**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 interwoven factors as contributing to the relatively “peaceful and tranquil” Jewish existence within the Polish-Lithuanian Commonwealth: royal Jewish privileges and the general structure supporting 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) Yet, 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, and its 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 IV 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* – 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*" (servants of the chamber). 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 traders. 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 while 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 and were potentially disadvantageous to them: *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..[[14]](#footnote-14) While these rules generally supported the polyphony of the court system and thus left room for maneuver between the different jurisdictions, they implied that Jews were to be subjected to the city courts, which were often hostile to them “due to religious hatred but also from bitter economical competition.”[[15]](#footnote-15) By referring Jewish-Christian cases to the wojewodzińskicourt (which was run and presided over by the voivode), 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.”[[16]](#footnote-16)

The voivode and the wojewodzińskicourt had the further advantage of following the ‘law of the land' (*prawo ziemskie*), a means of minimizing Jewish vulnerability to ‘town law’ (*prawo miejskie*). Town law, applicable to town residents, was strongly influenced by written Germanic law and had a more local, as well as a more Christian, orientation. In contrast, the ‘law of the land’ held a number of advantages for Jews. Used mainly by the nobility, it was based on Polish custom and relied strongly on royal privileges, rather than on foreign law codices, allowing the judge greater discretion. Its appeal process allowed Jews to lodge appeals to the voivode from the wojewodziński court and from the Court of the Elders, as well as from the voivode’s court to the king’s court.[[17]](#footnote-17) In the absence of a state-wide law, the law of the land was often taken as general Polish law. Subjecting Jews to the law of the land thus firmly incorporated them into the system of Polish justice while increasing their chance to be judged according to royal privileges and custom.[[18]](#footnote-18)

In addition to bypassing town law, the voivode’s jurisdiction over Jews prescribed in royal privileges applied a number of pro-Jewish adjustments that strengthened Jewish legal status and attracted Jewish litigants. First, the wojewodziński court, likely active in Cracow 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.[[19]](#footnote-19) 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,[[20]](#footnote-20) the court continued to be presided over by the voivode throughout the early modern period,[[21]](#footnote-21) 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 Cracow this duty was usually undertaken by a specially appointed noble.[[22]](#footnote-22) 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.[[23]](#footnote-23) In 1591, King Sigismund III allowed the Cracovian Jews a say 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 ensure the position would go to a noble rather than to a burgher inclined to support his fellow burghers.[[24]](#footnote-24)

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*].” [[25]](#footnote-25)

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,[[26]](#footnote-26) examining the injuries of the aggrieved Jewish party,[[27]](#footnote-27) serving as a witness, issuing declarations, keeping order during the trial, receiving Jewish oaths, and more. Judging by the preserved records of Cracovian *szkolniks’* oaths (1640, 1641), there were likely two ushers in Cracow 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.[[28]](#footnote-28)

Second, the wojewodziński court proclaimed the traditional royal policy of respecting Jewish religious holidays and laws, a policy that understndably appealed to Jewish litigants. The trials were not to be held on Saturdays or on Jewish holidays,[[29]](#footnote-29) and the *szkolnik* was “not [to] deliver any summon for days other than Monday or Thursday,” set as days for Jewish litigants.[[30]](#footnote-30) Furthermore, no serious trial was to coincide with the annual fair in Lublin or Jarosław, nor with 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 Cracow or Kazimierz, according to the old custom and privilege, and not in Wawel [the royal castle]”[[31]](#footnote-31) The *kahal* was also urged by communal rulings to “request the *iudex iudeorum* to judge in the [Jewish] street at least once every month or two,”[[32]](#footnote-32) and to attend the court when it operates in Kazimierz.

Lastly, the integrative policy of accommodation proclaimed in royal charters was implemented through the integration of Jewish assessors in the court of the *iudex iudaeorum* after the model of a district court (sąd ziemski) utilizing the law of the land. This inclusionary approach clearly 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.”[[33]](#footnote-33) 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*.[[34]](#footnote-34) 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.[[35]](#footnote-35) In the statute of the Cracovian 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.[[36]](#footnote-36) The judicial regulation issued in 1554 by Sigismund Augustus for the Cracovian community stated that any sentence given by *iudex iudaeorum* without the presence of Jewish assessors was not valid.[[37]](#footnote-37) 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.”[[38]](#footnote-38)

{here starts the new part}

 Aligning the structure and conduct of jurisdiction over Jews with the domestic law of the land was just one of the of the ways in which royal charters helped integrate Jews into the Polish legal system and contributed to the management of Jewish-Christian coexistence. Among other aspects, it was the incorporation of major principles and procedures of the law of the land into some of the clauses, especially those concerned with Jews’ physical safety, that allowed royal privileges to establish rehabilitation mechanisms, thus turning courts and litigation into a platform for reconciliation in interreligious conflicts.

**2.1.1** **Security clauses in royal privileges**

Royal privileges contained a number of clauses directly pertaining to the issue of Jewish security. By proclaiming these provisions and sanctioning their enforcement, the charters afforded physical security to individuals and protected Jewish property. Security clauses can be broadly divided into two types: those protecting individuals, and those safeguarding communities and their possessions. A close examination of royal charters shows that while medieval privileges concentrated on the security of individuals, in the early modern period amendments to reconfirmations, as well as new royal statutes, began referring to the safety of Jewish communities in the context of riots. Nevertheless, in both periods and in both types of clauses, the decisive factor remained protecting the lives of individuals, whether these were perceived as isolated victims or as members of a group, i.e. a community:

Besides, while in the frequent anti-Jewish tumults that happen in our cities and towns, persons, synagogues, houses, and possessions of the Jews are put at risk and harmed, we stipulate and order in this charter that in the future there will be no more such tumults and excesses in our cities and towns.[[39]](#footnote-39)

Royal charters generally depicted Jews as a tolerated group in need of royal protection. At the same time, they did not construct Jewish security as a legal exception, but rather integrated it into existing legal categories. In essence, the privileges applied the ‘law of the land’ to protect Jews in the same way as it protected other groups living in early modern Polish society, where “blood was cheaper than wine, and a man cheaper than a horse:”[[40]](#footnote-40)

Whoever dares to injure or kill somebody with a rifle should be severely punished, and in case of killing, subjected to *scrutinium*. No one is allowed to walk around the city with a loaded rifle under penalty of fourteen grzywnas.[[41]](#footnote-41)

, The security clauses of royal privileges largely followed the core principles and procedures used in the law of the land in cases it deemed as private , i.e. cases in which only the victim or their closest relatives could lodge a complaint (also of a private sort [*zasada prywatnoprawna*]).[[42]](#footnote-42) Consequently, the decisive criteria in the security clauses for such cases were whether real danger was posed to the life of an individual, and the nature of the harm inflicted. Following this principle, privileges prescribed sentences and penalties according to the severity of the harm caused to the individual:

If a Christian and a Jew get into an argument in any way, and if that Christian wounds the Jews with a gory (*cruentato*) or livid (*livido*) wound, or pulls out hair from his head, then we [the king] provide the Jew with our jurisdiction, so that the aforementioned wounded Jew can take the oath according to their custom “over knocker or *Kolce*,”[[43]](#footnote-43) at the door of their synagogue. Then the Christian, if proven guilty by the Jewish oath, shall be required to give to that Jew five marks for the jaw, ten marks for a livid wound, but for a bloody wound [he should give] half of his possessions both movable and immovable to the aforementioned Jew, and the remaining half of these goods we reserve for us and our successors, and the palatine of that district. And other [crimes] will be judged according to our aforesaid will. Yet, for pulling hair out from the head of a Jew, the aforementioned Christian should pay according to the decree of the lords, residing in this court, according to law.[[44]](#footnote-44)

The physical wounds emphasized in this security clause (no.7 in the privilege of 1453) and others like it correspond to the categories stipulated by the law of the land: (1) livid wounds (*rany sine*), usually resulting from blows; (2) severe wounds depriving the victim of the ability to function normally or to work and earn a living (e.g. loss of a finger, loss of teeth, blindness); (3) severe injury posing a danger to human life, e.g. a bloody wound. According to this clause – which unequivocally affirmed royal jurisdiction over the Jews and turned to the victim to verify the severity of harm – a wounded Jew had the right to lodge a complaint against a Christian not only in case of injury, but also for hair pulling – which was recognized as an insult by the law of the land. Although it is not mentioned in the privileges, we know from surviving court documents, as well as common practices of other courts that followed the law of the land, that a physical examination (*obdukcja*) of the victim usually established what type of wound had been inflicted. In case of an injured Jew, or of a Christian assaulted by a Jew, such an examination was usually carried out by the *szkolnik*.[[45]](#footnote-45) As with cases between Christians, the results of the examination provided the basis for filing a lawsuit, were part of the accepted pretrial evidential procedure,[[46]](#footnote-46) and served as a primary factor in the choice of penalty.

Although examination of wounds was crucial to the choice of penalty, it was irrelevant to establishing the identity of the perpetrator. For this concern, too, royal privileges turned to the law of the land, stating that truthfulness of Jewish accusations could be confirmed via oath (*iuramentum*).[[47]](#footnote-47) While the oath was a central element of evidential process in Western Europe until the twelfth century, in the Polish courts it played a significant role until much later.[[48]](#footnote-48) It was viewed as a religious act and served as important evidence due to the conviction that God would not allow His name to be taken in vain.[[49]](#footnote-49) Anyone at the proper age and whose religion was recognized by the state had a right to take an oath[[50]](#footnote-50) and thus “render something dubious reliable.”[[51]](#footnote-51) Two versions of the Jewish oath were preserved in Polish medieval compilations. The first was a late addition to the privilege of Casimir the Great. The second was included in the Mazovian compilation of municipal law,[[52]](#footnote-52) and was thus probably used in city courts where Jews nevertheless appeared – despite the royal privileges and rulings of Jewish authorities, which overwhelmingly placed Jews under royal, and not municipal, jurisdiction.[[53]](#footnote-53) The oath was informed by Jewish custom and incorporated in its text an address to God, a confirmation of Moses’ laws, and a list of punishments for perjury, all of which gave it the effect of religious invocation.[[54]](#footnote-54) We do not know the particulars of how the procedure of the Jewish oath took place. According to the introductory part of the text, a Jew taking an oath should wear a cloak and a Jewish cap. According to Zaremska, there was no discriminatory intention behind this provision. In Old Poland, a Jew was allowed to simply wear a traditional prayer shawl (tallit) and a Jewish skullcap upon taking an oath.[[55]](#footnote-55) Contrary to legislation on Christian oaths, which stipulated the way the oath should be taken but did not include provisions as to its location, the clauses prescribing Jewish oaths (*secundum constitutionem ipsorum Judaeorum*) specified where it was to be taken, a parameter directly linked to the oath’s gravity. An oath on a Torah scroll (*rodale*) was reserved for cases of high value or for when a Jew was summoned before the ruler, while an oath at the door of the synagogue was the default for mundane affairs.[[56]](#footnote-56) In security cases, the lesser oath was used in case of injury, while the oath on the Torah (*super rodale decem preceptorum*) was reserved for cases in which a Jew had been killed. The ceremony was carried out in the synagogue and accompanied by the *szkolnik*. In case of a Jewish plaintiff, the royal privilege adopted a certain type of personal oath (*iuramentum corporale*) stipulated in the law of the land, which was to be taken by the plaintiff without witnesses (*solimet*). This type of oath was viewed as self-sustained evidence in an adversarial process (*proces kontradyktoryjny*), in which both sides prepared and presented their cases (with evidence) to an impartial judge, whose role was restricted to hearing and passing judgment pursuant to the relevant law.[[57]](#footnote-57) While oaths are broadly considered in the traditional historiography to have allowed the Jews to function in the Christian legal system and to have helped them manage their trade and credit activity,[[58]](#footnote-58) the unique perspective of interreligious crisis and post-conflict reconciliation processes reveals an additional dimension. As a means of utilizing the privileges’ security clauses, oaths played a part in the management of Christian-Jewish coexistence and its rehabilitation.

In addition to general principles and procedures, such as oath taking, security clauses also applied two fundamental provisions of the law of the land regarding penalties. The first stated that the severity of the sentence should reflect the gravity of the crime. The second prescribed that the penalty should correspond to the crime and constitute both a kind of payback, defined by Witold Maisel as “public vengeance,”[[59]](#footnote-59) and a preventive lesson for all to see.[[60]](#footnote-60) According to the law of the land, penalties were divided into the following categories: capital punishment, corporal punishment, pecuniary punishment, confiscation of property, and imprisonment.[[61]](#footnote-61) These categories were sub-divided further, reflecting different degrees of severity. For example, the following subtypes fell under pecuniary punishment: redemptive corporal punishment (when the offender could pay a sum of money in order to avoid mutilation), partial confiscation of property, a simple fine, and composite payments. The security clauses in Jewish charters combined these provisions with the afore-mentioned principle of judging the severity of the crime according to the level of danger believed to have been posed to an individual. For example, if the victim had been seriously wounded and placed in mortal danger, the plaintiff could ask for the criminal penalty (*criminaliter*), which was usually a high fine (amounting to up to half of one’s possessions). If a Jew had been killed, capital punishment was called for:

If it happens that any Christian kills a Jew, and the kinsman of the killed Jew proves the Christian guilty by taking an oath over the Torah scroll (*super rodale*) according to Jewish custom, then we decide and establish [that he] must be punished with the imposition of death, a head for a head, and it is not to be done otherwise in this matter. If, however, such a Christian, who killed a Jew, somehow escapes and cannot be caught or held, then of his property, whether portable or immovable, one half of the aforementioned goods and possessions should be given to the blood relatives of the killed Jew, and the remaining half should be given to our Royal Treasury.[[62]](#footnote-62)

The rule of capital punishment for a Christian who killed a Jew clearly adhered to the norms prescribed by the law of the land in cases of a noble dying at the hands of a commoner.[[63]](#footnote-63) Accordingly, a death penalty awaited any killer caught in the act (*in recenti crimine*) or accused by a plaintiff (the kinsman of the killed) who took a proper oath: *iuramentum accusatorium*.[[64]](#footnote-64) This stipulation was unambiguous and allowed no change of verdict, even in case of mitigating circumstances.[[65]](#footnote-65) As dictated by the law of the land, kinsmen were obligated to file a lawsuit and were not allowed to come to terms with the accused. While leaving some room for the judge's discretion, the above-mentioned clause followed the procedures of the law of the land and did not specify how the death penalty was to be executed. Since a penalty was supposed to match the severity and nature of the crime, there were several variations of capital punishment from which to choose. According to the law of the land, there were simple death penalties –of which hanging was the most popular – and torturous punishments (*kary kwalifikowane*), which included bodily punishments before or after death, e.g. a breaking wheel, drawing, and quartering.[[66]](#footnote-66)

Essentially, the basic penalty in the security clauses of Jewish privileges was pecuniary (*civiliter*). However, although a simple fine was probably the most convenient way of solving the disputes, royal privileges usually prescribed composite payments, which consisted of a payment to the victim and an additional sum or share of one’s property to be paid to a local authority or royal treasury.[[67]](#footnote-67) The sum paid to the victim took the form of pecuniary compensation and usually covered medical expenses (e.g., five marks for a jaw) or made up for the victim’s temporary incapacity. The second sum was largely regarded as a penalty for disturbing the public peace, to be paid to the legislator or the court. It added to the severity of the penalty and guaranteed revenues to the voivode or royal treasury, thereby further incentivizing the practice of placing Jewish cases under the jurisdiction of the palatine or the king. From the perspective of post-conflict reconciliation, composite payments contributed substantially to law enforcement. By benefiting the voivode and the royal treasury, monetary penalties and confiscations motivated those authorities to invest in law enforcement. Moreover, it curtailed jurisdictional conflicts and institutional negligence, both of which were widespread in Old Poland. In short, the prescription of composite penalties was yet another factor that helped utilize the privileges, thus contributing to the establishment of litigation and courts as a means of conflict solution and rehabilitation.

Given the state of the sources, it is difficult to present any conclusive statements regarding the actual implementation of royal privileges and their respective security clauses in judicial practice. Yet a growing body of knowledge on the Jewish use of Polish courts, along with contemporary commentaries implicating that the “[Jew] gets justice faster and wins in court, even if he is neither in the right nor honest,”[[68]](#footnote-68) suggest that Isaac of Troki’s observation was indeed correct – royal privileges contributed to Christian-Jewish coexistence, not only by enshrining the Jews a legal status but also by creating mechanisms that incorporated the fast-growing community into the pluralistic system of justice system. Although repeated legislation may indicate issues of limited applicability, the influence of charters should not be underestimated. In defining the Jews’ legal status, privileges have been “of fundamental importance in determining the basic structures of Jewish society.”[[69]](#footnote-69) The privileges’ security clauses encouraged regular Jewish use of the courts, prompting the incorporation of litigious practices into processes of post-conflict reconciliation and rehabilitation of coexistence. While the general privileges continued to serve as the basic framework for managing Christian-Jewish *Convivencia,* their flagging authority throughout the early modern period necessitated additional support. This was provided by a new kind of charter, the so-called communal privileges.

{ end of the new material}

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

On 19 March 1549, the same Sigismund II Augustus granted a separate privilege to the Jews of Cracow, 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 […]”[[70]](#footnote-70)

This charter was issued for the Cracow 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 Cracow 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, which is essential to understanding the Jews’ history.

The status and reach of a legal document 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.[[71]](#footnote-71) 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”[[72]](#footnote-72) – a government of the wealthiest noble families, whose “authority over their lands (latifundia) was absolute and exceeded that of the Polish king over Poland.”[[73]](#footnote-73) 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.[[74]](#footnote-74) These developments, along with other upheavals in the kingdom, had far-reaching consequences.

Beyond the king’s eroding influence, two sixteenth-century developments were of particular importance to the Jews’ status and to the potential of general royal privileges to shape ongoing Jewish-Christian interaction. The first was the “*Qui nobiles*” law enacted in 1539, which stipulated that nobles now had jurisdiction over Jews living on their lands and could grant them favorable settlement conditions and rights.[[75]](#footnote-75) The second was retracting the ban on Polish nobles to own or lease land in Lithuania (1569),[[76]](#footnote-76) which resulted in the noble colonization of eastern lands and new opportunities for Jewish settlers. Consequently, by the end of the sixteenth century most of the territory of the Commonwealth was owned by nobles, leaving the king with a mere 15-20 percent of all land[[77]](#footnote-77) and roughly a third of the cities;[[78]](#footnote-78)and there was a substantial increase in Jewish eastward migration to these noble-owned estates. With a growing number of Jews settling under noble jurisdiction, a new class of Jews emerged – ‘Lords’ Jews.’[[79]](#footnote-79) While the lords’ Jews lived under the protection of the nobility, enjoying its support for Jewish economic activity, the “royal Jews” resided in royal cities, where their legal status, residential patterns and occupational structure were officially determined by the monarch but in practice were limited by municipal authorities and the heartening burghers.[[80]](#footnote-80) Already at the end of the 15th century and during the first half of the 16th, Jews residing in royal cities such as Cracow 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.[[81]](#footnote-81) 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 Cracow and Kazimierz, agreements were signed in light of conflict between Jews and other city dwellers, or in order to settle a specific issue that had been under dispute for years, like the distribution of trade in the city or the borders for Jewish settlement.[[82]](#footnote-82) Pacta tallied with the norms set by general royal privileges and were sometimes approved by the king himself. They became the main reference point for local populations in their relations and legal dealings with Jews, as well as an important factor shaping the Jews’ local status.

In light of the changing geo-political situation and the weakening monarchy, the royal Jews, later followed by the lords’ Jews, opted for a more local type of legislation: communal privileges.[[83]](#footnote-83) Communal privileges, granted either by noble landowners or by the king, acting as owner of royal territories, were the most influential legislation regarding Jews from 1539 onwards. It is important to note that 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.”[[84]](#footnote-84) Thus, in addition to general and regional charters, royal 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 *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.”[[85]](#footnote-85) In most cases, it was not intended to supersede general royal legislation but rather to complement it and reinforce its validity. As the centralized authority of the king disintegrated and the covenant between the Jews and the royal level of governance began to lose its relevance, [[86]](#footnote-86) the importance of communal privileges in royal cities only increased.[[87]](#footnote-87) In this respect, the bond between the Jews and the king had merely taken on a different form, somewhat reminiscent of the relation between Jews and the noble owner in private towns.

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,[[88]](#footnote-88) at times mixing and matching between them. The emergence of communal privileges can be placed within a yet broader context – the urban-Jewish community in Poland and the changes it underwent. As demonstrated by Reiner, the royal Jewish community in Old Poland, with Cracow-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.”[[89]](#footnote-89) 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. It was no longer a typically small Ashkenazi community dependent on a wealthy Jew, but an urban group that defined itself as a corporation among peers. The agent and recipient of the privileges was not an individual Jew, nor all the Jews in the country or in a particular district, 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.[[90]](#footnote-90) 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.[[91]](#footnote-91)

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 Cracow privilege. With this charter, Sigismund II August reconfirmed all the rights that had been granted to the Jews of Poland and Cracow 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”[[92]](#footnote-92) – and hence its very soul – “lex est anima reipublicae.”[[93]](#footnote-93)

This strategy of strengthening the king’s authority through royal communal privileges can also be discerned from the style of the *arenga*, which omitted any “external” justifications for the charter.[[94]](#footnote-94) 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).[[95]](#footnote-95) There is no economic justification regarding the Jews’ contribution to the ruler’s assets. The privileges of the royal Jewish communities, such as the Cracow 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 its last sentence, Sigismund II August uses the 1549 charter as a platform 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 Cracow or a person of his office, and will not abide by other laws, but adhere to the ancient statute […]”[[96]](#footnote-96) 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 – also contributed to managing Jewish-Christian coexistence. From the perspective of the community, they enhanced Jewish capacity to cope with inter-religious crises by transplanting the general laws into the local scene. Moreover, the very act of obtaining the privilege was often part of a broader Jewish policy of conflict resolution and prevention. The communal privileges also formed an integral part of the king’s policy toward Jews and toward Jewish-Christian coexistence, conflict management, and inter-religious rehabilitation. As such, they served as a tool for conflict prevention that could “resolve specific problems or remove existing conflict and antagonisms”[[97]](#footnote-97) and provided a platform for reconciliation, shaping post-conflict coexistence in the process. Such was the case with 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 immediate cause for issuing the Cracow 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, a record of the Cracow privilege in the court books (*księgi grodzkie*) made some years later can be linked to a process of conflict prevention.

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 letter of his majesty [the communal privilege], confirmed in his name with the small seal of the holy kingdom and signed by that same authority […] was successfully registered in *acta castrensia capitanealia Cracoviensia* […].”[[98]](#footnote-98) The registration of a document, which entailed its reconfirmation and the inscription of its text in the court books, was not a cheap affair. Yet, in light of the surrounding tension and the possibility of violent anti-Jewish outburst, the Cracovian community duly allocated the necessary resources to pay for the notarial procedure. It did so as a means of strengthening the community’s position in case of crisis and replenishing a fractured coexistence. Thus, both the communal privilege and its local registration were employed as conflict and coexistence management tools.

**2.3 “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. Despite the king’s diminishing influence, which also undermined his precedence on Jewish matters, 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. Hence, notwithstanding the general erosion of royal privileges, they were still of considerable legal authority and magnitude, and the Jews continued to allocate considerable resources toward obtaining them.

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*.[[99]](#footnote-99) 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.[[100]](#footnote-100) The attempts to obtain the privileges were, like the charters 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.[[101]](#footnote-101) He argues that the Jews were usually well-aware of the frailty of their position[[102]](#footnote-102) 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. They believed a charter reconfirmed by the presiding king exuded more authority than the charter of a previous ruler and 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 Jewish communities raised demands for three main types of legislation: general privileges for all the Jews in the country or the Jews of a particular region;[[103]](#footnote-103) the reconfirmation of general or regional privileges; and communal privileges for a specific community and its satellites.[[104]](#footnote-104) These types of charters reflect an early modern legislative shift. Previously, communal rights had often resulted from an extension of individual privileges – as when the Cracow community as a whole obtained de facto consent for a new synagogue after royal permission for its construction had been granted individually to Mosheh ben Yisra’el Isserles.[[105]](#footnote-105) In the early modern period, in contrast, communal privileges were derived from royal charters, general or regional. This pertained especially to those privileges addressing the security or legal status of the community as a whole, such as the 1549 Cracow charter.

 [ I hope it’s clearer now]..

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 usually submitted not by the low-ranking leaders of an individual community, but by the chosen heads of districts.[[106]](#footnote-106) Those 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.[[107]](#footnote-107) 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 as the highest rank of Jewish representation, was further able to mediate between the Jews and the king in raising legislative demands. Ultimately, direct petitions to the king were made during the session of the Sejm, which gave the privilege dual legitimacy – royal and parliamentary.[[108]](#footnote-108)

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 in the name of the Jews of our kingdom […].”[[109]](#footnote-109) 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 contemporary Catholic writers, paved the way for many a privilege:“[The Jews] spoil the judges with gifts, and the lords with enticements.”[[110]](#footnote-110) Similar to direct petitions, senators’ appeals were presented during the general Sejm, a further mark of the king’s eroding status.

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.”[[111]](#footnote-111) 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, more even than the clergy; they have a protector for their laws and rights.”[[112]](#footnote-112)

In addition to the great pains taken to obtain the privileges, royal Jewish communities also saw to keeping notarial records of the charters in the “castle books” (*księgi grodzkie*). As mentioned, this sort of record, which included a copy (*oblata*) 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 (*capitaneus*) also began to offer their services in record keeping and reproduction. It was therefore easier to obtain documents in royal cities, such as Cracow. 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.[[113]](#footnote-113) Seeing as in most places the fee was fixed only for nobles, the office was free to charge the Jews as it chose. For a greater profit margin, the office charged for each service separately, even for the stamps.[[114]](#footnote-114) 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.[[115]](#footnote-115) Listings in notarial books were done by a syndyk, 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. 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,[[116]](#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.[[117]](#footnote-117) As early as the 12th century, it had become the custom in Poland to make identical copies immediately upon issuing any sort of legal document. 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:[[118]](#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.[[119]](#footnote-119)

The copies were often 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.”[[120]](#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.[[121]](#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 […].[[122]](#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.”[[123]](#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.[[124]](#footnote-124) This combination, which shaped the unique character of Jewish autonomy in Poland, is most explicit in the 1453 privilege of Casimir Jagiellon.[[125]](#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.[[126]](#footnote-126)

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, indicate 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 and instilling the “peace and tranquility” praised by Isaak od Troki.[[127]](#footnote-127) 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 managing 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 IV 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 Cracow, 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 Cracow 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 IV Jagiellon (1453), §5. Quoted in Moses Schorr, “Krakovskii svod statutov i privilegii”, *Evreiskaia Starina* 2 (1910): 85. [↑](#footnote-ref-13)
14. See Benjamin Cohen [↑](#footnote-ref-14)
15. Goldberg, “The Privileges Granted,” 43; Teller, “Telling the Difference,” 140. [↑](#footnote-ref-15)
16. Teller, “Telling the Difference,” 113. [↑](#footnote-ref-16)
17. Majer Bałaban, “Ze studiów nad ustrojem prawnym Żydów w Polsce. Sędzia żydowski i jego kompetencje,”in *Pamiętnik trzydziestolecia pracy naukowej prof. dr. Przemysława Dąbkowskiego:* *1897– 1927* (Lwów, 1927), 385. [↑](#footnote-ref-17)
18. 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-18)
19. 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-19)
20. 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-20)
21. The voivode is one of the most ancient positions in Poland. Already the Statute of Kalisz [1264] 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 Pious. [↑](#footnote-ref-21)
22. We have only a few names of Jewish judges in 16th century Cracow: Stanisław Gorski, Han Herbut from Fulsztyn. From the 17th century: Zygmunt Świerczowski, Marcin Skoroszewski, Stanisław Stanisławowski, Lukasz Kochanski, Jan Ligeza, Piotr Opocki. [↑](#footnote-ref-22)
23. Statute of Kalisz, paragraph 21. [↑](#footnote-ref-23)
24. 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-24)
25. Privilege of Stephen Bathory (1578) paragraph 31. Schorr, "Krakovskii svod," 2: 98 [↑](#footnote-ref-25)
26. 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-26)
27. Bałaban, *Historja Żydów*, 380. [↑](#footnote-ref-27)
28. 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-28)
29. The Judicial Status of Sigismund II Augustus (1554), article 2. Bałaban, *Historja Żydów*, 361. [↑](#footnote-ref-29)
30. Jakimyszyn, XIII, §16. [↑](#footnote-ref-30)
31. 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-31)
32. Jakimyszyn, XIII, §17. [↑](#footnote-ref-32)
33. Regulations of A. Tęczyński (1527), § 1, quoted in Bałaban, Historja Żydów, 365. or Schorr, "Krakovskii svod," 2: 97-98 [↑](#footnote-ref-33)
34. 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-34)
35. 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-35)
36. Anna Jakimyszyn, ed. *Statut krakowskiej gminy żydowskiej z roku 1595 i jego uzupełnienia* (Kraków, 2005), XIII, § 16.. [↑](#footnote-ref-36)
37. The communal judicial statute of Sigismund II Augustus for the community of Cracow (March 9, 1554). [↑](#footnote-ref-37)
38. 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-38)
39. Privilege of Vladislaus IV (1633) translated from: Schorr, “Krakovskii svod,” 234–235. See also the edict of 1530 issued by Sigismund I the Old and later included in the parliamentary constitution of 1538, in Gumplowicz, *Prawodawstwo polskie*, 36–39. [↑](#footnote-ref-39)
40. Władysław Łoziński, *Prawem i lewem. Obyczaje na Czerwonej Rusi w pierwszej połowie XVII wieku* (Warsaw, 2005), 25. [↑](#footnote-ref-40)
41. “Statuta Seymu Warszawskiego roku pańskiego 1557”], paragraph 9, in *Volumina Legum*, ed. Jozafat Ohryzko (Petersburg, 1859), 2: 12. Available at [http://www.wbc.poznan.pl/dlibra/docmetadata?id=64472 [retrieved:](http://www.wbc.poznan.pl/dlibra/docmetadata?id=64472.%20(accessed) 20 Sept. 2016]. *Scrutinium*: here an investigation carried out by a voivode and district court during public assembly. [↑](#footnote-ref-41)
42. While the law of the land contained no general definition of a crime, it divided unlawful deeds into private and public acts according to legal procedure. In opposition to private cases, in public crimes criminals were accused by a public institution. From the sixteenth century on the crime was defined according to the object of wrongdoing, and so public crimes were those violating public good. [↑](#footnote-ref-42)
43. *Kolce*: here a heavy door knocker or rattle, usually of a rounded shape, used to knock at the gate. The oath taken “over the *Kolce*” was taken outside the synagogue door and was used in minor cases. [↑](#footnote-ref-43)
44. Schorr, “Krakovskii svod,” 85–86. [↑](#footnote-ref-44)
45. See section 2.1. [↑](#footnote-ref-45)
46. The list of accepted evidential procedures, including physical examination, was included in *Formula processus*. See: *Volumina Constitutionum. T. 1: 1493*–*1549, Vol. 1: 1493*–*1526*, eds. Stanisław Grodziski, Irena Dwornicka, Wacław Uruszczak (Warsaw, 1996), 392. [↑](#footnote-ref-46)
47. For the discussion on the use of oaths in medieval Polish courts, see: Stanisław Borowski, *Przysięga dowodowa w procesie polskim późniejszego średniowiecza* (Warsaw, 1926). For a discussion on Jewish oaths in municipal courts, see also Zaremska, “*Iuramentum Iudaeorum*”; ead., *Żydzi w średniowiecznej Polsce*, 223–228. For a general discussion on the Jewish oath, see also Bernhard Blumenkranz, *Juifs et chrétiens dans le monde occidental, 430*–*1096* (Paris–La Haye, 1960), 362–365; Guido Kisch, *The Jews in Medieval Germany: A Study of Their Legal and Social Status* (Chicago, 1949), 275–289; Joseph Ziegler, “Reflections on the Jewry Oath in the Middle Ages,” in Diana Wood (ed.), *Christianity and Judaism: Papers Read at the 1991 Summer Meeting and the 1992 Winter Meeting of the Ecclesiastical History Society* (Cambridge, 1992), 209–220. [↑](#footnote-ref-47)
48. Zaremska, “*Iuramentum Iudaeorum*,” 229. [↑](#footnote-ref-48)
49. For contemporary examples of a different opinion, see: Adam Moniuszko, “*Iuramentum Corporale* *Praestitit*. Przyczynek do badań nad przysięgą dowodową w koronnym procesie ziemskim u schyłku XVI stulecia,” *Соџіум* 9 (2010), 363–364. [↑](#footnote-ref-49)
50. Borowski, *Przysięga dowodowa*, 22–26. [↑](#footnote-ref-50)
51. Tomasz Drezner, *Processus iudiciarius Regni Poloniae* (Poznań 1640), K. G3v. [↑](#footnote-ref-51)
52. For the first text, see the so-called Codex B. III: *Jus polonicum codicibus veteribus manuscriptis et editionibus quibusque collatis*, edidit Joannes Vincentius Bandtkie (Varsaviae, 1831), 20. For the second text, see Oswald M. Balzer, *Średniowieczne prawa mazowieckiego pomniki, z rękopisu petersburskiego* (Kraków 1895), 301–302. [↑](#footnote-ref-52)
53. The choice of court depended on the parties. A Jew could apply to a city court or give up his right to refuse a municipal trial. For more details on this still an under-researched subject of the Jewish use of Polish courts, see: Adam Teller, “In the Land of Their Enemies? The Duality of Jewish Life in Eighteenth-Century Poland,” *Polin* 19 (2007), 435–437; Anna Michałowska, *Między demokracją a oligarchią. Władze gmin żydowskich w Poznaniu i Swarzędzu* *(od połowy XVII do końca XVIII wieku)* (Warsaw, 2000), 259–265. [↑](#footnote-ref-53)
54. The three-part scheme, which included an invocation of God, a kind of declaration of the obligation validated by the oath, and a list of punishments which would be inflicted in the case of perjury, was common to both Christian and Jewish oaths. See Zaremska, “*Iuramentum Iudaeorum*,” 231, n. 8. [↑](#footnote-ref-54)
55. For Zaremska’s interpretation and critics of Kirsch’s opinion, see Zaremska, “*Iuramentum Iudaeorum*,” 238–239. [↑](#footnote-ref-55)
56. Zaremska, *Żydzi w średniowiecznej* *Polsce*, 223. [↑](#footnote-ref-56)
57. In cases in which there was no other proof but a testimony of the parties, an oath was regarded as self-sustained evidence. In cases with other proofs, it was regarded as auxiliary evidence. See Stanisław Kutrzeba, *Dawne polskie prawo sądowe w zarysie*, 2nd edn. (Lwów–Warsaw–Kraków, 1927), 98. [↑](#footnote-ref-57)
58. Ibid., 224–225. [↑](#footnote-ref-58)
59. Maisel suggests three categories of punishment: private punishment (a kind of private vengeance), pecuniary penalties (e.g., payment to the court) and a real punishment that serves as “a public vengeance” or a response of society to a crime. See: Witold Maisel, *Poznańskie prawo karne do końca XVI wieku* (Poznań, 1963), 108. [↑](#footnote-ref-59)
60. Other concepts, such as preventive punishment (e.g., to cut off the thief’s hands so that he could not steal again) or even a punishment to ease God’s anger, were also present in Polish legal practice. See, for example, Marian Mikołajczyk, *Przestępstwo i kara w prawie miast Polski południowej XVI*–*XVIII wieku* (Katowice, 1998), 135. [↑](#footnote-ref-60)
61. Although nobles were imprisoned in city towers throughout the sixteenth century, this type of penalty became more popular in Poland only in the seventeenth century. In Cracow, penalties aiming at criminal’s rehabilitation (*propter correctionem*) were introduced only in the eighteenth century. Ibid., 189–193. [↑](#footnote-ref-61)
62. Schorr, “Krakovskii svod,” 86. [↑](#footnote-ref-62)
63. Until the eighteenth century, the land law prescribed the penalty for murder according to the social status of the victim and the murderer, e.g., a death penalty for a commoner who killed a noble without a possibility of financial refund, a penalty of *poena capitis* (*główszczyzna*) in case of a noble killing a commoner. [↑](#footnote-ref-63)
64. If a killed person had no family, the city could appoint an instigator to be a plaintiff. See Mikołajczyk, *Przestępstwo i kara*, 140, 143. [↑](#footnote-ref-64)
65. The usual mitigating circumstance was the age of the defender being below 14 or his status in the society or the city. [↑](#footnote-ref-65)
66. In the sixteenth century some of the punishments were adopted from the *Constitutio Criminalis Carolina* translated into Polish and edited by Bartłomiej Groicki in 1559. [↑](#footnote-ref-66)
67. In the law of the land the compository payments were used until the partitions. See: Zbigniew Zdrójkowski, “Ziemskie prawo karne,” in Zdzisław Kaczmarczyk, Bogusław Leśnodorski, *Historia państwa i prawa Polski*. *T. 2: Od połowy XV wieku do roku 1795*, ed. Juliusz Bardach (Warsaw, 1968), 342. [↑](#footnote-ref-67)
68. Szymon Starowolski, *Stacyje żołnierskie abo w wyciąganiu ich z dóbr kościelnych potrzebne przestrogi* (Kraków, 1636), Jagiellonian Library, call no. St. Dr. 5374 I (a), 22. [↑](#footnote-ref-68)
69. [↑](#footnote-ref-69)
70. Shorr, "Krakovskii svod," 2: 223-224 [↑](#footnote-ref-70)
71. For a discussion regarding 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-71)
72. 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-72)
73. 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-73)
74. Gierowski, *The Polish Lithuanian Commonwealth*, 22. [↑](#footnote-ref-74)
75. *Volumina Legum: Przedruk Zbioru praw staraniem XX.Pijarów w Warszawie (St Petersburg, 1860)*, 1: 270. [↑](#footnote-ref-75)
76. *Volumina Legum: Przedruk Zbioru praw staraniem XX.Pijarów w Warszawie (St Petersburg, 1860)*, 1: 270. [↑](#footnote-ref-76)
77. 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-77)
78. M. Bogucka and H. Samsonowicz, *Dzieje miast i mieszczaństwa w Polsce przedrozbiorowej* (Wrocław, 1986), 400. [↑](#footnote-ref-78)
79. Moshe Rosman, *The Lords' Jews: Jews and Magnates in the Polish-Lithuanian Commonwealth* (Harvard Ukrainian Institute and Harvard Center for Jewish Studies, Cambridge, 1990). [↑](#footnote-ref-79)
80. 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-80)
81. 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-81)
82. See Sejm constitutions for 1538, 1567, 1568. *Volumina Legum*, vol. 2, 51,68, 94. [↑](#footnote-ref-82)
83. See for example the Cracow trade agreement (1485). Reiner, [please insert name], 303. [↑](#footnote-ref-83)
84. Goldberg, "Privileges Granted," 35. [↑](#footnote-ref-84)
85. 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-85)
86. Gershon D. Hundert, "Some basic Characteristics of the Jewish Experience in Poland," *Polin* 1 (1986), 31. [↑](#footnote-ref-86)
87. Goldberg, "Privileges Granted," 36. [↑](#footnote-ref-87)
88. Rosman, "Innovative Tradition," 524. [↑](#footnote-ref-88)
89. Reiner, [please insert title], 33. [↑](#footnote-ref-89)
90. [↑](#footnote-ref-90)
91. Stanisaw Kutrzeba, *Historia źródeł dawnego prawa polskiego* (Lvov-Warszawa-Kraków, 1926), 2: 307. See also: Goldberg, "Privileges Granted," 34. [↑](#footnote-ref-91)
92. See W. Uruszczak, "Zasada lex est rex w Polsce XVI wieku," *Sobótka* 2-3 (1993):149-157. [↑](#footnote-ref-92)
93. 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-93)
94. See chapter… [↑](#footnote-ref-94)
95. 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-95)
96. "Krakovskii svod," 2: 224-225. See for example the privilege of Władisław IV Vasa for Jews on royal lands, including Cracow: “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-96)
97. Goldberg, "Privileges Granted," 40. [↑](#footnote-ref-97)
98. Schorr, "Krakovskii svod," 2: 223-225. [↑](#footnote-ref-98)
99. See section 2.1. [↑](#footnote-ref-99)
100. Goldberg, "O motywach nadawania przywilejów," 74. [↑](#footnote-ref-100)
101. …. [↑](#footnote-ref-101)
102. See Rosman, "Innovative Tradition," 524. [↑](#footnote-ref-102)
103. Throughout the period in question, most general privileges in fact started out as regional, and as their application gradually became more widespread did they assume the title of a general privilege. The only exception seems to be the charter of Władysław IV, initially intended for the whole country: Gumplowicz, *Prawodawstwo polskie,* 71. [↑](#footnote-ref-103)
104. On various classifications of privileges proposed by historians see Goldberg, *Przywileje gmin żydowskich*, 1-2. Compare with categories outlined by Teller in"Telling the Difference," 111, ft. 6 [↑](#footnote-ref-104)
105. Bałaban, *Historija Żydów*, 143, 145. [↑](#footnote-ref-105)
106. In 1551, Sigismund II August appointed five district councils and called them *parochiae*.{I’m not sure this ft is necessary. what do you think?] [↑](#footnote-ref-106)
107. Goldberg, *Przywileje gmin żydowskich*, 37. [↑](#footnote-ref-107)
108. The assembly’s approval eventually became mandatory for communal privileges. Ibid., 15. [↑](#footnote-ref-108)
109. Schorr*,* "Krakovskii svod," 2: 80. [↑](#footnote-ref-109)
110. Sebastian Petrycy, *Przydatki do Polityki Arystotelesowej*, in idem, *Pisma wybrane* (Warszawa, 1956), 1: 75. [↑](#footnote-ref-110)
111. 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-111)
112. Szymon Starowolski, *Wady Staropolskie. Przedruk dzieła Robak sumienia złego* (Kraków, 1853), 87. [↑](#footnote-ref-112)
113. 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-113)
114. We do not have information regarding the exact sums paid for keeping records of the privileges. We do know that the Cracow 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-114)
115. See for example Schorr, “Krakovskii Svod," 2: 80-81. [↑](#footnote-ref-115)
116. 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)
117. See for example: Schorr, “Krakovskii Svod,” 2: 81. [↑](#footnote-ref-117)
118. 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 chancellor records. [↑](#footnote-ref-118)
119. From the privilege of Władysław IV Vasa, 16 March 1631: Gumplowicz, *Prawodawstwo polskie*, 75-76. [↑](#footnote-ref-119)
120. Goldberg, “Privileges Granted,” 52. [↑](#footnote-ref-120)
121. Jakimyszyn, *Statut Krakowskiej Gminy Żydowskiej*, §15, 15b. [↑](#footnote-ref-121)
122. Ibid., § 41. [↑](#footnote-ref-122)
123. Taken from the privilege of Caisimir IV Jagiellon: Schorr, "Krakovskii svod," 2: 85. [↑](#footnote-ref-123)
124. For a more general discussion, see chapter 10 of Haim Hillel Ben-Sasson’s book, \*insert title\* (Jerusalem, 1959). [↑](#footnote-ref-124)
125. 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)
126. Goldberg, *Przywileje gmin żydowskic*h, 38-39. [↑](#footnote-ref-126)
127. See the beginning of the chapter? Or maybe I should refer it to the first footnote? [↑](#footnote-ref-127)