussed orders that the said Jew and his children shall be al-  
lowed the peaceful possession of their estates with all the  
appurtenances, mills, houses, fields, etc. They are at  
liberty to do with them whatever they wish. Historians point  
out that Louis' action at this time, following the conversion  
of Bodo, shows how genuine was the king's affection for the  
Jews. <sup>64.</sup>

More convincing that this isolated incident is  
Louis' conduct throughout the struggle of the Jews of Lyon  
with Agobard. <sup>65.</sup> This material on Agobard and the Jews is  
one of the most informative sources that has come down to us  
for this period. Legion are the number of historians and his-  
tories concerned with this material. <sup>66.</sup> It would be impossible  
to discuss in this paper, or in a set of books for that matter,  
the varied opinions and comments it has aroused. As best we  
can we shall confine ourself to a strict historical appraisal  
of the material as set forth in Aronius, citing only such  
opinion as shall appear relevant and enlightening.

Agobard apparently began his writings against the

Jews in the 822 and continued through 829. The dating really cannot be quite as arbitrary as this. It is possible that he was an active anti-Semite before this time and that our historical data on the earlier years is deficient. Specifically what occasioned his hatred against the Jews we have no way of determining.<sup>66a.</sup> However, there is no particular need to seek for a specific occasion to which to attribute his malice. The point he and his successor Amulo labor most often in their writings is the too friendly relations of Jew and Gentile. This was a condition which the Catholic Church was constantly seeking to eradicate.<sup>67.</sup> Thus we may attribute Agobard's anti-Semitism to his zeal to uphold the tenets of the Catholic Church and feel ourselves supplied with a fairly safe historical basis.

In a letter to Adalhard, Walla and Chancellor Elisachar Agobard refers to an audience he had with the Emperor.<sup>68.</sup> It does not appear to have been a very satisfactory interview. Agobard admits he made a poor showing because he mumbled more than spoke connectedly concerning those people who support the claims of the Jews. He does not say exactly who these Philo-Semites are, but it may be that his hesitancy in speech was due to the fact that one of the people was the Empress Judith, Louis' second consort.<sup>69.</sup> A second letter from Agobard addressed to the same people inquires as to the procedure to follow in the case of a heathen slave<sup>70.</sup> that has been baptised. The slave belongs to a Jew. He

*slaves belong to Jews*

claims the entire question would be unnecessary if the Magister Judaeorum had done what he was ordered to do. Before proceeding in the discussion of Agobard and the Jews of Lyon we will turn our attention to the Magister Judaeorum.

He is mentioned several times in the writings of Agobard,<sup>71.</sup> and beyond this we have no other record of this particular officer.<sup>72.</sup> As is the case with other points mentioned in this paper the volume of secondary material is quite large.<sup>73.</sup> According to the discussion in Aronius the Magister

Judaeorum was a local official commissioned to watch over the Jews of Lyon.<sup>74.</sup> Apparently he is subordinate to higher officials because his jurisdiction is limited as the most he can do to Agobard is to threaten to call messengers. The Emperor makes<sup>the latter said</sup> the count responsible for the protection of the Jews.

According to some, the term Magister Judaeorum is not an official title at all. Whether his particular function was the safeguarding of Jewish rights is also a matter of conjecture. He may have been a master of the tradesmen and merchants.

Evidently, he is not a Jew. In the face of these conflicting opinions it is hard to set down any specific conclusions regarding the Magister Judaeorum and his functions. Perhaps he is to be regarded as one of the special legates of the Emperor whose duty it was to supplement the administrative and judicial facilities of the local districts.<sup>75.</sup>

The Jews of Lyons were armed with a protecting letter from the Emperor which they gave to Agobard and the Count of

Lyons. Agobard declares the letter is spurious and refuses to abide by its provisions. Evrardus, the Magister Judaeorum, appears and says the Emperor is incensed that Agobard should think the letter is false. Gerrick and Friedrich, messengers of the King, bring decrees further protecting the position of the Jews. All this does not stay Agobard who thinks the messengers are acting on orders of someone beside the king and the decrees were made out according to some one other than the Emperor.<sup>76.</sup> In this letter Agobard sets forth the complaint that Jews had dared to preach to the Gentiles about Judaism and had blasphemed the Savior, and some men have told him that they prefer the preaching of the Jews to that of the Christians.

This plaint of the Archbishop's is interesting.

From it we can infer the existence of Jewish polemics at this time.<sup>77.</sup> and further that sermons were preached either in the vernacular or in Latin. If not, the Christians would not have been able to understand them!

*on similarity  
the  
Agobard  
is literally*

The two writings, De Insolentia Judaeorum, "Regarding the Insolence of the Jews", and De Judaicis Superstitionibus, "Regarding the Superstitions of the Jews", provide a fund of information on the relations of the Jews and Gentiles of this period. True, they must be used carefully, for allowance has to be made for exaggeration and fanaticism. Despite these two failings they represent our primary source for the Jewish history of this period. What can we learn from these writings?

*in France* The first thing that strikes our attention is the

friendly intercourse that existed between Jew and Gentile. Agobard has tried to prevent Gentiles from celebrating the Sabbath in company with Jews, from eating with them or from buying meat or wine from them. Agobard says the Jews are angry at him because he has prevented the Gentiles from drinking their wine, and the Jews boast to him that there is nothing in the Gentile law to cause the Gentiles to separate themselves from Jewish food and drink. Jews claim they have received many pounds of silver for their wine.<sup>78.</sup> He complains that Jews and Christians live together.<sup>79.</sup> Even the Emperor and persons high at court receive them on very friendly terms. They honor them because they are descended from Patriarchs and ask for their blessing and declare they wish they had a lawgiver like Moses. Jews had a charter from the Emperor and showed women's dresses given to them by women of the court for their wives.<sup>80.</sup> So influential were they that the messengers (evidently Gerrick and Freidrick) had moved the market day at Lyon from Saturday to Sunday.<sup>81.</sup> Agobard calls to mind the warning of Hilaric that one should avoid the salutation of Jews as well as their food.<sup>82.</sup> In a letter to the Archbishop of Narbonne, Nibridius, he tells him that he has prohibited trade with Jews in his diocese.<sup>83.</sup> Agobard also informs Nibridius that he has admonished his flock not to have any thing to do with the Jews so that the Christian faith should not be damaged. Certain messengers and Evrardus had tried to prevent this pious wish by spreading imperial edicts before him. But as yet he was

still adamant and he could not believe that the pious Emperor could have ordered something that was contrary to canonical law and dangerous to the fulfillment of the law of the Church.<sup>84.</sup> Agobard was intent upon spreading his doctrine for at the end of the letter he asks Nibridius to work for the cleavage between Jew and Gentile.<sup>85.</sup>

He is very bitter against the fact that Gentiles sell the Jews slaves.<sup>86.</sup> A man has come to him from Cordova D declaring that twenty-four years ago he was kidnapped by a Jew in Lyon and had been sold into slavery in Spain, and now has escaped with his companion. His companion was a man from Arles who, six years ago, had been kidnapped and sold by a Jew. This Jew of Lyon had kidnapped and bought and sold others. In that very year a boy had been kidnapped and sold. Many Christians were sold by Christians to the Jews. Things have been done to these slaves which are too horrible to relate.<sup>87.</sup> Though the fact that Jews were actively engaged in the slave trade is fairly well established for us,<sup>88.</sup> it is hard to believe that Jews would kidnap Christians themselves. Certainly the risk of arousing the population would have prevented such acts on the part of Jews.

Some evidence that Agobard's testimony regarding the Jews is highly prejudiced may be gleaned from the fact that it was gathered from Jews themselves. He has heard ... sed et de ipsis Judaeis plerique testantur.... that Jews blaspheme Christ every day and mock the faith of the Christians.<sup>89.</sup>

*probably  
refers  
to Jews*

In a letter to the Emperor Agobard says he is sending him a book which he, in communion with a number of Bishops, had put together. The book purports to set down what is standard for the treatment of the Jews and what constitutes the difference between Gentile and Jew. This book has generally been identified as the De Judaicis Superstitionibus.<sup>90.</sup> A great number of histories deal with this work in some detail in an attempt to determine whether the Jews of this time already had the beginnings of certain polemical writings such as the \_\_\_\_\_.<sup>91.</sup> Suffice it to say that his criticisms are based on the superstitious and mystical notions of the people rather than on the accepted theology of the Bible and Talmud. Agobard does not appear to have been a student of<sup>92.</sup> Hebrew either Biblical or Rabbinic. His work sets forth the canonical restrictions on and Visigothic limitations of Jewish rights.

Beyond this we have no further mention of Agobard and the Jews. There is a mention of a synod he led at Lyons in 829 but the records and decisions of this council are not extant.<sup>93.</sup> However, since its date coincides with Agobard's writings against the Jews Hefele thinks it also dealt with the Jews.

At this time (c.829-830) Agobard became so involved in political machinations that this anti-Semitic activity came to an abrupt end. At this point we shall have to turn to the political history of the reign of Louis the Pious in

order to trace the decline of Agobard and the events which were to lead to the break-up of the Empire of Charlemagne. Louis the Pious almost from the beginning of his reign was beset with the difficulty of dividing a single Empire among his sons. His task was further aggravated by the fact that one son, Charles, was born subsequent to the first division. In July, 817 at Aix-la-Chapelle Louis decided to take measures to establish the succession, or rather to cause the arrangements already made by himself and a few confidential advisers to be ratified by the lay and ecclesiastical magnates jointly. At this placitium Pepin received Aquitania, Louis the German was given Bavaria and Lothair was conceded the title of Emperor along with his father, and was to receive the Empire<sup>94</sup>. at Louis' death. These three sons were the result of his marriage to Ermengarde. She died in 818 and in 819 he married Judith of Bavaria. In 823 a child known to history as Charles the Bald was born of this union.

"From this point onwards, the history of the reign of Louis the Pious becomes almost entirely that of the efforts made by him under the influence of Judith to secure to the latest born his portion of the inheritance, and that of the counter-efforts of the three elder sons to maintain the integrity of their own snares in virtue of the settlement of 817, and of the principle of unity round which the partisans of Lothair rallied."<sup>95</sup>

Louis demanded of his sons what portion of their kingdoms they were willing to surrender to Charles. Lothair, in a moment of weakness, told his father to select the portion

he desired for his latest born.

"But in 829, after the assembly of Worms, the Emperor, by an edict 'issued of his own will' made a new arrangement by which his youngest son was given part of Alemannia with Alsace and Rhaetia and a portion of Burgundy, no doubt with the title only of duke. All these districts formed part of Lothar's portion, and he, though godfather of his young brother, could not fail to resent such measures. It appears probable that it was in order to remove him from court that at this juncture he was sent on a new mission into Italy. At the same time in signing charters he ceases to be designated by his title of Emperor."<sup>96</sup>.

Quickly Lothair repented his generosity and sought a suitable excuse to free himself of his promise. He found it in the <sup>97</sup> appointment of Bernard, Duke of Septimania, to the position

of Chamberlain (camerarius) "the next place to the Emperor".

But Bernard, according to a historian of the time, <sup>98</sup> "abused his power in the state".

Lothair then began to arouse his brothers and the people to the necessity of maintaining the unity of the Empire. Pepin came to an agreement with his brother Louis and the partisans of Lothair to march against their father. Lothair returned from Italy and surrounded Louis the Pious with ecclesiastics who were to persuade the king to enter a monastery. Louis the Pious did not fall in with these plans and secretly negotiated with Pepin and Louis the German to enlarge their holdings at the expense of Lothair if they would desert their brother. The Emperor succeeded in gathering a new assembly at Nimeguen and Louis was restored to his former authority. Several of the authors of the revolt

were arrested. Agobard was a supporter of the principle of the unity of the Empire and it is possible that he was already a supporter of Lothair and may have suffered the displeasures of Louis the Pious at the conclusion of this first in 831.<sup>99.</sup> And this may have brought a cessation of his activities as an anti-Semite. However, the date for Agobard's participation in this first revolt is not firmly established.

A second revolt at the beginning of 832 started either by Louis the German or those who had instigated the first revolt.<sup>100.</sup> This was suppressed by the submission of Louis the German. In 833 Lothair and Louis the German were in rebellion. Lothair had found a new ally in Pope Gregory IV. The Pope addressed a circular letter to the bishops of Gaul and Germany asking them to order prayers and fasts for the success of Lothair's enterprise. He was probably actuated by the prospect of bringing peace to the Empire and of securing for the Papacy the position of mediating power.<sup>101.</sup> However, the greater number of the prelates rallied around Louis the Pious at Worms. Only a few partisans of Lothair, among them Agobard of Lyons, failed to obey the imperial summons. When the two parties met at Colar<sup>m</sup>, the Emperor was deserted by all but a few allies. Lacking support he surrendered himself with his wife and the young Charles to Lothair. He was temporarily immured in the monastery of St. Médard, then publicly humiliated in the church of Notre-Dame at Compiègne.

"But by the end of 833, dissension was beginning to make itself felt among the victors. Louis's

half-brothers, Hugh and Drogo, who had fled to Louis the German, were exhorting him to come over to the party of his father and of Judith, whose sister, Emma, he had married in 827. Louis the German's first step was to intercede with Lothar to obtain a mitigation of the treatment meted out to the imprisoned Emperor. The attempt failed, and only produced a widening of the breach between the two brothers. A reaction of feeling began in favor of the captive sovereign. The famous theologian Raban Maur, Abbot of Fulda and later Archbishop of Mayence (847-56) published an apologia on his behalf, in answer to a treatise in which Agobard of Lyons had just refurbished the old calumnies which had been widely circulated against Judith. Louis the German made overtures to Pepin, who was no more disposed than himself to recognise any disproportionate authority in Lothar, and before long the two kings agreed to summon their followers to march to the help of their father. Lothar, not feeling himself safe in Austrasia, went to Saint-Denis where he had called upon his host to assemble. But the nobles of his party deserted him in his turn. He was compelled to set Louis the Pious and young Charles at liberty and to retreat upon Vienne on the Rhone, while the bishops and magnates present at Saint-Denis decreed the restoration of Louis to his former dignity, reinvesting him with his crown and his weapons, the insignia of his authority."102.

"At the same time (835) the assembly at Thionville had decreed penalties against the bishops who had deserted their sovereign. Ebbo of Rheims was compelled to read publicly a formulary containing the acknowledgment of his treason and his renunciation of his dignity. He was confined at Fulda. Agobard of Lyons, Bernard of Vienne, and Bartholomew of Narbonne were condemned as contumacious and declared deposed."103.

In 838 Pepin dies and a new scheme of division takes place which utterly ignores his son, Pepin II. Lothair takes the eastern part of Pepin's kingdom and Charles the Western part. In May, 839 at the assembly of Worms Lothair makes his peace with his father at his death in 840. Louis the Pious sends

*for have spent too much space (from p. 38)*  
*on these events and don't have a first blessing*  
his pardon to Louis the German and makes Lothair Emperor  
104.  
commending to his care Judith and Charles.

One matter of importance pertaining to the Jewish history of the time should be treated here before leaving the reign of Louis the Pious. The deacon Bodo, "the confessor and favorite of the Emperor" according to Amulo, converts to Judaism.  
105. The reason for his conversion has been a matter of conjecture among historians. As we have shown before, the intercourse between Jew and Gentile at this period was most friendly and it may be that Bodo was led to his action simply through his relations with Jews at the court. However, his marriage to a Jewish woman following his conversion may be a significant clue. Conversions in our own day are more often motivated by the desire to enter into a covenant of marriage than the result of Jewish friendships. Aronius is inclined to dismiss the suggestion of Alvar that Bodo was seduced by a Jewish woman on the ground that it is only mentioned in a letter where Alvar changes from a mild tone to one of almost inquisitorial fanaticism. This is a rather tenuous assumption. Bodo himself gives as the reason for his conversion his disgust with the licentiousness of the clergy and his aversion to quarrels of dogma. Aronius thinks that it is true that Bodo became a Jew by conviction because he derived no material advantage from his conversion. Either Aronius is unfamiliar with what men sacrifice for a woman, or he doesn't believe such sacrifices are real. The deacon requests permission from Louis the Pious

*The Letter  
1002. to  
Hugues  
in Spain*

to make a pilgrimage to Rome. The Emperor grants his petition and Bodo sells his servants as slaves to the Jews with the exception of his nephew and embarks for Spain in the company of some Jews. He then publicly embraces Judaism, is circumcised, lets his beard grow, calls himself Eleazar, marries a Jewess and forces his nephew to become a Jew. He takes service in the army of an Arabian prince of Spain and he is supposed to have incited the Arabs against the Christians in Spain so that they should be forced to convert either to Judaism or Islam.

Amulo says he converted in Spain and following Aronius this is probably true, because his conversion would hardly have been possible in France. He was a prominent person and his conversion created quite a sensation. There were attempts to win him back to Christianity. But he appears to have made a firm decision and even to have defended his new belief in writing.

Further information regarding the condition of the Jews under Louis the Pious is extremely meager. There is a letter of an Archbishop requesting the services of a Jewish or Slavic physician. The date of the letter is uncertain but it has been connected with Arno who was Archbishop of Arno<sup>105a.</sup> *105a. G. 1021* from 798-821. It is impossible to infer from this single reference that the Jews were very numerous in the healing profession. A charter given to some traders by Louis the Pious is reminiscent of the grants of protection given

to R. Domatus, David and Joseph and Abraham of Sargassa. The charter says nobody is to malign or molest them; nobody can despoil their ships or take them away under the pretext of using them for royal service; and that they should be in a position to serve the Emperor as the Jews do. The traders must bring a part of their profit to the palace and exhibit their letters of protection every May. Trials which could not be decided by the local judiciary should be put off for the arrival of the Emperor or the magister of the traders (vel magistri illorum, quem super ea et super alios negotiatores praeponimus).<sup>105b.</sup>

This magister of the traders has been identified with the magister Judaeorum by some historians.

A Capitulary of Lothair dated 832 decrees that all old tolls on bridges, highways, etc., should be abolished. No new and unjust taxes are to be enacted. These provisions apply to Jews as well as to other traders. One historian (Munlbacher) thinks the Capitulary is only a combination.<sup>105c.</sup>

Rhabanas Maurus, the Abbot of Fulda, mentioned before in connection with the defense of Empress Judith, says that he has used the writings of a learned Jew of his time named Joseph. The text is corrupt but the sense is quite clear.<sup>105d.</sup>

Graetz also mentions a commentary on Judith and Esther by Rhabanus Maurus dedicated to the Empress and where he compares her to these heroines.<sup>105e.</sup>

It is significant to note here that the study of the Old Testament was carried on by the church men and that they evidenced an interest in the

work of the Jews.

"With the death of the Emperor Louis (840), the golden age of the Jews in the Frankish dominions came to an end, and their good fortunes were not renewed for a considerable time. Southern Europe, disturbed by anarchy, and ruled by a fanatic clergy, did not offer a favorable field for the development of Judaism."<sup>106</sup>.

*again you write as much space to these by notes*

Though on his death, Louis the Pious had secured the imperial dignity to Lothair the situation had not been defined with any precision. Now Lothair hastened to claim "the empire such as it had formerly been entrusted to him", i.e., the territorial power and the position secured to him by the Constitutio of 817, with his two brothers reduced to the position of vassal kinglets. The winter of 840-41 was spent by the three brothers in enlisting partisans and gathering troops. In the spring Louis the German and Charles began to march against the Emperor. On June 25, 841, they met at the great battle of Fontenoy. A contemporary describes the battle "wrought on that accursed day, which ought no longer to be counted in the year, which should be banished from the memory of men, and forever be deprived of the light of the sun and of the beams of the morning, the garments of the slain Frankish warriors whitened the plains as the birds usually do the autumn."<sup>107</sup>. A tradition developed that it was the battle of Fontenoy which desimated the Frankish nobility and left the Empire defenceless against the ravages of the Northmen.

The struggle continued among the three brothers but Louis and Charles drew their alliance closer and on February 11, 842 at Strasbourg the two kings took a memorable oath to defend each other. Louis, the elder, took the oath first in the Romance language, then Charles in the Teutonic tongue in order to be understood by each other's subjects.<sup>108.</sup> They then marched against Lothair and finally received envoys from the Emperor acknowledging his offenses against them, and proposing peace on condition that they grant him a third of the Empire and some additional territory because of his title of Emperor. At Verdun in August, 843 a commission of 120 members met and arranged a division of the kingdom among the three brothers.<sup>109.</sup>

"The Empire was divided from East to West into three sections, and Lothar received the middle kingdom, i.e. Italy and the region lying between the Alps, the Aar and the Rhine on the East (together with the Ripuarian counties on the lower right bank of the latter river) and the Rhone, the Saone and the Scheldt on the West. These made up a strip of territory about a thousand miles in length by one hundred and thirty in breadth, reaching from the North Sea to the Duchy of Benevento. Louis received the countries beyond the Rhine, except Frisia which was left to Lothar, while west of that river, 'because of the abundance of wine' and in order that he should have his share of what was originally Austrasia, he was given in addition the dioceses of Spire, Worms and Mayence. Charles kept the rest as far as Spain, nothing being said as to Pepin II, whose rights the Emperor found himself unable to enforce."<sup>110.</sup>

"The Treaty of Verdun marks the first stage in the dissolution of the Carolingian Empire. Doubtless it would be idle to see in it an uprising of ancient national feelings against the unity which

had been imposed by the strong hand of Charlemagne. In reality these old nationalities had no more existence on the morrow of the treaty than on the eve of it. .... Nonetheless, the date 843 is a convenient one in history to mark a dividing line, to register the beginning of the individual life of modern nations. Louis had received the greater part of the lands in which the Teutonic tongue was spoken; Charles reigned almost exclusively (setting aside the Bretons) over populations of the Romance tongue. The difference only became accentuated as time went on. On the other hand, the frequent changes of sovereignty in Lorraine have permanently made of Austrasia a deatable territory.<sup>111</sup>.

Although any definitive geographic arrangement in the Jewish history from now on becomes well nigh impossible, we shall attempt to confine it to the territory of Charles the Bald as recognized in the treaty of Verdun. However, from time to time we shall have to overstep the bounds of this division and reach out in our discussion into lands beyond these borders.

No source has come down to us telling of the conditions of the Jews during this period of relative anarchy. There is one document dated c.841-844. Dodana, the widow of the Count Bernard of Toulouse, writes in her Liber Memorialis to her son Wilhelm that she has large sums of money owing to Jews as well as to Christians. She has returned some of it but if after her death some debts still remain, Wilhelm is to see that they are paid.<sup>112</sup> This is not a very informative writing. It is only possible to infer that Jews were already engaged in money-lending but that they shared this occupation

with their Christian neighbors. While the period of war must have damaged trade and ravaged the fields, the lack of suitable sources prevents any speculation on the economic condition of the Jews.

For the social conditions we have the writings of Amulo, the successor of Agobard as Archbishop of Lyons, dated 846.<sup>113.</sup> It seems that the attempt of Agobard to erect a barrier against any intercourse between Jew and Gentile had not been very successful. Amulo says he is motivated to write his book, Contra Judaeos,<sup>114.</sup> because of the detestable heresy of the Jews and the damage which arises from the association of the true believers and the teachers of the churches with the Jews. He says the place is not known where Jews do not live and come in contact with the Gentiles. Amulo proposes to set forth what damage is done to the Gentiles by this contact and how one should conduct oneself against them.<sup>115.</sup> Jews are to be regarded as heretics therefore one should not talk, walk or associate with them. They are even worse than heretics and schismatics because the Church prays for them after the prayers offered for these two groups. This shows that the Church considers them worse than heretics.<sup>116.</sup> As a proof of the corruption which follows the association of Jews and Christians he cites the conversion of Bodo.<sup>117.</sup>

*in*  
*isimile*  
*Flav*  
*usage*

In addition to these charges he reiterates practically all of the calumnies of Agobard.<sup>118.</sup> Amulo says he has heard from baptised Jews that in certain cities Jews have been made customs officials (telonarii) contrary to the laws of the

119.  
Church. These Jews, by virtue of their position, coerce poor and unknowing Christians and persuade them to deny Jesus. If the report that Jews held positions as tax collectors is correct, it points to the existence of a very favorable economic condition for the Jews.

Amulo tried to win the other bishops for his cause. He asks them to write in requesting the king to see that the canonical restrictions against Jews are enforced throughout the Empire.<sup>120.</sup> The agitation of Amulo appears to have had as little effect as that of Agobard. But the activity of these anti-Semites is not to be underestimated. As the Empire crumbled from year to year the Jews were to be left more and more to the mercy of petty counts and barons who were too easily influenced by a fanatical clergy. Agobard and Amulo sowed the seeds and the crop, though late in ripening, eventually bore its fruit.

We cannot give a connected picture of the condition of the Jews at this time, and must content ourselves with isolated incidents. Apparently the right of Jews to hold land was still recognized. In an exchange of estates dated 849, between the Propst, Mediolanus, and Agelmar, the Archbishop of Vienne, the latter receives a piece of land in Vienne<sup>121.</sup> bounded on one side by the territory of the Jews.

An interesting document has come down to us concerning the baptism of Jews at this time.<sup>122.</sup> Its date is uncertain but it belongs sometime between 846 and 850. A

bishop writes to the Emperor thanking him for his help in converting the Jews. According to the bishop quite a number of all ages converted, including a number of slaves. These converts had in turn proselytised among the younger Jews. The birth of Jesus had been preached in the synagogue every Saturday. (It does not say whether attendance at this sermon had been compulsory.) The parents were sending their children secretly further south to Arles. To this same refuge a great number had been brought from the cities of Chalon, <sup>Maçon</sup> and Vienne. The bishop gathered those that remained in order to baptise all those who desired to embrace Christianity. Before anybody asked them six little boys asked for baptism and forty-seven made a similar request. These the bishop had turned over to trustworthy brethren, for instruction, to be baptised on Easter. He asks the king to see that this event shall take place without interruption and that the king should admonish the bishop of Arles to see that the baptism takes place there. The bishop who writes the letter and the king to whom it is addressed, are both uncertain. It is possible it is from Amulo to Lyons on the basis of Amulo's reference to baptised Jews.

We cannot say for certain whether this is a forced baptism or not. It is possible that such was the case because the bishop asks the king to see that no interruption hinders the baptism.

Four Capitularies of Benedict III (Pope 855-858)

123.  
deal with the Jews. Three of them deal with the Jews and  
slaves. Christian slaves are not supposed to serve Jews, 124.  
nor are they to be sold to heathens and Jews. 125. If a Jew  
buys a Christian slave or a slave of another creed the slave  
is free. 126. Jews are not supposed to hold the office of  
mayor nor are they to be forced to hold the office. Bishops,  
presbyters and deacons who offend this law are to be deposed;  
monks and laymen who transgress are to be excommunicated and  
if they remain disobedient are to be banned. 127. The exist-  
ence of these Capitularies would seem to argue that Jews were  
still active in the slave trade and that they held administra-  
tive positions in the towns and villages.

Another source for the Jewish history of the time  
is dated by Aronius prior to 855. A Jew owes a monk, Bernard,  
twenty-four pounds and accompanies the monk constantly. Em-  
peror Lothair I orders him to send the Jew to Frankfurt so he  
can be baptized and in return he will see that the Jew gives  
him the money. However, affairs of state prevented the  
Emperor from fulfilling his promise. 128. The Jew probably  
has to accompany the monk because of the debt. It is hard  
to explain why the Emperor desired him to be baptised before  
he would demand the payment of the debt. The Emperor is  
Lothair but we have no further sources regarding any conver-  
sionist activity on his part. He was, however, a strong  
partisan of the Church and the association of Agobard with  
his party leaves the suspicion that he was attempting to

*Lothair*  
*to Jew*  
*to him*  
*to him*  
*to him*

further baptism among the Jews of his kingdom.

Lothair died in 855 leaving three sons, among whom he divided his kingdom and vested Lothair II, the eldest, with the imperial title. For the next twenty years the history centers around a continuous struggle waged between the two monarchs, Charles the Bald and Louis the German, and their nephews. Unfortunately, the documents concerned with his period omit almost completely any reference to the Jews. This is not to suppose that Jewish life was either partially or totally extinct. There are a few stray references about the conditions of the Jews. The first discrimination enacted against Jewish merchants appears at this time. Charles the Bald decrees that Jewish traders are to pay a tax of one-tenth on the value of all goods sold while Christian traders pay only one-eleventh.<sup>129.</sup>

More humiliating than this restriction on their trade are two instances of the fanaticism of the clergy which appear in the cities of Toulouse and Beziers.

At Béziérs the Bishop was accustomed to preach a sermon against the Jews every day during the week preceding Easter and to incite the populace to avenge the murder of Christ. The Jews lived in mortal terror of their lives during this week and at times were forced to defend themselves against the attacks of the Christians. In 1160, due to the intervention of the Viscount Raymond Trencavel the Jews succeeded in having the custom abolished in return for an annual payment

130.  
in money.

At Toulouse the Jews of the city were subject to a similar insult. On Easter the Jews had to contribute thirty pounds of wax to the Cathedral as a reminder of the thirty pieces of silver for which Judas had betrayed Jesus. To make the act more meaningful, the count of the city gave the parnas of the Jewish community who delivered the wax a vigorous slap on the cheek. It is related that once the blow was so hard that as a result the parnas died. In a later century this humiliating procedure was also abolished in favor of a monetary payment.<sup>131.</sup> The custom was supported by the story that the Jews had intended to betray or even actually betrayed the city to the Saracens.<sup>132.</sup> The same accusation of treason was leveled against the Jews of Bordeaux at a later date.<sup>133.</sup>

There are two further references to Jews connected with Charles the Bald. In a letter to the Cathedral of Barcelona the king mentions his "faithful Judah".<sup>134.</sup> The other reference is not quite so flattering. A Jewish physician, Zedekias, is supposed to have attended Charles the Bald. But on the death of king in 877 Zedekias is accused by the historians of having poisoned him.<sup>135.</sup> The accusation is attributed to the superstitious mind of the time which did not understand the art of healing.<sup>136.</sup>

Beyond these meager bits of information no source remains to us for the history of the Jews under the Carolingians. What happened to them is a mystery which has not yet been solved. The Carolingian dynasty succumbed to a series of evils

from which it was destined never to recover. One of these evils was the partitioning of the kingdom. among the sons so that any form of unity, of a national government, was impossible. Sons warred with their fathers and brother with brother, until anarchy was the rule of the day.

"Then," said the Lotharingien Chronicler, Pegino of Prüm, in a justly famous passage, 'the kingdoms which had been subject to the government of Charles split up into fragments, breaking the bond which united them, and without waiting for their natural lord, each one sought to create a king of its own, drawn from within itself; which thing was the cause of long wars, not that there were lacking Frankish princes worthy of Empire by their noble birth, their courage and their wisdom, but because their equality in origin, dignity and power was a fresh cause for discord. None of them in fact was sufficiently raised above the rest to make them willing to submit to his superiority.'"137.

The second evil which befell the Carolingian house was the tendency on the part of the freemen to allow themselves to become enmeshed in the growing process of "commendation". The great ones, nobles and counts of local territories, recognized the advantages accruing to them from the precarium and beneficium and no longer waited to be approached by the freemen but offered attractive inducements that their lands might be occupied and the number of their followers increased. The freeman was often able to make his own conditions.

"This disintegration of the social entity and the emergence of a population crystallized into numberless groups owing service to, and expecting protection from, a local rather than a central authority played havoc with the State administration and made it impossible for Charles to control the great mass of his subjects directly, if at all.'"138.

From this developing feudal society the Jew was excluded. Why he did not enter we cannot be sure. We know that he did possess land and could have commended himself and his land to the count and sued for protection. We cannot be sure that in some instances he did not actually resort to this measure. But the number who did must have been small because in return for the protection he received the holder of the fief had to render certain services. First came the duty to follow his lord to war, and the Jew had lost whatever attachment he might once have had to the sword. The further services required of the vassal would have seriously interfered with the practice of Judaism and no Jew worthy of the name would forego his religion. Then, the Jews of the time, unless actively engaged in the cultivation of the land, were traders and merchants for the most part. What land they owned was primarily intended for residence. Later records will show that Jews, then as now, tended to segregate themselves and their holdings in a special part of the city or town. These urban Jews, traders and merchants, were useful only to the lords for the revenue which they brought in and on which they paid a tax. It is probable that the tax represented a payment for protection comparable to the tithes paid by the holders of fiefs. But the trader cannot be compared to the farmer. One demands a different protection from the other. The trader is engaged in a mobile occupation. He must traffick up and down the land over sea and across boundary. The protection of a local count or baron was of little use to him outside of securing the

safety of his home and wife and children. A farmer is bound to a single space and the local protection was sufficient for his needs. Therefore, the Jew, the trader, commended himself to the central authority, the king or Emperor as we have seen in the case of Louis the Pious. But now the central authority had broken down and it left the Jew stranded.

One remaining factor tended to exclude the Jew from accepting the feudal system. This was his different religious faith. The Catholic Church secured to itself freemen~~t~~ and their land in the same way that the lay nobles did. This was the age of the warring bishop and he offered as good a protection to his vassal as any count or baron. The Jew could not follow the Cross. To commend himself to a bishop would have seemed in his eyes an act tantamount to baptism. Nor was the Church, even locally, anxious to receive the Jew under its care as a vassal. He was a heretic and the constant concern of the mother Church and all her children was the subjection of the Jew to a position inferior to the Gentile and of placing restrictions on his civil status. No, the feudal system excluded the Jew completely and under its crushing force he was deprived of right and property, harassed from county to county and driven into the only occupation from which the Gentile was theoretically excluded -- that of money-lenders. But here we begin to anticipate a later portion of our paper.

The third and most devastating evil which befell not only the Jew but the entire country was the invasion of

the Northmen. During the reign of Charlemagne they had already begun to penetrate the Empire but he had successfully resisted them. In the reign of Louis the Pious their raids became more frequent. It was Charles the Bald and his successors who suffered the brunt of their devastating attacks. The following description of their onslaughts is not a part of the Jewish history of the time. Nowhere are the Jews mentioned. They lurk in the background.

"The night of the ninth century....What is its course? Dimly the records give a glimpse of a people scattered and without guidance. The Barbarians have broken the ramparts. The Saracen invasions have spread in successive waves over the South. The Hungarians swarm over the Eastern provinces. 'These strangers,' writes Richer, 'gave themselves over to the most cruel outrages; they sacked town and village, and laid waste the fields. They burned down the churches and then departed with a crowd of captives, and no one said them nay.'

The realm they have burnt, wasted, and spoilt,  
Great numbers they carry off captive bound,  
Little children and women of high birth,  
Noblemen too with blows they drive off on foot.  
(Ogier the Dane, v.401.)

"The Normans from the north penetrate by way of the rivers to the very centre of France, 'skimming over the ocean like pirates'. Chartres, in the heart of the realm, was wont to take pride in its name, 'the city of stone', urbs lapidum. The Normans appear, and Chartres is sacked.

"William le Breton boasts the antiquity and wealth of the town of Autun; but the Barbarians have scattered these riches and its site is overgrown with weeds.

"The country is laid waste as far as the Loire,' says the chronicler of Amboise, 'so completely that where once were prosperous towns, wild

animals now roam. The plain where once the harvests ripened now knows only

The thistle and the sharp-thorned briar,"  
(Virgil, *Bucolics*, v.39.)

"And Paris? 'What shall I say of her?' writes Adrevald. 'That town once resplendent in her wealth and glory, famed for her fertile lands, is now but a heap of ashes.'

"In the course of the ninth and tenth centuries all the towns of France were destroyed. Can one imagine the slaughter and plunder concentrated in such a statement?

"In the little country villages the houses crumble to dust, the walls of the churches are full of cracks, their roofs gape wide, the tabernacles are overgrown with weeds while ivy clings to their capitals. The house of God has become a den where foxes burrow and birds of prey have their nests, where one may see the lidless eyes of the owl shine unblinking through spiders' webs.

"Powerless to resist the invaders, many men-at-arms join them. They plunder together, and as there is no longer any supreme authority, private quarrels, of man against man, family against family, of district against district, break out are multiplied, and never-ending. 'And three men cannot meet two without putting them to death.' 'The statutes of the sacred canons and the capitularies of our ancestors have become void,' writes Carloman in his palace of Verneuil (March 884). Private wars become common. 'In the absence of a central authority,' says Hariulf, 'the stronger break out into violence.' 'Men destroy one another like the fishes of the sea' (Council of Trosly).

"There was nothing but attacks, rescues, captures, and reprisals, which one can picture from the story, told by Richer, of a leader who was conducting his army over the land from which the enemy drew his supplies. He ravaged it with such fury that he did not leave even her cabin to a poor old woman in her second childhood.'

"There is no longer any trade, only unceasing terror. Fearfully men put up buildings of wood only. Architecture is no more.

"In the time of Charles the Great, and under his great military power, it would have been possible to discern a society in dissolution. And now much more was the disorder to manifest itself afterwards. At the end of the tenth century was there any remnant, ever so small, of the social, political, and economic conditions established in Gaul by the Romans, or even introduced after their time in rough fashion by the Barbarians?

"Everything is changed. The monk Paul, who lived in the eleventh century, speaks of a collection of charters, the most ancient of which dated from the ninth century: 'What changes! The rolls preserved in the archives of our abbey show that the peasants of that time lived under customs which those of today know no longer; even the words which they used are not those of the present day.' And further on: 'I have found the names of places, persons, and things changed since that time to such a degree that not only have they disappeared, but it is no longer possible to identify them; far from having preserved them, men do not even know them' (Cartulary of Saint-Pere).

"The peasant has abandoned his ravaged fields to avoid the violence of the anarchy. The people have gone to cover in the depths of the forests or in inaccessible regions, or have taken refuge in the high mountains.

"The ties which united the inhabitants of the country have been burst asunder; customary and legal usage have broken down. Society has no longer any governance."139.

Chaotic conditions such as these accelerated the development of the feudal system with its ruinous consequences for the Jew. If the cultivation of the land was difficult how much more hazardous must have been the occupations of trader and merchant. Trade routes must have been abandoned, voyages to the East for the merchandise impossible. If the Northmen plundered Churches, would they have had any more

respect for synagogues? From this description we are in a position to understand the long silence which engulfs the Jewish history for these two centuries. The period which had started out so brilliantly for the Jews under Charlemagne leaves them the victims of anarchy and destitution. We turn now to their condition under the rule of the Capet dynasty.

CHAPTER II.

The Jews Under the Capet Dynasty (to 1200 C. E.)

The general history for the next two hundred years is complicated for us by a number of factors. The dissolution of the Carolingian dynasty, the development of the feudal system and the raids of the Northmen tended not only to destroy the central authority but to divide what is generally termed "France" into a group of almost autonomous duchies, counties, and fiefs. Add to this circumstance the constant shifting of their allegiance. At times they are independent, again they are subject to the king of France, then the king of Germany and in some cases the king of England. Marriage and escheat determine their ruler as well as conquest and political expediency. The significance of such a condition for the Jewish history of the period is far-reaching. To make an adequate study of the conditions under which Jews labored and lived at this period requires a severely painstaking study of the history of each of these counties and duchies and their several laws and regulations relative to the Jews. Unfortunately, such a study must await the discovery of more complete records. Therefore, in our ignorance we have elected to pass over the particulars of the general political history and to content ourselves with a hasty review of the bare outlines of the history of "France" conceived of as a unit. The deficiencies of such a superficial review will make themselves felt from time to time. The indulgence of

the reader is asked and the hope expressed that some day a more competent hand will bring about the desired integration of the general history and the Jewish history.

This chapter elects to deal with the Jews under the Capet dynasty from the tenth through the twelfth century. Our first contact with the house of Capet is with its founder, Robert the Strong, in 859. A raid of the Northmen in that year penetrated as far as the Seine and Loire. Robert, perhaps originally the Count of Tours, successfully defended this territory and managed in 864 to inflict a severe defeat upon the invaders. He died in 866 leaving two sons, Odo (Eudes) and Robert. Following the abdication of Charles the Fat<sup>140.</sup> (887-888) the nobles passed over his son Charles the Simple and elected Odo king. Since Odo was not a Carolingian this election was as revolutionary as the accession of Pepin in 751. Charles the Simple regained his throne in 897 with the help of the Church and the lords who supported the Carolingian house. For the next ninety years there is a constant struggle between these two houses - the Carolingian and the Capet - for the control of the kingdom. At times one holds the balance of the power then a shift in the allegiance of the nobles puts the other in the high place. Finally, in 987 a situation strikingly similar to that of 751 develops. The Carolingians are the nominal rulers while all the power is concentrated in the hands of Hugh Capet. The anomaly, too glaring to be continued, is broken by the election of Hugh Capet

as king of France at Compiègne and consecrated at Noyon in 987. The Carolingian dynasty had definitely come to an end! The Capets were destined to hold the throne until "Citizen Capet" was executed in the Place de la Concorde in 1793.<sup>141.</sup> Attempts are made from time to time to restore the Carolingians to the throne but they do not meet with success. This is due more to the inability of the lords to agree and force the issue than from any strength inherent in the ruling house.

When Hugh Capet (987-996) came to the throne, his territorial power had been greatly decreased. The royal domain was strewn between the Seine and the Loire -- the district known as Ile de France -- and it was literally an island of royalty in a sea of feudalism. All about lay the great feudatories: Flanders, <sup>B</sup>Foulogne, Normandy, Blois, Burgundy, and Champagne immediately adjacent; with Brittany, Anjou, Maine, Tourraine, Poitou, Auvergne, Guienno, Gascony and Toulouse further afield. Add to these geographic difficulties a supreme administrative difficulty. Within these great fiefs were semi-independent areas, smaller counties, viscounties, baronies, chatellanies. Hugh was a sovereign and theoretically all these territories were vassal to him. He was the keystone of the feudal system, but the arch crumbled under him more often than it supported him.

According to a later Christian historian, Hugh Capet was supposed to have been killed by Jews.<sup>142.</sup> That is probably meant is that Jewish physicians were the cause of his death.

However, we have already noted this same charge leveled against the Jewish physician of Charles the Bald. It is not surprising to find such a superstition taking root in the popular mind. The historian who reports the charge is not very reliable and this statement undoubtedly has to be discounted if not cast out altogether.

In the first year of his reign Hugh associated with himself in the government his son Robert, who succeeded his father in 996.<sup>143.</sup> During the reign<sup>of</sup> Robert the Pious (996-1031) the position of the Jews in France appears to have been jeopardized. According to one Hebrew text, the king offered the Jews the choice between baptism and death.<sup>144.</sup> Many Jews were killed, including the learned R. Senior, ( 1167 ) and others fled the country. Many women drowned themselves rather than be taken captive by the Gentiles. According to the Hebrew story, a rich Jew of Rouen, R. Jacob b. Jekuthiel was taken captive and was about to be slain. When his captor raised the sword its gold hilt pierced his own hand and he did not go through with the execution. R. Jacob seized the opportunity and asked to be allowed to go to Rome to get the Pope's decision on whether the Jews should be killed arbitrarily. Permission was granted and he succeeded in convincing (and bribing) the Pope to send a special legate to France and to the other countries of Europe to stop the present persecution and prevent further slaughter.

Probably connected in some way with this event are

two other reports. A Christian Chronicler states <sup>that</sup> Alduin, <sup>n</sup> bishop of Limoges, offered the Jews of his diocese the choice between baptism and exile. For a month there was a disputation but without much success for only a few Jews converted; some fled into the cities while others killed themselves. <sup>145.</sup>

A Hebrew text states that a converted Jew of Blois wished to<sup>148.</sup> destroy the Limoges community in 996. He accused the Jews of making a wax image of the lord of the land and piercing it in order to bring about his death by sympathetic magic. Following the accusation a priest counseled his lord not to tolerate the Jews in the land anymore.

Some of the details in this last text correspond to the story of the persecution related in the Emek Habakka.<sup>147.</sup> Joseph Haccohen says the persecution occurred during the reign of Henry II (1002-1024). Henry was the king of Germany but the text places the story of the persecution in France, although it says the slaughter and pillage spread beyond the confines of his empire. Since Joseph Haccohen gives no date it is possible he is referring to the persecution under Henry II,<sup>148.</sup> in the year 1012. The persecution under Henry was brought to an end through the intercession of the Pope secured by Rabbi Simon ben Isaac Hagadol.

On the other hand he may be referring to Henry (1031-1060) the son of Robert the Pious. There is no other record of a persecution under Henry of France and it is possible that when Joseph Haccohen wrote his history he had before him a

manuscript giving the persecution in France in 1007 and another relating the persecution in Germany in 1012, and fused the two stories, or he used an already confused source.

We cannot here straighten out these varying stories and legends. At best we can only draw attention to their existence and report them. If anything is to be derived from them it cannot go beyond the inference that the persecutions and banishments of the Jews, which became so frequent in later years, were already making their appearance. Thus the social and economic conditions of the Jews at this time were suffering a deterioration from those of the reigns of the earlier Carolingians.

Robert the Pious procured the coronation of his own son Hugh in 1015-1017, but Hugh died in 1025 and another son Henry was substituted. Henry I (1031-1060) added to the royal territory by the acquisition of Sens and Melun, both of which became permanent possessions. This would make Rashi a subject of the king of France as his home, Troyes, was included in this territory. In 1059 he associated with him his son, Phillip I (1060-1108). Phillip was a politician and endeavored by any means at his command to enlarge his domain. Nor was he without success, for during his reign there was a marked increase in the royal territory.

It was during the reign of King Phillip that the first Crusade was organized. King Phillip I took no part in the Crusade himself. At this time he was at odds with the Church over his adulterous marriage to Bertrada of Montfort,

the wife of the Count of Anjou. At the great Council held in Clermont in 1095 Pope Urban II did not hesitate to excommunicate the king even in his own kingdom.<sup>149.</sup>

Little survives to us regarding the fate of the Jews in France during the First Crusade. Most historians, adhering to the saying that "no news is good news" have reasoned that their condition was not seriously affected. We shall not depart from this axiom or its implication. The Jews of Orleans are mentioned as having warned the Caliph that a Crusade was being formed against him in 1010 but the story is without any foundation in fact.<sup>150.</sup> Pope Sergius IV (1009-1012) had issued a Bull in which he announced the destruction of the Holy Sepulchre in Jerusalem (September, 1009) by the Muslims, and declared his wish to overthrow the Muslims and restore the Sepulchre. His intention was to equip a thousand ships for the purpose of his expedition but nothing ever came of it. Even the Papal Bull is under suspicion and assuming its genuineness the Caliph could have learned of it without the aid of the Jews.<sup>151.</sup>

The Jews in France did fear for their safety and sent letters to the Rhine communities asking their coreligionists there to pray for them and to declare a fast. This the Rhine communities cheerfully did.<sup>152.</sup> Their reply also states that they are worried about the Jews of France but they themselves are not afraid because they have not heard of this threat.<sup>153.</sup> It is hard to say what saved the Jews of France from any

extended violence during the First Crusade. It may have been their ability to turn the sword with a bribe. Peter of Amiens, one of the principal preachers of the Crusade, appears to have had a letter from the Jews of France which he showed to the Jews of all the communities which he visited and which secured provisions for himself.<sup>154.</sup> However, the Jews of Germany knew the power of a bribe as well as their French brethren and it is hard to conceive of them not putting it to the same use. There is the possibility that the route which the Crusaders used led directly through the Rhine communities and left the Jews helpless victims.<sup>155.</sup>

The next king of France, Louis VI (1108-1137), called Le Gros in the chronicles, was occupied with the task of changing his doubtful supremacy of suzerain for the more effective and direct authority of that of the sovereign. The royal domain, during the restless times of the past century, had become a fertile ground for petty barons, who had grown in numbers and increased in power until they formed an awkward and even threatening blockade between the royal headquarters and the great towns of the domain. "A journey through the domain was almost a military expedition, for these barons were little more than highwaymen."<sup>156.</sup> The most famous example of this type was Thomas of Marle of whom a contemporary chronicler, Guibert, Abbot of the neighboring monastery of Nogent, has given us an imperishable portrait.

"After a youth spent in debauchery, and in robbing unfortunate pilgrims bound for the Holy Land, Thomas had come to take a positive delight

in murder. His cruelty, says the worthy Guibert of Nogent, 'so far exceeded previous experience that men who were notoriously cruel killed cattle, apparently, with more regret than he shewed in slaying men.' He slaughtered without cause for the sheer pleasure of it; and he exhibited great ingenuity in devising horrible deaths for his victims. Sometimes, it was said, he would hang a man by his thumbs or some other part of the body, and snower blows upon him till he died. Guibert of Nogent declares that he was present one day when Thomas of Marle had the eyes of ten of his victims torn out, with the result that they immediately expired. On another occasion he asked a peasant who had angered him why he did not walk faster, and on the man answering that he was unable to do so-- 'Wait a moment,' cried Thomas, 'I'll make you bestir yourself!' and leaping from his horse he drew his sword and cut off both the peasant's feet at a single blow. The poor wretch died; and Guibert, who tells the story, adds: 'No one can imagine the number of those who perished in his dungeons, from starvation, from torture, from filth.' 157.

It is not hard to imagine the precarious position of the Jew in such an anarchistic society. Unfortunately, the sources for the Jewish history of this time are almost totally lacking. But the decline of the royal power must have left the Jews without even the semblance of protection. Either they quitted these robber territories altogether or suffered a miserable existence.

Fortunately, some order was restored during the reign of his son, Louis VII (1137-1180). The Jewish history of this time in France is almost wholly concerned with the Second Crusade. The news of the capture of Baessa by the Atabeg Zangi of Mosul on December 25, 1144 had filled the whole of Western Christendom with consternation. On Christmas

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Day, 1145, when Louis met with his court at Bourges for the ceremony of wearing his crown, he suddenly informed the barons of his intention to take the Cross, and exhorted them to follow his example.<sup>159.</sup> The king left in June, 1147, and did not return till November, 1149. During his absence, the kingdom was ably ruled by Suger, the Abbot of St. Denis.

According to Joseph Haccohen, the Second Crusade had a disastrous effect upon the financial condition of the Jews in France, due to an edict of the king.

"In the rest of the territories of France nothing else was heard,... for the king, Louis, had commanded and caused to be known in all the cities of his kingdom saying: 'Every man who desires to go with me to Jerusalem (on the crusade) shall be free of all his debts which he owes to the Jews.' And Israel became very poor at that time."<sup>160.</sup>

Physical suffering also overtook them in the towns of Carenton and Ramerupt.<sup>161.</sup> In the latter place R. Jacob Tam is supposed to have been saved by a passing knight from a band of Crusaders.<sup>162.</sup> The best known protector of the Jews during the Second Crusade is Bernard of Clairvaux.<sup>163.</sup> According to Joseph Haccohen he was not bribed but granted his protection of his own free will.<sup>164.</sup>

It was not alone during the period of the Crusades that outbreaks against the Jews were provoked. At Blois in 1171 the first ritual murder accusation is levelled against the Jews of France.<sup>165</sup> From this time on the Jews were troubled by the recurrence of this libel.<sup>165a.</sup> A decade later it was

to become the means by which King Phillip Augustus (1180-1225) was to secure their property to the royal treasury and eject them from his kingdom. According to the Christian chronicler, Rigord, Phillip, while yet the Dauphin, had often heard that the Jews of Paris were accustomed to go down into an underground vault and kill a Christian during the Easter week in contempt of the Christian religion.<sup>166.</sup> Immediately following his coronation, Saturday, February 16, 1180, he ordered the Jews to be arrested in all their synagogues and despoiled of their money and clothing. An English chronicler says they were released upon the payment of a ransom of 15,000 marks.<sup>167.</sup> According to Rigord, the Jews owned nearly half of Paris and were exceedingly rich.<sup>168.</sup> A later Hebrew account likewise mentions the wealth of the Jews in Paris at this time.<sup>169.</sup> The King then took counsel with a hermit, Bernard, who lived in the forest of Vincennes and on his advice released all the Christians from their debts to the Jews, reserving a fifth of the pledges to himself. The last straw, apparently, was the fact that certain church vessels and ecclesiastical objects had been pledged to the Jews. After he learned this, Phillip decreed (April) that all the Jews must leave his kingdom by June, 1182. They were allowed to sell their moveable articles but all houses and landed property reverted to the crown.<sup>170.</sup>

The motive which prompted Phillip Augustus to first arrest and then expel the Jews from his domain is not hard to find. No sovereign during the middle ages was free from the

need of money. Their revenues were never adequate to the demands of the incessant wars which they waged either in self-defense or as aggressors. Phillip's revenues must have been pitifully inadequate for his domain was but a shadow of that of his predecessors. The royal power extended over a meager strip of territory known as the Ile de France. In a way this was fortunate for the Jews. They had not far to flee for refuge. Some probably went to England, some to Germany, but the majority, in all likelihood, merely receded into the interior and to the south of France, where they were welcomed by their co-religionists and resurrected their fortunes. The refugees proved useful as revenue-producers to their separate lords, and Phillip soon saw that he had made a mistake. In grabbing their wealth by a decree of expulsion he had killed the goose that laid the golden egg. In 1198 he recalled them "contrary to all expectation and to his own edict". He provided numerous rules and regulations for the conduct of their business and they became little more than sponges by which he sucked money from his subjects and squeezed it into the royal treasury.

This completes our study of the political and general historical survey of the condition of the Jews in France from the ninth through the twelfth centuries. We turn now to a consideration of particular aspects of this general history.

### CHAPTER III.

#### The Synods

We have already noted the more or less natural exclusion of the Jewish group from any intimate participation in the life of the Catholic society of France. While Jews dwelt in the land they could never amalgamate with the majority and lose their identity. Hardly any evidence survives to us of their assimilation with non-Jews. If they did at all it was more probably the result of <sup>forced</sup> ~~freed~~ baptisms than of any natural desire. Their existence as a separate group demanded and eventually brought forth measures regulating their communal life. Their individual life was already subject to the strictures of the Bible, Mishnah and Talmud. These books were both the cause of their separateness and the "tree of life" by which they lived. But a living tree represents a constant state of growth, and its form must always adapt itself to the different characteristics of its environment. The Bible, historically considered, represents a successive adaptation to new and changed conditions of life. The Mishnah and Talmud are likewise later attempts to keep pace with the flow of Jewish life as it entered new channels and currents. The Jewries of Western Europe were not less conscious of their changed environment than were their ancestors centuries earlier.

Then we have to ask what new forms did the "tree of life" assume to meet their differing needs? For the earlier middle ages, that is, from the sixth through the tenth centuries

we can offer no very clear picture. It is possible to hazard a guess or two based on our meager knowledge of the general conditions of Western Europe at this time. Probably the first thing to be borne in mind is that the total number of Jews in Western Europe at this time was very small. There is no way of approximating with any degree of accuracy what their total was, but this lack of record alone would seem to indicate that they formed an insignificant part of the general population. This paucity of numbers would preclude the necessity for developing any form of corporate life. Their life as Jews was conducted more as an individual life than as the life of a member of a Jewish community. In such a case the regulations of the already existing Bible, Mishnah and Talmud, granting even that they knew very little of the last, proved entirely adequate to their needs. In exceptional cases, where their requirements exceeded these regulations they probably appealed to the academies of Babylonia. Thus it would be foolhardy to seek for any growth or development of any communal institution or autonomy among the Western Jewries of these earlier centuries.

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We have already noted in connection with the early Carolingians how individual Jews came under the protection of the king.<sup>171.</sup> Only in one case are we led to believe that this<sup>172.</sup> charter covered a community as a whole. Thus even to the royal power the relation is one of an individual and not one of a community. The charters do specify that the Jews are to be allowed to live under their own laws (secundem legem illorum vivere)

but the very existence of these charters implies that this license covered only such matters as marriage, divorce, disputes between Jews and Jews, things which are related more to personal life than to communal life. The charters served equally as grants of protection and as forms regulating their non-personal lives. Wherever they came in contact with the non-Jewish world they were subject to the Frankish or Germanic law. This was always true. Even after the growth and development of their communal organization, they were never wholly autonomous. Under both the Carolingians and the Capets they were allowed to regulate their internal affairs, but their external world was subject to the lord under whom they lived be he king, baron, knight, bishop or even town charter. They prayed, studied, ate, learned, married, had children, etc., as they wished. However, they were never "self-governing" bodies in any sense of the term. 173.

Turning now to a consideration of the development of Jewish communal autonomy in the eleventh and twelfth centuries we must not lose sight of this fundamental fact -- the external life of the Jews was rigidly controlled by the non-Jewish community. Louis the Pious did not see the necessity for degrading the Jew to the position into which Agobard and Amulo sought to plunge them. Yet he never lost sight of the fact that they were his subjects and as such pliable to his will. Later sovereigns and lords brought the Jew and the Jewish community into an even closer relationship to themselves and to their treasures.

If the Jewish community possessed any authority over the external life of the Jew at all, it was constantly circumscribed and regulated by the higher authority of the Christian lord. Therefore, before entering upon a discussion of the Takkanoth of the various communities and the Synods, we deem it necessary to say a few words with regard to Dr. Louis Finkelstein's book.<sup>174.</sup> We are more than happy to admit our debt to this author for his splendid edition of the texts and the illuminating comment. However, one or two points are selected for argument. We feel his justification of the term "self-government" is weak.

2 / "The synods which are discussed in this volume had no authority, other than that granted them voluntarily by the Jews of the various communities. None of them was recognized by the secular government, and only in Spain and Italy was there any relation at all between the rabbinical gatherings and the State. Nevertheless, it is felt that the term 'Self-Government' may properly be applied to the Jewish institutions of the Middle Ages, because whether de jure or de facto, the communities were autonomous entities. The decrees of the synods were obeyed, often with far greater rigor than those of the state government. The judiciary was organized to such an extent that courts of appeal were differentiated carefully from courts of original jurisdiction. The rights of the members of the communities as against the communities were defined with precision. Such an arrangement can hardly be called anything less than a system of 'self-government.'" 175.

The term self-government, no matter how narrowly defined, has a much broader connotation than that which Dr. Finkelstein applies to it here. Self-government can hardly mean the relation of an individual to his group, such relation being defined and regulated by the group as a whole when the group itself is

controlled by the forces of a yet larger group. If the large group, the non-Jewish majority, had, through its government, delegated to the small inner group, the Jewish group, the right to legislate and administer for Jews, we would have some measure of self-government and this still in a very narrow sense. But Dr. Finkelstein himself reluctantly admits that no such delegation of power ever occurred.

Self-government must mean, not as a matter of personal interpretation, but in justice to the true meaning of the term, the right to enact laws and enforce them, to provide for and maintain a seat of government, to enjoy at least the nominal right of representation at the councils of nations, to mint and regulate a system of coinage, to declare war, etc. In short, to fulfill those functions variously embodied in the constitutions of nations the world over.

When it comes to certain specific matters of religion and all that pertains thereto, to marriage and divorce, burial and death, -- things which in those days were not controlled by the state, the Jewish society held undisputed supremacy. Even in those days matters of coinage, of war, of settlement and travel, of land tenure, etc. the Jew was as subject to the law of the land as his Gentile neighbor. And synod or no synod, takkanah or no takkanah, willy nilly, he did as the king or noble decreed.

The Jewish group with all its elaborate organization was not the supreme governing body for the life of the Jew --

in toto. That the greater number of the Jews' daily actions and spiritual and human relations was covered by a corpus of Jewish law did not prevent him from being aware that he was living in Galuth -- which Dr. Finkelstein would do well to recall means "exile from his native land and a Jewish government" - and was subject to the law of the land. This law of the land was not Jewish but French, or German, or Spanish, or wherever he might be living.

We have already stated that an adequate survey of the regulations under which Jews lived in the eleventh and twelfth centuries requires a painstaking study of the laws governing the separate territories of France. <sup>176.</sup> Similarly an adequate understanding of the conditions and the regulations governing the conditions of their communal life would necessitate a careful review of the growth and development of the separate Jewish communities throughout France. Again, we bow before our own ignorance and substitute a general outline of these communal organizations and regulations.

Nor do we feel adequately equipped to examine the causes which brought these communal organizations into existence. Some historians regard the Crusades as the impetus which brought the Jews in Western Europe to organize their communal lives. This explanation is based more on the assumption that the Jews sought to unify their efforts at defense in the face of the often inimical Crusading hosts than on any real basis in fact. A completely satisfactory explanation of the Jewish

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communal development must await more adequate knowledge of the conditions surrounding Jewish life at this time. However, a partial explanation may be found in the general conditions of the eleventh and particularly the twelfth centuries. It was during these two centuries that the growth and expansion of communal organization revived. When the Romans occupied Gaul they built cities on the sea-coast and at the mouths of rivers. The existence of the Roman world empire made possible their maintenance as centers of trade and commerce. Following the breakdown of the Roman empire and the occupation of the Visigoths world trade fell off, commerce sank to an exchange of the barest necessities of life. The cities lapsed and in many cases fell into ruin. Under Charlemagne and Louis the Pious they experienced a brief revival. But this Carolingian renaissance was premature by almost half a millenium. The raids of the Nortmen and the general anarchy prevailing in the ninth and tenth centuries wrought havoc with whatever might have survived in the way of town life from the early Carolingians. Recovery was slow and was further hampered by the general depopulation resulting from the incessant warfare. The lack of any form of central organization made commerce and trade extremely hazardous occupations. Gradually some form of organization in both national and communal life became evident. The early history of the growth of communes and towns in the tenth and eleventh centuries is still shrouded in mystery. Nor is it possible to develop here an adequate treatment of the communal movement. There are any number of works dealing with this particular subject. 177.

But in all likelihood it was this communal development in the general history which is paralleled in the Jewish history by the growth of the communal organizations.

It should be noted that the communal development was not an easy or undisturbed process. The villes and bourges emerged out of a series of struggles with their overlords. The heavy burden of taxation which was levied on the burghers often led the towns into open revolt against their masters. <sup>179.</sup> The number of people allowed to settle in a town was restricted in practically every instance. This may be explained in two ways. First, there was the natural jealousy of the already resident burghers to safeguard their own interests. They feared the competition of the newcomers. Secondly, the lord saw in the town with its comparative freedom and expanding population a growing menace to his sovereignty. It took people from his farms and emancipated them from his will. It destroyed, as it eventually did, the feudal system which gave him the right to exploit without mercy those beneath him.

These same conditions applied to the Jews as well as the Gentiles. It is possible that whoever granted the charter to the town would be willing to grant residence in it to the Jew, but the burghers were anxious to prevent the entrance of Jewish competition. And as the burghers gained the upper hand the right of the Jew to settle in a town became more and more restricted. The burden of carrying out this restriction fell <sup>179.</sup> upon the Jewish community. This necessitated the development

180.  
of the Herem Ha-Yishub. Under this provision any Jew who wished to enter a town had to be accepted by the Jewish population already there. R. Tam, opposing his grandfather Rashi, insisted that this exclusion applied to those who refused to pay their share of the taxes.  
181.

This institution of the Herem Ha-Yishub presupposes the existence of some form of communal organization. We know that Jews possessed their own law courts to which they had recourse in a dispute with another Jew. The weapon which they wielded in order to fulfill their decisions was the Herem  
182. Beth Din.

Jews who had a grievance had two other methods of seeking redress open to them. They could interrupt the  
183. prayers at the Synagogue and air their complaints. Another  
184. method was to announce the complaint in the market place.

However, a law court could not serve all their needs under the new conditions which were arising, for a court is a passive organization. It awaits the arrival of the litigants and does not possess the power to act for the community in an administrative capacity.

Therefore, some form of communal organization had to develop alongside of the Beth Din. We have already seen the necessity for this extra-legal organization arising through the need of regulating the residence of the Jewish inhabitants of a town. Another cause demanding some form of communal control was the growth of taxation. In the Carolingian period Jews had paid their taxes directly to the royal treasury.

...who met in conference during the Fair!

These individual payments became impossible with the division of authority among the different lords and with the growth of the population. The lord found it more convenient to levy a tax upon the community as a whole and collect it in a lump sum. It is probable that at first the Jews paid their tax into a general fund which the community paid to the person from whom it held its charter. Gradually the Jews came to be segregated from this group and to pay their tax separately. In later centuries than our study is concerned with, a special officer connected with the royal treasury was appointed to watch over the tax payments <sup>of</sup> ~~the~~ the Jews. But during the eleventh and twelfth centuries the relations of the Jews were not so clearly defined. However, the apportionment of this lump tax among the several members of the community represented an important task even in these early centuries. It was the cause of much dissension and much regulation.

The next most important cause was the problem of informers. We have already noted the instance of the converted Jew of Blois who brought such suffering on the Jewish community of Limoges. This case could be multiplied a hundred-fold. Agobard and Amulo report the conversations they had with baptised Jews. The Jewish communities had to protect themselves against these unscrupulous persons.

In those days, as in our time, the Jews needed people to represent them to the king, the lords and the heads of the church. The manner of electing these delegates provided

another cause for the creation of the communal organization.

These causes could be multiplied at some length. There was the matter of the collection and distribution of charity, the teaching of the children, of disputations, of death and the burying of bodies, in short of a whole mass of extra-legal matters which did not come under the review of the Beth Din. We shall not discuss that other large segment grouped under "matters spiritual" which were regulated by the communal organizations. Our purpose has been to point out those major causes which brought about the creation and development of the responsa and takkanoth and synods of the eleventh and twelfth centuries.

The responsa <sup>were</sup> ~~was~~ in existence for some time. Already in the time of Charlemagne Jews were sending their questions to and receiving answers from Babylonia. As the center of Jewish life shifted to the west these questions were sent to such scholars as R. Kalonymus and R. Leontin. But the responsa was not an entirely satisfactory response to the needs of the time. A scholar living in Mayence could hardly advise on matters of taxation for the Jews of Paris. The responsa served very well as a written appeal to a higher authority on matters of ritual and civil law. A more adequate measure for grappling with local conditions was necessary. To meet this necessity the institution of the community legislating for itself and promulgating its legislation in the form of takkanoth was developed. Every member of the community was bound by the

takkanoth and failure to comply with <sup>their</sup> ~~the~~ provisions brought the recalcitrant individuals under the Herem.

In addition to this strictly communal legislation there developed the institution of the synods. The origin of these synods in Europe is probably closely connected with the fairs which were held throughout the various towns of Western Europe. The Jewish merchants gathered to sell their wares probably found these associations a good place to settle their difficulties. Here, in company with their brethren, many of whom were probably learned in the Law, they could relate their complaints and adjust their claims. Very often partnerships were arranged at these fairs binding to "the next fair", as we say, "till we meet again". At the fair comment on the conditions of their various places of residences was exchanged. The takkanoth enacted by their respective communities were subject to discussion. Gradually, the idea of coordinating and unifying the growing mass of local legislation must have taken root and the gathering at the fair developed from a purely informal gathering into a semi-legislative body. It gained prestige from the men who presided at its deliberations. Probably the foremost scholar was selected to sit at its head and pass upon the takkanoth which it enacted. Oftimes this scholar was himself a merchant and his attendance at the fair represented a part of his regular activity. If he was not a merchant he might be called to attend and lend his wisdom and scholarship.

*This is not an institution but a usual practice*

This is the simplest and most logical account which we can offer of the conditions surrounding and attending the growth and development of the three extra-legal communal institutions of the Jews -- the responsa, the takkanah and the synod. In a way, they are not three separate institutions but different stages in the expansion of the communal organization. Nor, rightly speaking, should we term the responsa and the takkanah institutions. They are the means by which the institutions effected their control of the community. However, we recognize the deficiency of trying to separate closely-related phenomena. In the struggle for clarification some accuracy of terminology will inevitably be sacrificed.

A discussion of some of the actual responsa and communal takkanoth is reserved for a later portion of this paper. We will endeavor here to give a brief summary of the synods held under R. Gershom and R. <sup>Tam-</sup>~~Tame~~.

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*These* While no specific contemporary statement states the fact that the takkanoth of R. Gershom were promulgated at a synod, it is hardly possible that the legislation known as Takkanoth R. Gershom were enacted by R. Gershom alone. The fact that he was the greatest scholar present at the synod -- in fact the greatest of his time -- coupled with the usage of time made <sup>these</sup> takkanoth bear his name. <sup>185.</sup> The most famous of these takkanoth is the one forbidding a person to marry more than one wife. We cannot infer from this that the Jews of Western Europe were polygamists. All evidence is to the

*On this point consult Oppenheimer, N.Y.N.J., vol. 63, p. 179.*

contrary. We do not know the immediate occasion which called it forth. It is probable that his stricture may represent purely a formal declaration on the part of Judaism in order to avoid any criticism from the Church.

Coupled with the takkanah against polygamy is the ordinance against compulsory divorce. He forbade any husband to divorce his wife against her will. For the Rhine communities, he ordained further that no divorce should be executed without the consent of the representatives of the communities. 187.

Another takkanah of R. Gershom is mentioned by Rashi in a responsa. 188. It is prohibited to insult converted Jews after their return to Judaism or to taunt a convert to Judaism with his ancestry. It is probable that during R. Gershom's time a number of forced conversions took place. We have mentioned the persecution of Henry II which occurred during the lifetime of R. Gershom. Since the persecution was of very short duration (1012-1013) those who might have converted to save their lives and wealth returned to Judaism as soon as the danger was past. The fact that it was lost for some time may indicate the temporary cessation of forced baptism. Rashi mentions it in connection with another matter, so we cannot infer that during Rashi's time the need had risen for its revival.

Another takkanah forbids any Jew to rent a house of a Gentile who had unjustly evicted a former Jewish tenant. 189. It is probably a form of boycott against harsh Gentile landlords.

Rashi's Parables, ed. Greenwald, See your own remarks into 1911.

R. Gershom also sought to protect the privacy of the mails. At a time when all mail-service was by private messenger the temptation to examine the contents of very confidential letters had to be curbed by extra-legal measures.

Five other takkanoth are listed by Dr. Finkelstein as for certainty the work of a synod that gathered under R. Gershom.

"a. The jurisdiction of the local courts of the communities is to extend not merely to the members of the community but to any Jew who may happen to come within their city.

"b. The right of interrupting the prayers because a defendant refuses to come to Court, or because the Court refuses to summon a defendant is guaranteed, but it is limited in the following manner. The plaintiff must three times make a complaint in public at the end of the service, if he finds no response from the community, he may prevent them from holding public worship until his wrongs are righted.

"c. If the synagogue-house is owned by a member of the community he may not prevent any other member from attending public service, except by closing it to everyone.

"d. Anyone losing an object may publicly declare a herem in the synagogue, compelling any person having knowledge of the finder, to inform against him.

"e. The minority in any community must accept the ordinances of the majority and abide by them."191.

All of these takkanoth are important for a clear understanding of the social conditions which prevailed in the life of the Jews of Western Europe. The right of the local courts to have jurisdiction over transients was a far-reaching

regulation. It permitted courts to protect their communities from unscrupulous wayfarers. The matter of interrupting the prayers has already been discussed but its confirmation by the synod shows what a strong hold the democratic institutions had on the people. This same democratic impulse is shown in the regulation prohibiting the owner of the synagogue-house from closing its doors to any member of the community. If the synagogue was closed to one member, it was closed to all. The declaration that the rule of the majority prevails must not be judged in the light of present day life. Viewed in terms of the time in which it was promulgated, a time when the majority counted for nothing and all authority descended from on top, we are in a better position to understand its far-reaching effect upon Jewish communal life.

Following the death of R. Gershom we hear of practically nothing in connection with the synods until the time of R. Tam. We do not know for certain if a synod ever met under the leadership of Rashi.<sup>192.</sup> However, this absence of synodal activity in France in the eleventh and early twelfth centuries may be explained in several ways. It is possible that the Jewish population in Northern France was not great enough to require the regulation of takkanoth by synods. The bulk of Jewry was probably concentrated in the Rhine district and in South France. Another reason may be found in the absence of any scholar of sufficient prestige to have given any permanence to the decisions of the synods. This last explanation

would hold only up till the time of Rasni for Rasni himself possessed sufficient prestige to have his takkanoth respected and preserved. Certainly we cannot argue that the current of Jewish life was flowing too smoothly to negate the necessity of convening a synod. During the time of Rasni the first Crusade troubled Jewish life throughout Europe. There can be no definite explanation of this absence of synodal activity from the death of R. Gershom to the time of R. Tam. Perhaps the synods actually met but their takkanoth are not preserved to us.

For a full treatment of the synods which met under R. Tam and his associates reference is made to Dr. Finkelstein's book.<sup>193.</sup> Only certain of the takkanoth are treated here.

The first synod convened by R. Tam met at Troyes sometime before 1160. The date is fixed before the death of R. Samuel b. Meir, his brother, who died around this time.<sup>194.</sup> The second synod met after 1160, i.e. after the death of Rashbam, also at Troyes.<sup>195.</sup> A third synod at Troyes also convened under the leadership of R. Tam and Moses ben Auranam of Pontoise.<sup>196.</sup> Its date is uncertain. It is hard to separate the distinct ordinances of these three synods as the texts preserved to us have welded them together. Nor do we know of the varying conditions creating the need for calling the three different synods. However, we can determine the general condition which brought them into being. The most

important cause was probably the second Crusade. Jewish leaders recognized the great danger that confronted them and sought to meet it. One of the takkanoth promulgated at the first synod forbade any Jew to bring litigation against another before non-Jewish courts. Moreover, if a Jew does bring a case before the Gentile authorities he has to indemnify the defendant against any harm threatened him by the authorities. Finally, it forbids a Jew to accept any office in the Jewish community at the hands of the non-Jewish authorities.

The first two provisions of this takkanah are directed against informers, the malshinim. If the two parties agree in the presence of proper witnesses to bring their suit before the non-Jewish authorities, it was allowed. Where mutual consent was not obtained they had to appear before the Beth Din. <sup>197.</sup>

R. Tam and his associates recognized the danger of dragging their quarrels before the Gentile authorities who would use the cases as pretexts for extortions. The third provision is a reflection of the general conditions prevailing at the time. During the twelfth and thirteenth centuries the nobles and the Church were locked in a struggle over the question of lay investiture. The custom had grown up whereby the king confirmed the bishops and other prelates in their office. Under such a system frequently the office was sold to the highest bidder. The Church was trying to free <sup>198.</sup> itself from this lay control. It is possible to infer from this takkanah that investiture by the lords was encroaching

upon the Jewish community and the synod wished to prevent it.

A moot question for a discussion of the communal organizations raised by the takkanoth of this synod is the reference to the "seven elders" (שבע זקנים)<sup>199.</sup>

*This is probably*  
This reference to a Board of Seven would seem to indicate the existence of a definite form of communal organization. However, it appears that not all towns possessed such a board, satisfaction was to be sought from the closest town having such an organization. Its functions seem to have been apart from those of a Beth Din although this is not definitely established. But the שבע זקנים and the שבעה זקנים are not used as synonymous terms. We have no way of ascertaining how the number seven was fixed or how they were elected. Benjamin of Tudela makes no reference to any Board of Seven but he does mention a <sup>200.</sup> "head of the community" in speaking of several places.

At the second synod a takkanah enacted by the city <sup>community</sup> of Narbonne was accepted by R. Tam and his associates, and made binding on the inhabitants of Isle de France, <sup>Anjou</sup> ~~Angers~~, Poitiers, and Normandy. It provided that if a man marries a woman and she dies within a year of the marriage without issue, her dowry is returned to the giver or his heirs.<sup>201.</sup> If we can assume that these takkanoth were enacted to cover the existence of many similar cases then it is possible to infer that the mortality of women during the first year of marriage was quite high. There is a logical argument to support such an inference. Women during the Middle Ages very frequently died

at the time of their first child-birth. The medical facilities were so poor they did not receive the proper attendance.

Another takkanah enacted at one of the synods of Troyes provided that no one is permitted to leave his wife for more than eighteen months unless he receives the consent of his wife in the presence of proper witnesses. The absence of eighteen months was permitted only to those who leave to earn a livelihood and provided they are at peace with their wives at the time of their departure. When he returns from a journey he must stay at home at least six months before undertaking another journey. The takkanah also enjoined the traveler to provide for the maintenance of his wife and children. He had to provide for the education of his children.<sup>202.</sup>

Two causes for the enactment of such a takkanah are evident. One, that Jews were accustomed to undertake long and hazardous journeys which kept them away from their homes for months and years at a time. Very often the traveler did not return and the phrase פ'יו נגזל bore mute testimony to his death in some faraway land. The other cause represents a less noble action. Sometimes a husband left his home because he was unable to get along with his wife. It was a case of abandonment and against such individuals the rabbis were very bitter. They inserted in the takkanah the clause that anyone who disobeyed its provisions should be denied hospitality.

The remainder of the takkanoth enacted at the synods of Troyes are contained in three different recensions.<sup>203.</sup>

They are classified as ten in number and cover such matters as the authority of the Beth Din, the herem against compulsory divorce, assault, etc. We shall not deal with them in detail. Our purpose in this chapter has been to examine only the causes which led to the creation of the synods and to examine a few of the takkanoth in their relation to the economic and social conditions of Jewish life in the eleventh and twelfth centuries. This review has been extremely hasty but a more complete study would require a detailed examination of the various texts and their variants. In view of the fact that an excellent book on the subject already exists, to which we have made frequent reference, it would have been foolish for us to go into a minute study of this subject.

*It is that frequently you try to explain  
Takkanot as peculiar to Jewish Jew.  
conditions whereas in reality they  
to Talmudic & Gemara times - became  
the normal feature of Jew. economic  
and life that was based on Talmudic  
law & practice.*

## CHAPTER IV.

### The Rabbis

The beginnings of Jewish intellectual activity in France are shrouded in mystery. We have already recounted the legends of Jewish scholars connected with Charlemagne.<sup>204.</sup> Perhaps some kernel of truth is present in these different stories but it has been so obscured that we cannot attempt to isolate it at this late date.

Our first mention of any real scholastic activity begins with Leontin.<sup>205.</sup> Evidently his real name was Judah ben Meir Hacohen (יהודה בן מר ח'ק'ן). The name Leontin comes from the Hebrew ל'ון. Several other scholars bore the name Leontin or Sir Leon as a result of the name Judah.<sup>206.</sup> His dates are uncertain but he lived in the first half of the tenth century. Nor do we know whether he was a native of France or Germany. Extremely little is known of his life. There is a letter addressed by him to the community of Troyes asking if the rules and ordinances of the community have the force of law for every member, and also for the neighboring communities on matters of general interest.<sup>207.</sup> It is on the basis of this letter that Gross believes he was a native of France.<sup>208.</sup> Leontin evidently had a Talmudical school and his most illustrious pupil is R. Gershom b. Judah, generally called R. Gershom.<sup>209.</sup>

R. Gershom's dates are a matter of controversy as is the place of his origin. According to most authorities,

he lived sometime between 950 and 1028,<sup>210.</sup> and spent most of his life in the city of Mayence. In connection with the chapter on Synods, we have already related his attempts to provide the needed regulations for the lives of his co-religionists. However, this represents but a small part of his activity and his influence. After his death, he was known as the "Light of the Exile" (Or Levi), a title of respect accorded him by the later generations in recognition of the value of his activity on their behalf. He was modest enough not to desire his legislation to last for all time and decreed that it should last only to the beginning of the fifth<sup>211.</sup> millenium - 1240 c.e. But it endured long after that, his takkanoth being liberally incorporated in the later Jewish communal constitutions. He is the author of a great many responsa<sup>212.</sup> and selichoth. One of these selichoth commemorates the persecution under Henry II in 1012. A son of R. Gershom's was converted during this baptism and died before he could return to Judaism. Contrary to rabbinic custom, R. Gershom sat shiva for him. We hear of no other sons but of a brother of<sup>213.</sup> R. Gershom, R. Machir, who had four sons.

<sup>214.</sup> His responsa reflect the unsettled conditions of the time. In these responsa he also shows his breadth of understanding, his endeavor to avoid casuistry. He views all aspects of the questions submitted to him and gathers evidence from all parts of the Talmud in order to establish the law. The questions come to him from several French rabbis, among

them Samuel ben Jonah,<sup>215.</sup> Joseph ben Perigors<sup>216.</sup> and  
others.<sup>218a.</sup> Some responsa are wrongly attributed to him.<sup>217.</sup>

One of R. Gershom's most widely heralded activities was his attempt to fix the correct text of the Bible and Talmud.<sup>218.</sup> In his own hand he copied the Mishnah and the Gemarah and noted several textual variants in the margin. These critical comments were taken over by Rashi and the Tosarists.

R. Gershom was the head of the talmudical school at Mayence frequented by many scholars. Among the men who attended his school are to be found Judah ben Moses of Toulouse,<sup>219.</sup> Simon the Elder, the maternal uncle of Rashi,<sup>220.</sup> Jacobben Yakar of Worms, a teacher of Rashi,<sup>221.</sup> Eliezer ben Isaac the Great, another teacher of Rashi,<sup>222.</sup> and Judah Heccohen of Mayence.<sup>223.</sup>

The period between R. Gershom and R. Solomon ben Isaac (Rashi) of Troyes is not lacking in scholars. There is no lapse in the continuity but these two men stand out so prominently in the history that they overshadow the men in the generations preceding them and in their own time. An adequate understanding of the intellectual activity in France during the eleventh century requires<sup>a</sup> detailed study of the scholars preceding and contemporary with Rashi.

R. Solomon b. Isaac of Troyes, whom we shall henceforth refer to as Rashi, was born in the prosperous trading center of Troyes in 1040 and died there in 1105.<sup>224.</sup> His

father appears to have been a learned man although practically nothing is known of his ancestry. Rashi's birth and early life are shrouded in numerous legends in which his father is pictured as a very wise and pious Jew.<sup>225.</sup> Casting aside these historical fictions, we are left with a few bare facts. Rashi stayed at Troyes until he was fifteen and went to study at the Talmudical schools of Worms and Mayence. These cities are in the territory of Lorraine (Lotharingia) which was often mentioned as a part of France (אשכנז).<sup>226.</sup> At Worms he studied under Jacob ben Yakar who was at that time a man well on in years. Rashi affectionately refers to him as "my old master". On the death of Jacob b. Yakar he studied under the guidance of his successor, Isaac ben Eliezer Halevi. From Worms he journeyed to Mayence where he studied under Isaac ben Judah whom he later came to regard as his master par excellence.

Sometime around the year 1065 he returned to Troyes where he eventually built up a talmudical school of his own. He soon became the leading scholar of France and questions were addressed to him by older and younger contemporaries. It is not known whether he was the rabbi of the community of Troyes. He eked out a bare living as a wine-merchant. Nothing is known of his participation in the communal life of the Jews of Troyes. In the last years of his life he witnessed the terrible persecutions among the Jews of the Rhine district as a result of the First Crusade. Undoubtedly many Jews converted at that time and Rashi sought to protect them from humiliation

when they returned to Judaism.<sup>227.</sup> There is a story connecting Rashi with Godfrey de Bouillon, but it is a pure fable.<sup>228.</sup>

Rashi is best known for his commentaries on the Pentateuch and on the Talmud. Several other works are ascribed to him but they are undoubtedly the work of later redactors.<sup>229.</sup> The importance of Rashi's work has been emphasized and re-emphasized by so many writers that any discussion here would be superfluous. His importance lies in so many directions that any exposition of his work would lead one into practically every field of Jewish learning. In the following two chapters we have elected to deal with certain of his responsa as they bear on the social and economic conditions of his time.

Rashi had three daughters and no sons. His daughters married scholars who carried on his work.<sup>230.</sup> One daughter, Jochebed, married R. Meir b. Samuel (c.1060-1155). Another daughter, Miriam, married R. Judah ben Nathan.<sup>231.</sup> The third, Rachel or Bellejeune, married a certain Flietzer.<sup>232.</sup> R. Meir b. Samuel was a resident of the town of Ramerupt, about six miles from Troyes.<sup>233.</sup> He was a talmudist and was head of the school there. R. Judah ben Nathan (Ribon - 1211)<sup>234.</sup> was a pupil of Rashi's and at the suggestion of his father-in-law he completed Rashi's commentaries using the oral explanations he had received from him. The son of Judah, Yomtob, was also a good talmudist.<sup>235.</sup>

The sons of R. Meir b. Samuel attained the greatest prominence and carried on the work of their grandfather,

Rashi. R. Meir had four sons and a daughter. The daughter,<sup>236.</sup> Miriam, married R. Samuel b. ~~Siemann~~ of Vitry. P. Samuel, the eldest son of Meir, known familiarly as Rasbam, lived<sup>237.</sup> about 1085-1158. Rasbam studied under Rashi and on the death of his grandfather seems to have assumed the direction of the school at Troyes. He is more prominently identified with the academy at Ramerupt which soon became very prosperous. He does not seem to have taken a very active part in either the communities of Troyes or Ramerupt, although he was a mem-<sup>238.</sup>ber of the first synod which met at Troyes.

It was the second son, R. Jacob b. Meir, familiarly known as R. Tam, about 1100-1171, who stands out most promi-<sup>239.</sup>nently overshadowing his brothers. We have already given some attention to R. Tam's activity in connection with the preceding chapter on the Synods.<sup>240.</sup> We shall return to his work later on in connection with the internal and external life of the Jews. Through his responsa we can measure the tremendous reputation he enjoyed among the scholars and people of his day. He is one of the commanding figures among the Tosaphists.

Of the two other sons of Meir, little is known.

One, Isaac, apparently died during the lifetime of his father,<sup>241.</sup> leaving seven small children. The other, Solomon, is<sup>242.</sup> known to us as a talmudic and biblical scholar.

Probably the next most important descendant of Rashi is R. Isaac b. Samuel the Elder, (1180-1195) known as Ri

<sup>243.</sup>  
(11). He was the son of Miriam and R. Samuel b. Simhan of Vitry, and a nephew of Rashbam and R. Tam. He is regarded as the second pillar, after R. Tam, supporting the work of the Tosaphists. His son, Elhanan, apparently died a martyr in 1184 although the reason for his martyrdom is not known.<sup>244.</sup>

The collection of Tosafot known as Tosafot Yeshanim (פ'י'ת ישיבה) are said to contain many of the comments of R. Isaac the Elder.

A disciple of R. Isaac, R. Samson b. Abraham of Sens, (c.1150-1230) likewise made a collection of Tosafos<sup>245.</sup> called Tosafos Sens. There are many other collections<sup>246.</sup> such as Tosafos Evreux by R. Moses of Evreux, and Tosafos Toucques by Eliezer of Toucques.<sup>247.</sup> The tosafos were begun immediately after Rasni's death and continued through the twelfth and thirteenth centuries. They characterize the chief scholastic activity of the time. Other scholars were busy with the literal interpretation of the Bible. One of the disciples of Rashi, R. Joseph b. Simeon b. Helbo (c.1080-1140) received the name Joseph Kara because he devoted himself exclusively to the interpretation of Scripture (קרא).<sup>248.</sup>

The Jews of Northern France at this time seem to have neglected all other branches of learning in favor of these two. Grammar and poetry were hardly cultivated and secular studies are hardly mentioned. It is hard to explain why they confined themselves to biblical and talmudical exegesis. It was probably due more to the requirements of

*man*  
*in*  
*intended*  
*grammar, L 20 Rashi*

their environment than to any conscious wish of their own. There was an intense Jewish life surrounding them and matters of ritual and theology played an important part in their lives. This would explain in some measure their devotion to the study of the Bible. The reason for the active study of the Talmud is possibly to be found in the need for a group of men well-versed in the Jewish civil law. We can cite one instance here of the high regard in which the Rabbis themselves held those competent to judge questions of money. R. Solomon<sup>249.</sup> b. Simson replies to some questions of R. Isaac b. Isaac.

In his answer he admonishes him to study the civil laws for "there is no store of wisdom in the entire Law richer than these civil laws".<sup>250.</sup> The Beth Din was a busy institution in those days. The Synod at Troyes had decreed a Herem on anyone who went to the secular authorities with his troubles.

The Rabbis had their work ready for them. The greater part of their days were undoubtedly spent in deciding cases of law. Under such circumstances it can hardly be expected that they would have time to undertake such studies as philosophy, poetry and secular learning. There are pursuits which a student can pursue only in his leisure time. And leisure is the product of a stable society. The Jewish communities of Northern France were not very settled. The Crusades kept the entire population in a state of ferment and the Jew bubbled in the turmoil. He could not be sure of what new vicissitude would visit him from one day to the next.

*These studies were interesting  
these studies I found time for them!*

*Provence (Languedoc)*  
*Southern France*

In Southern France in the communities of the Provence, Languedoc, Lunel, Narbonne, Marseilles, Perpignan, Toulouse, and others, Jewish scholars could reach out and encompass other branches of knowledge. Here the life was freer, easier. The sense of oppression, of impending danger, did not hang over the Jewish residents. The country was rich, drawing its wealth from the extensive maritime trade conducted from Marseille. The society was liberal and Jews shared in the liberality. It was here that the Albigensian heresy took root and defied, for a brief spell, the might of the Roman church.

It was at Narbonne and Lunel that such men as Joseph Kimchi and Joseph and Samuel ibn Tibbon could apply themselves to the task of translating the works of Jewish scholars from the Arabian countries.<sup>251.</sup> Here the demand for philosophical works was possible under the existing conditions Jews of wealth resided in these parts and could afford the support necessary to such men. They maintained their academies but their relation is much closer to the academies of Spain than to those of Northern France.

What little information is volunteered in this thesis on the subject of the Rabbis of France in the eleventh and twelfth centuries is contemplated as an introduction to the men who are responsible for our knowledge of the economic and social conditions prevalent among French Jewry during their time. Therefore, if this chapter should seem to deal with only certain Rabbis, and these very incompletely, and omit altogether many

other men of importance may the reader forgive, as best he can, the writer who tried to hurdle an obstacle of ignorance. After all, it was to overcome this deficiency that he engaged upon this study. He now knows that he has but gazed upon a field upon which men have labored for centuries.

In the two chapters which follow some additional names of scholars will be mentioned, and the sources of their biographies will be found in the notes.

## CHAPTER V.

### The Internal Life of the Jews.

Our task in this and the following chapter is to piece together bits of information which have survived to us regarding the daily life of the Jew. We have discussed, in a general way, the relation of the Jewish people in France from the ninth through the twelfth centuries to the state as a whole. This previous review serves as a background on which we can place these various comments. Perhaps too much attention has been paid to delineating the background and it will be found that particular points have been lost. The writer recognizes certain deficiencies of his work. It was his original intent to have these two chapters constitute the bulk of this study and to supply only such background material as would be found necessary. Unfortunately, "the cart came before the horse", and since the chapters on background preceded the material on the internal and external life, they were overloaded. This was often done at the expense of these later chapters and a reworking of the material should have been accomplished. Unfortunately, time did not permit this revision.

The first natural question in studying a community is to ask how many souls does it contain? What was the Jewish population of France in the time which we are studying? No adequate evidence exists on which we can base an answer. In the ninth and tenth centuries we know of Jews inhabiting the city of Lyon. However, neither Agobard nor Amulo mention the

According to a report of Maimonides  
he lived in the district  
Lyon (about 1060-1070)

- 105 -

number of Jews residing there. We must remember that at that time Lyon was a rather large trading center and we should expect to find a considerable community of Jews there. For the tenth and eleventh centuries we know that the general conditions of war and pillage would practically preclude any increase of the Jewish population through immigration. It is entirely possible that their numbers decreased through loss of life and emigration. Spain was a flourishing center of Jewry and they may have gone there for refuge. In the twelfth century we possess a bit of information in the writings of Benjamin of Tudela. This traveler mentions Narbonne as having a community of 300 Jews, Lunel also 300, Posquieres forty, Bourg de St. Gilles about one hundred, Arles 200 and Marseilles 300.<sup>252</sup> Benjamin reckons a total of 1,240 Jews in the five most prosperous trading centers of Southern France, c.1163-1168. It is not certain whether Benjamin is talking of heads of families or of the total Jewish population. However, if these communities, perhaps swelled by Jews who emigrated from Spain during the Almonad persecutions of 1147, contained a little over a thousand Jews, can we assume that the Jewish population of Northern France was very large? Probably not and the number of Jews in all of France was undoubtedly very small. We have seen in connection with the "Board of Seven" that a provision had to be inserted in the takkanah for communities which did not possess such a board.

Our next natural question is where did they live?

This is a little easier to answer as the evidence, while not abundant, is sufficient to justify certain conclusions regarding their place of residence. For some reason, as yet not satisfactorily explained, Jews in Galuth are primarily urban dwellers. Even in the ninth and tenth centuries, though they owned and cultivated land, the majority dwelt in the towns. And in the towns, even before any particular place was fixed for their residence they lived apart from the Gentile population in a quarter of their own.<sup>254.</sup>

There was a very natural reason for this congregating together in a special section of the town. The synagogue was the center of their lives and they wanted to be near it, if not for their own sakes for the sake of their children. It was dangerous to send a child across a city to school, leaving him a prey to the abuse of the Gentiles and of a possible kidnapping. They were accustomed to building their synagogues and homes next to the walls of the town. But this was only a matter of self-protection. With its back to the wall, the house of prayer was open to attack on one less side, as were their homes.<sup>255.</sup>

This tendency to build their homes close to the walls of the town had the unfortunate effect of causing the populace to create the legend in several places that the Jews negotiated with the enemy at the time of a siege.<sup>256.</sup>

These false stories were circulated from time to time when the people sought a pretext for persecuting the Jews or for driving them out of the town altogether.<sup>257.</sup>

Our next question is, what were their occupations?  
Our information on this subject is <sup>more</sup> complete than on either 258.  
of the previous questions, but it is widely scattered.  
Our knowledge of the occupations of the Jews under the early Carolingians is supplied by the writings of Agobard and Amulo and the charters of Louis the Pious, to which reference has already been made. We see from these sources that the Jews were actively engaged in the slave trade. They were merchants and traveled widely both abroad and in the land of France itself. They were prominent in the market, at least in the city of Lyon. They sold foodstuffs and their wine seems to have found a ready market. The Jews also cultivated the land, and, if we are to believe Agobard, employed a great many Christian laborers. 259.  
Amulo also makes the assertion that Jews were tax-farmers (telonarii). 260.

Our information regarding the occupations of the Jews under the later Carolingians and the early Capets is rather meager. By the time of the later Capets, i.e., in the late eleventh and the twelfth centuries, a decided change seems to have taken place in their vocational distribution. They still continue to cultivate the land although the changed conditions apparently had forced many of them out of agriculture. Numerous responsa deal with legal matters connected with the inheritance of estates, particularly vineyards. 261.  
These tend to show that the estates remained in the family and were cultivated by fathers and their sons after them. The decline

in the number of Jews in agriculture may be attributed to two or three causes. The first was the unsettled condition of the country during the raids of the Normans, which caused many to abandon their fields and vineyards and seek the shelter of the town walls. In order to gain the protection of these walls the refugees probably had to surrender their lands to the noble who gave them protection. The Jew could not regain his land except under the conditions imposed by the feudal system. We have already described the burdens feudalism imposed upon the Jew, and which tended to exclude him from its relationships. There are also cases of the arbitrary confiscation of Jewish property, a practice which became commoner with the passage of time.<sup>282.</sup> The third cause which witnessed a decline in the number of Jewish agriculturalists may be due to the fact that the emigrants to France from Spain and Germany did not settle upon the land. It is possible that they were either unable to purchase estates at fair prices or they themselves avoided the land because of the precariousness of the tenure and the heavy tax imposed by the nobles. It is sufficient for us to note that the major causes which removed the Jew from the land were not of his own making.

The occupation which supplied the majority of the Jews of France with their livelihood during the twelfth century was that of trade. There are literally thousands of responsa showing the Jew in all branches of this vocation.<sup>283.</sup> Most historians, Jews as well as non-Jews, regard them as the

principal trade intermediaries between the East and Europe. They early began to substitute the traffic in human beings for the spices and silks of the East, and the cloth and armor of the West. Maritime trade required a large capital, however, and we must not view every Jewish merchant as one who "went to sea". By and large the majority of them were petty traffickers, even peddlers, who traveled from village to village disposing of their wares in much the same manner as peddlers do to this day.

The occupation of money-lending claimed its proportion of the Jewish population. It is doubtful if anything like the proportion generally attributed to the Jews ever was attained, at least during the period of our study. It should be borne in mind that the traffic in money was a natural adjunct to the traffic in goods.<sup>264.</sup> The merchant with excess capital found an eager market for his wealth. No noble in those days of war and brigandage ever found himself with an overflowing coffer. It is probable that the appeal to Jews for gold was at first made in only isolated cases. The Jew, finding it both profitable and productive of the power to win concessions from the nobles, soon found himself abandoning his trade for the occupation of money-lending. The change was both slow and exceptional. Few Jewish merchants found themselves with sufficient capital to lend a portion out even at attractive rates of interest. It is interesting that in one collection of responsa of the twelfth century almost as many Gentiles are to be found lending money to Jews as

these are Jews lending to Gentiles.<sup>265.</sup> A further fiction which deserves to be destroyed with regard to Jewish money-lenders is the one that pictures the Jews as charging exorbitant rates of interest. Historical evidence is to the contrary.

In one responsa we learn of two Jews who entered into a partnership and together lent out forty pounds (40*l.*). After a

year of careful investment they realized a profit of four pounds which amounts to exactly ten per cent!<sup>266.</sup> Nor is

this our lone piece of evidence.<sup>267.</sup> In later times the rate

of interest was often fixed by the king, and the Jews could not lower the rates! The curious fact is that the beginnings

of usury in Europe are to be found not among the Jews but among the clergy.<sup>268.</sup>

In the story of the expulsion of the Jews by King Phillip Augustus the Jews are blamed more for killing Christians and Judaizing the population than they are for their usury.<sup>269.</sup>

In addition to these three main occupations -- agriculture, trade and money-lending -- the Jews are to be found in many other occupations. The Jewish community itself required the services of a butcher, a baker, and a scribe. Sometimes the scribe was not a professional person but if the community was wealthy it did retain a man for this purpose only. There were Jewish doctors although they are rare in North France. The scholars did not earn a living from their activity on behalf of the community. Rashi was a wine-merchant and R. Tam appears to have been a money-lender.

Some of the scholars themselves were wealthy men and supported their students.<sup>270.</sup> In a few cases the Jews held the office of bailiff but it is not certain that they earned<sup>271.</sup> their livelihood from it.

This brief discussion of the population, the habitat and the occupations of the Jews should lead into a brief inquiry into their communal organization. However, this point has been anticipated in the discussion on the synods and nothing of importance remains to be added here. Instead we turn to a short discussion of their mode of life before pressing on to the relations of Jew with non-Jew.

The Jews of France in the middle ages were living in a crude state of society. Almost from the beginnings of their sojourn there through the twelfth century the land was in a constant state of war. Historians single out the Carolingian Renaissance and the Renaissance of the twelfth century as periods of marked development.<sup>272.</sup> Yet they hardly can be classed as periods of peace. In the midst of this chaos the Jew could hardly be expected to flourish and show any signs of a robust life. If he held his own against the pressure of the surrounding environment, he was happy. The life of the Jew had two focal points -- the home and the synagogue.

The character of Jewish home-life during the middle ages has been rather completely described in Jewish Life in the Middle Ages.<sup>273.</sup> Some bits of further evidence regarding

the position of women may be added here. Jewish fathers were anxious to contract suitable husbands for their daughters and gave them large dowries. <sup>274.</sup>

R. Gershom's takkanah against compulsory divorce apparently took deep root among the Jews of his own and later times. Though it was amended in later times to permit a man to divorce an insane woman, the Rabbis were loathe to recognize even this permission. <sup>275.</sup> Wives

often conducted the business in the absence of their husbands. <sup>276.</sup>

Here and there a case of an unharmonious relationship between a man and wife occurs. A case came before Rashi where a man sought a divorce from his wife because she was diseased and he claimed she had been diseased before he married her.

Rashi's remarks in this responsa are illuminating. He berates the husband for behaving so badly to his wife and says,

"... This man showed himself by his evil action not to be of the sons of Abraham, our father, whose way it was to be sympathetic with people... for if he had given his heart to bringing her nigh (unto him) as he gave his heart to driving her away, she would have brought grace unto him for so our Rabbis declared, 'The grace of a place is upon its dwellers'!... and likewise the grace of a woman is upon her husband. ... Yea, even among those who deny the Lord, Blessed be He, behold many of them do not put away their wives from them." <sup>277.</sup>

The last comment is significant for the difference of attitude between the Jew and the non-Jew of those days to his wife.

The question of halizah was also a troublesome

278.  
point.

It must be admitted that not all was peace and harmony in the Jewish household. Records of court-cases between brothers, and brothers and sisters, are fairly common.<sup>279.</sup> The disagreements between different members of a community often led to violent quarrels. The community of Chalons-sur-Saone<sup>280.</sup> was particularly plagued by an inter-family feud.

The other institution which contributed to the life of the Jew - the synagogue - was in reality a second home. From the writings of Agobard and Amulo, we have already inferred that sermons in the vernacular were preached in it. We do not know whether this was a weekly custom or not. Nor does it seem to have survived very long after the Carolingian period. There are practically no references to the sermon in the responsa literature. Its place was probably taken by the study of biblical and talmudical law. Undoubtedly, some form of public exposition by the Rabbi or scholar took place but it was less formal than a sermon. Apart from its function as a house of study, the synagogue served as a court of justice. We have already mentioned the custom of interrupting the prayers for the redress of grievance.<sup>281.</sup> It was also a place where community joy and sorrows were shared.<sup>282.</sup>

The pleasures of the Jew were few. The celebration of the festal holy days, of births and marriages, provided opportunity for feasting and merrymaking. And the Jew could always look forward to his Saboath, the day of rest. Sunday

was oftener more strenuous for the non-Jew than the other days of the week. It was the time when he confessed his sins and the forms of penance he was required to observe deprived him of whatever enjoyment he might have derived from his surcease of labor.

## Chapter VI.

### The External Life of the Jew.

In the writings of Agobard and Amalro, their main point of contention appears to be the too familiar relations between Jew and Christian.<sup>283.</sup> From these works we gather that the Jews under Charlemagne and Louis the Pious lived in very close and harmonious contact with their non-Jewish neighbors. The wall which was to be thrust between them in later centuries was then even without a foundation. How long this friendly atmosphere was endured we cannot tell. In the two centuries following Louis the Pious our records are too deficient to permit any inferences.

Our knowledge of conditions in the first half of the eleventh century indicates a change in the attitude of the people. In two responsa attributed to R. Gershom, we hear of two ugly incidents. A Jew owed a Gentile a pound, and when the debt fell due he went to another Jew and borrowed the sum to pay his creditor. This he did, but when he returned to his home he found that the Gentiles had plundered his house and his friends', in fact the house of every Jew in the town.<sup>284.</sup>

In the second responsa we hear of a certain Jew who peddled in the villages round about his home town. He bought and sold various articles and sometimes took in pledge the cattle which the nobles plundered from each other, or from each other's subjects. From time to time he was taken captive because the

This event  
in 1006 you can  
draw  
a little  
more

people rumored that by his purchase of the cattle he encouraged the nobles to plunder each other. His relatives ransomed him when this occurred, but on one occasion he was captured and nothing was heard of him after that.

Of course, these represent isolated instances, and we are not sure of the causes out of which they were born. The first incident is a mere act of plunder, but it is significant that the populace is blamed and not a noble, as is true in the second case.

A half century later Rasni is called upon to deal with several cases wherein Jews are at variance with their Christian neighbors. In one rather involved matter, a Jew had a Christian creditor who was seeking satisfaction. It seems the Jew could not pay because he had lost all his money at the hands of the officer of the city ( דון ג'ורג'ו ). In order to meet the debt he left his house as a pledge in the hands of the Gentile. He was to return by a certain date. If he did not, the creditor was to take as much of his household goods as was necessary to satisfy the debt. The Jew failed to return, and the Gentile took a copy of the Pentateuch and some household goods. The Scroll alone would have covered the amount of the debt. Another Jewish resident of the town redeems the Scroll because a Holy Book was not allowed to rest in Gentile hands. The Jewish debtor eventually discharges his debt to the Gentile though he has to pay <sup>more than is due.</sup> He suffers a severe loss because the currency he borrowed was devalued in favor of a

no book plus the fees

heavier coin, and he had to pay the heavier coin. <sup>286.</sup>

Here the Gentile creditor shows no consideration for the Jewish debtor. He takes more than the value of his loan and then makes the Jew pay in a heavier coin, even though the king had decreed that a creditor was to accept the same coin as he had loaned, despite the devaluation.

*sum* In another response, attributed to Rasni, or possibly one of his pupils, we meet an old forbear regarding the rumors of Jewish wealth. A sum of money had been left to the trust of a Jew of the town. Rumor was bruited about that he was very wealthy, and when it reached the ears of the officer of the city he called in the Jew, and tried to extort a larger tax from him than he had been accustomed to paying. <sup>287.</sup>

*this is a very important point*  
In another response <sup>*um*</sup> of unknown authorship, but dated during a time of war, we are given another instance of the rapaciousness of the ruler of the city. Two Jews each loaned a Gentile ten pounds without the knowledge of each other. The debtor gave each a wick as a sign of his debt, but died before payment was due. They went to the ruler of the city to make good their claim against the heirs. He sent them to another officer, but neither could receive full satisfaction of his claim. When they returned to the ruler of the city, he extorted a bribe from them to collect the money, for "the ruler was cruel and harsh, and knew how to pervert justice with words". <sup>288.</sup>

*um* One other response deserves mention at this point,

*pay their father's debt. You missed the whole point.*

depicting the tribulations Jews experienced under the rulers. A Jew of Durtal entered into a partnership agreement with his brother from another town. The partnership was to last for one year, from Purim, 1147 to Purim, 1148. During the period of the partnership a leading Jew of Durtal is seized and held for a ransom of fifteen pounds by the officer of the city. Then all the Jews of the city are taxed, and fearing to lose all their wealth they begin to remove it secretly from the city. Then the servants of the officer told him, "All of the Jews will leave, and you will not know the day of their going forth." <sup>288.</sup>

According to the responsa the lord of the city was in need of funds at that time as his suzerain was coming to Durtal and he had to make provision for his stay. The Rabbi in his reply tells the Jews they should have left as soon as they received rumor of the reported seizure. Apparently, their only recourse, then as now, was flight.

How shall we account for this change of attitude from the period of the early Carolingians to the reign of the Capets -- from a harmonious relationship between non-Jew and Jew to one of persecutor and victim? <sup>290.</sup> Two dove-tailing causes brought about this change. The cause to be mentioned first is undoubtedly the shift of power from the hands of the monarchy to the hands of the Church. This leads directly into the second cause -- the Crusades. During the reigns of the early Carolingians, the Church was subordinate to the

Abundant evidence of persecution see Mann  
Jews in Egypt, I, 165-6, II, 191, referring

royal sceptre. The king's word was equally the law of the land and the law of the Church. It was Charlemagne, not the Pope, who ordered a reform among the clergy, the convents and the monasteries. If Louis the Pious saw fit to protect the Jews against Agobard, no Pope would interfere on behalf of the Archbishop. The Emperors were the protectors of the Holy See against the attacks of the Lombards. Fortunately for the Papacy the strength of the Carolingian house did not endure. With the dissolution of Charlemagne's Empire the balance of power was thrown into the hands of the German Emperors. The Capets regained control of the Papacy but they lacked a strong grasp. The Crusades revived the Papacy and decimated Europe of its ruling power. It is to be noted that the Crusades are little more than a generation apart -- 1095, 1147, 1181. The rulers who left their kingdoms saw their control wrested from their hands by the nobles and brigands left behind. 1189

This successive sapping of the strength of the monarchies gifted the Church with the universal power at which it aimed. The Pope became the king of kings, and not the subject of a king. Now the exclusion of the Jew was accomplished. Catholicism embraced Western Europe and the Jew could live there only through the sufferance of the Church. In former times he could appeal to the king for his rights under the law. Now both he and the king were subject to the same law.

The departure of the Crusader for the Holy Land did not rid Europe of the fanaticism which sent him on his way.

It lingered and the fairy tales about the Jew clung to the untutored minds of their hearers. Now it was a deduction that the simplest mind could understand without even the logical steps. The Jew was not a Catholic. We are Catholics. This is a Catholic country. The Jew does all these horrible things. The non-Catholic has no protection! Plunder the Jew! The attempts of the Popes themselves to halt the fury in Western Europe were to have little effect in later years.

The evidence becomes stronger when we consider that the happy estate the Jews enjoyed under the Carolingians is paralleled to a great extent in Southern France, where the hold of the Church was weak. Here Jews experienced a freedom and tolerance which contrasts strongly with those parts where the Church was firmly entrenched.

*A lot of theorizing without concrete substance.*

## Chapter VII.

### Conclusions.

This chapter repeats, for the most part, what has already been stated in the previous chapters. However, it will serve to fix in a more clarified manner the main conclusions of the author. They are presented in a brief historical survey of the period under consideration.

The reigns of the early Carolingians were extremely favorable for the development of a healthy Jewry. They protected Jewish interests from the fanaticism of the Church and did much to foster the tendency of Jews to engage in maritime and internal trade. During these early centuries, the ownership and cultivation of land by Jews was widespread. There is very little of Jewish scholarship in Western Europe at this time. The charters of protection Louis the Pious accorded certain Jews are not to be viewed as the beginnings of the theory that the Jews are wards of the king. These charters represent a grant following a request. They were extended to non-Jews as well, and are to be considered as a mark of favoritism. The control of the Church exercised by the Carolingian Emperors helped create the favorable conditions for the Jews.

The breakdown of Jewish life in France at the end of the ninth through the first half of the eleventh centuries is due to several causes which are to be found in the general history of the time. (1) The internal wars of succession

reduced the power of the monarchy and weakened the country as a whole. (3) The raids of the Northmen devastated the land and heightened the chaos so that the effects of the entire Carolingian Renaissance <sup>were</sup> ~~were~~ forfeited. (5) The feudal system subjected France to a rule of might, from which the land did not recover for centuries. It divided the country into a realm of petty states, constantly at war.

The reconstruction of the monarchical power under the Capets was a slow and laborious process. The history of the Jews during this period is peculiarly silent and leads to the belief that those who had not perished in the strife of the previous century had emigrated.

During the eleventh century a re-patriation of France by the Jews begins to take place. By the end of the century the Jews have established themselves once again in many of the former cities and the Jewish community of France, though small in number, is flourishing. The Jews occupy a strong position in the field of trade and constitute a link between the East and the West.

Jewish scholarship develops at a rapid pace. In the North it is characterized by a devotion to biblical and talmudical exegesis, due to the demands of the environment. In the South it develops more in the "leisure studies". Rashi and his numerous descendants form the backbone of this intellectual movement in the North. Following the example set a century earlier by R. Gershom in the Rhine district R. Tam

undertakes the organization of communal life in France. This attempted organization is preceded and paralleled by two other forms of control, the responsa and the takkanoth of the individual communities. The impetus for the synods is to be found in the fairs held at the trading centers.

The life of the Jew centers around the home and the synagogue. These two institutions are the springs which supplied his remarkable power of endurance. They served as buffers against the attacks of the outside world.

The relations between Jew and non-Jew went into a serious decline after the early Carolingians. The Crusades opened a flood of hate which, though checked from time to time, seeped through to the people and created an attitude hostile to the Jew. With the rise of the Papacy to a world power, the complete exclusion of the Jew from the society of Western Europe was accomplished.

רש"י רבנן רש"י

## NOTES

### I.

1. Brown, S. M., Medieval Europe, pp. 102-103.
2. Ibid., p. 102.
3. Cambridge Medieval History, Vol. II, p. 575.
4. Ibid., p. 576.
5. Ibid., p. 581.
6. Lévi, Israel, "Le Roi Juif de Narbonne et le Philomene", REJ., XLVIII, pp. 197-207. Lévi reproduces the Latin text from Ed. Schneegans, Gesta Caroli Magni ad Carcassonam et Narbonam, Halle, 1898, pp. 176-188. Lévi dates the text from the Abbot Bernard who was at the Abbey-de-la-Grasse c.1205-1208. This late writing alone would throw considerable doubt on its reliability.

For a discussion of the reliability of the Gesta..., see Regne, J., "Etude sur la Condition des Juifs de Narbonne", REJ., LV, pp. 15-36.

- 6a. Neubauer, Adolph, "Documents Inédits, Documents sur Narbonne", REJ., X, pp. 98-105. He reproduces from the Old French that part which tells the story of the rescue of Charlemagne by a Jew.
- 6b. Ibid. He reproduces the text of the Old French where Abraham Ibn <sup>David</sup> ~~David~~ relates the story of R. Macnir of Narbonne who is given a third of the city by King Charles (Charlemagne).
- 6c. Regné, J., "Etude sur la Condition des Juifs de Narbonne", REJ., LV, p. 131. (His reference to Dom. Vaissette,

- Hist. de Lang., Vol. I., pp. 816-817 is correct.)
7. Ibid., p. 16. (His reference to Vaissette, Ibid., Vol. I, pp. 806-807 is also correct.)
  8. Aronius, J., Regesten zur Geschichte der Juden, No. 67, pp. 24-25.
  9. Joseph Hacohen, הקדמה, Ed. M. Leteris, Wien, 1852, p. 13.
  10. Mann, J. Notes to History I, p. 46.
  11. Abraham Ibn <sup>David</sup> ~~David~~, הקדמה, in Neubauer, Adolph, Medieval Jewish Chronicles, I, 82. Also text in Neubauer, Adolph, "Documents Ineditis", REJ., X, pp. 98-105.
  12. Adler, M. N., The Itinerary of Benjamin of Tudela, London, 1907, p. 3, note 5.
  13. Neubauer, Adolph, "Documents Ineditis", REJ., Vol. X, pp. 98-105.
  14. Aronius, J., Regesten ...., Nos. 68, 70, 71, pp. 25-26.
  15. Some worthwhile discussion of these traditions and stories will be found in the following books and articles, in addition to those already cited in notes 6, 6a, 6b, 6c. Gross, H., Gallia Judaica, pp. 404-406. Lévi, I., Histoire des Juifs de France, pp. 15-17. Saige, G., Les Juifs de Languedoc, pp. 8-9; 41-43.
  16. As an addenda to the matter of Charlemagne, Kalonymos, R. Machir and "Roi Juif", the following information may be offered. G. Saige (Les Juifs de Languedoc) seems at first (pp. 7-9) to be against accepting the theory of a

"Roi Juif". In another section of the book (pp. 42-45) he tries to justify the term on the basis of the testimony of Benjamin of Tudela and Meir b. Simen of Narbonne. Another factor which may have contributed to the confusion which gave rise to the term "Roi Juif" is the fact that Narbonne was, under the Visigothic kings, a royal city. For example, Gesalic (507-11), Amalaric (531) and Luiwa (567-572) had their residence there. (Katz, The Jews in the Kingdoms of Spain and Gaul, p. 159.) Saige's argument (p. 44) that the Machir family lived in a building known as the "cortada regis Judaeorum" is not a convincing one. It may be that this was only the building in which the Jewish court was held.

The thing hardest to explain are the privileges of the Nasi of Narbonne. It is the one point on which the Gesta, the DIEN ANDIN, the DEPOT 100 and the report of Benjamin of Tudela all agree. We have explained the story as a confusion between Otto II and Charlemagne. In the text of the thesis we have offered the possibility that the Jews enjoyed certain land privileges under the Saracens which were confirmed by Pepin the Short in 759 following his capture of the city. No better explanation occurs to us at this time.

There is some discussion of the DIEN ANDIN of Meir in Neubauer - Renan, Les Rabbins Francais in Histoire Litteraire de la France, Vol. XXVII, p. 561.

17. Gross, H., Callia Judaica, p. 405.
18. Cambridge Medieval History, Vol. II, p. 657.
19. Bidarride, I, Les Juifs en France en Italie et en Espagne, p. 73. Beugnot, A., Les Juifs d'Occident, Deuxieme partie, p. 47.
20. Aronius, J., Regesten..., No. 74, p. 27.
21. Ibid., No. 75, p. 27.
22. Ibid., Nos. 68, 71, pp. 25-26.
23. Adler, E. N., Jewish Travelers, pp. 2-3, an English translation of the text dealing with the Radanites. There is also a passage in "Commerce", JE, Vol. IV, p.189.  
Aronius, J., Regesten ..., No. 113, p. 50.
24. Simonsen, D., "Les Marchands Juifs Appelles 'Radanites'", REJ., LIV, pp. 141-142.
25. In connection with the discussions on trade and trade routes see Appendix A, map No. I, giving the trade routes in the eleventh and twelfth centuries. I could not find suitable map for the trade routes in these earlier centuries. However, the geography of trade has a certain constancy. These are only suitable routes which persist from century to century.
26. Aronius, J., Regesten..., Nos. 72, 76, pp. 26-28.
27. Parkes, J., The Jew in the Medieval Community, p. 101.  
"Disabilities", article in J.E., Vol. IV, p. 610.  
Marcus, J., The Jew in the Medieval World, p. 5.
28. Cambridge Medieval History, Vol. II, pp. 655.
29. Aronius, J., Regesten..., Nos. 75, 77, 78, pp. 26-27; pp. 28-29.
- 29a. Ibid., No. 77, pp. 28-29.

30. Ibid., No. 78, p. 29.
31. Ibid., No. 73, p. 27.
32. Ibid., No. 78, p. 29.
33. The discussion of Arenius on these Capitularies in this regard is illuminating. He reports the opinions of Boretius and others. Israel Lévi (Histoire des Juifs de France, p. 17, note 1.) says, "Moreover one has to go over and cross out those Capitularies which concern them and those that are apocryphal."
34. Cambridge Medieval History, Vol. II, p. 660.
35. Ibid., p. 667.
36. Ibid., p. 682-4.
37. Depping, G. B., Les Juifs dans le Moyen Age, p. 44. Bédarride, I, Les Juifs en France en Italie et en Espagne, 3rd. ed., p. 72. See note 11, which he gives a reference to Cabanis, La Revolution de la Medecin which I was unable to check.
38. Cambridge Medieval History, Vol. II, p. 700.
39. Ibid., p. 620.
40. Ibid., Vol. III, p. 1.
41. Ibid., p. 2. Since the Cambridge gives no notes it was impossible to check this reference. It is not cited in any of the Jewish histories dealing with this period that I have seen. However, the Cambridge History is noteworthy for its reliability and I quote this statement on the basis of that reliability.

42. Aronius, J., Regesten..., No. 79, p. 29.
43. Graetz, H., פירוש תנ"ך, Vol. III, p. 248.
- 43a. The statement in the text is not quite correct, as is indicated by the insertion of the parentheses. The whole institution of the royal protection of the Jews deserves a much fuller treatment than has been given here. However, we still feel that the Kammerknechtschaft had its very earliest roots in the commendatio. True, that in the case of the commendatio it was the Jew who sought the protection of the king and the reverse in the case of the Kammerknechtschaft. However, this is like the two sides of a single coin. The idea of protection is the basis of both institutions and it was only natural for the commendatio to develop first. The Kammerknechtschaft had to await the development of the towns. This subject is returned to in the text in a section dealing with a later date.
44. The Jews had been made citizens of the Roman Empire under Caracalla in 212.
45. Cambridge Medieval History, Vol. II, p. 665.
46. Aronius, J., Regesten..., Nos. 81, 82, 86; pp. 30-33.
47. Ibid, No. 102, pp. 42-43.
48. Ibid., No. 81, pp. 30-31.
49. Ibid., Nos. 82, 86; pp. 32-33.
50. Ibid., No. 83; pp. 32-33.
51. See Aronius' discussion at end of No. 81, pp. 30-31.

52. Ibid., No. 83, p. 33.
53. Ibid., No. 102, pp. 42-43.
54. Cambridge Medieval History, Vol. II, p. 665.
55. Aronius, J., Regesten..., No. 81, p. 31.
56. Ibid.
57. Cambridge Medieval History, Vol. II, Chap. XX, pp. 630-636.
58. Katz, S., The Jews in the Kingdoms of Spain and Gaul, p. 85. See note 6.
59. Graetz, H., היסטוריה, Vol. III, p. 237. See Rabinowitz's note. Also see discussion in Katz, S., pp. 85-86.
60. M. Letteris in his edition of הקדמה, p. 23, note at bottom.
61. Parkes, J., The Jew in the Medieval Community, pp. 128-136.
62. Aronius, Regesten..., No. 102, pp. 42-43. The name Gaudiocus is a translation of the Hebrew Isaac and Vivacius a translation of the Hebrew Hayyim. (See Katz, The Jews in the Kingdoms of Spain and Gaul, p. 164.)
63. Hugo was the brother of King Louis and very influential at the court.
64. Graetz, H., היסטוריה, Vol. III, p. 248. המלך היהודי הראשון שהתמנה למלך היהודים היה יוסף קארו
65. Aronius, J., Regesten..., Nos. 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99; pp. 35-42.
66. It would be foolish to set down all the works used in

connection with Agobard and the Jews. Aronius (see note 65) gives all the necessary material although I have consulted the Latin texts for the sake of accuracy. The material on Agobard in Parkes (The Jew in the Medieval Community) is scattered throughout the book and it is impossible to cite specific references. It does represent an enlightened Christian point of view. A discussion of the Agobard material is to be found in all the standard Jewish histories but it differs very little from the discussion in Graetz. I have given the material essentially as I found it in Aronius.

- 66a. Historians generally give as the reason for Agobard's anti-Semitism the story concerning the female slave of a Jew who ran away and was baptised in order to regain her freedom. (Aronius, Regesten..., No. 87, pp. 34-35.) However, according to the arrangement and chronology given in Aronius it would appear that Agobard's friction with the Jews pre-dates this event. The event concerning the female slave is given as c.826 and the writings of Agobard begin c.822. Furthermore, the actual letter to Hilduin and Walla has, quamdam feminam ex Judaismo, "a certain woman from the Jews", which has the more likely meaning of a Jewess who was baptised than a female slave of the Jews. Aronius recognizes this difficulty and explains it by saying that the law of the Emperor which Agobard cites deals with the matter of the baptism of Jewish slaves and this, therefore, must refer to a slave that was baptised and ran away.

In any case the argument that this was the incident which opened the entire flood of Agobard's writings certainly is not established. These writings show a hatred conceived and nurtured more by canonical restrictions against the Jews than by isolated instances.

67. Parkes, J., The Jew in the Medieval Community, pp. 101-103.
68. Aronius, J., Regesten..., No. 85, p. 34.
69. Graetz, H., פ'נ'י'י' צ'י'ר, Vol. III, p. 238, note 1.  
This passage from Bouquet (Recueil, IV, 355) is not given in Aronius. See Aronius, J., Regesten..., No. 101, p. 42.
70. Aronius, J., Regesten..., No. 86, p. 34.
71. Ibid., Nos. 86, 87, 88, 96, pp. 34-40.
72. In later portions of this paper we shall discuss officers of the Jews who appear to have performed functions somewhat similar to those of the Magister Judaeorum.
73. See the previous citations in note 66 in connection with Agobard for the secondary works dealing with the Magister Judaeorum.
74. Aronius, J., Regesten..., No. 96, p. 40.
75. Cambridge Medieval History, Vol. II, p. 685.
76. Aronius, J., Regesten..., No. 88, pp. 35-36.
77. Lévi, I., Histoire des Juifs de France, pp. 18-19.
78. Aronius, J., Regesten ..., No. 90, pp. 37-38.
79. Ibid., No. 95, pp. 39-40.
80. Ibid., No. 90, pp. 37-38.
81. Ibid.

82. Ibid., No. 93, p. 39.
83. Ibid., No. 94, p. 39.
84. Ibid., No. 96, p. 40.
85. Ibid., No. 97, p. 40.
86. Ibid., Nos. 89, 92; pp. 36-37, 39.
87. Ibid., No. 92, p. 39. In the critical commentary Aronius states that - multa infanda probably refers to castration.
88. Ibid., No. 81. The fact that all three charters granted by Louis the Pious permit the Jews granted to deal in heathen slaves is strong proof that they constituted one of the most important articles of commerce.
89. Ibid., No. 89, p. 37.
90. Ibid., No. 91, pp. 38-39.
91. Lévi, I., Histoire des Juifs de France, p. 21, note 2. Parkes, J., The Jew in the Medieval Community, p. 53.
92. The study of Hebrew by Christians will be discussed in another section of this paper in connection with the <sup>relations</sup> ~~relations~~ of Jews to non-Jews.
93. Aronius, J., Regesten..., No. 99, p. 42.
94. Nithard, Histoire de Fils de Louis Le Pieux, Ed., Ph. Lauer, Paris, 1926, p. 8. For the genealogy and chronology of the Carolingian dynasty see Appendix B, Genealogy 1, of this paper.
95. Cambridge Medieval History, Vol. II, pp. 12-13.
96. Ibid., p. 13.
97. Graetz, H., פנינו '929, Vol. III, p. 238 calls him

"the real ruler of the kingdom" and says he was a patron of the Jews because of their descent from patriarchs and prophets.

98. Nithard, Histoire ..., p. 10.
99. Graetz, H., פ'נ'י'ן 'ל'פ'ן, pp. 235-236, 247, says that Agobard is deprived of his office by Louis in 850 and has to flee to Italy, and that he is restored soon after but has to leave the Jews alone. The Cambridge (Vol. III, p. 20) says that he was deposed in 835 but does not mention an earlier deposition.
100. Cambridge Medieval History, Vol. III, pp. 16-17.
101. Ibid., p. 17.
102. Ibid., p. 19.
103. Ibid., p. 20.
104. Ibid. p. 21.
105. Aronius, J., Regesten..., No. 105, pp. 45-44.
- 105a. Ibid., No. 80, pp. 29-30.
- 105b. Ibid., No. 98, p. 41.
- 105c. Ibid., No. 100, p. 42.
- 105d. Ibid., No. 101, p. 42.
- 105e. Graetz, H., פ'נ'י'ן 'ל'פ'ן, vol. III, p. 236.
106. Ibid., p. 249.
107. Cambridge Medieval History, Vol. III, pp. 24-25.
108. Nithard, Ed. Lauer, pp. 101-113.
109. See Appendix I, Map 2, for map of the division.
110. Cambridge Medieval History, Vol. III, pp. 26-27.

111. Ibid., p. 27-28.
112. Aronius, J., Regesten..., No. 104, p. 45.
113. Ibid., Nos. 105, 106, 107, 108, 109, 110; pp. 46-48.
114. Because of an error in the older editions, this work was falsely attributed to Rhabanus Maurus. Ibid., No. 105, p. 46.
115. Ibid.
116. Ibid., No. 106, p. 46. See also in connection with prayers for the Jews No. 97a, p. 41.
117. Ibid., No. 108, p. 47.
118. Ibid., Nos. 107 - 10, pp. 46-48.
119. Ibid., No. 108, p. 47. In connection with the canonical restrictions against Jews holding public office see Parkes, J., The Jew in the Medieval Community, p. 102. Also Marcus, J., The Jew in the Medieval World, pp. 5-6.
120. Aronius, J., Regesten..., No. 110, p. 48.
121. Ibid., No. 111, p. 49.
122. Ibid., No. 112, p. 49-50.
123. Ibid., Nos. 114-117, pp. 50-51. Aronius gives the date c.850 which I do not understand. Benedict III was Pope from 855 to 858. Leo IV was the Pope from 847 to 855. See Millman, A History of Latin Christianity, Vol. II, pp. 20-21. It is possible he means another Benedict but this would place the date either much earlier or much later.
124. Ibid., No. 114, p. 50.

125. Ibid., No. 116, p. 51.
126. Ibid., No. 117, p. 51.
127. Ibid., No. 115, pp. 50-51.
128. Ibid., No. 117a, p. 51.
129. Bouquet, J.E. art. France, Vol. V, p. 447.
130. Saige, Histoire des Juifs de Languedoc, pp. 11-12.  
 Graetz, H., פנינים, Vol. III, pp. 252-253.  
 Depping, Les Juifs dans le Moyen Age, pp. 56-57.
131. Saige, Histoire des Juifs de Languedoc, p. 11. Graetz,  
פנינים, Vol. III, p. 253. Depping, Les Juifs  
 dans le Moyen Age, p. 55. Mann, Notes to History I, p. 46.
132. Depping, p. 55. However, this is a palpable untruth  
 because the Moors never besieged the city.
133. Gross, Gallia Judaica, pp. 111-112. The Jews are sup-  
 posed to have betrayed Bordeaux to the Normans in 847-48.  
 See Parkes, The Jew in the Medieval Community, pp. 33-34.
134. Depping, Les Juifs dans le Moyen Age, p. 53. Graetz, H.  
פנינים, Vol. III, p. 256. I was unable to  
 check the common reference given by Graetz and Depping  
 to Diego, Histoire des Comtes de Barcelona, p. 26, and  
 cannot vouch for the authenticity of the reference.
135. Cambridge Medieval History, Vol. III, pp. 53-54. "But  
 on the road he fell sick (Charles the Bald and on  
 6 October, (877) in a poor hovel, poisoned, it was said  
 by his Jewish doctor Zedekiah, he ended, miserably  
 enough, his reign of thirty seven years." Depping,

- Les Juifs dans le Moyen Age, p. 53, and others.
136. Graetz, H., היסטוריה, Vol. III, p. 249.
137. Cambridge Medieval History, Vol. III, p. 62.
138. Brown, Medieval Europe, p. 125.
139. Scott, Hyman, Noyes, Readings in Medieval History, pp. 172-174. From Funck-Brentano, The Middle Ages, translated from the French, Putnam, New York, 1926, pp. 1-3.

Chapter II

140. See Appendix B, Genealogy No. 2, for the genealogy of the later Carolingians.
141. Brown, Medieval Europe, pp. 126-131. For the genealogy of the Capets from Robert the Strong to Hugh Capet see Appendix B, No. 3.
142. J.E., "France", Vol. V, p. 447.
143. For the genealogy of the Capets from Hugh to Phillip Augustus see Appendix B, No. 4.
144. Berliner, A., and Hoffman, D., ר"ב דב"ה, Vol. III, pp. 46-48 (Hebraische Beilage zum Magazin für die Wissenschaft des Judenthums) The date is given as 4767 = 1007 in the manuscript. The manuscript also reads ר"ב דב"ה דוכן דב"ה ... which the J.E. (art. "France", Vol. V, p. 447) interprets as Duke Robert of Normandy. It is more likely that it refers to King Robert of France, the literal meaning.
145. Bouquet, Chronicles of Adhemar of Chabannes, Vol. X, p. 152. Also J.E., "France", Vol. V, p. 447. Graetz, H., ר"ב דב"ה, Vol. III, p. 372. Adhemar places the date at 1010 but another chronicler (William Godellus, Bouquet, X, p. 162) gives the date 1007-1008 which corresponds to the date of the Hebrew Text.
146. Berliner, A., and Hoffman, D., ר"ב דב"ה, Vol. III, pp. 49-51.
147. Haccohen, J., ר"ב דב"ה, Ed. Letteris, p. 24.

וַיְהִי בַיּוֹם הַהוּא אֵתְנִיחַן וַיִּשְׁלַח עֲמָדָה  
בְּנֵי בְרִיחַל לְיָמֵי אֶחָד בְּצִדְפוֹת ...

Later:

וַיִּקְרָאוּ לָהּ עֲמִי וְהָיָה לָהּ יְיָמֵי שְׁלֹשָׁה  
אֲחֵרִים וְהָיָה לָהּ יְיָמֵי חַיִּים וְהָיָה לָהּ יְיָמֵי

148. Mann, J., Notes to History I, p. 48.
- Graetz, H., דברי הימים, Vol. III, p. 376.
149. Cambridge Medieval History, Vol. III, p. 113.
150. Aronius, J., Regesten..., No. 142, pp. 60-61.
151. Riant, Inventaire Critique des Lettres Historiques des Croisades, p. 38.
- Cambridge Medieval History, Vol. III, p. 269.
152. Neubauer and Stern, Hebräische Berichte über die Judenberfolgungen während der Kreuzzüge, Vol. II, p. 47.
153. Aronius, J., Regesten..., No. 177, p. 82.
154. Ibid., No. 180, p. 83.
155. Cambridge Medieval History, Vol. V, p. 274.
156. Brown, Medieval Europe, p. 221.
157. Cambridge Medieval History, Vol. V, p. 535.
158. Ibid., pp. 604-623.
159. Ibid., pp. 607-8.
160. Haccohen, Joseph, הקדמה, Ed. M. Letteris, p. 34.
161. Ibid., pp. 33-34.
162. Ibid. See also, Neubauer and Stern, Hebräische Berichte ..., Vol. II, p. 64.
163. Aronius, J., Regesten..., Nos. 242, 245, 244, pp. 111-113.

164. Haccohen, Joseph, לדפן פנד, Ed. M. Letteris, p. 29.
165. Ibid., pp. 37-39.  
Neubauer and Stern, Hebraische Berichte ..., Vol. II, pp. 58f.  
This libel had been perpetrated a generation before in  
England. See Marcus, J., The Jew in the Medieval World,  
pp. 121-126.
- 165a. Neubauer and Stern, Hebraische Berichte..., Vol. II,  
pp. 34-35.
166. Marcus, J., The Jew in the Medieval World, p. 24.
167. J.E., "France", Vol. V, p. 449.
168. Marcus, J., The Jew in the Medieval World, pp. 25-26.
169. Haccohen, J., לדפן פנד, Ed. M. Letteris, p. 44.
170. Marcus., The Jew in the Medieval World, p. 27.

Chapter III.

171. *Supra*, pp. 25 f.
172. Aronius, J., *Regesten...*, No. 82, pp. 31-32. Here the phrase cum pares is used.
173. Gasnos, X, Etude Historique sur la Condition des Juifs dans l'ancien Droit Francais, pp. 31-34. This author regards it as a signal privilege for the Jews that they were allowed to marry and divorce according to their own laws!
174. Finkelstein, L., Jewish Self-Government in the Middle Ages, New York, 1924.
175. *Ibid.*, Preface, p. viii.
176. *Supra*, p. 60.
177. Cambridge Medieval History, Vol. V, pp. 624-656.  
Haskins, C.H., The Renaissance of the Twelfth Century, p. 12.  
Scott, Hyma, Noyes, *Readings in Medieval History*, pp. 293-303.
178. For a description of the revolt of a medieval town see  
Scott, Hyman, Noyes, Readings..., pp. 303-312.  
Also Pirenne, H., Medieval Cities, 78-108.
179. Finkelstein, L., Jewish Self-Government ..., pp. 13-14.  
"An attempt was made, however, to prevent  
Jews coming into the towns..."  
"This institution was called the Herem  
Ha-Yishub." (pp. 13-14.)  
Again we feel Dr. Finkelstein has not taken into sufficient  
account the non-Jewish factors involved in the situation.  
The Gentiles displayed greater concern over the number
- Right  
er's  
view  
plain  
1457-72  
71  
392 ff.*

of Jews who entered a community than did the Jews themselves. Oftimes, there was a statutory limit placed upon the number of Jews or Jewish families who could live in a town. In order to protect the status and well-being of those Jews already resident in a town from being endangered, the Jewish community may have sought to prevent and actually did prevent the entrance of new Jews. This was not done because the Jewish communities themselves desired to do so; they were compelled to such action by the instigation of the town council or the baron or lord from whom the town held its charter. They had nothing against their fellow-Jews, but they knew that if the Gentile authorities found out the Jews were exceeding their quota, swift punishment, in some cases, even wholesale expulsion for the entire Jewish community, was sure to follow.

We also find ourselves in disagreement with Dr. Finkelstein's argument that the entrance of the Jews into the towns at this time heralded their separation from the soil.

"It was during this period that there occurred the separation of the Jew from the soil that has left such an indelible mark on his development...

"With most avenues of life closed to him, the Jew chose the only one that remained open, the life of trade... (p.11.)

"Men like Rasni and R. Joseph Tob-Elem living in France in the eleventh century,

urged that this exemption (of farms from taxes) be not taken away." (p. 13.)  
(Responsa of R. Meir b. Brach, ed. Prague, 941; Mordecai, Baba Batra 840.)

But R. Joseph points out that in his day land was a precarious possession, its productivity depended on uncertain climatic conditions and its owners were oppressed with all manner of demands.

"The truth is that both R. Joseph Tob-Elem and R. Meir b. Baruch were faced with a situation which they and their colleagues considered full of peril, the estrangement of the people from the farm. They tried to stem the tide, and doubtless their efforts helped to delay, albeit they could not avert, the day when the Jews found themselves no longer men of the soil but men of commerce...

"The method of tax exemption was more successful than the direct prohibition against selling farms to Gentiles could be. Yet even that was adopted in some communities though it never became general." (p.13.)

Despite Dr. Finkelstein's succinct arguments regarding the attempt on the part of the Rabbis to prevent the Jews from separating themselves from the soil, we must

convince to being skeptical. It appears to us more likely that the Jew was separated from the soil

"against his will". The Rabbis themselves were not men of the soil, agriculturalists, neither Rashi or

R. Joseph Tob Elem, or any of the multitude of rabbinic scholars who cross our path later on in this study.

They were not bound to the earth nor were they particularly interested in seeing their co-religionists tied to

the soil. Jews were separated from their land by the Crusades when it was not healthy to live isolated on a farm in the path of a crusading horde which had to feed itself by plunder. It is extremely difficult to hide a farm and its produce from somebody armed with a very efficient sword and well-versed in the knowledge of wielding it.

As to farms being tax-exempt, that's very logical. Every farmer, almost without exception in the Middle Ages, had to give some part of his produce to the lord or baron of his territory. And this applied to free-holds as well as to fiefs and beneficii. Naturally the farmer<sup>or</sup> was going to protest against being taxed by a community and by the lord or baron as well. And since he could not protest effectively to his over-lord he protested to his community. And the Rabbis considered his protest just and exempted him.

As to selling land to Gentiles, this was prohibited probably not so much to prevent a movement of Jews to urban centers as to prevent the Gentile from coming into too great proximity to Jewish holdings. The fact that Dr. Finkelstein himself admits that this practice was indulged in only by certain communities, shows that it had local significance only.

Aside from the Crusades and the attendant danger of living on an isolated farm there were other reasons

than those advanced by Dr. Finkelstein for the detaching of the Jew from the soil. During the reigns of Charlemagne and Louis the Pious, Jews did ~~not~~ hold land widely and cultivate it, but cultivated it with the help of slaves and Gentile laborers. But with the ascendancy of the power of the church and the more rigorous enforcement of the Papal canon against Jews having Christian slaves or Gentiles entering Jewish employ it became unprofitable, almost impossible, to cultivate the land. This is why Jews abandoned agriculture for commerce and trade.

180. Ibid., pp. 10-15.

181. Ibid., p. 14.

182. Ibid., p. 6.

183. Ibid., p. 5.

184. Mueller, J., מגילת התורה, No. 29, pp. 15a-18

185. Finkelstein, L., Jewish Self-Government..., p. 25.

186. Ibid., p. 23.

187. Ibid., pp. 29-30.

188. Mueller, J., מגילת התורה, No. 21, p. 11b.

See also Finkelstein, L., Jewish Self-Government..., pp. 30-31.

189. Finkelstein, L., Jewish Self-Government..., p. 31.

190. Ibid.

191. Ibid., p. 33.

192. Ibid., pp. 36-37. On the basis of a takkanan in a collection of responsa of R. Meir b. Baruch said to be copied from a manuscript of "R. Solomon of Troyes" and

beginning with the words "we the inhabitants of Troyes and its surrounding communities" Dr. Finkelstein believes that the ordinance was in fact passed at a local synod of the communities near Troyes. The evidence is too flimsy. Three synods did actually meet under R. Tam at Troyes and it is possible the synod which Dr. Finkelstein mentions is confused with one of these later synods.

193. Ibid., pp. 36-55; 152-158; 163-167.

See also Gross, Gallia Judaica, pp. 232-233.

194. Gross, Gallia Judaica, p. 234.

195. Ibid., p. 237.

196. Ibid., pp. 237; 444.

197. Finkelstein, L., Jewish Self-Government..., p. 153.

See also p. 153, note 1.

198. Cambridge Medieval History, Vol. V, p. 998. The question of lay investiture occupies a tremendous place in the literature of the period. The references could be multiplied many times and we would only have recited a small part of the literature.

199. Finkelstein, L., Jewish Self-Government..., p. 151.

See also p. 156, note 2.

200. Adler, M.H., The Itinerary of Benjamin of Tudela, pp. 3-4.

201. Finkelstein, L., Jewish Self-Government..., pp. 165; 166.

202. Ibid., pp. 168-170.

203. Ibid., Chapter V, pp. 171-215. It is impossible to give

a complete study of the different texts and the variants in this thesis. For practical reasons we have accepted the results of Dr. Finkelstein's research. Therefore, to repeat what he has already said would represent a duplication of effort.

Chapter IV.

204. Supra, pp. 10; 12.

205. Gross, H., Gallia Judaica, p. 224.

• Mann, J., Notes to History I, p. 47.

Aptowitzer, A., דברי יצחק, p. 340. He disagrees with Gross and holds that R. Judah ben Meir Hacohen is not identical with Leontin, the teacher of R. Gershom. The matter is not definitely settled for us. (See also Epstein, Freiman, פירוש נדב, p. XVII.) We do not know whether the confusion is on the part of Gross or on the part of Aptowitzer. Gross (Gallia Judaica, p. 300) mentions a Judah Hacohen of Mayence who composed a work פירוש נדב under the direction of his master, R. Gershom!

206. Gross, J., Gallia Judaica, p. 520.

207. Ibid., pp. 224-225.

208. Ibid., p. 300.

See also Aptowitzer, A., דברי יצחק, p. 361, and note 15, pp. 333-334.

209. Gross, H., Gallia Judaica, pp. 209-201.

Aptowitzer, A., דברי יצחק, p. 330-335.

210. Gross, H., Gallia Judaica, p. 300.

Mann, J., Notes to History I, p. 47.

211. Mann, J., Notes to History I, p. 48.

In connection with the matter of arrogating R. Gershom's Takkanah against divorcing a woman against her will see

- Aptowitz, A., ...KIPN, p. 331. Also with regard to the suspension of the herem against plural marriage see Finkelstein, L., Jewish Self Government..., pp. 28; 133-144.
212. Mueller, J., מלכות ישראל, Nos. 85-101, pp. 47a-59b.
213. Aptowitz, A., ...KIPN, p. 331.
214. Mueller, J., ...מלכות ישראל, Nos. 86, 101, pp. 48b, 58b-59b.
215. Ibid., No. 99, pp. 57a-58a.
216. Ibid., No. 94, pp. 53b-54a.
- 216a. Ibid., Nos. 92, 95; pp. 52a-52b; 54a-54b.
- See Gross, Gallia Judaica, p. 113 for a discussion of the names Lion and Juston.
217. Gross, H., Gallia Judaica, p. 302.
218. Ibid., p. 303.
- See also Finkelstein, L., Jewish Self Government..., p. 38.
219. Gross, H., Gallia Judaica, pp. 214-15; 300.
220. Ibid., p. 300.
221. Ibid., pp. 300, 307.
- See also Aptowitz (...KIPN, p. 356) who claims that he lived all his life in Mayence and died there in ה'ס"ד = 1064.
222. Gross, H., Gallia Judaica, p. 300.
223. Ibid., p. 300.
- Aptowitz, A., ...KIPN, p. 340 f.
224. The literature on Rashi is tremendous. No attempt has been made in thesis to deal with his life in a biographical

form. The writer has consulted numerous works and the following books represent only a selected bibliography.

Gross, H., Gallia Judaica, pp. 226-228.

Aptowitzer, A., תורת משה, pp. 395-407.

Liber, Maurice, Rashi, Jewish Publication Society of America, Philadelphia, 1906.

Graetz, H., תולדות ישראל, Vol. IV, pp. 83-90.

Mueller, J., תולדות ישראל, Intro., pp. xxv-xxviii.

225. Mann, J., Notes to History I, pp. 49-51.

Aptowitzer, A., תורת משה, pp. 397-398.

226. Gross, H., Gallia Judaica, pp. 293-297.

227. Mueller, J., תולדות ישראל, No. 21, p. 116.

228. Liber, M., Rashi, pp. 68-70.

229. Freimann, J., תולדות ישראל, Berlin, 1911.

Ehrenreich, H. L., תולדות ישראל, Budapest, 1924.

Epstein and Freimann, תולדות ישראל, Berlin, 1909.

230. For the family of Rashi, Liber, M., Rashi, p. 227.

231. Aptowitzer, A., תורת משה, pp. 340-341.

232. Ibid., note 9, p. 341.

Gross, H., Gallia Judaica, p. 512.

See also Rosenthal, תולדות ישראל, No. 25, p. 41.

233. Gross, H., Gallia Judaica, pp. 635-636.

234. Ibid., p. 226.

235. Ibid., pp. 509-510.

236. Ibid., p. 161.

237. Ibid., pp. 637-638.

See Aptowitz, A., ...kIPN, pp. 410-411.

238. Supra, p. 89, note 194.

239. Gross, H., Gallia Judaica, pp. 230-238.

240. Supra, pp. 89-98 and notes.

241. Liber, M., Rashi, p. 188.

242. Ibid.

243. Gross, H., Gallia Judaica, pp. 161-165.

Aptowitz, A., ...kIPN, pp. 379-381.

244. Aptowitz, A., ...kIPN, p. 309.

245. Gross, H., Gallia Judaica, pp. 168-169, 662.

See also REJ, Vol. VI, pp. 167 f; VII, pp. 40 f.

Aptowitz, A., ...kIPN, pp. 418-420.

246. Gross, H., Gallia Judaica, pp. 40-41.

247. Ibid., p. 210.

248. Ibid., p. 227.

249. Mueller, J., ...JIPPA, Introd., pp. xxx-xxxi.

250. Ibid., No. 48, pp. 296-32a.

251. No attempt has been made to deal with the scholars of S. France because they do not enter into our study of the economic and social conditions. Their work is of importance for an understanding of the literature and general history of the time.

Chapter V.

252. Adler, M. N., The Itinerary of Benjamin of Tudela, pp. 2-5.
253. Gasnos, X., Condition des Juif..., pp. 55-58.
254. Ibid., pp. 58-71.  
(See also Gross, H., Gallia Judaica, p. 4.)
255. Ibid., p. 58. Gasnos is very uncharitable in his point of view and maintains that their houses were built next to the walls because this gave them the opportunity to betray the town to the enemy when a siege occurred.
256. Gross, H., Gallia Judaica, p. 111.
257. Saige, G., Les Juifs de Languedoc, pp. 11-15.
258. Abranams, I., Jewish Life in the Middle Ages (1932 ed.), pp. 229-272, offers a fairly complete description of the occupations of the Jews in the whole of Europe in the middle ages. In order to avoid duplication and for the sake of brevity the material contained therein has not been included in this thesis. The literature in the general histories has also been omitted for the same reasons.
259. For the sources of the information given here see Chapter I, The Jews Under the Carolingians, and notes.
260. Supra, pp. 48-49 and note 119.
261. Mueller, J., <sup>...supra</sup> Nos. 13, 29, 30, 49; pp. 7a-7b, 14b-15a, 18a-19b, 32a-b. These are only a few of the many that could be cited in this connection, but they are sufficient to establish the point made, that the cultivation

of land by the Jews was not abandoned altogether during the twelfth century. Many historians give the opposite impression. They have based their opinions more on prejudice than on historical fact.

262. Saige, G., Les Juifs en Languedoc, p. 16.

263. Mueller, J., ... שו"ת, Nos. 12, 18, 26, 29, 32, etc. pp. 7a-7b, 10b, 14a, 15a-18a, 19b. This is to cite only a very few of the responsa in this one book. It would be foolish to add all those that could be brought from the responsa literature which the author has consulted. The results of the author's readings are briefly stated in the body of the text.

See also Adler, M.N., The Itinerary..., pp. 4-5.

264. Mueller, J., ... שו"ת, Nos. 18, 29, 34, 56, etc.; pp. 10b, 15a-18a, 20b-25a, 35b-36a.

See also the section "The Royal Usurer" in Parkes, J., The Jew in the Medieval Community, pp. 275-383. Reverend Parkes has collected a great deal of material from the Christian sources, although he has neglected the Jewish sources, a deficiency which is present throughout the book. However, his treatment is sympathetic and careful which makes it worthwhile.

265. Mueller, J., ... שו"ת, Nos. 29, 30, 56, etc.; pp. 15a-18a, 18a-19b, 35b-36a.

266. Ibid., No. 62, p. 37a.

267. Bardinet, L., Les Juifs du Comtat Venissin, p. 18-25.

268. Parkes, J., The Jew in the Medieval Community, pp. 307-311.
269. Marcus, J., The Jew..., pp. 24-26.
270. Adler, M.M., The Itinerary..., p. 4, in connection with R. Abraham b. Davis of Posquieres.
271. Ibid., p. 4 in connection with R. Abba Mari b. Isaac.  
See also Saige, G., Les Juif de Languedoc, pp. 16-18.
272. Haskins, C.H., The Renaissance of the Twelfth Century.
273. Abrahams, I., Jewish Life During the Middle Ages, pp. 129-173.
274. Mueller, J., ... מן ימינו, No. 28, pp. 14b-15a.
275. Aptowitzer, A., ... מן ימינו, pp. 330-331.
276. Mueller, J., ... מן ימינו, No. 29, pp. 15a-16a.
277. Ibid., No. 40, p. 24b.
278. Ibid., Nos. 61, 63. pp. 37a, 39a-40b.
279. Ibid., Nos. 27, 28, 30, 31, 47; pp. 14a-14b, 14b-15a, 18a-19b, 19b, 28a-29b.
280. Ibid., Nos. 17, 21, 22, 25, 24, 25, 26, 27; pp. 10-10b, 11b-13a, 13a, 13a-13b, 13b-14a, 14a-14b.
281. Finkelstein, L., Jewish Self-Government..., pp. 15-18.
282. Abrahams, I., Jewish Life..., pp. 12-49.

Chapter VI.

283. Aronius, J., Regesten..., Nos. 89, 90, 95, 96, 105, 106, 107, 109.

284. Mueller, J., \_\_\_\_\_, No. 86, p. 48b.

285. Ibid., No. 101, pp. 58b-59b.

286. Ibid., No. 29, pp. 15a-18a.

We cannot go into a complete exposition of this response as it is very complicated.

287. Ibid., No. 33, pp. 19b-20b. On the author of the response see Note 1c, p. 20b.

288. Ibid., No. 34, pp. 20b-23a. Mueller is not certain of the date 1147-1148 but it coincides with the second Crusade which makes it a logical date. See note 1.

289. Ibid., No. 62, pp. 37a-39a.

290. The part which follows in the text is the result of the author's reading. It is fairly impossible to supply notes to this portion as it is based more on personal theory than on a recording of particular passages. The sources for the historical facts have already been cited. It was thought unnecessary to re-cite them.

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not used at  
in*

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