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TEXTS

Lecture 2: The Formation of Ashkenazi Culture, 800-1200

THE THEODOSIAN CODE – effective January 1, 439

Novella III: Concerning Jews, Samaritans, Heretics, and Pagans

1 Wherefore, although according to an old saying [of the Greek Hippocrates] “no cure is to
2 be applied in desperate sickness,” nevertheless, in order that these dangerous sects which are
3 unmindful of our times may not spread into life the more freely, in indiscriminate disorder as it
4 were, we ordain by this law to be valid for all time:

5 No Jew—or nor Samaritan who subscribes to neither [the Jewish nor the Christian]
6 religion—shall obtain offices and dignities; to none shall the administration of city service be
7 permitted; nor shall any one exercise the office of defender [overseer] of the city. Indeed, we
8 believe it sinful that the enemies of the heavenly majesty and of the Roman laws should become
9 the executors of our laws—the administration of which they have slyly obtained—and that they,
10 fortified by the authority of the acquired rank, should have the power to judge and decide as they
11 wish against Christians, yes, frequently even over bishops of our holy religion themselves, and thus,
12 as it were, insult our faith.

13 Moreover, for the same reason, we forbid that any synagogue shall rise as a new building.
14 However, the propping up of old synagogues which are now threatened with imminent ruin is
15 permitted. To these things we add that he who misleads a slave or a freeman against his will or by
16 punishable advice, from the service of the Christian religion to that of an abominable sect and
17 ritual, is to be punished by loss of property or life.

18 On the one hand, whoever has built a synagogue must realize that he has worked to the
19 advantage of the Catholic church; on the other hand, whoever has already secured the badge of
20 office shall not hold the dignities he has acquired. On the contrary, he who worms himself into
21 office must remain, as before, in the lowest rank even though he will have earned an honorary
22 office. As for him who begins the building of a synagogue and is not moved by the desire of
23 repairing it, he shall be punished by a fine of fifty pounds of gold for his daring. Moreover, if he
24 will have prevailed with his evil teachings over the faith of another, he shall see his wealth
25 confiscated and himself soon subjected to a death sentence.

Source: J. R. Marcus, *The Jew in the Medieval World*, rev. ed., Ed. M. Saperstein, (Cincinnati:
Hebrew Union College Press, 1999), pp. 5-6.

THE CHARTER OF BISHOP RUDIGER OF SPEYER – 1084

1 In the name of the holy and undivided trinity. When I wished to make a city out of the village of
2 Speyer, I Rudiger, surnamed Huozmann, bishop of Speyer, thought that the glory of our town
3 would be augmented a thousandfold if I were to bring Jews.

- 4 1. Those Jews whom I have gathered I placed outside the neighborhood and residential area of
5 the other burghers. In order that they not be easily disrupted by the insolence of the mob,
6 I have encircled them with a wall.
- 7 2. The site of their residential area I have acquired properly—first the hill partially by
8 purchase and partially by exchange; then the valley I received by gift of the heirs. I have
9 given them that area on the condition that they pay annually three and one-half pounds in
10 Speyer currency for the shared use of the monks.
- 11 3. I have accorded them the free right of exchanging gold and silver and of buying and selling
12 everything they use—both within their residential area and, outside, beyond the gate down

13 to the wharf and on the wharf itself. I have given them the same right throughout the
14 entire city.

15 4. I have, moreover, given them out of the land of the Church burial ground to be held in
16 their perpetuity.

17 5. I have also added that, if a Jew from elsewhere has quartered with them, he shall pay no
18 toll.

19 6. Just as the mayor of the city serves among the burghers, so too shall the Jewish leader
20 adjudicate any quarrel which might arise among them or against them. If he be unable to
21 determine the issue, then the case shall come before the bishop of the city or his
22 chamberlain.

23 7. They must discharge the responsibility of watch, guard, and fortification only in their own
24 area. The responsibility of guarding they may discharge along with their servants.

25 8. They may legally have nurses and servants from among our people.

26 9. They may legally sell to Christians slaughtered meats which they consider unfit for
27 themselves according to the sanctity of their law. Christians may legally buy such meats.

28 In short, in order to achieve the height of kindness, I have granted them a legal status more
29 generous than any which the Jewish people have in any city of the German kingdom.

30 Lest one of my successors dare to deny this grant and concession and force them to a
31 greater tax, claiming that the Jews themselves usurped this status and did not receive it from the
32 bishop, I have given them this charter of the aforesaid grant as proper testimony. In order that the
33 meaning of this matter remains throughout the generations, I have strengthened it by signing it
34 and by the imposition of my seal; as may be seen below, I have caused it to be sealed.

35 *This charter has been given on September 13, A.D. 1084, in the seventh indiction, in the twelfth year since*
36 *the aforementioned bishop began to preside in that city.*

37 FROM SOLOMON BAR SAMSON'S CHRONICLE OF THE FIRST CRUSADE

38 At the outset, when we came to establish our residence in Speyer—may its foundations never
39 falter!—it was as a result of the fire that broke out in the city of Mainz.

40 The city of Mainz was the city of our origin and the residence of our ancestors, the ancient
41 and revered community, praised above all communities in the empire. All the Jews' quarter and
42 their street was burned, and we stood in great fear of the burghers. At the same time, Meir Cohen
43 came from Worms, bearing a copy of *Torat Kohanim* [either Leviticus itself or the midrash on
44 Leviticus]. The burghers thought that it was silver or gold and slew him...

45 Rabbi Meshullam said to them: "Fear not, for all this was ordained." We then decided to
46 set forth from there and to settle wherever we might find a fortified city. Perhaps the
47 compassionate Lord might show compassion and the merciful One might exhibit mercy and the
48 All-Helpful might help to sustain us, as He does this very day.

49 The bishop of Speyer greeted us warmly, sending his ministers and soldiers after us. He
50 gave us a place in the city and expressed his intention to build about us a strong wall to protect us
51 from our enemies, to afford us fortification. He pitied us as a man pities his son. We then set forth
52 our prayers before our Creator, morning and evening, for a number of years.

Source: R. Chazan, *Church, State, and Jew in the Middle Ages*, pp. 57-60.

KOL BO, 14.2

1 Question: Reuben came to the synagogue and complained: "O holy congregation! Simon's gentile
2 maidservant came to my house yesterday, and reviled and cursed me. You all know that she is a
3 habitual vilifier and has done so to you all." The entire congregation responded: "Indeed, so it is."
4 One man said that she hit him with a stick; another said that she called his wife a harlot; and a
5 third, that she called him a cuckold. Thereupon Reuben stated: "Given the fact that she is a

6 habitual transgressor, I implore you to decree that for half a year she derive no benefit from any
7 Jew; perhaps she will [thus] learn her lesson. And if you empower me to do so, I will pronounce
8 the decree myself.” They empowered him, and he pronounced the specific decree. Simon alone,
9 however, protested against the decree and stated that he would never abide by it. The decree, [he
10 argued,] was not binding, because it was pronounced by a person hostile to him. The entire
11 congregation replied: “His pronouncement was made solely on our behalf; the decree was not
12 pronounced merely because of him but because [of her abuse] of several members of the
13 community.” Simon then declared: “We are not bound by this decree, because many of those who
14 participated in its pronouncement are friendly to our adversaries and hostile to us.” The entire
15 congregation replied: “Far be it from us to pronounce a decree because of our friendliness toward
16 one man; for as we love him, so do we love all Israel—‘the remnant of Israel shall not do iniquity’
17 (Zeph. 3:13).”

18 We [the congregation] cautioned Simon and his followers on several occasions against such
19 excessive willfulness, but they disregarded us. When our congregations saw this, we separated from
20 them. But the entire congregation feared that Simon and his friends, living so near the synagogue,
21 would remove the Torah scrolls and other public articles, and that no one would be able to stop
22 them from taking these articles...

23 May our teachers instruct us [on the following]: May the townspeople enact a decrees
24 [binding] a minority of congregation members? [Do they have the right] to coerce the minority,
25 force them to participate in communal enactments, and restrain from withdrawing from the
26 community? Is Simon justified in his arguments? For if Simon is correct, every man and woman
27 who so desires will free himself or herself from authority by putting forth similar claims.

28 Further instruct us: May townspeople bind by oath people of another town and thereby
29 coerce them in their own town even though they are several miles away, and the respective towns

30 are independent? Or may [the people from the neighboring town] claim : “We will do [as we
31 please]. We ignore your decrees and oaths.”

32 Further instruct us: We are a small congregation. The humble members among us have
33 always abided by the leadership of our eminent members, never protesting against our ordinances.
34 Rather, they have always followed our decrees. Now, when we are about to enact a decree, must we
35 ask each individual member whether or not he is in agreement with us? In the event that we did
36 not ask, and a certain individual kept silent and did not protest, could he then claim that the
37 decree had not been enacted with his consent, even though he did not protest either at the time of
38 the enactment of the decree or subsequently? Instruct us in detail, on all these matters.

39 Answer: This is our opinion, assuming [the accuracy of] the content of the query: All
40 Israelites are obligated to coerce and compel one another to live in accordance with truth, justice,
41 God’s laws and His precepts. This principle is expressed in the Torah, the Prophets, and the
42 Writings. In the Torah: “You shall appoint magistrates and officials” (Deut. 16:18); in the
43 Prophets: “[When the Lord raised up judges for them] the Lord would be with the judge” (Judg.
44 2:18); in the Writings: “I censured them, cursed them, [flogged them, tore out their hair, and
45 adjured them by God]” (Neh. 13:25).

46 Therefore, if the congregation agrees together to enact decrees forming a fence around the
47 Torah, an individual may not exclude himself from the collective and cancel the pronouncement of
48 the many by saying that he did not agree to the enactment. The individual, being a minority, is
49 himself canceled [out]; whereas the many are authorized to bind by oath, to decree, to place under
50 a ban , expropriate his property, and enact any [such] decree.

51 We find support for this in a number of sources in the Torah... And individual, therefore,
52 cannot exclude himself from the communal collective.

53 Moreover, the inability of the individual to cancel decrees, or to exclude himself from such
54 decrees, is not limited to matters requiring a fence around the Torah, but even extends to such
55 optional matters as taxes and other enactments that the community enacts for itself. Thus we read:
56 “Townspople are authorized to stipulate regarding prices, measures, and the pay of laborers...And
57 they are authorized to enforce their decree” (BT Bava Batra 8b). Therefore, no one should ever
58 entertain such as idea.

59 Now concerning your forcing Simon to discharge his servant: If it is as you say that the
60 congregation agreed to it, they are authorized to do so. For a person is not permitted to harbor a
61 habitual public nuisance in his house...If, however, Simon’s version of the story is the correct
62 one—that, as we have heard, she is not habitually vicious, and that the congregation did not reach
63 an agreement on the matter, but that Simon’s enemies alone enacted the decree...we do not think
64 that Simon should be forced to discharge his servant...But, if the congregation did agree, Simon
65 cannot disqualify them on grounds of hostility or conflict. For [hostility] disqualifies [someone]
66 only from [serving as a judge in] court.

67 [Concerning communal autonomy]: ...If the decree that they are enacting deals with the
68 needs of their locality, such as taxation, weights, measures, and wages—certainly, in all such
69 matters townspeople may compel only [their own members]. As it is said, “Townspople are
70 authorized”—the people of that town, not the people of another town. If, however, God forbid,
71 the inhabitants of another town transgressed the Torah and the law, or decided a point of law not
72 in accordance with *halakhab*, the inhabitants of another town might coerce them, in order to force
73 them to mend their ways. The inhabitants of the former town may not say to the latter: “We will
74 do [as we please] and you do as you [please].” For all Israel are commanded to compel them...

75 You write that in your place the humble were accustomed to obey the eminent and never
76 protested against them. It is right that the humble obey the eminent in whatever they decree upon

77 them. This is so not only if they fail to protest, but...even if they protested vigorously..., for the
78 eminent are more numerous than the humble. Should you say that [in your community] the
79 humble are more numerous than the eminent, and that the former refused to obey the latter—if
80 they [the humble] were silent, showed no disapproval, and did not protest at the time the decree
81 was enacted, they can no longer [do so now]. Although the humble are more numerous than the
82 eminent, it is right that they obey their elders...Happy is the generation whose humble obey the
83 eminent...., as we see in the case of Rehoboam the son of King Solomon (1 Kings 12). May the
84 Almighty consent to our efforts for truth and peaceful justice.

Source: Michael Walzer et al., ed., *The Jewish Political Tradition, Vol. 1: Authority* (New Haven:
Yale University Press, 2000), pp. 392-396.

RASHI (Rabbi Shlomo ben Yitzhak), Comment to Genesis 3:8

1 There are many expansive interpretations (*midrashei aggadah*) and they have already been ordered in
2 their appropriate places in Bereshit Rabbah and in the rest of the Midrash collections; I, however,
3 am only concerned with the *peshat* of Scripture and for the *aggadah* which establishes the words of
4 a verse in a way that is fittingly spoken.

Compare: Proverbs 25:11: “Apples of gold in silver settings is a word fittingly spoken.”

Compare: Shabbat 63a, Yevamot 11b, and 24a: “A verse of Scripture never departs from its *peshat*.”

Compare: Sanhedrin 34a: “One verse [of Scripture] has several meanings; one meaning is not derived from several verses.”

RASHBAM (Rabbi Shlomo ben Meir), Comment to Genesis 37:2

1 Those who appreciate the intellect will think and understand what the Rabbis taught us, that a
2 verse of Scripture does not depart from its *peshat*; even though the essence of Torah is to instruct,
3 making us aware by hinting through both *peshat* and stories, and laws and rulings, and by means of
4 the thirty-two rules of interpretation of Rabbi Eliezer the son of Rabbi Yose the Gaililean, and by
5 the thirteen rules of interpretation of Rabbi Ishmael. The early commentators, on account of their
6 great piety, were occupied with leaning towards the expansive interpretations that are the essence,
7 and because of this they were not accustomed to the depths of the *peshat* of Scripture...Even our
8 teacher Solomon, the father of my mother, illuminator of the eyes of the exiled, had in mind to
9 explain the *peshat* of Scripture. I, Samuel the son of Rabbi Meir, his grandson, even argued with
10 him and he admitted to me that if he had the time, he would need to make different
11 interpretations according to the *peshat* approaches that are being developed every day.

THE *MAINZ ANONYMOUS*

1 It came to pass in the year 1028 after the destruction of the Temple [1096] that this evil befell
2 Israel. There first arose the princes and the nobles and the common folk in France, who took
3 counsel and set plans to ascend and “to rise up like eagles” (Obad. 1:4) and to do battle and “to
4 clear a way” (Isa. 40:3, 57:14, 62:10) for journeying to Jerusalem, the Holy City, and for reaching
5 the sepulcher of the crucified, “a trampled corpse” (Isa. 14:19) “who cannot profit and cannot save
6 for he is worthless” (1 Sam. 12:21). They said to one another: “Behold we travel to a distant to do
7 battle with the kings of that land. ‘We take our souls in our hands’ (Judg. 12:3, 1 Sam. 28:21, Job
8 13:14), in order to kill and to subjugate all those kingdoms that do not believe in the crucified.
9 How much more so [should we kill and subjugate] the Jews, who killed and crucified him.” They
10 taunted us from every direction. They took counsel, ordering that either we turn to their
11 adobinable faith or they would destroy us “from infant to suckling” (1 Sam. 15:3). They—both
12 princes and common folk—placed an evil sign upon their garments, a cross, and helmets upon
13 their heads.

14 When the [Jewish] communities in France heard, they were seized by consternation, fear,
15 and trembling.... They wrote letters and sent emissaries to all the [Jewish] communities along the
16 Rhine River, [asking that they] fast and deprive themselves and seek mercy... When the letters
17 reached the saintly ones who were in that land, they—those men of God, “the pillars of the
18 universe” (Prov. 10:25), who were in Mainz—wrote in reply...”All [the Jewish communities] have
19 declared a fast. We have done our part... We are greatly fearful for you. We, however, have less
20 reason to fear for we have not even heard a rumor [of such developments]”...

21 When the crusaders began to reach their land, they sought funds with which to purchase
22 bread. We gave them, considering ourselves to be fulfilling the verse: “Serve the king of Babylon,
23 and live” (Jer. 27:17). All this, however, was of no avail, for our sins brought it about that the

24 burghers in every city to which the crusaders came were hostile to us, for their [the burghers']
25 hands were also with them [the crusaders] to destroy vine and stock all the way to Jerusalem.

26 It came to pass that, when the crusaders came, battalion after battalion, like the army of
27 Sennacherib, some of the princes in the empire said: "Why do we sit thus? Let us also go with
28 them. For every man who sets forth on this journey and undertakes to ascend to the impure
29 sepulcher dedicated to the crucified will be assured paradise." Then the crusaders along with them
30 [the princes] gathered from all the provinces until they became as numerous "as the sands of the
31 sea," including both princes and common folk. They circulated a report..."Anyone who kills a
32 single Jew will have his sins absolved." Indeed there was a certain nobleman, Ditmar by name, who
33 announced that he would not depart from his empire until he would kill one Jew—then he would
34 depart. Now when the holy community in Mainz heard this, they decreed a fast. "They cried out
35 mightily to the Lord" (Jon. 3:8) and they passed night and day in fasting. Likewise they recited
36 dirges both morning and evening, both small and great. Nonetheless our God "did not turn away
37 from his awesome wrath" (2 Kings 23:26) against us. For the crusaders with their insignia came,
38 with their standards before our houses. When they saw one of us, they ran after him and pierced
39 him with a spear. To the point that we were afraid even to cross our thresholds.

40 It came to pass on the eighth of the month of Iyyar, on the Sabbath, the measure of justice
41 began to manifest itself against us. The crusaders and burghers arose first against the saintly ones,
42 the pious of the Almighty in Speyer. They took counsel against them, [planning] to seize them
43 together in the synagogue. But it was revealed to them and they rose [early] on the Sabbath
44 morning and prayed rapidly and left the synagogue. When they [the crusaders and burghers] saw
45 that the plan for seizing them together was foiled, they rose against them [the Jews] and killed
46 eleven of them. From there the decree began, to fulfill that which is said: "Begin at my sanctuary"
47 (Ezek. 9:6, BT Shabb. 55a). When Bishop John heard, he came with a large force and helped the

48 [Jewish] community wholeheartedly and brought them indoors and saved them from their [the
49 crusaders' and burgher's] hands. He seized some of the burghers and "cut off their hands" (2 Sam.
50 4:12). He was a pious one among the nations. Indeed God brought about well-being and salvation
51 through him. Rabbi Moses ben Yekutiel the *parnas* "stood on the breach" (Ps. 106:23) and
52 extended himself on their behalf. Through him all those forcibly converted who remained "here
53 and there" (Josh. 8:20) in the empire of Henry returned [to Judaism]. Through the emperor,
54 Bishop John removed the remnant of the community at Speyer to his fortified towns, and the
55 Lord turned to them, for the sake of His great Name. The bishop hid them until the enemies of
56 the Lord passed...

57 It came to pass that, when the sad rep[ort that some of the community of Speyer had been
58 killed reached Worms, they [the Jews of Worms] cried out to the Lord and wept loudly and
59 bitterly... The community divided itself into two groups. Some of them fled to the bishop in his
60 towers; some of them remained in their homes, for the burghers promised them vainly and
61 cunningly. They are "splintered reeds" (2 Kings 18:21; Isa. 36:6), for evil and not for good, for their
62 hand was with the crusaders to destroy our name and remnant. They gave us vain and meaningless
63 encouragement, [saying]: "Do not fear then, for anyone who kills one of you—'his life will be
64 forfeit for yours.'" They [the burghers] did not give them [the Jews] anywhere to flee, for [the
65 members of] the community deposited all their money in their [the burghers'] hands. Therefore
66 they surrendered them...

67 It came to pass on the twenty-fifth of Iyyar that the crusaders and the burghers said:
68 "Behold those who remain in the courtyard of the bishop and in his chambers. Let us take
69 vengeance on them as well." They gathered from all the villages in the vicinity, along with the
70 crusaders and the burghers; they besieged them [the Jews]; and they did battle against them. There
71 took place a very great battle, one side against the other, until they seized the chambers in which

72 the children of the sacred covenant were. When they saw the battle raging to and for, the decree of
73 the King of kings, then they accepted divine judgment and expressed faith in their Creator and
74 “offered up true sacrifices” (Deut. 33:19). They took their children and slaughtered them
75 unreservedly for the unity of the revered and awesome Name. There were killed the notables of the
76 community.

Source: Robert Chazan, *European Jewry and the First Crusade* (Berkeley: University of California Press, 1987), pp. 225-230.

ELIEZER BAR YEHUDAH OF WORMS, Poem in memory of Bellet and Hannah (Second Crusade)

1 Let me tell the story of my eldest daughter, Bellet:
2 She was thirteen years old, and as chaste as a bride.
3 She had learned all the prayers and songs from her mother,
4 Who was modest and kind, sweet and wise.
5 The girl took after her beautiful mother;
6 Every night she would make my bed and take off my shoes.
7 She did her housework quickly, and always spoke the truth.
8 She worshipped her Maker; she sewed and embroidered [in His Honor],
9 She was filled with reverence and pure love for her Creator.
10 For the sake of heaven, she sat down by me to hear my teaching.
11 And that is when she and her mother and her sister were killed,
12 On the night of the twenty-second of Kislev,
13 As I was sitting peacefully at my table.
14 Two wicked men broke in and killed them before my eyes;
15 They also wounded me, and my students, and my son.
16 Now let me tell the story of my younger daughter [Hannah]:

17 Every day she would recite the Shema. She was six years old, and she knew to weave and sew and
18 embroider, and to delight me with her singing.
19 O, my lovely wife!
20 O my sons and daughters! I weep for them.
21 I put my trust in the Judge who decreed my sentence;
22 He has crushed me for my crimes.
23 O Lord, the right is on Your side,
24 The shame belongs to me.
25 No matter how You treat me,
26 I shall bless You and sing your honor;
27 And I shall bow down before You.

Source: T. Carmi, *The Penguin Book of Hebrew Verse* (New York: Penguin, 1981), pp. 387-388.

SEFER HA-'IYYUN

1 This is the book of contemplation that Rabbi Hammai [“the Visionary”], the principal spokesman,
2 composed on the topic of the Innermost. In it he revealed the essence of the entire existence of the
3 Glory, which is hidden from sight. No creature can truly comprehend the essence of His existence
4 and His nature, since He is in the state of balanced unity; for in His completeness the higher and
5 lower beings are united. He is the foundation of everything that is hidden and revealed. From Him
6 issues forth all that is emanated from the wondrousness of the Unity and all the powers that are
7 revealed from the Supreme Hiddenness, which is called *aman* [a term probably related to *emunah*,
8 faith]. The explanation is that from Him the sustaining power emanated, which is called Father of
9 Faith (*av ha-emunah*), since faith was emanated from its power.

10 He is the primal emanator, for He preceded all primordial elements that were emanated
11 from the wondrousness of His Unity. Furthermore, all of them are revealed by the process of

12 emanation, like a scent or a candle-flame from a candle-flame, since this emanates from that and
13 that from something else and the power of the emanator is within that which was emanated. The
14 emanator, however, does not lack anything. Thus, the Holy One, blessed be Ge, generated all of
15 His powers—these from those, by the process of emanation. Moreover, He is united with them
16 like the flame of fire, which is united with its colors, and He ascends above in His Unity and is
17 exalted, such that there is no end to His exaltedness.

18 When it arose in His mind to create all His actions and display His power and produce all
19 of His creations, He created one power. This power is called Primordial Wisdom (*ha-ḥokhmah ha-*
20 *qedumah*), which is called Mystery (*ta'alumah*).

Source: Mark Verman, *The Books of Contemplation: Medieval Jewish Mystical Sources* (Albany: State University of New York Press, 1992), pp. 39-41.

