

## CHAPTER 6

# THE EARLY MODERN JEWISH COMMUNITY AND ITS INSTITUTIONS

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### INTRODUCTION

For close to a thousand years, from the tenth century if not earlier, Jewish religious, cultural, intellectual, and social life unfolded within the context of particular communal structures. Rooted in the ancient system of privileges granted to Jews allowing them to conduct their affairs according to their own religious laws, Jewish communal life evolved into a diverse, amorphous, yet sophisticated mechanism for group survival. Although Jews had no state during this entire period, they created an astonishing variety of political organizations. Thus, when we speak of Jewish community we refer not to a number of Jews residing in a particular time and place, but to the conscious effort Jews made to organize and adapt creatively to political circumstances that changed over time. This communal life was based on shared religious values, a sense of collective history and destiny, and the need to share resources and responsibilities.

No Jewish community was ever absolutely autonomous, and recent scholarship highlights the invented nature of the concept of a long-enduring, global, and stable pattern of Jewish political life in the pre-modern period.<sup>1</sup> These organizations evolved at different paces, with governance styles and patterns that varied according to time and place. Some aspects of self-governance were common to most communities: the responsibility of Jews to select representatives, to legislate, to adjudicate disputes, to apportion taxes, to punish civil infractions, and to organize their own social welfare, educational, and religious life. The emergence of communal organizations was far more contingent, their relationship to one another more decentralized, and their structures far more diverse than had previously been believed. At the same time, their presence and utility remain indisputable.

<sup>1</sup> Israel Bartal, *Le-Taqen Am: Neorut u-Leumiyut be-Mizrah Europa* (Jerusalem, 2013), 89–103, refers to “imagined geography”; his analysis there can be expanded to “imagined community.”

The legal emancipation of Jews and their integration as individuals within the nation-states, a process that began in the Western nations in the second half of the eighteenth century and continued in various parts of the world through the early twentieth, ended the corporate arrangement; after its demise, its internal cultural consequences began to dissipate. The social, religious, and communal cohesion imposed by the separate status of Jews, and the profound cultural engagement within the Jewish tradition (or from within a “Jewish palette,” as Gershon Hundert has termed it) began to weaken as Jews entered and embraced the majority societies and their cultures.

The history of recorded Jewish communal life in the Diaspora after antiquity can be roughly divided into three periods.<sup>2</sup> The first spans from the late tenth through the late thirteenth centuries. The characteristics of this period are the emergence of the theoretical and actual foundations of Jewish community life in Europe and in the Levant, and the growth of Jewish communities within and alongside urban population centers. The second phase spanned the late thirteenth through the late fifteenth centuries, when Europe and its Jews experienced plague and persecution. Jewish communities in western and central Europe struggled for survival, and some were permanently extinguished; in contrast, Jews in the Muslim world, as well as in Spanish and Italian lands, largely enjoyed a more robust political and cultural life.

The third phase coincides with the early modern period, from the early sixteenth through the eighteenth centuries, when centralizing states became more aware of the sub-societies operating within them, and Jewish communities became more self-conscious of their place within the larger world. This survey focuses on the latter, early modern period in the evolution of Jewish communal life and governance, while referring to the institutions that preceded it. In periodizing the history of Jewish communal life, this chapter provides an alternative to the approach that emphasizes continuity since antiquity.<sup>3</sup>

<sup>2</sup> The first centuries after the rise of Islam and the parallel period within the Byzantine and Latin Christian worlds have left virtually no internal records of Jewish communal life.

<sup>3</sup> Michael Walzer, Menachem Lorberbaum, and Noam J. Zohar, eds., *The Jewish Political Tradition* (New Haven, 2000), Yitzhak Baer, “The Origins of Jewish Communal Organization in the Middle Ages,” in Joseph Dan, ed., *Binah: Studies in Jewish History*, vol. I (Westport, CT, 1988), 59–82, and Salo W. Baron, *The Jewish Community*, 3 vols. (Philadelphia, 1942), trace the roots of Jewish communal terms, concepts, and institutions to biblical and talmudic sources. Baer traced a virtually unbroken line from the Jewish politics of antiquity through the eighteenth century; this approach does not account for the massive evidence of disjunction in the newly formed communities of around the eleventh century.

## GOVERNANCE

Classical rabbinic and later geonic (fl. *c.* the seventh–eleventh centuries) writing left little practical guidance for medieval Jews about the shape of Jewish self-government. The hereditary exilarchate with its close ties to the caliphal court in the medieval Islamic world never provided a template for self-governance in other political milieus. The place of the geonic academies within the multi-layered Jewish society of Babylonia/Iraq probably did not wield as great a cultural force as geonic writings indicate.<sup>4</sup> While the Talmud provided a common basis for crafting decisions, the status of post-talmudic ordinances and the extent of their authority remain undetermined.<sup>5</sup> Within the academies, it is unclear whether the Geonim of Babylonia saw their rulings as establishing new legislative norms or simply clarifying the existing (talmudic jurisprudential) ones.<sup>6</sup> Once the geonic academies weakened and disintegrated, Jewish communities needed a new system of governance in any case.

Medieval Jewish legists in North Africa and Spain, as well as those in the Jewish mercantile colonies that arose in northern Europe between the late tenth and thirteenth centuries, created a new system of governance for which they tried to find Jewish legal authority. As they lacked clear and comprehensive precedents, their writings return over and over again to the same problem: the locus of communal authority and how to establish and regulate it. Out of strands of talmudic dicta, they created the vocabulary and blueprint for a new type of organization that had few historical antecedents.<sup>7</sup> The

<sup>4</sup> Jews routinely turned to *shariah* courts for certain types of adjudication. See S. D. Goitein, *A Mediterranean Society* (Berkeley, 1967–93), II, 364–80. Recent scholarship argues that access to Muslim courts spurred Jewish leaders to protect and defend their privilege of exclusive jurisdiction over Jews: Uriel I. Simonsohn, *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam* (Philadelphia, 2011), 174–204. As well, the followers of the Babylonian Geonim competed with those of the Palestinian Geonim and Karaites: Marina Rustow, *Heresy and the Politics of Community: The Jews of the Fatimid Caliphate* (Ithaca, NY, 2008), 3–35. The literary testimony to a powerful geonate should be read in this context.

<sup>5</sup> See, e.g. the extensive discussion of the evolution of the authority of the ordinances attributed to R. Gershom in Elimelech Westreich, *Temurot be-Ma'amad ha-'Ishah ba-Mishpat ha-'Ivri: Massa' ben Masorot* (Jerusalem, 2002).

<sup>6</sup> Robert Brody, “Kelum Hayu ha-Ge'onim Mehokekim?” *Shenaton ha-Mishpat ha-'Ivri* 11–12 (1984–6), 297–315.

<sup>7</sup> For an introduction to the extensive literature on this subject, see Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1924; repr. Westport, CT, 1972); Menahem Ben-Sasson, “Ha-Hanhagah ha-'Atzmit shel ha-Yehudim be-'Artzot ha-'Islam ba-Me'ot ha-7 'ad ha-12,” in Avraham Grossman and Yosef Kaplan, eds., *Kehal Yisrael: Ha-Shilton ha-'Atzmi ha-Yehudi le-Dorotav* (Jerusalem, 2004), II, 11–55; Avraham Grossman, “Ha-Kehillah ha-Yehudit be-'Ashkenaz ba-Me'ot ha-10 ve-ha-11,” in

“founding fathers” of the medieval Jewish communities proposed, debated, and largely established key principles that served as the theoretical foundations for establishing and regulating authority within communities.

The legislative authority that underpinned Jewish communal governance was enacted in each community by a series of ordinances (*gedarim* or, more commonly, *haskamot* or *takkanot*). Early medieval rabbinic authorities were concerned with defining whether communal authority was religious or civil in nature. The late tenth-century R. Meshullam bar Kalonymus, and subsequently R. Gershom (d. 1028), attempted to grant power to communal authority based on the talmudic principle “hefker bet din hefker.” This principle established that any recognized communal body, even if it were not a *bet din* (“rabbinical court”), may legislate and retain for itself all the coercive power granted to a *bet din*. This principle was extended by R. Yosef Tov Elem in the eleventh century, who strengthened it with the additional talmudic principle, “bet din makkin ve-‘oneshin she-lo’ min ha-din”: the *bet din*, or the communal body that is like the *bet din*, may legislate and impose its will as a civil sanction even if there is no halakhic precedent for a particular ruling.<sup>8</sup> In the aggregate, this strain of justificatory argument invested Jewish communal authority, even if comprised of untrained laymen, with quasi-religious authority. While religious authority remained the only type with powers of coercion over other Jews, this principle temporarily conferred those powers on non-rabbinic bodies.

A second strain of justification, rooted as well in talmudic terminology, saw the community as a civic corporation rather than as a religious body. The *baraita*’ (a form of authoritative early rabbinic statement), “The townspeople may fix weights and measures, prices, and wages, and inflict penalties for the infringement of their rules,”<sup>9</sup> concerned townspeople, rather than rabbis, who organized themselves in order to impose standards and to punish those who violated the communal rules. According to this view, communal authority was not equivalent or comparable to rabbinic authority, but, rather, had a civil, contractual basis.<sup>10</sup> It was often predicated, however,

Grossman and Kaplan, eds., *Kehal Yisrael*, II, 57–74; Walzer et al., eds., *The Jewish Political Tradition*, I, 381–6.

<sup>8</sup> Grossman, “Ha-Kehillah ha-Yehudit be-‘Ashkenaz,” 64–5.

<sup>9</sup> *Bava’ batra*’ 8b: “רשאינ בני העיר להתנות על המדות ועל השערים ועל שכר פועלים ולהסיע על קיצתן” Grossman, “Ha-Kehillah ha-Yehudit be-‘Ashkenaz,” 65–6.

<sup>10</sup> Menachem Elon, *Jewish Law: History, Sources, Principles* (Philadelphia, 1994), privileged this approach. Elon defined *takkanah* legislation as deriving from the public or its representatives (the *bene ha-‘ir*), rather than from halakhic sources, and therefore constituting a body of Jewish civil, rather than religious, laws. Aviad Hacohen, “Parshanut Takkanot ha-Kahal ba-Mishpat ha-‘Ivri” (Ph.D. diss., The Hebrew

upon the presence or agreement of an *'adam hashuv*, usually defined as the eminent person/scholar, whose participation granted religious legitimacy to the civic will of the majority. This approach became the dominant view by the twelfth century. The view of Jewish communal law as civil rather than religious in nature is strengthened by the character of that law. The form and types of ordinances adopted by Jewish communities often closely resembled those of urban councils in their region. Regulations governing *hevrot* (sing.: *hevra*; “voluntary societies”) paralleled non-Jewish guild and fraternity ordinances, so that in their totality Jewish communal ordinances constituted a hybrid civic and religious-cultural form. Legislators of communal ordinances were careful to name them *gedarim*, *gezerot*, *haskamot*, or *takkanot* as a reminder of their liminal halakhic status.<sup>11</sup>

The actual structure of communal leadership was largely shaped by the example of urban governance in the cities of Europe in this period. The very notion of *tove* or *parnase ha-ir* (“good men of the city”), so common in *kehillah* governance, paralleled and may have derived from the Italian communes which began to flourish at the same time as the founding families of Ashkenazic communities began to migrate from Italy.<sup>12</sup> Regardless of whether the Italian or another model served as the initial template for the oligarchic forms of Jewish self-governance, the parallel is indisputable.

Jews were familiar with non-Jewish ordinances, both local and regional, that pertained to them (often referred to as *Jewry* law to distinguish it from *Jewish* law), and knowledge of the larger legal system provided models and influenced the way they framed Jewish ordinances. The texts of non-Jewish, local ordinances pertaining to Jews were sometimes translated or transcribed in the vernacular in Hebrew letters into the local collection of Jewish communal ordinances.<sup>13</sup> In sum, multiple aspects characterize

University of Jerusalem, 2003), 15, argued that Elon’s reading privileged one strand of the sources and discounted the one that viewed these laws as rooted in the religious legal tradition. His work shows that rabbinic authorities operated on *takkanah* legislation according to hermeneutic rules that apply to halakhic legislation.

<sup>11</sup> E. S. Hartom and H. M. D. Cassuto, eds., *Takkanot Kandi'ah ve-Zikhroneha* [Ordinances and Memories of the Jewish Community of Candia, Crete] (Jerusalem, 1943), xii, xiii.

<sup>12</sup> Reuven Bonfil, “Ha-Kehillah ha-Yehudit be-Italia be-Tekufat ha-Renaissans,” in Grossman and Kaplan, eds., *Kehal Yisrael*, II, 203–7.

<sup>13</sup> Elijah Capsali (c. 1483–1555) collected Venetian laws pertaining to Cretan Jews and their governance in his copy of the communal ordinances. These did not survive in the original Italian; however, a scribe copied a Hebrew epitome of these laws that was appended to the Crete *takkanot*. See Hartom and Cassuto, eds., *Takkanot Kandi'ah*, 153–60. The *pinkas* of Schnaittach included twenty-seven documents written by the non-Jewish government and transcribed into Hebrew letters, regarding the rights of Jews of the region, spanning the first three-quarters of the seventeenth century: Meir Hildesheimer, ed., *Pinkas Kehillat Schnaittach* (Jerusalem, 1992), 92, 128–50.

*takkanah* legislation: it emerged out of a combination of religious and civil Jewish laws and often applied talmudic or rabbinic jurisprudential rules to procedures that were based on models of local urban administration.

Early rabbinic decisors discussed many aspects of communal authority. The first concerned the rights of individuals, and whether a majority of members of a *kehillah* could impose its will over a dissenting minority. R. Jacob Tam, one of the most eminent rabbinic figures in twelfth-century Ashkenaz, had ruled, problematically, that only unanimously accepted ordinances could be binding on *kehillah* members.<sup>14</sup> Another significant area of concern was the relationship between communal entities. Few precedents existed by which to navigate meta-communal problems, such as whether one community had the right to impose its will upon another, even for the sake of mutual benefit. R. Tam suggested that an individual serve as a meta-communal authority, a *gedol ha-dor* with the status of a supreme court (*bet din gadol*) to resolve meta-communal disputes in the event that friction between two *kehillot* could not be resolved. Ultimately, a principle of autonomy prevailed: each *kehillah* was independent of the others and no *kehillah* was permitted to violate another's jurisdiction, despite its size or importance. In some times and places, inter-communal organizations did arise, but the idea of a supreme authority was never realized.

In the early modern period, a rich variety of specific ordinances continued to be composed and expanded in Jewish communities. Yet, despite their multifarious nature, and its value for historians and legal historians, the early modern corpus of legislation cannot be characterized as particularly innovative. The statutes mostly follow the outlines of ordinances that had come to be familiar centuries earlier, and they presume the authority that had been invested in them by the medieval Jewish legal scholars of the High Middle Ages.<sup>15</sup> One general exception to the lack of legislative innovation is the body of ordinances that arose to address the rise of very large *kehillot*. Some urban concentrations of Jews in the early modern period numbered in the many thousands; they far

<sup>14</sup> Ephraim Kanarfogel, "Unanimity, Majority, and Communal Government in Ashkenaz during the High Middle Ages: A Reassessment," *Proceedings of the American Academy for Jewish Research* 58 (1992), 79–106; Yaron Ben-Naeh, *Jews in the Realm of the Sultans: Ottoman Jewish Society in the Seventeenth Century* (Tübingen, 2008), 175.

<sup>15</sup> One exemplary case in which we can compare the earlier layers of ordinances with those that were enacted later is the *Takkanot Candia*, organized and edited by Elijah Capsali in the sixteenth century. Capsali claimed to have copied ordinances from the thirteenth century and from the later fourteenth century, before also including those of his own time in the mid sixteenth century.

exceeded the numbers of Jews in medieval communities. The new population configurations created new areas of communal responsibility which necessitated revised categories of legislation.<sup>16</sup>

### AUTHORITY

The abiding tension between the civic and the religious character of Jewish communities underlay the entire structure, and it could never be fully resolved throughout this period. The dynamic relationship between lay and rabbinic leaders reflected this tension to some extent. Early conceptions point to the corporate body itself as the source of authority.<sup>17</sup> Both the lay leadership and the rabbinate as it was constituted in the late medieval and early modern periods formed new templates of authority for Jewish communities. Although the terms “rabbi” and “*tove ha-ir*” can be found in talmudic literature, prior to the medieval period neither of these titles held the significance and authority they would later acquire. While broad agreement existed concerning the lines of demarcation between the respective jurisdictions of these figures, in practice the lines were often blurred. The modes of election, number, duration, and responsibility of the lay leaders were spelled out in detail in the founding *takkanot* of the communities. The position and role of the rabbi were less explicitly demarcated. The Ashkenazic rabbinate, for example, became more professionalized from the late fifteenth century, with rabbis becoming salaried communal functionaries whose duties to teach and to judge in matters of religion were spelled out in detailed contracts.<sup>18</sup> In the Ottoman Empire, the *hakham* or *marbitz torah* was elected to rabbinic leadership, a position that reached the apogee of its effectiveness from the mid seventeenth through the mid eighteenth centuries.<sup>19</sup>

Although recent assessments characterize the early modern period as beset by a struggle between these two sources of authority, the primary political power in most Jewish communities was located in the body of elected lay leaders.<sup>20</sup> Rabbis could lay claim to prestige and charisma, but

<sup>16</sup> Elhanan Reiner, “‘Aliyyat ‘ha-Kehillah ha-Gedolah’: ‘al Shorshe ha-Kehillah ha-Yehudit ha-Ironit be-Folin ba-‘Et ha-Hadashah ha-Mukdemet,” *Gal-Ed* 20 (2006), 13–37.

<sup>17</sup> Simonsohn, *Common Justice*, 140–1, on evidence from genizah documents (apparent only in groups following the Palestinian tradition); on the tradition of appealing to the community in early Ashkenaz, see Finkelstein, *Jewish Self-Government*, 15–18; Haym Soloveitchik, *Shu”r ke-Makor Historii* (Jerusalem, 1990), 87–100.

<sup>18</sup> On the professionalization of the rabbinate, see Finkelstein, *Jewish Self-Government*, 9; Mordechai Breuer, “The ‘Ashkenazic Semikha’” [Hebrew], *Zion* 33 (1968), 15–46.

<sup>19</sup> Meir Benayahu, *Marbitz Torah* (Jerusalem, 1953); Ben-Naeh, *Jews in the Realm*, 292–6.

<sup>20</sup> See David B. Ruderman, *Early Modern Jewry: A New Cultural History* (Princeton, 2010), 57–93. Early *takkanot* from Crete regarding *herem* (the “ban”) warn: לא ישים אדם חרמים

they were employees of the community and could not dictate to lay leaders. Rabbis were often the most learned people, and the only ones with legal training, in the community, and so were called upon to interpret the statutes. The existential tension between civic and religious leadership, along with the occasional blurring of boundaries and overlapping of spheres of jurisdiction, meant that friction between these two sources of authority was inevitable.<sup>21</sup> Nevertheless, for the most part, the roles of each authority were well established and the points of contention, ferocious as their disputes might have sounded, were the exception rather than the rule. By the eighteenth century, as the existence of autonomous communities was called increasingly into question by centralizing European governments, rabbis and lay leaders knew and understood the interdependence of their positions and tended to support one another's authority.<sup>22</sup> In the Ottoman Empire, by the late eighteenth century, communal authority devolved primarily onto guilds and smaller fraternities, with consequent diminution of the role of community *hakham*.

The mechanics of establishing communal lay leadership followed a broadly shared template with many individual variations. It was always an elected body (and so, following Friedrichs, a male-only one), following patterns from municipalities throughout Europe.<sup>23</sup> Some large communities instituted indirect voting, in which individuals voted for electors, *kesherim*; the titles of the lay leading body also varied greatly, with designations such as *parnasim*, *manhigim*, and *yehidim* most common.<sup>24</sup> The size and number of the leading body/ies, direct or indirect voting, the

אם לא ברשות הממונים הרשומים ובעצת השרים והחכמים  
without the permission of the official lay leaders, the council of the leaders, and the sages"). Note the position of the sages in that list: Hartom and Cassuto, eds., *Takkanot Kandi'ah*, 4.

<sup>21</sup> For Poland, see Adam Teller, "Rabbis without a Function? The Polish Rabbinate and the Council of Four Lands in the Sixteenth to Eighteenth Centuries," in Jack Wertheimer, ed., *Jewish Religious Leadership: Image and Reality* (New York, 2004), 371–400.

<sup>22</sup> Yigal Sklarin has shown (in an unpublished paper, Yeshiva University) that R. Yehezkel Katzenellenbogen, rabbi of Altona-Hamburg-Wandsbek, tried to use his authority to strengthen the local lay leaders. R. Katriel Judah Leib arrived in Leeuwarden and used his status as rabbi and newcomer to mediate a dispute among the lay leaders, which he hoped would lead to their reconciliation so that they could govern effectively: Stefan Litt, *Pinkas, Kahal, and the Mediene: The Records of Dutch Ashkenazi Communities in the Eighteenth Century as Historical Sources* (Leiden, 2008), 49.

<sup>23</sup> Christopher Friedrichs, *The Early Modern City, 1450–1750* (New York, 1995), 47.

<sup>24</sup> On the indirect vote, see Dov Avron, ed., *Pinkas ha-Ksherim shel Kehillat Pozna [5]381–[5]595 (1621–1835)* (Jerusalem, 1967), xi–xii; in The Hague, five unrelated electors chose the new leadership: Litt, *Pinkas*, 41.

duration of terms, and method of elections differed from place to place. Many communities held elections during the intermediate days of the Jewish holidays when most of the traveling merchants were home. The elections were crucial not only for determining leadership but, even more centrally, for publicly affirming membership of the first rank, as the question of who could vote and hold office was closely linked to who was defined as a stakeholder in the community.<sup>25</sup>

#### RECORD KEEPING / *PINKASIM*

The emergence of communal record keeping was a hallmark of the early modern period in Europe. Urban institutions maintained extensive records of every kind. Some of the scribal models for *pinkasim* (“records, notebooks”) emerged in the late medieval period, but parish registers, for example, emerged only in the sixteenth century, and there is no evidence of sustained record keeping in Jewish communities before the sixteenth century.<sup>26</sup> Not only have *pinkasim* or fragments of *pinkasim* or references to them *not* survived from prior to the sixteenth century, but it seems clear from other materials, such as rabbinic responsa, that Jewish communities in the medieval period used different mechanisms for remembering matters that later would have been committed to writing in a communal record. Thus, keeping written records in a bureaucratic style is an early modern innovation among Jews. By the mid sixteenth century, the number of Jewish communities keeping a formal register of communal activities rose significantly. That the practice spread quickly and widely testifies to the function of written records across Jewish cultures in the early modern period. Some historians see the records as a form of collective communal memory and repository of communal identity.<sup>27</sup> Others view them more as outer-directed, created at the behest of non-Jewish rulers who wanted to tighten their control over all their subjects as they centralized their bureaucracies in the early modern period.<sup>28</sup> This tendency increased in the eighteenth century.

Some *pinkasim* opened with a preamble similar to the introductory sections of a constitution that define national identity, followed by ordinances, records of communal payments and income, alongside many other

<sup>25</sup> Walzer *et al.*, eds., *Jewish Political Tradition*, I, 381–6.

<sup>26</sup> Litt’s analysis of community administration and the use of written records constitutes the best discussion of the subject to date. See, esp., Litt, *Pinkas*, 7–8 and 92–113.

<sup>27</sup> Dean P. Bell, *Jewish Identity in Early Modern Germany: Memory, Power and Community* (Aldershot, 2007), 35–65. Sometimes, small rural communities asked larger neighboring communities to preserve their records. See, e.g., Litt, *Pinkas*, 112 n. 79.

<sup>28</sup> Litt, *Pinkas*, 11.

matters related to administering to complex communal needs. Once established, certain records could follow the same form for long periods of time, and often for centuries.<sup>29</sup> Writers of *pinkasim* occasionally expressed awareness that they were creating searchable records for the future. One Schnaittach scribe wrote:

I have read the *takkanot* of the pinkas of the holy community from beginning to end . . . [The *takkanot* were] instituted by the great men of the land, the luminaries, great rabbis who are named there by their signatures, and they are correct and true according to our holy Torah's law, and worthy of being written. But I also saw that each and every time we needed to search diligently in order to fulfill what is commanded by the *tikkunim* [*takkanot*]. Consequently, there is damage by forgetfulness and we cannot fulfill what is commanded there . . . Therefore I have labored to affix a sign for each and every ordinance, so that it would be easy to find any particular ordinance as needed . . . so that we can fulfill them and they shall stand as a memorial for the ages.<sup>30</sup>

*Pinkasim* reflected the interconnection between the ritual and religious life of a community and its sense of place and self. Some *pinkese kehillah* included discussion of local customs, while in other cases a rich literature of religious custom tied to the place developed as a self-standing corpus.<sup>31</sup>

Scribal techniques, such as cross-referencing entries, migrated across cultures along with the scribes.<sup>32</sup> New early modern Jewish communities often modeled their ordinances on those of existing communities. Some record keepers maintained libraries of old record books for reference and as manuals of style; they viewed their responsibility to maintain records with professionalism and dedication.<sup>33</sup> In eastern Europe, some Jews regarded the communal *pinkas* as symbolic of a holy scroll and attributed magical and curative powers to it.<sup>34</sup>

This tendency of a young community to model its ordinances on a more venerable one was pronounced among new early modern Sephardic communities in western Europe. In other cases, we do not have the earliest set of ordinances and it is difficult to ascertain which sections of the *takkanot* are copied and formulaic and which are contemporary,

<sup>29</sup> Friedrichs, *Early Modern City*, 257–9.

<sup>30</sup> Hildesheimer, *Pinkas Kehillat Schnaittach*, 328, entry for Dec. 23, 1709.

<sup>31</sup> For an example of customs within a *pinkas*, see Litt, *Pinkas*, 19, regarding rural Oisterwijk. On the intersection of customs and Jewish political life, see Bell, *Jewish Identity in Early Modern Germany*.

<sup>32</sup> Litt, *Pinkas*, 108. <sup>33</sup> *Ibid.*, 110, on a *parnas* who maintained a library of *pinkasim*.

<sup>34</sup> See the citations from A. Rechtman, *Yidishe etnografye un folklor: zikhbroynes vegn der etnografisher ekspeditsye, ongefirt fun Sh. An-Ski* (Buenos Aires, 1958), 195, in Litt, *Pinkas*, regarding some Ukrainian towns.

original, and responsive to the immediate needs of the community that adopted them.<sup>35</sup>

Most *pinkasim* were intended to be public records, to testify to decisions taken for all members of a community, and, in some cases, to be examined by non-Jewish authorities, whose intervention in Jewish affairs intensified throughout the early modern period. Some matters, such as individual tax assessments, were of a highly confidential nature and could be kept in separate books. The language of the *takkanot* and other entries could be Hebrew or vernacular, or a combination of these.<sup>36</sup> Even when records were kept in Jewish languages, the introduction of words that referred to local legal concepts was widespread, indicating Jewish familiarity or even competition with that system. In some cases – for example, sixteenth-century Rome – Jewish scribal practices were intimately interwoven with Roman notarial culture.<sup>37</sup> In some communities, language served as a marker of ethnic difference between Jewish communities within one city. Jay Berkovitz has shown that the presence of language from the non-Jewish judicial system intensified in the rabbinical court records of eighteenth-century Metz.<sup>38</sup>

*Pinkasim* cannot be seen as the full record of a community, but, rather, as an account of administrative matters that community leaders wished to leave on record for future scrutiny. *Pinkasim* are enormously valuable historical sources, but they were only intended to be a partial and public record and can never be said to represent anything close to the full range of human concerns in a pre-modern community.<sup>39</sup> They often do not reflect the life of Jews whose business took them beyond the confines of a

<sup>35</sup> See, e.g., Hartom and Cassuto, eds., *Takkanot Kandi'ah*, 6: “geder le-taharat bet ha-tevilah.” Every line rhymes with the one after it. Moreover, a version of this *geder* is repeated nearly verbatim in every iteration of the communal *takkanot* over the centuries. This should alert us to the limitations of relying on *takkanot* collections as historical sources.

<sup>36</sup> Although the *pinkas* of the electors of Posen spanned over two centuries, its scribes maintained literary uniformity throughout. They all used “Ashkenazic Hebrew,” in which phonetic spelling and usage led to “errors” that were common in Ashkenazic writing. There was some Yiddish, but no Polish or German at all: Avron, ed., *Pinkas ha-Ksherim*, xiv.

<sup>37</sup> Kenneth Stow, *The Jews in Rome: A Documentary History of the Jews in Italy* (Leiden, 1995).

<sup>38</sup> Jay Berkovitz, *Protocols of Justice: The Pinkas of the Metz Rabbinic Court 1771–1789* (Leiden, 2014), I, chs. 2–3. While some Dutch Jewish communities in the eighteenth century used mostly Hebrew and others primarily Yiddish, all resorted to Dutch in cases involving non-Jews: Litt, *Pinkas*, 108.

<sup>39</sup> The electors of Posen were careful to record their own business in their *pinkas*, primarily their orders concerning other institutions within the community. The remainder of their records were related to other institutions such as the *Va'ad 'arba' aratzot* and the

particular Jewish community, or of the many Jews who did not belong to the governing class. Thus, the *pinkas* of a community is a selective and partial record; often, in order to extract meaning that is of value to historians, the sources must be read against the grain and within a larger context.<sup>40</sup> Recent innovative work has focused on class and gender analysis of entries that do not explicitly focus on either of these categories.<sup>41</sup>

The keeper of records, not necessarily a professional scribe, called alternatively *sofer*, *shammash*, or *ne'eman*, was often privy to all the communal deliberations (although not necessarily a voting member of the community council). Individual styles differed, perhaps reflecting the degree of professionalism of community leaders. Some communities kept books in chronological order and neatly organized, while other records seem to hold jottings in rather haphazard fashion. Although there does not appear to have been a manual or code about how to keep records, widespread conventions emerged for recording certain communal matters and for suppressing or ignoring others. Some areas of the records were deliberately abbreviated, recording only laconic conclusions rather than full deliberations, or identities of individuals concealed. This may have been due to the growing awareness that these records could be used by non-Jewish authorities at will.

Early modern communities were keenly aware of the importance of preserving a written record of their business: "Any matter that is agreed upon by the *kahal*, the *kahal* will immediately be obliged to order the scribe to write it in the *pinkas* of the *kahal*, and they will keep a separate *pinkas* for all matters, from today [1621]."<sup>42</sup> The large number of *pinkasim* that have survived testify to their importance in the eyes of the communities as repositories of local historical memory.

*bet din*, or to other *takkanot*. The scribes maintained structural uniformity: each *takkanah* had a header, opening, topic, and signature.

<sup>40</sup> Ann Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, 2009), 1–6. The public nature of the communal *pinkas* led some officials to keep a second secret or private record. Examples of such private *pinkasim* that have survived are: for Altona, Central Archives for the History of the Jewish People, Folder AHW/20 and 20a, and The Library of the Jewish Theological Seminary of America, ms 10772, jointly covering the years 1767–92; and for Mainz, Central Archives for the History of the Jewish People, D/Ma7/5. On the latter, see Stefan Litt, citation, trans., and intro., <http://www.earlymodern.org/citation.php?citKey=155anddocKey=i>.

<sup>41</sup> Noa Shashar, "Agunot and the Men Who Vanished in the Ashkenazi Realm, 1648–1850" [Hebrew] (Ph.D. diss., Hebrew University of Jerusalem, March 2012); Debra Kaplan, "'To Immerse their Wives': Communal Identity and the Kahalische Mikveh of Altona," *AJS Review* 36, 2 (2012), 257–79.

<sup>42</sup> Avron, ed., *Pinkas ha-Ksherim*, 3, #12.

## TAXATION

Jewish communities collected taxes from their members for two separate purposes. States, empires, and local governments, or more often some complicated combination of these, imposed taxes on Jewish communities collectively. Taxes sustained every political body, of course, but some discriminated against particular groups of people in egregious ways.<sup>43</sup> Jews had paid a punitive fine in the aftermath of the Roman destruction of the Second Temple (68 CE) when a *fiscus* was imposed upon every Jewish individual, and some continuations of this practice continued into the Christian successor states.<sup>44</sup> In the early Middle Ages, Christian rulers sometimes imposed fines as a permissible means of pressuring Jews to convert, and, with the advent of Islam, the *jizya*, or protection tax, was imposed upon all non-Muslims living in Muslim lands. This tax was often not a mere token but a very substantial sum levied on the non-Muslim populations. By the High Middle Ages, assessing Jews collectively for a very significant sum had become a standard and accepted practice. The disproportionately high tax levied on them was interpreted by some Jews as an inherent part of the exilic burden.<sup>45</sup>

Medieval Christian authorities who granted charters to Jews imposed a sum of money to be paid in exchange for protection within the Christian city.<sup>46</sup> The well-known charter granted by Bishop Rüdiger to the Jews of Speyer (in 1084) states, “When I made the village of Speyer into a town, I thought I would increase the honor I was bestowing on the place if I brought in the Jews . . . on condition that they pay annually three and a half pounds of the money of Speyer for the use of the brethren.”<sup>47</sup> It often fell to the communal representative (the *shtadlan*), to negotiate an amount that would be least burdensome to the community.<sup>48</sup> This exchange set the

<sup>43</sup> On the fantastically disproportionate rate of taxation of Jews compared with other subjects, and the multiple types of taxes levied on Jews, see Baron, *The Jewish Community*, II, 248–80; Ben-Naeh, *Jews in the Realm*, 151–61.

<sup>44</sup> Martin Goodman, “Nerva, the *Fiscus Judaicus* and Jewish Identity,” *The Journal of Roman Studies* 79 (1989), 40–4.

<sup>45</sup> E.g., Yehezkel Landau, *Derushe ha-Tzelah* (Jerusalem, 1966) sermon 8, p. 15b.

<sup>46</sup> James William Parkes, *The Jew in the Medieval Community: A Study of His Political and Economic Situation*, 2nd edn. (New York, 1976), 155–206, contains an extensive discussion of the rise and evolution of medieval charters in Western Christendom.

<sup>47</sup> Wilhelm Altmann and Ernst Bernheim, eds., *Ausgewählte Urkunden zur Erläuterung der Verfassungsgeschichte Deutschlands im Mittelalter: zum Handgebrauch für Juristen und Historiker* (Berlin, 1904), 156, repr. in Roy C. Cave and Herbert H. Coulson, *A Source Book for Medieval Economic History* (Milwaukee, 1936; repr. New York, 1965), 101–2. Text modernized and scanned by Jerome Arkenberg.

<sup>48</sup> E.g., Avron, ed., *Pinkas ha-Ksherim*, 3, #11.

financial relationship at the heart of the Jewish interaction with the Christian world. It is one of the reasons Jews were invited and tolerated within religious cultures that spurned them; the fact of this continuous payment colored relations between Jews and non-Jews. In medieval times, it confirmed the status of Jews in the Holy Roman Empire as *servi camerae Regis* (“servants of the royal chamber”).<sup>49</sup> A Polish bishop in the early modern period pointed to the taxes as evidence that the notion of Jewish autonomy was a delusion:

It is only after you have paid the crown, the provincial governor, the lieutenant governor, and various other officials and lords that you are able to enjoy your synagogues and to live a Jewish life . . . it is true that certain Christian lords hold you in greater esteem than poor Christians. This itself shows that both your living in accordance with the Jewish religion and the favor of these same lords for you have been purchased. These lords esteem you neither for your faith nor for your Jewish way of life, but for the income and payments they have from you.<sup>50</sup>

In addition to the collective sums, individual Jews were often taxed indirectly, e.g. for departing a location – to compensate for the future lost income – or for death and burial. Another common obligation demanded of Jewish communities was the “gift” to be given to the various non-Jewish officials at set times of the year. The sum was often considerable, and recorded among communal expenses.<sup>51</sup> The allocation and collection of taxes became a central function of communal leadership, both an inescapable burden and a source of power. It provides a counterpoint to discussions of what Jewish “autonomy” meant in a particular context.

In addition to the taxes paid as a condition for Jewish collective existence, communities raised taxes to cover a wide array of their own expenses. Depending on the size of the community, its religious functionaries, such as rabbis, teachers, and undertakers, its butchers and bakers, the upkeep of communal buildings, the welfare of members, and charity for local and distant causes all added to the sums that had to be raised from community members. As a result of this inescapable burden, it was incumbent upon communities to regulate closely the number of its members, to see to their financial viability, and to restrict from settlement people who would likely become additional burdens on the community. Financial obligations often

<sup>49</sup> Salo W. Baron, *A Social and Religious History of the Jews*, 2nd edn., vol. IX (New York, 1965), 135–92, 308–31.

<sup>50</sup> Bishop Kobielski, cited in Gershon David Hundert, *Jews in Poland–Lithuania in the Eighteenth Century: A Genealogy of Modernity* (Berkeley, 2004), 102.

<sup>51</sup> See, e.g., Israel Isserlein, *Terumat ha-Deshen* (Venice, 1519), #195; Stefanie Siegmund, *The Medici State and the Ghetto of Florence: The Construction of an Early Modern Jewish Community* (Stanford, 2006), 172; Litt, *Pinkas*, 99.

shaped the character of a particular Jewish community, by dictating who could join and by allocating scarce resources and professional opportunities for those members. Determining who was liable to pay a tax was not simply a question of a financial obligation but a fundamental definition of which individuals constituted that community.

The mechanism by which the community had the right to appropriate the property of individuals in the form of taxes had been one of the thorniest halakhic issues regarding the functioning of communities.<sup>52</sup> There is scant provision in Jewish law for this type of tax collection – indeed, the talmudic principle of “ha-motzi” mamon me-havero ‘alav ha-re’ayah” (similar to the English-language adage, “possession is nine points of the law”) might serve to argue against granting a community the right to levy taxes.

The first rabbinic monograph devoted solely to the questions raised by Jewish communal taxation of individuals appeared in 1600. The complex Ottoman system of taxes gave rise to an outpouring of halakhic debates over tax-related matters in the sixteenth century. *Massa’ melekh* of Joseph ibn Ezra “speaks of the laws pertaining to taxes and imposts and all matters that allow our religion to survive among the nations . . . and of the assessment by the communities, both according to the law and according to custom, for the laws of taxation are based on custom.”<sup>53</sup>

In this introductory statement, Ibn Ezra summarized the dilemma of halakhists who ruled on disputes related to taxes imposed by the communities: there was no body of sources to rely on, only scattered references and diffuse correspondence. The entire structure of medieval communal taxation, like communal governance itself, rested legislatively upon the innovations required by new political realities. They were, therefore, to be classified as *minhag* (“custom”), rather than *din* (“law”).

Joseph ibn Ezra described the late sixteenth-century rabbinic decisors as operating within a fractured culture in which many libraries had been dispersed or destroyed by the forced migrations of previous generations. Scholars often had no access to the books they needed to render decisions. Moreover, many of the rabbinic responsa collections addressed local disputes without stating the principles necessary to guide future resolutions. Even Joseph Karo, he complained, aggregated many rules pertaining to

<sup>52</sup> Israel Schepansky, *Ha-Taqqanot be-Yisrael* (Jerusalem, 1991–3), IV, 486–542; Jacob Bazak, *Hilkhot Missim ba-Mekorot ha-Ivri’im* (Jerusalem, 1964); Joseph ibn Ezra, *Sefer Massa’ Melekh* (Salonika, 1601; 2nd edn., ed. S. Spiegel, Jerusalem, 1989 – 2nd edn. based on a different manuscript); Yehoshua Yehudah, *Avodat Massa’* (Salonika, 1846). The primacy of tax rolls in affirming status and identity in the Ottoman Empire made this issue particularly urgent there.

<sup>53</sup> Ibn Ezra, *Sefer Massa’ Melekh*, intro.

taxes but did not cite even one resolution for the researcher who needed immediate guidance.

Joseph ibn Ezra restated the principle that, in litigation over money, the possessor has the presumption of right.<sup>54</sup> This opened the interesting question of whether the individual should always be presumed to be the possessor (halakhic *mubzak*), or whether, conversely, the community is held to be the possessor and the individual who disputed an assessment was trying to deprive the community of its rightful possession. The nature of taxes imposed collectively on Jewish communities led to continual conflict as courts tried to balance the rights of one individual against the “community.” Any diminution in one assessment meant that other individuals would be obligated to compensate.

In addition to direct assessments, communities imposed indirect taxes – such as those effected via monopolies on various commodities – to enable them to meet their obligations. Baron underscored another consequence of the high taxation to which Jewish communities were subjected, namely their indebtedness. In order to pay the communal bills, many of the communities borrowed money, sometimes from their members, sometimes from *hevrot*, and sometimes from non-Jewish individuals, the Church, or the state.<sup>55</sup> Some communities acted as financial institutions, as when individuals granted all their assets to the community in exchange for a guaranteed annuity. Public debt could be incurred due to catastrophe or due to planned management by the local Jewish authorities who saw it as a source of steady income. While communal debt was not a new phenomenon in early modern times, it grew to monumental proportions during this period and became one of the thorniest problems of the age of emancipation. In some cases, the entire value of all communal property was insufficient to cover the communal debt.

Jews who lived in small settlements depended on the larger nearby urban community for vital religious needs. This configuration existed in many parts of the Jewish world. In medieval western Europe, urban Jewish communities remained the standard bearers while the “peripheral” Jewish population was often subsumed administratively under them. After the destruction of urban Jewish life in fourteenth-century western Europe, a new population profile emerged in which Jewish settlement was widely and thinly dispersed with fewer urban centers of Jewish life.

Many rural dispersed Jewish populations nevertheless sought to form some type of communal organization to foster shared interests.<sup>56</sup> These

<sup>54</sup> Ibid. <sup>55</sup> Baron, *The Jewish Community*, II, 270.

<sup>56</sup> On rural patterns in Alsace, Debra Kaplan, *Beyond Expulsion: Jews, Christians and Reformation Strasbourg* (Stanford, 2011), 26–48; on German patterns, Michael Toch,

included the need to pay collective taxes, to share expenses and resources in all religious and lifecycle matters from circumcision to burial and cemeteries, and for common defense when Jews were threatened. Loose confederations of rural Jews with no central communal structure present a compelling variation on the concept and workings of *kehillah* in early modern Europe.<sup>57</sup> This pattern appears in Alsace, in southwestern German lands, and parts of the Dutch countryside. Rabbis often warned their urban community members to be wary of the religious ignorance and lax standards of the country folk, at the same time as they tried to provide some training and guidance in person and with written materials to enable rural Jews to live pious lives.<sup>58</sup>

Medieval western Ashkenazic organizations were small local associations, generally a major city and its surrounding area. Although they sometimes convened jointly, no standing “supra-French” or “supra-German” Jewish communal organizations were formed, in deference to the principle of autonomy of every *kehillah* from the interference of the others. In contradistinction, larger organizations did exist in eastern Europe, particularly in Hungary and Russia, by the thirteenth century. In the early modern period, regional organizations flourished, both in regions that contained large cities (The Council of Four Lands) and in rural areas with no large urban centers.<sup>59</sup>

In some areas, such as the Holy Roman Empire and Castile, a chief rabbi was appointed (late thirteenth and fourteenth centuries) to collect the taxes and represent the Jews in various matters.<sup>60</sup> Some communities or meta-communal organizations appointed a formal intercessor (*shtadlan*), to represent interests of Jews to various non-Jewish authorities.<sup>61</sup> Jewish communities closest to the seat of a government bore special responsibility to intercede on behalf of Jews in other places. In capital cities such as

“The Formation of a Diaspora: The Settlement of Jews in the Medieval German Reich,” *Aschkenas* 7 (1997), 55–78; on Dutch patterns, Litt, *Pinkas*, 16, 77, 89.

<sup>57</sup> On rural Jewish confederations in German lands, Daniel J. Cohen, *Die Landjudenschaften in Deutschland als Organe jüdischer Selbstverwaltung von der frühen Neuzeit bis ins neunzehnte Jahrhundert: eine Quellensammlung* (Jerusalem, 1996); Eric Zimmer, *Harmony and Discord: An Analysis of the Decline of Jewish Self-Government in 15th-Century Central Europe* (New York, 1970).

<sup>58</sup> E.g., Joseph Stadthagen, *Divre zikkaron* (Amsterdam, 1705).

<sup>59</sup> Litt, *Pinkas*, 182–5; Ben-Naeh, *Jews in the Realm*, 164–7.

<sup>60</sup> Yacov Guggenheim, “Jewish Community and Territorial Organization in Medieval Europe,” in Christoph Cluse, ed., *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries): Proceedings of the International Symposium Held at Speyer, 20–25 October 2002* (Turnhout, Belgium, 2004), 80–6.

<sup>61</sup> Chava Fraenkel-Goldschmidt, *The Historical Writings of Joseph of Rosheim: Leader of Jewry in Early Modern Germany* (Leiden, 2006); Litt, *Pinkas*, 104.

Prague, Rome, or The Hague, Jews were frequently asked to intercede for their coreligionists. Sometimes, prominent community members who had cultivated ties to the ruling powers stepped in on an ad hoc basis.

Early modern Jewish communities, particularly those with large populations, often contained several formally organized fraternal societies to provide for social welfare needs such as visiting the sick, burying the dead, and raising funds for charitable purposes. Others fulfilled a role in the intellectual and spiritual life of the community. These guild-like circles (*hevrot*) appear in some parts of the Jewish world earlier, but they reached their apogee in the early modern period when they flourished in virtually every Jewish cultural sphere.<sup>62</sup> Some historians argue that, rather than seeing the *hevrot* as subsidiary circles formed when communities got very large, these circles should be seen as the earliest kernels of Jewish organizational life.<sup>63</sup> From the sixteenth century, they appear in Italy and in Sephardic communities, and by the seventeenth century they flourished in Ashkenazic communities as well. The models and stimuli for these circles abounded: they were structured similarly to professional guilds in the non-Jewish world or to the confraternities that abounded in counter-Reformation Italy.<sup>64</sup> Like the communities they served, *hevrot* in the early modern period in Europe often had a foundation document which stated their purpose and contained the rules of the society. Sometimes these were prepared in consultation with a local rabbi or they were adapted from the regulations of other *hevrot*.

Membership in *hevrot*, as in certain guilds, often carried social prestige. The most ubiquitous example was the *hevra' kadisha' gomele hasadim* ("holy benevolent society"), whose task it was to prepare the dead for burial. Preparation for burial was the ultimate act of human kindness, as no recompense could be expected from the recipient. Only the most mature and upstanding community members could join this society, and they were treated with reverence because of their sacred work. Some *hevrot*

<sup>62</sup> Guggenheim, "Jewish Community," 87; Ben-Naeh, *Jews in the Realm*, 274–85; Avigdor Farine, "Charity and Study Societies in Europe of the 16th–18th Centuries," *Jewish Quarterly Review* 64 (1973), 17, assumed erroneously that a *hevra kadisha* "must have existed in all Jewish communities at a very early time." See, e.g., a responsum from fourteenth-century Spain (Daroca) in which a man is described as "washing all the dead of the community as an act of kindness (*derekh gemilut hasadim*):" cited from Responsa R. Yom Tov Ishbili (Ritva) #159. See, further, Bonfil, "Ha-Kehillah ha-Yehudit be-Italia be-Tekufat ha-Renaissance," 209.

<sup>63</sup> Bonfil, "Ha-Kehillah ha-Yehudit be-Italia," argues that sometimes *hevrot* preceded and laid the groundwork for Jewish communities in formation. According to Farine, "Charity and Study Societies," 33, this was true in Padua, Breslau, Kiev, and Vilna, and other Jewish communities.

<sup>64</sup> Farine, "Charity and Study Societies," 32.

specialized in caring for the sick, dowering poor brides, or channeling funds to the Holy Land. In Bohemia and Moravia, as well as in Poland–Lithuania, Jews sometimes organized separate merchant and craft guilds modeled upon the Christian guilds.<sup>65</sup>

In some cases, communities directly oversaw the *hevrot*, as activities of the *hevra* were duly recorded in the communal *pinkas*, while in others, *hevrot* either were sufficiently unofficial not to have separate records (i.e., some small rural communities), or kept them completely separate, rarely making an impression in communal records.

*Hevrot* provided an alternative source for a sense of communal belonging and political honor for Jews who did not serve within the leadership elite. They provided a space for acting out class and status within the larger community. They distributed titles to their functionaries that conferred (sometimes exaggerated) political titles of honor, and held induction ceremonies or annual dinners filled with pomp and circumstance. Many had governance structures that closely paralleled those of the main communal institutions, including voting, secret ballots, and the timing of the vote. In Vilna, for example, the vote for membership in the *hevra kadisha* took place just after the vote for communal positions, to allow for distribution of positions to those who were not elected to the top rank. Some *hevrot* enforced their will or that of the community with strict discipline, so that they became part of the enforcement mechanism for the community. By refusing to prepare for burial anyone who was deemed to have violated their or communal rules, the *hevra' kadisha'* stepped into the role of a communal authority.

The average amount distributed to the poor was so small that many charitable societies flourished more to serve the needs of the members than to satisfy the needs of the poor. This was particularly true when several groups of different origin settled in one city, a common pattern in early modern communities. The Jewish community in seventeenth-century Rome contained some thirty active *hevrot*, while other Italian cities had fifteen to twenty each.<sup>66</sup> In Prague, for example, there were three status ranks for members of *hevrot* in the late seventeenth century: elders, signers, and *ofgenummene* (“novices”). Every new member went through a period of novitiate, lasting between two and four years. During the trial period, they had no vote in running the *hevra*. In some communities, the last year of the novitiate was a transition year, in which the member voted but could not be elected. In some cases, such as charitable *hevrot*, dues were collected

<sup>65</sup> Ela Bauer, “Guilds,” *YIVO Encyclopedia of Jews in Eastern Europe* (New Haven, 2008).

<sup>66</sup> Farine, “Charity and Study Societies,” 29. In Rome, the average membership was twenty people in a *hevra*.

from members and penalties for nonpayment could be severe. Some *hevrot* combined several functions, such as channeling charity collections within the community as well as to the Holy Land; or two *hevrot* might act in concert – for example, when a prayer or study *hevra* would hold a vigil near the bed of a dead person.

The larger a Jewish community, the more elaborate its *hevra* structure and the greater the prestige of its directors and members. Some *hevrot* printed their regulations and lists of members. Different types of *hevrot* often had varying levels of honor associated with serving in them. *Hevrot gemilut hasadim* were often the most exclusive and expensive to join, while *hevrot* for study or synagogue activities were less so. Some *hevrot* were founded by and remained under the exclusive control of a few families; they accepted very few new members and did so at a very high premium.<sup>67</sup>

Although male children could be admitted to *hevrot* and were often registered at their circumcision (although not admitted to full meaningful participatory membership until much later), women were rarely full members of *hevrot*.<sup>68</sup> They tended to be adjunct members in sick and burial societies but did not play any role in the management of the *hevra*; they just fulfilled the relevant duties toward other women. Despite not having a say in the formal running of the *hevra*, the women's circles provided women with an organizational framework and social interaction that they would not have otherwise had. In Vilna, the *hevra' kadisha* was formally divided into three sub-*hevrot*: a major association, a minor association, and a women's *hevra*.<sup>69</sup> In Altona, the *kahal* made specific legislation to assert its control and ownership of a women's charitable *hevra* to assist poor brides.<sup>70</sup>

Some women's *hevrot* allowed women a measure of agency. Litt notes an exceptional case of officers being *elected* to lead a women's *hevra* as *parnasot* (he does not provide the original Hebrew term, only the English "governors") of the *hevrat gemilut hasadim ve-takhrikhim* ("*hevra* for good deeds and sewing shrouds").<sup>71</sup> Women contributed money to *hevrot* so that continuous prayer would be offered for their souls after their deaths.<sup>72</sup> *Hevrot* whose purpose was the upkeep of the communal *mikveh* ("ritual bath") would have utilized a female attendant, while women would have

<sup>67</sup> Ibid., 22. At n. 10, see an excerpt from a *pinkas hevra* in which the members "sageru hapinkas," closed the books so that no new members would be admitted for a period of several years. Moses A. Shulvass, "The First Pinkas Hevra in Reggio," *Reshumot* 4 (1947), 98–130.

<sup>68</sup> Farine, "Charity and Study Societies," 27. <sup>69</sup> Ibid., 169.

<sup>70</sup> Jerusalem, Central Archives for the History of the Jewish People, ms AHW # 10, fol. 16a, para. 77.

<sup>71</sup> Litt, *Pinkas*, from the Hague *pinkas* in 1749.

<sup>72</sup> Farine, "Charity and Study Societies," 25.

been involved in the work of *hevrot* whose primary purpose was the support of indigent women, such as societies to dower orphans and help young women in need, even in cases where the membership roster was all male.<sup>73</sup> Avraham Ya'ari published a remarkable document from the early eighteenth century in which women in the Holy Land implore women in western European *kehillot* to form women's *hevrot* that would direct their charitable donations only to women's causes.<sup>74</sup> Just as *hevrot* were among the aspects of *kehillah* life that likely predated the formation of communal governance structures, they also outlived those structures. Long after the demise of the *kehillah*, voluntary societies flourished.

No single template served *kehillot* when it came to educating Jewish children and teens. Among Sephardic Jewish communities, elementary education included a broad range of subjects, religious and secular, and was conducted along pedagogically enhanced principles by the community. In Ashkenazic communities, Jewish education was more variable. In medieval times, the education of children among Ashkenazic Jews was the obligation of parents; by the early modern period in both German and Polish lands it had developed into a communal responsibility.<sup>75</sup> Some *kehillot* monitored the education of children, while others left the process largely up to the initiative of parents and concerned themselves communally only with orphans and children of the destitute. The age at which children began and ended formal instruction, class size, the training of teachers, curriculum and texts, forms of discipline, and responsibility and oversight for the system were culturally and locally determined and varied greatly from community to community, and sometimes within social classes in the same community.

Jews developed their own system of higher education on the basis of a classical rabbinic canon.<sup>76</sup> With few exceptions, these institutions were supported by the head of the academy who also served as the rabbi of the community or, in the Sephardic world, by a wealthy patron of scholarship. In either case, it was not until the modern period that the costs of educating

<sup>73</sup> Benjamin Hirsch Auerbach, *Geschichte der israelitischen Gemeinde Halberstadt* (Halberstadt, 1866), 30: "Verein zur Ausstattung unbemittelter Mädchen" was the German Jewish equivalent of the Sephardic "dotar" societies for dowering poor or orphan brides.

<sup>74</sup> Avraham Ya'ari, "Shene Kunteresim me-'Eretz Yisra'el," *Kiryat sefer* 23 (1946/7), 140–59.

<sup>75</sup> Elhanan Reiner, "The Yeshivas of Poland and Ashkenaz during the Sixteenth and Seventeenth Centuries," in Israel Bartal, Ezra Mendelsohn, and Chava Turniansky, eds., *Ke-minhag Ashkenaz u-Folin Sefer Yovel le-Khone Shmeruk* (Jerusalem, 1993).

<sup>76</sup> Talya Fishman, *Becoming the People of the Talmud: Oral Torah as Written Tradition in Medieval Jewish Cultures* (Philadelphia, 2011); Ephraim Kanarfogel, *Jewish Education and Society in the High Middle Ages* (Detroit, 1992).

future scholars, rabbis, and religious judges became the province and financial responsibility of the community.

Communities owned or leased land for their purposes and were responsible for the building of various structures for the use of community members. These ranged from the absolute necessities for maintaining religious life, to centers for recreation that only larger communities could sustain.

The foremost concern of a nascent community was securing land for burial. Cemetery rights were often granted to Jews in the founding charters of their settlement, by the parties who stood to gain financially from their presence (sometimes at the expense of the local peasants whose customary grazing land would be diminished as a result). Small and rural communities often depended on a larger community in the region for burial arrangements.<sup>77</sup> Cemeteries were far more than places to keep the dead within one religious community. A cemetery tied the community to a particular piece of land over time, and for many Jews created the sense of sacred space. Even in its most mundane aspect, the cemetery functioned as an extension of the community in displaying honor and class. Position of family plots and elaborate designs on headstones bespoke wealth and prestige, designations of priestly descent, martyrological status, scholarly standing, and virtues like piety and modesty.<sup>78</sup> Exclusion from burial within the cemetery was one of the severest penalties the community could impose. The impulse not to abandon an ancestral burial place explains why some Jews returned to reside near the old quarters where they had been persecuted or expelled.

After a cemetery, Jewish communities needed a synagogue. While small rural communities might not have the resources for a separate synagogue building, those that could afford to would try to purchase or build a structure that would serve as a synagogue and as the social and religious center of the communal space. Medieval synagogues in the Christian world tended to be inconspicuous: Christians legislated against building them and against their having a more prominent appearance than the church. In the early modern period, as Jewish populations grew in some urban spaces, new developments in synagogue building emerged. These included a move away from informal buildings that were designed to blend into their

<sup>77</sup> Christophe Cluse, cited in Guggenheim, "Jewish Community," 79, found charters granting Jews one cemetery within a diocese comprising several Jewish communities. Such restrictions were not uncommon, and they fostered closer relations between the Jewish communities.

<sup>78</sup> Rachel Greenblatt, "The Shapes of Memory: Evidence in Stone from the Old Jewish Cemetery in Prague," *Leo Baeck Institute Yearbook* 47, 1(2002), 43–67; Ben-Naeh, *Jews in the Realm*, 289–90.

surroundings, to “great synagogues” in the Netherlands, Prague, and in Poland, whose purpose was to make a visible statement and bespoke Jewish confidence. (Some large synagogue buildings in frontier areas of Poland did double duty as fortresses and were designed to serve as places of prayer – and military defense.) Early modern synagogues were commissioned by Jewish communities but designed and built by Christian architects and builders. A noteworthy aspect of almost all new synagogue structures in the Ashkenazic world, east as well as west, was the integration into the synagogue design, and expansion, of the *ezrat nashim*, the women’s section of the synagogue. In medieval synagogues, these were often completely separate rooms, perhaps with a small connecting window or opening. In early modern synagogues, the women’s gallery or section was a sizable space that figured into the initial planning. This reflected the larger populations in some communities, but also the growing sense that women were part of the community and needed space within the synagogue to worship, and as a social space.<sup>79</sup>

Larger urban communities could support many additional religious and social structures, including a *mikveh*. These ritual baths were sometimes owned and maintained (and controlled) by the community, in other cases privately owned, and in some places could be a natural body of water such as a river. Depending on location, while ritual bathing was essential to the ritual obligations of married women, the community itself would not necessarily have to build and maintain a *mikveh*.<sup>80</sup>

Other structures maintained by some larger communities included a dance hall for weddings, an infirmary for the sick, and a guesthouse for travelers. These institutions required employees to run and maintain them: cantors and sextons for the synagogue, scribes to record community business, teachers in schools, kosher food producers and ritual slaughterers, butchers and bakers, as large communities took responsibility for the supply and supervision of kosher food.

Class distinctions cut to the core of communal identity, since one of the first duties of the communal body was to regulate its membership according to means. The heavy burdens of taxation required a community to be vigilant against the entry of too many Jews who could not sustain themselves. Itinerant beggars were resented by non-Jewish authorities as well, and so they presented a threat to the very existence/ toleration of the Jewish community. Some cities with Jewish communities were situated along

<sup>79</sup> Barry Stiefel, “The Architectural Origins of the Great Early Modern Urban Synagogue,” *Leo Baeck Institute Yearbook* 56 (2011), 105–34; Ben-Naeh, *Jews in the Realm*, 218–36.

<sup>80</sup> On *mikva’ot* and their upkeep, see Georg Heuberger, ed., *Mikwe: Geschichte und Architektur jüdischer Ritualbäder in Deutschland* (Frankfurt am Main, 1992); Kaplan, “To Immerse their Wives.”

routes well traveled by itinerant Jewish beggars and thus felt the problem more acutely than other locales.<sup>81</sup> Wandering beggars could easily be sent away with small sums, but the local poor presented a more intractable problem. Residents of the community who were established members but had nevertheless fallen on hard times were the highest priority. Some communities distributed supplies or scrip to redeem food and basic necessities. Charity funds were used to aid other Jewish communities in times of disaster and sometimes just to extend assistance for a project such as building a synagogue.<sup>82</sup>

Eretz Israel funds, sometimes created under the influence of visiting emissaries, helped maintain ties between Diaspora communities and those in the Holy Land. The emissaries circulated between distant Jewish communities and often served as vital conduits of information, contributing a sense of transcommunal solidarity.<sup>83</sup> The position of *gabbai*, the treasurer of the fund, was an honor tied to other communal functions.

Between the abject poor and the self-sufficient lay the realm of service. Young men and women whose families could not train or support them were often sent to work as domestic servants or as apprentices in the homes of other Jews. Most households of even modest means employed servants and their lives within the community have yet to be properly studied.<sup>84</sup>

### INTERETHNIC/MULTI-ETHNIC RELATIONS

Although early modern Jewry was not riven by ethnic politics, communities of Jews who migrated in clusters presented a new configuration in the early modern period. Rather than each community being contiguous with one city, clusters of Jews from various regions ended up living in close proximity to one another and formed new communities. Their representatives tried to negotiate a very delicate and sometimes frayed balance.

<sup>81</sup> Litt, *Pinkas*, 109, cites the example of the Friesland assembly which recorded two decrees against Jewish beggars (1757, 1766). Both texts were included in the *pinkas*, apparently to repel any objections to the harsh policies by showing that they were imposed by non-Jews.

<sup>82</sup> *Ibid.*, 98.

<sup>83</sup> Matthias Lehmann, *Emissaries from the Holy Land: The Sephardic Diaspora and the Practice of Pan-Judaism in the Eighteenth Century* (Stanford, 2014).

<sup>84</sup> On maidservants in Jewish communities, see Tamar Shimshi-Licht, "Meshartim u-Meshartot Yehudi'im be-Germanya be-Reshit ha-Et ha-Hadasha" (Ph.D. diss., Ben Gurion University of the Negev, Be'er sheva, 2006); Elisheva Carlebach, "Fallen Women and Fatherless Children: Jewish Domestic Servants in Eighteenth-Century Altona," *Jewish History* 24 (2010), 295–308. In The Hague in the eighteenth century, Ashkenazic girls served in Sephardic households: Litt, *Pinkas*, 100.

While in some cases the divide was simple, Ashkenazic vs. Sephardic, these groupings themselves often encompassed several subgroups.<sup>85</sup>

Depending on the size of each cluster, they often had no choice but to cooperate, while at times each insisted on its autonomy. Conflict often erupted over claims to priority: an existing community saw the newcomers as outsiders or even as interlopers who ought to be governed by the customs and regulations in place. By the reverse token, when the fortunes of the original dwellers dwindled to the point where the community could not be sustained, the newcomers provided welcome relief.

One of the most enduring myths about Jewish life in pre-modern times is that Jews respected the exclusive jurisdiction of Jewish courts over cases between a Jewish plaintiff and a Jewish defendant.<sup>86</sup> While it is true that Jewish authorities generally attempted to strengthen the community's claim to exclusive jurisdiction, often by invoking the ban and/or social ostracism, as well as by labeling the transgressor a *moser* ("traitor") or *malshin* ("informer"), it is equally true that Jews often sought justice, even in cases involving only fellow Jews, in non-Jewish courts. Jewish communities were rarely able to maintain an absolutely exclusive hold on cases between Jews. The tangled history of Jewish judicial practices with regard to jurisdiction in the medieval and early modern period has yet to be written. Recent research, particularly archival research in places where Jews resided, demonstrates that the principle of autonomy granted to Jews to live according to their own laws was balanced against the interests of states and rulers in retaining control over Jewish affairs, as well as the interests of Jewish parties who might be better served by non-Jewish courts.<sup>87</sup> Communal autonomy did not necessarily coincide with judicial autonomy, such that a pattern of legal pluralism operated far more extensively than scholars previously believed. This is not to maintain that Jews did not live within a coherent and distinct communal and religious structure, just that judicially they were far more integrated into the prevailing system than has previously been thought.

<sup>85</sup> Bernard Dov Cooperman, "Ethnicity and Institution Building among Jews in Early Modern Rome," *AJS Review* 30 (2006), 119–45; Ben-Naeh, *Jews in the Realm*, 164–9; Jane Gerber, *Jewish Society in Fez 1450–1700: Studies in Communal and Economic Life* (Leiden, 1980).

<sup>86</sup> See the classical formulation in Joseph Karo, *Shulhan Arukh: Hoshen Mishpat* 26:1.

<sup>87</sup> This was particularly the case for Jews in Muslim lands. See Simonsohn, *Common Justice*, 25–60, 120–46, 174–204. Najwa Al-Qattan, "Dhimmi in the Muslim Court: Legal Autonomy and Religious Discrimination," *International Journal of Middle East Studies* 31 (1999), 429, defines judicial autonomy as "the right to litigate most of their legal affairs in officially recognized and communally organized and operated dhimmi courts."

The reasons for Jewish preference for non-Jewish courts varied. It was not simply a matter of shopping venues in search of the best verdict. In many places the court system may not have appeared to Jews as particularly Muslim or Christian, but simply as the court of the land where civil matters could be adjudicated. (Talmudic law distinguished between evidentiary and constitutive functions of a legal transaction, the former permitted in a non-Jewish court, the latter prohibited.) Jewish communities often had no standing court with trained judges; any three knowledgeable laymen could serve. While such an ad hoc court could issue a ruling to resolve a dispute, it could not maintain the type of permanent record that a judicial bureaucracy would issue as a matter of course. Jewish courts often deliberately invoked the ruling authority to strengthen their own hand. They had far less power to enforce their rulings, so that parties to a dispute may have sought a venue that could better enforce its decision.

Jewish presence in non-Jewish courts is well attested throughout the medieval and early modern periods. In the Muslim world, almost from its inception, non-Muslims of *dhimmi* status, both Jews and Christians, regularly brought cases before Islamic courts, and not only in cases where one party was a Muslim. From some Genizah documents, it seems as though these were the preferred venue. In the Ottoman Empire, the recourse of Jews to the *shariah* courts for every type of case, including those involving personal status, has defied historians' attempts at a coherent explanation.<sup>88</sup>

In Christian Europe, the picture was equally complicated. Andreas Gotzmann has been one of the leading proponents of a fundamental revision of the image of judicial autonomy which has been a cornerstone of Jewish historiography.<sup>89</sup> No area within Europe saw a complete division between Jews and the non-Jewish legal system. Jews were at home in non-Jewish courts and sometimes resorted to them to litigate against other Jews.<sup>90</sup>

<sup>88</sup> Joseph Hacker, "Jewish Autonomy in the Ottoman Empire – Its Scope and Limits: Jewish Courts from the Sixteenth to the Eighteenth Centuries," in Avigdor Levy, ed., *The Jews of the Ottoman Empire* (Princeton, 1994), 153–202. For the later Ottoman period from the second half of the eighteenth century and into the nineteenth, see Al-Qattan, "Dhimmi in the Muslim Court," 429–44. Al-Qattan, 433–5, argues that the dowry and inheritance laws made *shariah* courts particularly attractive to Jewish and Christian women. *Shariah* courts had a form of divorce/annulment instigated by women. See also Al-Qattan, 443 n. 37: "The Jewish authorities sometimes made concessions in the application of Jewish law (by conceding some share of the inheritance to daughters, for example) in order to forestall recourse to the Muslim court."

<sup>89</sup> Andreas Gotzmann, "At Home in Many Worlds? Thoughts about New Concepts in Jewish Legal History," *Simon Dubnow Institute Yearbook* 11 (2003), 424–36.

<sup>90</sup> *Takkanot* from fourteenth-century Crete warned Jews not to violate the sanctity of the Sabbath and holidays by turning to the courts on the eve of those days, "whether Jewish or non-Jewish courts": Hartom and Cassuto, eds., *Takkanot Kandi'ah*, 9, # 17.

Moreover, the systems of Christian law influenced the structure and content of Jewish law in ways that scholars have been slow to recognize.

Jewish authorities understood the threat to the viability of their judicial system and community posed by the resort of Jews to courts beyond the community, and they struggled to uphold the principle of judicial autonomy for Jewish courts. Yet even the most powerful community could not completely control the judicial choices of its members.

Rather than seeing Jews as operating an independent judicial system alongside other systems, scholars have now come to a consensus that, in many times and places, judicial (or legal) pluralism better describes the state of affairs than the term “autonomy.” Prevailing norms in non-Jewish courts may have exercised strong and unwritten influence on Jewish judges who acted to prevent the need for recourse to non-Jewish courts.<sup>91</sup>

### EIGHTEENTH CENTURY

While the degree of judicial autonomy enjoyed by Jewish communities during the medieval and early modern periods is now the subject of debate and revision, there is no question about the eighteenth century. In both eastern and western Europe, it was characterized by the intensification of the process of integration of Jewish judicial structures into the non-Jewish, and of breakdown of earlier patterns of internal discipline.<sup>92</sup> States saw the exercise of autonomy by corporate entities as an impediment to their power and bureaucracy. In some instances, they restricted the jurisdiction of Jewish courts exclusively to cases involving ritual law.<sup>93</sup> In others, governmental fiat simply pronounced the end of various aspects of autonomy.<sup>94</sup> Jews were encouraged to bring their cases to non-Jewish courts and they did so with increasing frequency. Rabbinical courts integrated non-Jewish legal terminology into their work and sometimes adjusted their rulings to remain competitive.<sup>95</sup>

Rabbinic courts continued to function but more as voluntary venues for arbitrating disputes. They could no longer impose the ban and had no means of enforcement other than resorting to the local council. Yet the external pressure often coincided with internal implosion of civil Jewish authority. Prussia has often been cited as a model of the top-down dissolution of Jewish autonomy by an autocratic state. Recent

<sup>91</sup> See, e.g., Simonsohn, *Common Justice*, 204.

<sup>92</sup> David H. Horowitz, “Fractures and Fissures in Jewish Communal Autonomy, 1710–1782” (Ph.D. diss., Columbia University, 2010), 237–43; Hundert, *Jews in Poland–Lithuania*, 99–118.

<sup>93</sup> Horowitz, “Fractures and Fissures,” 1, on Prussia and its laws of 1750.

<sup>94</sup> This is true for the *Va’ad ‘arba’ aratzot* in Poland, for example.

<sup>95</sup> Berkovitz, *Protocols*.

work, however, points to the internal erosion of Jewish authority even before the state's formal intervention, from the 1760s.<sup>96</sup> Evidence from internal Jewish sources documents the growing process of interpenetration of cultural, judicial, and social norms from the majority community into Jewish societies. In some places, Jewish leaders began to refer to themselves in terms used to refer to the non-Jewish parallel bodies.<sup>97</sup>

While non-Jewish governments intervened directly in "internal" Jewish affairs with greater frequency, such intervention was sometimes the result of paralyzing disputes or discord within the Jewish community.<sup>98</sup> In some cases, non-Jewish governmental authorities appointed, or at least ratified, officials of the Jewish community.<sup>99</sup> In several instances, non-Jewish governmental officials requested that Jews prepare a translation of their laws and or local statutes so that the judges could familiarize themselves with them.<sup>100</sup>

A further sign of the stresses of the eighteenth century on the boundaries of communal authority is the blurring of lines between rabbinic and lay functions. Lay councils increasingly performed religious duties that were formerly the province of rabbis, or insisted on maintaining control over personal status matters.<sup>101</sup> In some communities, the *pinkasim* reflect a gradual abandonment of the political functions of the *kahal* and a retreat to a narrower focus on ritual and synagogue functions. This tendency reaches its apex and brings the communal legislation full circle when some *parnasim* begin to abandon civil sanctions and reinscribe halakhic terminology and reasoning into their efforts to increase the social control of community members. They depict infractions against their communal authority as

<sup>96</sup> Steven M. Lowenstein, *The Berlin Jewish Community: Enlightenment, Family and Crisis, 1770–1830* (Oxford, 1994).

<sup>97</sup> Litt, *Pinkas*, 35. In The Hague, Jewish elected leadership refers to itself as "regirung" rather than the customary "kahal."

<sup>98</sup> Examples: *Ibid.*, 36, and n. 12 there; Horowitz, "Fractures and Fissures," 72–118; Lois Dubin, "Jewish Women, Marriage Law, and Emancipation: A Civil Divorce in Late-Eighteenth-Century Trieste," *Jewish Social Studies* (n.s.) 13 (2007), 65–92.

<sup>99</sup> Litt, *Pinkas*, 44, cites the case of increasing encroachment of non-Jewish municipal authorities in Middelburg. The last entry in that *pinkas* is telling: "Election of the *parnasim* by the authorities, may they be exalted": *ibid.*, 46.

<sup>100</sup> On Dutch translation in Middelburg: *ibid.*, 44; on the translation prepared by R. Jonathan Eybeschuetz for the city of Metz, see Jordan Katz, "'To Judge and to be Judged': Jewish Communal Autonomy in Metz and the Struggle for Sovereignty in Eighteenth-Century France," *Jewish Quarterly Review* 104 (2014), 452–6; and for the German translation by R. Hershel Levin for the Prussian government, see David Sorkin, *Moses Mendelssohn and the Religious Enlightenment* (Berkeley, 1996), 105.

<sup>101</sup> See the cases described in Litt, *Pinkas*, 101, 85–6.

violations of Halakhah.<sup>102</sup> Stefan Litt argues that *parnasim* began to use halakhic reasoning to rein in deviants when communal law began to lose its force.<sup>103</sup> This argument merits further exploration. It may be that we are seeing the closing of a circle – whereas the earliest communal leaders struggled to find halakhic legitimation for their ordinances, Jewish communities in some parts of Europe later became confident in their powers, with often no conscious separation between the civil and religious spheres in the administration of justice within the *kehillot*. As centralizing states and strong municipal governments began to see the Jewish community (along with other corporate entities) as a threat to the consolidation of their power, they began to distinguish more sharply between the religious-ritual functions of the Jewish community, which it could continue to administer, and the civil functions, which the state began to claim as its own. This left rabbis with their religious function, but it began to strip the civil adjudication function from Jewish lay leadership.

Another symptom of the alienation of Jewish lay leaders from political power is the phenomenon of refusal of service. In eighteenth-century records, elected officials repeatedly refused to accept the responsibility of their communal offices, causing disruption in the smooth functioning of *kehillot*. Communities imposed stiff fines for rejecting the positions; this does not seem to have stemmed the trend.<sup>104</sup>

The “autonomous Jewish community” in early modern western Europe was never fully autonomous, nor did it serve Jewish purposes exclusively, and by the eighteenth century, the sense of community was unraveling as well. Jewish communities were complex and dynamic, different in every locale, yet sharing certain features. Set into their larger context as organic components of the states and societies in which they functioned, a fresh analysis of them can emerge.

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<sup>102</sup> Ibid., 73.    <sup>103</sup> Ibid., 90.    <sup>104</sup> Ibid., 42–51.

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