**3 "Nekome nehmen": Jewish responses to violence**

**3.1 Tumult in Kraków, 1637**

May 22nd, 1637. Again a problem and quarreling between the students of the Kraków Academy and the Jews […] on Friday, a day after the commemoration of God's ascension, and some eight days after the day marking the burning in Kraków of the thief [Jurkowicz], who admitted to stealing from churches and selling the holy sacrament to Jews and later denied it (claiming that the Jews had cast a heavy spell on him) after which the Jews were set free [...] the following occurred: two students drank mead in the Jewish tavern in Kraków. When it came time to pay, the students paid only eight grosi instead of the ten the Jew requested for the pitcher of mead and didn't add two grosi (which supposedly they did not have). The Jew started to scold them, and they responded in kind […] The Jew struck them with a stick so that they hardly managed to escape alive into the street. On their way home to Kraków, the students struck passing Jews and complained to their fellow students about the insult they had borne [...] The students in Kraków began to insult Jews.

The Jews went to the palace to request some infantry guard to escort them from Kraków to Kazimierz for the Sabbath. On Friday, some scores of soldiers were sent to escort the Jews. While they were being escorted, the students, pupils [żacy] […] and rabble threw rocks and mud on them. A hajduk […] fired his musket, killing a student [...] The drummer also fired, killing a second student [...] those who had been shot died quickly, and many people were in shock.

And so the soldiers escorted the Jews to their homes in Kazimierz. [...] Suddenly, on the Sabbath, the students gathered again, seeking out Jews in the townhouses [kamienice]. They found seven and took them outside of the city [...] to the big city pond and drowned them there in this pond. The dog catcher [hycel] […] killed some of them with the stick he used to hit dogs, and those whom he did not succeed in killing the students shot with their pistols. The dog catcher covered the bodies, which he had forcefully stripped of their clothes. Some Franciscans [Reformaci] from holy Kazimierz[[1]](#footnote-1) succeeded in saving the eighth Jew, as he had promised to convert. The ninth Jew was taken injured to Collegium Minorum […] as he also promised to convert. The other Jews were brought by force […] and many were drowned. The Jewish elders themselves said that no more than twenty were killed […]. In the end, on Sunday, a contingent of palace foot soldiers [infantry?] brought the remaining Jews from townhouses and basements to their homes in Kazimierz; in the night, the bodies of those who had been drowned were brought for burial in Kierhow[[2]](#footnote-2), where Jews bury their dead. The voivode sent two hundred dragoons and infantry to prevent any further tumult […] the Jews paid them, and for some weeks did not enter Kraków, until the Jews were reconciled with the students and apologized and paid richly in compensation for the two dead students. The Jews gave up their claims, and those who had been murdered died for nothing. The Jews, though, sought revenge in various ways, for they are a vengeful people. They spent a large sum of money to this end […] Afterwards, they were more humble. The people reminded them of the burning at the stake of the thief of the Holy Sacrament the previous year, letting them know that God had punished them for it.

So wrote the Catholic Marcin Goliński,[[3]](#footnote-3) a member of the city council in Kazimierz. This source is among the most detailed documents describing the tumult of May 1637, and it contains key details for a standard analysis of the incident, such as the immediate as well as long term causes of violence, the identity of the parties involved, and the sequence of events. However, it also includes features generally overlooked by researchers, such as the behavior of the opposing sides following the tumult, the ways in which the Jews sought in real time to confront this crisis and others like it, and the steps taken by the community to overcome the shock of the violence and return to peaceful coexistence.

According to Goliński, the Jews buried the victims in their own cemetery, avoided entering Kraków for some weeks, and sought various ways to avenge their fellows. In this short description, the Polish chronicler gives us a first-hand account of the elements of Jewish response that were exposed to the surrounding society. Although much of the internal responses, which often differed from the reactions of the Christians in similar circumstances, were hidden from non-Jewish neighbors,[[4]](#footnote-4) in recounting the victims’ burial, the withdrawal of the community, and the plans for revenge, the author did allude to three of the realms in which we find a substantial Jewish response: burial, mourning, and memory. It is precisely in these spheres that we can see the deep impact of the events and analyze in depth the multi-layered Jewish reaction from the unique perspective of the post-conflict peacebuilding process and reestablishment of coexistence.

**3:2 “To end the horror”: death and burial**

The deep shock felt by the Jews in response to the killings was due in part to their inability to honor their dead and grant them traditional burials.[[5]](#footnote-5) Instead of the required ritual purification, accompanying prayers, shrouding of the bodies, and earliest possible burial,[[6]](#footnote-6) the dog catcher had publicly stripped the bodies and then left them where they had been killed with only a covering of dirt. For the community, this was a direct continuation of the shocking sequence of events culminating in the killings themselves. Some closure could only be obtained with the proper burial of the victims in a Jewish cemetery. According to the inscription on the gravestone, the victims had not been buried until Thursday, the eve of the holiday of Shavuot, some five days after their deaths. According to Goliński’s account, the bodies of the Jews were transferred under the cover of night, evidence that even five days later tempers had not settled, and only the darkness of night allowed for the end of the atrocity that was necessary before any process of recovery and reconciliation.

The extent of the shock experienced by the Jewish community cannot be conveyed by a Christian chronicler alone. It should be understood against the background of the complex relationship of the Jews of the time to death and burial. As Bar-Levav has shown, though we can discern a certain marginalization of death in Jewish thought and practice, the early modern period saw a ritualization of death and burial as part of what Joseph Weiss refers to as “the evolutions of the death-sensation in the Jewish spirit and religion.” Death was seen as an important part in the life-cycle of the individual, the family, and the community, while burial reflected the deceased’s position in life and directly influenced his place in the resurrection of the dead and the world to come. When, in the mid-seventeenth century, Jehuda Leib Ben Joshua described in his book *Milhama be-shalom* the Swedish siege of his city of Prague, he made a point of stressing the great tragedy of Jews who were denied the possibility of bringing their family members to proper burial.[[7]](#footnote-7) Further evidence of the growing importance of burial procedures can be found in a description from a community in Frankfurt which decided to improve its services to the deceased and founded the *gomlei hasadim* or public burial committee, “Prior to [which] many deceased were treated as those without any relative to bury them, as during market fairs or close to the Sabbath or a holiday, and those who could be found to prepare the bodies did not know how to do so […].” [[8]](#footnote-8) This shift seems to have been part of a process that began in the 16th century, which resulted in a detailed procedure for death and caring for the dead,[[9]](#footnote-9) as well as the transfer of responsibility from the private sphere of the family to the public sphere of the community.[[10]](#footnote-10) Death was recognized as “the problem of those left alive”[[11]](#footnote-11)and burial was no longer left up to the family members, most of whom were not sufficiently trained in the rituals, or the goodwill of the gravediggers, but was now the responsibility of an established society, the *hevrah kadisha*.[[12]](#footnote-12) This ritualization of the realm of death and burial was part of a larger process, referred to by Bar-Levav as the “ritualisation of life,”[[13]](#footnote-13) resulting from the increasing influence of Kabbalistic customs, especially those derived from the Lurianic Kabbalah,[[14]](#footnote-14) as well as from the print revolution and the broadening of the reading public, among other social factors.[[15]](#footnote-15) In the wake of this process there occurred a spiritual awakening on the communal and personal levels, with various ceremonies being developed and new prayers added to the prayer book. Concomitantly, there developed the concept of a “proper death,” that is, a death undergone with intention and ritualism.[[16]](#footnote-16) New ceremonies were added to the ancient burial customs[[17]](#footnote-17) and Jews were at pains to avoid “improper death.”[[18]](#footnote-18) This period also saw the appearance of a new genre of literature, “books for the sick and the dying,”[[19]](#footnote-19) which reflected local tradition, gave expression to ceremonies with magical elements, and created new liturgies for death.[[20]](#footnote-20) These books not only spread new rituals but in fact invented a whole new tradition.[[21]](#footnote-21)

The community as a whole now took a large role in death and burial. The second half of the 16th century saw the founding of, alongside other communal charitable societies, the *bikur holim* society for visiting the sick and the *gemilut hesed shel emet* society for burials (that is, the *hevrah kadisha*), which quickly became one of the most important, prestigious, and influential institutions in the community.[[22]](#footnote-22) Its members prayed beside the bed of the dying, performed the ritual purification and burial, and even managed the cemeteries. In the communities of Central Europe, the cemetery – despite its ritual impurity and its physical placement on the margins of the settlement[[23]](#footnote-23) – became an integral part of Jewish life and “one of the determining and essential factors of community definition.”[[24]](#footnote-24) Cemeteries filled many roles,[[25]](#footnote-25) and people would visit them not only during funerals but also annually on certain holy days (Tishah b’Av, the eve of Rosh Hashannah, and Yom Kippur) and the memorial days – *yortsayts* – of the deceased. People felt a certain intimacy with the dead,[[26]](#footnote-26) believing that “they have not ceased to exist but only passed from the realm of the seen to the realm of the unseen,”[[27]](#footnote-27)and visited the cemeteries to request the souls’ intervention on their behalf.[[28]](#footnote-28)

Given that the newly constructed Jewish burial rituals had taken on almost halakhic legal status, it is no surprise that the lack of proper care for the victims’ bodies, even if they had died as martyrs, was seen by the community in Kraków as yet another link in the tragic chain of events. Only their proper burial, symbolized by the placement of the gravestone, gave a sense of closure and marked the beginning of a post-crisis process of coping and the slow reconstruction of coexistence. Although the original gravestone has not survived, it may be that the gravestone of R. Eliyahu bar Yehudah, which was preserved until the end of the 19th century in the old cemetery (now named for R. Moshe Isserles[[29]](#footnote-29)) is in fact the original, or at least the text engraved upon it was written close to the time of the events. This text testifies that R. Eliyahu bar Yehudah was one of the victims of the riots and that he was buried along with others: “Here lies a holy man, the rabbi R. Eliyahu son of R. Yehudah, an offering and a testament; he was buried with several other martyrs on the fifth day of the week, the eve of Shavuot, 397 [1637].”[[30]](#footnote-30) The terse text is characteristic of early 17th century esthetics and the period before a change in norms in Central European Jewish cemeteries led to lengthier engravings and a different shape of gravestone,[[31]](#footnote-31) a change culminating in the appearance of massive monuments that not only memorialized the event but shaped the communal narrative around it.[[32]](#footnote-32) The brief message, comprised essentially of references to martyrdom and a date, assumes that the one viewing the gravestone is familiar with the events and can fill in the lacunae in the narrative himself. In the opinion of Greenblatt, who researched the gravestones in the old Jewish cemetery of Prague, a text of this type is an “abbreviated historical formulation” that can serve its function only in the period immediately after the events, when their memory is fresh and their meaning is clear. This is a text composed close to the time of the events and giving witness to them not through grief but through cultural memory (see chapter …).[[33]](#footnote-33) According to Bar-Levav, the cemetery was not only a meeting place of the living and the dead but also an intersection of spiritual and emotional concepts with esthetic ones.[[34]](#footnote-34) It seems that not only the cemetery as a whole but also the individual gravestone had a material, symbolic, and functional role, serving as a nexus between living individuals as well as between the living and the dead. On the one hand, for the community, the gravestone symbolized the end of the horror; on the other, it served an important role in the construction of the memory of the events and as such was part of an advanced stage of the post-conflict process of coping and reconciliation. Not only the cemetery in its entirety but a single gravestone served as a “site of memory.”[[35]](#footnote-35)

[[36]](#footnote-36)

**3.3 Public mourning in interreligious coexistence**

In cases of tumult and martyrdom we can distinguish between two types of mourning. One occurs in the immediate aftermath of events while the other, in our case dubbed “the mourning of the seven who suffered torture,”[[37]](#footnote-37) finds expression in the long-term behavior of the community while memorializing the events year after year. The two types were different stages in the community’s coming to terms with the shock. Despite the fact that both responses were essentially intra-communal in nature and based on Jewish law and tradition, they included certain unique elements directed at the surrounding Christian culture. Since the tragedy comprised a violation of Jewish-Christian coexistence, the mourning that followed played a role in the process of reconciliation and rebuilding of that coexistence.

According to the description of Goliński mentioned above, following the burial of the victims, “for some weeks [the Jews] did not enter Kraków.” It is reasonable to assume that, wittingly or not, the Catholic chronicler was describing the thirty days of mourning following the events, during which the community turned inward, and only after which did the lives of the Jews return to normalcy. While most mourning customs that took shape in halakhic literature and popular custom before the 17th century[[38]](#footnote-38) were not visible to the surrounding Christians, the temporary cessation of shared life was a clear sign to the host society. Hundreds of Jews who visited Kraków daily for various purposes (see chapters…) suddenly disappeared from the city’s daily landscape. This was a conscious protest that symbolized the extent of the break and the Jewish community’s determination not to ignore what had happened in their daily routine.

The mourning that followed the events, which had shaken the community’s belief in coexistence to the core, combined the normative framework of basic laws and customs of mourning – the medieval Ashkenazi tradition of martyrdom – with a process of returning to normalcy in shared life with the Christians. Since the crisis had harmed coexistence, the mourning that followed did more than express the loss and comfort the individual mourners; it was also intended to construct a certain understanding of the events, to emphasize the depth of shock and to point to their ramifications for shared existence of Jews and Christians in the city. The mourning was more than just a custom; it was a critical stage in the communal healing process. It also answered the immediate psychological needs of the shocked community and expressed that community’s intent to remember the events and to give them weight in its historical memory, in the process of reconstructing and maintaining coexistence.

There is no doubt that the death of seven people undercut the sense of stability (chapter 1) and was seen as a fracture between the two communities. The event was given symbolic meaning and placed at the center of the commemorative ritual.[[39]](#footnote-39) At the same time, in the process of reconstruction that followed such a deep shock, more was needed than immediate commemoration – what Jan Assmann has defined in his research on collective memory as “communicative memory,” which is based on the personal recollections of witnesses to an event and their oral transmission, and therefore possesses a “limited temporal horizon.”[[40]](#footnote-40) Marking the loss of the victims through the prescribed days of mourning was not enough; a special form of commemoration was needed that would transmit the memory to future generations. This was made manifest, inter alia, in the printing of communal memorial books:

From the day that the evil decree was made, may the Merciful One save us, that in the year [5]397 seven pure souls should be martyred, on the holy Sabbath, the 44th day of the counting of the Omer, the eve of Rosh Hodesh Sivan, those in Kraków accepted upon themselves and all future generations to observe some mourning practices, wearing weekday clothing over their festive attire and saying *El Malei Rahamim* for the seven martyrs, may God avenge their blood.[[41]](#footnote-41)

This brief account, taken from the *pinkas* of the synagogue of R. Eizik R. Yekel, reveals the community’s concern to commemorate the events and their subsequent decision to observe “some mourning practices, wearing weekday clothing over their festive attire” on the Sabbath that fell on the anniversary of the killing, at least until 1644, the year the synagogue was founded. In keeping with the Jewish tradition to commemorate tragic events with special fast days,[[42]](#footnote-42) such as the fast of 20 Sivan (May 26), 1171, observed by communities in Ashkenaz in remembrance of the martyrdom of the Jews of Blois,[[43]](#footnote-43) so too did “the Jews of Kraków […] observe extraordinary dates and events, in general tragedies that had befallen the community, by instituting the recital of memorial prayers and observing days of mourning.”[[44]](#footnote-44) The establishment of a day of mourning (or fasting) was intended to fix these events in the multilayered calendar of the community, inserting the community’s “figures of memory” into the general Jewish liturgical calendar, seen by contemporary Jews as “more of a yearly cycle than a gradual accumulation of holidays.”[[45]](#footnote-45) In this way commemoration of the event was integrated into the daily routine of the community, transforming it into an inseparable part of community life. Although establishing days of mourning in such cases was a well-known practice in the Jewish communal tradition, “the mourning for the seven victims of torture” was an especially sharp response, which was essentially intended to advance the process of normalization after the deep breach in Jewish-Christian relations in Kraków. The unique nature of this mourning ritual is underscored by its being observed on the Sabbath through the emphasis of outward signs of mourning. The extreme nature of the commemoration is made especially clear in a further account, copied from the *pinkas* of the *hevrah kadisha*:

In this holy community (may their Rock and Redeemer protect them) they have accepted upon themselves, for all generations, mourning practices on the Sabbath before the holiday of Shavuot, refraining from washing or indulging themselves on the Friday before, and on Shabbat itself wearing the weekday żupica garment and foregoing festive communal meals, and if the holiday falls on a Sunday or Monday such that the eve of the holiday falls on the eve of the Sabbath, then they observe these practices on the previous Sabbath, according to the agreement of the Geonim, in remembrance of the pain of the seven martyrs, may God avenge their blood, on the Sabbath of [5]397.[[46]](#footnote-46)

The communal leaders chose to stress the depth of the shock by setting the day of mourning on the Sabbath before the holiday of Shavuot, even though that was not precisely the date of the events themselves, which occurred on the eve of Shavuot.[[47]](#footnote-47) On the one hand, this decision may have arisen from communal factors, such as the desire to emphasize the shock of the martyrdom on the Sabbath and to grant additional weight to its commemoration; on the other hand, in light of the dissonance created by the decision to publicly observe the day on the Sabbath, when public mourning is usually forbidden, it seems that the choice was intended to highlight the Jewish response vis-à-vis the surrounding culture. The communal leaders did not choose to commemorate the event through a fast day, which would not be visible to the surrounding Christians, but rather chose a form of commemoration that would be obvious to them. According to the decree, washing and festive meals in honor of the Sabbath were forbidden. In the reality of 17th century Kazimierz, this effectively meant a ban on the public practice of going to the bathhouse. This was a public protest, visible not only to the community members but also to the gentile world. In keeping with the same principle, the community also decreed the wearing of the żupica, the typical outer garment of the workweek, on the Sabbath,[[48]](#footnote-48) amounting to a similarly visible protest and public declaration that the killings would not be forgotten and had instead become a part of communal memory.

The laws of mourning taken on by the Jews of Kraków “by the agreement of the Geonim,” as part of the process of reconstruction, were exceptional primarily in the connection they created between the intra-communal and extra-communal responses.[[49]](#footnote-49) Through these unique ordinances, the community succeeded in protesting the killings and their effect on intercommunal relations without doing harm to their neighbors or arousing their wrath. This type of communal response, which gave outward representation to the Jews’ right to practice their religion within the fragile framework of coexistence, was one of the expressions of what may be defined as an equality of possibilities for confronting violence within coexistence.[[50]](#footnote-50) On the one hand, this was a legitimate response based on law and the position of the Jews according to their established privileges (see chapter…), while on the other hand this response took courage. In the reality of a fragile coexistence, in which the Jews were even permitted to be lenient in their observance of religious law in order to ensure their safety,[[51]](#footnote-51) this daring protest and commemoration, visible to the surrounding Christians, was a brave step, one the Jews saw as critical in the restoration of coexistence.

**3.4 Memory and commemoration in the liturgy of martyrdom**

In the process of confronting a deep breach in mutual relations, the Jewish community of Kraków adopted both memory and commemoration as a basis for peace and reconciliation with the Christians. Since Jewish society in Poland had not yet developed a tradition of historical documentation, the communal memory was constructed through two major channels: ritual and recital (see section…).[[52]](#footnote-52) Ritual fulfilled not only its usual religious function but also answered various communal needs; as Halbwachs explains it, it responded to the needs of the present.[[53]](#footnote-53) The prayers granted the community a format for making sense of the events, as well as a channel through which it could recount its narrative of the events and their meaning. It was in their prayers that the community found a vehicle for the normative meaning of the events, which served as a necessary mental foundation for the reconstruction of coexistence. This foundation had an important influence on both the communal identity and the nature of the renewed coexistence. According to Yerushalmi’s model of “vessels and vehicles of Jewish memory,” the leading role in the liturgy of the memorial days was given to the *selihot*,[[54]](#footnote-54) that is, a form of penitential prayers recited in the synagogue primarily on public fast days to express regret and to foster a connection with the paradigmatic themes of suffering, revenge, and divine justice, and these became “the single most important religious and literary response to historical catastrophe in the Middle Ages.”[[55]](#footnote-55) Though Rachel Greenblat has shown the validity of this model and the importance of the *selihot* in 16th century Prague,[[56]](#footnote-56) we have no evidence of the composition or recitation of *selihot* after the events in Kraków in 1637. Those prayers that were recited as part of the mourning for the seven martyrs were the customary prayers of *Yizkor* and *El Malei Rahamim*. The words of these memorial prayers have been preserved until today, the *Yizkor* prayer in a *pinkas* from the *hevrah kadisha*[[57]](#footnote-57)and *El Malei Rahamim* from a *pinkas* of the *beit midrash* of R. Meir Dayan in Kraków.[[58]](#footnote-58)

In the tradition of Polish and Central European Jews, *Yizkor* is said publicly to immortalize the names of the deceased on Yom Kippur, Sukkot, Pesah, and Shavuot. While the names of the deceased are listed in leaflets known as memorbücher, assembled by specific synagogues at the request of the family or the community after having made a contribution to the synagogue for the service, in the case of martyrs, the sages of the community themselves would list the names in the *pinkasim* of all the synagogues in the city, along with a special version of the *Yizkor* prayer[[59]](#footnote-59):

May God remember the holy and pure souls that were killed and drowned in sanctification of His Name, with no blood on their hands, due to our manifold sins, by the wicked gentiles. These seven holy souls were killed on the holy Sabbath before Shavuot, 29 Iyyar, [5]397. They were hiding in the house of the gentiles from these cursed and wicked men , who found them and took them by force from the houses and struck them and hurt them with cruel blows such as have never been known before in all the evil decrees and forced conversions (!), yet their rage was not calmed until they had taken them in their wickedness and their cruelty outside of the city to the pool and killed them there by drowning them in the river, due to our manifold sins.[[60]](#footnote-60)

This prayer contains two interconnected levels: the liturgical one, which provides both a traditional framework and a rich array of images, and the narrative one, which adds the details of the historical events. The integration of the two seems to fulfill the first role of the *Yizkor* prayer in the coping process, that is, to explain the events and their meaning to the members of the community by integrating them into the tradition of Israel and the Bible, revealing “a pattern of the whole of history.”[[61]](#footnote-61) The language of the prayer, which was intended to be recited aloud in the synagogue, is appropriate to that institution, emphasizing the spiritual dimension of the text and of communal life.[[62]](#footnote-62) The prayer does not contain what could be accurately called history, only framing the meaning of the events within the tradition of “evil decrees and forced conversions,” omitting any extraneous details. Those details that are stressed in this prayer in particular and in memorial prayers in general, such as the date of the events or the names of the victims (see section…), are mentioned (as Chone Shmeruk argues) in order to give expression to the depth of shock experienced by the Jewish community.[[63]](#footnote-63) According to Alan Mintz, the use of individual figures and their names, along with the dramatic language, became one of the strategies used to ease comprehension of the event.[[64]](#footnote-64) The principle of integration and the change in dimension of the events, described by Yerushalmi as “ritual and liturgical transfiguration,”[[65]](#footnote-65) are summarized in the following words by Jacob Katz:

The *piyyutim* and memorial prayers […] were not needed to describe what had occurred and could limit themselves to those facts that were conducive to their purpose. This purpose was to raise up the memory of the events and explain them according to the concept of the tradition regarding the fate of Israel and its mission.[[66]](#footnote-66)

The adaptation of the facts to suit the traditional genre is clear in the *Yizkor* of the seven martyrs, for example in the text’s archetypal presentation of the murderers, describing them not in any detail but only as gentiles and demonizing them as “cursed and wicked.”

In addition to the construction of “a stylized account of events that would allow the memory of the massacres to be merged with a broader popular memory of Jewish suffering,”[[67]](#footnote-67) prayers such as *Yizkor* served also to spread the knowledge of the events and their meaning within the community as well as among other Jewish communities. During times of communal gathering, prayers that were recited in the synagogue – a public institution that according to Roskies was tasked with preserving communal memory[[68]](#footnote-68) — were a ready vehicle for the spread of information in the period immediately following the events. For example, knowledge of the killings of 1637 reached Pińczów, about sixty-five kilometers from Kraków, and spread among the community through the recitation of a special prayer copied in a leaflet of the local synagogue under the name *El malei rahamim lakedoshim asher bekehal kadosh kraka samukh matan torateinu bishnat shatsa’’z, ha’al eleh titapek vetehashev yud’’yud* (A memorial prayer for the martyrs of the holy community of Kraków who were killed near the time of the giving of our Torah in [5]397, will You, God, hold back or consider them?).[[69]](#footnote-69) The sages of Kraków itself also acted to spread the news of the victims among various communities and to commemorate their names by including a special memorial prayer for martyrs from other locales.[[70]](#footnote-70) By spreading the news, the liturgy aided in acknowledging and processing the shock of the events, an important role in the early stages of confronting the tragedy.

We encounter an additional and more long-term dimension to the liturgy, however, in its creation of a “site of memory,”[[71]](#footnote-71) that is, a capsule with all the essential information to be remembered.[[72]](#footnote-72) This element connected the liturgy’s immediate goals of spreading news with its long-term goals of commemoration for posterity.[[73]](#footnote-73) Aided by paradigms or figures of memory and transfiguration, the prayers created a basis for the transfer of the events from communicative memory to cultural memory,[[74]](#footnote-74) ensuring the pertinence of the events and their meaning until the shift in collective knowledge and values.[[75]](#footnote-75) This type of commemoration contains a hidden paradox concerning the distance between the creation of a site of memory and the preservation of history. On the one hand, the liturgy integrated concrete events into communal memory, thereby reducing the distance between memory and history,[[76]](#footnote-76) while on the other hand the transfigurative nature of this integration increased the distance between the concrete and its memorialization, that is, between history and memory. This paradox, so glaring to the modern eye and also noticed by individual writers of the time,[[77]](#footnote-77) did not affect communal behavior or bother the community members, who saw this not as a summary of events but as a collection of essential religio-traditional data that accompanied such events and properly preserved them as a piece of communal identity and cultural heritage, as well as a tool in the process of reconstructing coexistence. In their eyes, individual events of history were not essential but rather the “eternal process of recurrence” within history.[[78]](#footnote-78) This concept of a “site of memory” as a guardian of the religious meaning to events is evident in an additional prayer, one no less important than *El Malei Rahamim* in the commemoration of the seven martyrs:

God, full of mercy, [who dwells on high, grant proper rest under the wings of the divine presence, in the holy and pure (and mighty) heights, shining (like the splendor of the sky),] to the holy and upright souls who were killed in sanctification of your most powerful name, to the holy soul of R. Avraham son of R. Yehudah Yitshak, and the holy soul of the pious R. Yaakov son of R. David, and the holy soul of R. Shmuel son of R. Binyamin Shmuel, and the holy soul of Eliyahu son of Yehudah, and the holy soul of the pious R. Binyamin son of R. Shalom, and the holy soul of R. Yaakov son of the pious R. Yissakhar, [and the holy soul of Moshe son of R. Pinhas,] who gave up their lives and offered up their souls unto God. How the mighty have fallen in chaos, and the weapons of war perished! How they have fallen before the strong, killed and strangled and burned and stoned, on the holy Sabbath. God prepared an offering and sanctified those who called out to Him. Hear, o heavens and those who dwell in the heavens, the blood of your brothers cries out! Wet your arrows and your sword in the blood of the slain, for here are your enemies. Pour out Your wrath and Your fire upon them for the sake of those killed in Your holy name. Seek their blood in overflowing anger, destroy them with the sword of vengeance, let the house of God go out in vengeance like a man of war. God of vengeance, O Lord, God of vengeance appear! Earth, do not cover their blood and give their cries no place, until He looks down from heaven and sees and takes revenge upon them. Merciful One, cover them with your wings forever, and for those who remain let their deaths serve as atonement, as the blood of rams and seven cows. Since in their love they gave up their lives and offered up their souls for the sanctification of Your name, let them rest in peace. The Lord is their inheritance, may He dwell in glory upon their resting place, and let us say amen.[[79]](#footnote-79)

In this special version of the prayer, which was recited in Poland in the period under discussion for the victims of the Crusades among others,[[80]](#footnote-80) mention of details has been reduced to the minimum needed to recount the events and lift up the souls of the dead, and the primary stress is on the religious features traditionally associated with such events. On the one hand, the full names of the deceased are included here, while on the other, in place of an exact date it is only noted that the events occurred on the Sabbath. Also missing are the circumstances of the victims’ death, and in their place we find an emphasis on their martyrdom and a list of the four types of death sentences traditionally meted out by a rabbinical court. This prayer represents a type of “empty memory”[[81]](#footnote-81) but also comprises a “site of memory” that was both consciously crafted and necessary for facing the crisis at hand, which answered the needs of the historical moment.[[82]](#footnote-82) Such a “site” employs the relevant historical paradigms to grant meaning to suffering, seeing the tragedy as an expression of the eternal covenant between Israel and God, a sublime event with which it is possible to live within the necessary coexistence, which also must be remembered in days of quiet. An eternal meaning is concentrated in such a site, which every generation is meant to interpret according to the needs of their time.[[83]](#footnote-83) This conception of paradigmatic religious meaning as a basis for cultural memory is clear in the special memorial prayer *El malei rahamim mikol hakedoshim shehayu bekehal kadosh kraka habirah bishnat takha’’h* (Memorial prayer for all of the martyrs of the capital city Kraków in the year 425 [1664]):

God, full of mercy, [who dwells on high, grant proper rest under the wings of the divine presence, in the holy and pure (and mighty) heights, shining (like the splendor of the sky),] to the holy, precious, pure and upright souls who were killed and hung and burned in sanctification of Your most powerful name […] to the holy R. Avraham son of the pious (Yehudah) Yitshak, and the holy and pious R. Yaakov son of R. David, and the holy and pious R. Shmuel son of R. Binyamin (Shmuel), and the holy and pious R. Eliyahu son of the pious R. Yehudah, and the holy and pious Binyamin son of the pious rabbi Shalom, and the holy and pious R. Moshe son of the pious R. Pinhas, and the holy and pious R. Yaakov son of the pious R. Yissakhar… How the mighty of Israel have fallen in chaos, and the weapons of war perished! How they have fallen before the strong, killed and strangled and burned and stoned, until their souls departed in holiness and purity. They offered up their bodies and souls unto the one and only God and sanctified the name of heaven in unity; they cried out bitterly: Hear, O Israel, the Lord our God, the Lord is one. Pour out Your wrath upon them for the sake of those killed in Your holy name. Seek their blood in overflowing anger, destroy them, avenge the covenant with the sword of vengeance. May God go out like a man of war. A God of vengeance, the Lord is a God of vengeance! Earth, do not cover their blood and give their cries no place, until He looks down from heaven and sees and takes revenge upon them. Merciful One, cover them with Your wings forever and bind up their souls in the bonds of life. The Lord is their inheritance, may He dwell in glory upon their resting place, and say amen.[[84]](#footnote-84)

In these prayers, composed shortly after the events they commemorate, we can see the intention of the community leaders to offer a paradigmatic religious meaning that would explain the events and to integrate them into the communal identity and cultural memory, thereby providing for mental reconciliation. In the memorial prayer for all the martyrs of the community, which “was apparently recited on those holidays when the deceased were remembered and perhaps also on Tishah b’Av,”[[85]](#footnote-85) the role of the liturgy as a vehicle for commemoration is also obvious. Since, in the early stages of the response to the tragedy, the liturgy contributed to meaning-making, interpretation, and spreading of the news of the events as well as the concentration of their paradigmatic nature, in the later stage the prayers served to commemorate the events for posterity. In the processes of confronting the tragedy and constructing a communal identity, as well as in continued coexistence, the interpretation of the commemoration was not a reconstruction of the events, but rather a reinvigoration of the comprehensive memory of the nature of the events and the relevant tradition.[[86]](#footnote-86) This was a preservation of “islands of time,” which every generation needed to reconstruct in a manner fitting its circumstances.[[87]](#footnote-87) So the promise of commemoration for all future generations, latent within the construction of a “site of memory,” as well as the commemoration itself, were for the Jewish community not only a fulfillment of the command to remember but also a cornerstone of the reconstruction of coexistence. The paradigmatic religious nature as well as its preservation became part of the communal identity, influencing the community’s sense of self and their behavior. For contemporary Jews and their leaders, the commemorative nature became an image of the past through which they constructed the unity and uniqueness of their society,[[88]](#footnote-88) as well as the rehabilitated coexistence. So, as had occurred following the Chmielnicky massacres, “Jewish responses [were] another of the elements that made up Eastern European identity in the early modern period,”[[89]](#footnote-89) such that local memory and memorialization, which were the community’s deep response to the tragedy, became an important foundation in local identity and in their shared life with non-Jews following the crisis. Paradoxically, they allowed for coexistence while at the same time contributing to a certain sense of separation.

What was the paradigmatic nature to which the community and its behavior gave form? It was death for the sanctification of the divine name. While “in rabbinic sources martyrdom was understood as total dedication to Jewish faith and practice, expressed in choosing death at the hands of an enemy over conversion or the transgression of certain commandments,”[[90]](#footnote-90) Jewish authorities in Poland debated which situations allowed for martyrdom and in which it was forbidden to give up one’s life.[[91]](#footnote-91) Rabbis Yosef Karo, Mordecai Jaffe, and Moshe Isserles were among those who established the normative religious laws regarding martyrdom.[[92]](#footnote-92) Rabbi Yoel Sirkes, the rabbi of Kraków (1620-1640), ruled that it was forbidden to give up one’s life except in a time of forced conversions.[[93]](#footnote-93) As a whole, their rulings imply that “in 16th century Poland, martyrdom was still considered as a valid response, in the spirit of medieval Ashkenaz,”[[94]](#footnote-94) and no restrictions were put on the Ashkenazi tradition of martyrdom.[[95]](#footnote-95) Furthermore, “the ideal of martyrdom was not undermined in the rabbinic and halachic literature of Poland, and in fact was even supported”[[96]](#footnote-96) by important rabbinic figures, for example R. Mordecai Jaffe,[[97]](#footnote-97) who ruled that not only is it permissible to martyr oneself in the situations established by religious law but if one opts for death in other situations “he is considered among the pious of Israel and he sanctifies God’s name.”[[98]](#footnote-98) Historical sources also testify that martyrdom continued to be valued and in the early modern period “the general rubric of martyrdom […] had been broadened to include all who die under conditions of persecution, whether death was chosen or not.”[[99]](#footnote-99) All the more so, then, were the victims of 1637, who died for being Jewish, immediately held up as martyrs. This conception was strengthened by the description of Goliński and another account by a priest and rector of the Kraków Academy, Stanisław Pudłowski, from which it seems that the victims could have saved their lives by choosing conversion:

[…] then, because of the students, the masses went out looking for Jews, to drag them from the buildings. Those who had been severely injured and shot were drowned […] the eighth was already sinking in the water when he stood up and began to cry out to Holy Mary and to call for baptism. Later the students gave him over to the Franciscans, and he held to his vow so long as the fear gripped him. When the fear passed, he returned to his faith.[[100]](#footnote-100)

An additional account by the priest Pudłowski describes the death of one of the victims in the style of Talmudic accounts of martyrdom; he tells of the Christians who took the life of a Jew for refusing to violate the principles of his faith[[101]](#footnote-101):

In 1637, during the tumult against the Jews, some students saw a Jew in a peasant’s basket leaning against the banister of the bridge leading to Kazimierz. In that moment of terror, they began to tell him [the Jew] about their faith, and to ask him if he believed in God. He answered that he did. Then they asked him if he believed in His only son. The Jew answered, I have not heard of this boy. So they threw him into the Vistula river.[[102]](#footnote-102)

Whatever the circumstances of the killing, the community related to the victims based on the well-known tradition of martyrdom, which suited their ideals and aided in overcoming the crisis in coexistence. This understanding of the events became more entrenched over time and across various locales as the Jews sought to make sense of the tragedy and overcome it. Through ritual, the placing of the gravestone, and the special liturgy, the events were given meaning and a memorial that were shared among the broader community, and they became a cultural memory of a type that would support the efforts towards reconciliation rather than exacerbate the crisis. The most extreme expression of the paradigmatic religious nature of the memorialization is found in the *El Malei Rahamim* prayer printed in a leaflet by the synagogue of Pińczów, according to which – in contrast to other prayers and communal announcements from Kraków itself – the victims cried out the Shema prayer moments before their deaths,[[103]](#footnote-103) just like the martyrs of the Crusades had done,[[104]](#footnote-104) becoming a new model of response to tragedy: a symbolic norm and a literary ideal.[[105]](#footnote-105) This account, which does not appear in any other source, is not a record of a historical event but rather a paradigmatic and predictable response to the terror, which was based on a well-known and living tradition, one conducive to comprehending the tragedy and continuing to live with its memory as well as its perpetrators.

Throughout the Middle Ages the concept of martyrdom held an important place in the Jewish consciousness – especially after the mass martyrdoms following the decrees of 1096 – and was transmitted along with the customs of the Jews of Ashkenaz to Central Europe. Martyrology came to permeate the fabric of Ashkenazi culture; for example, the custom of reciting the names of martyrs became a fixed part of the Sabbath liturgy.[[106]](#footnote-106) It is reasonable to assume that the tradition also preserved the paradigmatic understanding of martyrdom as testifying to the covenant between God and the Jews – as in the epigraph describing the death of the martyrs as a “sacrifice” like that of the binding of Isaac, and as a “testament” to the covenant and the eternal bond between God and Israel (see chapter…). At the same time, it may be that that understanding changed, and the Jews of Poland saw martyrdom as “an opportunity awarded by God to the most worthy for the display of righteousness […],”[[107]](#footnote-107) and perhaps an opportunity to hasten the coming of the redemption.[[108]](#footnote-108) This explanation allowed the community to take pride in its martyrs[[109]](#footnote-109) and to cite them as models of behavior in times of persecution[[110]](#footnote-110) and their deaths as reason for God to refrain from decreeing further tragedies for them.[[111]](#footnote-111)

Furthermore, martyrdom came to hold a place in the consciousness of every community member as a result of the process of spiritualization, in which the acceptance of the kingship of God during prayer was understood as personal preparation to die a martyr’s death.[[112]](#footnote-112) On the one hand, according to Jacob Katz, this process brought about the transfer of the martyrdom from the historical realm to the spiritual one, resulting in a reticence toward actual martyrdom in the Jewish public.[[113]](#footnote-113) On the other hand, Yosef Hacker contends that the spiritual reenactment of the death of the martyrs did not replace actual martyrdom but rather strengthened Jews’ readiness to give up their lives for their faith: “Martyrdom in thought and spirit complements and strengthens martyrdom in deed, and is not intended to remove it or replace it.”[[114]](#footnote-114) If we consider the matter through the prism of the fragile coexistence and actual examples of acts of martyrdom in Poland before the massacres of 1648, we find evidence to substantiate Hacker’s claim. In its response to the events, the Kraków community used the paradigm of martyrdom in part because it was a part of the tradition ready to be used for the commemoration of the victims, but also because it suited the conditions of a complicated and fragile coexistence – which was not a time of lessening tensions between Christians and Jews lacking in opportunities for actual martyrdom.[[115]](#footnote-115) In the Kraków community, which fitted Pierre Nora’s definition of a “society of memory” based on a collective that lived a ritualized life imbued with a sense holiness, the nature of martyrdom ensured the orderly transition from past to future as well as the type of commemoration that would advance the future.[[116]](#footnote-116) Further, it was this paradigm that emphasized revenge in its various forms and became an intimate part of the process of reconciliation. The tradition of martyrology bound together divine vengeance, vengeance through memorialization, and vengeance through the pursuit of justice.

**3.5 From God's wrath to royal court: meanings of vengeance**

The Ashkenazi tradition, in which vengeance became a central Jewish theological theme,[[117]](#footnote-117) preserved the close connection between martyrdom and revenge.[[118]](#footnote-118) The unique Jewish approach to vengeance was one of the fundamental factors allowing for reconciliation and return to coexistence after the tragedy. In its confrontation with the crisis of the killings, the Jewish community emphasized the supreme value of vengeance, relating to it in three essential dimensions: (1) vengeance by God; (2) vengeance through memorialization and meaning-making; (3) vengeance by bringing the guilty to judgment and restoring justice through legal means. An analysis of the process of coming to terms with the recurring events allows us to see the expression of these various aspects of vengeance as the manifestation of the two central principles of Polish tolerance of the Jews: freedom of religious belief and ritual, and legal standing and rights before the law.

**3.5.1 Vengeance and liturgy**

Part of confronting the chaos was the integration of divine vengeance into the liturgy of memory and martyrdom.[[119]](#footnote-119) In their prayers, the Jews beseeched God to take revenge on the perpetrators of the killings and the harm done to the community:

Listen, o heavens, and He who dwells on high: the blood of your brother calls out. Wet your arrows and your sword in the blood of the slain. Behold your enemies – pour out Your anger and Your fire upon them for the sake of those killed for Your holy name. Seek their blood.[[120]](#footnote-120)

With these words the members of the Kraków community expressed their faith that there would be divine retribution for the deaths of their fellows, but that such was the prerogative of God.[[121]](#footnote-121) They requested, even demanded, divine involvement in the name of proper vengeance for “those who have no avenger” (see chapter…). Human fury, uncontrollable and compromised by impure motives, was seen in the Jewish tradition as an unwanted response. Moreover, in the Eastern European community, the vengeance of individual anger was considered likely only to exacerbate the crisis and to do further damage to the community living in exile. Contrary to human vengeance, divine vengeance, tempered by compassion, was also considered to be part of the restoration of justice as well as necessary for ethical order.

In prayers and the recitation of the names of the martyrs,[[122]](#footnote-122) as well as in such formulae as “may God avenge their blood,” which accompanied such recitations as well as the written lists of the *hevrah kadisha*,[[123]](#footnote-123) and which were engraved on headstones as well, divine vengeance fulfilled a prospective role in that it described a vision and a hope for what was supposed to occur, even if only a long time after or even if postponed to the day of judgment and the coming redemption.[[124]](#footnote-124)

Through the liturgy, the Jews attempted to remind God, “slow to anger,”[[125]](#footnote-125) of his covenant with Israel and to bring about his vengeance by directly presenting him with those who had sacrificed themselves for him, primarily through martyrdom. They turned to divine memory as a response to the terror that they interpreted through theological language. The hope for vengeance and the expression of that hope filled the cries of those praying as well, even if the vengeance itself was at times understood as belonging to the heavenly realm,[[126]](#footnote-126) to the messianic world in which they looked forward to the punishment of evil ones and oppressors as part of the “vengeful redemption.”[[127]](#footnote-127) “Just as the remembrance of Amalek’s past deeds is intended to assure vengeance against him in the future, so [was] the remembrance of the blood shed [preserved in the liturgy of martyrdom] a means of stirring God to take vengeance (Ex. 17:8-13).” [[128]](#footnote-128) Divine vengeance was not considered as any other vengeance, but as an accounting by blood in which “the drops of martyrs are counted one by one and are sprayed on the garment of God, known as his porphyrion, so that it may serve as the corpus delicti to punish the killers on Judgment Day.”[[129]](#footnote-129)

According to Yuval, the hope for vengeance served as a remedy to the “contradiction […] between the divine election of Israel and their servitude on earth” stressed by G. D. Cohen.[[130]](#footnote-130) In the opinion of Y. Y. Lifshitz, this hope was a deferment of hopes to a future time, when all who persecuted the Jews in the present would be punished.[[131]](#footnote-131) In Kraków, the carrying out of vengeance by God was also a remedy for the disruption of the coexistence in exile, which prevented a worsening of the crisis and enabled a return to the previous order.

Nevertheless, God was not the only one who was allowed to take vengeance; the community members themselves were also able to do so through memorialization. First of all, they facilitated the stylization and shaping of the memory of the events by means of the liturgy and ritual (see chapter… ). Further, they made use of liturgical commemoration in order to arouse divine vengeance, as in the *El Malei Rahamim* prayer, the first part of which asks God to remember all those martyred and the second of which asks God to “take vengeance before our eyes […] for the blood of Your servants shed for the sanctification of Your Name.”[[132]](#footnote-132) From the perspective of coexistence with non-Jews, the creation of a site of memory of a crisis recalling the memory of a time of trouble in a quiet time of dialogue was in itself a form of revenge. This type of commemoration was an expression of the Jews’ refusal to forget.[[133]](#footnote-133) While Biblical law forbade a man from taking vengeance in anger, it did allow him to remember the events and to distance himself from the other party until they asked forgiveness. The principle of *neter*, which accompanied revenge in the Bible, stresses memory over bearing a grudge, which is forbidden in Judaism. This allowed Jews to live in coexistence with their neighbors so long as they remembered “what Amalek did to you [them]”[[134]](#footnote-134) and “how Balak king of Moab plotted,” [[135]](#footnote-135) and continued to hope for messianic revenge. In this way did revenge through memorialization serve as one of the factors in reconciliation, influencing the nature of the coexistence and its maintenance. According to Alan Unterman, “The memories of what happened were passed in Jewish books, liturgical poems, and commemorative rituals, reflect the purely negative aspects of the Jewish-Christian encounter. This had a profound effect on the way Jews in general, and Ashkenazi Jews in particular, pictured the Gentiles.”[[136]](#footnote-136) There is no doubt that in Kraków, too, the liturgy of memory, and the element of vengeance that it bore within it, shaped their coexistence with Christians, though the varied relationships between Jews and Christians and their interdependence in a shared economic space put limits on the ways in which memory could be shaped.

The Jews did not relate to the Christians in an exclusively negative way, but rather cautiously, “lest the latent hatred of non-Jewish society, hidden beneath the surface, should break out in the form of acts.”[[137]](#footnote-137)

**3.2.5 "No Harm Will Go Unpunished": Vengeance through law**

In addition to divine vengeance and vengeance through memorialization, the Jewish community developed a third form of vengeance: pursuit of the guilty with the aid of the law and the courts. This process of *nekome nehmen* does not refer to violence but rather to a communal initiative to pursue the gentile murderers in order to bring them to justice in the courts, which had the authority to judge such cases and which – as the representatives of the state – had a “monopoly on violence.” As mentioned, while taking revenge through violence was forbidden in Jewish society in the early modern period,[[138]](#footnote-138) personal vengeance through the justice system was seen as proper. One who took revenge through recourse to the law was seen as acting as an agent of God, and one who carried out the punishment was seen as a vehicle of the law. So, with the aid of the law, the Jews were able to fulfill the divine command to take revenge on their enemies, who were also considered to be enemies of God: “O nations, acclaim His people! For He’ll avenge the blood of His servants, Wreak vengeance on His foes, And cleanse the land of His people.”[[139]](#footnote-139)

By taking vengeance through the justice system, the Jewish community stressed and proclaimed the ultimate principle that whoever harmed Jewish society needed to be punished. If we adopt H. D. Lasswell’s classic model of social communication,[[140]](#footnote-140) the message conveyed by turning to the law was intended for a Jewish audience, in order to advance the process of overcoming the crisis, as well as for those around them. By pursuing legal channels, the Jewish community protested against its aggressors and declared its determination to assert its rights in pursuit of justice, even warning its pursuers that their actions would have consequences. While it is difficult to determine to what extent Jewish vengeance prevented future violence, there are many testimonials to the fact that such vengeance directed against the Catholic world did indeed grab public attention and even aroused criticism.

There is no doubt that Goliński was correct when he averred “The Jews […] sought revenge in various ways […] They spent a large sum of money to this end” (see the beginning of the chapter). Among the major channels through which the Jews acted to punish their aggressors and to restore a sense of justice and security, civil litigation was pursued in the various types of courts that were spread throughout the Kingdom of Poland-Lithuania.[[141]](#footnote-141) Although according to royal privilege litigation between Jews and Christians was supposed to be managed by a *voivode* or ‘judge of the Jews’ (*iudex* *iudaeorum*), when the guilty party was Christian the court of the voivode did not have sufficient authority to indict or judge them.[[142]](#footnote-142) Therefore, armed with other forms of royal privilege and Polish law, the Jews more often sought to enlist the aid of the law through the *grod* court (sąd grodzki). According to royal privilege and “the law of the land,” the Jews had before all else the right to live in security and according to their religion and customs. When this right had been violated and the peace of the Jewish public had been disrupted, the Jews had the right “to seek revenge,”[[143]](#footnote-143) that is to say, to take legal action such as filing a brief in court and even bringing the guilty to justice:

(1619) Lubeck, an irreligious Jew, *shkolnik* of Kraków came to the office of Olbrych Wykszynski, Deputy Commissioner and judge in the case of the *grod* and the *starost*. In his own name and the name of the Kraków Jewish community, [the *shkolnik*] publicly presented to that office the furrier [kuśnierczyk] [...] who was caught in the time of the tumult [na tumulcie] with plunder and was punished for his involvement in the tumult of that holy Sabbath [Św. Wawrzyniec] against orders [...] and against the public peace [...]. [The *shkolnik*] requested that the office arrest and punish such criminals [...] and punish the furrier for violating the public peace [...] to the fullest extent of the law.[[144]](#footnote-144)

The Jews were expert in navigating the law and continually employed litigation in a manner similar to other groups in society.[[145]](#footnote-145) The Jews had the right to engage in litigation as accusers as well as to testify to the guilt of the accused.[[146]](#footnote-146) Furthermore, as accusers, the Jews had permission to influence the verdict, for example in deciding the type of compensation or its amount, all according to “the law of the land.” So, for example, the Jews filed lawsuits after the events in Kraków in 1407, continuing their litigation until at least June of 1409.[[147]](#footnote-147) In 1463, too, after the disturbances of the residents of Kraków that accompanied the Crusades, in which some thirty Jews were killed, the community tried to bring the guilty to justice and won compensation for the deaths and the disgrace.[[148]](#footnote-148) As Frick argued in the case of Vilna, in Kraków too the participation of the Jews in litigation, in both daily conflicts and interreligious turmoil, points to their complex integration into Polish society: on the one hand, they engaged in litigation and made use of their legal rights as did other groups in society, while on the other hand their position and participation were unique. Consideration of the Jews’ appeals to the courts through the prism of the aftermath of interreligious crisis reveals that the Jews’ ability to initiate and conduct litigation against their aggressors was not only one of the expressions of their essential integration into the legal system of old Poland but also an example of the actualization of the unique legal status of Jews and their privileges.[[149]](#footnote-149) Even if the path to the courthouse was not without obstacles and, as Goliński noted, the Jews occasionally had to ease their passage with money and political maneuvering, it was precisely through legal “vengeance” that the community actively asserted the rights implicit within their privileges and gave actual expression to the two meanings of tolerance: the granting of rights to a religious-ethnic minority and the establishment of a system for the protection of those rights. In other words, the community initiative to bring the law against the perpetrators of the bloody acts was a concrete expression of Polish tolerance of the Jews and an assertion of a right guaranteed to them by law.

**3.2.6 Justice Through the Halls of Power**

Appeals to the courts did not always succeed. In such a case, or in the case of widespread bloodshed or destruction of property, the representatives of the Jews did not surrender and took an additional path to “vengeance,” the higher authorities. In this method the Jews would turn to government representatives and institutions, to various levels of councils (dietines), and at times to the king to achieve justice, request compensation, and insist on the principle of compensation for damages. This method was, on the one hand, a translation of the privileges into action and so an expression of Polish tolerance, that is, not only the granting of legal standing and rights but an actualization of the right to demand justice from the legal system and the state. On the other hand, the “government route” revealed the limits to the position of the Jews and their rights and pointed out the problematic nature of tolerance and its mechanisms for operating. Tolerance and the path of “vengeance” were legitimized by law, at least in theory, but in reality the restoration of justice by turning to the authorities demanded courage on the part of the community, as well as substantial funds, bureaucratic maneuvering, and many political operatives. This is evidenced by the official copy (oblata) of the open letter (literae universalis) from the head of the Kraków district, Jan Magnus Tęczyński, given to the community elders after the bloody events of 1637:

On June 3, 1637, the “treacherous” Jakobus Lefkowitz of Apatow – the *syndik* of the Jews of Kraków – appeared in person at the office of the voivode in Kraków and presented a literae universalis signed by Jan Tęczyński, the head of the Kraków district. This letter, sent out by that “praiseworthy and illustrious” lord, head of the district, and stamped with his seal, was given to the elders of the Jews of Kraków and all their community. Jakobus, who accepted upon himself the duty to present the letter, requested that the office record its contents in the official record. After the letter was inspected and determined to be free of any error or fraud, its contents were recorded:[[150]](#footnote-150)

I, the count of Tęczyń, the voivode of Kraków, to all of you and every one individually, and also to all the elders and rabbis of the Jewish community. By my authority, I inform and command and so make known my will. Some days ago, while traveling in pursuit of my affairs […] upon my return a messenger ran to me and informed me of the tumult in the capital city of Kraków, the likes of which had never been known. [The messenger] warned that, due to some insignificant reason or even for no reason at all, the students who had come to the Giett began to insult the Jews in an especially wanton and contemptible fashion. Afterwards they spread into the streets – and, as is wont to happen in such cases – the rabble [hultajstwo] that was about the Kleparz at that time joined them. They invaded shops and began killing […] the Jews. They began to loot the merchandise that had arrived in the city […] such that the poor Jews began to flee to the houses and the townhomes [kamienice]. The citizens of the city were so godless and some so merciless that not only did they not defend these merchants out of mercy or preserve them from death, but they acted without reason, out of the simple desire that the tumult should become even greater. And so, in the wretched spectacle in the capital city, where every man is supposed to preserve the peace, they abandoned the Jews and threw them out like dogs. The thugs [hultajstwo] took the Jews and began to throw [them] into the Vistula, into the Rudawa, and to drown them as if they were dogs. It is impossible to keep silent over this, and I must say that the high magistrate [was] negligent in his duty at that time and perhaps even intentionally refused to act, for by closing the city gate it would have been possible to calm a great part of the tumult, and it was also possible to announce the closing of the other gates. Then, may God have mercy, we would not have come to such terrible bloodshed, to the chaos and violence that overcame the city, the priests who were then in the city, the monasteries and the nuns […]. So, to achieve full compensation […] I command the elders of the Jews to appeal in the name of all the community and the Jewish ghetto [wydali Actie] to the Sejm and humbly request from our lord, his majesty the king, to be kind and to judge the matter according to his holy justice and not delay […][[151]](#footnote-151)

The text is composed of two parts. The first part is given to diplomatic matters, describing the official process of recording the document, while the second part cites the content of the voivode’s letter itself. The two parts reveal the steps taken by the Jewish community after the tumult as part of the *nekome nehmen* process, that is, pursuit of the guilty parties and restoration of justice to the Jews: appeal to the voivode, recording of the letter, and appeal to the council and the king. At the earliest possible moment, the Jews turned to the district head. The Jews’ appeal, which seems to have been part of the effort to assure the security of the community after the tumult, was first of all intended to secure official recognition of the damage done to the community, and so was the first step on the path in “institutional vengeance.” Although the relations between the Jews and the district head were based primarily on his authority in all matters pertaining to the Jews, their appeal to him following the tumult did not stem from the limited judicial responsibility of the voivode,[[152]](#footnote-152) but rather from his clear political authority,[[153]](#footnote-153) and from his various roles in the reality of Christian-Jewish coexistence.

Because of his jurisdiction over the Jews and his responsibility for upholding the laws dedicated to preserving their security (see Chapter One), over the course of some years the voivode became the local authority over the Jews and the agent of the state and the law regarding coexistence. The district head was seen as, among other things, the defender of the Jews in hostile courts or as their representative in the legal and governmental systems. This expansion of its role was obvious to and accepted by even the king, and so in 1633, for example, when Władysław IV ordered the founding of a special court for blood libels (iudicium compositum), he attached the voivode to it as a representative of the Jewish parties and as a balance to the judgments of the royal commissioner (representing the objective-state side), the *starost*, who was responsible for the security of the city, and the representative of the citizens of the city.

In addition to his judicial roles, his other duties involved the voivode in the life of the Jews and their dialogue with the Christians. As the official responsible for setting the price of goods and imports, as well as the bureaucrats who oversaw local commerce, labor and taxes, the voivode was seen as the supreme local authority, responsible for administrative matters pertaining to the Jews. Both Jews and Christians appealed to him and his office (officium palatinum) within the framework of commerce and contracts relating to the Jewish community and did not suffer the neglect that was typical of royal administrators. So the voivode signed various agreements and issued decrees pertaining to Jewish-Christian coexistence, agreements which generally received the later approval of the king. For example, the voivode Jan Amor z Tarnowa signed – that is, gave authority to – the famous 1485 agreement between the community elders and the city of Kraków regarding the division of commercial districts, and the Polish kings would later approve the document as if it were a government decree and not a compromise resulting from interreligious dealmaking: “I, Sigismund I, King of Poland, grant authority to the 1485 agreement of Ioannis Amor of Tarnow, the voivode of Kraków, regarding the commerce of the Jews.”[[154]](#footnote-154)

Not only the citizens and Jews but also the kings saw the voivode as the local authority with influence in matters of coexistence. They recognized this aspect of the position and related to the voivode in two essential ways. First, the kings established him as their representative in matters related to coexistence in daily life. For example, the voivode was granted the authority to give royal approval to the results of the Jewish community’s internal elections,[[155]](#footnote-155) thereby becoming the administrator with the power to grant official recognition to elected officials, community leadership, and Jewish autonomy in general. Second, the kings used the administrators’ augmented authority and commanded them to oversee, in their name, relations between Christians and Jews in times of crisis as well, most often to restore good neighborly relations and public order. For example, in 1539, after the widow Katarzyna Weiglowa was burned at the stake for converting to Judaism, the king ordered the voivode Piotr Kmita[[156]](#footnote-156) to imprison the elders of the community as accomplices in the flight of the cantor who was considered by many to be responsible for the widow’s conversion.

As a result of the expansion of their role in response to the demands of interreligious existence and special directives of the kings, the administrators themselves saw their activities as crucial to coexistence and involved themselves in the kings’ names in crises between Jews and Christians. Their involvement, as in the events of 1637, was not as judges asserting their jurisdiction over the Jews but as authorized intermediaries between various religious groups and the state and as active agents in the interreligious dialogue itself.

These developments in the authority of the voivode explain the Jews’ appeal to the district head as the first stage in the governmental route towards restoring justice and provide an important interpretive angle to the letter itself. The importance of Tęczyński’s open letter lies not only in his denunciation of the events but primarily in recognizing the damage done, in granting official legitimacy to the Jewish narrative and a legal basis for the Jews’ demands on the general council and the king. What’s more, the voivode’s letter was itself a catalyst for the Jews to advance more quickly through the state legal system in pursuit of justice. They could skip over the difficult procedures of the grod court, which, according to the division of jurisdictions in the Kingdom of Poland-Lithuania, would judge disturbances of the peace and mass violence, and instead appeal directly to the king. Without this validation by the voivode, the Jews had the right to turn directly to the ruler only in matters regarding their privileges and to make appeals to him only in cases between Jews[[157]](#footnote-157) or instances of interreligious disagreements in which the Christian parties belonged to classes that fell under other jurisdictions. The letter, which stressed the severity of the crime and transferred the case to the jurisdiction of the king’s court, granted the Jews the right to skip over the autonomous trial of the Academy and request that the king serve justice in the case of the rampaging students. Since, according to the division of jurisdictions, the students would be judged by a rector in civil trials and in minor criminal cases,[[158]](#footnote-158) without the legitimacy granted by the voivode the Jews would have had to rely on the judgment of the rector, a process that was bound to fail.

Turning to the voivode was the community’s first step into the non-Jewish arena in its attempts to achieve justice. Whether the voivode denounced the events in order to stress that the tumult occurred while he was away from the city, or whether the precise description of the events as being different from and more extreme than the daily norm, along with noting the possible solutions to the crisis, was intended to defend the otherwise calm nature of the city (which sought to return to being considered a crown city in which the upcoming wedding of Władysław IV could be held), this process undertaken by the community reflected on the one hand the rights of the Jews to actively seek justice and on the other hand testified to the limits of the position of the Jews and to their problematic need for outside support in order to activate the mechanisms of tolerance in reality.[[159]](#footnote-159)

The second step taken by the community in pursuit of justice with the help of the government and its systems was the recording of the voivode’s letter in the files of the grod court. There doesn’t seem to be anything unusual in this. It was the duty of the syndik – the community liaison to the Christian institutions – to represent the community as the “recipient of the document” and to record privileges, business dealings and various contracts in the appropriate city records.[[160]](#footnote-160) Such a record, which was produced at considerable cost, verified the documents, granting them legal standing and binding all parties, not only the Jewish party that was interested in keeping the record. What makes the above-mentioned case unique is the type of document and its contents, which alter the meaning of the accepted bureaucratic process, transforming it into an important stage in the process of *nekome*. The copied letter was “a letter of the type referred to as a mandate,” the purpose of which was to advise or command an action required by the accepted law in a specific situation.[[161]](#footnote-161) The mandatory nature of the letter was clear to its author and is noticeable in the use of such phrases as “With the authority vested in me I command” (Vigori mandati rozkazuię) as well as in the direct recommendations for legal actions to redress the existing situation and restore justice. Due to the content and nature of the voivode’s letter it is proper to see in its recording not only a normative bureaucratic process but also one of the steps taken by the Jews to overcome the events, to restore a sense of justice, and to return to coexistence with their neighbors. Not only the content and style of the letter but also the fact that it was written so shortly after the events themselves (June 3, 1637) point to the unique nature of the integration of the letter and its recording in the process of coping with the crisis.

In addition to the importance of the letter and its filing for Jewish methods of coping with the crisis, its official copy served as an example of the two practical aspects of Polish tolerance: the existence of a state mechanism for facilitating coexistence and the use of that mechanism by the Jewish community. The chosen case study shows that the office of the voivode (officium palatinum) served not only an administrative role but played an inherent and active part in the management of the district (palatinatum) and the relations between its residents. With the demographic growth and the development of the administrative and legal systems in the Kingdom of Poland-Lithuania, along with the multiplication of the voivode’s roles, the district office and its officials became active agents of the law who contributed to the formation and preservation of Jewish-Christian coexistence. On a daily basis, the office’s members were responsible for recording the business dealings of Jewish and Christian merchants, granting business licenses, and confirmation of acquisitions by Jews. At times the officials recorded and granted legal standing to various interreligious agreements, such as in the case of a real estate transaction between the Jewish community and the Kraków Academy that was signed in 1469.[[162]](#footnote-162) The Jewish leadership, which forbade Jews as individuals from turning to non-Jewish courts to mediate disagreements between Jews,[[163]](#footnote-163) used the district office and other offices to bring the power of law and strengthen their position vis-à-vis the Jewish community itself as well as Polish society and its authorities. In the bloody events of 1637, too, the filing of the voivode’s letter in the district office granted it not only legal authority but an additional value, intended to strengthen the position of the community vis-à-vis those outside it and to construct an infrastructure for appealing to higher authorities like the king and the council. It was a concrete expression of Polish tolerance – as a policy for establishing systems for the preservation of neighborly relations between communities, and as the manifestation of the right of a religious-ethnic minority to be aided by these systems in achieving justice and reinstating intercommunal dialogue.

In his letter, the voivode Tęczyński granted the Jews support for making a legal appeal (akcja) to the royal court,[[164]](#footnote-164) that is, for the continuation of vengeance on the “government path.” As a result of the proliferation of appeals to the king and the strengthening of the nobility after the passing of the *nihil novi* law, in the period under discussion, a number of royal courts were established to which the Jews could turn.[[165]](#footnote-165) The highest court was called the “court of the royal courtyard” (sąd nadworny) and was required to convene in the king’s courtyard (in curia regis). This court was comprised of senators appointed by the king to advise him on legal matters as well as a judge, his deputy, and a clerk who were expert in the law of the land. In the mid-16th century there was even established a court of the advisors (sąd asesorski),[[166]](#footnote-166) on which sat the representatives of the nobility, who were granted the authority to judge outside of the king’s presence. It was comprised of a chancellor, his deputy, and spokesmen expert in the law, and they had jurisdiction over, inter alia, cases in which the Magdeburgian city or its residents were being tried. This was, in fact, the highest court for municipal trials. The third type of court, which had been the most dominant of the three since the reign of Sigismund I, was the “court of the Sejm” (sąd sejmowy).[[167]](#footnote-167) This court convened only during general conventions of the Sejm. From 1588 on, when the royal tribunal was founded and the role of all the royal courts was redefined, the court of the Sejm heard the most serious cases, such as treason, Lèse-majesté, crimes of the nobility that required the death penalty, seizure of property or banishment, and bureaucratic crimes. From the 17th century, this court also heard cases that had no precedent. This court was composed of the king, all the senators, and over time representatives of ambassadors to the Sejm as well. The proceedings were overseen by a marshal, and the influence of the king steadily diminished. Nevertheless, the rulings of the Sejm court were final and without appeal. Although trials of the city and its residents were supposed to go through the court of advisors, the voivode directed the Jews to the Sejm court apparently in order to stress the importance of the case and the need for the involvement of the king, in a bid to receive a response to the charge against the students and a binding ruling that could not be appealed. We have already seen in the case of the privileges that, although according to the 1538 laws the king had the full right to grant them privileges without convening the Sejm, the Jews preferred to appeal to the king while the Sejm was meeting in order to ensure at the same time the support of the nobility. Unfortunately, we have no information regarding the appeal of the Jews to the royal court in 1637 or the Sejm after 1638.[[168]](#footnote-168) The community pinkas, in which were recorded similar activities of the community, was lost along with all the community archives in a fire that erupted during the Swedish attack of 1655. Many sources on the special Sejm itself were also not preserved.[[169]](#footnote-169) It may be, then, that the voivode Tęczyński directed the elders of the Jews directly to a higher court not because of the severity of the damage and the charges, but rather because of the proximity of the general convention of the Sejm to the events.[[170]](#footnote-170) In fact, it may be that the Sejm’s convention so shortly after the events was an obstacle, since in general the community did not turn directly to the king but appealed to him through the regional council or via the representatives of the Council of Four Lands, and more time was needed to organize representation for the overarching organisations. Moreover, the local Sejm, which preceded the general convention in order to name the ambassadors and decide the province’s policies, had already convened on May 11th, that is, before the bloody events, and the Jews had no chance to turn to its ambassadors and enlist their support.

Whether the Jews reached the Sejm and the king and achieved justice and won compensation or whether Goliński was right and the Jews gave up their claims for the harm done to them, the process of vengeance with the assistance of the law and the state was one of the important ways in which the community coped with the results of the tumult and tried to return to life together with the Christians. The importance of the process is testified to not only by the diligence with which the Jewish community pursued it after the bloody events but also by its influence on the attackers. For example, in 1663, after they had attacked the Jewish quarter, the students of Kraków promised to stop the tumult only on the condition that the Jews swear not to take them to court.[[171]](#footnote-171)

In addition, the effort to bring the guilty to justice was an important factor in the process due to its active nature. While vengeance through memory and commemoration was more passive and gave expression to the principle of freedom of religion and ritual, the pursuit of legal justice was an active fulfillment of the position of the Jews and their rights to security. Despite the obstacles in their path and more than a few failures, the essence of the active process of pursuing punishment for those who had harmed the Jews presented the community as an active and able agent and not as powerless victims. The Jewish response, as expressed in the various aspects of its coping process, was not violent but neither was it passive. It was an integration of active *nekome nehmen* and coping with the aid of memory and commemoration, thereby forming a necessary mental basis for overcoming the horror. This stance reflected a community that was suspicious but also proud, with the power to protect itself, with rights and privileges.[[172]](#footnote-172) This integration actualized the principles of Polish tolerance of the Jews as expressed in the law, that is, granting the Jews legal standing with the help of existing systems, freedom of religion and ritual, mechanisms for the defense of the Jews and of coexistence, and permission for the Jews to act towards the restoration of justice. It was this integration that transformed the process of coping with the horror into a reflection of Polish tolerance and its manifestation in action.

1. Ordo fratrum minorum – Franciscan monks who arrived in Kraków in 1625. [↑](#footnote-ref-1)
2. The Poles used various terms for a Jewish cemetery: kirkut, kierkow, kierchol, kirchol, from the German word Kirchhof, referring to the church courtyard where the dead were buried. [↑](#footnote-ref-2)
3. Marcin Goliński (1608-163) was a member of the city council of Kazimierz, and composed the chronicle Xięga, w którey się zamykają różne dzieje[...] Ossolineum, rps. 188, k. 7, in which he not only included transcriptions from other chronicles but also fragments from letters, speeches, diaries, and other sources related to the history of Poland in the first half of the 17th century. [↑](#footnote-ref-3)
4. Falk Wiesemann, “Jewish Burials in Germany - Between Tradition, the Enlightenment and the Authorities,” *Leo Baeck Institute Yearbook* 37 no.1 (1992), 17, 20.  [↑](#footnote-ref-4)
5. In the last thirty years there have appeared a number of pieces of scholarship addressing the history of death and care for the deceased. See for example the work of Sylvie Anna Goldberg on the *hevrah kadisha* in Prague; of Elliot Horowitz, who wrote about the brotherhoods of Modena in the 17th century; and of Avriel Bar-Levav, who researched the idea of death as presented in religious texts. All of these works pointed to a social and mental shift that occurred in the early modern period and influenced Jewish customs. Unfortunately, no similar research has been done on the history of death in the Jewish community in Poland-Lithuania. [↑](#footnote-ref-5)
6. On the insistence on burying the dead as quickly as possible in Jewish tradition, see M. Samet [sp??], ‘*Halanat Metim: letoldot hapulmus al kevi’at zeman hamavet,*’ in *Hahadash asur min hatorah, perakim betoldot ha’ortodoksiah* (Jerusalem, 2005), 159-60; Falk Wiesemann, "Jewish Burials in Germany," 18-20. [↑](#footnote-ref-6)
7. Jehuda Leib Ben Joshua of Prague, *Milhamah beshalom*, according to the Hebrew edition in *Bikurei ha’etim* 4 (1824): 42. [↑](#footnote-ref-7)
8. Yosef Yuzpa Han, *Yosef ometz* (Frankfurt a.M., 1723), reprinted Jerusalem, 1965, p. XII. [↑](#footnote-ref-8)
9. Avriel Bar-Levav, ‘*Lamut lefi hasefer: sifrei holim umetim veha’itzuv hayehudi hatekesi shel hamitah bereishit ha’et hahadashah*,’ *Zemanim* 43 (2000-01): 71; Avriel Bar-Levav, “Games of Death in Jewish Books for the Sick and the Dying,” *Kabbalah: Journal for the Study of Jewish Mystical Texts*, 5 (2000): 11-34. [↑](#footnote-ref-9)
10. Avriel Bar-Levav, "Ritualisation of Jewish Life and Death in the Early Modern Period," *Leo Baeck Institute Year Book* 47 (2002): 77. [↑](#footnote-ref-10)
11. Norbert Elias, *La Solitude des mourants* (Paris, 1987), 14. [↑](#footnote-ref-11)
12. Sylvie Anne Goldberg, *Crossing the Jabbok. Illness and Death in Ashkenazi Judaism in Sixteenth-through Nineteenth-Century Prague* (Berkley, 1997), 84-85. [↑](#footnote-ref-12)
13. Bar-Levav, "Ritualisation of Jewish Life," 69-82. [↑](#footnote-ref-13)
14. See Gershom G. Scholem, *Major Trends in Jewish Mysticism* (New York, 1954): 284-6. [↑](#footnote-ref-14)
15. Bar-Levav, "Ritualisation of Jewish Life," 69. [↑](#footnote-ref-15)
16. Over the course of the 17th century, the “correct” procedure for death included, inter alia, an elaborately worded release from vows known as the *vidui shekhiv mera*; see, for example, R. Aaron Berechiah of Modena, *Sefer me’ever yabok,* *Siftei tzedek ma’amar* 1, *perek* 8, 19 (Mantua, 1626). [↑](#footnote-ref-16)
17. Avriel Bar-Levav, "Death and the (Blurred) Boundaries of Magic: Strategies of Coexistence," *Kabbalah. Journal for the Study of Jewish Mystical Texts* 7 (2002): 59. [↑](#footnote-ref-17)
18. Many Jews went to great lengths before their deaths to ensure procurement of the proper shrouds in which Ashkenazi Jews were already being buried in the Middle Ages. Merchants would commonly take a previously prepared shroud with them on their dangerous travels. See Elliott Horowitz, “The Jews of Europe and the Moment of Death in Medieval and Modern Times,” *Judaism* 44 (1995): 274. [↑](#footnote-ref-18)
19. According to Zeev Gries, this was a sub-category of Mussar literature. See Zeev Gries, *Sifrut hahanhagot: letoldoteiha umekomah behayei hasidav shel habesht* (Jerusalem, 1990), 63-9. [↑](#footnote-ref-19)
20. Bar-Levav, “Death and the (Blurred) Boundaries,” 59. [↑](#footnote-ref-20)
21. Bar-Levav, “Ritualisation of Jewish Life,” 72, 74. [↑](#footnote-ref-21)
22. The earliest *hevrah kadisha* in Central Europe was founded in Prague in 1564 and is considered the archetypical *hevrah kadisha* of Eastern and Central Europe in the 17th and 18th centuries. On the founding of the society, its roots, its hierarchical structure, and the reception history of the societies, see S. A. Goldberg, *Crossing the Jabbok*, 85-97; on the roots of the *hevrah kadisha* see also Jacob R. Marcus, *Communal Sick-Care in the German Ghetto* (New York, 1978), 64. [↑](#footnote-ref-22)
23. Avriel Bar-Levav, “We Are Where We Are Not: The Cemetery in Jewish Culture,” *Jewish Studies* 41 (2002), 17-18. In a later period, cemeteries were located in the town center due to urban development. [↑](#footnote-ref-23)
24. S.A. Goldberg, *Crossing the Jabbok*, 27. [↑](#footnote-ref-24)
25. On the cemetery as a concept and its various roles, see Bar-Levav, “We Are Where We Are Not.” [↑](#footnote-ref-25)
26. Avriel Bar-Levav, “Death and the Dead,” in *Yivo.* http://www.yivoencyclopedia.org/article.aspx/Death\_and\_the\_Dead (accessed on April 18, 2014)*.* [↑](#footnote-ref-26)
27. Rachel L. Greenblatt, “The Shapes of Memory: Evidence in Stone from the Old Jewish Cemetery in Prague” *Leo Baeck Institute Year Book* 47 no. 1 (2002): 50. [↑](#footnote-ref-27)
28. Certain prayers were composed for this purpose, such as *tehinot* and the *Tefilat ma’aneh lashon* (Prague, 1615), which was published in multiple bilingual (Hebrew-Yiddish) and Yiddish editions. The model of the “two-directional gate” is the second of eight models proposed by Bar-Levav for understanding the many roles of the Jewish cemetery. According to this paradigm, the cemetery symbolizes the gateway through which the souls can visit the world of the living as well as the entryway to the world of the dead, and so everything there must be kept closed; it is a gate of separation and enclosure. See Bar-Levav, “We Are Where We Are Not,” 25-27. [↑](#footnote-ref-28)
29. The ground for the cemetery, found between Szeroka, Miodowa, Jakuba, and Ciemna Streets, was purchased in 1533 but the first burials only took place after the old cemetery on Szerroka St. had been filled by victims of the plague. It was officially opened in 1552. In 1704 some of the graves were covered over to avoid desecration by the Swiss. At the end of the 19th and the start of the 20th centuries the cemetery was reopened; the graves of honored figures were renovated and new gravestones were placed on lost graves which had been identified using textual evidence from literary and archival sources. [↑](#footnote-ref-29)
30. H. D. Friedberg, *Luhot zikaron* (Frankfurt a.M., 1904), 59. [↑](#footnote-ref-30)
31. A new type of gravestone appeared in the cemeteries of large communities such as the one in Kraków as early as the middle of the 16th century, but they became more common only a century or so later. As part of the above-mentioned changes, Renaissance esthetic elements appeared and the facade of the gravestone was embellished with classical architectural motifs. In the middle of the 17th century, a folk-art esthetic began to dominate, which would become identified with the Baroque Jewish gravestone. For details see Marcin Wodziński, “Tombstones,” in *Yivo.* http://www.yivoencyclopedia.org/article.aspx/Tombstones (accessed April 18, 2013); Monika Krajewska, *A Tribe of Stones: Jewish Cemeteries in Poland* (Warsaw, 1993); Marcin Wodziński, *Hebrajskie inskrypcje na Śląsku XIII–XVIII wieku* (Wrocław, 1996). [↑](#footnote-ref-31)
32. Rachel L. Greenblatt, “The Shapes of Memory: Evidence in Stone from the Old Jewish Cemetery in Prague,” *Leo Baeck Institute Year Book* 47 (2002), 56-7. [↑](#footnote-ref-32)
33. Ibid., 51. See Greenblat the tombs that communicate through mourning and those through cultural memory [??]. [↑](#footnote-ref-33)
34. Bar-Levav, "We Are Where We are Not," 16 [↑](#footnote-ref-34)
35. Pierre Nora, "Between Memory and History: Les Lieux de Mémoire," *Representations* 26 (1989), 17-19. [↑](#footnote-ref-35)
36. In the 20th century a replacement gravestone was placed (no. 615) to the memory of three martyrs killed in 1637. See Eugeniusz Duda*, Kraków skie Judaica* (Warszawa, 1991), 96. (Private photo.) [↑](#footnote-ref-36)
37. Lazar, *Hayehudim bakarkov*, 11. [↑](#footnote-ref-37)
38. Bar-Levav, “*Lamut lefi hasefer*,” 71. [↑](#footnote-ref-38)
39. Nora, "Between Memory and History," 22. [↑](#footnote-ref-39)
40. Jan Assmann and John Czaplicka, “Collective Memory and Cultural Identity,” *New German Critique* 65 (1995), 127. [↑](#footnote-ref-40)
41. Friedberg, *Luhot zikaron*, 58. [↑](#footnote-ref-41)
42. As early as the ancient period, rabbis had used fast days to mark post-Biblical tragedies, such as the destruction of the Temple. [↑](#footnote-ref-42)
43. For analysis of fast-days as one of the four vehicles of medieval Jewish memory see Yosef Haim Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle and London: University of Washington Press, 1982), 48-50. [↑](#footnote-ref-43)
44. Reiner, *Kraka-Kazimeiz-Krakow*, 325. [↑](#footnote-ref-44)
45. Greenblat, *To Tell Their Children*, 39. According to Halbwachs, since the object of Jewish religion is to preserve the remembrance of a distant past, the Jewish calendar is based on such “figures of memory” (Assmann and Czaplicka, “Collective Memory,” ft. 16). For a discussion of simultaneous calendars see Yerushalmi, *Zakhor*, 40-41. [↑](#footnote-ref-45)
46. Feivel Hirsch Wettstein, *Dvarim Atikim*. *Mi-pinkasey ha-kahal Kroke le-korot Yisra'els ve-chachmav, rabanav ve-manhigav be-Polania bi-klal u-be-Kroke be-frat* (Kroke, 1901), 15. [↑](#footnote-ref-46)
47. For example, in 1638, one year after the upheaval, the eve of Rosh Hodesh Sivan fell on a Thursday, and in 1640 on a Monday. [↑](#footnote-ref-47)
48. A żupica was an outer garment worn on weekdays, a sort of robe similar to a caftan, closed in front with a row of buttons, most often made from leather or, for summer wear, with a cottong front. Originating in Hungary, it was common among Polish men of all classes in the 16th and 17th centuries. [↑](#footnote-ref-48)
49. Despite the wide variety of contacts between the Jewish and Christian communities (which bothered the elites on both sides), some customs connected to religious rituals remained hidden from the neighbors. On the approach of the religious authorities, see, among others, Magdalena Teter, "Kilka uwag na temat podziałów społecznych i religijnych pomiędzy Żydami i Chrześcijanami we wschodnich miastach dawnej Rzeczpospolitej," *Kwartalnik Historii Żydów* 3 (2003), 327-335. [↑](#footnote-ref-49)
50. While Yohanan Petrovsky-Shtern speaks in his book of a “share in equal opportunity violence,” in the reality of a 16th-17th century crown city, “equality” meant being granted the possibility of confronting violence and seeking justice; see Yohanan Petrovsky-Shtern, *The Golden Age Shtetl: A New History of Jewish Life in Eastern Europe* (Princeton, 2014), 169. Of course, we can also find examples of Jewish responses to violence primarily during the tumult, for example the “*shilerim*” decree of Posnan in 1687: “[…] God has given us [the Jews] strength to stand in battle for three days and three nights. Every time they came to our streets with drawn swords, the Jews overcame them and pursued them [the *shilerim*] to the market, for their hearts melted. And it was truly a miracle as in the days of Ahasuerus.” See Joseph Perles, *Geschichte der Juden in* *Posen* (Breslau, 1865), 63; as quoted in S. Bernfeld, *Sefer ha-dema`ot*, vol.3 (Berlin, 1926), 84. [↑](#footnote-ref-50)
51. See for example the idea of not fixing a mezuzah at the entrance to the Jewish quarter in order to deter various parties “who are always ready to act against the Jews” (R. Yoel Sirkes, *Bayit Hadash*, *Yoreh Deah* (Kraków, 1631), § רפ"ן??, Laws of the Mezuzah). [↑](#footnote-ref-51)
52. Yerushalmi, *Zakhor*, 11. [↑](#footnote-ref-52)
53. On “the presentist aspect of collective memory,” see Maurice Halbwachs, *On Collective Memory,* trans. with an introduction by Lewis A. Coser (Chicago and London, 1992), 25, 38, 183, 188 and passim. [↑](#footnote-ref-53)
54. Yerushalmi, *Zakhor*, 45-46. [↑](#footnote-ref-54)
55. Yerushalmi, *Zakhor*, 45 On selihot, see Ismar Elbogen, *Jewish Liturgy: A Comprehensive History*, trans. Raymond P. Scheindlin (Philadelphia, 1993), 177-184. [↑](#footnote-ref-55)
56. Rachel L. Greenblatt, “Jewish Memory and Local History: A Commemorative Liturgy from Early Modern Prague,” *Jewish Culture and History*, 10:2-3 (2008): 160. [↑](#footnote-ref-56)
57. This pinkas, which included in addition to the names of the martyrs and the rabbis of the community the names of the community administrators, community leaders and common folk, was also partially copied by Hayim Friedberg, before being lost during the Second World War. See note 65 [confirm numbering] below. [↑](#footnote-ref-57)
58. This synagogue was apparently founded in the 18th century. The manuscript of the pinkas ended up at the National Library of Israel in Jerusalem (Ms. H 8˚ 2382) and was partially published by Avraham Yaari. The pinkas was written mostly on parchment (in addition to three paper pages); sections from the pinkas of another, unknown synagogue were copied into it, and mention rabbinic figures and martyrs. This section of the second edition contains twenty-three versions of the El Malei Rahamim prayer organized by month and accompanied by titles indicating those for whom the prayers were composed. The prayer for the seven martyrs of 1637 is number 14. See the bibliography. [↑](#footnote-ref-58)
59. A. Yaari, *Kedoshei Kraka*, *Talpiyot* 7, 1 (1958), 185. [↑](#footnote-ref-59)
60. From the pinkas of the *hevrah kadisha* (100b), as cited by Friedberg, *Luhot Zikaron*, 58. [↑](#footnote-ref-60)
61. Yerushalmi, *Zakhor*, 21. [↑](#footnote-ref-61)
62. Greenblat, *To Tell Their Children*, 17. [↑](#footnote-ref-62)
63. Chone Shmeruk, “*Hakadosh r’ shakhne, kraka tama’’v/1682 – rishum bepinkas shel hahevrah kadisha leumat ‘shir histori’*,” *Gal-Ed* 7-8 (1985), 62. [↑](#footnote-ref-63)
64. Alan Mintz, *Hurban. Responses to Catastrophe in Hebrew Literature* (New York, 1984), 3. [↑](#footnote-ref-64)
65. Yerushalmi, *Zakhor*, 40. [↑](#footnote-ref-65)
66. Jakob Katz, “*Bein tatna’’v leta’’h-ta’’t*,” in *Halakhah vekabalah. Mehkarim betoldot dat Yisrael al madureihah vezikatah hahevrati* (Jerusalem, 1984), 329. Previously published in *Sefer yovel leyitzhak ber*, S. Ettinger, ed. (Jerusalem, 1961), 318-37. [↑](#footnote-ref-66)
67. Adam Teller, "Jewish Literary Responses to the Events of 1648-1649 and the Creation of a Polish-Jewish Consciousness," in *Culture Front. Representing Jews in Eastern Europe*, eds. Benjamin Nathans and Gabriela Safran (Philadelphia, 2008), 22. [↑](#footnote-ref-67)
68. David G. Roskies, "Memory" in *Yivo*, http://www.yivoencyclopedia.org/article.aspx/Memory (accessed June 15, 2014). [↑](#footnote-ref-68)
69. The original text may be found in the Dubnow Archive of Yivo, since the only existing publication is in Russian by Dubnow. See S. Dubnow, “Żertvy,” *Voskhod* 2 (1895), 65-74. The prayer is also mentioned in an article by Hanna Węgrzynek, where it is misidentified as belonging to the *selihot*. See Hanna Węgrzynek, “Ludność żydowska wobec oskarżeń o popełnianie przestępstw o charakterze rytualnym,” *Kwartalnik Historyczny* 101, no. 4 (1994), 17. [↑](#footnote-ref-69)
70. For example, the Reitsese [sp??] brothers, who were martyred in Lvov in 1748, were mentioned in Kraków and other communities due to the importance of the event. See A. Yaari, “*Kedoshei Kraka*,” *Talpiyot* 7, 1 (1958), 185, 191-92. [↑](#footnote-ref-70)
71. Pierre Nora ed. *Les Lieux de mémoire*, 3 vols. (Paris, 1997)1: 17-18. [↑](#footnote-ref-71)
72. Yerushalmi, *Zakhor*, 12. [↑](#footnote-ref-72)
73. A somewhat similar approach to the role of the liturgy can be found in Adam Teller’s article, despite the fact that he addresses the period after 1648: Teller, "Jewish Literary Responses," 17-18. [↑](#footnote-ref-73)
74. Assmann and Czaplicka, "Collective Memory," 126-129. See also Maurice Halbwachs*, Das Gedächtnis und seine sozialen Bedingungen* (Frankfurt/Main, 1985). [↑](#footnote-ref-74)
75. See an interesting discussion of collective memory in Aleida Assmann, "Response to Peter Novick," *GHI Bulletin* 40 (Spring, 2007), 36. [↑](#footnote-ref-75)
76. Nora, "Between Memory," 8. [↑](#footnote-ref-76)
77. See Teller, "Jewish Literary Responses," 22. [↑](#footnote-ref-77)
78. S. A. Goldberg, *Crossing the Jabbok*, 84. [↑](#footnote-ref-78)
79. *Pinkas hazkarat neshamot bekehilot karkov:* ***Hapinkas mebeit-hamidrash shel r’ meir dayyan bekraka***. National Library of Israel in Jerusalem Ms. Heb 8 2382. [↑](#footnote-ref-79)
80. S. A. Goldberg, *Crossing the Jabbok*, 40. [↑](#footnote-ref-80)
81. The phrase used by Adam Teller to refer to a memory lacking in historical details (Teller, "Jewish Literary Responses," 22). [↑](#footnote-ref-81)
82. Greenblatt, "Jewish Memory," 160. [↑](#footnote-ref-82)
83. What Halbwachs refers to as “contemporary frame of reference”; see Jeffrey K. Olick, Vered Vinitzky-Seroussi, Daniel Levy**,** eds., *The Collective Memory Reader* (Oxford, 2011), 214. [↑](#footnote-ref-83)
84. ***Hapinkas mebeit-hamidrash shel r’ meir dayyan bekraka***. National Library of Israel in Jerusalem Ms. Heb 8 2382, 22. [↑](#footnote-ref-84)
85. Yaari, “*Kedoshei Kraka*” (1963), 451, n. 39. [↑](#footnote-ref-85)
86. Nora, "Between Memory and History," 15. [↑](#footnote-ref-86)
87. Assmann and Czaplicka, "Collective Memory," 127. [↑](#footnote-ref-87)
88. Ibid. [↑](#footnote-ref-88)
89. Teller, "Jewish Literary Responses," 18. [↑](#footnote-ref-89)
90. Avraham Grossman, “*Shorshav shel kidush hashem be’ashkenaz hakedumah*,” in *Kedushat hahayim vehiruf hanefesh. Kovetz ma’amarim lezikro shel amir yekutiel*, Isaiah Gafni and Aviezer Ravitsky, eds. (Jerusalem, 1993), 99. [↑](#footnote-ref-90)
91. For an in-depth discussion on the topic, see Yehezkel Framm, “*Bein tatna’’v leta’’h-ta’’t – iyun mehudash*,” *Zion* 61, 2 (1996), 161-69. [↑](#footnote-ref-91)
92. Yehezkel Framm, “*Ve’adayin ein bein tatna’’v leta’’h-ta’’t*,” *Zion* 62, 1 (1997), 33. [↑](#footnote-ref-92)
93. R. Yoel Sirkes, *Bayit Hadash*, *Yoreh Deah* (Kraków, 1635), 197. Framm, “*Bein tatna’’v leta’’h-ta’’t,*”165-66, n. 28. [↑](#footnote-ref-93)
94. Ibid., 162-63. [↑](#footnote-ref-94)
95. The question of the approach to the ideal of martyrdom in Poland in the mid-17th century was debated by Yehezkel Framm and Jacob Katz; see J. Katz, “*Bein tatna’’v leta’’h-ta’’t*,” in *Sefer yovel leyitzhak ber*, S. Ettinger, ed. (Jerusalem, 1961), 318-37; Y. Framm, “*Bein tatna’’v leta’’h-ta’’t – iyun mehudash*,” *Zion* 61, 2 (1996), 159-82; see J. Katz’s response in “*Od al* *bein tatna’’v leta’’h-ta’’t,” Zion* 62, 1 (1997), 23-29; Yehezkel Framm, “*Ve’adayin ein bein tatna’’v leta’’h-ta’’t*,” *Zion* 62, 1 (1997), 31-46. [↑](#footnote-ref-95)
96. Framm, “*Bein tatna’’v leta’’h-ta’’t*,” 162. [↑](#footnote-ref-96)
97. R. Mordecai Jaffe (1535?-1612), known as Baal Halevushim or Baal Halevush, served as the rabbi of Lithuania, Bohemia, and Posnan. He was a student of R. Shlomo Luria (Maharshal) and R. Moshe Isserles (the Rema) in Lublin and Kraków. His composition the *Levush* on the *Arba Turim* became an important and popular halakhic work among the Jews of Germany until they were replaced in importance by R. Moshe Isserles’ glosses on the *Shulhan Arukh*. [↑](#footnote-ref-97)
98. Mordecai Jaffe, *Levush Ateret Zahav* (Kraka, 1594), 197:1. [↑](#footnote-ref-98)
99. Mintz, *Hurban*, 104. [↑](#footnote-ref-99)
100. Stanisław Pudłowski (1597-1645), Bibl. Jagiell. *Miscellanea* DD.X.18 fol. 198 v. [↑](#footnote-ref-100)
101. Grossman, “*Shorshav shel kidush hashem*,” 99. [↑](#footnote-ref-101)
102. Bibl. Jagiell., *Miscellanea* DD.X.18 fol. 225 v. [↑](#footnote-ref-102)
103. Dubnow, "Żertvy," 66. [↑](#footnote-ref-103)
104. Elliott Horowitz, "The Jews of Europe and the Moment of Death in Medieval and Modern Times," *Judaism* 44 (1995): 277. [↑](#footnote-ref-104)
105. Mintz, *Hurban*, 89. [↑](#footnote-ref-105)
106. Ibid., 100. [↑](#footnote-ref-106)
107. Ibid., 6. [↑](#footnote-ref-107)
108. The connection between martyrdom, vengeance, and redemption is the focus of the provocative article by Israel Yuval, “*Hanakam vehakelalah, hadam veha’alilah. Me’alilot kedoshim le’alilot dam*,” *Zion* 58 (1993), as well as his book *Two Nations in Your Womb. Perceptions of Jews and Christians in Late Antiquity and the Middle Ages*. Translated by Barbara Harshav and Jonatha Chipman (University of California Press, 2008. [↑](#footnote-ref-108)
109. The Jews took pride in the martyrs but did not attribute spiritual traits to them as was common in Christianity; see S.A. Goldberg, *Crossing the Jabbok*, 35. [↑](#footnote-ref-109)
110. Mintz, *Hurban*, 7. [↑](#footnote-ref-110)
111. According to Lifshitz, the Jews sought to win divine mercy through the sacrifice of the martyrs. See Joseph Isaac Lifshitz, “Av ha-rahamim: On the ‘Father of Mercy’ Prayer,” in *Death in Jewish Life. Burial and Mourning Customs Among Jews of Europe and Nearby Communities*, ed. Stefan C. Reif, Andreas Lehnardt and Avriel Bar-Levav (De Gruyter, 2014), 141-154. [↑](#footnote-ref-111)
112. See Zohar I, 124b and III, 195b; Katz, “*Bein tatna’’v leta’’h-ta’’t*,” 317. [↑](#footnote-ref-112)
113. Katz, “*Bein tatna’’v leta’’h-ta’’t*,” 317-20. [↑](#footnote-ref-113)
114. Yosef Hacker, “*Klum huatak kidush hashem el tehum haruah likrat haet hahadashah*?” *in Sefer yovel leyitzhak ber* (Jerusalem, 1961), 231. [↑](#footnote-ref-114)
115. Katz, “*Bein tatna’’v leta’’h-ta’’t*,” 316. For a critique of this approach, see for example Shmuel Ettinger, “*Masoret umevaser*,” *Kiryat Sefer* 35 (1960), 16. [↑](#footnote-ref-115)
116. Nora, "Between Memory and History," 7. [↑](#footnote-ref-116)
117. Lifshitz, "Av ha-rahamim," 144. [↑](#footnote-ref-117)
118. Yuval, *Two Nations*, 98-99 and passim. [↑](#footnote-ref-118)
119. The general subject of divine vengeance is discussed at length in various pieces of research and exceeds the bounds of this study, in which I will stress only its role in the framework of coping with the tumult and the subsequent restoration of coexistence. For an extensive bibliography and an in-depth discussion of the meaning of the word *nekamah* in the Bible and the topic of divine vengeance, see H. G. L. Peels, *The Vengeance of God: The Meaning of the Root NQM and the Function of the NQM-Texts in the Context of Divine Revelation in the Old Testament* (Leiden, 1995). [↑](#footnote-ref-119)
120. From *El malei rahamim leshivat hakedoshim*. See chapter… [↑](#footnote-ref-120)
121. “To be My vengeance and recompense” (Deuteronomy 32:35). The greater the horror, the greater the paradigms of tragedy evoked by the Jews in their prayers. See David G. Roskies, "Memory" in *Yivo,* http://www.yivoencyclopedia.org/article.aspx/Memory (accessed June 29, 2014). [↑](#footnote-ref-121)
122. On the possible connection between the recital of the names of the murdered and vengeance, see Yuval, *Two Nations,* 136-137. [↑](#footnote-ref-122)
123. According to Israel Yuval, the expression “May the LORD avenge his blood” entered use as an epithet for those killed by non-Jews in the high Middle Ages (the 12th to 13th centuries) and spread only among the Jews of Ashkenaz. Yuval, “*Hanakam vehakelalah*,” 65. [↑](#footnote-ref-123)
124. See Panowsky’s categories of roles fulfilled by graves in Erwin Panowsky, *Tomb Sculpture: Four Lectures on its Changing Aspects from Ancient Egypt to Bernini* (London, 1964). On the centrality of vengeance in the vision of redemption, see Yuval, *Two Nations*, 93-10. [↑](#footnote-ref-124)
125. The LORD passed before him and proclaimed: “The LORD! the LORD! a God compassionate and gracious, slow to anger, abounding in kindness and faithfulness (Exodus 34:6). [↑](#footnote-ref-125)
126. S. A. Goldberg, *Crossing the Jabbok*, 36. [↑](#footnote-ref-126)
127. Israel Yuval distinguishes between two conceptions of redemption common in the medieval world: Vengeful redemption and proselytizing redemption involving mass conversion to Judaism see Yuval, *Two Nations*, 94 and passim. [↑](#footnote-ref-127)
128. Yuval, *Two Nations*, 136. [↑](#footnote-ref-128)
129. Ibid. 96. In the Medieval Ashkenazi tradition, the avenging God wears red. See D. Goldschmidt, *Mehkarei tefilah upiyut* (Jerusalem, 1980, 13, 17; Yuval*, Shnei goyim bebitnekh [Two Nations??]*, 112, n. 10. [↑](#footnote-ref-129)
130. G. ­­­D. Cohen, "Esau as Symbol in Early Medieval Thought," in *Jewish Medieval and Renaissance Studie*s, ed. A. Altmann (Cambridge, 1967), 19-48*.* As cited by Yuval, *Two Nations*, 108-9. [↑](#footnote-ref-130)
131. Lifshitz, “Av ha-rahamim,” 144. [↑](#footnote-ref-131)
132. Yuval, *Two Nations*, 136 and n. 3. According to Lifshitz, the Jews turned to divine memory not only to request vengeance but also to win divine mercy through the merit of the martyrs’ sacrifice. See Lifshitz, “Av ha-rahamim.” [↑](#footnote-ref-132)
133. S. A. Goldberg, *Crossing the Jabbok*, 36. [↑](#footnote-ref-133)
134. Deuteronomy 25:17. [↑](#footnote-ref-134)
135. Micah 6:5. [↑](#footnote-ref-135)
136. Alan Unterman, *Jews: Their Religious Beliefs and Practices* (Boston, 1981), 226. [↑](#footnote-ref-136)
137. Gershon Bacon and Moshe Rosman, “*Kehilah ‘nivheret’ bemetzukah: yahadut polin be’ikvot gezeirot ta’’h veta’’t,”* in *Ra’ayon habehirah beyisrael uveamim*, Shmuel Almog and Michael Had, eds. (Jerusalem, 1991), 208. [↑](#footnote-ref-137)
138. I do not intend to present Jewish society as completely free of violence. We do not lack for examples of violence against the surrounding non-Jews or within Jewish society itself. See, for example, Moshe Rosman, “*Mikrei alimut yomyomit bekehilot polin-lita*,” in *Mehkarim basifrut yisrael mugashim leavraham holetz*, Favia Ben-Yosef, ed. (New York, 2003), 53-63. Add the new article from the book by Baron. [↑](#footnote-ref-138)
139. Deuteronomy 32:43 [↑](#footnote-ref-139)
140. H. D. Lasswell, "The Structure and Function of Communication in Society," in *The Communication of Ideas,* ed. L. Bryson (New York, 1948), 37. [↑](#footnote-ref-140)
141. Frick, *Kith, Kin, & Neighbor*, 410. [↑](#footnote-ref-141)
142. See Cohen, “*Hayurisdikatziyah havoivodit*,” 47-66. [↑](#footnote-ref-142)
143. Mordecai Nadav, *Ma’asei alimut*, 41. [↑](#footnote-ref-143)
144. CAHJP) PL/189), The Central Archive for the History of the Jewish People in Jerusalem. [↑](#footnote-ref-144)
145. Frick, *Kith, Kin, & Neighbors*, 410. [↑](#footnote-ref-145)
146. See for example Zaremska, *Żydzi w średniowiecznej Polsce*, 122. [↑](#footnote-ref-146)
147. Reiner, *Kraka – kazimierz – karkov*, 300. [↑](#footnote-ref-147)
148. Lazar, *Hayehudim bekrakov*, 4. [↑](#footnote-ref-148)
149. Of course, the path to the courthouse was not without obstacles and, as Goliński noted, the Jews occasionally had to ease their passage with money and political maneuvering, including good relations with the city’s elite and the nobility. [↑](#footnote-ref-149)
150. APKr, *Varia* 11, 958: Oblata Literarum Illustris Palti Cracoviensis pro parte Iudaeorum Cracovien' Jan Magnus Tęczyński. He was from a noble family of Lesser Poland [??] and served as the voivode of Kraków from 1620-1637. [↑](#footnote-ref-150)
151. APKr, *Varia* 11, 958-60. [↑](#footnote-ref-151)
152. See Binyamin Cohen, “*Havoivodah betorah shofet hayehudim bepolin hayeshanah*,” *Gal-Ed* 1 (1973), 9-11. [↑](#footnote-ref-152)
153. The position of voivode of Kraków was still one of the highest in the state system, and so the voivode possessed extensive regional authority and at times served as representative of the local nobility. Compare Antoni Mączak, "Vicissitudes of feudalism in Poland," in *Money, Prices and Power in Poland, 16-17th Centuries. A Comparative Approach*, ed. Antoni Mączak (Variorum, 1995), 286. [↑](#footnote-ref-153)
154. “Sigismund I rex Poloniae ordinationem Ioannis Amor de Tarnow palatini Cracoviensis, de mercatura Iudaeorum a. 1485 factam, ratam esse iubet.” Sigismund I, The Edict of 1527, in Franciszek Piekosiński*,* ed. *Prawa, przywileje i statuta miasta Krakowa (1507-1795)*. Vol. 1, (1507-1586) Zeszyt 1, [in series:] *Acta Historica res Gestas Poloniae Ilustrantia*, (Kraków, 1885), 8: 43-45. There are many other examples of the voivodes’ involvement in interreligious agreements, for example, in 1533 the district head Piotr Kmita assisted in the signing of the agreement between the Jewish community and the municipality in Kazimierz and Stradom [sp??]. See Mathias Berhson, *Dyplomatariusz dotyczący Żydów w dawnej Polsce: na źródłach archiwalnych osnuty* (1388-1782) (Warszawa, 1910), 53-58. [↑](#footnote-ref-154)
155. Jakimyszyn, *Statut Krakowskiej Gminy Żydowskiej*, § 11, VIII. [↑](#footnote-ref-155)
156. Piotr Kmita (1477-1553) was voivode of Kraków and an adept politician. Due to his intimacy with Queen Bona, he received bribes from the Jews as well as from Catholic merchants (Bałaban, *Historja Żydów*, 12). [↑](#footnote-ref-156)
157. See Grodziski, "The Kraków Voivode’s Jurisdiction," 213. [↑](#footnote-ref-157)
158. The responsibility of the rector for judging the students was established on May 12, 1364. In addition, it was decided that it was possible to arrest a student only in the presence of the rector’s servants, and the judgments of the rector were enforced by the city officials of Kraków and Kazimierz. From the 15th century on, the rector was also granted the right to curse [??] the student. The rector’s court was based not on the city law but rather on Roman law. [↑](#footnote-ref-158)
159. For a similar analysis of the security of the Jews, see Magda Tetter, *Jews and Heretics in Catholic Poland. A Beleaguered Church in the Post-Reformation Era* (Cambridge, 2006), 38. [↑](#footnote-ref-159)
160. According to the 1527 law, all documents were required to be filed in the appropriate city records. This decree was reauthorized by the Sejm in its law of 1538: “…pignora…inscribere in libros”; see *Volumina legum* I, 525. See also the first chapter on the recording of the privileges. [↑](#footnote-ref-160)
161. Three common types of documents were diplomas, mandates, and acta, which included all the documents related to the activities of a certain office. [↑](#footnote-ref-161)
162. See Zaremska, *Żydzi w średniowiecznej Polsce*, 360-361, 496. [↑](#footnote-ref-162)
163. See, for example, Zaremska, *Żydzi w średniowiecznej Polsce*, 130, 177; S. Kutrzeba, "Stanowisko prawne Żydów"; Nisson Elchanan Shulman, *Authority and Community: Polish Jewry in the Sixteenth Century* (New York*,* 1986), 7. [↑](#footnote-ref-163)
164. Akcja – from the Latin accio – referred in Roman law to any legal action. According to Bartłomiej Groicki, who translated the Saxon law into Polish in 1558, this phrase means a legal claim. See Zygmunt Gloger, "Akcja" w *Encyklopedia Staropolska*, (Warszawa, 1900) vol.1: http://historiapolski.eu/encyklopedia-staropolska-zygmunt-gloger-t1028.html (accessed June 15, 2014). [↑](#footnote-ref-164)
165. See, for example, Stanisław Estreicher, "Kultura prawnicza w Polsce XVI wieku" w *Kultura Staropolska* (Kraków, 1932), 99-100. [↑](#footnote-ref-165)
166. See, for example, M. Woźniakowa, *Sąd asesorski koronny 1537-1795: Jego organizacja, funkcjonowanie i rola w dziejach prawa chełmińskiego i magdeburskiego w Polsce* (Warszawa, 1990). [↑](#footnote-ref-166)
167. Juliusz Bardach, Bogusław Leśnodorski, Michał Pietrzak. *Historia ustroju i prawa polskiego* (Warszawa, 2009), 265–266. [↑](#footnote-ref-167)
168. Bibl. Jagiell. nr 2274*, Diarjusz Sejmu 1638.* [↑](#footnote-ref-168)
169. No memoir remains from this convention of the Sejm. The conventions from the reign of Władysław IV have not received particular scholarly attention, with only the general convention from the beginning of 1637 having a monograph dedicated to it: Tomasz Kucharski, "Konstytucje egzorpitancyjne w Rzeczypospolitej w latach 1607-1648. Zarys problematyki,"*Czasopismo Prawno-Historyczne* 54 no.2 (2012): 127. [↑](#footnote-ref-169)
170. As one of the lead participants in the conventions, the voivode knew that, since on January 20, 1637 the convention had disbanded without any legislation, it was decided (on March 6) to call a special convention on June 6. As early as April the king had announced the two-week convention. Moreover, on May 11, the regional head participated in the local convention of the nobility that preceded the general convention. [↑](#footnote-ref-170)
171. Johan Jakob Schudt*, Jüdische Merekwürdigkeiten* (Frankfurt, 1714), 2:300. [↑](#footnote-ref-171)
172. For a fascinating discussion of the topic, see Moshe Rosman, "Jewish Perceptions of Insecurity and Powerlessness in 16th-18th Century Poland," *Polin* 1 (1986), 19-27. [↑](#footnote-ref-172)