

Deodand and the Evolution of European Antisemitism

The modern Jewish Zionist movement arose within the Ashkenazi population of Northern Europe in response to the intensifying level of antisemitism that emerged in the late nineteenth century. Darwinian racial science, which was then sweeping across the intellectual class, had markedly enhanced the lethal threat of traditional antisemitism. Crucial to understanding the present day dynamics is the examination of how the institution of antisemitism has evolved from the time when it developed in medieval Northern Europe. To provide general insight into this challenge, consider the early medieval Anglo-Saxon institution of the *deodand* (Hockstad, 2022). Writings on English law from the High Middle Ages describe an organized criminal trial process by which an inanimate instrument was tried and convicted for having killed a person. ‘Enlightened’ critics have long lampooned the ludicrousness of this “People don’t kill people, swords kill people” logic. In those later times, the offending carriage wheel or timber plank would be sold and the proceeds either given to the king or dispersed as charity. However, in earlier times when neither the King’s Law nor Church Law ruled supreme, more politically challenging circumstances were likely adjudicated by a similar process. In such a case, a ‘guilty’ sword might be ‘tried’ and ceremonially ‘executed’ by burial or destruction.

A crucial step in the process of establishing the feudal system during the early medieval period was the disarming and subjugation of the local population by a network of gang leaders. Our word ‘lord’ comes from the Old English term for such a gang leader (Bloch, 1961, p. 182). In the subsequent evolution of the manor lord system of justice, what was to be done when the lord’s irresponsible son crassly murdered a peasant who belonged to the lord’s manor? A just punishment would be unacceptable to the lord, but his offering no accountability would be asking for a revolt within his manor. The process of trying and convicting the ‘guilty’ sword implicitly acknowledged the person responsible while the local populace was provided a process by which to publicly vent their anger. The tale of the *deodand* sword is hardly the only circumstance in which the ruling class has needed to redirect the pent up anger of the exploited populace toward an expendable target. Even when the populace does not fully believe in the culpability of that target, they know the cost of directing their anger at the lord.

A substantial number of Jews had migrated to Italy and nearby regions of Southern Europe well before the principal diaspora was set into motion by the Jewish-Roman Wars (66-135 CE) (Benbassa, 1999, p. 3). Julius Caesar granted to the Jews a specific charter of liberties that was then later confirmed by Augustus. The subsequent Jewish Revolts in Israel did not elicit retribution against the Jews in Western Europe (Benbassa, 1999, p. 3). Into the early stages of the medieval period of Western Europe, the Jewish population largely remained in Southern Europe. The modest number of Jews who had moved northward into the region of modern day central France were expelled by Merovingian King Dagobert in the early seventh century (Benbassa, 1999, p. 7). During the next century, Jews again began to migrate northward. Notably, at the end of that century, Emperor Charlemagne created the ‘King’s Jews’ by declaring that all Jews within his lands were personally attached “to our chamber” which secured them from the feudal claims of lesser lords (Benbassa, 1999, p. 13). While Charlemagne’s rule extended southward across essentially all of modern day France and much of northern Italy, with the decline in imperial authority during the decades following his death, the economic distinctions between Northern and Southern Europe notably shaped the political course of those two regions. More particularly, these distinct economies fundamentally shaped the process by which Northern European antisemitism evolved.

The end of the fifth century until well into the eighth century marks the classic ‘Dark Ages’. During this time, the virtual absence of available coinage caused most economic exchange north of the Alps to be carried out by barter, ‘gift’, or command. In a new political order where the land to raise war horses became the basis of power, Charlemagne, his father Pepin, and grandfather Charles Martel brought an end to the ‘Dark Ages’ in formalizing a feudal system based upon the king claiming ownership of most all productive lands and then transferring feudal rights for those lands to their noble vassals in exchange for military service. The great majority of the population was reduced to being serfs bound to the land on which they lived. Initially in practical terms and eventually in formal law, Jews were excluded from possessing and working land in Northern Europe. The limited long range trade that occurred within early medieval Northern Europe was largely conducted by merchants who directly acted as agents of the king since only he could provide a semblance of projected protection for those merchants carrying goods to and beyond the formal boundary of his military control. This created an excellent opportunity for the king to apply ‘his’ Jews. Not only did the Jews exist as politically distinct from both noble and serf, the communication networks among the various dispersed Jewish communities and the strong social strictures of their society enabled the formation of long range business agreements for which formal enforcement was often otherwise infeasible.

The political situation became more complex with the collapse of the Carolingian Empire and the rise of the politically fragmented feudal world where every nobleman of importance could expect to claim his own Jews. Although surely a time of considerable insecurity, the presence of numerous noblemen wishing to claim their own Jews created something of a political market. By having their obligations to their feudal lords being manifested in terms of tax payments rather than as a direct claim of ownership over the activities or physical property of the Jews, it became feasible for a Jew to transfer from one lord to another by a transfer of the corresponding tax obligations (Benbassa, 1999, p. 13). As the silver mines of Germany began the long drawn out process of monetizing the economy of Northern Europe, the kings and nobles increasingly turned to their Jews to fill the role of financial agent, although the ultimate narrowing to their role to that of moneylender progressed rather slowly (Benbassa, 1999, pp. 12,32).

England provides the crucial exception to the otherwise comparatively slow transition to Jews being cast into the role of moneylenders. Previous to the conquest of England in 1066 by the Normans from France, the Anglo-Saxon kings had been exceptionally successful at imposing a uniform silver coinage and forbidding the use of any other currency for trade within England (Spufford, 1988, pp. 90-94). As with other coinage-poor economies, the value of that coinage was fundamentally driven by the king's demand that taxes be paid in coinage. Since only the English king's mints issued coinage, the king had control over the number of coins issued which he could regulate by adjusting the fee that he charged for converting a private individual's silver into coin. This created an economy where the king could buy cheap while the rest of the domestic market was forced to buy dear. The English financial system drew upon its prolonged favorable foreign exchange balance that was based initially upon the demand for its tin and then for its more commercially significant wool. In sharp contrast to most of the rest of Northern Europe, up until the modern era, the wool trade would provide an essentially continuous net positive trade balance for England to enable its enviable financial strength. William the Conqueror brought his own King's Jews with him into England which had previously lacked a Jewish population (Bolton, 2012, pp. 123-124). As the economic infrastructure of the English wool trade was already well established, King William quickly recast his Jews as royal financial agents.

The primary domestic targets for these Jewish royal financial agents were the secular lords who were rich in land but poor in coin. As such, the King's Jews were in position to loan money to the lords that could be secured by their landholdings being used as collateral. However, debt collection against such powerful individuals would have been entirely implausible if the Jewish moneylender could not call upon the king to enforce the debt contract. Jews in England had two special legal characteristics that made them ideally suited for this job. By Church law, Christians were forbidden to loan money to other Christians for profit (usury). Jews faced no such legal constraint. Secondly, Jews were forbidden to own land. Since control of land was the defining basis for military/political power in the medieval feudal world, the moneylending Jews would thus be blocked from converting their coinage into a basis for independent political power. As a result, these medieval debt foreclosures required a rather circuitous process. The debtor lord would 'donate' his collateral land to a monastery or bishopric which, in turn, would 'grant' the corresponding money payment to the Jewish moneylender. The last leg of the process was then accomplished by the king periodically requesting 'gifts' from his Jews. As the king oversaw the drafting and storage of these debt contracts, he was well positioned to understand the magnitude of 'gift' his Jewish moneylender could provide. While a mutually acceptable agreement between the king and his Jew would help keep this business model rolling, the defaulting noble debtor would rarely be so satisfied. With no competitive land market to provide a basis for establishing a fair price, the coinage-poor nobles were consistently exploited. Their resultant animosity would be primarily focused upon the Jewish moneylender, while the king stood off at arm's length.

Up until their conquest by the Frankish armies of Paris at the beginning of the thirteenth century, the two principal districts of what would become southern France, then known as Provence and Languedoc, formed the most economically advanced region in the future country of France. This region was culturally intertwined with Barcelona and the Catalan region of eastern Spain and with the port cities of northwestern Italy. A key aspect of this southern region was that up until the end of the thirteenth century, Jews were engaged in a wide range of economic activities (Benbassa, 1999, pp. 32-33), similar to what had been the case during Roman times for the Jews of Southern Europe (Benbassa, 1999, p. 3). In Languedoc, Jews tilled land, held their land and houses in feudal fief, and traded in grain. They also held public administrative offices. In Marseilles, both Jewish men and women worked as brokers and auctioneers as well as in maritime commerce. As both traders and artisans, Jews established a commercial monopoly on the substantial industry of art made from the local coral. In Arles, Jews played a significant role in the local soap manufacturing. This comparatively broad range of economic activities was not exceptional across much of Southern Europe and surely reflected the diversity of skills that these Jews brought with them from Israel where they were drawn from across the local economy. While the opportunity provided from utilizing long range social interactions among distant Jewish communities obviously gave these individuals an advantage in the commercial trade industry of the day, there

was little evidence of the politically-enforced specialization in finance that had come to characterize so much of Jewish economic life in Northern Europe.

In the later years of the medieval period, the market town charter system spread across much of Western Europe. In contrast to the centralized royal authority of England which dominated the process of incorporating town charters, many regions of Western Europe were ruled by secular barons or clerical archbishops who would charter their cities and towns. Particularly along the Rhine River, some cities became 'free' cities in which the powerful merchants set themselves up as the local rulers. In part reflecting their legal status as King's/Noble's Jews, the leaders of a Jewish community were often able to secure within this town charter system what was effectively a subcontracting of this arrangement in which they would pledge a collective obligation for tax payments in exchange for specific liberties being granted to their community within the town (Benbassa, 1999, p. 14). While the Jews of a town or city generally lived within the Jewish quarter, often located near the castle or cathedral, these were not walled ghettos as would appear in later European history (Benbassa, 1999, p. 31). In addition to instituting a mechanism for community-wide economic support, such sub-charters necessitated the formalization of the institutional infrastructure within the Jewish community. In the early years, such organized communities were typically led by committees of seven 'good men', lay persons who served as judges and administrators.

By the twelfth century, the expanding monetization of the Northern European economy had progressed to the stage where it became more efficient to hire one's warriors as needed rather than operating under the various conventional constraints of the feudal system. With the kings' increasing power to control that monetization, their resultant ability to command a more efficient military system helped enable their efforts to establish the royally-led nation-state. The French kings' increasing control over the financial resources of the country served to quite specifically increase their control over the Jewish population that was disproportionately dependent upon that financial market. One manifestation of that consolidation was the systematic suppression of the Jews' earlier ability to transfer their debt obligations between lords (Benbassa, 1999, pp. 15-16). In the late twelfth century, King Philip Augustus imposed the requirement for a royal seal on every loan agreement thus operationally forcing himself into the position of partner in any such transaction (Benbassa, 1999, p. 16). In the mid-thirteenth century, King Louis IX would make clear the declining political standing of the King's Jews by declaring that henceforth Jews would be taxed 'at pleasure'. Furthermore, Jews could no longer offer loans for profit, and the king forbade barons and nobles from helping Jewish moneylenders collect their debts (Benbassa, 1999, pp. 17-18). In 1242, at the prompting of Pope Gregory IX, 'Saint' King Louis IX of France ordered the burning of all books of the Talmud that contradicted Church doctrine (Kavon, 2017).

The introduction of the Holy Land Crusade at the end of the eleventh century fundamentally transformed Western European economics. No financial challenge of the day was more demanding than the problem of funding a long distance war. A multi-year crusade to the Holy Land presented a formidable economic challenge for the self-funded baron or knight. Even the most lowly knight had to arrange to pay for his squire and a minimum of three horses (one to ride along the journey, another to carry supplies, and the third as his war horse which was only ridden into battle). The higher ranking noble had to deal with insuring that not only his own personal military needs but those of his pledged feudal vassals were met. All of this required the accumulation of a large amount of coinage or silver bullion for the trip. It was clearly time to lean upon the Jews to offer up the needed coinage.

Seven centuries earlier, soon after the newly proclaimed official religion of the Roman Empire began its role as the spiritual arm of both God and the Emperor, Archbishop of Constantinople John Chrysostom became the first to preach as official Christian doctrine that the Jews are collectively responsible for the murder of Christ (Hay, 1975, p. 30). That claim of Jewish deicide was resurrected with a vengeance when it came time for the Holy Land crusaders to solicit 'contributions' from the Jews. When the direct requests for 'donations' made by an individual knight or a group of knights proved to be inadequate, provoking the general populace to rise up against the Jews could prove sufficient to loosen the coffers of the Jewish merchants and moneychangers. In other cases, cold-blooded robbery and murder provided a more direct approach. The first recorded major Jewish pogroms in Western Europe occurred shortly after Pope Urban II announced the First Holy Land Crusade in 1095 (Nirenberg, 2002, pp. 279-310). The notorious Blood Libel claim found its origin in England during the funding phase for the Second Holy Land Crusade.

As the level of income for the Roman Church began to markedly increase, starting at the beginning of the thirteenth century the papacy assumed the central role in moneylending for the Crusades. To confront the marketing problem presented by the Church being perceived as engaging in the sin of usury, the papacy introduced the concept of 'opportunity costs' (Spufford, 2002, p. 44). For the Church to invest in loans for funding its holy wars, it would lose the opportunity to advance the will of God by investing in other sacred

endeavors. This concept of lending at a loss was given the Latin name 'interesse'. It should be noted that twentieth century economists fervently congratulated themselves for their 'novel' discovery and analysis of the concept of opportunity costs. As that 'discovery' followed upon centuries of analyzing market processes in terms of interest rates, that claim to intellectual originality depended upon a collective blindness among these economists to the historical meaning of 'interest'. To secure their developing financial monopoly, the papacy declared that Jewish moneylenders could no longer charge profits on the loans that they made to crusaders (Rist, 2015). While Jewish moneylenders might attempt to lay low and avoid offering loans, that approach proved to be largely ineffective as chants rose that the Jews were crippling the holy mission to Jerusalem by hoarding their wealth.

A small set of banks in the Italian cities of Siena (Luzzatto, 1961, pp. 96-97) and Florence (Spufford, 1988, p. 393) initially emerged as the international bankers for the papacy in handling many of the financial aspects of funding the later Holy Land Crusades. As strikingly illustrated by King Edward I of England (Bolton, 2012, p. 156), the European royalty soon recognized that these well-funded Italian banks provided a superior approach to funding their own war efforts. As a result, the already declining industry of royally-sponsored Jewish moneylending largely collapsed. In response, many Jewish moneylenders readjusted their market toward the lower levels of the economy. In part due to the high default rates on such loans, antisemitic hostilities increasingly spread through the society. In 1275, Edward I issued the Statute of the Jewry which, among other restrictions, outlawed their charging of usury. Taking further advantage of the situation, in 1290, Edward I ordered all Jews to leave England, confiscating much of their remaining wealth (Roth, 1964, p. 85).

At the beginning of the thirteenth century, the still ongoing institution of the Papal Inquisition was first founded to assist the Frankish nobles and knights in their violent subjugation of Languedoc in southern France. Pope Innocent III sent the austere Dominic Guzmán to lead his efforts to convert the 'heretical' Cathars of this region back to the true Catholic faith (O'Connor, 1913). Following the murder of the papal legate Peter of Castelnau in 1208, Pope Innocent III called upon French King Phillip II to send his knights down from Paris to blot out this heresy. In furtherance of his exceedingly brutal Albigensian Crusade, Pope Innocent III orchestrated the formation of the Dominican Order around Dominic Guzmán (formally approved by Pope Honorius III in 1217 shortly after Innocent's unexpected death). From that point forward, the papacy assumed a direct responsibility in compelling the proper spiritual conversion among the populations conquered by its crusades. Throughout the century, southern France would remain the central focus of the Papal Inquisition. While eradication of any remnants of Catharism remained a defining mission, Jews became an increasingly relevant target. In 1293, King Philip IV would order the Inquisition in Languedoc to focus exclusively upon prosecuting the Jews who had relapsed from their earlier conversions to Christianity (*Carcassonne, France*).

In 1306, King Philip IV ordered the expulsion of all Jews from France with all of their wealth being seized by the Crown (Benbassa, 1999, p. 20). That expulsion order would be rescinded nine years later. As the French kings increasingly shifted their own war funding scheme to papal-sponsored banks, lower level nobles began issuing expulsion/confiscation orders against the Jews which helped drive much of that population further east into Central Europe. Finally, in 1394, King Charles VI would issue an 'irrevocable' expulsion of all Jews from France. By that time, the circumstances had become so severe that only a few hundred Jews still remained in France (Benbassa, 1999, p. 23).

French King Philip IV would also play a major role in spreading Northern European antisemitism into Spain. In 1307, he issued a confiscation order against the wealthy and politically powerful Knights Templar. In the face of the resultant intense criticism, King Philip IV ordered the Frenchman Pope Clement V, whose appointment Philip had recently imposed upon the Cardinals (Kelly, 1986), to affirm his condemnation of the Knights Templar. During the four year delay before the opening of that Fifteenth Ecumenical Council (1311) in Vienne, France, Pope Clement transferred the Holy See to Avignon, France which began the so-called 'papal captivity' that would last 67 years before the papacy returned to Rome. While Church's blessing for King Philip's confiscation of the Knights Templar's wealth was the top issue on the agenda for the Ecumenical Council, another important agenda item was the condemnation of religious tolerance that was then being witnessed in the regions of Spain recaptured by the Christian Crusaders (Clement_V, 1306). While the Council's condemnation only explicitly identified the Muslims as being granted unacceptable tolerance, the Council's condemnation of usury made it clear that the Jewish population was also in its sights. The Spanish prelates at the Ecumenical Council returned home where they set up provincial Church councils to spread the word regarding the spiritual intolerance of tolerance (Lea, 1896). Yet, for several decades, that clerical message fell upon deaf ears. The Christian lords conquering Muslim-held lands generally chose to preserve the systematic taxation of the Jews which had long provided a substantial reliable income source to the earlier Muslim rulers. This Church-State controversy became personified in the conflict between Henry II, King of Castille and the Archdeacon Ferrand Martinez (Lea, 1896; Nirenberg, 2014). When Archdeacon Martinez

openly invoked his antisemitism to justify his religious court rulings in illegally condemning Jews, the Jews of Seville reached out to King Henry who then ordered Archdeacon Martinez to stop his persecution. For years after, the Archdeacon continued to flatly ignore the demands of King Henry and then those of his son King Juan on the basis of the Crown's purported lack of authority over the Church. Finally, in 1389, Archbishop Barroso suspended the Archdeacon from both preaching and adjudicating religious courts. However, both the King Juan and the Archbishop died the following year. Presumably blessed by that 'divine sign', Archdeacon Martinez re-launched his antisemitic campaign. Calling upon the public to force Jews to convert to Christianity on pain of death, in June of 1391 roughly 4,000 Jews were murdered in Seville by raging mobs. Over the next three months, similar violence spread to more than 70 other Spanish cities and towns. This highly contentious conflict between Church and State was ultimately resolved by King Ferdinand and Queen Isabella who directly assumed control of the Inquisition within Spain in 1478. In 1492, Ferdinand and Isabella would unleash the expulsion/forced conversion of all Jews in Spain.

As medieval Western Europe became increasingly inhospitable for its Jewish residents, a seemingly promising opportunity was emerging in Eastern Europe. In Poland, the period from the twelfth through the fourteenth centuries came to be known as the era of foreign colonization (Rosman, 1990, p. 36). The Polish kings understood that the substantial increase in wealth that was occurring across Western Europe at that time directly correlated with the increasing availability of coinage and the development of market towns (burgs) in which that coinage could be productively exchanged. Facing a poorly monetized local society, the Polish kings actively engaged in recruiting merchants (burghers), particularly from Germanic societies, to migrate to Poland (Davies, 2005, p. 64). These enticements were accompanied with legal assurances to those merchants that, both individually and as a merchant class, they would have rights and privileges comparable to their current circumstances. Such royal/noble grants of town charter authorities became relatively stylized in various regions of Europe. The model charter adopted throughout Poland was called Magdeburg Law.

The earliest Jewish immigrants to Poland were brought in by the kings to serve as minters, bankers, and commercial agents (Rosman, 1990, p. 13). A complication for a more expanded recruitment of Jewish merchants was that Magdeburg Law was written on behalf of the Christian burghers with limited regard for Jewish merchants. Indeed, one of the few 'privileges' that Magdeburg Law offered to Jews was the provision that, unlike the burghers, Jews could not be legally compelled to reveal from whom he received any item that was found in his possession (Rosenthal & Wiernik, 2021). That is to say, Jews were granted dubious 'benefit' of being allowed to act as a 'fence' for stolen goods and thus could be presumed to be so employed. In 1264, Duke of Greater Poland Boleslaw the Pious issued the Statute of Kalisz. This statute provided the Jewish immigrants with various legal and economic rights that were operationally similar to those provided to the burghers under Magdeburg Law. Beyond the strictly commercial provisions, these rights included the recognition of Jewish courts with exclusive jurisdiction over Jewish matters as well as a special tribunal dealing with criminal offenses that involved both Jews and Christians (The Kalisz Privilege of 1264, 2024). Notably, this statute also forbade accusing Jews of Blood Libel. As a result of these policies, the Jewish business communities within the royal-sponsored towns generally progressed reasonably well during the years when the Polish royal government still retained a significant level of political authority. However, starting in the mid-fourteenth century, the political authority of the Polish kings began a prolonged decline while that of the noble class became enhanced. In particular, a group of 10 to 20 families of Polish magnates would come to dominate both the politics and economics of the country across the late medieval and early modern era (Rosman, 1990, pp. 7-9, 156-163).

While the history of Polish society previous to the emergence of the Piast dynasty during the ninth century was and still is rather uncertain, a belief among the Polish nobility arose that they descended from a band of horsemen from the Persian/Iranian plateau who had conquered the local Slavic population. As a result, the Nobility, regarded themselves to be a qualitatively different superior race. Invoking biblical language, the Polish nobility spoke of themselves as a 'Chosen' race and saw Poland as the 'Christ among nations' (Rosman, 1990, pp. 3,8) in having ushered in an era of 'Golden Liberty'. This self-image as guardians watching over a peaceful "*God's Playground*" (Davies, 2005) became strongly re-enforced at the end of the sixteenth century when at that time Western and Central Europe were spiraling down into the bloody post-Reformation Wars of Religion. In sharp contrast, the noble class within the newly founded Polish-Lithuanian Commonwealth, extending southward into Ukraine and eastward to the Russian border, remained safely in power. During the course of the sixteenth century, the Polish nobility systematically compelled their previously semi-independent peasants into a state of tightly regulated humiliating serfdom (Davies, 2005, pp. 215-220). In turn, the burgher merchants of the royal towns were forced to sell their landholdings, Church lands were secured by requiring that all senior clerical appointments be restricted to members of the Nobility, and the peasant serfs were firmly tied to their former land where they would serve at the will of their noble lord (Davies, 2005, p. 164). More broadly, this transition was quite self-consciously seen as a reincarnation of the feudal system as it had existed

in Western Europe some six or seven centuries before. However, this time, the Polish nobility vowed that they would 'get it right'.

Driving the political displacement of the Polish royalty by the Polish nobility was the dramatic expansion in the export of grain which they largely controlled. The level of yearly exports of grain (mainly wheat and rye) from the Baltic seaport Gdańsk (Danzig in German) rose more than 20-fold from 13,000 tons in 1492 to 271,000 tons in 1618 (Davies, 2005, p. 198). To a striking degree, Poland became the breadbasket to support the rising population of Western Europe. Grain produced on the farmland of the noble-owned manors constituting 70% of the exports shipped out of Gdańsk during the early seventeenth century, while much of the remainder were other agricultural products from those manors (Davies, 2005, p. 210). While during the early years of the Polish grain export trade, middling nobles played a significant role, by the seventeenth century the magnates had come to dominate the trade (Davies, 2005, p. 201). This consolidation of wealth in the hands of comparatively few magnate nobles was accompanied by a striking degree of impoverishment throughout the nobility more broadly (Davies, 2005, pp. 170-178). The magnate families would typically control hundreds or thousands of landholdings, often dispersed widely across the country while lesser nobles might instead hold only one to three clustered properties. At the far end of the political spectrum of nobility were the 'nobility without means' who constituted 60-65% of all nobles during the Commonwealth era. Many of these supported themselves by leasing land from the more wealthy nobles, while other such nobles might possessed a small piece of land but owned no serfs and were thus forced to work their land as if a peasant. Still others became professional soldiers in the small royal army or as retainers for the wealthier nobles. This systemic economic degradation of the petty nobility stood in stark contrast to the political language of the day which enthusiastically celebrated the 'Noble Democracy' and the 'Golden Freedom' that it had provided (Davies, 2005, pp. 164-166). Maintaining the appearance of being a noble gained a sharper edge of political importance. The ostentatious lifestyle of the typical Polish noble served to proclaim his social status. Predictably, this behavior also greatly aggravated the wealth disparities since the poor noblemen were far less capable of maintaining the proper appearance (Davies, 2005, p. 196):

"Indeed, it was perpetuated not so much by the handful of magnates, but in particular by the mass of petty nobility who in defence of their status, were prepared to suffer every exploitation and humiliation."

The seeming ludicrousness of these pretenses became particularly dramatic with respect to the two most crucial symbols of noble status - the sword and the coat of arms. Every nobleman was expected to wear a sword at his side when he appeared in public. This tradition was preserved even among the impoverished landless nobility who might only be able to afford carrying a wooden sword. Likewise the home of the poorest nobleman would display his coat of arms, demonstrating that it was not merely the hovel of a serf (Davies, 2005, p. 178). The political reality was straightforward. The impoverished nobleman and his family would face a social abyss if he were to openly reject the symbolism of his noble rank.

Yet in a practical sense, the claim that all Polish nobles were political equals had a real world basis. In stark contrast to Western Europe, there was never any formal distinction between superior and inferior nobles in Poland (Davies, 2005, p. 160). Not only did they share in common a perceived qualitative hereditary superiority over the rest of the society, they all had an equal share in voting for political representatives in the Sejm (Parliament). The ultimate political expression of the professed equality in the dignity of each member of the Polish nobility was the principle of the *Liberum Veto*. Each representative in the Sejm was granted the authority not only to block any piece of parliamentary legislation but to completely dissolve the parliamentary session. The collective psychological need to preserve the illusion of equality among the Polish nobility helped preserve this asinine parliamentary authority even after its fatal implications became unambiguous. First by bribery and then by direct recruitment, the Russian government would exploit the *Liberum Veto* to successfully cripple the Polish government.

As the political and economic influence of the Polish kings began to deteriorate, so did the circumstance for the Jews within the royal towns. While part of this transition reflected the relative economic decline of the royal towns, the declining political influence of the royal government also diminished the value of the royal legal protections offered to the Jewish merchants. A fundamental transition unfolded as the more established nobles began to organize private towns on their landholdings. As the noble class had already established direct control over the grain trade, there was little need to directly involve the newly arising private towns in that process. Rather, the role of those private towns would be to assist the magnate owners in more effectively utilizing the coinage obtained from the grain trade to exploit the inequities of the coinage-poor population within the isolated economies of their operationally semi-autonomous principalities (Rosman, 1990, p. 7). From their perspective, the two primary functions of the Polish king were to enforce that other magnates did not interfere with the monopoly-based economy that each magnate imposed within his own lands and that each magnate could safely conduct his foreign trade with minimal interference. The latter process was markedly

facilitated by the fact that by the early sixteenth century, all nobles were exempt from paying royal export duties while most royal import duties were effectively waived as well (Rosman, 1990, p. 84).

The Polish magnates aggressively and selectively recruited Jewish merchants from the royal towns to move to their newly formed private towns. To sweeten the deal, the newly recruited Jews would be entitled to travel, change residence, swear and sue in court, bear arms, and own homes and businesses (Rosman, 1990, p. 37). Within relatively modest restrictions, Jews were allowed to deal in various commodities and sell either retail or wholesale. The granting of the right to bear arms for these Jews of the private towns was particularly noteworthy. Given that serfs were generally forbidden to bear arms, the political message that Jews were to be regarded as 'honorary' nobles in their dealing with serfs was unambiguous. One strong appeal for Jews in the new private towns was, in notable contrast to the royal towns, Jews could anticipate forming the majority of the population. When combined with the magnates' assurances of local community control, Jewish religious practice would not be legally impaired. This enhanced religious freedom was surely facilitated by the fact that the power of the Catholic clergy had become significantly attenuated by the mid-sixteenth century (Rosman, 1990, p. 68). Jews in the private towns were generally understood as being on a *de facto* legal par with the Christians (Rosman, 1990, p. 74).

Of particular significance was the fact that, in contrast to many royal towns, the Jewish communities in the private towns were initially allowed to organize in a style reminiscent of the more favorable years of early medieval France (Rosman, 1990, pp. 52-53). Each Jewish community (*kehilla*) was administered by a group of about twenty men (*kahal*). Over time, these *kehalim* would become organized into regional councils that, in turn, were then loosely confederated across Poland into the Council of Four Lands (Rosman, 1990, p. 37). The *kahal* orchestrated the administrative, judicial, legislative, and educational functions within the local community (Davies, 2005, p. 104). Its direct responsibilities included collecting various forms of taxes as well as hiring and paying all community employees, including the rabbi (Rosman, 1990, pp. 37,198). The *kahal* established a range of regulations to govern the interactions between the Jews within the community and with non-Jews beyond. Conservative dress and behavior was demanded with no ostentatious flaunting of wealth that might stir resentment within the broader populace. Of particular significance, no Jew could enter into a debt agreement, service contract, or any other form of economic relationship with a non-Jew without the direct approval of the *kahal* (Rosman, 1990, p. 185). Unfortunately, that provision would soon come into conflict with the economic ambitions of the magnates.

The central function of the magnate's private town was to turn the coinage from the export profits that he brought back to his domain into additional wealth, that is to say, to develop the commercial infrastructure for the benefit of magnate's treasury (Rosman, 1990, p. 66). For this purpose, the traditional financial dynamic was reversed with magnates often lending money to his Jews for the making of investments (Rosman, 1990, pp. 80-81). The magnate domain provided an excellent opportunity to exploit the financial asymmetries of a coinage-poor economy, and his private town was the instrument by which those enhanced profits could be obtained. To maximize the potential profits in this operationally closed local economy, the large proportion of trade within the domain was carried out under monopoly control.

In mimicking the feudal nobles of Western Europe from six or seven centuries before, the Polish magnates declared their right to issue monopoly leases for the great majority of all economically significant forms of production and marketing that occurred within their lands (Lehmann, 2004, p. 156). This included the right to produce and sell alcoholic beverages, for operating various forms of mills including sawmills, mills for grinding grain and mills for fulling and tanning fabrics. Other such monopoly leases included commercial fairs, saltmines, tobacco sales, fishponds and dairy production (Rosman, 1990, p. 115). Leasing the rights to collect taxes was a particularly notorious trade. The magnates chose to entrust the bulk of the crucial day-to-day economic control to a comparatively small number of Jewish agents who they clearly regarded to be more readily held to political account than a Christian burgher. Ominously, this role of the Jew as the explicit intermediary between the exploitative nobility and the unfree serfs would create the circumstance in which the Jewry would play the role of deodand on a scale unseen in previous European history (Lehmann, 2004, pp. 154-155,164).

Jews of the private towns came to serve the role of lease holder (*arrendator*) in which they leased and managed the assets that were owned by the magnate (Kassow, 2010). In this general business model, the magnate would demand an upfront fixed payment for typically a year-long lease for some form of monopoly. The lessee would then be free to charge whatever fees that he chose for that product or service throughout the manor in which he operated. While clearly such monopoly leases were often profitable, the attentive magnate could generally determine the approximate level of income and then adjust the price of the next year's lease accordingly. In a similar vein, those who were forced to accept the monopoly pricing that the *arrendator* demanded were well aware that he was adjusting those prices to dynamically maximize his profits. When

desired, the tax-collecting *arrendator* could generally directly call upon the soldiers of the magnate to compel a payment (Rosman, 1990, pp. 132-133). Such behavior became so notorious that ‘*arrendator*’ and ‘Jew’ came to be treated as being synonyms across Polish society (Rosman, 1990, p. 107). The establishment of this equivalence became self-enforcing as no respectable non-Jew would accept being identified in that role (Rosman, 1990, p. 112). As the role of the *arrendator*, and the private town Jewry more broadly, came to be seen as a direct projection of magnate authority, an increasing number of Jewish men began to adopt the long dark coats and characteristic wool hats worn by the Polish nobility that are still worn by many descendants of those Jews to this day (Goldberg-Mulkiewicz, 2024). The *arrendators* were well aware that they were directly promoting antisemitic animosity at an obvious cost to the Jewish community for their own personal economic gain. Already before the end of the sixteenth century (Davies, 2005, p. 165):

“Although the pullulating [quick breeding] masses of the ghetto saw little benefit from the activities of their more prosperous confrères [*arrendators*], they all shared in the common opprobrium. In the Ukraine, they were widely denounced as the chosen instrument of ‘the Polish lords’. The richer Jews openly aspired to a noble life-style. An edict of Sigismund-August forbade them from wearing swords and gold chains. Despite the law, they often owned land, took out tenancies, or held deeds in mortgage from the noble owners. Not a few were formally ennobled. They even affected the noble habit of not paying their taxes.”

Not only was the *arrendator* industry dramatically promoting the level of antisemitism across Polish society, it was corrupting the Jewish community to its core. Needless to say, the *kahal*’s demand that they should have veto power over any contracts made with the magnate fell on deaf ears (Rosman, 1990, pp. 120-121). Once a sufficient number of Jews came to the conclusion that obeying their magnate was a safer bet than obeying the strictures of the *kahal*, the political game was over. The magnates soon began to accept the idea that it would be easier just to pay the *kahal* for their signature on each leasing contract. By direct extension, that logic was then applied to the community employees that the *kahal* hired, most notably the rabbi. In time, the position of rabbi came to be a term lease from the magnate. It is not hard to imagine the consternation that spread across the local Jewish community as it witnessed various fellow Jews placing competing bids with the magnate in hopes of winning the rabbinical lease (Rosman, 1990, pp. 199-200).

The Jewish leaders of the private town communities were acutely aware of the corrosive effects on their cultural and spiritual authority within the community arising from the magnates’ increasingly brazen treatment, which included actions such as offering ‘protection’ for individual Jews to induce them to defy the commands of the *kahal* (Rosman, 1990, p. 70). Eventually, magnates began to assert their right of approval over elections to the *kahal* and to demand payments from the successful candidates, and in some instances to remove individual members of the *kahal* (Rosman, 1990, pp. 191-192). The blunt reality was that the magnate had come to regard his authorization for the formation of the *kahal* as being synonymous with its having become a tool for his control in enforcing his edicts, collecting his taxes, and providing him loans, gifts, and bribes (Rosman, 1990, pp. 197-198), and there was little that the Jews could do to change that fact. In similar fashion, after a period of increasing intervention by the magnates into particular cases before the Jewish courts, to a substantial degree the Jewish courts simply became merged into the magnate courts (Rosman, 1990, pp. 56,187). Just as the magnates’ leasing of economic monopolies to the *arrendators* provided a means to undercut the political authority of the traditional Jewish leadership, in turn, those Jewish leaders found themselves increasingly dependent upon the *arrendators* to act as mediators with the magnates (Rosman, 1990, p. 196). This political dynamic fed upon the tensions arising from the economic disparity within the Jewish communities of the private towns. The wealth of the *arrendators* provided them considerable influence. In response, resentment built within the Jewish community toward those whose political influence within the community had become so closely intertwined with their political connections with the magnate (Rosman, 1990, pp. 165-166,188).

“If the amount and tone of Jewish criticism of this phenomenon are any indication, this was one of the great issues of eighteenth century Jewish life in Poland” (Rosman, 1990, p. 189).

The town communities became increasingly divided between those who were frustrated by their inability to re-energize the legitimacy of the traditional *kahal* and rabbinical authority and those who were willing to embrace a new form of authority (Rosman, 1990, p. 205). The stage was set for the emergence of Pale (of Settlement) Orthodoxy. Befitting the fact that various aspects of this transformation played out most starkly in Ukraine, the resultant political revolution within Jewish society would unfold in that land. It is here that the Hasidic movement would begin in the land of Polish magnates where Jews had flourished. It was not a movement “born in poverty” but rather one born out of frustrated prosperity (Rosman, 1990, pp. 210-211).

Tradition assigns the role as founder of this revolution to Israel ben Eliezer, most commonly referred to as Baal Shem Tov or Besht. Born around 1700, from ~1740 until his death in 1760 he lived in the fortress town of

Medzhybizh in the Ukrainian lands of the Sieniawski-Czartoryski magnate dynasty. Although innumerable sayings have subsequently been ascribed to him, the directly documented record of his writings and statements is quite limited (Rosman, 2013). Germane to the subsequent evolution of the Hasidic movement, Baal Shem Tov died shortly before the collapse of the Polish-Lithuanian Commonwealth and the occupation of much of that land by the Russian armies of Catherine the Great. She named this newly conquered region the *Pale of Settlement* and the Jewish population was told to remain within that territory.

On one level, the political circumstances of Ukraine did not appear to significantly change following the Russian takeover. The Tsarina had no intention of disturbing the basic structure of the feudal system. Since the Polish magnates had largely sided with the Russians during each of the three rounds of partitioning Poland, most of the magnates remained in reasonably good political standing. Some Polish magnates were even allowed to maintain their landholdings. Yet even for those Polish magnates, their political economic business model was fundamentally changed. No longer did they rule over semi-autonomous principalities with the royal government waiting at their beck and call. That political dynamic had been dramatically reversed. As a result, their earlier monopoly-based closed market system ceased to function as it had. In turn, their previously robust private towns began their transformation into the much lamented shtetls of the nineteenth century.

It is well recognized that the originality of the Hasidic movement did not lie in any novel spiritual insight or liturgical innovation but rather in the manner in which it popularized its teachings (Dyner, 2008, p. 27). By aggressively promoting a set of alterations in the standard liturgy and teaching, taken from the Sephardic mystic R. Isaac Luria (1534-1572), the followers of Baal Shem Tov attempted to discredit and displace the traditional rabbis. These altered liturgies would be accompanied by unconventional acts of shouting and clapping as well as displays of praying punctuated with expressions of fear and trembling (Dyner, 2004, pp. 59-60). In addition, Hasidic cantors were used to disrupt the religious study centers (*beit midrash*) and then later the synagogues as well. A central justification for this overtly populist movement was the belief that direct communion with God could better be achieved by appreciating divinity through the world that He has created rather than through mere studious analysis of the Talmud. Coupled to that perspective was an intense focus upon embracing a camaraderie among Jews.

From a linguistic perspective, this new Hasidic movement portrayed a more egalitarian vision than that of the traditional Ashkenazi society. However, it is difficult to overlook similarities to the language of 'Noble Democracy' and the 'Golden Freedom' that had long papered over the stark inequalities across the various levels of the Polish nobility (Davies, 2005, pp. 164-166), particularly when we note the Polish nobility's explicit claim to being biblically 'Chosen'. One relevant illustration of this similarity can be drawn from the homebase of Hasidim itself, Medzhybizh. The first leader to lay claim to the Hasidic title of 'Rebbe' was Baal Shem Tov's grandson Boruch (1753-1811). In claiming his possession of supernatural powers derived directly from his bloodline connection to Baal Shem Tov (Rechtman, 1958, p. 23), Boruch obtained from his followers donations for personal requests or prayers which were apparently sufficient to enable the first Rebbe to build a spacious and luxurious residence with stable and horses. By the title of Rebbe, also referred to as *Admor* (lord, teacher, and rabbi) or *Tzaddiq*, these spiritual leaders asserted the right to appoint themselves as rabbis in rejecting of the more traditional convention of consensus appointment by the community elders (Dyner, 2004, pp. 53,55,60-61). Gone as well was the traditional focus on the rabbi serving as scholar and teacher to help the faithful learn to understand Jewish law. The Hasidic Rebbe was to portray himself as a mystic whose direct personal connection with God empowers him with the worldly authority to 'serve' those who bind themselves to his authority (Dyner, 2004, p. 53). It is only through the act of submission to his Rebbe that the faithful can gain closeness to God. Indeed, such a follower is not known as a Hasid but rather as a Hasid of his Leader/Rebbe. Over time, that representation as the follower of the Leader/Rebbe has evolved to being born into the family of followers of the founding Rebbe's hereditary 'court' (Dyner, 2008, pp. 117-121). Reflecting this codification of the man-seed doctrine, it is widely held among Hasidics that "there can be no Tzaddiq but the son of a Tzaddiq". This doctrine has given rise to almost inviolate inbreeding among the various families that lay claim to an Hasidic 'court' (Assaf, 2002, pp. 108-110).

With a style of dress that was overtly modeled upon that of the Polish nobility, as well as their professed purity of superior genetic lineage and their unchallengeable claim to authority, the cultural connectivity between the magnate Noble and the Hasidic Rebbe would appear to be considerable. In noting how the Hasidic Rebbe has self-consciously rejected the role of the more traditional rabbi from the earlier years of the Polish private town, might one find a more useful spiritual predecessor in the *arrendator* rabbi devoted to channeling the authority of the Polish magnate? After all, it was not only the diminished Polish magnate who felt the need to cling to the overt symbols of his eighteenth century power in laying claim to a non-historical celebration of his glorious heritage. Whatever the faults of the *kahal* system previous to its being co-opted by the Polish magnates, it was as close to a democratic form of leadership as one could hope to find in medieval Poland. The

rabbi was a teacher and a scriptural expert who earned his position by his demonstrated abilities. In sharp contrast, the later Hasidic Rebbe is self-consciously defined as the man-seed source of unquestioned spiritual and temporal authority. In a number of respects, the Rebbe is the Jewish personification of the Polish magnate.

In parallel, the French Revolution-inspired 'Jewish Emancipation' movement had begun to allow Jews in Western Europe to more freely and effectively interact with the society at large. To a limited degree, this spirit reached Eastern Europe as well, and Jews in the larger cities such as Warsaw finally found themselves increasingly free to espouse the 'Jewish Enlightenment' (*Haskalah*). Although the Pale Orthodoxy as a whole rejected the Jewish Enlightenment movement for posing the threat of secular assimilation, differences regarding how to respond to that threat helped promote a schism. While the Hasidim argued for directly engaging the members of the Jewish Enlightenment movement, their opponents (*Misnagdim*) rejected such engagement. These non-Hasidic Haredim have also typically rejected the concept of the unimpeachable Rebbe. While we might ask how far the particular cultural heritage embodied in the Pale Orthodoxy extends back before the eighteenth century private towns of the Polish magnates, what is beyond question is the fact that the roughly six centuries of divergence that had developed between the Eastern European and Western European Jewry would become manifest within the Zionist movement.

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