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1

Central Europe in Peace and War, 1600–48

Round about 1600 the Jews of the Holy Roman Empire consisted, at a rough estimate, of some 2000 families, say, 12 000 persons. This was equivalent to one Jew per 1000 of the general population.¹ These Jews, ‘tired of the exile’, like David Gans of Prague, now had occasion to enjoy a somewhat more settled existence, certainly in relation to the earlier age of expulsions. There was some possibility that Jew and Christian could meet and engage in a shared scientific pursuit; and tension on religious grounds had somewhat abated. Some degree of confirmation came in the enhanced stability of Jewish residence. To communities large and small some degree of ease and security was returning. Perhaps the various *Judenordnungen* that territorial rulers in the central Rhine region issued in the sixteenth and seventeenth centuries also went to create a sense of stability – at least that was the intention, to transform a *ius incertum* into a *ius certum*.²

This point is not to be exaggerated. In extremity no laws protected the Jews. In 1601 Emperor Rudolf took advantage of the death of his banker, Markus Meyzel, to seize his entire estate, including that portion set aside for the poor. Meyzel had anticipated some such expropriation and taken the precaution of dispersing his assets, but to no avail.³ In 1614–15 mob violence and agitation procured the spoliation and expulsion, albeit short-lived, of the Jews from the major urban centres of Worms and Frankfurt am Main.

All in all however, the process of acceptance prevailed. In 1603, these changing conditions united with internal Jewish disarray to persuade the leadership in the German states to undertake a major review of conditions ‘at home’ and the modalities of the relationship to the Christian world. One salient problem was the dispersion of jurisdiction over the small communities of the south and west. To the court at Frankfurt came litigants from East Frisia and the Mark in the north as well as from Speyer and Ansbach in the south; the court at Worms covered the Rhineland Palatinate; Hesse-Darmstadt, Upper and Lower Alsace; Friedberg covered Hesse-Cassel and Hesse-Marburg; Günzburg and Wallerstein covered Swabian Jewry; the rabbi to the Jews in the archiepiscopal see of Cologne was located in Bonn and the

rabbi to those of Mainz in Bingen. In Fürth and Hildesheim there were local rabbinates.⁴

In part, in order to bring some order to this confusion, 26 communal leaders (of whom a quarter were rabbis) assembled at Frankfurt to debate matters relative to ‘the needs of the people and the time’. The assembly explicitly accepted the principle that ‘the law of the land is the law’ and also promulgated ordinances on its own initiative: first, that legal disputes between Jew and Jew must be settled only before a Jewish tribunal and not a gentile court, a practice attributed to the wealthy. For this purpose the assembly proposed to establish five courts with supra-territorial jurisdiction – at Frankfurt, Worms, Friedberg, Fulda and Günzburg. This was not only an ancient right but would also avert discredit to the Jews. The assembly instituted a uniform and trustworthy system of taxation with designated assessors, collectors and depositaries; it repeated with increasing emphasis existing prohibitions against dealing in counterfeit or underweight currency or with thieves; fraudulent bankrupts would suffer expulsion from their community. In dietary matters the assembly called for strict supervision of animal slaughtering, prohibited gentile ‘wine of libation’ and cautioned against frequenting taverns. Rabbis must not be appointed to office except with the approval of three colleagues. The Jews must not dress like gentiles, in such a manner that they ‘would not be recognized as Jews’. The assembly also imposed a form of self-censorship; in decreeing that no Jew must have a book printed in Basel or elsewhere in Germany, save with the permission of three rabbis from the five towns with established courts.⁵

In actual fact, none of the ‘constitutional’ ordinances was implemented. Wittingly or not, the Jewish leaders had involved the communities in the contentious and delicate issue of the relationship between the emperor and the territorial ruler at a time when power was passing fast from the former to the latter. The last imperial rabbi, R. Jacob b. Hayyim of Worms, died c.1574 and the absence of any successor suggests that the position was perceived to be redundant in view of the emperor’s declining power. On the other hand, the fact that the five proposed courts were all to be located in imperial free cities (Frankfurt, Worms, Friedberg) or in cities close to the imperial power (Günzburg stood under direct Habsburg rule) suggests precisely the opposite – that is that the Jewish leadership sought to maintain the protective association with the emperor. In other words, it was a question of manoeuvring between two contending forces or perhaps creating a third force independent of either.⁶

In any event, this type of empire-wide body with a range of judicial and financial prerogatives creating a quasi-independent corporation could not be but provocative, both to the empire and the territorial rulers. There was nothing secret about the assembly’s deliberations, though it may be that its conclusions were made public prematurely. That the decisions would be posted on every synagogue door in Germany was the hope, so that they

might receive wide publicity and debate. This did happen, but hardly in the manner intended: the programme of the assembly provoked widespread anti-Jewish furor amidst accusations of treason, *lèse-majesté* and blasphemy. An embittered informer from Frankfurt, Leib Kraus, took the lead and succeeded in instigating an official enquiry, on behalf of the emperor, which lasted from about 1607 to 1612. The perennial hostility of the guilds to Jewish craftsmen provided popular support. The enquiry and the allegations of conspiracy created the utmost alarm in the Jewish camp. 1607 was a year of fear 'and a time of great distress'. There seemed no hope of relief, all the less so because 'the emperor refused all talk of mediation with emissaries from all Ashkenaz and hid his countenance'.⁷

Only for a time was the worst averted. The failure, it seems, of the emperor to protect his subjects encouraged the artisan guilds in Frankfurt and Worms to resume their campaign. Led by a certain Vincenz Fettmilch, in 1614 the mob forced the Jews out of the Judengasse in Frankfurt, and in 1615 from the Worms ghetto. The Jews found refuge in the Rhineland Palatinate, Darmstadt and Mainz, according to an eye-witness – Juspa Shammash ('Juspa the beadle', 1604–78) of Worms. As distinct from the mob, according to Juspa, the burghers and local rulers sought to protect the Jews. In the end salvation came from the *emperor*, following intercession by Leib Oppenheim, one of the Worms parnassim. Escorted by imperial troops, the Jews returned to Frankfurt on the very day that Fettmilch and the other ringleaders were executed. The three gates of the Gasse each bore a shield proclaiming that the ghetto stood under imperial protection.⁸ A famous bilingual Hebrew-Yiddish historical song, 'Megillas Vints', records the expulsion and deliverance of the Jews and came to form part of the annual Purim festivities in Frankfurt.⁹

The new Stättigkeit of 118 articles issued by the emperor guaranteed the Jews of Frankfurt protection against any future expulsion but also limited the number of family households to 500; only 12 marriages were permitted annually and only 6 foreign Jews were admitted, who had in any case to marry into local families. The Stättigkeit also contained provision against any abusive treatment of the Jews by the town council or the guilds. After protracted negotiations the Jewish leaders renounced a compensation payment of almost 178 000 gulden promised by the imperial commission.¹⁰

The two rulers involved, Matthias and Ferdinand II, were tardy in renewing the Jews' charter of privileges. An internal revolt in the Frankfurt ghetto against the oligarchic rule of the Zehner ('Gang of Ten') did not help matters. Not until 1621/2 did Jakob Fröschel, the Jewish intermediary from Prague, receive confirmation of the renewal.¹¹

Disastrous events of this nature did not typify the Jewish experience in the early seventeenth century. The precise contrary was characteristic, that is the extension to Jews by territorial rulers of authority to settle in their domains. This is much more marked later in the century (after the Thirty Years' War),

but in the early decades it is not unusual and applies to locations as varied as Vienna, Trier, Hanau and Holstein-Schauenberg. Here and elsewhere a general *Judenordnung* and an individual *Geleit* or *Schutzbrief* ('letter of protection', 'licence') normally set out the conditions of settlement for community and particular individuals. In 1603 Duke Philippe Ludwig II of Hanau issued a charter (*Stättigkeit*) whereby all that distinguished Jews from Christians was the obligation to wear a yellow badge and the prohibition on the employment of Christian servants (apart from 'a Sabbath woman'). Otherwise, in respect of religious and economic freedom, tax, legal status, municipal obligations, nothing separated Jew from Christian; so much so that in 1609 a group of conversos from Venice made enquiry of the duke with a view to settlement. Only the refusal of Rudolf II to grant them free movement for their persons and goods aborted enquiries; they were Christians and should not be permitted to return to Judaism, it was held. In or around 1614, Jacob and Israel received *Geleitbriefe* from Ernest III, Duke of Holstein-Schauenberg. This entitled them, on annual payment of protection money, to settle and work in Altona, with the goodwill of the ducal authorities, so long as the said Jacob and Israel conducted themselves in accordance with the 'general privilege' granted to the Jews in Altona. In a somewhat more elaborate document from Vienna, 1615, Emperor Matthias extended imperial protection to Abraham Brodt, by virtue of his appointment as court-Jew; together with his wife and family, he was authorized to live and trade unmolested in Vienna, but he must not maintain an open shop, must attend on the court, buy and sell only in his dwelling, not conceal any foreign Jew, not purchase any stolen property. He pays the taxes, dues and fees of a Christian, is subject to the jurisdiction of the Office of the Hofmarschall. This freedom applies only during Brodt's lifetime and on his death the heirs must at once seek its confirmation. In 1618, Lothar, the archbishop and electoral prince of Trier issued a *Judenordnung* that forbade any Jew without an individual *Geleit* (see below, p. 95) to dwell in his territory; those Jews in possession of a *Geleit* must conduct themselves without arrogance, or quarrelsomeness; each Jewish household must consist of no more than husband, wife, children and the necessary servants; foreign Jews must pay a body tax, not remain longer than 4–5 days in the territory and not engage in trade without the permission of the local authorities; the Jews' ceremonies must not cause offence, and in consideration of the Christian religion, holidays and processions the Jews must conduct themselves discreetly. The *Ordnung* limited the economic activity of the Jews to trading in money, horses, silverware and jewellery and the cash purchase, in restricted quantities, of wine, fruit and other commodities; they must not maintain open shops. The moneylender must not lend to a husband without his wife's knowledge (and vice versa), and not to children, servants or students; properly signed and attested documents of indebtedness must be kept; arrears of interest must not be added to capital, nor weekly interest of more than one-half

pfennig per gulden be levied; objects pledged as security for loans must be properly registered and redeemable against repayment; no loan contract must run for longer than three years; the Jews must not deal in any property suspected of having been stolen, especially chalice, monstrance or other object of Christian ritual.¹²

These documents, *Schutzbriefe*, *Ordnungen* and so on, had always to be paid for and this is the reality that determined the enormous role taken by the wealthy and their financial resources in Jewish communal and political life. Only the rich had the necessary funds to purchase the right to settlement. Without the wealthy there would be no community, said a late-seventeenth-century rabbi, R. Yair Bachrach of Worms: in the words of the Hebrew pun, no *binyan* (property), no *minyān* (community). Those many Jews who lacked the necessary funds led a dependent existence as servants in the household of a privileged Jew able to afford the cost of a *Schutzbrief*.¹³ This relationship inevitably extended to the status of wealth inside Jewish society, to the detriment of the less favoured, but not without ambiguity. Social tension became much more marked as a result of the historical demands pressing on the *kehillah* in the seventeenth century. 'The people of Europe during the sixteenth and seventeenth centuries', writes one historian, 'became more money conscious than they had ever been before'.¹⁴

Among those people, it is safe to say, the Jews stood out. That 'breed of men ... ready to devour the poor of the land' is already a theme in Proverbs (30:11–14). In the half-century after the Thirty Years' War it is likely that this 'breed' spread more widely as a consequence of the increased financial pressure from gentile rulers which they in turn transmitted to their Jewish subjects. For the moment, however, the problem posed by mass poverty seems to have been manageable and, paradoxical though it may be, the outbreak of the Thirty Years' War in 1618 did not, initially at least, interrupt the fitful process of consolidation. Historians, ancient and modern, generally agree that the destruction and depopulation in combat areas affected Jews less than Christians.¹⁵ A geographical accident was of considerable help because the main areas of devastation – from the south-west to the north-east of the German lands – encompassed those territories where Jews were only thinly scattered. Some cessation of persecution provided a bonus. In this specific context, Jews enlisted as mercenaries, serving impartially in the armies of Mansfeld, Wallenstein and the Duke of Holstein and with the Swedes. They also appear from time to time in communal records. Juspa the beadle, of Worms, drew up writs of divorce in the early 1640s in two such cases. In the one, a mercenary who had abandoned his wife eight years earlier unexpectedly reappeared with his troop. Juspa indited the writ on behalf of the wife whose husband now wished to divorce her. The court disregarded its customary procedure, which would have involved consultations with the elders of Mainz and Speyer, and issued an immediate divorce so that the wife should not become 'an anchored woman' (*agunah*) and unable to remarry.

The widow of a Jew who died of plague while serving with Wallenstein's forces was given permission to remarry by the court.¹⁶

The Jewish communities enjoyed the protection of the Habsburgs and at times of other warring powers – Swedes, Dutch and French. This protection did not come cheap and had to be purchased by way of taxes, forced loans and the provision of military supplies to one or other of the warring parties. The protection and security enjoyed by Frankfurt Jewry, relative to the Christian population, was one reality. To this great Jewish centre with its population of some 370 households the first years of war brought some degree of prosperity. In the first six years the household tally rose in fact to 409. The number of marriages also increased. 'With our own eyes we have seen that amongst us there is a living God who performs wonders for us', exclaimed the Frankfurt rabbi, R. Juspa Hahn, 'and this is seen most clearly in relation to the soldiers who for some years now have passed over towns and villages... it is impossible to inscribe both how much better our people were treated than the uncircumcised for (the latter) were sometimes made to suffer so much that in certain places they concealed their property in the houses of the Jews; and also the wonders performed for those people whom the enraged besiegers sought to take prisoner but in this they did not succeed... and also some (Jewish) prisoners were easily rescued, most without paying ransom money and some for but small sums'.¹⁷ Hahn was an eyewitness to the earlier stages of the fighting and completed his work in 1630. Had he been able to revise it, Hahn might well have qualified his initial appreciation, for from about the mid-1620s taxes and forced loans, demanded in turn by the imperial forces, the Protestants and the Swedes brought hardship to the community; so much so that in 1626 and again in 1632 loans had to be taken out with Christian lenders. The impoverishment was all the greater through the incapacity of borrowers to repay their loans to the moneylenders and pawnbrokers, with inevitable repercussions on the trade in second-hand articles. In these circumstances the Jews entered branches of trade in numbers that ignored the restriction imposed by the *Stättigkeit*, to the familiar complaints from shopkeepers, cloth-dealers, silk merchants and so on. To the tailors' protests, the Jews retorted that their undoubted decline followed from the disproportionate number of master-tailors, their inability to meet the demands of their customers for fashionable clothing, and their high prices – whereas the Jews were content to charge less, offered longer-term credit and willingly accepted payment not only in cash but also in foodstuffs, wine and fruit. Only in the horse trade could Jews engage without complaint, and demand from the warring armies ensured that this happily prospered. This of itself could not of course arrest the decline in the economy of the *Judengasse*. The population declined, partly through movement elsewhere but also through a fall in the marriage-rate; in 1631 and 1632 no marriages at all were celebrated and in 1636 and 1640 only one each year. Plague and disease killed off 222 people in 1635,

including 160 children, according to the records of the Hevrah Kadischa. These varied factors account for remarkable demographic fluctuations. At the beginning of the war the city had 370 households; by 1639 this had shrunk to 285; by the end of the war in 1648 the total had increased to 329. The overall wartime loss amounted therefore to some 10 per cent.¹⁸

In Worms, the second most important urban centre in Germany, where some 1500 Jews had lived on the eve of war, the worst trials came in 1635/36, which lived on as 'the year of the great upheaval' (R. Yair Bachrach, 1638–1702, later rabbi in Worms).¹⁹ A plague which killed 200 Jews was followed by demands from the magistracy for sums of 35000 and 40000 florins to billet and quarter the imperial troops. A number of the Jews' leaders were arrested as hostage. A protest to Vienna brought the release of the hostages, a warning to the city that the Jews enjoyed imperial protection and a negotiated settlement, confirmed by the emperor, to the demand for a war contribution. Much the same situation recurred in the early 1640s – as part of which, in 1641, imperial representatives mediated between Worms Jewry and the town magistracy so as to produce a revised *Judenordnung*. This still required the Jews to sport a yellow badge and to display on their houses an identifying shield, but in economic respects the Jews secured authority to buy any goods in the market (except fish on the fish market) and Jewish trade was liberalized in a very wide range of goods – foodstuffs, wines, fruits, spices, many varieties of textiles, cattle, gold, silver, jewellery and ironware. In return for a consideration they were permitted to graze their cows on common land. No doubt this *Ordnung* too had to be purchased by way of imperial loan; in 1643 Ferdinand III acknowledged a debt to the community of 9600 florins capital and 2919 florins interest. No imperial mediation or protection could, however, arrest the decline and impoverishment of the community; by the end of the war it consisted of no more than 400–500 people, somewhere between a quarter and a third of the pre-war total.²⁰

From Prague, and the 'peculiar city of the Jews', the fortuitous loss of a bundle of 46 private letters manifests the preoccupations and concerns of at least some of the inhabitants. The letters were sent on 15 Kislev 5380 (= 22 November 1619) by certain of the more affluent inhabitants of the Jews' Town to friends and relatives in Vienna and Nikolsburg. Some are written in Yiddish, some in Hebrew. *En route* the bundle was seized from the courier and the letters never reached the people they were sent to. Löb Sarel Gutmans, a Prague merchant, was the organizer of this service but it was haphazard and ad hoc.

R. Yomtov Lippmann Heller writes to his sister-in-law Edel, widow of Salomon Malke in Vienna, who is arranging the betrothal of one of Heller's daughters (aged nine at the time); would a dowry of 800 florins rather than of 1000, be acceptable, Heller enquires? This would be without prejudice to the matchmaker's commission, he adds. (Heller was not a poor man, but since he had five daughters to marry off his concern is understandable.)

There is news of the betrothal of a son of the eminent Polish scholar and rabbi, R. Joel Sirkes (*‘the Bakh’*); of a circumcision ceremony held in the Meyzel synagogue, with R. Isaiah Horovitz acting as *sandek* (‘godfather’). There is an appeal from the Prague communal scribe in the name of the *kehillah* for help in efforts to ransom a Jew taken prisoner in Moravia; much anxiety is voiced at the news of destruction in Nikolsburg; a pawnbroker reproves his married son in Vienna for neglecting his scholarly duties through excessive involvement in the financial activities of his father-in-law; a Prague doctor writes that he is in such demand from Jewish and Christian patients that he has had to buy a horse to make his rounds; many of the women correspondents are preoccupied with their fur coats, veils, wimples and lacework, but two make mention of the capture of Nördlingen by Duke Maximilian of Bavaria (1573–1651), and the coronation of the Winter-King, ‘the Heidelberger’, and his queen, respectively on Monday 28 Heshvan and on Thursday 1 Kislev.²¹

Into the private–public world of these letters the Thirty Years’ War violently intruded. But in Prague, Bohemia and Moravia it did not, on the whole, interrupt the consolidation of Jewish life and settlement that had, albeit fitfully, been in progress since the late sixteenth century. In certain respects it may well have accelerated the process. Normally, every *kehillah* had a bias in favour of the status quo. Here, in Prague, as nowhere else, sympathy for the empire abounded and this would have been reinforced by the pillaging of the Jews’ Town that accompanied the early victory of the Bohemian rebels in 1619 and the ‘loans’ extorted by the new rulers. The community hailed with enthusiasm Emperor Ferdinand’s victory at the battle of the White Mountain in 1620, and the reconquest of Prague, all the more so as the Jewish quarter of the city enjoyed effective imperial protection from the marauding soldiery. R. Lippmann Heller composed a number of penitential poems in thanksgiving and the community instituted a special festival of celebration, the Purim of Prague.²²

Jacob Bassevi, the financier, had reasons of his own for welcoming the victory. In the early 1620s he entered into a syndicate with Karl v. Lichtenstein, governor of Bohemia; Wallenstein, the imperial general; and Hans de Witte, the Calvinist banker from the Netherlands, to lease the mint and provide currency for the Habsburg war effort. This in fact took the form of the debasement of the silver content of the florin. Bassevi’s role was determined by his control over the operations of the Bohemian silver mines. In the heyday of the consortium, Bassevi’s weekly income is estimated at 4000–6000 florins. But already in the early 1630s his position started to weaken. He enjoyed, however, the continuing protection of Wallenstein, on whose estate at Gitschin he took refuge in 1632. Bassevi died in 1634, shortly after Wallenstein’s assassination.²³

Like Meyzel before him, Bassevi was also the leading elder of Prague Jewry, and through his career, however chequered, was instrumental in enlarging

the area of the Jews' Town. He not only was the recipient of adjacent houses by way of gift from Lichtenstein but on his own account also made purchases; he bought a house from the officers of the diocese of the Holy Cross at a cost of 5850 schilling. Two brothers, the rabbis Löbl and Markus Pecz, bought a house for 2750 schilling. The cheapest house cost Mauschl Löbl Konirz 200 schilling.²⁴

During the years of war Prague Jewry did not benefit only through an extension of its living space but also economically. Jews were now permitted to travel and trade without hindrance throughout all Bohemia in all legitimate goods; and to attend, on the same footing as Christian traders, all public annual and weekly markets; were required to pay no higher tolls and taxes; and were free to acquire and to exercise any craft. An imperial privilege of 1623 also went some way towards rectifying the legal disabilities suffered by the members of Prague Jewry, inter alia, decreeing that only those persons who had incurred debts should be liable to arrest, that the Jews, their elders and judges should not collectively suffer should a Jewish malefactor escape punishment through flight, that to Jewish evidence in court be given the same weight as to Christian. The Jews fared better than the Protestants, who were expelled in their hundreds of thousands. In fact the community won permission to erect over its council chamber a tower crowned with a small belfry that summoned the elders to their sessions. This betokened some degree of stability and even acceptance.

In April 1623 the Jews of Prague mounted a spectacular display to welcome Ferdinand II on his visit to the reconquered city: three young girls, playing violin, lute and guitar, led a solemn parade of Jews garbed in their Sabbath finery. There followed the Jewish butchers, dressed in white, bearing two flagpoles each of which supported two small boys. The rabbi followed, carrying a Scroll of the Law. Behind him a group of Jews held aloft a canopy (*huppah*) sheltering a tablet of the Ten Commandments. Jewish schoolchildren sang psalms; one carried a silver plate, inscribed in letters of gold with an address of homage to the emperor. The procession halted from time to time, to enable one of the elders to read the address (in German).²⁵ The emperor confirmed the existing rights and privileges of the Jews and in 1625 and 1626 this was repeated.

The relaxation of political pressure had to be paid for, at a time moreover when traders were cut off from the fairs at Leipzig, Linz, Passau and Freistadt. In July 1623 the elders were first required to negotiate with the Bohemian Chamber over a demand for 50 000 Reichsthaler as a contribution to the war effort. After a prolonged and intense debate they managed to knock this down to 30 000. Shortly afterwards, in 1627, the Jewish quid pro quo for the concessions contained in the imperial privilege of 1623 and after was agreed at an annual contribution of 40 000 florins. It is generally agreed that in their taxation policy Ferdinands II and III were not overbearing or exacting or unfair. This does not take into account taxes levied by the local Bohemian

authorities which at times more than doubled this total to 82 000 florins annually; also it does not take into account indirect taxes (on wine, grain, timber and so on), or head and house taxes. In the first Jews and Christians were treated equally but the head tax levied on Jews was four times that on Christians. Taxes sometimes took the form of deliveries in kind, for example meat, oats and corn or, as in 1645, equipping 500 soldiers with shirts and shoes.

In the early 1630s even the Chamber must agree that the community was suffering poverty and hardship, that its contributions were paid by certain wealthy members, that the community itself was burdened by debts of 120 000 florins.²⁶ This situation had political consequences to which the differential distribution of the tax burden significantly contributed, for an arbitrary limit turned differentiation into inequality. Fixed assets (*Vermögen*) and sums employed in trade and credit were both taxed at the rate of 1 dinar per 100 florins, but no further tax was levied on trade and credit once the sum due reached 4 dinars. Similarly, if the tax on fixed assets reached 6 dinars, then the taxpayer was also not liable to pay any further tax. Thus it was possible for a wealthy man to pay less than someone less well endowed, for example a person owning assets of 500 florins and liquid sums of 10 000 paid 5 dinars on the first and the fixed limit of 4 dinars on the second, 9 dinars in all. But a man with 600 florins in assets and also 10 000 florins employed in credit paid 6 dinars altogether, for these 6 dinars already brought him to the limit of his fiscal obligations. By the end of the war, poverty made it necessary to reduce the tax levels required to qualify for the franchise.²⁷

During the years 1619–36 no less than four rabbis held the post of chief rabbinate in Prague – this is a sure guide to the degree of disturbance. An early victim was R. Moses b. Isaiah Menahem (in office 1621–3). His enemies apparently denounced him to the authorities on account of supposed irregularities in his residential permit and he left Prague to become chief rabbi in Posen. The most distressing fate overtook the very distinguished R. Yomtov Lippman Heller, the author of a classic commentary on the Mishnah. Born in Wallerstein (Bavaria) in 1578, Heller later studied at Friedberg in Hesse before entering on a long period of service as rabbinical assessor in Prague (1596–1624). Following short-term posts in Nikolsburg and Vienna, where his communal statutes and ordinances were of more than local importance, Heller returned to Prague in 1627 as chief rabbi and as head of the yeshivah. He also partook of the traditional Prague interest in astronomy and to a lesser degree the natural sciences.²⁸ In the absence of a central Jewish government, Heller actively tried to use the authority of the Prague *kehillah* as a substitute for such a government, specifically in order to mediate in conflicts elsewhere. In 1627 he wrote to the leaders in Glogau (Silesia) on behalf of a certain Yudel, aggrieved at his treatment by those leaders. Heller summoned them to attend a court either in Posen or Prague,

on pain of *herem* if they refused. Prague he preferred, because the emperor had made Prague supreme over Silesia in tax matters and it was in any case the seat of the 'major rabbinic court'.²⁹ The next year Heller intervened in a protracted confrontation in Frankfurt between the so-called *Hevruta*, an oligarchy of self-perpetuating ruling families, and those who espoused a broader-based government. This dispute drew in not only the extremely influential Council of the Four Lands in Poland but also the emperor and the Frankfurt town council. Heller summoned the Frankfurt community to send two plenipotentiaries to Prague, again on threat of a general *herem*; also to no avail. His attempt to assert the supremacy of Prague was thwarted.³⁰

Heller was at risk from local enemies. The rabbi who exalted imperial power fell victim to that very power, though machinations within the Jewish camp certainly set the wheels of imperial justice in motion.³¹ Heller's central position in the *kehillah* but also his function as chairman of the commission required to apportion the tax due to the emperor of 40 000 florins made him highly vulnerable and exposed, all the more because of his closeness to Bassevi, one of whose sons had married one of Heller's five daughters. In the spring of 1629 aggrieved persons had already complained to Emperor Ferdinand of inequality in the imposition of the tax burden, to which the emperor replied with a stern reproof for the elders, coupled with a warning against the use of the *herem* and threats of imprisonment to intimidate the complainants. A few weeks later Heller was arrested, his enemies denouncing him to the authorities for writings that allegedly blasphemed Christianity. Heller himself attributed the attack to the financial stress in repaying loans that the community had contracted at high rates of interest in order to pay its taxes. 'When the pitcher lacks barley, strife knocks at the door' – Heller quotes this Talmudic adage (Baba Metziah 59a) as a source of communal dissension. Heller was first taken to Vienna and imprisoned in the company of criminals on capital charges. Soon he was taken to another prison in the Jewish shopkeepers' quarter where local communal leaders could visit him. This was the prelude to hostile questioning: 'How could he praise the Talmud, when Popes had already ordered its burning?' one interrogator asked. Eventually rabbinical intercession secured Heller's release, on staggered payment of a ransom of 10 000 gulden – 2000 at once, 1000 after six weeks and the rest in installments of 1500 gulden. Donors, guarantors and Heller himself jointly provided these sums and in 1629 after an imprisonment of 40 days Heller returned to Prague, on the eve of the Day of Atonement. He passed the remainder of his rabbinical career in Nemirov (Grodno), Włodzimierz (Volhynia) and Cracow. In Volhynia, Heller made himself unpopular through his opposition to the sale of rabbinical posts.³²

By coincidence or otherwise 'the Heller affair' preceded an intensified programme of conversion. Judaism remained a permitted religion, as distinct from all other non-Catholic religions after 1627.³³ But Jewish practice still had to confront attempts at its suppression, in the immediate sequel to

Heller's arrest and departure. At the initiative of Cardinal Khlesl of Vienna in 1630, the Jews of Vienna and Prague had to attend compulsory conversionist sermons, on penalty of a fine of one Reichsthaler if absent. Those in Prague were delivered in German, by arrangement with the Archbishop of Prague Cardinal Horrhach, in the church of Our Lady. The Jesuit preacher gave his sermons, during which the Jews were forbidden to sleep or chat, on the (Jewish) Sabbath. This choice only reinforced the Jews' opposition. Rabbi Pinchas Horovitz, a former colleague of Heller, put himself at the head of the resistance and 'as the outstanding ringleader of the present-day disruption' was arrested and interrogated before a special commission. During this period also the Jewish printing presses were closed down (1630–3) and the Talmud once again became an object of suspicion.³⁴ Religious disputes were recurrent; for example, in 1646 the elders must petition the archbishop to silence the preacher of Sankt-Galli whose sermons were inciting the populace against the Jews. Genuine conflicts of interest existed; for example, not only did the guild of Jewish butchers compete with the Christian but its members also sold meat during Lent; there were Jewish musicians who not only played during Lent but were also sometimes engaged to play at Christian festivities (marriages, baptisms). On the other hand, in 1632 when Prague fell to the Saxon invaders the document of capitulation (article 6) provided for the security of the Jewish quarter.

By no means did the departure of Heller put an end to communal dissension. At one time three parties contended for power: first, the Bassevi party which, second, an opposing party accused of fraud and corruption, and third, a party of neutrals. But the emperor dissolved the 'neutralists'. The ruling, Bassevi party, used the weapon of *herem* against its opponents so much so that the Bohemian Chamber made this practice punishable by a fine of 1000 ducats. Bassevi's death in 1634 intensified distrust and enmity when his heirs accused the elders, especially Löbl Brandeis, of dishonest administration of the estate. In 1635 the emperor imposed on the community a new constitution and a new electoral procedure that called for elections only once every three years; electoral rights were made dependent on taxable capacity and three categories of electors created. These formed an electoral college of 200 persons from whom the council of some 20 members eventually emerged by way of a complex and indirect system of election. In the later 1640s voting was made compulsory and a secret ballot introduced using stamped and certified voting papers. The franchise was also enlarged to include those members whose taxable capacity had hitherto been too low to qualify them to vote; it was now argued that this might result in the tenure of certain offices by illiterate persons unable to read or write. In the community no one was unable to read or write, came the riposte.³⁵ In 1648, in the final stages of the war, 22 Jews were killed and 30 wounded in defending the city from the besieging Swedes, under Königsmarck. The Jews also dug trenches along the White Mountain, a participant recalls, and these were known as 'the Jews' rampart' (*Judenschanze*).³⁶

Elsewhere in Bohemia and Moravia the Jews enjoyed ‘a sort of respite for recuperation’ (*Erholungspause*), partly because Protestants were seen as the more dangerous enemy, taking priority over the Jews.³⁷ In the 1620s, in return for annual contributions of 40 000 gulden (Bohemia) and 12 000 (Moravia), the emperor granted provincial Jewries exemption from all other taxes and tributes, and access to open markets (whether weekly or annual) in the royal and other towns; nor were the Jews required to pay tolls on duties in excess of what Christians paid; in their business affairs and conduct they were not to be ‘hindered, disturbed or attacked’ or their goods interfered with. Ferdinand III confirmed these privileges and instructed the authorities to extend their protection to Jewish traders in the royal towns.³⁸

These privileges obviously did not safeguard the Jews from the general hardships and destruction of wartime, especially the sufferings inflicted by the Swedes after their victory over the imperial forces at Leipzig in 1642. Centres such as Brünn, Prossnitz, Holleschau, Leipnik and Kremsier were among the worst afflicted. At the war’s end in 1648 the number of inhabited Jewish houses in Moravia was only somewhat more than double the number of those abandoned – 773 against 341.³⁹

The fluctuating but generally favourable circumstances of war had parallels beyond Prague, Bohemia and Moravia. Conditions in the Upper Dukedom (Obergrafschaft) of Darmstadt indicate the improved economic situation in the early years of the war. The Jewish population increased from 26 families in 1619 to 30 in 1621. The intensified burden of taxes that the Jews were able to bear points in the same sense, as do certain data from Jewish socio-religious life. In 1623, according to Darmstadt municipal records, at the house of Hayyim guests at a wedding feast consumed almost 400 litres of wine; a circumcision at the son-in-law of Löw was celebrated with 80 litres.⁴⁰ In 1626 and the years immediately after, the new ruler, George II, who fostered an explicitly anti-Jewish policy, was unable to expel the Jews as he had resolved. He had to content himself with prohibiting Jewish trade in hides and skins and the engagement by Jewish employers of Christian workers. A new *Judenordnung* in 1629 inter alia reduced the permitted rates of interest, reintroduced the censorship of Hebrew literature and limited Jewish cattle-slaughterers to providing only for the needs of the Jewish community. In the middle 1630s the situation worsened in consequence of the billeting, burning, famine and plague that followed the defeat of the Swedish troops at Nördlingen. In 1635, 2200 people are said to have succumbed to bubonic plague in Darmstadt alone. Hence the dispersion of Jews to countryside and villages. This did not necessarily entail financial hardship, for the register of losses in cash and goods submitted by certain Jewish traders after the quartering of Franco-Swedish troops in 1645 exceeded those of the average merchant. Manasse, after the war, when the state stood in need of capital for reconstruction, claimed equality of rights in the market with other merchants, since he bore the same burdens.

Manasse enjoyed the sympathy of the authorities but failed to make good his demand.⁴¹

The years of war did not interrupt the process of resettlement, though this process was erratic and haphazard, in accordance with the incidence of epidemics and campaigns. In the province of Paderborn, in Westphalia, ruled by a prince bishop, some dozen localities supported 67 families. Warburg, in 1646 the largest community in Paderborn, sheltered 15 families and by the end of the war about 30. Here was the seat of the provincial rabbi, first mentioned in 1619. By 1628 these communities had organized themselves into some sort of federation which was fully functioning by mid-century. The four families admitted to Altona in 1611 grew to 30 by 1622 but dwindled to 10 in 1639. In Hohenems in 1617, 12 Jewish families from Rheineck were given permission to settle; in 1593 one Jewish family settled in Gunzenhausen, in Franconia, consisting of the family head, two married and two unmarried sons, a son-in-law, a teacher, together with children and servants; the *Judengasse* in Hanau in 1603 housed some 10 families who formed a total of 159 persons by 1607. These totals are not quite so limited as they appear, the family unit being better understood as a household. A tally of the 63 Jews made at Kitzingen, near Würzburg, in 1641 shows that one household consisted of husband, wife, three children, a brother, a manservant and a maidservant, eight persons in all. Only the schoolteacher and cantor lacked servants, their households in each case being limited to husband, wife and two children. During the war, Jews (horse-dealers in the main) returned to Durlach whence they had formerly been intermittently banned. At Emmerich, in the Duchy of Cleves, the number of Jews increased to the extent that in 1629 they acquired the ground for a cemetery; likewise in Wesel. Gumpert Salamon, founding father of a family of court Jews, had his base in Emmerich.⁴² To the east, in the duchy of Pomerania Jewish peddlers and dealers took the place of their Scottish forerunners in bringing consumption goods to the isolated villages and estates of the area. The Scots either withdrew from the countryside during the war years or conducted their affairs from the suburbs of Danzig. The peddlers also bought village products; in the later seventeenth century this interchange evolved into the *Verlag* system whereby the *Verleger* supplied to the village weavers raw wool – the principal product of the duchy – for conversion into the finished garment, normally uniforms for the military. The predominance of Jews in this trade later brought restriction on their activity, instigated by the cloth-makers' guild in Stargard and elsewhere. In Posen growing economic difficulties led to intervention by the community elders with the Polish king and the local duke to secure the reduction or remission of taxes due for the years of 'the tumult of war'.⁴³

Further south, at Breslau, on at least two occasions, the emperor intervened on behalf of the Jewish traders at the fair. The first time followed a protest to Ferdinand II by Israel Benedikt, leader of Silesian Jewry and

founder of the community at Glogau; he appealed to the emperor, in reliance on 'recorded old tradition', against a projected expulsion of the Jewish merchants who remained in Breslau for trading purposes beyond the prescribed duration of the fair. The immediate sequel is unclear but in 1627 an imperial privilege granted Bohemian and Silesian Jews equality of status with Christians, including the payment of customs duties. In 1635 when the imperial authorities again intervened on the Jews' behalf it was to require that the Jews be permitted to remain in Breslau for 14 days before and after each of the four annual fairs, and to this the council agreed.⁴⁴

On the fringes of communal life, a young man born in Fulda c.1609 spent most of the years of war wandering with his wife and young son in the area of Wenings, Friedberg, Hanau and Bingen. He earned a precarious living as teacher. Wryly the young man comments: 'Teaching is certainly a holy occupation; yet God spares such occupation to him whom He will favour, especially if that man has a wife and children.' As Rabbi Judah Mehler Reutlingen the young man spent the last fifteen years of his life in Bingen as communal rabbi. He died in 1659.⁴⁵

In Alsace and Metz the demographic revolution was perhaps most remarkable. The expulsions from Mulhouse, Obernai, Saverne and so on in the fifteenth and early sixteenth centuries were followed by the resettlement of small groups of 2–3 families in areas where they had no legal basis.⁴⁶ By mid-century these had reached a total of 100–115 in Upper and Lower Alsace. Renewed expulsions later in the century from Austrian Upper Alsace will certainly have reduced this total. Only with the onset of war was growth renewed, with, for example, new or enlarged settlements in Haguenau, Mulhouse, Westhoffen and Obernai. Whereas, at the beginning of the century, the number of Jews in Alsace was reasonably estimated at less than 1 000, this had increased to something between 1 500 and 2 000 by 1637.⁴⁷ The newcomers were no doubt peddlers and small moneylenders. On the other side of the Rhine, trading in the booty from sacked towns and the debris of the battlefield offered the chance of livelihood and profit. Grimmelshausen, in his satirico-picaresque novel of the war, *Simplicissimus*, refers to such Jews, and also to Jewish horse-dealers.⁴⁸ West of the Rhine these opportunities can be reasonably supposed to have been no less attractive.

A bilingual literary work in Hebrew and Yiddish originating in the lower Moselle district in the early years of the Thirty Years' War gives some idea of the social tension inside the *kehillot*. This is the *Sefer Massah u-Merivah* of Alexander b. Isaac Pappenhofen. This contains a debate between a rich Jew and a poor Jew. Underlying the debate, despite the opposition between the two (exaggerated for dramatic purposes), is wealth, and the question posed is not whether wealth or poverty is better, but whether wealth is good or bad. Wealth is not condemned and poverty is not praised. The rich Jew is self-assertive to the point of arrogance and accustomed to rule. The poor Jew is humble. The rich Jew has gained his wealth from moneylending and trade – 'his money

earns good interest'. He deals in jewellery, precious stones, spices, unredeemed pledges. When he travels it may be on horseback and he is perhaps armed. The poor peddler goes on foot, staff in hand, pack on back. He lives on dry bread and a hardboiled egg. The rich man tells the poor man, 'Without money there's no living – you cannot give your sister or daughter in marriage.' Also, it is his very wealth that enables the rich Jew to fulfil many of the commandments. 'Without my money and my intercession', he tells the poor Jew, 'you would have nowhere to live. None of the taxes that I pay do you pay'. The rich Jew has the power of wealth to annul 'evil decrees' and to ransom prisoners. His philanthropy extends to the provision of dowries for the girls of poor families, facilities for study and relief for the poor of the Promised Land. The poor Jew is dependent on the wealthy Jew for his livelihood as servant or employee. The rich man sees himself as generous and open-handed. To the poor man he is a tightfisted money-grubber who will even shut his door in the poor man's face. The rich man complains that business is bad and money short; but to the poor Jew what is short is charity and kindness.⁴⁹

In Metz in 1595 there were no more than 25 families (c.120 persons). By 1637 there were 85 families, comprising 349 individuals. In 1617 Metz was already considered important enough for its rabbi to join with colleagues from Hildesheim and Fulda in mediating between contending parties in Frankfurt am Main.⁵⁰

Vienna would seem to have thrived most, from and during the years of war. In this period of 'the second ghetto' – 1625–70 – Vienna prospered in terms of scholarly repute and numbers. The Jews, not without stress and friction, established themselves amid a bitterly hostile population, a church fired with the anti-Jewish animus of the Counter-Reformation and the unreliable policy of the Habsburg rulers. Substantial payments, both regular and extraordinary, were a condition of this success. At the end of the sixteenth century the community apparently consisted of 31 families which in fact an expulsion of 1601 reduced to 12, when the community failed to make good a loan of 20 000–30 000 florins to meet the costs of war. The community had two 'synagogues' (what form they took is unknown) and a burial ground with some sort of permanent structure attached. The earliest grave dates from 1582. The members of this community enjoyed the status of *Hofbefeiter*, that is to say, they and their households were free from all local taxes and from duties on goods supplied to the emperor, also from the compulsion to wear the Jews' badge (a yellow circle on the left side); they could move freely wherever the emperor established his residence, and were subject only to the jurisdiction of the marshall of the court. The elders, led by Veit Munk in the early 1600s, without any rabbinical support, resolved internal disputes. This last was an extremely important provision, for it protected the *Hofbefreite* Jews from the jurisdiction of the Vienna magistrates or the governor of Lower Austria.

These Jews operated as retailers, selling from open shops. Their goods included fruit and wine. They also functioned as pawnbrokers with the right

to sell unredeemed pledges after a year and a day (though this right had apparently to be negotiated separately). Other Jews made it their business to supply the mint with precious metals. The community also included servants in the households of the *Hofbefreite* Jews and an unknown and varying number of 'foreign' Jews – that is, those lacking residential rights.

None of this favoured status came cheap and the price took the form of extortionate taxation and forced loans. This did not diminish the attraction of Vienna, and by the early seventeenth century the number of household establishments had risen to about 40. The circumstances of war enhanced the importance of Viennese Jewry vis-à-vis the crown and its finances. This refers in particular to their role as sources of forced loans, suppliers to the army and operators of the mints, although it is not possible to be precise. There were forced loans of 10 000 florins in 1619 and of 17 000 florins in 1620.⁵¹

This relationship gave the Jewish leadership the leverage to secure important concessions from the new emperor, Ferdinand II. His accession in 1619 almost coincided with the outbreak of war in 1618, and its intense demand for finance. This weakness no doubt accounted for the alacrity with which the emperor reacted to Jewish complaints of maltreatment by soldiers. He instructed the Viennese magistracy to ensure that Jews were not 'molested' in the streets of Vienna. The Jews successfully requested the confirmation of their privileges (1622). Their petition for the same commercial status as that enjoyed by Christian court-purveyors also succeeded. This provided for protection from arbitrary arrest, freedom from collective liability for the misdeeds of individuals, exemption from billeting troops, and permission to establish a synagogue, as formerly granted to Veit Munk in 1603. In agreeing to this petition the emperor granted permission to the elders to appoint 'an impartial rabbi, cantor, *Vorsinger*, *Schulklopper* and butcher'.⁵² (Why would the rabbi need to be 'impartial'? Because of the part he took in apportioning the tax burden.) Jewish protests induced the emperor also to silence the anti-Jewish sermons of a Catholic preacher in Hanau.⁵³ Jacob Bassevi in Prague was among the Dutch and Italian bankers who came to rescue the empire in 1623 from the declaration of partial bankruptcy accelerated by a weak currency and inflation. He took a mediatory part in securing for Viennese Jewry its new and enlarged privileges.

To wide sections of Viennese society – the populace, clergy and magistracy – the notion of a synagogue was abhorrent. The call was again raised for an expulsion of the Jews. This did not happen for the time being – on the contrary, in 1624 the designation of a special area in Vienna for Jewish residence actually strengthened their position. This development corresponded to, and reconciled, contradictory impulses among the Christian and Jewish populations of the city, respectively. To the first, if the expulsion of the Jews was for the moment unattainable, then at least let them be segregated, *faute de mieux*. To the Jews however, a segregated area offered enhanced security and in this very context Viennese Jewry sought its safeguard. At the end of 1624,

Ferdinand gave his approval and issued a patent specifying the area known as the 'Untere Werd' – later renamed Leopoldstadt – for Jewish residence. In his autobiographical memoir, *Megilat Eiva*, R. Yomtov Lippmann Heller, rabbi of the community and its senior judge from 1625 to 1626, exalted the emperor and enthusiastically welcomed the innovation: 'For then [the Jews] became united in one community ... formerly they lived among strangers, each one for himself, they were not as one assembly until our master, the emperor – may his glory be raised on high – gave them a special place outside the city, and a fine synagogue was built and the place met all the needs of the community and of the Jews.' This ghetto was unusual, but not unique, in also including a prison among its buildings – for the punishment of transgressors.⁵⁴ Stabling was provided for the horses that were dealt in.

The patent establishing the ghetto was indeed generous for the Jews thereby secured freedom from taxes and dues to the Vienna magistracy, beyond those that Christian residents of the Untere Werd would have paid; the Jews in civil and criminal cases involving Christians remained subject to the authority of the *Hofmarschall*, but they must not shelter any *unbefreite* or 'foreign' Jews; they enjoyed the right to move unhindered in and out of Vienna, without the obligation to wear the Jew's badge; their religious freedom extended not only to the practice of all 'ceremonies' with attendant personnel but also to the right to maintain an abattoir and ritual bath and to elect their 'judges'; at all times and not only at time of war they were exempt from any obligation to billet (*Einlosen*) troops, mounted or on foot; lastly, the emperor commanded all ecclesiastical and secular authorities in no way to hinder the Jews in the exercise of their freedoms granted by the patent. Early in 1625 before actually taking up residence in the Untere Werd the Jews secured further concessions that included the right to trade at weekly and annual fairs, to maintain open shops and stalls in the inner city, and to work as tailors and furriers for the needs of the community. The ghetto was primarily a residential area, for the shops and storehouses of its dwellers continued to be in the city. The ghetto traders rented these from the Christian owners of the premises. The Jews had to return at night to the Untere Werd. Obviously, the concession embodied in the provision for a ghetto – especially when the emperor extended the area both for residence and trading – had to be paid for. Hardly, in February 1625, had these concessions been made than the bill came in June with a demand for 10 000 florins in 'voluntary aid'. In October 1626 came a further demand for 2 000 florins outstanding and an additional sum of 5 000–6 000.⁵⁵

The Jews had not only to meet these financial demands but also to withstand ecclesiastical pressure. In 1630, in partial satisfaction of Cardinal Khlesl's demand for their expulsion, the emperor ordered the Jews to attend conversionist sermons every Sabbath afternoon. Two hundred Jews had to attend, of whom one-third must be women and one-fifth children of both sexes. The Jews had recourse to passive resistance, that is, dozing off during

the sermon.⁵⁶ In 1637, on the accession of the new emperor, Ferdinand III, the Viennese town council and burghers renewed their appeal for the expulsion of the Jews. A comprehensive petition accused the Jews of ruining the country, monopolizing trade, intercepting visiting merchants before Christians had a chance to deal, building a 'new Jerusalem' in Vienna, practising usury, debasing the currency, spreading infection through their unhygienic congestion and old-clothes dealing, evading taxes, and blaspheming the Saviour Jesus Christ and the Virgin Mary.⁵⁷

For the time being these pleas went unheeded. Vienna during the years of war continued to attract Jewish traders; and the community prospered to the extent that its wealthier members (belonging to between two and eight families) supported a synagogue, Beth HaMidrash, hospital and a range of fraternities. By 1669 the ghetto comprised 120 houses and about 2000 persons.⁵⁸ Settlement in Vienna, Metz and Alsace paralleled that in Livorno, Hamburg and Amsterdam.

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