**2 Privileges and Polish-Jewish coexistence**

Sometime during the second half of the sixteenth century, Isaac ben Abraham of Troki (1533–1594), an east European Karaite scholar and spiritual leader, wrote his famous apology of Judaism, *Hizuk Emunah*.[[1]](#footnote-1) In chapter forty-six, which prophecies punishment for those oppressing Jews, Isaac of Troki denounces the expulsion of Jews from west European countries, contrasting it with the favorable conditions for Jewish existence in Polish-Lithuanian lands:

In other lands where we live [Poland] . . . they persecute and punish those oppressing and harming them [the Jews] and the [rulers] support the Jews with their privileges, so that they can live in their lands in peace and tranquility. For the kings and their ministers, may God protect them . . . they love kindness and justice and so do not harm or oppress the Jews who live in their lands.[[2]](#footnote-2)

Beyond praising the Polish kings’ general attitude toward the Jews, this short fragment identifies two closely related factors as contributing to the relatively “peaceful and tranquil” Jewish existence within the Polish-Lithuanian Commonwealth: royal Jewish privileges and their enforcement against the Jews’ oppressors.[[3]](#footnote-3) It was, then, not the absence of violence that improved Jewish experience in Poland. Rather, it was the Jews’ legal status and the execution of justice that allowed for the rehabilitation of coexistence after interreligious crises. From this perspective, the enactment of the privileges – which included specific clauses pledging to safeguard Jews’ physical security – was crucial to the management of Polish-Jewish coexistence, both in day-to-day interactions and in times of crisis. While the significance of this particular aspect of royal legislation did not escape the Karaite writer, nor other Jewish leaders and communities endeavoring to obtain such privileges, it has received very little scholarly attention to date.[[4]](#footnote-4)[Here I intend to emphasize the unique contribution of my book] Reviewing the legal foundations and practices towards Jews from the perspective of post-conflict reconciliation may deepen our understanding of the processes whereby Jewish-Christian coexistence was managed in Old Poland, an estate society in which privileges regulated the status of all social and ethnic groups.[[5]](#footnote-5)

 **2.1 Royal privileges as the legal foundation for coexistence management and post-conflict rehabilitation**

On 11 December, 1548, following his accession to the throne of Poland and the Grand Duchy of Lithuania, Sigismund II Augustus ratified a general privilege for Polish Jews. Rather than issuing a new charter, he reconfirmed the controversial privilege that had been granted by Casimir Jagiellon in 1453. This privilege, the most extensive of its kind at the time, had constituted the fullest expression of Jewish legal status in medieval Poland. [[6]](#footnote-6) In carrying this kernel of Jewish legal status over into the early modern period, Sigismund Augustus also preserved, and expanded upon, its integrative spirit. This was made apparent already in the act of issuing the privilege, presented as part of the new king’s general recognition of separate rights for all estates in society, rather than as an isolated legislative act:

We, Sigismund Augustus, by the Grace of God, King of Poland, Grand Duke of Lithuania, etc. whilst remembering our vow from twelve years ago and our promise given in our letter, state that we approved in our letter all the charters, legal rights, and privileges of all our subjects of all estates living in our kingdom and our lands, given publicly and individually by our fathers […] but when in the national assembly in Piotrków the Jewish elders appeared in front of us from great Poland and humbly asked to acknowledge the following letters and confirm them specifically […] then we Sigismund Augustus […] honored the request of these Jews and accepted and confirmed these charters and all its content and termed them valid in law.[[7]](#footnote-7)

This short *arenga* (preamble) – an introduction providing the context and rationale for enacting the privilege – defines the Jews as a separate legal estate in a society where legal differentiation was a means of integrating groups that also profoundly shaped their co-existence with one another. This approach differed from the ideas reflected in Casimir the Great’s privileges, which defined the Jews as “our Jews, the Jews of our kingdom.”[[8]](#footnote-8) Nor did it conform to the view originally expressed in the 1453 privilege, which spoke of “those Jews whom we [the King] cherish for ourselves and for the kingdom as a unique treasure.”[[9]](#footnote-9) In this respect, the 1548 privilege initiated a pattern of recognizing Jews as a group to be integrated into society. This became a feature common to all six general privileges for Jews from the early modern period to survive to this day.

Table 1

None of these privileges refer to the medieval imperial conception of Jews as "*servi camerae.*" Jews are treated as subjects of the ruler in every respect, and as an urban estate with a status separate to that of other city groups. They appear as an integral part of economic and social town life, as “a second urban group parallel to non-Jewish city burghers.”[[10]](#footnote-10) The roots of this integrative approach can be traced back to the Statute of Kalisz (1264) and Casimir the Great’s privileges, which instituted parallel rights for Jews without granting them urban citizenship or placing them under municipal jurisdiction. The early modern charters fully embraced this policy and took it further. For example, in a royal privilege issued in 1585, King Stephen Bathory stated that "Jews are equal to town citizens, are given the freedoms of the latter and are only subject to royal law, excluding private cases."[[11]](#footnote-11) Admittedly, this generic statement indicated equal commercial – not civic – rights. It did not bestow Jews with citizenship, nor the right to hold municipal offices. It did, however, strengthen the Jews’ status as an integral group in the city and its economy, for example by exempting Jewish merchants from city taxes that applied to foreign merchants. Bathory’s privilege thus demonstrates how early modern rulers furthered integrative policies that elevated Jewish social standing, while simultaneously emphasizing the Jews’ differentiated legal status and their interdependence with other city estates.

Reconfirmation of the 1453 privilege by Sigismund Augustus and his successors transplanted its incorporative approach to a new era, paving the way for its persisting relevance throughout the early modern period. It established this particular privilege as a basic framework for the management of Polish-Jewish coexistence and its reinstatement after crises. Within this framework, the crucial element shaping day-to-day interreligious interaction, which also provided the tools for conflict resolution and reconciliation, was the Jews’ differentiated legal status.

Following the 1453 charter, Jewish autonomy in the early modern period was recognized in cases of legal prosecution amongst Jews.[[12]](#footnote-12) In trials between Jews and Christians, Jews were under the jurisdiction of the king and his representatives: voivode (the district governor), and a ‘judge of the Jews’ (*iudex iudaeorum*):

Likewise, if the Jews engage in an argument amongst themselves […] or if a Jew and a Christian fight one another, engage in hitting or injuring each other, then neither the judge of the city, nor the consuls, nor indeed anybody else, but only the palatinus [voivode] of the Jews or his surrogate shall judge them […][[13]](#footnote-13)

This arrangement recognized Halachic judgments (i.e. according to Jewish religious law), strengthening Jewish courts in inner communal cases while placing cross-religious cases under the pre-existing jurisdiction of a royal representative. In this manner, it preserved Jewish rights within the judicial system, providing an alternative to the municipal courts. In fact, this compromise was intended to protect Jews against two main laws that governed the multi-court system: *legis loci delicti*, which roughly dictated that the court will be determined by where the case took place, and *actor sequitur forum rei*, which stated that the plaintiff was required to sue in the court to which the subject of the lawsuit belonged. These rules generally supported the polyphony of the court system and thus left room for maneuver between the different jurisdictions. However, they left Jews to the mercy of city courts, obligating them to seek justice in municipal authorities that were often hostile to them “due to religious hatred but also from bitter economical competition.”[[14]](#footnote-14) Thus, while subjecting Jewish-Christian cases to the wojewodzińskicourt, the privileges provided the Jews with a more neutral alternative from within the system. In this way, the charters promoted Jewish utilization of the existing justice apparatus for both dialogue and conflict management with Christians, and in turn contributed to the “accommodation [of the Jews] within an estate-based society.”[[15]](#footnote-15)

By placing the Jews under the jurisdiction of the voivode and the wojewodzińskicourt, which followed the ‘Law of the Land' (*prawo ziemskie*), the royal privileges not only protected the Jews from the city courts but also attempted to minimize Jewish vulnerability to ‘town law’ (*prawo miejskie*) in general. Town law was locally oriented, influenced by Germanic law, and applicable to town residents. In contrast, the ‘law of the land’ held a number of advantages for Jews. It was based on Polish custom and royal privileges, allowed the judge greater discretion, and was used mainly by the nobility. In the absence of a state-wide law, it was often taken as general Polish law.[[16]](#footnote-16) In addition to bypassing town law, the wojewodziński court applied a number of pro-Jewish adjustments that strengthened Jewish legal status and attracted Jewish litigants.

First, the wojewodziński court, likely active in Krakow from 1334 onward, employed both Christians and Jews and involved Jewish authorities in the appointment of its Catholic clerks. Indeed, it was practically financed by the Jewish community.[[17]](#footnote-17) Although by the late Middle Ages the ‘judge of the Jews’ (*iudex iudaeorum*) had already taken on the greater part of judicial duties and activities,[[18]](#footnote-18) the court continued to be nominated and presided over by the voivode throughout the early modern period,[[19]](#footnote-19) serving both as a first instance court and an appeal court. While in most of the royal cities the function of iudex iudaeorum was performed by the voivode’s deputy (*podwojewodzi*), in Krakow this duty was usually undertaken by a specially appointed noble.[[20]](#footnote-20) The appointee was required to be a Catholic and a man of means well-acquainted with the ‘law of the land,’ to which he was bound in his rulings – in case of, for instance, Christian violence against a Jew.[[21]](#footnote-22) In 1591, King Sigismund III granted the Krakowian Jews the right to participate in the election of the ‘iudex iudaeorum.’ Although we have no evidence as to how precisely this right was fulfilled, we can learn from examples of other communities that the *kahal* used this privilege to secure the position for a noble, rather than a burgher inclined to support his fellow burghers.[[22]](#footnote-23)

Jewish authorities also had the right to influence the appointment of the court scribe. While the scribe – whose duties included preparing documents and keeping records – was appointed by the voivode, he was “not [to] be elected or deposed, unless his election is previously approved by a senior Jew [i.e. the head of the *kahal*].” [[23]](#footnote-24)

The Jewish functionary of the wojewodziński court was the court usher, referred to as *szkolnik* (*scolni ministerialis*). Appointed by the Jewish authorities, he worked closely with the ‘judge of the Jews’ and was a middleman between the court, the voivode, and the community. His duties included summoning individuals to court,[[24]](#footnote-25) examining the injuries of the aggrieved Jewish party,[[25]](#footnote-26) serving as a witness, issuing declarations, keeping order during the trial, receiving Jewish oaths, and more. Judging by the preserved records of Krakowian *szkolniks’* oaths (1640, 1641), there were likely two ushers in Krakow at any given time. They collaborated with the Christian functionaries and were instrumental to creating a more neutral, bi-religious environment within the court, which in turn helped to establish the court as an apparatus for the management and rehabilitation of Christian-Jewish coexistence.[[26]](#footnote-27)

Second, the wojewodziński court attempted to attract Jewish litigants by proclaiming the traditional royal policy of respecting Jewish religious holidays and laws. The trials were not to be held on Saturdays or on Jewish holidays,[[27]](#footnote-28) and the *szkolnik* was “not [to] deliver any summon for days other than Monday or Thursday,” set as days for Jewish litigants.[[28]](#footnote-29) Furthermore, no serious trial was to be scheduled for the big fair days in Lublin or Jarosław, nor for the first nine days of the month of Av, when Jews mourn the destruction of the first and second Temples. The *iudex iudaeorum* was also to run trials in the Jewish neighborhood, as explained by Voivode Stanislaw Rewera Potocki in 1659: “Different kinds of courts should be established in a designated place in Kracow or Kazimierz, according to the old custom and privilege, and not in Wawel.”[[29]](#footnote-30) The *kahal* was also urged by communal rulings to “request the *iudex iudeorum* to judge in the [Jewish] street at least once in a month or two,” and to attend the court when it operates in Kazimierz.[[30]](#footnote-31)

Lastly, the integration of Jewish assessors into the court of the *iudex iudaeorum* enhanced the court’s perceived objectivity: “The Jews will be judged by the vice-voivode [iudex iudaeorum] with the help of Jewish assessors elected and delegated by the voivode. The Jews will voice their opinion in turn.”[[31]](#footnote-32) Based on existing evidence, it is not possible to determine precisely what role the Jewish assessors played, nor the nature of their cooperation with the *iudex iudaeorum*.[[32]](#footnote-33) Nevertheless, various legislation issued by the *voivode*, the kings, and the Jews themselves indicates that the participation of Jewish consultants was important for all those involved.[[33]](#footnote-34) In the statute of the Krakowian community we find a regulation obligating the head of the *kahal* (parnas hahodesh) to take part in trials or appoint one of the seniors to replace him.[[34]](#footnote-35) The judicial regulation issued in 1554 by Sigismund Augustus for the Krakowian community stated that any sentence given by *iudex iudaeorum* without the presence of Jewish assessors was not valid.[[35]](#footnote-36) Further, recurrent royal legislation points to cases of disagreement between the *iudex iudaeorum*  and the Jewish consultants, which necessitated the *voivode*’s intervention: “If the judge cannot not agree with the Jewish Assessors upon the sentence, the Voivode had to decide”[[36]](#footnote-37)

It is difficult to estimate the extent to which general royal privileges and their accompanying rulings were implemented. While repeated legislation may indicate issues of limited applicability, their influence should not be underestimated. In defining the Jews’ legal status, they have been “of fundamental importance in determining the basic structures of Jewish society.”[[37]](#footnote-38) They also encouraged regular Jewish use of the courts and the incorporation of litigious practices in processes of reconciliation and the reestablishment of coexistence with Christian neighbors after crises. However, although the general privileges continued to provide a basic framework for managing Christian-Jewish *Convivencia* throughout the early modern period, their flagging authority necessitated additional support. This was provided by a new kind of charter, the so-called communal privileges.

**2.2. ‘Royal Jews’ and communal privileges**

On 19 March, 1549, the same Sigismund II Augustus granted a separate privilege to the Jews of Krakow, iterating and reinforcing the “legal rights and privileges of all our subjects of all estates.” He further pledged to maintain “all the laws, privileges and immunity provided by our forefathers and by our father […] as well as the practices to which the Jews were accustomed at the time of our father, particularly with regard to trade and other matters […]”[[38]](#footnote-39)

This charter was issued for the Krakow community following the request of its elders, approximately four months after a privilege had been granted to the Jews of Greater Poland (Wielkopolska, see previous chapter), which had fast become a general privilege. Why then did the Krakow Jews require additional legislation, and why was their request granted by the king? What characterized this charter and others similar to it? How did it contribute to Jewish life amongst Christians and to the community’s capacity to cope with crises of coexistence? The answers to these important questions are inextricably connected to the geopolitical changes Poland underwent in the early modern period – that is, to the broader context within which Jewish life was conducted, essential to understanding the Jews’ history.

The status and reach of a charter in Old Poland depended first and foremost on the eminence of its legislator, not on the usefulness of its laws. In the period in question, royalty was increasingly losing ground to the nobility (szlachta), a process that had been underway since the fifteenth century.[[39]](#footnote-40) Both the middle and the high nobility were making gains in rights and political power. So much so, that leading up to the union with Lithuania in 1569, the kingdom became a “democracy of nobles” (who made up 8-10 percent of the population), evolving further into a “magnate oligarchy”[[40]](#footnote-41) – a government of the wealthiest noble families, whose “authority over their lands (latifundia) was absolute and exceeded that of the Polish king over Poland.”[[41]](#footnote-42) The king was elected by the nobility – which convened regularly under different forums – and was not permitted to enact new laws without its approval (1505, Nihil novi). In the event that the king violated laws that had been dictated by the nobility, on which he had sworn at the time of his coronation, they were at liberty to disobey his orders.[[42]](#footnote-43) These developments, along with other upheavals in the kingdom, had far-reaching consequences.

With respect to the Jews’ status and to the potential of general royal privileges to shape ongoing Jewish-Christian interaction, including in times of crisis, two developments were of particular importance. The first was the “Qui nobiles” law enacted in 1539, which stipulated that nobles now had jurisdiction over Jews and other people living on their lands. The second was retracting the ban on Polish nobles to own or lease land in Lithuania (1569): “All the statutes and laws that were for some reason enacted in Lithuania against the Polish people, regarding ownership or lease of land by a Polish noble, will henceforth be retracted and rendered against the law, propriety, and mutual solidarity, and considered to undermine the union.”[[43]](#footnote-44)

Thus, as a result of the union and of the nobility’s widespread seizure of land, ownership over most royal territory transferred over to nobles, leaving the king with a mere 15-20 percent of all land[[44]](#footnote-45) and roughly a third of the cities.[[45]](#footnote-46) The Jews were now either “royal Jews,” residing in royal cities such as Krakow or Kazimierz where their legal status was determined by the ruler, or “Lords’ Jews,” living under the protection of the nobility and its legislation. Although the king maintained the upper hand within his territories, a gradual erosion of the royal status was also felt in the royal cities, where the district governors and starosts fortified their position, and municipal authorities and the bourgeoisie also gained influence.[[46]](#footnote-47)

Already at the end of the 15th century and during the first half of the 16th, Jews residing in royal cities such as Krakow or Kazimierz were compelled to renegotiate their position and to sign new agreements with forces that were now on the rise, like the municipality or local governors.[[47]](#footnote-48) Agreements with the municipality were called “Pacta cum Judaeis inita,” or *pacta* (ugody) in short. Some of these referred to different aspects of Jewish life as a whole. In other cases, such as Krakow and Kazimierz, agreements were signed in light of conflict between Jews and other city dwellers in order to address a specific issue that had been under dispute for years, like the distribution of trade in the city or the borders for Jewish settlement.[[48]](#footnote-49)

While these agreements tallied with the norms set by general royal privileges and at times were brought before the king for his approval, they fast became an important factor in their own right, shaping the Jews’ local status and their standing as a group within society. In some places *pacta* came to form the basis for a communal privilege.[[49]](#footnote-50) In other cases, these agreements overrode the general royal privileges as the main reference point for local populations in their relations and legal dealings with Jews. In light of these developments, Jews could no longer rely exclusively on general royal legislation.[[50]](#footnote-51) Teller contends that already the 1539 law “in fact effectively destroyed the king’s prerogatives over the Jews as a group and the Jews no longer felt that they could count on the king’s help Jews in their faith against local forces.” [[51]](#footnote-52)

In practice, however, the ‘royal Jews’ did not altogether give up on their covenant with the ruler. Rather, “The elders of many of the Jewish communities realized that the general privileges issued by the king could not by themselves guarantee the rights and security of the Jews […] and each community would do well to obtain its own privilege in addition.”[[52]](#footnote-53) Thus, in addition to general and regional charters, communities began to request communal privileges of the king on a singular basis. These can be divided into two main categories. The first kind of communal privilege was a reconfirmation of a general privilege for the benefit of a particular community, meant mostly to fortify the status of that community – such as the aforementioned 1549 privilege of Sigismund II Augustus. The second, more specific kind of privilege addressed local issues, such as Jewish trade rights and security, on top of the more general charters that framed the Jews’ overall status. The latter kind of communal privileges sometimes referred to previously signed agreements with local authorities (*pacta*), affording them royal legitimacy. In the case of the ‘royal Jews,’ the demand for communal privileges was highly pragmatic, constituting part of an overarching policy that Lederhendler termed “a pattern of tactical alliances.”[[53]](#footnote-54)

Due to the complex nature of internal struggles between the different legislators and authorities in Polish cities at the time, the Jews did not rely on a single legislator or charter but sought to safeguard their position in any way possible. They adopted a policy of accommodation, adapting themselves to different levels of authority in the country.[[54]](#footnote-55)

Hundert argues that the covenant between the Jews and the royal level of governance lost its relevance in the early modern period.[[55]](#footnote-56) But in fact, the royal cities showcased the paradoxical attempt to reinforce the validity of royal privileges through a new kind of legislation. Here, communal privileges did not supersede, but complemented, royal legislation. Moreover, as the centralized authority of the king disintegrated, the importance of communal privileges in royal cities only increased.[[56]](#footnote-57) The covenant, then, was preserved, but took on a different form, somewhat reminiscent of the relation between Jews and the noble owner in private towns.

The emergence of communal privileges can be placed within a broader context of the urban-Jewish community in Poland and the changes it underwent. As demonstrated by Reiner, the Polish-Jewish community, with Krakow-Kazimierz as an example, became a “large community” over the course of the early modern period. As such, it increasingly defined itself in contemporary urban terms, reflecting “the components of the city it inhabited.”[[57]](#footnote-58) The community saw itself as a social and economic entity, that is, as yet another corporation within urban society. It is therefore possible to expand on Reiner’s argument and to view the demand for communal privileges as a manifestation of the community’s transformation, particularly its changing patterns of communication within the urban environment. These were no longer small Ashkenazi communities dependent on a wealthy Jew, but urban groups that defined themselves as a corporation among peers – a transformation achieved, among other factors, due to the communal privileges. The agent and recipient of the privileges was not individual Jews, nor all the Jews in the country or in a particular galil, but the community. The community as an entity achieved status and rights and aspired to define itself outwardly, through both privileges and communal legislation – such as, for example, the 1595 Community Status.

In view of these processes, there is no doubt that the communal privileges, which strengthened particular communities, “played a considerably more vital role than the general or regional privileges” in the early modern period.[[58]](#footnote-59) Emulating the general privileges, they afforded the Jews rights as city dwellers without subordinating them to municipal authorities and to the courts. They also resolved local communal issues and enabled day-to-day management of Jewish-Christian coexistence. In the majority of cases, communal privileges were activated at the request of Jews as a form of intervention in the relations between Jews and city dwellers. In this way, they indirectly affected the character and economic development of Polish cities.[[59]](#footnote-60)

Considering their many functions, it is not surprising that Jews in royal cities requested communal privileges of their rulers. The question remains, however; why were the kings so forthcoming in granting them on top of the general privileges? Paradoxically, the reason lay in the increasing dominance and autonomy of local forces in Poland. The first kind of communal privilege – the reconfirmation of a general privilege for a particular community – reinforced both the community’s and the king’s status. It reasserted the king as a high legislative authority on Jewish and other issues in the royal city, and more generally as a conserver of legal continuity. The other kind of communal privilege allowed the king to actively intervene in his city’s affairs, buttressing his position as the city owner and as the highest authority validating agreements between Jews and local forces.

The use of communal privileges for reinforcing the king’s status is evident in the case of the 1549 Krakow privilege. With this privilege, Sigismund II August reconfirmed all the rights that had been granted to the Jews of Poland and Krakow by his predecessors, thus reasserting himself as the high legislator with respect to Jews in the city. He placed himself within the Polish tradition of law preservation (*confirmation iurium*), which adhered to the widespread notion of the king as a legal agent, and, respectively, of the law as the predominant force in the Polish kingdom – “Polonia rex est lex”[[60]](#footnote-61) – and hence its very soul – “lex est anima reipublicae.”[[61]](#footnote-62)

This strategy of strengthening the king’s authority through communal privileges can also be discerned from the style of the *arenga*, which omitted any “external” justifications for the charter.[[62]](#footnote-63) In contrast to the privileges of private towns, they did not offer humanitarian or ecclesiastical-religious justifications emphasizing the necessity to tolerate the Jews (as inferiors).[[63]](#footnote-64) There is no economic justification regarding the Jews’ contribution to the ruler’s assets. The privileges of the royal Jewish communities, such as the Krakow community, were founded on the king’s right as a high legislator with respect to Jews, who did not require external justification or the legislative backing of a competing authority, in this case the Church.

In addition to bolstering the overall status of the ruler, the communal privileges also served to strengthen certain royal prerogatives concerning Jews, which were sometimes violated by local authorities. Thus, in the last sentence of the 1549 charter Sigismund II August uses the platform in order to assert his legal authority on Jews over other forces, many of which contested his jurisdiction in the aspiration to decide themselves on Jewish matters: “[…] and indeed those same Jews are not under a different jurisdiction, but only under our own or that of the voivode currently serving in Krakow or a person of his office, and will not abide by other laws, but adhere to the ancient statute […]”[[64]](#footnote-65) While municipal authorities tried to claim precedence with regard to general laws, they could not simply disregard royal privileges specifically targeting their region.

The geopolitical, social, general-royal, and local-municipal context largely explains the emergence of communal privileges and their various functions, such as the incorporation of general legislation into the regional arena, reinforcement of the status of a singular community, the reassertion of royal prerogatives, and more. But the communal privileges – particularly those referring to local agreements – further contributed to managing Jewish-Christian coexistence, increasing the Jewish capacity to cope with inter-religious crises in two primary ways: First, the communal privileges transplanted the general laws into the local scene. Second, the very act of issuing the privilege was often a form of conflict resolution or prevention.

The privileges also provided the kings with a tool for conflict resolution, forming an integral part of their policy toward Jews and coexistence. Goldberg argues that in some cases, privileges were offered as a solution to local disputes between the Jews and city dwellers or other groups. In others, they were granted in order to “resolve specific problems or remove existing conflict and antagonisms.”[[65]](#footnote-66)

From a post-conflict perspective, the privileges not only resolved or prevented conflicts, but were also able to provide a platform for reconciliation, shaping post-conflict coexistence in the process. Such was the case with general and communal privileges that were issued on unusual occasions, i.e. not within the context of a coronation. These include the 1576 communal privilege granted by Stephen Bathory to the Jews of Płock, or the 1580 general privilege issued by the same king.

We do not have sufficient evidence to determine the precise cause for issuing the Krakow charter a mere four months after the granting of a general privilege. In the absence of sources, it is reasonable to attribute it to the above-described geopolitical and urban context, as well as the coronation of a new king. Nevertheless, there is reason to believe that the Krakow privilege too played a role in alleviating crisis. It is a later record of the privilege, listed in the court books (*księgi grodzkie*) for the sake of further justification, that attests to its employment as a conflict and coexistence management tool – together with a legal-notarial measure.

On Saturday, 3 October 1562, shortly before the Skierbieszów sacramental bread libel broke out, and as interreligious tension was on the rise amidst the hurling of accusations against Jews across the country, the “acta castrensia capitanealia Cracoviensia was reproduced successfully […] The letter of his majesty, [the communal privilege] is henceforth confirmed in his name with the small seal of the holy kingdom, and signed by that same authority […].”[[66]](#footnote-67) Reproducing a document was not a cheap affair. It appears that in light of its potency to revalidate the original and to strengthen the local Jewish community, resources were duly allocated for the purpose of replenishing a fractured coexistence.

**2.3 Security laws in privileges**

**\*\*\*forthcoming**

**2.4 “God helps those who help themselves”: Jewish efforts to obtain privileges**

As mentioned, the general and communal privileges gave the Jews social and legal-judicial standing, established their trust in the law and in the law enforcement system, and provided them with tools to cope with crisis. Both the content of the privileges and the act of their approval or legal confirmation improved the communities’ position in day-to-day interactions with Christians, as well as in the process of restoring justice and reconciliation in the aftermath of crisis. Despite geopolitical and social changes that lead to the deterioration of the king’s status and undermined his precedence on Jewish matters, royal legislation continued to provide Jews with substantial tools for coping with crises of coexistence and its rehabilitation post-conflict. Hence, notwithstanding the general erosion of royal privileges, they were still of considerable legal authority and magnitude, and the Jews’ demand for them remained. They continued to allocate considerable resources toward obtaining general and communal privileges; due to their various functions and significance, but particularly because of their importance for day-to-day interactions and for the rehabilitation process after crises of coexistence.

Direct references or allusions to the efforts made by Jews for obtaining a privilege or its reconfirmation from the king may be found in parts of the *Protokol*; for examplein the *arenga*.[[67]](#footnote-98) Such efforts were diversified and effective, similarly to those made by community elders for the purpose of obtaining communal privileges from nobles, which according to Goldberg were widespread and intensive.[[68]](#footnote-99) The attempts to obtain the privileges were, like the privileges themselves, firmly embedded within the social-political context and historical reality, and as such reflected the Jews’ perceptions, policy, and concerns with regard to their own safety. Goldberg indirectly offers an alternative to the perfunctory hypothesis that repeated reconfirmations testify to the privileges’ inadequacy. He argues that the Jews were usually well-aware of the frailty of their position[[69]](#footnote-100) and requested privileges out of fear that in case of widespread opposition to certain laws (e.g. among city dwellers), the principle of law preservation would not suffice to ensure the Jews’ security, necessitating the reconfirmation of existing legislation. The Jews estimated that a charter reconfirmed by the presiding king exuded more authority than the charter of a previous ruler. They therefore insisted on the reaffirmation of their rights, at the very least with every new ruler.

Urged by the desire to safeguard their position, improve it, or enhance its local validity, the Jews raised demands for three main types of legislation: general privileges for all the Jews in the country or the Jews of a particular galil; the reconfirmation of general or regional privileges; and communal privileges for the *kahal* (Krakow in this case) and its surroundings.

This classification, which encapsulates the different types of charters that Jews requested of the king in the early modern period, points first and foremost to the connection between the regional privileges, granted to galils, and the general privileges.[[70]](#footnote-101) Throughout the period in question, most general privileges in fact started out as regional. Only as their application gradually became more widespread did they assume the title of a general privilege.[[71]](#footnote-102) In contrast to Goldberg’s model,[[72]](#footnote-103) the types of charters requested by Jews in the early modern period did not reflect the connection between individual and communal legislation. Admittedly, in Krakow, too, there were cases of communal privileges that emerged as extensions of individual ones.[[73]](#footnote-104) But the charters addressing the security or the legal-judicial status of the community, along with its capacity to cope with coexistence crises, were usually the result of a reverse process – the reconfirmation of a general privilege for a particular *kahal*. Such was the case with the 1549 Krakow charter.

The different ways in which Jews attempted to obtain general and communal privileges included: direct appeal to the king by the community elders; petitioning the king through the senators; and appeals to other positions of power, such as assemblies or individual nobles. The first approach – a direct appeal to the king – required considerable resources. Because of the difficulty to approach the ruler, requests for a regional or general privilege and its confirmation were submitted not by the leaders of an individual community, but by the representatives of the galils.[[74]](#footnote-105) The head representatives tried to capitalize on different opportunities in order to request privileges, such as an invitation from the king regarding a separate issue, or the king’s attendance at the city of the main community.[[75]](#footnote-106) Access to the king was sometimes achieved via nobles of influence who were able to persuade the king to admit Jewish delegates for an audience. Although we do not have evidence on the matter, it is safe to assume that the “Council of Four Lands,” established during the second half of the 16th century, was further able to mediate between the Jews and the king in raising legislative demands. The council formed the highest rank of Jewish representation, including the head delegates of each land. Eventually, direct petitions to the king were made in the general assembly, during which the assembly’s approval of the privilege was also granted.[[76]](#footnote-107)

The second strategy, an indirect appeal to the king via senators or court figures without the presence of Jews, was the most common: “We, Stephen Bathory […] were requested by the counselors of our kingdom in the name of the Jews […].”[[77]](#footnote-108) Support from the senators or other high-ranking positions was attained primarily through benefits and gifts. This practice, the subject of vehement criticism on behalf of the Catholic scribes, paved the way for many a privilege: “[The Jews] spoil the judges with gifts, and the lords with indulgences.”[[78]](#footnote-109) As the king’s status deteriorated, senators’ appeals were also presented during the general assembly. In order to obtain privileges, the Jews sought also to elicit the support of the assembly, among other means by appealing to specific delegates: “What is being told about the Jews: that whoever speaks in their favor has already collected their gift, and those who are against them, would like to.”[[79]](#footnote-110) An alternative tactic was appealing to the local assemblies as a unified entity: “[The Jews] in the local assemblies and in the general assembly receive considerable support, in addition to that of the clergy; they have a protector for their laws and rights.”[[80]](#footnote-111)

In addition to the great pains taken to obtain the privileges, the community also saw to keeping their notarial records – ­in the “castle books” (*księgi grodzkie*) when they applied to royal cities, or in the *księgi ziemskie* when they applied to lands of the nobility (*acta terrestia*). As mentioned, this sort of record, which included a copy (*oblate*) of the privilege and a guarantee that it was intact, bolstered the general validity of the charter also on the regional level. According to the sejm laws of 1538, 1567, and 1568, various documents were only validated upon inscription in the castle books. With Poland’s territorial expansion, local branches of the grod (*officium castrense*) and of the starost (*capitaneatus*) also began to offer their services in record keeping and reproduction. It was therefore easier to obtain documents in royal cities, such as Krakow. Nevertheless, keeping a record of the charters was extremely costly. As the scribes did not usually receive salaries from the state, their compensation was paid for by interested parties, in this case the Jews.[[81]](#footnote-112) Seeing as in most places the fee was fixed and limited only for nobles, the office was free to charge the Jews (or, at times, the city dwellers) as it chose. For a greater profit margin, the office charged for each service separately, even the stamps.[[82]](#footnote-113) Out of concern for their status and their safety, which they largely attached to the privileges, the Jews absorbed the costs of inscription, sending representatives to the respective chancelleries and offices.[[83]](#footnote-114) Listings in notarial books were done by a syndyk, also called a “shtadlan.” During the period under discussion, this position was occupied by a multi-lingual individual who served as a kind of mediator between the community and the authorities.[[84]](#footnote-115) The fact that this position – which contributed considerably to the obtainment and confirmation of privileges – was an integral part of the *kahal* system and of community life, fully funded by the community,[[85]](#footnote-116) further attests to the importance of the privileges and their official records.

In addition to their efforts to obtain the privileges and have them listed, the Jews also went to considerable trouble in order to acquire copies for the purpose of local agreements and settlements. In lieu of the original, it was possible to present copies to the senators and to the king in order to get their approval.[[86]](#footnote-117) As early as the 12th century, it had become the custom in Poland to make identical copies immediately upon issuing the charter. Even so, the Jews made a point to emphasize already on requesting the privilege that copies were imperative in order for them to be able to reference it. Kings acknowledged this requisite:[[87]](#footnote-118)

As Jews frequently manage their affairs in different courts where the presentation of the privilege is required, and an original is hard to come by, we wish certified copies of the privileges to be made on the basis of the original, and these will be valid in our court and in any other court of law, as if the original had been presented.[[88]](#footnote-119)

The copies were lost along the years, mostly due to fires, as were the originals. For the Jews, the preservation of copies was attended to stringently, for “the loss of a document of this kind could have severe consequences.”[[89]](#footnote-120) On the one hand, the absence of an original created favorable options for forgery; on the other, it could lead to false allegations of counterfeit and the subsequent annulment, or unfavorable revision, of the privilege:

The Chief of the Kahal (Parnas Hahodesh) must have with him the key to the chest with the privileges. All important documents related to the privileges should be in this chest. The chest should be kept by the elder especially chosen by the blessed kahal at the beginning of each month of Iyar. And if somebody requires one of the documents from the chest, on behalf of the community or himself, it cannot be given him unless he signs with his own hand that he would return it immediately. Then the two afore-mentioned elders must forthwith put it in the chest, under the afore-mentioned punishment.[[90]](#footnote-121)

Alongside original documents and their copies, translations were kept with great care:

The elders should take care [to make] with each privilege a copy in Hebrew letters in the language of Ahskenaz, […] so that we can understand correctly what is written in the privileges – anyhow the privileges are valid here.[[91]](#footnote-122)

In addition to the privileges’ social-political significance, particularly with respect to coexistence with Christians, Jewish efforts to obtain and preserve them were also derived from internal-communal considerations. Alongside other legislation, these charters included regulations that recognized and empowered the community’s internal organizational structure. They granted political legitimacy to Jewish autonomy and determined some of the rights and responsibilities of the Jews vis-à-vis the leadership of the community and its internal jurisdiction. Thus, if a member of the community threatened its elders, he was required to pay a fine also to the voivode, who represented the external authorization of the community leadership’s dominion: “He who acts with insolence toward his leaders will be fined the sum of three zekukim to his lordship the voivode, and a corresponding sum of three zekukim to his leaders.”[[92]](#footnote-123)

The *kahal* needed these regulations in order to legitimize its authority and the general internal structure of Jewish autonomy. They enhanced its executive and enforcement capacities. The accelerated development of the internal structure of the Polish Jewish community in the early modern period was due, among other reasons, to its rootedness in the Jewish tradition, alongside its external legitimization by political authorities. This structure also emulated some of the organizational models of its Polish surroundings, which in turn enabled it to better integrate into the political system and to conform to the government’s needs.[[93]](#footnote-124) This combination, which shaped the unique character of Jewish autonomy in Poland, was manifested already in the privilege of Casimir Jagiellon, the first to officially recognize the structure of the Jewish autonomy and to grant it political authorization.[[94]](#footnote-125)

Whether they responded to external social-political circumstances or to internal-communal considerations, it seems the Jews’ efforts did not end with the approval of their request for a privilege. At times, the Jews were also involved in determining the content of the charter. It is safe to assume that administrative developments and the changing role of offices and secretariats saw the decline of Jewish involvement in drafting privileges. Nevertheless, we know that Jews contacted the scribes and administrators of the king’s office in order to ensure that the rights given would be as expansive as possible and worded correctly.[[95]](#footnote-129)

To conclude, the efforts made by Jews to obtain different kinds of privileges over such a long period of time and in the face of profound social and political change, indicates that on top of their diverse functions, privileges continued to be essential to the fortification of the Jews’ social and legal-judicial status, as well as to ensuring their safety. They improved the community’s position in day-to-day interactions with their environment and further provided them with a workable framework for coping with threats to coexistence. The kings’ willingness to grant privileges signifies that they too saw the privileges as an effective tool to secure the Jews’ status, and as a means of integrating them into Polish society and its structures and thus manage the different aspects Jewish-Christian dialogue.

1. For more information on Isaac of Troki see, for example, Golda Akhiezer, “The Karaite Isaac ben Abraham of Troki and His *Polemics against Rabbanites*,” in Chanita Goodblatt, Howard Kreisel (eds.), *Tradition, Heterodoxy and Religious Culture: Judaism and Christianity in the Early Modern Period* (Beer- Sheva, 2007), 437–468; Marek Waysblum, “Isaac of Troki and Christian Controversy in the XVI Century,” *The Journal of Jewish Studies* 3 (1952), 2: 62–77. [↑](#footnote-ref-1)
2. Isaac of Troki, *Sefer Hizuk Emunah* (in Hebrew) (Leipzig, 1857), 92. Available at http://www.hebrewbooks.org/pdfpager.aspx?req=37302&st=&pgnum=1&hilite= [retrieved: 20 Sept. 2016]. Unless indicated otherwise, all translations are by the author. [↑](#footnote-ref-2)
3. In medieval Poland, the rules guarding Jewish physical security were included specifically in the royal charters, while the economic activities of the Jews were treated also in non-Jewish statutes. For a discussion on general legislation mentioning Jews, see: Hanna Zaremska, “Przywileje Kazimierza Wielkiego dla Żydów i ich średniowieczne konfirmacje,” in Marcin Wodziński, Anna Michałowska-Mycielska (eds.), *Małżeństwo z rozsądku? Żydzi w społeczeństwie dawnej Rzeczypospolitej* (Wrocław, 2007), 11–34. [↑](#footnote-ref-3)
4. Royal privileges are among the earliest and most studied subjects in Polish-Jewish historiography. For a bibliography and historiographic discussion see, for example, Jerzy Wyrozumski, “Dzieje Żydów Polski średniowiecznej w historiografii,” *Studia Judaica* 1 (1998), 1: 3–17; Shmuel A. Cygielman, “The Basic Privileges of the Jews of Great Poland as Reflected in Polish Historiography,” *Polin* 2 (1987), 117–149; *Przywileje gmin żydowskich w dawnej Rzeczypospolitej z XVI–XVIII w*. *T. 3: Wersja polska wstępów, regestów i przypisów z 1–2 tomu*, ed. Jacob (Jakub) Goldberg (Jerusalem, 2001), 1–8. [↑](#footnote-ref-4)
5. Andrzej Dziadzio, *Powszechna historia prawa* (Warsaw, 2008), 96; Juliusz Bardach, Bogusław Leśnodorski, Michał Pietrzak, *Historia ustroju i prawa polskiego* (Warsaw, 2005), 250. [↑](#footnote-ref-5)
6. Although cancelled by Casimir the Jagiellon a year later, the privilege was included in the official codex of law by Jan Łaski and confirmed by probably all early modern kings of Poland. As is known today, Casimir the Jagiellon issued three privileges for the Jews: 1) confirmation of an extended privilege for Little Poland, Lublin and Sandok; 2) confirmation of a privilege presented to him by the Jews as a copy of the Statute by Casimir the Great whose original got burned; 3) confirmation of the privilege of Casimir the Great to the Jews of Krakow, Sandomierz and Lviv. For more information on the controversies regarding privileges see: Stanisław Kutrzeba, "Stanowisko prawne Żydów"; Ludwik Gumplowicz, *Prawodawstwo polskie względem Żydów* (Kraków, 1867), 23; S. A. Cygielman, "The Basic Privileges of the Jews in Great Poland as Reflected in Polish Historiography," *Polin* 2 (1987): 117-149; Hanna Zaremska, "Przywileje Kazimierza Wielkiego dla Żydów i ich średniowieczne konfirmacje," in *Małżeństwo z rozsądku? Żydzi w społeczeństwie dawnej Rzeczypospolitej*, ed. M. Wodziński and A. Michałowska-Mycielska (Wrocław, 2007), 11-34. There is no evidence that Sigismund I the Old confirmed the privilege. However, it is clear that it was in use during his reign. See: Gumplowicz, *Prawodawstwo polskie*, 36. The quoted approval is found in *Libri Civium AD 1535-1566*, 450 ff and was published by Gumplowicz, *Prawodawstwo polskie,* 161-176, J.W. Bandtke, *Jus Polonicum Codicibus veteribus manuscriptis et editionibus* (Warszawa, 1831), BIII. [↑](#footnote-ref-6)
7. M. Schorr, "Krakovskii svod evreiskikh statutov i privilegii," *Evreiskaya Starina* 2 (1910), 81 [↑](#footnote-ref-7)
8. From the protocol to the privilege of Casimir the Great: Schorr, "Krakovskii svod," 2: 82. [↑](#footnote-ref-8)
9. Schorr, "Krakovskii svod," 2: 94. From the protocol: "*quos Nobis, et Regno specialiter conservamus thesauro*[…]” [↑](#footnote-ref-9)
10. Teller, "Telling the Difference," 140 [↑](#footnote-ref-10)
11. "Coaequantur cum civibus iisdem libertatibus dotantur et soli iurisdictioni regiae reservantur exceptis causis privatorum." Schorr, "Krakovskii svod," 2: 97. [↑](#footnote-ref-11)
12. Hana Zaremska, "Uwagi o organizacji gmin żydowskich w średniowiecznej Polsce," in *Aetas media, Aetas moderna*, ed. A. Bartoszewicz et al. (Warsaw, 2000), 154; Shmuel A. Cygielman, "The Basic Privileges of the Jews of Great Poland as Reflected in Polish Historiography," *Polin* 2 (1989), 119–122. In Krakow the autonomy of Jewish courts was also approved in voivode Andrzej Tęczyński’s legislation of 1527, which constituted the first “porządek wojewodziński”. See: Bałaban, *Historja Żydów,* 365. [↑](#footnote-ref-12)
13. From the privilege of Casimir the Jagiellon (1453), §5. Translated by Moses Schorr, “Krakovskii svod statutov i privilegii”, *Evreiskaia Starina* 2 (1910): 85. [↑](#footnote-ref-13)
14. Goldberg, "The Privileges Granted," 43; Teller, "Telling the Difference," 140. [↑](#footnote-ref-14)
15. Teller, “Telling the Difference,” 113. [↑](#footnote-ref-15)
16. On 'law of the land' in general see also: Juliusz Bardach, Bogusław Leśnodorski, Michał Pietrzak, *Historia ustroju i prawa polskiego* (Warszawa 2005), 275-277. On 'Law of the Land' in light of Germanic law and other systems, see: Stanisław Płaza, *Historia prawa w Polsce na tle porównawczym* (Księgarnia Akademicka, 2002); Katarzyna Sójka-Zielińska, *Historia prawa* (Warszawa, 2001). [↑](#footnote-ref-16)
17. At first, the community paid only in emergency cases, but beginning roughly in the seventeenth century, it paid annually. See Falinowska-Gradowska, "Sędziowie żydowscy," 39; Cohen, “Ha-rashut ha-voyevodit,”, 28. In the eighteenth century the community paid a regular salary to the voivode, the judge and the court notary. See: Bałaban, *Historja Żydów*, 383. [↑](#footnote-ref-17)
18. In the beginning, the *iudex iudaeorum* was appointed for special cases only. It later became a permanent office, e.g. Jan Chamiec of Dobranowic, the fourth judge known to us, held the office for at least 10 years: 1459-1469. [↑](#footnote-ref-18)
19. The voivode is one of the most ancient positions in Poland. Already the Statute of Kalisz [I would add the year] mentions the voivode as judge of the Jews. It was a Polish innovation that did not appear in other European privileges that contributed to the privilege of Boleslaw the Chaste. [↑](#footnote-ref-19)
20. We have only a few names of Jewish judges in 16th century Krakow: Stanisław Gorski, Han Herbut from Fulsztyn. From the 17th century: Zygmunt Świerczowski, Marcin Skoroszewski, Stanisław Stanisławowski, Lukasz Kochanski, Jan Ligeza, Piotr Opocki. [↑](#footnote-ref-20)
21. Statute of Kalisz, paragraph 21. [↑](#footnote-ref-22)
22. Later on, this Jewish right was probably limited to the approval of the voivode’s appointment. In 1633, the constitution extended the privilege of kahal’s consent to all the communities in the country. Benjamin Cohen, “Ha-rashut havoyevodit…12; Bałaban, Historja Żydów, 374-376.perhaps 351 [↑](#footnote-ref-23)
23. Privilege of Stephen Bathory (1578) paragraph 31. Schorr, "Krakovskii svod," 2: 98 [↑](#footnote-ref-24)
24. See the Judicial Statute of Sigismund II Augustus of 19 March, 1554, § 1: “A Jew should be summoned by the szkolnik two weeks before the trial.” Quoted in: Bałaban, *Historja Żydów*, 361. [↑](#footnote-ref-25)
25. Bałaban, *Historja Żydów*, 380. [↑](#footnote-ref-26)
26. For more information on the szkolnik see Feivel Hirsch Wettstein, "Divre Hefets. Dokumenta hebrajskie z pinkasów gminnych w Krakowie," *Hameasef* (1902), quoted in M. Bałaban,"Przegląd literatury historyi Żydów w Polsce," *Kwartalnik Historyczny* 17 (1903): 487–490. [↑](#footnote-ref-27)
27. The Judicial Status of Sigismund II Augustus (1554), article 2. Bałaban, *Historja Żydów*, 361. [↑](#footnote-ref-28)
28. Jakimyszyn, XIII, §16. [↑](#footnote-ref-29)
29. Stanisław Kutrzeba, *Zbiór aktów do historyi ustroju sądów prawa polskiego i kancelaryi sądowych województwa krakowskiego z wieku XVI-XVIII* (Kraków, 1909), 137 no. 168. Only appeals to the voivode himself, discussed when he was in town, were conducted at the palace or at his place of residence (curia palatine). [↑](#footnote-ref-30)
30. Jakimyszyn, XIII, §17. [↑](#footnote-ref-31)
31. Regulations of A. Tęczyński (1527), § 1, quoted in Bałaban, Historja Żydów, 365. or Schorr, "Krakovskii svod," 2: 97-98 [↑](#footnote-ref-32)
32. Only a few rulings survived from the period of Voivode Stanisław Lubomirski 1642-1647 See APKr, *Varia* 12, Decreta iudicii palatinalis, 1675–1766. [↑](#footnote-ref-33)
33. For voivodes' regulations regarding Jewish assessors see: Bałaban, *Historja Żydów*, 365. For royal rulings see for example the privilege of 1453 and the privilege of Stephen Bathory of 1659. [↑](#footnote-ref-34)
34. Anna Jakimyszyn, ed. *Statut krakowskiej gminy żydowskiej z roku 1595 i jego uzupełnienia* (Kraków, 2005), XIII, § 16.. [↑](#footnote-ref-35)
35. The communal judicial statute of Sigismund II Augustus for the community of Krakow (March 9, 1554). [↑](#footnote-ref-36)
36. The Judicial Statute of Sigismund II Augustus (1554), § 3, as quoted in Bałaban*, Historja Żydów*, 361. It seems you refer to this source repeatedly under slightly different names. Please review for consistency [↑](#footnote-ref-37)
37. [↑](#footnote-ref-38)
38. Shorr, "Krakovskii svod," 2: 223-224 [↑](#footnote-ref-39)
39. For a discussion regardig the starting point of the royalty’s erosion in favor of the nobility, see, for example: Andrzej Wyczański, "The Problem of Authority in Sixteenth-Century Poland: An Essay in Reinterpretation" in *A Republic of Nobles. Studies in Polish History to 1864*, ed. J.K. Fedorowicz (Cambridge, 1982), 91-94. [↑](#footnote-ref-40)
40. J.A. Gierowski, *The Polish Lithuanian Commonwealth in the Eighteen Century: From Anarchy to Well-Organized State*. trans. Henry Leeming. Rozprawy Wydziału Historyczno-Filozoficznego 82 (Cracow, 1996), 36. [↑](#footnote-ref-41)
41. J.A. Gierowski, *The Polish Lithuanian Commonwealth in the Eighteen Century: From Anarchy to Well-Organized State*. trans. Henry Leeming. Rozprawy Wydziału Historyczno-Filozoficznego 82 (Cracow, 1996), 36. [↑](#footnote-ref-42)
42. Gierowski, *The Polish Lithuanian Commonwealth*, 22. [↑](#footnote-ref-43)
43. *Volumina Legum: Przedruk Zbioru praw staraniem XX.Pijarów w Warszawie (St Petersburg, 1860)*, 1: 270. [↑](#footnote-ref-44)
44. Jerzy Lukowski, *Liberty's Folly: The Polish-Lithuanian Commonwealth in the Eighteen Century*, *1697-1795* (New York, 1991), 12. A portion of the king’s land (królewszczyzny) was also held by the nobility, usually on lease. [↑](#footnote-ref-45)
45. M. Bogucka and H. Samsonowicz, *Dzieje miast i mieszczaństwa w Polsce przedrozbiorowej* (Wrocław, 1986), 400. [↑](#footnote-ref-46)
46. According to Goldberg, “As a result of the changes […] the Jews in the royal towns became increasingly subjected to the authority of the *starostas* (…)” Goldberg, "Privileges Granted," 35. There were even royal cities where Jews were granted privileges not by the king, but by the starosta. See Jacob Goldberg, *Przywileje gmin żydowskich w dawnej Rzeczypospolitejz XVI-XVIII w*. (Jerozolima, 2001), 3:15. [↑](#footnote-ref-47)
47. See for example: Jürgen Heyde, "Ewolucja zwierzchności królewksiej nad ludnością żydowską w XVI wieku," in *Małżeństwo z rozsądku? Żydzi w społeczeństwie dawnej Rzeczypospolitej*, ed. Marcin Wodzinski I Anna Michałowska-Mycielska (Wrocław, 2007), 38-41. [↑](#footnote-ref-48)
48. See Sejm constitutions for 1538, 1567, 1568. *Volumina Legum*, vol. 2, 51,68, 94. [↑](#footnote-ref-49)
49. Teller, "Telling the Difference," 120. [↑](#footnote-ref-50)
50. See for example the Krakow trade agreement (1485). Reiner, [please insert name], 303. [↑](#footnote-ref-51)
51. Teller, “Telling the Difference,” 119. [↑](#footnote-ref-52)
52. Goldberg, "Privileges Granted," 35. [↑](#footnote-ref-53)
53. Eli Lederhendler, *The Road to Modern Jewish Politics* (Oxford, 1989), 25. This approach was particularly notable in royal cities where local governors obtained greater influence, often initiating privileges that were approved by the king only retroactively. See Goldberg, "Przywileje gmin żydowskich," 15. [↑](#footnote-ref-54)
54. Rosman, "Innovative Tradition," 524. [↑](#footnote-ref-55)
55. Gershon D. Hundert, "Some basic Characteristics of the Jewish Experience in Poland," *Polin* 1 (1986), 31. [↑](#footnote-ref-56)
56. Goldberg, "Privileges Granted," 36. [↑](#footnote-ref-57)
57. Reiner, [please insert title], 33. [↑](#footnote-ref-58)
58. [↑](#footnote-ref-59)
59. Stanisaw Kutrzeba, *Historia źródeł dawnego prawa polskiego* (Lvov-Warszawa-Kraków, 1926), 2: 307. See also: Goldberg, "Privileges Granted," 34. [↑](#footnote-ref-60)
60. See W. Uruszczak, "Zasada lex est rex w Polsce XVI wieku," *Sobótka* 2-3 (1993):149-157. [↑](#footnote-ref-61)
61. Wawrzyniec Grzymała Goślicki, *O senatorze doskonałym księgi dwie, w których są wyjaśnione obowiązki urześdników oraz szczęśliwe życie obywateli i pomyślność państwa* (1568), trans. T. Bieńkowski (Kraków, 2000): 106-107. [↑](#footnote-ref-62)
62. See chapter… [↑](#footnote-ref-63)
63. On the economic policy of the Church regarding the Jews’ place within the Christian world, see the bulla of Pope Innocent II, “Constitutio pro Judais” (1199), and its later reconfirmations, such as “Cum Nimis Absurdium” (1555). [↑](#footnote-ref-64)
64. "Krakovskii svod," 2: 224-225. See for example the privilege of Władisław IV Vasa for Jews on royal ands, including Krakow: “We want every magistrate to remain within his authority and jurisdiction, and not to deviate from the confines of his position under any circumstances.” Gumplowicz, *Prawodawstwo polskie*, 73. [↑](#footnote-ref-65)
65. Goldberg, "Privileges Granted," 40. \*as this references a direct quote, I don’t think you need a “see” [↑](#footnote-ref-66)
66. Schorr, "Krakovskii svod," 2: 223-225. [↑](#footnote-ref-67)
67. See section 2.1. [↑](#footnote-ref-98)
68. Goldberg, "O motywach nadawania przywilejów," 74. [↑](#footnote-ref-99)
69. Rosman, "Innovative Tradition," 524. [↑](#footnote-ref-100)
70. The first category corresponds to the first type noted by Teller: Teller, "Telling the Difference," 111, ft. 6 [↑](#footnote-ref-101)
71. The only exception seems to be the privilege of Władysław IV, initially intended for the whole country: Gumplowicz, *Prawodawstwo polskie,* 71. [↑](#footnote-ref-102)
72. See footnote no. 7. [↑](#footnote-ref-103)
73. See for example the synagogue privilege, Bałaban, *Historija Żydów*, 145. [↑](#footnote-ref-104)
74. In 1551, Sigismund II August appointed five galil committees and called them *parochiae*. [↑](#footnote-ref-105)
75. Goldberg, *Przywileje gmin żydowskich* , 37. [↑](#footnote-ref-106)
76. The assembly’s approval eventually became mandatory for communal privileges. Ibid., 15. [↑](#footnote-ref-107)
77. Schorr*,* "Krakovskii svod," 2: 80. [↑](#footnote-ref-108)
78. Sebastian Petrycy, *Przydatki do Polityki Arystotelesowej*, in idem, *Pisma wybrane* (Warszawa, 1956), 1: 75. [↑](#footnote-ref-109)
79. Jan Stanisław Jabłonowski*, Skrupuł bez skrupułu w Polszcze albo oświecenie grzechów narodowi naszemu polskiemu przez pewnego Polaka temiż grzechami grzesznego, ale żałującego, na poprawę swoją i ludzką* (1741)(Kraków, 1858) in Goldberg, *Przywileje gmin żydowskich*, 37. [↑](#footnote-ref-110)
80. Szymon Starowolski, *Wady Staropolskie. Przedruk dzieła Robak sumienia złego* (Kraków, 1853), 87. [↑](#footnote-ref-111)
81. In the 16th century, the scribes’ salaries were not yet paid for by the state, but by the *regens*, the head of office who distributed the money collected in a shared treasury (*karbon*) from interested parties. See Andrzej Tomczak, Kilka uwag o kancelarii królewksiej w drugiej połowie XVI w. *Archeion* 37 (1962), 235-252. [↑](#footnote-ref-112)
82. We do not have information regarding the exact sums paid for keeping records of the privileges. We do know that the Krakow community elders owed 40 “hungarishen golden” to the city notary Jan Heideko, apparently for the listing of the 1485 trade agreement. See *Żydzi w średniowiecznym Krakowie. Wypisy*, nr 708 (1485). [↑](#footnote-ref-113)
83. See for example Schorr, "Krakovskii Svod," 2: 80-81. [↑](#footnote-ref-114)
84. Scott Ury, "Shtadlan" in Yivo: <http://www.yivoencyclopedia.org/article.aspx/Shtadlan> (accessed on January12, 2015). [↑](#footnote-ref-115)
85. As an example, the Poznań community budget for 1637-38 allocated a relatively large salary for the shtadlan – 300 goldens. See Dov Weinryb, insert title (New-York, insert year), 57-61. [↑](#footnote-ref-116)
86. See for example: Schorr, "Krakovskii Svod," 2: 81. [↑](#footnote-ref-117)
87. In the event that a copy had not been made on issuing the original, it was easier to acquire copies in royal cities where the privileges had been listed in the chancellory records. [↑](#footnote-ref-118)
88. From the privilege of Władysław IV Vasa, 16 March 1631: Gumplowicz, *Prawodawstwo polskie*, 75-76. [↑](#footnote-ref-119)
89. Goldberg, "Privileges Granted," 52. [↑](#footnote-ref-120)
90. Jakimyszyn, *Statut Krakowskiej Gminy Żydowskiej*, §15, 15b. [↑](#footnote-ref-121)
91. Ibid., § 41 [↑](#footnote-ref-122)
92. Taken from the privilege of Caisimir IZ Jagiellon: Schorr, "Krakovskii svod," 2: 85. [↑](#footnote-ref-123)
93. For a more general discussion, see chapter 10 of Haim Hillel Ben-Sasson’s book, \*insert title\* (Jerusalem, 1959). [↑](#footnote-ref-124)
94. Hana Zaremska, "Uwagi o organizacji gmin żydowskich w średniowiecznej Polsce," in *Aelas media, Aelas moderna*, ed. A. Bartoszewicz et al. (Warszawa, 2000), 154 [↑](#footnote-ref-125)
95. Goldberg, *Przywileje gmin żydowskic*h, 38-39. [↑](#footnote-ref-129)