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SOME ASPECTS OF LITHUANIAN JEWRY

FROM 1623 TO 1660

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SECTION I

INTRODUCTION

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A. GENERAL EVENTS IN POLAND (UP TO 1660)

A general, even though cursory, background of Polish history is necessary if we wish to understand the situation of Lithuanian Jewry during our period aright. In order to understand the Polish history of our period, we must trace its origins several centuries back.

"The early history of the Poles is closely linked with that of the Lithuanians, a kindred though distinct people. The Lithuanians originally dwelt among the forests and marshes of the Niemen river. They were almost the last of the barbarous inhabitants of Europe to be civilized and Christianized." (15:315-316)

As far back as the tenth century, Poland was endangered by pressure from the Germans or more specifically the Order of Teutonic Knights to the northwest. "Being hard pressed, Poland accepted Roman Catholicism in return for protection by the Holy See." (1:3; 15:314) "Poland, in adopting Latin Christianity, was drawn into contact with the West, and became one of the group of nations which have inherited and developed the Roman-Teutonic civilization." (9:23-24) Though originally a tremendous Empire, Poland lost much of her territory because of poor diplomacy. Between 1138 and 1305, it was divided into a dozen independent principalities. (1:4) In the years 1224-1242, Poland suffered from Tartar invasions, and though it did not

bow to their yoke, it was badly shaken. Its middle classes were almost decimated, and it had to invite middle class merchants from the West. (1:7) It is most likely that these merchants were Jews. By 1413, Poland was still harassed by the attacks of the Teutonic Knights. So was Lithuania, its sister Empire. Both nations feared and suspected each other, but fearful of their common enemy, they united as one nation in 1413, and despite the rising and falling fortunes of this union, they were thereafter united under the name of Poland. (1:11-13) Lithuania was rather active in breaking one union after another. It was becoming progressively weaker and more subject to Polish encroachment after each union. In 1501, it was decided that the King of Poland was to be known as the Grand Duke of Lithuania, thus putting Lithuania into a more subordinate position. Finally in 1569, the union of Lublin solidified the nations and put Lithuania in the capacity of a subservient nation. The united nation now had one king, one diet, and one currency. Nevertheless, the Lithuanians did not look upon the union in this manner, and maintained their own law codes, courts, army and financial system. The union tore away the Ukrainians from Lithuania. (1:51; 4:1-51; 15:315-316)

"Poland, as the new state may be henceforth called, was badly made. It formed an immense, monotonous plain, reaching from the Baltic almost to the Black Sea. No natural barriers of rivers or mountains clearly separated the country from

Russia on the east, the lands of the Hohenzollerns and Hapsburgs on the west, and the Ottoman Empire on the south. Even the Baltic Sea did not provide a continuous boundary on the north, for here the duchy of East Prussia cut deeply into Polish territory. Poland, with its artificial frontiers, lacked geographical unity."

Poland was not racially compact. Besides Poles and Lithuanians, the inhabitants included many Russians, a considerable number of Germans and Swedes, and a large Jewish population in the towns. The differences between them in race and language were accentuated by religious dissensions. The Poles and most of the Lithuanians belonged to the Roman Catholic Church, the Germans and Swedes adhered to Lutheranism, while the Russians accepted the Orthodox faith.

Feudalism, though almost extinct in western Europe, flourished in Poland. There were more than a million Polish nobles, mostly very poor, but each one owning a share of land. No large and wealthy middle class existed. The peasants were miserable serfs, over whom their lords had the power of life and death.

"The Polish monarchy was elective, not hereditary, an arrangement which converted the kings into mere puppets of the noble electors...the nobles seldom passed any measures except those which increased their own power and privileges." (15:315-316) The following are some of the restrictive measures against the Polish kings:

1. They were denied control of the mint.

2. All members of the Diet were exempted from prosecutions by the royal courts.

3. The royal estates could not be mortgaged without the unanimous consent of the Diet.

4. The king could not alter the Constitution or enact new statutes without the consent of the Diet.

5. Subsidies granted to the kings had to pass through the hands of a group of commissioners. (1:51, 65-67)

The nobles were spiteful and non-cooperative. In addition, the Polish Church was also corrupt and took advantage of the royal weakness. (1:75, 201) The independence of the local lords gave them individual authority to which great numbers of the masses submitted themselves, including Jews, for reasons which we shall later observe.

In Poland, political power was vested in the nobles who, in effect, constituted the state. In the eighteenth century, of the nine million inhabitants--which included some six million serfs, one million Jews, six hundred thousand clergy, and fifty thousand inhabitants of towns--the nobility was estimated at 1, 350,000. Within the noble class ~~there were several~~ there were several ranks or divisions. First, the great nobles, the princely families, those with wide possessions and large revenues. They maintained their own troops and carried on private warfare at will. Next were the principal officials and ecclesiasts. Third were the lesser officials in Church and state. Fourthly, most numerous of all, were the minor nobles or gentry (szlachta),

without official position and without much property, for a long time largely dependent on the greater nobles above them. This nobility possessed the immunities and freedom held by feudal lords in western Europe before strong central government appeared. (14:640-641) "There was little revenue, no navy, an army, small, undisciplined, and unpaid, no fortresses, no arsenals, no ambassadors at foreign courts...During the sixteenth and seventeenth centuries, the szlachta had gained control of the diet, and were ever trying to assert themselves against the greater nobles and other classes in the realm." (14:641-642)

"The reign of Sigismund (III, 1586-1632) is but the beginning of the long chastisement brought upon the Poles by the arrogant individualism which had dictated the establishment of a weak elective monarchy in 1573, and which was destined in two centuries to dissolve the State. A vassal of the Church, a stranger both to self-interest and patriotism, Sigismund derived in great part his domestic policy from the Jesuits, and his foreign policy from the Hapsburgs. In 1589 and 1590, he left to his subjects the defence of the Polish frontiers against the Tartars and the Turks; and a decade later the Poles in their turn refused to concern themselves with the recovery of his Swedish throne. Disunion between King and people is the chief characteristic of Polish history in a reign far from inglorious in war...Sigismund's second marriage consolidated into a single force the several elements of hostility to the Crown which had

sprung up during eighteen years of misrule. With the tacit consent both of the King and of the Senate, which was full of his creatures, the Jesuits and the mob had reduced religious toleration to a shadow. The Protestants were excluded from office, restricted in education, deprived of their churches, and exposed to outrage at the hands of the Romanist populace." (2:188-189)

During the seventeenth century, Poland's territory was coveted by Sweden. "In 1617 and 1618, while Poland was at war with Russia, the Swedes devastated parts of Livonia (Polish) and captured Pernau. Sigismund then made a truce of fourteen years with Russia and of three years with Sweden, but became embroiled in a disastrous struggle with the Turks...In July 1623, the rumor that a Polish Armada was preparing against him, brought Gustavus (of Sweden) in haste to Danzig with twenty warships. While Sigismund and his court feasted on shore, the Swedes extorted from the city an undertaking to respect the truce, and even demanded a pledge of permanent neutrality." (2:183) This was a period of Swedish ascendancy over Poland. In the Pinkas Medinas Litta we read of a great influx of Polish Jews into Lithuania because "there is a war in the kingdom of Poland." (10:no.46) This was written in Elul, 1623, and most probably refers to the Swedish invasion.

In 1625, Sweden captured the border fortress of Lithuania. In 1629 a truce was signed in which Poland ceded much territory to Sweden.

"To the pervading spirit of religious discord and disquietude there was in this age of decline added the general consciousness of a continuous decrease of material prosperity throughout the Holy Roman Empire...The great and often sudden rise of prices was due not only to a lessening of the productive powers of the country and its inhabitants, but also to violent derangements in the monetary system of the Empire, largely brought about by the constant deterioration of the silver currency...(due) mainly to the steady debasement of the smaller silver coins issued by every potentate, large or small....

"Inasmuch as among the middle and higher classes intemperance in both ^{eating} and drinking...were on the increase, indebtedness had spread in every social sphere, and it had become common to depend on loans which usury, and Jewish usury in particular, was ready to supply, though at the usual risk of infuriating the population against its supposed despoilers." (2:7)

"At this juncture, (i.e. the attack of Sweden on Poland) the Republic (of Poland) seemed so defenceless as to warrant the assertion that it was the duty of the Swedes to intervene in Poland....The military successes of Wladislav IV (1632-1648) had in no wise turned back the current which was bearing Poland towards anarchy. The nobles continued to grow in luxury and power; and a new danger to the State arose in the alienation of the Cossacks from their Catholic overlords. Before the reign of the brother and successor of Wladislav, John Casimir, had well begun, the revolted Cossacks under Chmielnicki plunged

the state into a desparate civil strife. (1648) After five bloody campaigns, interrupted by a brief interval of peace in 1650, the Poles had called the Tatars to their aid, while the Cossacks transferred their allegiance to the Tsar. In 1654, therefore, Poles, Cossacks, Tatars, and Russians were struggling together in the Ukraine, while the Tsar marched into Lithuania, triumphed over Prince Radzival, and captured many places, including the strong border fortress of Smolensk. The forces of Russia had thus secured a firm grip upon the eastern flank of Poland. Swedish Livonia sheltered fugitives from across the border, and the Lithuanian nobles sought a protection in Charles X (of Sweden)" (2:579-580)

B. JEWISH HISTORY IN POLAND AND LITHUANIA

UP TO 1623

We have few contemporary records of Jewish development in Poland and Lithuania during the thirtennth to the sixteenth centuries. At the end of the fourteenth century, we are told, Jews began to filter into Lithuania. Most of them came from Austria and Bohemia by way of Polish territories. (5:51)¹ The first Lithuanian prince gave the Jews of Lutzk, Brisk, and Trok permission to settle wherever they pleased, and to engage in whatever activities they pleased (1388). But in the time of Jagiello (1455-95) western religious intolerance swept into Lithuania and stirred the people against the Jews. Capistrano, the Jew-baiter,

however, died, and the Jews who had been driven from Lithuania in 1495, went to Poland where they were received by John Albert. Later they returned to Lithuania and lived there peacefully. (1503) (8:10-11) The government had hoped to relieve itself by annulling its Jewish debts, but when it began to decline instead it recalled the Jews.

Our earliest source on Lithuanian Jewry dates back to the fifteenth century:

וידעו דבר זה כל אדם שיש לו חלק בזה ענין כי כל ידע מזה כי
לדבר זה, שפסקו גרו, וזהו מקורו בא אדם וזהו דבר גרו, כי
דבר גרו, וזהו דבר גרו, כי דבר גרו, כי דבר גרו, כי
דבר גרו, כי דבר גרו, כי דבר גרו, כי דבר גרו, כי

The reference to Grodito may mean Grodno. In the middle of the above passage we have the following citation:

(6:2) וידעו דבר זה כל אדם שיש לו חלק בזה ענין כי

This was written by the German Rabbi, Israel Isserlein, (d. 1460) We see that while German Jews did not yet enter Lithuania at this time, many came from Slavic countries. They had migrated prior to the fifteenth and sixteenth centuries upon the invitation of the Polish government which sought them for their wealth.

In the sixteenth century, as a result of expulsions from Germany and Hungary, there was a great influx into Poland and Lithuania. The Polish government welcomed this, because it needed city populations to develop trade, artisanship and industry. The Jewish community received full rights to engage in business. It was allowed a Beth Din to decide Jewish matters. Jews were not called to court on the Sabbath, and had to give an oath

in controversies with Gentiles, only in their synagogues. In 1507, the Jews of Troki were exempted from working on the estate of the Church in Troki. (11:2)

At the beginning of the sixteenth century, Jewish rabbinic culture began to flourish in Lithuania, and Lithuanian scholars soon became rabbis in Germany and Holland (5:51-52)

In 1544, Sigismund II became the ruler of Lithuania. He was very tolerant to the Jews. The powers of the lesser nobles were limited by him. He made the Jews directly subject to him and his protection. At about this time, Cardinal Commendani writes, "There are in these Provinces a great many Jews who are not disrespected, as in other places. They do not live miserably by mean profits in usury...although they do not refuse such gain; but they own land, engage in commerce, apply themselves to literature and particularly to medicine and astrology. They hold almost everywhere commissions to levy customs duties and to transport merchandise. They can boast a considerable fortune, and are not only classed with the most honest people, but often times even give them orders. They have no mark to distinguish them from the Christians, and they may carry swords and go about armed. In short, they enjoy equal rights with the other citizens." (5:37) Though there are other sources which describe the conditions of the Jews as good, we may be sure that Cardinal Commendani's account is only of the very wealthy Jews. In 1566, however, the Jews were forced to wear the yellow badge and there were anti-Jewish excesses, arising from the resentment of the lesser nobles against the Jews. (3:125-126)

In 1569, Sigismund consummated the union with Poland which reduced the position of Lithuania, and gave the Lithuanian control over to the Jesuits, "and from then on troubles came upon it." (Lithuania). (5:10)

The reigns of Stephen Batory (1575-1586) and of Sigismund Waza III (1586-1632), saw the intensification of anti-Jewish feeling which reached a peak in the time of Vladislav (1632-1648) (5:10-11)

It would be well to notice in the foregoing that there are two types of reactions toward the Jews by the people in our period. Generally speaking, the king and the higher nobility as well as the higher clergy, at times, protected the Jews. The lesser nobility, lesser clergy, and the masses hated and sought to destroy the Jews. Both groups acted in accordance with motives which will later become evident.

C. DELIMITATION OF THE PERIOD; BIBLIOGRAPHY

Until 1623, Lithuania belonged to a council, known at different times as the Vaad Shalosh, Arba, or Chamesh Aratzoth, which consisted of representatives from various sections of the Polish Empire. This council, meeting annually at the fair in Lublin, dealt with financial, juridical, religious and educational matters. In 1623, Lithuania severed relations with the Vaad and organized its own community, known as Medinas Littta. Its central legislative body was the Vaad Medinas Littta, and its chief book of records was the Pinkas Medinas Littta. We shall have occasion to discuss the above mentioned separation later on. This thesis therefore begins with the inception of the new Vaad,

and ends about 1660 when Lithuanian Jewry was going through a period of attempted reconstruction after the riots of 1648.

The chief source on our period is the Pinkas Medinas Litta. This contains the legislation passed at the meetings of the Vaad. A copy of the rules was in the possession of the rabbi of each community represented. Dubnow tells us that few of these copies are extant and it is of this copy of the city of Grodno that a photographic copy was made about 1895. It is this copy (not quite complete) which Dubnow used in editing the Pinkas (1925). There are important differences among the various original manuscripts, and the Pinkas kept in Vilna since 1652 bears "radical differences which clarify many obscure points in the two other copies." (Grodno and Brisk) It seems, however, that the Grodno manuscript is the basic one for our particular period, for Dubnow has shown that the Brisk copy is based on that of Grodno. (10:XXIII)

Unfortunately, the Pinkas can give us but a bare outline of the times we are investigating. Cryptic as it is, it assumes in addition much fundamental information, which though comprehended by the legislators of the times, is not clear to present day readers. Furthermore, we can judge from what is missing, how fragmentary the Pinkas really is. Dubnow outlines the following material which is necessary for a true evaluation of the period, but which is largely inaccessible.

1. The Pinkasim of local communities containing lists of elections, taxes, local legislation, judicial decisions, decrees

of excommunication, accounts, statements of noteworthy events etc.

2. The Pinkasim of various societies such as Chevrah Kadisha, Chevrah Leviah, Bikur Cholim.

3. Manuscripts.

5. Responsa.

Most of these have either been destroyed or are hidden away. (8:14-18) Much might have been lost because of the secrecy with which communal legislation was kept. (10: no. 191)

To supplement the Pinkas, some of the other source material which we have utilized were as follows:

1. Rabbinical documents of the sixteenth and seventeenth centuries, to be found in Le Koros Ha Yehudim be Russia, Polin, ve Litta.

2. Contemporary accounts of the Chmelnitzki riots, to be found in Le Koros Ha Gezeros al Yisroel, compiled by Chaim Jonah Gurland.

3. Contemporary accounts of the Chmelnitzki riots in Megillath Ephah and Yeven Metzulah.

4. Contemporary accounts of the cultural life of Lithuanian Jewry, as reported by Joseph Delmedigo in his Sefer Elam.

5. Megillas Sefer, an account by Jacob Emden of our period; he wrote two generations later.

6. Moralistic literature: Yesod Yoseph by Joseph of Dubno, who lived in Minsk and later in Dubno during the 1648 riots; Kav Ha Yashar, by Zvi Hirsch Kaidenover, a pupil of Joseph of Dubno.

In addition, we have listed in our bibliography secondary sources which are based largely upon documents of local communities within Lithuania. These are valuable not only for the light they cast on the history of the localities but also for the additional history of Lithuanian Jewry which is derivable from them.

Worthy of note are the Yiddish sources which we have listed. They represent a communistic tendency, and interpret the material which we have used according to the concept of the class struggle. Though this interpretation is ingenious and to a great extent correct, it is certainly not warranted on the whole, and must be watched for errors. We have not listed the outright mistakes made by the Yiddish writers, but have discarded all their deductions except those based on a correct reading of the Pinkas.²

NOTES TO SECTION I

1. It is very likely that Jews had settled in Lithuania even toward the end of the thirteenth century, at which time, we are told Poland had been decimated by the Tartars, and sought to rehabilitate its middle classes by writing foreign merchants. (1:7)

2. In connection with our Yiddish sources, we note what appears to be a serious discrepancy between theory and fact. Sosis (and, also Dubnow, "History of the Jews in Russia and Poland," vol. I, p. 202) claims that the Yesod Yoseph is the basis of Kav Ha Yashar. (11:15) He even quotes passages from Kav Ha Yashar and claims that they are outgrowths from similar statements in Yesod Yoseph. We have found that Yesod Yoseph contains only passing and widely scattered comments which have only the remotest connection with the Kav Ha Yashar statements quoted by Sosis. Yesod Yoseph is primarily concerned with the problem of Shichvas Zera Le Vataleh, completely alien to the problems of Kav Ha Yashar as quoted by Sosis. While the Yesod Yoseph might have been the inspiration of the Kav Ha Yashar, it does not seem to be its basis, as Sosis claims.

SECTION II

POLITICAL CONDITIONS OF LITHUANIAN JEWRY, 1623-1660

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7. Kiryah Neemanah
8. Megillas Ephah
9. Megillas Sefer
10. Pinkas Medinas Litta
11. Rechovos Ir
12. Yeven Metzulah

Sigismund III (1586-1632) "scented the vile incense which the Jesuits burned before him, and he let them do what they pleased, but because he feared the (lesser) nobility, he did not prevent them either from inciting conflict, or from giving over the country to internecine struggle....In such a time....(when all Reformation groups were bitterly attacked by the Jesuits).... what could the unfortunate Jews do?" (7:11) In Grodno, for example, the Jesuits had come in 1616 at the invitation of the king for the purpose of fighting the Reformation. They kidnapped Jewish children and baptized them unless exorbitant ransoms were paid. This impoverished the Jewish community and put it in debt for many years. (4:25) Due to the fact that the lesser nobility got out of control and the Jesuits seized control of the educational institutions, much anti-Jewish feeling prevailed. The execution of much anti-Jewish legislation was aborted because the Jews enjoyed the protection of powerful Church magnates and the high nobility, who, as landed proprietors, availed themselves of Jewish services and later used their benefactors as scapegoats. Among some of the anti-Jewish provisions of the time were:

- (a) The denial of permanent residence in Vitebsk.
- (b) The elevation of Jewish converts to the nobility.
- (c) The prohibition against building synagogues without the king's permission. (6:127-128)

On the other hand, Sigismund's legislation saved the Jews from complete ruin:

(a) He reconfirmed their past privileges.

(b) He declared the Jewish autonomy in religious and Judicial affairs.

(c) He permitted the Jews to buy real estate, and to engage in trade on the same footing as Christians.

(d) He permitted the Jews of Vilna to build a synagogue, a bath house, a mikveh, kosher meat stores, and a cemetery outside of the city. (6:127-128; 2:98)

Differing from the doleful account of Kiryah Neemanah, is the cheerful statement of Ir Tehillah which, in summarizing the general conditions of Brisk Jewry until 1632, says: "The heart of the Polish kings was good to the Jews of our city, for they chose from among them (the Jews) good and faithful men to supervise great matters and government matters, and they filled their hands with the collection of taxes and fees, and oftentimes gave them important offices, and even favored them in disputes and adjudication." Indeed, the Jewish internal autonomy was honored by the government, although at times the government arbitrarily selected the rabbis for the community. The Jews of Brisk lived in harmony with the Christians, unlike Jews in other cities. The reason for all this seems to be that Brisk Jewry was a central commercial and tax collecting community, and also paid heavier taxes than other cities. We observe, then, that its happy position was unusual among the other less fortunate Lithuanian

Jewish communities. We can also understand from the foregoing why Brisk's Jewish leaders were recognized by Lithuanian Jewry as the leaders of the Medina. (5:97)^{1*} In 1623 there was an influx of Polish Jews into Lithuania, because "there is a war in Poland." (10: no. 46) This is due to the invasion of Poland by Swedes. The invasion began in Danzig, and there was probably a rush for the interior of Poland (i.e. Lithuania) by many residents of Poland.

Under Sigismund's successor, Vladislav IV (1632-1648), the Jews appeared at the beginning of his reign for the renewal of their privileges, and for protection from the burghers who abused them. Their appeal was supported by the officers of the government. However, the anti-Semitic city magistrates and their followers prevailed. As a result, the following anti-Jewish legislation followed in 1633:

(a) The Jews were segregated into a ghetto in Vilna. They were prohibited from keeping open their gates which faced Christian streets. (They were permitted to keep their windows open.)

(b) The Jews were subject to martial law in criminal cases, and to the local magistrates in civil cases. (7)

(c) The Jews were limited to specific types of livelihood, and could not engage in those occupations already controlled by Christians.

(d) The Jews could keep twelve stores open in the Jewish section. (7:11-12)

However, the local lords who derived monetary benefit from the Jews, saw to it that the king gave the Jews full freedom in their export trade, and provided for their protection against outbreaks. He also forbade the building of new synagogues or cemeteries without royal sanction. This was advantageous, since in the time of Sigismund, the clergy tried to assume this prerogative. (1:98) In his trip to Vilna, he also exempted the Jews from the private tax and the inn tax during the time of the national assembly in Vilna. (2:104)

Independently of the king, the Jesuits passed the following rules:

(a) Jews could not appear on the streets during Christian festivals.

(b) Jews could not treat Christian patients.

(c) Jews could neither barber nor bleed Christians. (2:104)

In 1636, Lithuanian Jewry was instructed to fast in order to stave off a pogrom which had already broken out in Poland. (Le Koros Ha Yehudim...Be Litta, p. 37) In 1637, the suffering of the Jews seems to be increased, due to growing libels and false accusations. (10: no. 307) We shall deal with these in greater detail later on. In the same year, there was a series of anti-Jewish outbreaks by Lithuanian students, and other riots threatened. There was a witch libel against the Jews. The government restrained the hiring of Polish maid-servants by Jews. In all of these matters, expenditures were involved. (10: no. 307, 309)

Poverty was on the increase because of general lack of employment among the Jews. The masses were reduced to the lack of life's necessities and the inability to pay their taxes. This was probably due to the economic legislation of Vladislav. (See above.) As a result of the widespread poverty, the disintegration of the local communities set in, for the people began to migrate in search of livelihood. (10: no. 308) The rising antagonism of the Christian masses against the Jews necessitated the reaffirmation of several laws prohibiting the wearing of costly garments and jewels in public (10: no. 325), because the populace "was jealous of the privileges accorded the Jews." (7:12) Again in 1639, there were increased attacks upon the Jews in Vilna, by Lithuanian students, and the cost of buying them off increased. The Vaad promised the Vilna community that if it could prevail upon the Polish government to ban the pogroms by constitutional law, it would receive a special subsidy. (10: no. 390) This is a commentary on the legalized lawlessness of the times. In the same year there is mention of the prevalent kidnapping and conversion of Jewish children. The Medina is called upon to share the expense of reclaiming them as well as the children of voluntary converts. (10: no. 365)

In 1643, the Polish Diet restricted Jewish profits in business transactions to three per cent as against seven per cent for native Christians. This caused the Jews to lower the quality of their material, thus undermining the Christian trade and incurring Christian wrath. (1:99)

In 1644 there was a blood libel throughout all of Poland which was of such proportions that the Vaad Arba Aratzoth sought to seek protection by sending a representative to Rome. (10: p.279)

The Jews protested against their treatment by the citizenry. The wealthy class sided with them and in 1646 Vladislav ruled that Christian creditors could not dispossess Jewish debtors for debt. If the Christian wanted to exact his debt, he had to sell his claim on the house he sought to the Jewish community. The same procedure was to be followed in the case of a loan on a synagogue. (7:13) Apparently, the Christians merely sought pretexts for taking away Jewish private and communal property. One question arises and which we cannot answer at present, ~~is~~: how did the Jews ever become debtors to their Christian neighbors?

After Vladislav died at the beginning of the 1648 outbreaks, a Jewish contemporary summarized his reign as follows: He was an honest king....worthy of being numbered among the righteous, for he always treated the Jews well and maintained his covenant with them." (8:320)²

The Chmelnitzki riots of 1648-1649 present a problem as to how much they affected Lithuania. The problem arises in the fact that nowhere in the Pinkas in our period is there any direct mention of riots in Lithuania proper. In only one place we find a clue that all was not well. In 1649, there is a reference to "some communities whose inhabitants are at peace" and are enjoying tranquility. (10:no. 454) But even this is not a direct statement of conditions and is somewhat clear only in the light

of the time during which it was written. A more explicit account is found in Megillas Ephah where we are told "even in the borderland of Lithuania they tore up our boundaries and violated our dead.....even in Brisk and Pinsk and their surrounding territories." (8:323-324) Yeven Metzulah also mentions "the evil decrees of Chmelnitzki in....Lithuania in 1648-1649," (12:298) On the other hand, Kiryah Neemanah tells us that at first the Jews of Lithuania escaped the riots, but were overcome later on (presumably 1654.) (7:13) This book, however, does not give the source of its information. We might make the generalization that while the 1648-1649 riots did not penetrate Lithuania; they did get as far as the Lithuanian border cities, Brisk and Pinsk. This is also the opinion of Graetz and Dubnow. (2:141; 10:no. 98) However, this does not clear up the problem as to why there is no direct statement of this in the Pinkas, especially in view of the fact that other previous riots, libels etc. were explicitly mentioned.³

We shall now regard the effect of the Chmelnitzki riots upon general Lithuanian Jewry. In view of the Jewish suffering in the riot sections of Poland, stipulations were made for communal relief work for refugees who were streaming into Lithuania. (10:452) It seems that relief became more urgent in the same year (1649) for a relief tax was levied. (10: no. 453) Expatriated Jews kept wandering into Lithuania.(10:no. 454) The unsettled conditions throughout the Polish Kingdom created an

increasing poverty among the Lithuanian Jews themselves, and the impoverishment of complete communities. (10: no. 453)

Many communities found themselves unable to help the refugees. (10:454) In the Vaad of 1649, it was decided to work out a more adequate relief method at the next Vaad. We shall discuss this in another section, but pause to inquire why it was not done immediately. (10:no. 454) In 1650, there is further mention of the aimless wanderings of expatriated Jews, and the provision that they may not be hindered in any occupations which they may choose to pursue. (10: no. 460)

In 1649, there was a temporary peace between Chmelnitzki and the new Polish king, John Kasimir. In this peace the Jews were prohibited residence in Southern Lithuania as well as other Polish territory. (2:145) Chmelnitzki proved treacherous, and in 1654 the combined armies of the Cossacks and their newly acquired allies, the Russians, invaded Lithuania and conquered Polotsk, Vitebsk, and Minsk, destroying them and killing the Jewish inhabitants. The invaders reached Vilna, and the defending force fled together with most of the inhabitants, who fled Lithuania and lived upon the produce of the fields. The remaining residents were killed. We are told that about 25,000 people were killed in one day (23 Tamuz 1655), and the city was burned. At about the same time, the Swedish invasion of Poland occurred, and maltreatment of the Jews followed.⁴ The refugees in Zmudz (near the border of Prussia, which is on the border of Lithuania) were abused by the

Swedish armies. (7:14-15) (3:11-12)

During the truce, the anger of the Lithuanian masses against the Jews continued to rise, being doubtlessly a product of the Cossack riots. Another factor is that the Jews were more successful business people than the general citizenry. In 1652 in Vilna, a law was issued against Jews employing Christian servants and nursemaids. If six weeks after the law's promulgation, it was to be violated, the Jewish community would have to pay a 10,000 thaler fine. This applied to a second offense also. For the third offense, the synagogue would be confiscated and the Jews expelled from the city. (7:16)

In 1652, poverty stricken Jews were still wandering about in Lithuania, and others were pouring in in thousands. (10: no. 484) Other even less fortunate Jews had been captured and sold as slaves in Turkey. A request came from Turkish Jewry to Lithuanian Jewry to raise funds for buying the freedom of the captives. (10:no.485) In Rechovos Ir we find reference to "trouble and oppression" which befell the (Jewish) inhabitants of Lithuania in general and Vilna in particular, during 1655-1667. During this time there was no Av Beth Din in Vilna. (11:18) Grodno was also attacked by the Cossacks in 1655. (4:26) After the sack of Vilna, the refugees returned. Famine and plague ensued, creating utter privation and internecine violence. The Christian residents appealed to Alexis of Russia (who now controlled Vilna) to drive the Jews out of the city, to the territory near their cemeteries. The charge was that they spoilt business and that

they were responsible for the famine and plague. We do not have the answer of Alexis. (7:15) A Jewish source attributes the anti Jewish feeling to the fact that the Jews were largely responsible for the rebuilding of the ruined city, thus "arousing the envy of the citizens who protested to Alexis." (7:16) In summarizing the conditions of Lithuanian Jewry at this time, we must say that degraded as it was, it must have been much better than that of Polish Jewry. At about this time, a Polish Jew who migrated to Lithuania says that he could not remain in his land because of the extremely unsettled political conditions. (Le Koros Ha Yehudim...Be Litta, p. 47)

NOTES TO SECTION II

1. This is confirmed in the Pinkas by the following characteristic citation. In 1647, the Medina was deep in debt. The Vaad cast about for a method of solving the problem. It decided to appoint a commission of three to direct a drive throughout the Medina for the purpose of raising funds to meet the debt. All three members of the commission were from Brisk. Furthermore, it was directed that all funds should be forwarded to Brisk. (10: no. 450) The honor of signing all enactments first was also accorded to representatives from Brisk. (10: no. 415)

2. We cannot help but conclude that the author of Megillas Ephah is extravagant in his evaluation of Vladislav who was apparently unable to stem the great anti-Jewish activities of the Jesuits who legislated against the Jews in defiance of the king. The numerous outbreaks and libels against the Jews were certainly not worthy of a king who "treated the Jews well."

3. Here is a direct source for fixing the date of the Vilna invasion at 1655. The importance of this source lies in the fact that an ambiguous sentence in Megillas Sefer might give the impression that the date was 1648. The passage reads: *וְהָיָה בְּשָׁנָה כָּזָה אֲשֶׁר הָיָה בְּשָׁנָה כָּזָה*

וְהָיָה בְּשָׁנָה כָּזָה אֲשֶׁר הָיָה בְּשָׁנָה כָּזָה
(9:5) *וְהָיָה בְּשָׁנָה כָּזָה אֲשֶׁר הָיָה בְּשָׁנָה כָּזָה*

If Emden intended to give the impression that Vilna was invaded in 1648, his facts were incorrect, since the attack of this city to the far north of Lithuania would doubtlessly have indicated a total invasion of the whole land, a fact which would have been

recorded by those closer in time to the scene than was Emden. Perhaps the knowledge that southern Lithuania was invaded about 1648 might have caused him to connect both events into a single occurrence. Certainly he seems to show no evidence of realizing that the 1648 riots were interrupted by a temporary truce which was later broken. Therefore the value of the following source. In his memoirs, Mattathias ben Samuel Strashon discusses the date of the Vilna invasion, and quotes Beth Hillel (ק' פ"ו ח"ג י"ב ז"ל) to prove that the date was about 1655. Beth Hillel cites two instances which Strashon uses as proof.

(a) When the author of the Beth Hillel was in Hamburg, he inquired about a certain custom connected with ritual baths. He inquired about its origin, and was told that "certain scholars who came from the exile of Vilna in 1656, established this custom" in ~~Vilna~~ Hamburg.

(b) A woman came before the author of the Beth Hillel, and said "that testimony had already been given concerning the death of her husband....and that she had been given a document....permitting her to remarry, but that it was lost on her flight from Vilna during the excitement of the war in the summer of 1656."

(7:302) Thus the testimony of this contemporary is more reliable than that of Emden who was relatively far removed from the time.

4. An incident of the Vilna riots is recorded by Emden. He tells how his grandfather was reported dead, and how a R. Heshil pronounced the wife of Emden's grandfather eligible to remarry, only to have the despaired of man turn up alive. (9:6-7)

SECTION III

JEWISH AUTONOMY

BIBLIOGRAPHY TO SECTION III

1. Dubnow
2. Ir Tehillah
3. Pinkas Medinas Litta
4. Sirkes
5. Sosis (vol. 1)
6. Sosis (vol. 2)
7. Visnitscher
8. Yesod Yoseph
9. Yeven Metzulah
10. Kav Ha Yashar

III. A. FORM OF GOVERNMENT

1. Origin, Purpose, Functions, Constituency.

It is interesting to observe that the impetus for the separate organization of the Lithuanian community came from without rather than from within. "The Gaon Ha Maharshal who was the Av Beth Din in Ostraha at the beginning of the fifteenth century, was the chief ^{Gaon}rabbi of all the districts of Volhynia, by virtue of the power which the ruler of those lands conferred upon him.... but at the beginning of the sixteenth century, Sigismund (the first 1506-1548) changed his mind in favor of establishing in Poland and Lithuania a central Rabbinate, and to give over the rabbinical authority not to a single individual....but to an assembly." This statement proceeds to say that the king prescribed regular meetings for the lay and clerical leaders of the Jewish community. (2:59) We thus see the origin of the separation of Lithuanian from Polish Jewry, and that at first, at best, the separation was imposed from above.

Before the Union of Lublin, the Jews of Lithuania and Poland were taxed as a single body. From 1581 on, the Polish Sejm levied separate head taxes for the Polish and Lithuanian Jewries. Whereas in 1590, Polish Jewry had to pay 50,000 gulden and Lithuanian Jewry paid 6,000 gulden, by 1626 the ratio was 36,000 to 12,000. In order to be able to achieve a more equitable distribution of taxes, and since they were assessed separately,

Lithuanian Jewry ^{sought} to withdraw from the Council of Four Lands.

(3:XIII) Another reason for the break was that taxes had been imposed on all Jewish communities for Shtadlanus which was carried out by Polish Jewry. This was a sort of taxation without representation. As long as Polish Jewry was culturally and economically advanced, having great rabbis and seminaries in addition to a wealthy class, Lithuanian Jewry had to be submissive. But as soon as the latter developed culturally and economically through the commercial development of Brisk, Pinsk, Grodno, and Vilna, it assumed its independence. (5:5) In the very year of the founding of the Lithuanian community, provision was made that no foreign Jew might settle in Lithuania and do business without official sanction. (3:46) This is indicative of the desire to maintain economic security.

As was stated previously, an important aspect of Jewish autonomy was the device of the Polish government to have a centrally organized and officially responsible Jewish body in order to centralize the responsibility for taxes. "The Vaad and the Polish government were interested in creating a centralized system. But in the Polish feudal regime, the central authority was often paralyzed because of the separate interests and strivings of... certain local lords, to whose authority even greater numbers of the Jewish population submitted themselves." (5:10)

From the foregoing, it would seem that the chief purposes in organizing the Lithuanian community were to pay and collect government taxes, and to sustain the Vaad and its constituents

through taxation.(5:8) In addition, however, it laid down rules of business and community government, as well as the rules of education. (3:XIV) Another source tells us that the Vaad "was a sort of Sanhedrin....and it had the power to judge Israel in the Kingdom of Poland and to make ordinances, and all difficult matters were brought to them. (9, quoted in Nachpesah Ve Nachkerah, p. 11)

The Vaad was organized on the ninth of Elul 1623 in Brisk. It was primarily an organization of the large cities. Only the major cities were entitled to representation, and they not only legislated for but also domineered their surrounding communities. (3: no. 6) At first the "Vaad Hakehilos Ha'roshiyos, "as it was called, consisted of the principal cities of Brisk, Grodno, and Pinsk. The country was divided into three districts, with each of the above cities at the head of a separate district. In 1652, Vilna was added as another chief city, with one representative. In 1660 it became entitled to two representatives.

Place of Meetings of the Vaad

At the first meeting of the Vaad, it was decided that during the life time of R. Meir Wahl, son of the famous Saul Wahl, the meetings would be held in Brisk, the home city of R. Wahl. This was done out of respect for R. Wahl who could no longer move about easily, and who seemed to be a great influence. (3: no. 68) Indeed, he was one of the founders of the Vaad and might even have been influential with the government, because of his father.

"The eyes of all the Medina look to him."¹(3: no. 68) R. Wahl

probably died between 1627 and 1628 and the 1628 Vaad met in Prozina, in the vicinity of Brisk. In 1631, the Vaad again convened in Brisk. From 1633-1649, six sessions of the Vaad were held in Seltz. (3:XV) In 1644, it was decided to rotate the meetings among the three chief communities. (3: no. 413) However, the 1648 riots which affected Brisk, the city next in line for the meeting, caused changes of locale, and the places of the meetings were probably chosen from session to session, in accordance with the political situation which happened to prevail.

Time of Meetings

In the thirty-seven years of our period the Vaad met fifteen times, about once every two years, on the average. The regular dates are 1623, 1626, 1627, 1628, 1631, 1633, 1634, 1637, 1639, 1644, 1647, 1649, 1650, 1652, 1655. In the introduction to the first meeting of the Vaad it was decided to reconvene in two years, but the session came later. In 1644 it was decided to meet every other year, but again the Vaad met three years later. However, the only long recess was between 1639 and 1644. (3: no. 413) Although in 1644 it was decided to meet only bi-annually, the riots of 1648 necessitated more frequent meetings. It was also decided to begin the sessions in the middle of the month of Av, presumably to finish up the business in time to get home for the High Holy days. We notice, however, that the sessions of 1644 were held a month later, in Elul. The next four sessions were held in Shevat, Adar, Teves, and Adar, respectively--all well

before Pesach. Provision was also made to call special meetings at the instigation of two of the three chief communities. (3: p.3) The dates of the meetings were not to be changed but we have seen that they were anything but regular. (3:no. 58) The method of calling a meeting was by two communities announcing a session thirty days in advance. (3:no. 193, 299)

The meetings of the Vaad were lengthy. In 1644, it was decided that the meetings could last no longer than four weeks (3: no. 412), and in 1655 this was reaffirmed (3: no. 519), indicating that the meetings lasted beyond four weeks, forcing the delegates to stay over for the High Holy days. However, in 1647, it was decided that the meetings should last at least three weeks. (3: no.449)

Vaad Members

The delegates to the Vaad were called Roshay Ha Medina. They were elected either at the regular Pesach elections or before the sessions of the Vaad. (3: no. 159, 324) At first, each chief community sent two delegates. Later three were sent. (3: no. 376) Thus the Vaad consisted originally of six members, and when the cities represented increased to four, there were twelve representatives. The functions of the Roshay Ha Medina were:

- (a) To collect taxes.
- (b) To punish delinquent tax payers.
- (c) To exact forfeits for unpaid taxes. (3: no. 1)

A delegate who was unable to attend a meeting of the Vaad was not permitted to send a substitute (3: no. 381), and

abstention from a meeting was punishable by fine. (3: no. 58)

There must have been much local and personal pride which the communities sought to protect, if we are to judge by the procedure of the Vaad. In signing enactments, it was decided that the order should be:

(a) Representatives of Brisk

(b) Representatives of Grodno

(c) Representatives of Pinsk

(d) All elders over sixty, however, could sign first. (3:no. 415)

At times, certain rabbis would be invited to attend the sessions. At four meetings, they were present together with the lay leaders, in 1637, 1639, 1650, and 1655. This infrequent presence of the rabbis, says Sosis, is due to the fact that the Vaad paid little attention to them. They did not have to be invited at all times, he says, quoting the Pinkas, number 192. (5:70) In this respect he is wrong, however, as number 192 expressly states "even if a community objects to the attendance of the rabbis....they (the rabbis) shall come nevertheless, and not absent themselves." In general, though, the rabbis were not welcome, as their infrequent attendance would indicate. This is understandable, for most of the Vaad members were merchants and concessioners, and most of the rabbis were incompetent to deal with most of the matters on the agenda. In fact the rabbis were expressly told, "In deliberations concerning a concession or taxes, whether due to the king or to a nobleman, the rabbis may not judge. Only the

"Roshim" and the competent ones (Tovim) may judge. (3: no. 66)
Communal decisions and elections, however, were participated in by the rabbis as well as the lay leaders. (3: no. 63)

2. Public Officers and Elections in the Local Communities.

The Pinkas does not make specific statements concerning the functions of the communal officers. They were doubtless part of the administrative machinery of the Medina even before its creation, and their work is taken for granted and remains unspecified in the Pinkas. Only by random passages do we piece together what were possibly the activities of some of these officers and constitutions.

a. Beth Din and Rosh Beth Din.

Each chief community had a Beth Din which though technically was the judicial branch, really acted in an executive and legislative capacity as well. A good example of the first functions is found in the ruling that the Beth Din could sentence one who refused to pay his debts, to imprisonment. (3: no. 21) Generally, the judicial functions involved matters of debts, contracts, concessions etc. The legislative activity of the Rosh Beth Din is evident in the ruling that in questions involving a law suit between Jews and Gentiles, the Rosh Beth Din must rule as to whether the Jews could sue the Gentiles. (3: no. 148) The Rosh Beth Din was also responsible for the collection of debts. (3: no. 405) It seems that the smaller communities were dependent upon the three or four chief communities for the decisions of their Roshe Batte Din. While the minor communities had each their own Beth Din, its powers were limited and most

matters of importance were referred to the courts in the chief communities.

b. Av Beth Din

He seemed to be the chief executive in each chief community. In him was vested the power to guard and enforce the law together with the Roshe Ha Medina. "All of the rulings from the beginning of the Pinkas until the end are in the hands of the Roshe Medinos together with the Av Beth Din of each community. They shall.... give heed for all transgressions of the Medina's laws. No other officer or leader may interfere with them. All other matters of the Medina are in the hands of the Roshe Medinos and the Av Beth Din. The community may not participate in any matter." (3: no. 251) This is sufficient to give us a good idea of the dictatorial powers of the Av Beth Din as well as the Roshe Ha Medina. Some of the Av Beth Din's prerogatives were that part of all marriage fees should go to him, (3: no. 225) that no rabbi might officiate at a wedding outside of his community without his permission, (3: no. 226) that no Shochet might be hired except with his permission (3: no. 258) and that no wedding might be performed without his written permission. (3: no. 52) He was elected by communal representatives, his relatives not voting, (though at an early time they did.) (3: no. 229, 171) He could not be dismissed unless given a half year's notice. (3: no. 171) If the punishment of an individual or a group was apposed by the Av Beth Din, it could not be revoked. (3: no. 426)

c. Next in importance to the Av Beth Din and the Roshe

Ha Medina, were the seven Tove Ha Ir. During the absence of a Rosh Ha Medina from his community, he could appoint one of the Tove Ha Ir to occupy his place. (3: no. 223) The responsibility for the delinquency of people who should have been expelled from the Medina, rested upon them. (3: no. 241-242) They were most probably the city council of seven, and were important enough in their functions to be the subjects of a good deal of lobbying. (3: no. 240)

d. Judges.

Judges were elected on every Pesach by fifteen specially qualified people in each community (3: no. 63, 160). There were other judges called Dayane Kehillah, who settled monetary problems other than disputes concerning taxes, concessions and fines which were handled by the Manhige Ha Kehilla. (3: no. 364) There were special judges chosen for the various national fairs. (3: no. 414, 443)

were not chosen from the 717 12/10

e. Parnas Ha Chodesh. He was a sort of sheriff, chosen monthly in each chief community, for the purpose of enforcing the law and punishing offenders. (3: no. 325) The law enforcers of each community were supervised by him. (3: no. 407) He also had judiciary powers (together with two other Jews) over any tax collectors who were suspected of irregularities. (3: no. 125) His expenditures were supervised by the Rosh Medina.) (3: no. 375)

f. Shamash Ha Kehillah

He acted somewhat in the capacity of a bailiff, making public the rulings of the city and district officers. If a Cherem

was to be pronounced against anyone, the shamash was to do it.

(3: no. 17, 155) Special shamashim were appointed from time to time to act in behalf of certain individuals at state fairs. (3: no. 376) It appears that the shamash was also required to keep the individuals in the community in touch with matters to be discussed at communal meetings. (3: no. 416)

f. Miscellaneous.

Provision was made for the appointment of inspectors of weights and measures (3: no. 142), money collectors (3: no. 450), property administrators for those who have designated no administrators after their decease, guardians of orphans (3: no. 37) and special law enforcers who could also punish offenders. (3: no. 407)

The procedure in choosing elective officers was as follows:

a. Each community voted for its own officers. The time of election was to be decided at the discretion of the community. (3: no. 243)

b. Only the "heads, the council, judges, collectors, and the chief people in the community" could vote.

c. The ballot was secret. Officers were chosen by majority vote.

d. No officers could be reelected the following year. (3: no. 63)

3. Maintenance of Peace.

The Medina seemed to be in constant danger of subversive activity by the element not represented in the Vaad, As we have

seen, the aristocratic class dominated the Vaad, and an under-current of resentment constantly pervaded the Jewish community. In order to meet this problem, the Vaad ruled strictly against any activity which might be interpreted as treasonable action. It defined treason as the convening of discontented people for the purpose of criticizing the Medina, without first having appeared before the Roshe Medina. (3: no. 56) An appeal by an individual against the decision of one of the three communities had to be substantiated by the courts of the other chief communities. However, no decision made by the seven Tove Ha Ir together with the chief judiciary, could be appealed. (3: no. 12) No more than two people at a time could appear before the seven Tove Ha Ir to present their criticism. (3: no. 56) This eliminated any possibility of opposition to the vested interests. In the selection of communal officers, no concerted opposition to the designated nominees, could be offered. (3: no. 56) There was violent opposition expressed to unofficial public assemblies. Instigators of such assemblies were threatened with persecution and segregation. (3: no. 59) Anyone defaming an Av Beth Din, the Tove Ha Ir or a judge, was to be fined. (3: no. 152) The procedure necessary for summoning a court to deal with a complaint against an Av Beth Din was as follows:

(a) The complainant must appear alone before the Av Beth Din and two other authorities and present his case.

(b) He must receive a written permit for summoning the court, if the presentation of the case is found acceptable. (3: no. 168).

Community business was not to be discussed until it was first presented before the authorities, and completed. (3: no. 199)

Penalties for sedition were confiscation of property and excommunication. (3: no. 172, 373, 389) The "bitter and increasing exile" which the Jews were already suffering at the time, was also doubtless responsible for this insistence upon rigid discipline within the community. (3: no. 69)

Legislative Machinery of the Vaad

Due to the bulky nature of the Pinkas rules were often contradicted. Ofttimes opposing laws were in the statutes. This was obviated by the oft repeated statement that in case of contradictions, the most recent law was to be regarded as authoritative. (3: no. 384, 479, 497) Other methods of putting legislation into effect follow: No laws could be repealed except by a majority vote of the communal representatives and the rabbis. (3: no. 352) The prevailing laws were to be effective for three years to follow, and could not be abrogated even by the Rosh Medina. (3: no. 211) During the interim between Vaads no community could promulgate any law concerning the Medina without the approval of at least one other community. (3: no. 409) In some cases, repeal of a law could be prevented by the negative votes of two representatives. (3: no. 385) Legislation was effective by majority rule, not necessarily by unanimous vote, as previously ruled in 3: no. 211. (3: no. 234) Local legislation was to be valid only after a formal decision arrived at in a public meeting.

The repeal of local legislation was possible only through a meeting of the Seven Tove Ha Ir. (3: no. 170)

Law Enforcement

The following were some methods of enforcing the law of the Medina through punishment. Boycott (3: no. 24), excommunication (3: no. 15, 17, 19, 43, 86 etc.), confiscation of property (3: no. 17, 46), imprisonment (3: no. 16, 21), informing to the government (3: no. 28, 36), withholding the funds of the accused (3: no. 42), stripes (3: no. 43), persecution (3: no. 43, 47, 51, 132), expulsion from the country (3: no. 47), segregation (3: no. 89), fines (3: no. 29, 118, 122, 130) and physical violence (3: no. 39, 51). Excommunication was the method most favored though there is reason to believe that it was not extensively used. Excommunication was partly used as an instrument for silencing opposition to the status quo. It was also an attempt to muzzle preachers who spoke against the status quo. (3: no. 130) Gag rules abounded as a law enforcing method, and strict steps were taken to prevent unsanctioned public utterances. (3: no. 56, 130, 373, 445, 476) In 1634, however, it was decided that thereafter all previous laws requiring excommunication as a punishment, were to be enforced with a money fine only. (3: no. 285) It is also interesting to note that despite the Pinkas reference to stripes, this penalty had already fallen into disuse and was replaced by monetary compensation toward the end of the sixteenth century. (Solomon Luria, Sheeloth and Teshuveth 28, quoted in 4:61.) Other methods

methods of enforcing the law were giving over a case to a Polish court (3: no. 36), administering an oath (3: no. 24) and warning the innocent party of designs against him. (3: no. 26)

Law enforcement, despite the many methods of punishment was extremely neglected. Both fines and other penalties were disregarded. The constant repetition of ordinances reaffirming the need of invoking penalties is indicative of the law's neglect. (3: no. 94, 101, 103, 106) Law enforcement was put in the hands of the Roshe Hamedina, and no interference in their activities by other officials or members of the community was brooked. (3: no. 210) However, such duties were too much for a handful of individuals.

4. Judicial Power--Litigation.

The power of appeal outside of Lithuania was impossible. Anyone carrying his case abroad was subject to ban. (3: no. 429) A local verdict, however could be appealed in the following manner:

1. The Av Beth Din and one other official of a community had first to disagree with the verdict of the community.

2. Within eight weeks after the appeal was made, the defendant had to present his case to two other communities.

3. If no decision was reached after that time, the original verdict held. (3: no. 426)

No decision could be appealed on the basis of a precedent from another locality. (3: no. 15) In the case of one community summoning another to litigation before the Vaad, the summons had

to be presented thirty days before the Vaad meeting. (3: no. 340) Courts for the collection of debts and decisions concerning debts could be held in subordinate communities. (3: no. 22) Cases concerning debt could be tried immediately upon request, if witnesses were available. (3: no. 23) Trials were to be completed and judged within twenty-four hours. (3: no. 67)

5. Debts.

Public Debts

Provision was made for the appointment of three men to be in charge of collecting money for the payment of public debts. The money was to be collected in semi-annual installments. (3: no. 430) In 1647, the Medina was cautioned against putting other Kehillahs into further indebtedness. Communities were urged to discard credit for immediate payment of bills. (3: no. 432) Each community was required to send an itemized account of its expenses, (3: no. 421) Each fifteenth of Av, one specially appointed person from each chief community was to meet with the others to adjust public accounts. These men were to receive stipulated salaries. (3: no. 392) Some of the items of communal debts were-- funds for mendicants, lobbying purposes, revenge fees, unmarried girls, libels, Palestinian settlers, gifts for the king etc. (3: no. 90)

Private Debts

A debtor refusing to pay his debt, was to be put in ban and have his property confiscated. (3: no. 17) A ~~certain~~ creditor

*all these laws
should be compared
with Magdalenberg & other
types of commitment
houses*

having his debtor imprisoned had to supply his food, the expense of which was added to the debt. (3: no. 333) Apparently by this time, 1637, imprisonment had become the penalty for refusal to pay a debt. A law in the same year, however, ignores imprisonment as a means of punishment, and mentions only excommunication. (3: no. 371) The probability is that both means of punishment were used.

An unauthorized debt assumed by a youth under eighteen, was invalid. (3: no. 33)

An involuntary bankrupt, if the majority of creditors waived confiscation of his property, was free to pay off his creditors as soon as he was able. Small creditors were to receive as much proportionately as the large creditors. If the bankrupt owed more than a thousand gulden, he lost his local citizenship. (3: no. 328)

III. B. THE CONCESSION

1. Development of the Concession.

The institution of concessions came into full bloom toward the end of the sixteenth and the beginning of the seventeenth centuries. Briefly, the concession was the grant of a monopoly in some phase of business by the king or princes to certain individual Jews. At first, small monopolies were given by petty princes to poor Jews. However, with the development of the institution, it became a very desirable thing, and by our period, many important monopolies issued from the king. At this point, the wealthy Jews began to squeeze the others out of their position. (5: 19-20) The wealthy Jewish monopolists received great tracts of land from various noblemen. On the land there would often be mills, inns, forests etc. to be exploited at will. The monopolists had full control of the land and had full taxation rights over Jewish and Gentile inhabitants thereon. They had the right to judge their tenants and even to condemn them to death. (In 1601, a Jew paid 40,000 Polish gulden for a three year lease on a land grant.) (6:31) Not content with their position, wealthy individuals sought to gain for themselves several monopolies in different places. This move, however, was frustrated by a Vaad rule demanding residence of the monopolist on the place of his monopoly. (3: no. 74, 203) Naturally, the Polish lords envied the Jews their position, but as they had no capabilities of their

own, they had to entrust the government business, even money coining to the Jews.

In addition to land grants and monopolies, the Jews played an important role in trade. Because of their international connections and knowledge of many languages, they were in the center of international trade for the Polish government. They exported raw materials and imported from Western Europe, Turkey, Moldavia, and Wallachia. They imported manufactured articles, metal articles, silk, perfumes, dyes and oxen. (6:4)

With the development of the monopoly, the Kehillah itself entered into the field, often in competition with the individual. (5:22) Eventually a decision arose to the effect that communal control was more important than individual control because the former granted more opportunities for employment to individuals than the latter. (4: no. 60) The conflict between personal and communal control seems to have been resolved by an agreement between the Vaad and private individuals who served in a capacity beneficial to both sides. One such individual was a certain Moshe ben Eliezer who as early as 1627 was authorized by the Vaad to act in the capacity of sole tax collector for the Polish government in Lithuania. (3: no. 123) In this position he collected taxes from both Jew and Gentile. He was at one time the only creditor of the Vaad, and in 1632 was even a member, both very fine methods of inducing favoritism. (3: no. 255, 271) Needless to say, the arrangement was also lucrative to the Vaad. We shall have occasion to deal with Moshe later on.

The institution of concessions had many evils, one of which was the playing off of rival princes against each other by rival concessioners. This was denounced by the Vaad and was later the cause of serious trouble. (3: no. 82) Yet while the Vaad opposed these tactics, it welcomed the control of tax-farming by Jews, a hateful thing in the eyes of the Gentiles. (3: no. 64, 123)

2. Tax Farming

As early as 1569, protests were uttered by Polish authorities against the control of tax farming by Jews, and they demanded that it be turned over to the Shliachta. (6:4) Their protests were seconded by the populace as well as the poorer Jewish element upon whom the agents of the tax farmers used rigorous methods to collect money, and who were severely punished if they sought to hide any taxable property. (6:4) Despite all this, the Jewish tax farmers attempted to create new sources of revenue. This, however, was invoked by the Vaad which recalled the old injunction against such practice. (3: no. 106) This rule had previously been passed when the Vaad ordered the excommunication of a Jewish tax farmer who sought to extort new revenues, even if he were associated in this business with a Gentile. (3: no. 86) All this was of little concern to the tax collectors, for they felt secure in the favor shown them by the Polish government which desired a centralized and effective means of tax collection. They were exempted by the Polish government from the jurisdiction of the Vaad. (3: no. 124; 5:25-26) The exemption referred to jurisdiction

concerning taxes, not civil or religious jurisdiction, however.

Moshe ben Eliezer seems to have been a favorite of the Vaad. Every possible measure was taken to assure him unhampered monopoly and control. The Vaad made an official pronouncement against all those who ~~seek~~^{ought} to enter into competition with him by aligning themselves with other princes who must as a result be bought off by Moshe. In the very citation just quoted, we find a statement to the effect that Moshe had out of the goodness of his heart donated 21,000 gulden annually during his monopoly to the three chief communities (not their subsidiary communities, however.) (3: no. 217) The Vaad was apprehensive lest the tax farming concession fall into the hands of Gentiles. This was to be avoided as a "great danger....for under present circumstances (Jewish tax control), the Jews have an advantage." In view of the danger of Gentile acquisition of the monopoly, the Jewish public was warned that only Moshe and his associates could collect taxes, and was ordered not to oppose this monopoly. All sorts of obstacles were put in the path of anyone seeking to gain a footing in the tax farming field through intervention with other princes. The most effective obstacle was the issuance of permission to Moshe and his associates to investigate the activities of other tax farmers and expose them for excommunication. (3: no. 123) Complete authority and autonomy was accorded to him except in the cases of alleged irregularities. To further bolster the Vaad's choice, it was ruled that no new regulations on tax farming awards could be made by minor communities without the sanction of the

chief Jewish authorities. (3: no. 124) (Since Moshe controlled these authorities, it was a foregone conclusion that such sanction was improbable.) In 1627, it was decided that all previous legislation and awards regarding tax farming were nullified, being replaced by the new laws concerning Moshe. He was then awarded his monopoly for the next three years, 1628-1631. In return, he deposited 5500 gulden with the Medina as security for the taxes he was to collect. (3: no. 124) Moshe lived until 1634, during which time his control was undisturbed. Plans were made during the latter part of his life for his successor, however. It was decided that the next tax farming monopoly would be awarded to that resident of a tax collecting district who could make a sufficient bid for the monopoly. (3: no. 237) In 1634, it was decided that the highest bidder would receive the award. (3: no. 288) It was also decided that the monopoly would be restricted to a member of one of the three chief communities. (3: no. 304) When Moshe died, he left a bequest of 2000 gulden for the upkeep of synagogues and for the benefit of the Medina and the communities. (3: no. 305) This sum was made a permanent endowment in 1647, and twelve per cent of it was to be used annually for synagogues. (3: no. 449)

In summary, let us say that the chief reason for the Vaad's desire to keep the tax farming monopoly within the Jewish community, was the reductions in taxes which could be achieved under Jewish tax farmers. The Polish government was so weak that it could not even supervise tax collecting adequately. It is also

evident from this why the Gentiles who were taxed more than the Jews resented them. *no proof of this*

3. General Monopoly. *DPID*

A Jew holding a concession for three years, or having a permit to hold it for three years, had first choice for the renewal of his tenure for the remainder of his life. His concession was also inheritable. Theoretically the rights to a concession applied even if it was taken away by a Polish lord and given to a Christian. (3: no. 73) It was also ruled that the owner of a concession must live upon the property occupied by that concession. The sale of a concession by a concessioner not residing at the concession was void. The owner, however, could rent out his concession to another Jew. (3: no. 74, 203) The provisions for renting out a concession were as follows: if one rented a concession to another and later secured another concession, he automatically lost all claim to rent on the first concession. If he later lost his concession, he could again receive rent and even reclaim the concession after the lease expired. (3: no. 77) In the event of a partnership of a concession, the heirs of one of the partners could inherit his share upon his decease. (3: no. 75) We observe that the general tendency seems to be to perpetuate the control of the concession within a given group. A Jew could not seek a concession confiscated for debt from another Jew by a Christian unless the latter had held it at least a year, and unless the former had first received permission from the Av Beth Din.

(3: no. 85, 131) Even in 1623, there was an injunction against the opening of new concessions by Jews, and the prices charged in various concessions were limited. (3: no. 86) There was also a ruling against seeking to create a new type of concession until it was officially recognized by the Polish government (3: no. 106), and even after this recognition was gained, permission had to be secured from the Medina authorities. (3: no. 107) A tax was imposed upon all concession holders. (3: no. 471) The heir to a concession who lived in a foreign land was required to sell it. (3: no. 204) No Kehillah could disregard or violate any laws concerning concessions, nor could it instruct its representatives how to decide in deliberations concerning concessions. The Medina could not interfere with the control of concessions in the interim between Vaads. The length of concessions could not be extended beyond the dates stated in the permits granted to concessioners. (3: no. 386) The legislation concerning concessions and tax farming were to be recorded in separate record books. (3: no. 404)

The laws concerning general monopolies were applied by the Medina, with the exception of liquor monopolies. In this case, severe restrictions were made against this type of concession. Joel Sirkes says, "I have often judged with the judges (of the Kehillah) who know well the content of this rule (concerning monopolies). I have observed a rule where heavy penalties are invoked in many sections of our kingdom, to the effect that no Jew may have a liquor concession because of the danger resulting

from the protests of the Gentiles in many places to the effect that the Jews rule over them like kings and princes." (4: no. 61) After the riots of 1648, the Vaad was in need of more funds, and set out to tax concessions four per cent on every hundred gulden profit. This was reduced later to $2\frac{1}{2}$ -3%. (3: no.453, 471)

4. Money Coining and Lending.

The Vaad was very apprehensive about the Jewish monopoly on coining, for fear of arousing Gentile antagonism. (5:21) This monopoly was restricted during the periods of the meetings of the Polish Sejm which might have proved antagonistic. The Vaad also demanded great sums from money coiners, presumably to protect them if caught in fraudulent activities while coining. We have the following reference to the turbulent and unsettled conditions of the Jews because of the difficulty arising out of their money coining concessions: "There is no peace or quiet in the Medina in the matter of money coining...and danger is felt." There was also an injunction against melting Polish or foreign coins for money coining purposes. (3: no. 81)

The Jews were also big and petty money lenders. They often put debtors into bankruptcy, arousing the antagonism of the masses and nobility. (6:5a) Already in 1623, they were enjoined against exchanging money. (3: no. 92)

III. C. THE WEALTHY AND THE POOR

The economic crisis following the riots of 1648, made additional taxes necessary, and the poor classes found themselves bearing the brunt. As a result, secret opposition against the Jewish leadership developed, which the Vaad sought to suppress. (3: no. 56) This is the reason for the several gag rules which we found among the law enforcement devices of the Vaad.

Generally, there were three economic-social groups in Lithuanian Jewry besides the very poor--the wealthy (Ashir), the middle class (Benoni), and the poorer class (Benoni Pachos Mizeh). (3: no. 3) The local as well as Medina authority lay in the hands of the greatest tax payers. The tax regulators were the wealthy people. In 1652, the Vaad expressly requested that wealthy men be sent as communal representatives. (3: no. 488) The method of collecting taxes reflected the supremacy of the wealthy. In the collection of the poll tax a committee consisting of a representative of each class was chosen. Each was assigned a definite amount to collect. The wealthy member paid his allotted amount first, and then the middle class man. If the third member could not pay his share, the first two decided how much of his share he should be required to pay. (3: no. 3) Aside from this, the wealthy did not help the poor with meeting the burden of taxation. The masses were crushed, going about hungry and unclothed. The wealthy confiscated the property of the poor, (even their Tallis and Kittel), and sold it. Their bed sheets

and covers, too, were taken, we are told. They lived with their families in single rooms, while the wealthy lived on the communities' funds and helped their children marry on them. (10. P. 9)

The "mussar" literature of the time waxes indignant over this state of affairs and speaks very harshly of the wealthy. The burden of this literature is that the rich dwelt in comfort, while the poor lived in huts, unwarmed by wool which they could not afford to buy. On the festivals, the poor had nothing to eat. The rich married off their daughters to the best suitors, but the poor had to see their daughters marry wife-beating boors. (10:P. 9)

In 1628 the Pinkas already described the situation of Jewish concessioners who were evading taxes by obtaining special privileges from local lords, and who sought to obtain tax exemptions. (3: no. 215) The same sentiment is expressed when the communal leaders are told not to "impose an additional burden upon the community. (They should) pay taxes like other people, and should not be sycophantic, toadying to the wealthy....and placing the burden upon the poor." (10: p. 9) The wealthy were also arraigned for not giving charity. (10:P. 10, 36)

Many scholars, though wealthy, were given special tax privileges. They were exempted from taxes "because of their Torah." (5:17)

In the case of concessions, the poor were again at a disadvantage. Although control of concessions was limited to one concession per person, as we have seen, many injustices prevailed nevertheless. While concessions were originally intended for

the poor, the widow, and the orphan, they fell into the hands of the wealthy." "Whoever comes first, prevails." (5:19-20) Whereas in the cases of small monopolies, Hasagath Gerul is decried, in the case of royal monopolies it is permissible, thus allowing for the absorption of small concessions by the large ones. (5:20) The Vaad, ever the instrument of the wealthy, and fearing interference with its affairs by the masses, provided for a special secret Pinkas containing all matters of monopolies and taxes. (3: no. 191, 404) Whereas in 1623, more than one monopoly was restricted, in 1634, an interpretation was made permitting the evasion of this rule. (3: no. 295) The concentration of monopolies in the hands of the few impoverished many Jews.

The social cleavage was intensified when in 1627, the Vaad asked that two or three wealthy men be appointed to collect taxes. (3: no. 125) This was a departure from the rule of 1623, when the lower classes had a semblance of representation. The government house tax, however, was still collected by representatives of the three classes. (3: no. 475) Jewish tax assessors could only be from among those who paid at least eighteen Polish groschen weekly. Scholars needed pay only ten groschen weekly to the assessors. (5: 16)

The poor wanted taxes to be levied according to wealth. The rich wanted taxes to be levied according to population. As a result a compromise was effected whereby the Medina taxes were levied according to wealth and the Polish government taxes were levied by population. (3: no. 338, 475, 487, 505) In the latter

case, part of the tax was paid by the Medina in some instances. In the case of blood libel, if the accused was ^{rich} poor, he was to pay for intervention. If he was poor, the community was to pay for him. (3: no. 9) Orphans were also not required to contribute toward the funds for Rabbis, chazzanim, shamashim, or soldiers. (3: 166)

Only people of advanced financial means were permitted to employ a maidservant. (3: no. 146) The very wealthy were exempted from most of the restrictions which forbade extravagant clothing, except that they were not permitted to wear the same clothes as the Gentiles. (3: no. 339) Later on, however, during the persecutions, all groups were restricted from wearing certain prescribed garments and adornments for three years to come (1650-1653). This was most probably done as a sign of mourning as well as a protective measure against the jealousy of the Gentiles. (3: no. 463) We are told that the wealthy Jewesses excited the envy of the Gentile women by their gaudy garments, thus causing evil decrees against the Jews. (10: P. 2)

The masses were forced into despised trades against their wills by avaricious lords. (2:97) Unemployment was prevalent among the Jews in places where concessions did not exist or were not awarded to Jews. In 1634, the Vaad decided to deal with the problem at its next session. (3: no. 284) At the next meeting in 1637, the following measures were taken for giving livelihood to impoverished Jews so as to prevent mass migrations out of the country.

(1) In communities of at least fifteen families, the Rosh Beth Din could empower the heads of these families to open up places for the sale of liquor, despite previous restrictions.

(2) If a member of the community had already rented a concession before the above relief measure was taken, thus expending his own money, he could receive a partial reimbursement. (3: no. 308)

The sense of the above ruling is that the members of the community could share in the profits of the communities' liquor concessions.

The ordinary manual laborers were almost completely ignored by the Vaad. They are mentioned as a class only once in our period, and then for religious purposes only. (3: no. 360) Jewish labor organizations were extant in Lithuania since the fifteenth century. They were formed on the basis of trade. All the workers of the same type of labor were supposed to belong to the same group. Those who did not choose to belong, were enjoined from doing their work. (7:78) They were organized for the purpose of maintaining their rights against the aggressions of the Gentile laborers. (7:77) Since the Pinkas does not mention them, we may assume that they were ignored, and we can posit another reason for their organization--namely, protection against the autocratic Vaad. It is they, doubtless, to whom the Pinkas refers again and again in its denunciations of secret, subversive elements who opposed the Vaad.

The oligarchical methods of the rich brought about not only

the control of the communities, but of the rabbis as well. Only a few dared protest against the methods of the rich. Moshe Chayes complains that wealth is the deciding factors in communal life. "The dinar permits, the dinar prohibits, the dinar sets up a boorish communal leader." (Lekach Hakerach, 103, quoted in 5:68) Many rabbis sanctioned the existing conditions, being materially interested, since they received compensation and protection. They were partial in their judgments, declaring the innocent guilty, and the guilty innocent. (20:p.65) The emoluments which were ordered given to communal spiritual servants for weddings etc., made them even more dependent on the wealthy, especially since the poor were not required to pay anything at all to the rabbis. (3: no. 50, 52) We have also seen the subsidiary position in which the rabbis were placed at Vaad meetings.

III. D. SPECIAL JEWISH FEES AND TAXES

Taxes were excessive because in addition to the strictly Jewish taxes that had to be paid to the Kehillah and the Medina, additional taxes had to be paid to the national government, the local government, and the local prince. In addition there were many special Jewish taxes. This tremendous burden impoverished the masses and made the wealthy evasive. In 1634, individual communities complained against the burden of taxes. The complaint was tabled. The complaint was again raised and again tabled in 1637. (5:9) In 1648, the Jewish community in Lithuania was on the verge of ruin, due to the weakened economic conditions resulting from the political upheaval, and had to resort to a tax on liquor monopolies. Other concession holders were also required to pay taxes on their concessions to the Medina (3: no. 471)

One of the special fees was the revenge fee for murder. This fee was used to bring the murderer to justice. The Polish courts were lax in apprehending and punishing murderers of Jews, and the Jewish community had to bring special pressure to bear to obtain justice. The revenge fee was paid by the heirs of the murdered if he was wealthy, with the understanding that the Medina would contribute to the fee later on. If he was poor, the community paid for him. (3: no. 9, 112) The revenge fee for a murder which occurred outside of Lithuania, but which was payable in Lithuania, was to be paid by the Medina. (3: no. 246) The revenge fee for robbery was to be exacted like that of murder (3: no. 439) The expenses involved in a blood libel or a violation of

the host libel were to be shared by the entire Medina, even if a single individual might have been accused. (3: no. 9) The methods of expending funds in a libel were as follows:

(1) The community in which the libel was pronounced, made the first payment.

(2) In case of emergency, where there was not enough time to consult other communities, the locality where the libel was pronounced, had to pay as much as possible immediately.

(3) Disputes between two communities over expenditures in matters not specified were to be decided by the third as to whether the expenditures should be shared by the Medina or only the Kehillah where the libel occurred. (3: no. 307)

Another emergency for which the Medina had constantly to be prepared was attacks by marauding soldiers not alligned with the government. They swooped down upon defenseless communities and the Jews had to pay a tax into a defense fund for their own protection. (3: no. 40) Dubnow interprets this fund as a defense fund, (viz. note to 3: no. 40) but elsewhere we find that it was a fund to sustain and buy off the marauders. The fee for this purpose was to be raised one half according to wealth, and one half according to population. (3: no. 198)

Another constant fear of the Jewish communities was the danger of attacks by Gentile students. Each community had to pay protection money to the local Gentile school teachers to hold off their students. If the local community could not raise enough funds, the Medina helped it out (3: no. 335) In 1639, the Vaad

promised the Vilna community that if it could prevail upon the Polish government to ban these riots, by constitutional law, it would receive a special subsidy. (3: no. 390) Generally, the methods of communal expenditures for intervention were as follows:

(1) For blood libels, desecration of the host libels, witch libels, and student attacks, the entire Medina shared the expenses, but the community directly responsible paid the first hundred "shaklim."

(2) For redeeming kidnapped Jewish children, the same as decided in previous legislation. (viz. 3: no. 365)

(3) For all other cases where other Kehillas are not directly involved, only the Kehillah directly involved, paid the expenses unless two other Kehillahs agreed to share the expense. (3: no. 440)

The expense of gifts presented to the king by a Kehillah, when he was passing through its city, were shared by the Medina. If a Kehillah neglected to present the king with a gift, it was obliged to stand half of the expenses for it, since the Medina then presented the gift. (3: no. 398)

Scholars living with relatives were not taxed excessively. (3: no. 190) They did not have to pay more than the regular tax during the first five years of their residence with them. (3: no. 232) Students of the Torah, too preoccupied to work, were also dealt with leniently. (3: no. 189) They were given one fourth to one half reduction. (3: no. 233)

In 1650, provision was made for an income tax. This was for the purpose of aiding the depleted budgets of the Kehillahs and the tax was fixed through conferences of the individuals involved with their Rabbis or Shamashim, before they were fixed by the Vaad. (3: no. 474) Further details are not included. This new tax reduced the ability of many to pay other taxes.

There was also a property tax. Taxable property was to be assessed and estimated by communal assessors. Such property included concessions. (3: no. 4) The assessors were empowered to investigate possibilities of undeclared property. (3: no. 5) Tax collectors had been empowered in 1628 to punish tax-evaders. This was changed in 1631 to the effect that the Av Beth Din or the Seven Tove Ha Ir should do this. (3: no. 213, 239)

The following were some of the difficulties of tax collecting:

(1) Evasion. One method of evasion was for a community to give a false census report to the Jewish authorities. (3: no. 493)

(2) Overtaxing of the poor.

(3) Undertaxing of the rich.

(4) Inability to get a complete record of the Jews in outlying districts. (3: no. 125)

In order to solve these problems, it was decided to appoint a committee of three to appraise and assess. Their duties were:

(1) To make a record of the inhabitants of the outlying communities.

(2) To make the assessments more equitably.

(3) To appoint a group of wealthy men in each community to pay the tax of the entire community and later collect their due from the people individually.

(4) To serve as a court of appeal.

These people received salaries as well as litigation fees. (3: no. 125)

Special taxes were levied for the support of rabbis. In 1623 R. Joel was appointed to take a census of the Medina and collect taxes for this purpose. In this census, the poor were reckoned separately. (3: no. 99) All communities had to pay a rabbi-tax, whether or not they had a rabbi. (3: no. 227) The expenses for maintaining judges and Shamashim went from the budget of the Medina. (3: no. 40)

Free will offerings were also collected. These were for Palestinian relief. Specially appointed officers went weekly from house to house to collect for this purpose. (3: no. 462) Money was also collected for redeeming Jewish captives in Turkey. (3: no. 485)

There was a special tax levied for the lodging of government soldiers in Jewish homes. This tax was levied one third on the basis of houses. The large houses were taxed more than the small houses. The remainder of the tax was taken one third from the general poll tax and one third by direct taxation.

III. E. GOVERNMENT TAXES

1. The government levied a special tax on houses. Steps were taken by the Vaad to partially relieve the poor Jews of this tax. (3: no. 475) In 1650, the Vaad divided the population into rich, middle class, and poor people. It exempted the poor from this tax, levied a moderate tax on the middle class, and made the rich pay most of the tax. (5: 10)

2. Each community received a special assessment from the Vaad for the payment of a government poll tax. (3: no. 255) In 1655 there was a complaint against this tax which proved too burdensome. (5:10) "The head tax of Lithuanian Jewry had been set at 68,741 gulden, but the sum was not collected, despite the fact that it was reduced to 20,000 gulden. Altogether, over 15,000 gulden were collected. The Jews desired to delay the remainder of the debt because of their poverty." (Russian-Jewish Archives (Russian), Bershadsky, vol. IV, document 236, quoted in 5:11)

3. Pavratne (a special Jewish tax, imposed by the government.) Some communities were unable to pay the full amount of the assessment. Those communities were informed by the Vaad that they would receive a lesser distribution of any profits made by the Medina. (3: no. 346) Boarders were required to pay but one-half of this tax.

4. Tshapvi (a special tax on liquor sales). Evasions by gaining the support of local princes were common, and opposed

by the Vaad. Demands were made for full payment. (3: no. 215)

Due to the burden of taxes, Jewish tax farmers were instructed to give Jews a one third reduction in taxes. (3: no. 123) Later, in 1628, the tax farmers agreed to tax the Jews only one half, on condition that they declared their property correctly on oath. Failure to do this resulted in a penalty of levying the complete tax plus an additional half for charity. (3: no. 213)

III. F. INTER-CITY RELATIONSHIPS

Just as there existed a sharp distinction between the wealthy and poor classes, so there was a definite superior-inferior relationship between the chief communities on one side and their subsidiary communities on the other side. Thus we observe that a tax was imposed upon residents of a minor community who settled in a major community, while the reverse was permissible. Trading rights were also restricted. Major community residents could trade in a minor community, but those of the latter who attempted to trade in a major community underwent many restrictions. Controversies over this matter which were raised in minor communities were settled in the courts of the chief communities. (3: no. 6-8)

The Vaad was very strict in restraining communities which sought to assume additional power. As early as 1634, Vilna which was not yet regarded as a chief community, sought to receive this status. The value of such a status has already been partially observed, and a further consideration was the fact that as a legally recognized community, it could share its emergency expenses with other communities. At this time, Vilna was not even reckoned as a subsidiary of any of the three major communities, and was apparently considered as an outlying district. (3: no. 89) In 1634, Vilna's claim came up to the Vaad, and it was decided that it could not be regarded as a Kehillah except in cases of raising revenge money for murder, in which instance it would not have to

stand the sole expense. (3: no. 277) It was also warned not to attempt any supremacy over any other communities, under threat of punishment. In the same year, Vilna complained that Jewish merchants from other Kehillahs were trading in Vilna, and thus impairing local trade. The complaint was disregarded to the extent that out-of-Vilna merchants were permitted to continue trading there. However, certain protective measures were taken in Vilna's behalf:

(1) Out-of-Vilna merchants must sell their produce in bulk, not retail. A minimum quantity of sales was specified.

(2) During their first ten days in Vilna, the merchants could sell to Jews and Gentiles as well.

(3) During the following two weeks, they could not sell to Gentiles.

(4) For ten days after that period, they could sell to Jews and Gentiles as well. This cycle of ten days, two weeks, ten days etc., could proceed for at least twelve weeks.

(5) Out-of-Vilna merchants could buy from Gentiles in Vilna and bring their merchandise out of Vilna, but they could not resell their merchandise in Vilna.

(6) The type of business not conducted by Vilna Jews could not be transacted by out-of-Vilna merchants.

(7) A percentage of the profits of the out-of-Vilna merchants was to be given over to the Vilna community.

(8) One out-of-Vilna merchant could not transact business with another.

The above legislation did not apply to the case of merchants from any of the three chief communities except points number 5, 7, and 8.

The above legislation was applicable for ten years, unless Vilna complained in the interim. The Vilna community was empowered to punish merchants who defaulted on their tax mentioned in point number seven. Visiting merchants were also permitted to complain against any injustice in a court in Brisk. (3: no. 289)

It is interesting to notice that there is a definite and considerable concession made to Vilna, which was made to no other minor community. It was doubtless making its influence felt through Lithuania, and we notice that at the expiration of the ten year period mentioned in the rule of 1634, Vilna becomes a chief community. In our legislation of 1634, ^{we} ~~23~~ already find that in a test between Vilna and the major community of Grodno, the city of Vilkanek was placed under the jurisdiction of Vilna and not Grodno. (3: no. 292) Vilna merchants were also permitted to trade in communities around the three major communities. (3: no. 293) Further powers were added to Vilna at the same time. Seeming to reverse its previous stand on the status of Vilna, the Vaad decided at the very same session to give Vilna authority over three other outlying communities. (The statute refers to five cities including Vilna, but only four are mentioned.) These communities were formerly under the jurisdiction of Brisk, and the Vaad must have respected Vilna greatly, a "great metropolis among the nations," to permit it to gain the ascendancy over Brisk. Vilna was authorized to exert the sole power of decision over its newly

added cities, but as yet was not regarded as a chief community.

(3: no. 89, 296) Except in the following cases, Vilna was permitted to make decisions without consulting the other communities under its jurisdiction.

(1) Expenditures over fifty Shaklim required a majority consent of the heads of the three other communities.

(2) Expenditures for the local Polish Council were to be determined in a similar manner. (3: no. 296)

The city of Slutsk also had difficulties because of out of town merchants who were over-running its market. Slutsk was under the jurisdiction of Brisk, and apparently Grodno, Pinsk, and Vilna sought to gain a foothold in the trade of that community. The following provisions were made:

(1) Only four out-of-Slutsk merchants could trade during a given period, for no more than two weeks at a time.

(2) The sale of goods to Gentiles was prohibited for the first three days. After that period, out-of-Slutsk merchants could sell to Gentiles if Jews did not buy from them.

(3) Out-of-town merchants could not buy from Gentiles. (3: no. 301)

The community of Minsk secured an order that out-of-Minsk merchants give a percentage of their profits to the community. (3: no. 294)

The chief communities sought to maintain unchallenged power over their members and desired to be the final authorities in

communal matters. Brisk, for example, enjoined against anyone appealing a decision of that community to the Medina. It was rebuked by the Vaad for this ruling which contradicted two previous Vaad rulings. (3: no. 12, 113, 389) The Brisk community was threatened with a fine if it should continue in its violation. The Vaad, however, wavered as to an absolute decision on the matter and finally ruled that the matter would be settled in the near future, but that for the time being, its ruling applied. (3: no. 389)

The priority of the major cities is emphasized in a number of rulings. In the case of trials concerning fraudulence, the litigant could hail the defendant to any city he desired, and the decision of the court in that city was regarded as binding. However, if disputes concerning fraudulence were begun in one of the major cities, and the litigant sought a change of venue, these cities could prevent such procedure. (3: no. 84) No Kehillah in the Medina could build a synagogue without the joint consent of the Rosh Kehillah of each of the three major cities. (3: no. 417)

Exercising the greatest authority, however, was the Medina itself, controlling the chief communities as well as the minor ones. No communal legislation could contradict the legislation of the Medina. (3: no. 105) In matters which did not involve a chief community specifically but rather the entire Medina, no individual community could settle the matter independently, but

had to express its opinion in writing and abide by the majority opinion of the three chief communities. (3: no. 424) It will be noticed that the minor communities were not even consulted at all in such problems. The jurisdiction of courts in minor communities was confined to their own bounds alone. (3: no. 95)

III. G. SHTADLANUS

A simple explanation of Shtadlanus can be made by use of the word lobbying. Shtadlanus was legalized, encouraged and financed by the Medina for reasons which we shall observe. Indeed, Shtadlanus was commanded by the first Vaad, and it was invoked under threat of a fine. (3: no. 10) A great deal of the lobbying was done at the Polish Sejms where the Vaad sought to have official representative of the Medina intervene in behalf of certain measures and against others. The Vaad saw to it, however, that the lobbyists were delegates of the Medina, and not self appointed. Self appointed lobbyists were threatened with physical and monetary punishment. (3: no. 39) Three lobbyists represented the Medina at the royal court, and each major city sent three additional lobbyists to represent it. (3: no. 206) Special funds were provided for lobbying purposes, especially since the Polish officials had to be bought off and since there were many other expenses involved. These funds were raised from among individuals and local communities, depending upon the nature of the case for which lobbying was required. Expenses for courting favor with Polish national officers were paid by the Medina; with local officers, by the Kehillahs. (3: no. 162) Provision was made for giving gifts to members of the Sejm and for being on guard against adverse legislation. (3: no. 9, 147)

In 1634, there seemed to be a feeling of dissatisfaction with the work of the lobbyists. An attempt was made to create

new methods of fighting anti-Jewish libels. (3: no. 273)

In 1639 a decision was made to appoint a special person to be present at the sessions of the Polish criminal court wherever it might convene to work in the interests of Jews who were accused of crimes. They had to travel to Warsaw, the national capitol, whenever necessary, and they were paid a regular salary for this work. (3: no. 394) The rules governing intervention for a Jew being tried by the Polish criminal court were as follows:

(1) If he was from a city other than the one in which the court was being held, the city wherein the court was convening had to intercede in his behalf to the extent of a hundred gulden, until his own city came to his rescue.

(2) If the case required immediate action and could not be postponed, the local city had to pay up to five hundred gulden in behalf of the accused. (3: no. 433)

Apparently the institution of lobbying had its grave faults which met with the disapproval of some people. One contemporary denounced this institution as evil because it often resulted in intervention for Jewish criminals who deserved punishment and whose unnecessary defense both antagonized the general citizenry and encouraged crime among the Jews. The complaint stated that intervention should be used by the Jews to insist on punishing the Jewish criminals, lest they seek to escape their punishment by embracing Christianity, an alternative often held out for them. (Sheeloth Uteshuveth Ethan Ha Ezrachi, Teshuvah of R. Meir b. Abraham Zack, 1647, quoted in Lekot Ha Yehudim....BeLita, p. 14.)²

NOTES TO SECTION III

1. In a critical appraisal of No. 68 in the Pinkas, Kaplan claims that the R. Meir mentioned is not the son of Saul Wahl. In fact, we notice that he signs himself as R. Meir ben Yitzchok. (3: 337) Regardless of his origin, however, R. Meir Wahl was a great influence in Lithuania.

2. The text of the complaint reads as follows:

והנה אנחנו נודע
בכבודנו על אנשי הדור של אנשי חסד שם אנחנו נודע
לפניהם אנחנו ידועים שם אנחנו נודע
שם אנחנו נודע, וידוע פריצת הדור, כאלו אנחנו נודע
לפי כן הם נודע, שם אנחנו נודע (שם אנחנו נודע) שם אנחנו נודע
יבא מלאך הדג לביכר, כמו שם אנחנו נודע, וידוע שם אנחנו נודע
לפניהם אנחנו נודע, שם אנחנו נודע, וידוע שם אנחנו נודע
והנה אנחנו נודע, שם אנחנו נודע, וידוע שם אנחנו נודע
שם אנחנו נודע, שם אנחנו נודע, וידוע שם אנחנו נודע
שם אנחנו נודע, שם אנחנו נודע, וידוע שם אנחנו נודע

It seems that Lithuanian Jewry were caught in a vise when they sought to intervene in behalf of accused Jews. They were not desirous of intervening for criminals, and yet they had to do something to keep them from becoming converts to Christianity. To make matters worse, unwarranted penalties were often imposed for minor Jewish offenders, with conversion being held but as an alternative. There is a case on record (around the beginning of the seventeenth century) of a Jewish youth who was condemned to death for having intercourse with a Christian prostitute, and being offered escape through conversion. It so happens that

according to Polish law, this was not a capital offense, nor any crime at all, for that matter, and as a result the Jewish community was urged to intervene in his behalf with all its resources. (Lēkorot Ha Yehudim....Be Lita, p. 11)

SECTION IV

CULTURAL AND RELIGIOUS LIFE

BIBLIOGRAPHY TO SECTION IV

1. Dubnow
2. Graetz
3. Kav Ha Yashar
4. Kiryah Neemanah
5. Le Koros Ha Yehudim...Be'Litta
6. Megillas Sefer
7. Pinkas Medinas Litta
8. Sefer Elam
9. Sosis (vol. 1)
10. Sosis (vol. II)
11. Yesod Yoseph
12. Yeven Metzulah

After 1648, a general let down in the cultural and spiritual life of Lithuania set in. The atrocities which debased human life, as well as the great migrations from seats of Jewish population, caused the Lithuanian community to sink to the level of its surroundings. Coupled with this was the contempt for Jewish authority which developed at this time, resulting partly from the ease with which a Jew could become converted to Christianity. There is an instance in this period where a Jew, upon being remonstrated with for beating his wife, scorned communal disapproval and went over to Christianity. Both the wife beating and conversion are indicative of the trend of the times. (5:24) "It is clear that the great bloodshed which occurred in 1648 in which many were left without livelihood, created the increase of Jewish criminals." (5:24) The Kav Ha Yashar was very pessimistic over the moral situation of the times and exhorted its contemporaries to be humble so that they could give a favorable accounting of themselves in the future world. (9:15) Both the Yesod Yoseph and the Kav Ha Yashar decry wealth as a contributory factor in the demoralization of the people. They point out that it was because of their overweening wealth that many were slain in the Chmelnitzki riots. (3: 7)) In addition, "the economic crisis....produced an upheaval in the life of the middle and poor class woman. She was torn from her formerly cloistered family life, and drawn into the atmosphere of the market, small trade, the saloon, and the inn. In the seventeenth century the Jewish migrations tended from the city and town to

the village. This involved certain dangers resulting from the possible effect of the Gentiles upon Jewish villagers, their wives and their families." (10:53) The migrations to the villages heightened ignorance, Sabbath violation, and flippancy to religious matters. (3:P. 75) Long before 1648, this tendency was already apparent and efforts were made to solve the problem. In 1628 the Vaad ruled that a Jew could not obtain a concession in a district uninhabited by Jews unless he received a document from an Av Beth Din instructing him in religious and personal conduct. (7: no. 132) It was also ruled that village Jews had to appear from time to time before an Av Beth Din for instruction in legal and ritual matters. (7: no. 13) Special warnings were issued for the benefit of the increasing numbers of uninformed against dealing in and selling unclean animals and provision was also made for inspecting garments for Shatnez. (7:no. 138, 139) Despite these provisions, Jewish villages were guilty of going beyond the Techum and carrying objects on the Sabbath, and of allowing girls to be alone with men, without a chaperon. (Shomer) (3:P. 75) Protests were also registered against the people's pursuit of folly, especially at worship, and against their insincere prayers. (3:p.8, 37,94; 11:2a) The masses were accused of engaging in business during the day, eating and drinking at night, and going to sleep like a "veritable beast." They performed their duties peremptorily, thinking only of their business. (3: P. 61) "I have seen many people (Jews) who gorge their throats and fill

their bellies with much food, and drink much beer until they are drunk, and when the time comes to bake Matzos, they come in a drunken state." (3: P. 90) Delmedigo also mentions the fact that the people were addicted to drink and frivolity. (8: 128-129) The ignorant villagers resorted to Christian soothsayers, and followed other superstitions. Card playing and dice must have been favorite pasttimes, for in 1632, the Vaad threatens offenders with corporal punishments and persecution. (7: no. 51) Unscrupulousness in business dealings ~~were~~^{are} decried. (3: P. 63) The 1648 riots were attributed by Jacob Chayes to usury. (10:68)

*When the Vaad
was established
in 1623*

Whatever we may think of the above offenses, ~~awe~~ cannot help but be shocked at the practice of Jews offering their kin as hostages for debt. In 1623, the Vaad denounced this practice. (7: no. 44) Nevertheless, the community of Grodno decided that this was permissible, if the rest of the community permitted this. However, the rest of the Medina disavowed any responsibility for such practice, and it was officially abolished in 1626. (7: p. 10)

Other phases of national demoralization were cheating in business, false oaths, false witnesses, and refusals of employers to pay their employees. (11: 2a) This same employer class was responsible for much anti-Semitism due to their ostentatious bearing in the Gentile environment. They displayed their wealth, and their wives showed off their gaudy garments and jewels. In 1628, a long list of garments was drawn

up by the Vaad. These garments were restricted from the wardrobes of Jews. (7: no. 181) In 1650, a ban was pronounced against anyone violating clothing restrictions. (7: no. 467) There were really two reasons for these restrictions. One was motivated by apprehensions of jealousy by the Gentile environment. Thus in the period before 1648, numerous clothing and ornament laws were made with an eye to the general populace. Garments interlaced with pearls were forbidden. So were garments made of "Damask and attis," except for people possessing at least two thousand gulden. (7: no. 183, 184) Brides were not permitted to have silk garments if they were dependent upon financial assistance by the community. (7: no. 183) The style of women's garments was regulated, and women were rebuked for wasting money on clothes. (7: no. 186) By 1634, the clothing laws were disregarded, for in that year they had to be reaffirmed. (7: no. 281) In 1637, they were proclaimed again. This time elaborate restrictions were made, some of which ruled against silver, gold, and pearl ornamentations or garments. Other restrictions were limited to all but the very wealthy. No more than two rings could be worn by an individual on week days, and no more than three on the Sabbath. No clothing could be made after the style of the Gentiles. (7: no. 310-324) In addition to this, it was ruled that due to the extravagance of the social affairs of the people, each community must restrict the number of guests who might be invited. No one could attend unless invited through the Shamash. (7: no. 327) Later on, it was ruled that no parties could be held unless they received the sanction of the

authorities. (7: no. 408)

After 1648, the restrictions were reaffirmed, but this time as a sign of mourning. Certain specified garments could not be worn for three years (until 1653), and now even the wealthiest were not exempted. (7: no. 463) The restrictions were to be lifted after 1653, and each community was to be permitted to handle its own clothing problems. (7: no. 499) Due to general grief, no instruments could be played for a year (until 1651) except on nuptial nights and during the ceremony of Badeken. But even on those occasions, music could not be played on the outside. (7: no. 469) No more than fifty men could be present at a wedding, and no more than forty at a circumcision. (7: no. 470)

It is very likely that the exceptions in favor of the very wealthy, were a means of setting up class distinctions between the rich and the poor. If these restrictions were solely for the purpose of avoiding Gentile jealousy, why were the rich exempted, for surely they, and not the poor, excited their jealousy. We cannot help but feel that while the jealousy factor was very important, it also seemed as a subterfuge for setting up class distinctions.

Even as the cultural level of the people fell, so did the position of their rabbis fall. In the second half of the seventeenth century, the Rabbinate began to decline and lose influence with the masses. Rabbinical seminaries began to diminish in number, and Rabbinical students began to decrease. So low

was the interest in religious activity in general, that in 1656, the Jewish printers complained that there was not a sufficient demand to justify their printing Gemaras. (7: no. 502) As we have seen, the Vaad paid little attention to the Rabbis. "The Rabbis were socially on a lower level than the responsible supporters of the community, and were often ignored, although

formally the Rosh Beth Din was on the same level as the Rosh Kahal. (10:70) "The spiritual leaders became dependent upon the wealthy who gave them emoluments for weddings and other occasions, while the poor did not have to pay at all. (7:no. 50, 52) "In this generation, there are many people who, because they are sycophantic, or because they are given money, permit many things which are forbidden by the Torah." (3:

P.75) According to Graetz, corruption among the Rabbis resulted from too much pilpulistic study. People even bought their positions, and also attained religious eminence through Chiddushim. (2:108) He accuses the Lithuanian and Polish Rabbinate ~~for~~ bringing medieval darkness into Western Europe.) (2: no. 156-157)

Since the rabbis' functions were closely defined so as to exclude them largely from communal affairs, they exerted their energies along other lines, namely Pilpul. Delmedigo was disappointed to find this "engrossment in trivialities" in Lithuania, and expressed himself in the following terms: "Though the land is full of Yeshivos and schools, it is bereft of characterful men, and they all pursue material sustenance...They all desire to be teachers, judges, or heads of Yeshivos, and this is very bad....for they do not have secular knowledge or knowledge of the Torah." (8:128-129)¹ This is a two-fold arraignment--first against the anti-secularism of Lithuanian Jewry, and secondly against its estrangement from its cultural source. A more complimentary evaluation which also depicts the function of the

Lithuanian Rabbinate is by Emden who describes Vilna in his grandfather's time: "The great scholars did not move from the... synagogue. They studied day and night and did not cease studying Halachos and Poskim....They did not sleep in their houses during the week....they all became teachers in Israel." (6:5) Indeed, the scholars of Vilna "excelled all the people of Poland." (6:5) The scholarship of the time consisted, however, of studies far removed from the Torah itself, while the masses of Gentiles, especially after the Reformation, ^{and the Bible} as the basis of their oppressive measures against the Jews. While the wealthy Jews studied Talmud and its associated fields, the masses were too unlearned for this and read moralistic literature instead. (9:12-13)

The Lithuanian school system was controlled by the Vaad which controlled the curriculum, enrollment, and policy of the educational institutions. While one contemporary account praises the educational system of the Medina, another deprecates the low level to which it has fallen. Thus, Hanover says "In no other country ought knowledge of the holy teachings of Judaism be so widespread as in the Polish Kingdom. For in every community there is a Yeshiva whose head receives a liberal salary paid out of the public funds in order that he might be relieved of material care." (12; 314. Translation from 1:116-118) On the other hand, the Pinkas of about the same period (1656) tells of the deplorable "neglect of the Torah," prevalent at the time. (7: no. 502)²

Were we to know nothing of the casuistic technique, we

would be quite impressed with the general makeup of the educational system. No one was eligible to serve as a Rabbi in Lithuania unless he had attended a Polish or Lithuanian Yeshiva. If he had not, he could serve only if he had received a written permit from the Gaon of each of three Kehillahs. (7: no. 434) Rabbis who did not head a local Yeshiva were not permitted to serve unless their congregation received permission from the Rosh Beth Din. (7: no. 216) Every Kehillah having a Rabbi had to support a Yeshiva. (7: no. 484) The support of poor students was required of all the communities. They were required to support indigent bachurim during non-school as well as school seasons. (7: no. 354, 459) In the very statute exhorting support of students, the neglect of the Torah and its students is mentioned. Special provisions were made stipulating which people should support students. If a Jew living with his parents or parents-in-law had a five hundred gulden capital, he was obliged to give Sabbath meals to a Naar (pre-Yeshivah student). If he possessed a thousand gulden, he had to support a bachur (Yeshiva student). (7: no. 379) The Vaad had constantly to watch for evasions by wealthy men of their responsibilities in this direction. (7: no. 355) The wealthy men may have objected to supporting non-Lithuanian students, many of whom came to Lithuania from Poland as early as 1623 when a plague in other parts of Poland sent them to Lithuania. At this time limitations were made on the rosters of the Yeshivos. (7: no. 46) In 1639, it was decided to bring to Lithuania fifty-seven poor foreign Jewish

youths. The object was to educate the mentally proficient and to teach trades to the others. Brisk and her subordinate cities were assigned thirty-five youths, Grodno ten, and Pinsk twelve. (7: no. 351)

The overemphasis on Pilpul is reflected in the insistence of the Vaad that all teachers must continue teaching the Bible to their students even if they have advanced to Mishna or even Gemara. The purpose was to offset the hasty progress to Talmud and the subsequent neglect of the Bible. (7: no. 353) The Rabbis were instructed to engage in frequent reviews with their students, and to give examinations. (7: no. 352)

Philanthropic activities in the Medina were centered mainly around sending money to Palestine, releasing Jewish prisoners abroad, and helping out indigent Jews locally. This last was applied to poor students and poor marriageable girls, in particular. Some of the regulations concerning the latter follow: A poor girl could not wed until the age of fifteen, nor could she have silk wedding garments, under penalty of withholding her dowry (partly supplied by the community) and of punishing her father. (7: no. 42) The community paid up to a third of a poor girl's dowry. (7: no. 41) Each chief community was allotted a budget for a specified number of poor unmarried girls whose weddings were to be financed by each community. The method in which the girls were chosen for support was by drawing lots from the list of the oldest unmarried girls. (7: no. 93) The following

legislation applied to poor unmarried girls who asked for communal help.

(1) They had to work as servants for three years before they wedded.

(2) Their wages were turned over to the Gabaim of the city where they lived.

(3) They could spend no money without the permission of the Gabbaim.

(4) They had to present certificates of their age upon applying for help. (7: no. 128) An applicant for dowry for his daughter was investigated for fear he was cheating. (7: no. 119)

As we have seen, special guardians were appointed for orphans, to administer their funds. They could not use the orphans' funds for their own purposes. (7:118)

Special provision was made for women to teach the poor and unlearned women the laws of Nidah, and a special fund was allocated for buying white undergarments for them. (7: no. 131)

Hanover gives a most glowing picture of Lithuanian Jewry's philanthropy. He gives the impression that no greater charity existed anywhere else. "There were fine regulations concerning poor girls...No girl reached the age of eighteen without becoming married." (12:317)^{3, 4}.

2. A detailed account of the educational system as observed by Hanover can be found in 12:116-118.

3. Detailed account in 12:317.

4. Miscellany: The unauthorized marriage of a Jewish youth under eighteen was declared null. (7: no. 32) The attempt to get around this law by forcing these young men to swear that they will ultimately marry a specified girl was frustrated by declaring such an oath null, and by forcing the girls' relatives to release the youth of this oath. (7: no. 430) Marriage without a minyan or a chuppah was punishable with physical punishment and ban. This was considered an atrocious crime.

SECTION V

THE MEDINA'S EXTERNAL RELATIONS

BIBLIOGRAPHY TO SECTION V

1. Kav Ha Yashar
2. Kiryah Neemanah
3. Le Koros Ha Yehudim...Be' Litta
4. Pinkas Medinas Litta
5. Rechovos Ir
6. Sosis (vol. I)
7. Sosis (vol. II)

A. RELATIONS WITH POLISH GENTILES

The attitude of the general populace to the Jews was very antagonistic. We read of the following illuminating incident of 1629. "I feel grieved for Shlomo who was drowned yesterday. I wanted to save him but was afraid lest he pull me down. The Gentiles there did not want to help him, and a priest who passed by chided the Gentiles, saying, 'Why do you not help the Jew?' In the meantime, the Jew drowned." (3:8-9) We have a somewhat similar account of 1635 when we read of a Jew who was pushed over a bridge by Gentiles and allowed to drown. The body was later found by a Gentile passer-by who refused to remove it lest the Jews accuse him of the crime. (3:9) The hatred of the people toward the Jews resulted from the apparent success of the latter who controlled many concessions as well as a liquor monopoly. It is because of this envy, that liquor monopolies were forbidden by the Vaad. (3:9)

The Gentile trade unions of the time sought to control the Jewish laborers, but the latter were protected by a royal decree of 1629. In 1652, the Gentile laborers again sought to dictate to the Jewish workers, and again they were set back by the citation by the Jews of their government privileges of 1629, 1633, and 1649. (6:9) In 1633, the Jews were accused of entering Vilna illicitly and competing in trade with the Gentiles. (6:6) All this friction was due to the fact that at first the Jewish

masses lived in villages and cities and engaged in petty trades. As their population expanded, they sought to move into new territory. This created conflicts with the Gentiles and a law was necessary to reaffirm the demand that the Jews remain in their own Ghettos. While forcing the Jews into Ghettos, the Gentiles (through the Jesuits) had little scruples about kidnaping Jewish children and converting them to Christianity. (4: no. 365)

The nobility seem to have felt toward the Jews even as did the masses, for they envied the Jews their government concessions and exorbitant profits. Yet they had to depend upon them for financial resourcefulness which they themselves did not possess. An insight into the regard the nobles had for the Jews can be had in the following two incidents: A woman whose husband was killed by a Gentile in Pinsk, tried to bring the murderer to justice, but he was only fined. (3:12) In the other case a Gentile insisted that a Jewess promised to become converted and marry him. She, however, refused, and her uncle, in order to help her, sent her away to a district where the local lord did not have sovereignty. In retaliation, the Gentile youth prevailed upon the local lord to incarcerate the entire Jewish community, pending the return and trial of the girl. Upon the advice of the rabbi of the city to which she escaped, the girl submitted to trial, and was exonerated by the lord of the second city. (3:13)

The Jews were also maltreated by the military officers as well as the soldiers. (3:13)

Despite the difficulties encountered by the Jews, both rich and poor, many of them were able to come close to the government. As a result, assimilatory tendencies set in. The Kav Ha Yashar, for example, inveighs against this, stating that the women dress like the Gentiles, the men shave their beards. Jews adopt Gentile names, eat unkosher food, teach their children French instead of Hebrew, and lose their trust in God. (1:P.82)

In order to protect themselves, the Jews made special provision for preventing any additional antagonism with the Gentiles. In 1623 the Vaad ruled that it was the duty of a Jew to warn a local lord, if he was aware of the intention of a fellow Jew to defraud the lord. (4: no. 26)

If a Jew had a liquor concession, he was permitted to sell to a Gentile on the Sabbath, if necessary. (4: no. 358) There was a special admonition not to malign and especially not to strike a Christian. The reason for this admonition was the growing misery of the Jews even as early as 1623. "The bitter exile... is increasing, until it is impossible to bear the suffering."

(4: no. 69) Jews could not sue Gentiles in Polish courts without the permission of the local Jewish leaders. If sued by Gentiles, they could not go to court until first getting advice from their leaders. (4:no. 61) The purchase of a house from a Christian by a Jew was dependent upon the sanction of the Rosh Beth Din. Wherever possible, it was feasible to get rid of Christians in this manner. (4: no. 79) A Jew could not seek

to buy a concession from a Christian unless the Christian had held it at least a year and unless the Jew received permission from the Av Beth Din. (3: no. 85) No Jew could visit a Polish city hall or local officers without permission. (3: no. 165) A Jew could not borrow money from a Gentile without permission of the Jewish authorities. (4: no. 163) No Jew was permitted to have a Christian boarder, under penalty of corporal punishment. (4: no. 410) The purchase of a house from a Christian by a Jew was dependent upon the sanction of the Av Beth Din. (4: no. 79) There was a strict injunction against seeking favors of and alligning with rival princes, for the purpose of getting desired concessions, thus causing rivalry among princes. We receive an inkling of the evils resulting from the above mentioned situation which the Pinkas mentions only cryptically in the statement, "Many evils result....from this; such as cannot be put in writing." (4: no. 82) A Jewess could not go to the house of a Christian unless accompanied by a Jewish man or boy. (4: no. 133) No Jew could live alone with his wife, but had to live with another Jewish family or Jewish servant so that his wife would not be left alone when he went out. (4: no. 259) No Jew could drink at a Christian's home. (4: no. 134) In view of the jealousy engendered among the Christians because the Jews hired Christian maid-servants, no Jewish house, regardless of the number of tenants, could have more than one maid-servant. The only exception was a concession where more help was needed.

(4: no. 145) In 1636, the Jews were instructed to fast in order to avert pogroms which had already broken out in other parts of Poland. (3:37-38) The Vaad relied mostly upon the Polish Sejm for intervention in behalf of Jewry. Thus it provided that three weeks before the meeting of the Sejm, the Kehillahs were to collect a "conciliation sum" to be sent to the Sejm. (4: no. 441) Attempts were also made to have pro-Jewish legislation written into the Polish statutes. (4: no. 390)

B. RELATIONS WITH FOREIGN JEWS

1. Relations With the Vaad Arba Aratzoth.

"In the first years of the Vaad's existence in Lithuania, a conflict broke out between it and the Vaad Arba Aratzoth concerning the boundaries between them. Both Vaads claimed the district of Tiktin which stood on the border....In 1629 the heads of the Vaad Arba Aratzoth sent a letter from Lublin to the inhabitants of Tiktin reminding them that it was under their jurisdiction and that they were prepared to "stand at your side and give you help" against Lithuanian Jewry's aggressions. (4: XXV) This feeling of antagonism persisted for a long time, and in matters of conflict between the Vaads, the Vaad of Lithuania seemed generally to occupy a subordinate position. Indeed, there were cases where the Polish Vaad summoned Lithuanian Jews to appear before it, and they were put into ban if they failed

to appear. (4: no. 19) All money for the poor of Palestine was forwarded annually to Lublin, Poland, by the Lithuanian Vaad.

(4: no. 53) In 1633, the Polish Vaad tried to make the Lithuanian Vaad share in the expenses of a gift for the king. After a conflict, it was agreed that Lithuanian Jewry would share, but not in any other gifts for Polish notables. In the same year, the Lithuanian Vaad decided to contribute 2500 gulden toward the treasury of the Polish Vaad, for defraying the cost of combating libels in connection with money coining by Jews. (4: p. 278)

In 1639, we read this statement in the Pinkas: "Since it is necessary to engage in a controversy at the Fair of Gramnitz (1640) with the leaders of Poland because of many differences between Poland and Lithuania, each Kehillah shall send....one Rosh Medina to be on the lookout..." It was also decided to meet regularly with the representatives of Polish Jewry to straighten out the finances of both Medinoth. (4: no. 380)

In 1644, at Lublin, Lithuanian Jewry asserted itself to the extent of becoming officially exempted from sharing in the expenses of the Polish "Tribunal" at Lublin, and from expenses for dealing with marauders in the near-by vicinity. The Lithuanian delegation to Lublin also refused to share in the expenses of an emissary to Rome to intercede for Polish Jewry in a blood libel case, because he was sent without the knowledge of Lithuanian Jewry. The Lithuanian group agreed only to pay one seventh of the expenses incurred at the Polish fairs. (4: p. 279) These liasion

laws were evolved by two representatives of Lithuanian Jewry, and two representatives of Polish Jewry. Apparently until 1644, Lithuanian Jewry had been required to apply the Polish Vaad's rules concerning Lithuanian Jews who evaded Polish Jewish creditors. But in 1644, it was emphatically stated by the Lithuanian delegation at Lublin that thereafter ~~in~~ "our holy Torah and not the rules of the Arba Aratzoth," would be applied. In view of this new ruling, the liaison committee agreed that in cases involving litigation between Lithuanian and Polish Jews, Lithuanian Jewry could not have more judges than they already had. We see elsewhere that the Lithuanian community was represented by one dayyan, a different one each year from a different chief city. At the outset, Brisk was to be represented for six years in succession, after which time the other cities were to receive representation in the following order: Grodno, Pinsk, Brisk (4: no. 414) It is strange that Vilna, though now a chief city (1644) is not mentioned. Lithuanian shamashim were also prohibited from working in the service of the Arba Aratzoth. On the other hand, Polish shamashim were required to work in the service of Lithuanian Jewry during the fairs. Another concession made to Lithuanian Jewry was that the Vaad Roshe Medinoth which adjudicated major cases and which consisted solely of the Roshe Medinoth of Poland, was required to judge all cases between the two Medinoth promptly, and before the expiration of the fair at which the cases were presented. Nonetheless, we see that Polish

Jewry held fast to its control of the Vaad Roshe Medinot.

(4:279)

The accounts which both communities had with each other were compiled annually at Lublin. (4: no. 435)

2. Contacts with other Groups.

Amsterdam maintained a cultural link with the Medina through the publication by the former of books written in the latter. We read of the publication of the Kikiyon de Jonah by Jonah Teomim, in Amsterdam. (5: 13, 16) Hamburg, too, published works created in Lithuania. (5:14)

In and around Vilna were a number of Karaites with whom the Vilna community maintained a close contact. "In those days (the period of Delmedigo's stay in Lithuania) our Rabbinite brethern were close to the Karaites who lived in Vilna and Troki...The Karaites were numbered with the Rabbinites for purposes of royal and ducal taxes, and the Rabbinites who outnumbered them, ruled them, and due to their contact, they produced scholars who were able to associate with the wonderful scholar, R. Joseph DelmedigoHe was especially close with the Karaite scholars, who apparently understood his great wisdom....more than did his Rabbinite brethern...The scholar R. Zerach, the son of R. Nathan of Troki....asked him important questions concerning the principles of religion....From these questions we observe his proficiency in the Oral Law and his great love for the works of our scholars as well as his all embracing knowledge of the....

sciences." (2:67-68) Delmedigo seemed to have met with favor among his contemporaries, at any rate, the Karaites. On his tombstone near Prague we read that he was a "wonderful scholar.... a divine philosopher....a gem of Israel....the generation is not worthy of standing before him." (2:70)

3. Immigrants into Lithuania.

In 1623 Sweden had invaded Polish territory and began its ascendancy over Poland. These disturbances brought many Jews into Lithuania. This influx disturbed Lithuanian Jewry. The following are some of the restrictions adopted by the Vaad: The number of non-Lithuanian students was to be restricted, since they were coming into Lithuania in large numbers as a result of "a war in the kingdom of Poland." (4: no. 46) No Jew could take up residence in Lithuania without the permission of the Rosh Medina. No new business could be established by a foreign Jew without permission. If he did so, his business could be confiscated by any Lithuanian Jew. (4: no. 46) Restrictions were made against Polish Jews settling in or around Minsk, under penalty of persecution and expulsion. (4: no. 47) Foreign Jews residing in Lithuania more than two years had to show a letter from their wives and families permitting their residence there. (4: no. 71) Travelling mendicants were to be expelled from the cities to which they came with no other aid but expenses with which to leave town. Any additional help given to them

was punishable by ban. (4: no. 88) Foreign Rabbis could not be appointed to Lithuanian communities without the approval of the Av Beth Din, Rosh Beth Din, or the heads of the communities. (4: no. 103) Foreign travelling salesmen could not sell food without the written consent of the Av Beth Din. (4: no. 143) In 1628, two individuals, Lachowitz and Kabrin, were ordered expelled from Lithuania. If they resisted, they were to be beaten. (4: no. 144) We do not know whether the above mentioned men were foreigners. They might have been in the general category of undesirables who were ordered expelled by the Medina. It seems that this class created strife with the Gentiles, even engaging in fights with them, thus running the risk of a libel against the entire community. The responsibility rested upon the Seven Tove Ha Ir to expel them. (4: no. 201) Alien Jews residing in Lithuania over ten years without paying taxes, or native Lithuanian Jews who did not pay taxes for ten years, were to be barred from owning concessions. (4: no. 202) By 1639 the problem of impoverished Jews from Poland entering Lithuania became aggravated. The communities were warned not to admit them unless they had a bona fide letter to the effect that they were travelling to relatives to collect dowry for their daughters. Otherwise they were to be sent back. The travelling expenses involved in reaching one's relatives were to be shared by the Medina. (4: no. 378) Generally, it appears that the burden of the restrictions was upon the poor immigrants who the Vaad feared would become a charge upon the Medina. The new citizen

of a community could not vote or hold office for three years after obtaining his citizenship. (4: no. 406) All strange preachers were required to show credentials. (4: no. 84)

Strangers could not wed in Lithuania until their character was investigated and it was ascertained that they were not already married. (4: no. 164) Careful investigations were made of the background of young children coming from Germany, in order to prevent brother marrying sister. (4: no. 362) In order to prevent a Cohen marrying a divorcee or a Chalutza, investigation was made of prospective foreign husbands and wives. (4: no. 361) Due to the dispersions resulting from the riots of 1648, no one could marry unlesshe showed a Rabbi's certificate to the effect that he was a widower or a divorcee. They were also requested to prove their lineage for the purpose of avoiding unintentional illegal marriages. (4: no. 461)

4. Rescue Work Among Refugees of 1648.

"We see from the outset that the rescue work was indifferent and unorganized. A portion of the Lithuanian communities helped the refugees. The Vaad posed the problem of help and tabled it (1649). Then there was worked out a rescue ordinance which apparently did not meet the need, because in 1652, a new....ordinance was worked out....The projected help could by no means achieve its purpose. According to the first ordinance, the refugees had to get doles, or go from house to house, practically begging

for alms....The dole could not....help the totally ruined refugees." This quotation proceeds to point out that the ordinance of 1652 was better organized. The help now became obligatory due to the tremendous increase of refugees. (6:46-47) In 1650, the Vaad decided that its relief measures would be made for one year, and at the same time it provided for guarding the Lithuanian border against too many refugees, since "we have fulfilled our obligation." (4: no. 460) The following were the methods used in effecting the relief measures of 1650:

1. Communities of one Minyan were required to care for one refugee. For every other two Minyanim, they were to care for one additional refugee. Communities of over ten minyanim, were not required to care for more than six refugees.

2. Communities paying up to ten "Sak" for the upkeep of the Medina were to care for one refugee for every two "Sak." Communities paying over ten "Sak" were to care for one refugee for every two "Sak" up to ten, and for one for every four "Sak" over ten.

3. Either the first or second method could be employed by any community.

4. Methods of providing for refugees were by a regular food dole or a schedule of meals at different homes.

5. Girls, women, and helpless old men were to be cared for first.

6. Expatriated Jews with enough capital to conduct their own business were required to contribute to the Medina. (4:no.460)

It is interesting to note that the Medina provided for its own border guards to keep out unwanted refugees. This is indicative of the weakened state of the Polish government which apparently could not patrol its own borders.

By 1652 the plight of the refugees became worse. "They... remain bereft of everything; hungry and thirsty...and most of them go about barefoot and naked...They have increased in number, and have come here in hundreds and in thousands." (4: no. 484) We can gain an idea of the flood of refugees pouring in to Lithuania by the Vaad's provision to take care of two thousand of them during the five months of Teves to Iyar, 1652. The method of caring for them was by having them rotate from house to house for meals. (4: no. 484)