

## INTRODUCTORY REMARKS

Throughout the Middle Ages, European Jewish communities were granted the right to organise themselves autonomously. From the beginning of the twelfth century we have evidence that Central European Jewry developed patterns of self-government reaching beyond the sole requirements of religious community life.<sup>1</sup> This development coincided with the emergence of town communities as a new type of politico-legal corporation within medieval society.<sup>2</sup> Subsequently in East Central Europe, and especially in the royal Polish towns, Jewish communities gained legal and political autonomy to a degree unknown elsewhere. This study aims to describe those Polish communities at the height of their power and importance, which they reached in the second half of the sixteenth century. In so doing it has to take into consideration – like any investigation made in the field of Jewish history – an internal Jewish aspect and an external non-Jewish one. Moreover, the aim of such an approach should always be to come to a kind of synthesis in terms of this twofold perspective, in which the interdependence of internal and external factors is described. Therefore, this essay will deal not only with the structures of Jewish communal organisation proper, but also with the question of its emergence and development in the context of its non-Jewish environment. It will investigate the following aspects:

1. The legal framework of Jewish communal organisation provided by royal privileges and the political context of the Polish Commonwealth of Nobles.
2. The organisational patterns of Jewish communities and their interdependence with those of town communities.
3. The self-perception of Jewish communities in relation to their non-Jewish environment.

## THE LEGAL AND POLITICAL FRAMEWORK

Until the middle of the sixteenth century Jewish communal life in Poland developed mainly under the auspices of royal policy. It was the kings who granted the Jews the basic privileges that enabled them to settle in Polish towns and to constitute their communities there. These privileges gave a general legal framework: they ensured the Jews' freedom of movement as well as settlement; they laid the foundation for economic prosperity, and last but not least they subjected the Jews to royal jurisdiction and thereby withdrew them from the judicial power of the church as well as that of the nobility and the towns.<sup>3</sup> These basic privileges were reconfirmed several times before the end of the eighteenth century, but had lost their full value by the middle of the sixteenth century due to the general decline of royal power in the developing Polish Commonwealth of Nobles. In 1539 King Sigismund the Old delegated the jurisdiction over the Jews settling on noble estates to the nobility itself and thereby waived the exclusive right to rule and judge all Jews settling on Polish territories. In the following decades the basic Jewish privileges gradually lost their importance in favour of charters and privileges granted to particular communities.<sup>4</sup>

The main purpose of the royal policy was to define the external conditions of the Jews' existence within non-Jewish Polish society. Moreover, it affected another aspect of Jewish life, which related to the internal structure of Jewish communities and to their right to organise themselves autonomously according to the principles of Jewish law (*halakhah*). Up to the sixteenth century royal policy dealt with that aspect only in outline. Nevertheless, the various redactions of the basic privileges granted to Polish Jewry throughout the Middle Ages give us some information on this point. For example, the first charter granted by Bolesław the Pious, Duke of Great Poland in 1264, lays down that any trial involving a Jew should be held only 'around the synagogue or

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<sup>1</sup>Note: All Hebrew and Yiddish expressions quoted have been transliterated according to the transliteration rules of *Encyclopedia Judaica* (Jerusalem, 1972), vol. 1, pp. 90–92.

L. Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1964), p. 20ff.

<sup>2</sup>The interdependence of these developments has been discussed in detail in Jewish historiography: cf. I. Baer, 'Ha-yesodot ve-ha-hathalot shel irgun ha-kehilah ha-yehudit be-yemei ha-benayim' [Foundations and beginnings of Jewish communal organisation in the Middle Ages], *Tsion* 15 (1950), pp. 1–41; I. A. Agus, *Urban Civilization in Pre-Crusade Europe* (Leiden, 1965).

<sup>3</sup>P. Bloch, *Die General-Privilegien der polnischen Judenschaft* (Posen, 1892).

<sup>4</sup>J. Goldberg, *Jewish Privileges in the Polish Commonwealth. Charters of Rights Granted to Jewish Communities in Poland–Lithuania in the Sixteenth to Eighteenth Centuries* (Jerusalem, 1985), pp. 1–52, esp. p. 11ff.

where[ever] else they [i.e. the Jews] would prefer' to have it held.<sup>5</sup> This principle was also to be applied to legal cases between Jews and non-Jews: '[a]gainst a Jew a trial shall proceed nowhere else but in the synagogue'.<sup>6</sup> Thus, the Jews were literally granted their own legal space which also had to be respected by non-Jews and their judicial authorities.

Later, the initial privilege of the Lvov community, granted in 1367, mentioned Jewish law for the first time as a legitimate source of jurisdiction: there it was said that if a Jew would not appear at the law-court as requested, he should be treated 'according to their [i.e. the Jews'] custom'.<sup>7</sup> This suggests that by the fourteenth and fifteenth centuries *halakhah* was being applied in jurisdiction over Jews in Poland, though up to the sixteenth century we have scarcely any documentary evidence proving this. In another redaction of the basic Jewish privileges, dating from 1453, we find a paragraph stating that law cases between Jews are to be judged by a Jewish law-court unless one of the parties involved appealed to the *wojewoda*, a royal official responsible for jurisdiction over the Jews.<sup>8</sup> Besides that, the same privilege obliged every Jew to be obedient to an internal Jewish authority named '*superiori sui*'.<sup>9</sup> Although similar evidence can be found in various town records by the end of the fourteenth century,<sup>10</sup> this is the earliest mention of a lay Jewish leadership in a royal document defining the legal and political status of the Jews. This leadership, which initially seems to have emerged without explicit legitimation, gained in importance in the sixteenth century. King Sigismund the Old, already mentioned, was the first Polish monarch to deal with it explicitly; he understood it as an instrument of his own rule delegated to Jewish 'officials' rather than as an autonomous representation of Jewish interests. Its main purpose was to guarantee regular income for the royal chamber. Consequently, Sigismund made attempts to centralise Jewish self-government for that purpose and to nominate elders and tax collectors that would be responsible for all of Polish Jewry.<sup>11</sup> Only after the failure of those efforts, which had been firmly rejected by the communities in question, did King Sigismund Augustus (the successor of Sigismund the Old) begin to support a Jewish communal organisation that attained more political, administrative, and judicial autonomy. This significant change in the ruler's attitude towards Jewish self-government took place within the context of the changing political structures of that time, which had already had an impact on royal policy some decades earlier. The main motive in granting the Jews a number of rights had not changed: it was still money. But as the focus of power and also fiscal competence increasingly shifted from the royal court to the *Sejm*, the nobility's *diet*, the king sought to guarantee and strengthen those sources of income that remained under his immediate control.

This policy became advantageous most of all for the Jewish communities located in the great royal towns, such as Lvov, a community that gained far-reaching power in 1569. It was granted the right to elect its elders without any interference from non-Jewish authorities. Thus, the elected lay leadership was enabled to conduct all of the community's affairs, administrative as well as fiscal and judicial, with full responsibility with regard to its members, who lost almost completely the opportunity to apply to non-Jewish authorities, even if they would have wanted to do so.<sup>12</sup> In the following decades, this model of Jewish self-government was also transferred to other Jewish communities like those of Poznań and Cracow, from which we have some detailed evidence of how their internal organisation functioned.<sup>13</sup>

## ORGANISATIONAL PATTERNS OF THE 'JUDENSTADT'

So how was the sixteenth-century Polish *kehillah* organised? In general terms, it was to a far greater extent a political corporation than the medieval Jewish communities of Central Europe had ever been. This becomes

<sup>5</sup> Bloch, *Die General-Privilegien*, p. 24ff, §22.

<sup>6</sup> Bloch, *Die General-Privilegien*, p. 24ff, §30.

<sup>7</sup> Bloch, *Die General-Privilegien*, p. 37ff, §16.

<sup>8</sup> Bloch, *Die General-Privilegien*, p. 102ff, §10.

<sup>9</sup> Bloch, *Die General-Privilegien*, p. 102ff, §11.

<sup>10</sup> The earliest examples from the 1370s can be found in Cracow; see *Żydzi w średniowiecznym Krakowie. Wypisy źródłowe z ksiąg miejskich krakowskich*, ed. B. Wyrozumka (Cracow, 1995), No. 54.

<sup>11</sup> M. Schorr, 'Organizacja Żydów w Polsce od czasów najdawniejszych do 1772', *Kwartalnik Historyczny* 13 (1899), pp. 482–520 and 734–775, here pp. 492ff.

<sup>12</sup> Schorr, 'Organizacja Żydów', pp. 499ff.

<sup>13</sup> This source material from the late sixteenth and beginning of the seventeenth century has been partially edited. For Cracow: F. Wettstein, *Dvarim atikim mi pinkasei hakahal Krakoa* [Historical occurrences from the Protocols of the Cracow community] (Cracow, 1890–1891); F. Wettstein, *Dvarei hefets mipinkasei hakahal beKraka* [Occurrences from the Protocols of the Cracow community] (Cracow, 1891–1892); F. Wettstein, *Kadmoniyot mipinkasim yashanim beKrakov* [Things handed down in the Old Protocols in Cracow] (Cracow, 1891/92); M. Bałaban, 'Die Krakauer Judengemeindeordnung von 1595 und ihre Nachträge', *Jahrbuch der Jüdisch-Literarischen Gesellschaft* 10–11 (1913–1916), pp. 296–360 and 88–114. For Poznań: F. Kupfer, 'Pinkas K'szejrim' [The Electors' protocol-book], *Biuletyn Żydowskiego Instytutu Historycznego* 2–3 (1953); D. Avron, *Pinkas haksherim shel kehilat Pozna* [The protocol-book of the Poznań community] (Jerusalem, 1960). Further unpublished material from Poznań is kept in the Central Archives for the History of the Jewish People in Jerusalem (sign. HMB/946).

clear mainly through the fact that in the Polish *kehillot* quite a sharp distinction existed between the lay and the religious leadership. And if the famous thirteenth-century *takkanot* [ordinances] of the Rhine communities Speyer, Worms, and Mayence (better known by the acronym SHU'YM) were the result of rabbinical congregations,<sup>14</sup> the ordinances of late medieval and early-modern Polish communities were the work of lay leaders. Those, in parallel with the council of a Christian town, were recruited out of and were elected by a rather small group of economically well-off community members, who had to be regular tax-payers as well as house-owners to gain full political rights within their community.<sup>15</sup> At the top of the community's hierarchy stood the *parnasim* or *roshim* (appearing in non-Jewish sources as 'eldiste' or 'seniores'), who had to be elected once a year during the first days of Passover. The sources pay special attention to the election procedure, which was not carried out directly, but with the help of special electioneers who had to be elected first.<sup>16</sup> This may appear to be a kind of democratic control to avoid re-electing a small group of persons again and again, but nevertheless that is what happened, because in all the communities we find evidence of oligarchic structures and of some influential families that retained dominance over generations, such as the Fiszels in Cracow or the Nachmanowicz in Lvov.<sup>17</sup>

The *parnasim* were responsible for the community's finances, had to confirm the decisions of the *bet din* [the law-court], and represented the community vis-à-vis the non-Jewish authorities. They controlled all of the community's officials, and they also had the power to decide who would obtain the right to settle in the community, and who would not. They themselves were barely controlled by anyone.

Besides the *parnasim* there was also an elected group of *tovim* (or 'boni viri') as members of the community's leadership. In most cases their duties were not very clearly defined. Only in Cracow do we have evidence that they were responsible for controlling the work of the *parnasim*. Together with them, they nominated the rest of the community's officials, which formed a kind of board of assessors to the leading group of *parnasim* and *tovim*.<sup>18</sup>

As in the case of Jewish communal organisation in medieval Germany, historians have made an attempt to compare Polish Jewish institutions with those of the non-Jewish town communities. Historians like Moses Schorr or Majer Bałaban identified the *kahal* with the council, the *parnasim* with the councillors, and the *tovim* with the lay assessors ('*scabini*').<sup>19</sup> Though the parallels between Jewish communities and town communities seem obvious, it is more promising to compare them in terms of their specific functions than to identify the particular groups of officials proper. Communal jurisdiction may serve as a good example; it was one of the most vital and significant fields of Jewish as well as urban self-government. As we have already seen, it was increasingly delegated from royal officials to the Jews themselves, and at the end of the sixteenth century their law-courts gained full judicial power in all internal Jewish trials, with the exception only of those cases in which the death penalty had to be applied.<sup>20</sup>

The members of the *bet din*, just like the *parnasim* and the *tovim*, were elected once a year. They constituted three boards, which were divided according to the value that was in dispute, and on each of which sat four judges. The highest board, which also dealt with criminal cases, was presided over by a rabbi, who held the title of *av* or *rav bet din* ('father' and 'leader of the law court' respectively). The higher judges were titled *dayan metsuyan* ('outstanding judge'), the members of the other boards simply *dayan* ('judge'). The Jewish law-court could impose all kinds of penalties; the communities had a pillory as well as a jail, and in the worst cases it even had the power to impose the *herem*, the 'great ban', though only with the consent of the *parnasim*.<sup>21</sup>

Thus, the Jewish communities had a judicial system similar to that of the town communities. In theory, they were clearly distinguished and the independence of Jewish jurisdiction from that of the town was guaranteed by royal privileges, but in practice there was not always such a clear distinction between the two legal spheres. In fact, the town authorities had no interest in interfering with internal Jewish conflicts of any kind, but they were very much interested in controlling the Jews' economic activities, and to a certain extent these were documented

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<sup>14</sup> E. Carlebach, 'Die rechtlichen und sozialen Verhältnisse der jüdischen Gemeinden: Speyer, Worms und Mainz von ihren Anfängen bis zur Mitte des 14. Jahrhunderts' (PhD.diss. Rostock, 1900).

<sup>15</sup> Schorr, 'Organizacya Żydów', p. 501.

<sup>16</sup> The most detailed description of this procedure can be found in the ordinances of the Cracow community, see M. Bałaban, 'Die Krakauer Judengemeindeordnung', fol. 9b–13b.

<sup>17</sup> M. Bałaban, *Historja Żydów w Krakowie i na Kazimierzu 1304–1868* (Cracow, 1931–1936), vol. 1, pp. 68ff; M. Bałaban, *Izak Nachmanowicz, Żyd lwowski XVIego wieku* (Lvov, 1904).

<sup>18</sup> W. Feilchenfeld, 'Die innere Verfassung der jüdischen Gemeinde zu Posen im 17. und 18. Jahrhundert', *Zeitschrift der historischen Gesellschaft für die Provinz Posen* 11 (1896), pp. 122–37, here pp. 128–29; M. Bałaban, *Żydzi lwowscy na przełomie XVIgo i XVIIgo wieku* (Lvov, 1906), pp. 232–33; Bałaban, *Historja Żydów*, vol. 1, pp. 329ff.

<sup>19</sup> M. Schorr, *Rechtsstellung und innere Verfassung der Juden in Polen* (Berlin–Vienna, 1917); M. Bałaban, 'Ustrój kahału w Polsce w XVI–XVIII w.', *Kwartalnik Historyczny Żydów w Polsce* 2 (1912), pp. 17–54.

<sup>20</sup> Schorr, 'Organizacya Żydów', p. 740.

<sup>21</sup> In Cracow, as well as in Poznań, the *parnasim* also judged criminal cases instead of the *dayanim*: see Feilchenfeld, *Die innere Verfassung*, p. 130ff; Bałaban, *Żydzi lwowscy*, pp. 289–303; M. Bałaban, *Historja Żydów*, vol. 1, pp. 367ff.

and thus controlled by the law-courts, too. In this field there was competition between Jewish and non-Jewish judicial competences, and both Jews and non-Jews attempted to gain as many of them as possible. For both of them, this was a matter of economic and fiscal interest.

Another important area of community activities was that of economic control and regulation. The range of economic activity of Polish Jewry was much more differentiated than that of the Jews in Central Europe at that time.<sup>22</sup> Basically, all these activities had to be licensed by the community, which would give out a special permit (a so-called *hazakah*). This had, on the one hand, the function of internal regulation of competition among the Jews themselves; on the other hand, it served as a way of implementing economic restrictions handed down by non-Jewish authorities. The prohibition against renting such 'public' (in the sense of royal or noble) institutions as mints, salt mines, toll stations, and so on, formulated in *takkanot* from the 1580s onwards, may serve as an example.<sup>23</sup> This source of income had been quite common for Polish Jewry throughout the Middle Ages, but after 1538 several attempts were made from the side of the nobility to end it.<sup>24</sup> In prohibiting such rentals the Jewish authorities were reacting to this development.

Jewish money-lending was just as controversial, but here it was not the nobility's but the church's influence that affected Jewish internal regulation. As a rule, the *kehillot* limited rates of interest in money lending to a level below that one of Christian moneylenders in order to avoid the widespread, religiously-based reproaches of usury which at any time were liable to find expression in major attacks on Jews.<sup>25</sup> Internally, these limitations served to control competition among Jews and even more in avoiding bankruptcies.<sup>26</sup>

Moreover, the Jewish communities controlled their members' trade and crafts with a great number of regulations similar to those that the towns imposed on their trades- and craftsmen.<sup>27</sup> Therefore the *kehillot* were responsible for defending the Jews' economic interests vis-à-vis their non-Jewish competitors.<sup>28</sup> Originally this was the *parnasim*'s job, but from the beginning of the seventeenth century they were assisted by special guilds that were organised on the pattern of non-Jewish professional organisations.<sup>29</sup>

In addition, at least the large communities had highly differentiated administrations. The most important office (besides the leadership proper) that the community had to confer was that of the *shamash*.<sup>30</sup> Originally the synagogue's servants, the late sixteenth-century's *shamashim* had several functions, which usually were divided among a few persons. The *shamash* collected the taxes, and was responsible for implementing the *parnasim*'s decisions and enforcing the *bet din*'s judgements. Vis-à-vis the Christian authorities he functioned as a kind of community speaker or deputy of the *parnasim*. In this activity his duties intermingled with those of the *shtadlan* [advocate].<sup>31</sup>

Another prestigious office was that of the *gabba'im* [the synagogue's heads], who had to be elected once a year together with the *parnasim* and the judges.<sup>32</sup> For smaller communities it was sufficient to have one *gabbai*, but the larger ones employed half-a-dozen or even more. They sold the seats in the synagogue and determined who was to read the weekly selection from the Torah. They organised welfare for the poor and sick (*zedakah*) and looked after *kashrut*. Finally, they administered the community's cemetery and the ritual bath. Although their duties were obviously related to religious life, they were supervised mainly by the lay leadership.<sup>33</sup>

The control of public order within the Jewish quarter lay in the hands of the *ne'emunim* [trustworthy]: they looked after cleanliness and security, checked the measures and weights of merchants and craftsmen, and the like.<sup>34</sup>

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<sup>22</sup> M. Horn, 'Rola gospodarcza Żydów w Polsce do końca XVIII wieku', in *Studia z dziejów Żydów w Polsce*, ed. Z. Borzymińska (Warsaw, 1995), pp. 27--44.

<sup>23</sup> Cp. Bałaban, 'Die Krakauer Judengemeindeordnung', fol. 4b.

<sup>24</sup> Horn, 'Rola gospodarcza', p. 35.

<sup>25</sup> Kupfer, 'Pinkas K'szejrim', p. 81; Bałaban, 'Die Krakauer Judengemeindeordnung', fol. 7.

<sup>26</sup> I. Schiper, *Dzieje handlu Żydowskiego na ziemiach polskich* (Warsaw, 1937), pp. 137ff; Bałaban, 'Die Krakauer Judengemeinde', fol. 29bff

<sup>27</sup> We find the most obvious evidence for this in Poznań, cp. Kupfer, 'Pinkas K'szejrim', pp. 73ff; Feilchenfeld, *Die innere Verfassung*, pp. 136ff; M. Grycz, *Handel Poznania 1550--1655* (Poznań, 1964), pp. 143, 176ff,

<sup>28</sup> Schiper, *Dzieje handlu*, pp. 144ff.

<sup>29</sup> M. Horn, 'Chronologia i zasięg terytorialny żydowskich cechów rzemieślniczych w dawnej Polsce (1613--1795)', in *Żydzi w dawnej Rzeczypospolitej*, ed. A. Link-Lenczowski (Wrocław, 1991), pp. 201--13.

<sup>30</sup> Referred to also as 'szkolnik', or 'synagogus' respectively 'plenipotens' in non-Jewish sources, see Bałaban, *Żydzi lwowscy*, pp. 234ff; Bałaban, *Historja Żydów*, vol. 1, pp. 341--42.

<sup>31</sup> We will deal with this separately.

<sup>32</sup> Feilchenfeld, *Die innere Verfassung*, pp. 132--33; Bałaban, *Żydzi lwowscy*, pp. 238ff; Bałaban, *Historja Żydów*, p. 336.

<sup>33</sup> This may serve as an example of the specific hierarchy within the community leadership, and the fact that the religious leaders (the rabbis) were subordinated to the lay leaders (*parnasim* and *tovim*).

<sup>34</sup> Feilchenfeld, *Die innere Verfassung*, p. 134; Bałaban, *Żydzi lwowscy*, pp. 241ff; Bałaban, *Historja Żydów*, p. 336.

A temporary, but no less important office was that of tax assessor (*shamma'im*).<sup>35</sup> On a fixed date (in Cracow at the end of February, right after the Lublin fair)<sup>36</sup> the *parnasim* and *tovim* elected a special commission of tax assessors that had to compute the tax rate to be imposed upon each community member.<sup>37</sup> This commission only worked for a few weeks and its decisions were immediately enforced. Protest could only be entered after having paid the sum computed. As one may imagine, this procedure evoked continual quarrels, and no other office was as controversial as the *shamma'im*'s.<sup>38</sup>

Generally speaking we may say that the Jews' communal organisation was very similar to non-Jewish patterns not only in respect of its political leadership (already mentioned), but also -- and mainly -- in its judicial and administrative functions. Thus, at least the most important and numerous communities of the royal towns, such as Cracow, Poznań, Lvov, and perhaps Lublin constituted themselves as real 'Jewish towns' within the non-Jewish ones. Still, they were part of the latter, not only topographically, but also -- at least to some extent -- legally and economically. They were autonomous in the full sense of the word in only two fields, namely religious life and political structures, which worked independently of the towns' self-government. However, competences sometimes mixed in jurisdiction, business, and general administration, and most of the conflicts between Jews and non-Jews in the towns arose from these intermingling competences.

### 'GAS' VERSUS 'SHTAT': THE SELF-PERCEPTION OF JEWISH COMMUNITIES

How did the Jews perceive their communal life in relation to the urban community amidst which they lived? Unfortunately, there is no source evidence for this early period that would document the individual's perception. Only the communities' official documents -- for example, their ordinances -- may give us information on this point. Due to their normative character they tell us nothing about the individual's perception, but they do reflect how 'the Jews' as a group, as a social unit, defined their relation to the non-Jewish environment.

Among the few Jewish sources from sixteenth-century Poland, the ordinances of the Cracow community best serve our purpose because they cover all aspects of Jewish communal life fairly comprehensively.<sup>39</sup> These ordinances, laid down in 1595, are well-known, though still not systematically evaluated historical documents of Polish Jewry. They were edited at the beginning of the twentieth century by Majer Bałaban, one of the outstanding Jewish historians in Poland. The following account refers to the folios of that edition.<sup>40</sup>

Looking through the *Takkanot Kraka* we find scarcely any direct references to the non-Jewish town. Its inhabitants and their representatives are only mentioned in very general terms as *ironim* [town dwellers], without further specification as to their status, profession, and so on.<sup>41</sup> The only manner of distinguishing them is in terms of religious difference: they appear mainly as *goyim* [non-Jews] or *arelim* [non-circumcised], even when the context of the particular *takkanah* clearly refers to a specific group of people, such as craftsmen, merchants, the clergy, and so on.<sup>42</sup> Thus, 'non-Jews' appear only as such, and as the opposite of 'Jews'. Following the same pattern, the town itself is distinguished as '*di shtat*' [the town] as the opposite of '*di gas*', which means the Jewish quarter of it.<sup>43</sup> Only once or twice in a document of almost 70 pages is Cracow concretely mentioned as 'Kraka' or 'Kazmir' (Kazimierz, the part of the town where the Jews lived).<sup>44</sup> Thereby, the distinction between '*shtat*' and '*gas*' is absolute, and someone not knowing the topography of the town might suppose that those were different places, whereas in reality the topographical distinction was not that absolute at all.<sup>45</sup> Moreover,

<sup>35</sup> Feilchenfeld, *Die innere Verfassung*, pp. 129--30; Bałaban, *Żydzi lwowscy*, p. 243; Bałaban, *Historja Żydów*, pp. 336ff.

<sup>36</sup> Bałaban, 'Die Krakauer Judengemeindeordnung', fol. 45b.

<sup>37</sup> This concerned the taxes that the communities levied for internal purposes, but also those imposed by the king. After 1579, they were levied in a lump sum, the distribution of which was incumbent on the Jews themselves. For the latter see S. Etinger, 'Sejm Czterech Ziem', in *Żydzi w dawnej Rzeczypospolitej*, ed. A. Link-Lenczowski (Wrocław, 1991), pp. 34--43, here p. 37.

<sup>38</sup> S. Shilo, 'Stosunki prawne pomiędzy jednostką a gminą w prawie żydowskim w Polsce w XVI i XVII wieku', in *Żydzi w dawnej Rzeczypospolitej*, pp. 91--101.

<sup>39</sup> For a more detailed description of this source see H. Petersen, 'Jüdisches Selbstverständnis im städtischen Kontext: Die Gemeindeordnung der Krakauer Juden aus dem Jahr 1595', in *Krakau, Prag und Wien. Funktionen von Metropolen im frühmodernen Staat*, ed. M. Dmitrieva and K. Lambrecht (Stuttgart, 2000), pp. 131--41, esp. pp. 135ff.

<sup>40</sup> In doing so we refer to the numeration of folios (also given in the edition) rather than to the paragraphs into which Bałaban divided the text (see our foregoing references to it). A revised edition prepared by Israel Bartal and Chava Turniansky of the Hebrew University in Jerusalem is still forthcoming and hasn't been available for us yet.

<sup>41</sup> Bałaban, 'Die Krakauer Judengemeindeordnung', fol. 23.

<sup>42</sup> Bałaban, 'Die Krakauer Judengemeindeordnung', fol. 2b, 4, 5b, 7b etc.

<sup>43</sup> Bałaban, 'Die Krakauer Judengemeindeordnung', fol. 20b.

<sup>44</sup> Bałaban, 'Die Krakauer Judengemeindeordnung', fol. 57, 59.

<sup>45</sup> A ghetto in the strict sense of the word did not exist in Polish towns, though in the second half of the sixteenth century we may observe a tendency towards stricter segregation followed by Jews and non-Jews alike. In 1553, Christian inhabitants of Cracow--Kazimierz complained about Jews living amidst them without being recognisable as Jews, and -- in a kind of countermove -- the Jews demanded a resettlement of Christians living in the predominantly Jewish streets. Only as a result of those quarrels did Cracow get a distinguishable Jewish quarter (see Bałaban, *Historja Żydów*, vol. 1, pp. 187--97).

there was daily interaction between Jews and non-Jews; ‘*gas*’ and ‘*shtat*’ were also linked to each other economically and, through that, socially. Indeed, the ordinances point out a great many regulations concerning such contacts. They were intended either to avoid conflicts or, where they had already arisen, to solve them according to certain rules devised by the *takkanot*. The above-mentioned *shtadlan* played an important role in applying those rules. He, besides the *parnasim*, was the main representative of the community and functioned as its advocate vis-à-vis the ‘outside’ world. Significantly, he not only got involved when problems arose between the Jewish community as a whole and its environment, but also when an individual member of the community came into conflict with a non-Jew.<sup>46</sup> The community obviously aimed to control and to regulate any kind of contact between its members and non-Jews, so that for the ‘others’ the Jews would appear as a unit with uniform interests. The ordinance prohibiting interference with internal Jewish affairs with the help of a *goy* may be understood in this sense, too.<sup>47</sup> Actually, this is an ancient prohibition applied wherever Jews were forced to live amongst a non-Jewish majority. It was mainly motivated by the minority’s wish and need for safety, but it also appears to have been a measure of social discipline to guarantee the integrity of the group as a whole.<sup>48</sup> And if the community’s leadership reformulated restrictions of the non-Jewish authorities within the framework of its own ordinances (without mentioning the original sources), this served the same purpose. So, for example, the ‘*Takkanot Kraka*’ point out ‘*daz man nit zol in der shtat gin kol yom rishon vekol yom haga gedolah*’ – that is, ‘do not to walk into town on Sundays and high Christian feast days’.<sup>49</sup> This prohibition was originally issued by the town council to avoid religious harassment,<sup>50</sup> but the *takkanot* formulated it as if it were of purely Jewish concern. Jacob Katz aptly called this manner of masking the real proportions of power ‘internalised rationalisation of external power’.<sup>51</sup> It had the sense of suggesting to the individual Jew that he lived not only in an autonomous, but also in an autarchic social sphere, independent of non-Jewish influences.

The specific attitude described above reflects the crucial point of Jewish autonomy: the Jews were well aware of depending upon the circumstances created by non-Jews, and they developed a whole repertoire of more or less informal methods of influencing them, which they named quite euphemistically ‘intercession’ (*shtadlanut*). But beyond such pragmatic attempts to manage their environment, they sought to maintain their social and cultural independence against non-Jewish interference. To meet those sometimes contradictory requirements, the Jewish leadership tended, both practically and theoretically,<sup>52</sup> to over-emphasise the already – at least in Poland – far-reaching autonomy of its communities.

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<sup>46</sup> Bałaban, ‘Die Krakauer Judengemeindeordnung’, fol. 18b, 23ff.

<sup>47</sup> Bałaban, ‘Die Krakauer Judengemeindeordnung’, fol. 2b.

<sup>48</sup> See Finkelstein, *Jewish Self-Government*, pp. 227--28, 241ff.

<sup>49</sup> Bałaban, ‘Die Krakauer Judengemeindeordnung’, fol. 20b.

<sup>50</sup> Bałaban, *Historja Żydów*, vol. 1, p. 231.

<sup>51</sup> J. Katz, *Tradition and Crisis. Jewish Society at the End of the Middle Ages* (New York, 1993), p. 77.

<sup>52</sup> Jacob Katz has thoroughly analysed the underlying theological conceptions of such strategies: J. Katz, *Exclusiveness and Tolerance. Studies in Jewish--Gentile Relations in Medieval and Modern Times* (Oxford, 1961).