EARLY MODERN WORKSHOP

Cultures of Record Keeping:
Creation, Preservation, and Use in the Early Modern Period

Co-sponsored by
American Academy for Jewish Research
Institute for Israel and Jewish Studies, Columbia University
Center for Jewish Studies, CUNY-Graduate Center
Jewish Studies, Fordham University
Carolina Center for Jewish Studies, University of North Carolina, Chapel Hill

Fordham University, New York
August 16-17, 2017
Welcome to the Early Modern Workshop 2017 on “History of Emotions/Emotions in History.”

This year's Early Modern Workshop's theme is "Cultures of Record Keeping: Creation, Preservation, and Use in the Early Modern Period." Our discussions will focus on the creation, preservation, organization, collection, translation, and use of records, evidence, and information. We will discuss continuities and change between chronological periods--including medieval and modern, and different cultures and settings--Jewish and non-Jewish. The topic is vast, so our discussions will go in different directions: official record keeping, personal records, collection and organization of information.

Even more than in our previous topic--history of emotions/emotions in history--there is such an abundance of work on records, and record keeping in non-Jewish historiography, but exceedingly little on Jewish record keeping.

The workshop is a culmination of a year of reading and discussions, we are attaching a bibliography of what we have read at the end of the reader.

The EMW is co-sponsored by:
• American Academy of Jewish Research,
• Institute for Israel and Jewish Studies at Columbia University,
• Center for Jewish Studies at CUNY-Graduate Center,
• Jewish Studies at Fordham University, and
• Carolina Center for Jewish Studies at the UNC-Chapel Hill.

The keynote address will be at Fordham Law School, 150 W 62nd St, New York, NY 10023, Room 2-01; the seminars will be at the Marino Hall, 45 Columbus Avenue, Conference Room 9th floor.

On behalf of members of the 2017 organizing committee, welcome!

Francesca Bregoli, CUNY, Queens College, and Graduate Center
Elisheva Carlebach, Columbia University
Debra Glasberg, New York University
Joshua Teplitzky, SUNY Stony Brook
Magda Teter, Fordham University
EARLY MODERN WORKSHOP: Jewish History Resources

Volume 14: Cultures of Record Keeping: Creation, Preservation, and Use in the Early Modern Period, Fordham University, New York, August 16-17, 2017

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REGIMES OF ARCHIVAL AUTHENTICITY: TREASURIES, SOVEREIGNS AND COMMUNITIES IN THE FORMATION AND ORDERING OF ARCHIVAL RECORDS SINCE THE MIDDLE AGES
Randolph Head, University of California

Abstract: Since late Antiquity, a key feature distinguishing those documents and records that we call archival among the broader circulation of texts in European society has been their status within implicit or explicit regimes of legal authenticity. Archival authenticity always remained closely tied to the distribution of power in society, but simultaneously responded to both the accelerating production of authentic records as well as to the evolving demands from various kinds of authorities. This talk will begin by tracing the shifting regimes of authenticity that characterized diverse archival accumulations and their ordering in repositories, from distributed medieval treasuries through centralizing early modern chancelleries, culminating in the rupture between philological and sovereignty-based archival authority around 1700. I will then turn to the role that communities played in the authentication and recognition of archival material under each regime, drawing on contemporary theories of ‘community archives’ to develop a richer understanding of the formation and survival of counter-archives as well as archives in early modern Europe.

Related readings:

Rodriguez de Diego, José Luis. "Archivos del Poder, archivos de la Administración, archivos de la Historia (s. XVI-XVII)," in Juan José Generelo and Ángeles Moreno López, eds., Historia de los Archivos y de la Archivistica en España, pp. 29-42.
Introduction

In the summer of 1298, a wave of anti-Jewish violence incited by a German nobleman named Rindfleisch swept through Franconia and the neighboring vicinities. In Würzburg, local burghers joined gangs of murderous knights to massacre nearly 900 Jews. Among the victims was Simeon ben Jacob (R. Shim’on ben R. Ya’akov), a resident of Worms who had come to Würzburg to pay and collect business debts. Following the riots, three witnesses reported that they had seen Simeon’s dead body; and on the basis of these testimonies, the Jewish court in Worms declared Simeon’s wife a widow and granted her permission to remarry, which she soon did.

Some time later, the father of Simeon’s widow, acting as her legal representative, appeared before a second Jewish court in Speyer to claim her ketubah payment from Simeon’s estate, only part of which had been allocated to her in Worms. This time, the widow’s claim was contested by Simeon’s heir, his son from a previous marriage. He was represented by his own agent, a well-known scholar by the name of R. Yedidyah ben Israel of Nürnberg. On behalf of his client, R. Yedidyah asserted that the witnesses to Simeon’s death in Würzburg were invalid because they had been apostates living as Christians at the time of the massacre, which discredited their testimony even though they subsequently repented. A protracted court battle ensued, involving judges, scholars, and rabbinic decisors from Germany, Austria, and even northern Spain.

The testimony of the witnesses, the original court ruling from Worms, the endorsement of the court in Speyer, and three sets of counter-claims written and presented by the representatives of the widow and the heir were preserved in Sefer Zikhron Yehudah, an anthology of responsa collected by R. Yehudah ben Asher of Toledo, son of the famous R. Asher ben Yehiel (known as “Rosh,” c. 1250–1327). The learned opinions of several prominent scholars that were solicited by the court in Speyer and the ultimate ruling of the Speyer beit din were recorded there as well. As one of the judges on the Speyer court, it is likely that R. Asher brought this complete file with him when he emigrated from Germany to Spain several
years after the case in question, and thus the records made their way to the hands of his son, R. Judah. Indeed, the dossier also contains a long responsum penned by R. Asher himself when the orphan’s agent subsequently challenged the ruling of the court in Speyer, as well as the text of that passionately-argued and long-winded appeal.

This collection of materials comprises one of the most complete surviving Jewish court files from medieval Ashkenaz, which renders it extremely valuable for understanding the way that judicial institutions functioned there, procedurally and politically. In addition to demonstrating the existence and activities of several rabbinic courts and the connections and correspondence between the judges and scholars who staffed them, it sheds rare light on the record-keeping practices of these forums. Most sources concerning the Jewish courts of medieval Germany suggest that whereas the Jewish courts did issue written documents, from deeds of sale to bills of divorce, litigants were expected to preserve their own copies, and the courts did not maintain an official archive or repository of such instruments. The systematic archiving of court rulings also seems to have been uncommon: litigants occasionally possessed written copies or claimed to possess them, but the courts themselves rarely if ever referred to such records. The Simeon ben Jacob court file from late thirteenth-century Speyer may complicate that picture, and we will examine this source with an eye to such issues.

The following passages represent a selection of texts from the aforementioned “dossier” that showcase the creation, use, and preservation of written records in the course of legal proceedings.

Selected Bibliography


These are the testimonies that were presented to permit the widow to remarry. And these are the claims of the agent (apotropos) of the widow and the claims of the agent of the deceased, as the receivers of the testimony and the claims (mekablei ha-eduyot ve-ha-te’anot) sent them to the scholars, to know the rulings of justice (mishpetei zedek).

[The testimonies presented to permit the widow to remarry]

[1] Before us, the undersigned witnesses, came a young man – in front of the courtyard of the synagogue of Germaiza (i.e. Worms). And he said in our presence, in innocence (lefi tumo), that he saw the rabbi, R. Shim’on son of the rabbi, R. Ya’akov, murdered [and] left lying in front of his house. And we investigated and examined him, ‘But other witnesses testified that he was left lying inside his house!’ And he responded, ‘Indeed, initially he was killed inside his house, but in the end, they dragged him outside.’ And what we heard, we have written and signed.

Yehudah son of R. Simhah.
Meshulam son of R. Elyakim.

[2] We, the undersigned, were selected to be judges between my (i.e. our) teacher, the rabbi, R. Yedidyah, agent of the orphan, son of R. Shimon the martyr (ha-kadosh); and my (i.e. our) teacher, R. Yakar Ha-Kohen. And it was testified before us, in a verified document (be-ketav mekuyam), that he saw R. Shimon dead.2 And what we saw and was testified before us, we have written and signed.

Hezkiah BSB”H (i.e. son of Shevah son of Hezkiah), may he live.
Natan Buzi son of R. Yoel Ha-Kohen, may his memory be a blessing.
Elyakim son of R. Yehudah Ha-Levi, may his memory be a blessing.

[3] Before us, the undersigned, R. Seligman son of R. Avraham, called Murnak, testified that he saw the martyr R. Shim’on son of R. Ya’akov Ha-Levi in Würzburg, the City of Blood (ir ha-damim). And this R. Seligman who testified was disfigured (lit. tormented), for he was a hunchback. And he said, as proof for

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1 Sefer Zikhron Yehudah 92 was published by Juda Rosenberg in Berlin in 1846 and reprinted in Jerusalem in 1968. A new edition, edited by Avraham Y. Havatzelet, was published in Jerusalem by Makhon Yerushalayim in 2005. I have provided the Hebrew text from the 1968 edition, which is included in the Bar-Illan Project, with the exception of certain additions and corrections in accordance with the Havatyelet edition that I have noted in the Hebrew text. I have added paragraph numbers to both the Hebrew text and its English translation, for ease of reference.

2 Alternatively: dying (met).
his report, that he saw him dead and left lying next to a landslide. And what he testified before us, we have written and signed.

Yehudah son of the martyr R. Avraham, may the memory of the righteous be a blessing.  
Yosef son of R. Aryeh, may his memory be a blessing, amiz.³  
Meir son of R. Menahem, may his memory be a blessing.  
The seal is true, son of R. Yitzhak Ha-Levi.

These are the testimonies that they testified to permit the widow to remarry.

And these are the claims that are being claimed by the agent of the widow and the agent of the deceased.

[4] [Claims of Re‘uven,⁴ the agent of the widow]

I, Reuben, agent of my daughter, the widow, and my granddaughter, the orphan, came to Speyer and claimed her marriage settlement (ketubah), because her husband was martyred and left behind landed property.

And I brought a witness who was accepted by the Jewish court in her town (lit. place),⁵ and they permitted her to [re]marry by his word; and the Jewish court in Speyer also endorsed him. And another witness was accepted by two [who gave] their testimony in my town (lit. place).⁶ And there I brought the two of them before the Jewish court, and they testified – with investigation and examination (be-hakirah ve-drishah) – that they heard from a witness, whose name was Yehonatan, and he said that he was a descendant of our master R. Yehonatan,⁷ and they heard from his mouth that he saw Dan son of Naftali,⁸ who was my son-in-law, the husband of my daughter, murdered.

…

And this is what the Jewish court relied upon and permitted her to [re]marry, as well as (the Talmudic argument that) 'she will be vigilant and (only then) marry.'⁹

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³ This significance of this appellation is not entirely clear.
⁴ ‘Re‘uven’ is the pseudonym used in the court materials for R. Yakar Ha-Kohen, agent and father of the widow.
⁵ The widow lived in Worms.
⁶ Ostensibly the widow’s agent (who was her father) also lived in Worms; thus, it is not clear why he seems to differentiate ‘my place’ from ‘her place.’
⁷ This may be a reference to R. Yehonatan of Würzburg, a Tosafist scholar.
⁸ ‘Dan ben Naftali’ is the pseudonym used in the court materials for the victim, R. Shim’on ben R. Ya’akov.
⁹ See, e.g. BT Yev 93b.
And furthermore, if they issue a call (lit. ban) in the synagogue, several groups of witnesses will come for me [to testify that] they mentioned his soul (i.e. memorialized him) in all of the communities [together] with the other martyrs. And I am also claiming the moveable property that was his, which is in the possession of R. Yitzhak the judge. And since I will bring witnesses that the time to collect the *ketubah* has arrived, I ask from the Jewish court that they enable her to collect without delay and that they not postpone justice for a widow and an orphan.

And furthermore, [with regard to] the witness, on whose word she was permitted (to remarry) – R. Seligman the son-in-law of R. Hillel of Mainz, a scholar of great importance, testified about him before the Jewish court, that this witness was modest and outstanding his whole life, and he lived with him in Würzburg until the time that he was compelled [to apostatize]. And what he testified before the orphan’s agent – I have a ruling about that. And if you say that the second one (i.e. the second witness) was not accepted by the agent for [providing] testimony for a wife (to permit her to remarry), we will say further that at a gathering of all the rabbis they ruled that we collect marriage settlements and inheritances on their word (i.e. on the word of apostate witnesses). And several such rulings have already been issued.

[5] And Shim’on,10 the agent of the orphan Zevulun son of Dan,11 responds to the words of Re’uven.

That which he brings as proof – that Re’uven says that that particular Seligman testified that his son-in-law Dan son of Naftali was killed – from what [Rabbi] Seligman said – [but] there are witnesses [who testify] about him that he eats non-kosher meat with appetite and is disqualified (from testifying) [according to] the (Talmudic) chapter ‘Ben Sorer’12… And if they permitted her to [re]marry before we knew that he is disqualified [in accordance with] biblical law, now that we know, the permission (*ha-hatarah*) is retroactively nullified…

And that Yehonatan is not credible either…
It turns out that Seligman is disqualified because he is an apostate who eats non-kosher meat with appetite, and Yehonatan is (like) a witness during war and disqualified.13

…

10 ‘Shim’on’ is the pseudonym used in the court materials for R. Yedidyah ben Yisrael, a well-known scholar, who served as the agent of the murdered man’s son.
11 ‘Zevulun ben Dan’ is the pseudonym used in the court materials for the murdered R. Shim’on ben Ya’akov’s orphaned son.
12 See BT Sanh 26b.
13 A (single) witness during war is suspected of too-quickly assuming the victim is dead and abandoning him, lest his own life be endangered; see BT Yev 115a.
And I sue her for the cost of her children’s education, for the father has owed [this] for three years already and, furthermore, the father is obligated to teach his son Torah; and all his father’s property is in her possession.

And what Re’uven wrote, that they authorized [her remarriage], no such thing ever occurred. And even if she was authorized, she was authorized mistakenly, as I have written – and there are many other proofs, which the instructors will understand themselves.

And what he wrote, that several women were authorized by their (i.e. the said witnesses’) words, (God) forbid that they were authorized other than in accordance with apostate witnesses who apostatized (for reasons) other than rebelliousness or appetite. And that they ‘mentioned his name’ (among the dead) – a certain Jewess, daughter-in-law of R. Zalman the Scribe, was mentioned as dead and it was testified about her [death] before her husband – and subsequently she appeared before us!

…

And let the teachers (i.e. judges) contemplate these things and instruct with the help of His name.

[6] [The second claims of Re’uven, agent of his daughter the widow]

…

[7] [The second response of Shim’on]

…

[8] [The words of Re’uven the third time]

And Re’uven the agent of his daughter responds.

Let the teacher see to permit [her to remarry] based on the young man who testified in innocence before the courtyard of the synagogue of Worms, and I wrote [down] his testimony. And so [with] all of them, I have the signatures (hatimot) [of those that] received their testimony and their expressions (leshonam).

And I brought a sealed document (ketav hatum) from the rabbis of Mainz, Worms, [and] Speyer, who released a levirate wife to the marketplace (i.e. permitted her to remarry) on the word of a certain young man, and a married woman is no different according to Chapter ‘Ha-Arel.’
And furthermore, [in the] authorization (ha-harsha’ah) that made him an agent, they wrote there ‘the orphan Zevulun son of Dan, the martyr’ – meaning, the agent is disingenuous.

And the orphan is wealthy beyond the 400 litrin that came to him by way of his father’s brothers, from what his grandmother set aside. But the orphan [daughter] has nothing, [not] even from the marriage settlement, as will be proven when she takes the oath…

[9] [The third response of Shim’on]

And Shim’on, the agent of the orphan Zevulun son of Dan, responds.

The witness who testified in Worms – the witnesses say that he came [intending] to release her. And even if he did come to testify in innocence, I already wrote that Aviyasaf disqualified him.

And that levirate wife that they released in Mainz [was released] on the word of a young man who was qualified (kasher) [to testify about] the complete and entire Torah, the grandson of R. Seligman Nakdan of Rothenburg.

And his proofs from the fact that they made mention of his soul and wrote [‘martyr’] in the authorization [document] (ba-harsha’ah) – they are empty words, for the scribe relied on the witnesses that I disqualified. And in life he was also a martyr, because he did not apostatize like his witnesses did.

And what he says, that the orphan has 400 litrin, no such thing ever was.

…

Therefore, they should not authorize her [to remarry] at all, and she should be prohibited in the future. And so it is worthy to instruct.

[10] [The words of the Speyer judges]

We the undersigned were selected to be the receivers of claims (mekablei te’anot) from these two lions pontificating with tempest and storm, ‘Waheb in Suphah.’

And we are sending the matter to the mountains, to know the answer in truth, to our teacher R. Azriel and his assistant R. Yedidyah son of R. Shlomo. And if they are in agreement (concerning the matter), let them send the messenger back to us with the ruling; and if not, let them take R. Shlomo to decide, or another. Only may

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14 The reference is to a well-known Talmudic interpretation of Num. 21:14 that claims the ‘battles of Torah’ ultimately restore harmony between their participants; see BT Kid 30b and Rashi’s commentary ad loc.
the law be established by two or three, so that we might rely in the matter on the triple-strand cord,\textsuperscript{15} and guide us to respite by an open passageway.

Hezkiah BSB”H (i.e. son of Shevah son of Hezkiah), may he live. Wretched of the wretched ones, Yehosef son of R. Elyakim Ha-Levi, may his memory be a blessing. Meir son of HAF”Z (?) R. Yehudah, the flowing stream.

And please, our masters, do not pay heed to any writing (\textit{ketav}), if it has been sent to you on this matter. And if anything has already been made known to you, do not pay heed to it.

The claims have been completed.

[11] [Responsum of R. Azriel ben Yehiel]

…

And in my opinion, this woman is permitted to marry and collects her marriage settlement…

And what seems [right] to me, I have written. And I have signed, Azriel, son of the Hasid R. Yehiel, may the memory of the righteous be a blessing.

[12] [Responsum of R. Shlomo ben Elyakim Ha-Levi]

The opinion of a student should not determine, if only because I am uneducated and do not have the strength of a worm. And what purpose would his (i.e. my) determination serve, I have not even seen the words of my teacher, my uncle R. Yedidyah, son of my teacher R. Shlomo, that I could decide between him and my teacher R. Azriel, as the judges wrote. However, so that they do not say I withdrew from them, I will focus on (the words of) my teacher.

…

And since the woman is authorized to marry, she may collect her marriage settlement.

…

Sincerely, Shlomo son of R. Elyakim Ha-Levi DS”N TV”A.\textsuperscript{16}

[13] [Responsum of R. Yedidyah ben Shlomo]

\small

\textsuperscript{15} The reference is to Eccles 4:12, “A threefold cord is not readily broken.”

\textsuperscript{16} This significance of this appellation is not entirely clear.
Know for yourselves, my masters, that you relied on a broken stalk when you took me as a deputy for R. Azriel, and about me it is said ‘The case of the man who is alone with no companion.’ And therefore I beseeched my teacher R. Azriel to send it to R. Shlomo, the son of my sister, before I would sign; and therefore, I waited for his response. And do not send any further [matters for] judgement to me. And in conclusion, [both] the words of my teacher R. Azriel and the words of my nephew seem [correct] to me, for they do not disagree.

And peace. Yedidyah son of R. Shlomo, may the memory of the righteous be a blessing.

[14] [Endorsement of the Speyer judges]

We the undersigned have been called upon to send the claims of my (i.e. our) teacher, R. Yitzhak Yakar Ha-Kohen, agent of his daughter the widow of Shim’on; and he came with authorization (ba be-harsha’ah). And my (i.e. our) teacher, R. Yedidyah was appointed agent of the orphan Ya’akov son of R. Shim’on, by authority of the agent that the orphan appointed, and with their authorization. And the two of them wrote their claims in their own handwriting, to send to those who instruct in justice (ha-morim zedek), to grant [what is due] to the eligible one. And so we have done.

And what they ruled – and our masters noted on the ruling were in agreement – to marry [off] the woman and to collect her marriage settlement, in accordance with our mission and the processing of the claims, we have written and signed.

Hezkiah BSB”H (i.e. son of Shevah son of Hezkiah), may he live.
Meir son of R. Yehudah, the flowing stream.

As they have ruled, so too it seems [to us], that she should [re]marry and collect her marriage settlement.
Yitzhak son of R. Meir, may his rest be in Eden.
Asher son of R. Yehiel, may the memory of the righteous be a blessing.
The wretched Yitzhak son of R. Yehudah Ha-Levi, may he be remembered for life in the World to Come.

[15] [Shim’on’s first appeal]

And these are the words of R. Yedidyah son of R. Yisrael, may his memory be a blessing.

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17 Eccl. 4:8.
I will present my argument before my masters. And please do not be annoyed with me, for it is Torah and I must learn it. It is also necessary to be exacting regarding the judgement of an orphan of good stock, who has no father or mother, lest he be expelled from his inheritance.

What you wrote, that she is permitted (to remarry) based on the witnesses… Your (own) eyes see that it was testified regarding Seligman and Jonathan that all the days they lived among the non-Jews after they apostatized they did not refrain from any transgressions committed among the non-Jews, whether in private or in public, and they worshipped idols and they ate all of their impurities – and they themselves admitted (this) and asked for atonement. And Jonathan told me himself that he remained among the non-Jews for more than half a year… And according to your (own) words, since you concede that a thief according to Torah law is disqualified from testifying on behalf of a (married) woman, they are both disqualified, Seligman and Jonathan – for it has been testified that they were absolute non-Jews (goyim gemurim), and so they admitted themselves.

And now, do not regard me as arrogant, do not reject me, do not make me reject (my tradition), a layman presenting his opinion before great ones, my teacher and master, R. Azriel, and R. Yedidyah, whose name is similar to mine, and R. Shlomo Ha-Levi. And we considered all that is written in the written materials (be-khol kitvei ha-ketuvim), front and back, regarding the judgment [pertaining to] the orphan of good stock, whose father did not find fulfillment with his wife, so that his inheritance not end up with strangers.

And many things that appear in my responsum were not written in the claims, because you taught us that every time one brings a proof he upsets the verdict, like the Mishnah in [Chapter] ‘Zeh Borer’…18

And imagine my face were like the face of a poor old man spread before you. And I did not speak due to close relations, for I’m not even related to the orphan by fourth degree; rather… I feared that the punishment for delaying justice is severe. And (God) forbid I should suspect you (even) like the hole of a needle. For I know that all seven good characteristics that Yitro determined (for judges) were fulfilled in you. And peace and blessing and life – to my masters and to their Torah, and to their community.

Sincerely, the wretched, Yedidyah son of R. Israel, may his memory be a blessing.

[16] [Shim’on’s second appeal]

18 M Sanh 3:8, BT Sanh 31a.
Shmuel son of R. Yehudah Ha-Levi, may he live.

Please consider all the responses I have written. …

And peace, life, and blessing [to] you and your Torah, and R. Natan, and the entire community.

Yedidyah, your wretched student, son of R. Yisrael, may his memory be a blessing.

[17] And this is the expression of R. Asher, may his memory be a blessing.

I have already affirmed the words of my teacher R. Azriel. …

We must not disqualify them out of doubt, for the majority of those who apostatized did not eat non-kosher meat with appetite, rather apostatized out of fear of death, and this fear obligated them to behave in their (non-Jewish) ways so that they would not kill them, and it is all considered coercion... And it is slightly (troublesome) that they remained among the non-Jews after they had the opportunity to flee, but the sword of God slashes and the fire of God rages around them… therefore they did not know what was up and what was down, until they heard that God had remembered His people and given them respite – then they hurried to fear God. And there were those who remained for the sake of Heaven, to save their children, and not one of them acted with abandon, to eat non-kosher meat with appetite, for if they had done so willingly, why did they (subsequently) return and repent? And my master wrote that he has witnesses that they ate non-kosher meat with appetite, but we have still not seen or heard (this testimony). And who could testify to this, for do they see into their hearts, such that they could testify that they did so with appetite? And even I who was not present there can testify that they ate non-kosher meat and performed other violations, and this they were obligated to do out of fear, and it is all considered coerced, as I have written – but there is no person who can testify that they did so with appetite. …

And peace to all my masters. Sincerely, your student, Asher son of R. Yehiel, may the memory of the righteous be a blessing.

[18] [Final ruling of the Speyer judges]
The matter has already been determined permissively by our masters, and we consented to them, all the more so now that my (i.e. our) teacher, R. Asher, wrote too and added several explicit, pure, and clear proofs. And the matter is simple, these witnesses are not inferior to a woman, or a slave, or a non-Jew who testifies in innocence. And the sages were extremely lenient concerning testimony [to permit] a wife [to remarry], due to the severe end consequences. And the woman is permitted to [re]marry, and she may collect her marriage settlement even from the orphans. And there should be no hesitation, for even our teacher R. Yedidyah himself was counted among us to permit the woman to [re]marry based on the testimony of individuals who repented.

And peace unto the judges of Israel. Yitzhak son of R. Meir, may his soul be in the eternal repository. The wretched Yitzhak son of R. Yehudah Ha-Levi, may he be remembered for life in the World to Come.
Unrecorded Justice: The (Non-)Archival Practices of Medieval Jewish Courts
Rachel Furst, Ludwig Maximilians Universität (LMU) Munich

Sefer Zikhron Yehudah, Responsum No. 92

This paragraph has been added in accordance with the 2005 edition.
הנני ראובן אפוטרופוס אלמנת בתי ויתומים בת בית אפוטרופוס ובהם לחבודתכם כי בעלה קדש חשו היהו קדש.

והבת שונים בשקלתו בידם ההוריות נהגו עדיף מאumnosו וש[tempו] البلد י’: בדיעבד והוריים ש القانون לכל יושביהן ואמור כי היא מחוב יברון והתחתנה בעלה בודקיה ודרור.

ועה’ סמכו ביד יודה הונאה ונסו דיקא ומשבכם.

ועדה במורמנים בעיה’ נהלם חתן ויהלמנושיכ ח כיצד נז好不好 לכל הקהלות ע”ם שאר הקדשים ונהב י渤海 נטלו רוחו הרעי ד’ תחכם והשא הקדמוה ע”ם שאר השכבות והקצובות שהשלו ות יהודה הריעוتحدث ושארו עידי.

שבאה ע”ם יביס החנה אבקו מים ישיבה ב”ל אוחר ואש יעש עין” וליאו ויהו.

ועדה פתחו השחרורו ע”ם הי’il זילם חתן ויהיל ממקיקת חואים банков:2 העדעל בעי’ ביר’.

ש>({ ليست כן החברות כל מי כי הוא דון רובנלים על איזה זמן וממשה מה שخطرתי ב周刊 האפוטרופוס של החנה י”ל פסיק זיא’ ויאי’ חגיון לא חתקבל ב”ל האפוטרופוס להתפור ע”ם לשאר.

נאמרו עצה הבאסיספכל הריבנים פסיקה שמריאיצים חתובת ו洈ורים על פי✅ הכל פסקים פסקו ובmiddlewares.

ועדה נ העסקה חכם מ”ש ע”ם זילם חתן.


מה שחריה ראשית יואמר ראובן כי אחריו עלקויים עדיך ש…” ש¤ה חתני דבר דון וביתו דון ממשלת שאר.

 sterling שיאו אשѐל דאורייתא דאורייתא ע”שת עד והחותם היא בעלホテル.

במאת ובראש המיע ראיות רבות שבינו המורים עצמם.

והשל עלייvais המדר’ והخير להנשא ע”ם זילם חתן.

מה שכתב ראובן שה는데 shutdown ע”ם זילם חתן והעת להנשא ע”ם זילם חתן והעת.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかり בעNeill"ה והחבר יברוחו בתורה וכל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה וכל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה וכל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב חייב בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב義務 בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב義務 בכזしっかりと בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב義務 בכז鸟成长ו בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב義務 בכז,nilו בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב義務 בכזnilו בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב義務 בכזnilו בעNeill"ה והחבר יברוחו בתורה כל הפיסים באלי והחבר יברוחו.

…” והנני תובע ממנה שכר לימוד בניה שהאב義務 בכזnilו בעNeill"הרי התיזון ב…..
וראובן אפוטרופוס בתי טעמן

[7] [חסנה שינת בשעה]

וראובן אפוטרופוס בתי טעמן

[8] [דברי רזון בכמה שוליות]

וראובן אפוטרופוס בתי טעמן

[9] [חסנה שינת בשעה]

וראובן אפוטרופוס בתי טעמן

[10] [דברי דניי שפירא]

4 This word has been corrected in accordance with the 2005 edition.
ונא רבוניך אל תפנו אל שומך און נשתלך כלמ中间י והוו און נודע לכם שום דבר כבר אל
תפננ אליהם.
כלالتענות.

[11] [תשובות הר' עזריאל]

... הלפתי אתא אתי התא שרי לאיגנוגי וגייך חותבה...
והנראה בעניינ החתבי. וחותמתי עיראלאן חנן שרי יחיאל צווייל

[12] [תשובות הר' שלמה]

... ואחרין שחתא מתתא מעותר לשלא תטול חותבה...
וכנכם שלמה בר אליך חליחי דושי ת"א.

[13] [תשובות הר' ידידיה]

... ודעי כלב Retrofitתו ומשלכתו על עו המידא קארער לקחתו אתי למשנה תלוי, עיריאלא עלי זאמר
ולדרב תוה יש אתך ואין שפייל חליחי פיני מרי, ויריאלא תשלאו אל הרי שמלתו בך אחותני.
וקדום שחתאנים הספר המחング לחתובות ואל חוסיפל שלחה שפי ל Alley.
וסחף דבר ננרי בגיאצ דבר מרי, והואיאל יג זבר המしっかりと בך נחלוק.

 eslולו ידידיה בר, והר' שלמה צווייל.

[14] [איתורם של דיני שפירא]

... ונחרת הזרקוק לשלחה מתענות של מורי, הר' יצחק חקך פרוטרופוס באלמאנך
שהם וצא החליטו את מורי מורי, והר' ידידיה פרוטרופוס של מורי, יצחק חקך פרוטרופוס באלמאנך
את מורי וצא החליטו את מורי, והר' ידידיה פרוטרופוס של מורי, יצחק חקך פרוטרופוס באלמאנך.

והנה שפשפון וחתא מתתא שрем נקביין בפשפ להזיא אתא וטוטל החותבה מחתמת שילוחתני
קבלת תטננה חבתו חתבני.

חשק לך שבך"שיך
מקאף בר, היר' ידוחה מעין נבוך
כﺁרש פסקו יי' ראה בשתניא וטוטל החותבה

5 This word has been corrected in accordance with the 2005 edition.
יצחק בן הר' מאיר נב"ע
אשר בן
הר' יחיאל זцу"ל
העלוב יצחק בן הר' יהודה הלוי זלה"ה.

[15] אלא לך בחירה דידה בתי ישי ישראל ז"ל

אודן לפניך ברכתי ונא לא יוקידי כי תורה היא כל אחת כדיريم וכן צרי וכבש דיקי עד
יתוב שלא אוסר ולא אדמך פניך

וזהו וכשתכנתם דאתהו שאריה ע"כל התורה... הנה עיניכם ראיתו שדעתם על ע"כל
יתום כל חורף והנהעדהו שלם מ加快建设ו שלם עכין כל ע"כל זה ובעשז ובעשז מצא אביו
בצמצום הימים שלא הנעדהו ע"כל בחינה עצמה ובעשז ובעשז שסמכ ע"כל העד
⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻⁺⁻+)

6 This sentence has been added in accordance with the 2005 edition.
אין לפסל מספס כרוב אבותנו שחיינו אלאأكل נבלות תחתינן אלא מיראת מתים המפר.

ומאותה ירא תחומי ילך בחקותינו שלט הירון והכל כרכו_ANALOGY Celsius בחקותנו והאם
כאמפשר כל הנפש מומת 있으며 והא את שמח הפית היא שحكوم הצלחתו והนม.

ששה ביני אי ברוח מניפות ולא שחרר הם שופטים הסמואה ולחשו
סיבובויהם אחר גביה לא עניין על התל פלילים אלאר ו📱שננו ולשנינו כל אלה שמע
והא עד אשר עשו אשר פdık הוא את הער התל אר שאר בעה וא getResource
והא מ respons סוי אחר והא רכירו בעה והא
שנשהו תשו הצל זרכו כי מוח אנקאר כלכל בקהול והאיאוב דא ולהיאוב ער ללה.

lehem שמע המכל�자 שعقلו כלכל התלעון הוא עליי והא ותרוך לעשת מומת ירא
והכל נקרא אונס כאש אבל לאנש שיש להעיד שלתיאבון עשו והא.

...
The bombardment of Frankfurt am Main by Napoleonic forces in 1796 resulted in the almost total destruction of the so-called Judengasse, a narrow lane lined with wooden houses where the Frankfurt Jews lived. This ended nearly 350 years of oppressive living conditions that segregated more than 3,000 Jewish residents of Frankfurt and their guests from their Christian neighbors. For the most part, whatever might have existed in terms of archival records of the Jewish community was also a victim of the flames. It is mostly only through the survival of non-Jewish records of or about the Jewish community that we can begin to reconstruct the vibrant community life that appears to have existed.

The following document comes from one such archive. The Vienna imperial court’s archive holds the records of several thousand court-cases that involved Jewish communities and individuals from the early modern period. This particular document is part of a 119 page-long case file that includes statements from the claimant, the defendant, the court administration, and the notes of the judge in charge of the case from 1778 to 1784. The file tells the story of Wolf Isaac Arnstein, who came from a wealthy Viennese family. Through his marriage with Rifka, the daughter of a Frankfurt Jewish communal leader, he obtained residency in the Jewish lane in the early 1760s. After his wife died in 1771, Wolf Arnstein and their surviving child spent most of their time outside of Frankfurt. This was the basis of an attempt by the municipal authorities to deny him continued residency rights, using rental issues at Arnstein’s Jewish lane house as an excuse.

The legal argumentation is typical of cases involving individual Frankfurt Jews and/or the Frankfurt Jewish community. These cases often reached the Imperial Court on appeal from Frankfurt courts when conflicts within the Jewish community or between the Jewish and the non-Jewish communities could not be resolved locally. Depending on the nature of the conflict, such trials could last anywhere from a year to several decades and could easily produce several hundred pages of records. References to documents from other cases, both those that had been decided and those that were pending, strongly suggest that the Frankfurt Jewish community had a well-structured archive of their current and previous legal
litigation. Published texts, including scholarly legal comments, municipal laws and ordinances, and imperial resolutions, were available in print and might have been provided by the Christian lawyers that all Frankfurt Jews had to employ in order to file a court case. However, the trial documents themselves, as well as precious imperial privileges concerning the Frankfurt Jewish community, were not available in print and were not accessible through any public court archive. Given the frequency of trials that both Frankfurt Jews and the Frankfurt Jewish community filed, it would seem that the Jewish community held a collection of these relevant texts in some form of library. The Jewish community may have had a dedicated space for storing these documents in an accessible and well-organized way that would have made it possible to find precedents and references from previous generations and make copies of them.

The arguments in Arnstein’s plea show why this kind of litigation was so important: every case could potentially serve as a precedent for future trials in the fight against oppression by, and for autonomy from, the municipal authority. For example, the argument for potential equal Frankfurt citizenship for Jews, based on Roman law used here is one of the most common motives that appear in many cases. These arguments demonstrate that the courtrooms were also political stages were Jewish parties would actively work towards a change of legal status of Jews in the Holy Roman Empire.

As in Arnstein’s case, litigation cases involving individual Frankfurt Jews could refer to precedents that involved the entire Jewish community because they could have an effect on the community. Such references suggest that the (potential) Jewish communal archive was accessible to community members who had legal issues at hand. Perhaps there was a trained individual who was familiar with the material to facilitate this. We know that the community invested significant money in these legal proceedings and even paid a community member to remain in Vienna permanently to oversee trials in progress.

Ultimately, Arnstein succeeded in keeping his residency rights in Frankfurt. Although he himself eventually moved back to Vienna with his second wife, by high order of the Emperor, Arnstein left the Frankfurt Jewish community yet another precedent to prevent the municipal authority from interfering in the administration of the Jewish community.

Selected bibliography


“Strategic Record Keeping and Striving for Autonomy: Was There a Jewish Community Archive in Early Modern Frankfurt?”
Verena Kasper-Marienberg, North Carolina State University

OeStA, HHStA, RHR, Decisa K 334, fasciculum 4, registered in Vienna May 26, 1779, deductio gravaminum, sine folio, underlined text according to original.

Trial: Arnsteiner Wolf Isaac, a protected Jewish merchant in Frankfurt on the Main, against the Frankfurt municipal council, 1778-1784.

“Your Highness, most mighty, most invincible Roman Emperor, King of Germany and Jerusalem etc. Most merciful Emperor, King, and Supreme Lord:

Under the common restriction of all legal rights and entitlements that apply to every appellant, the faithful submissive lawyer presents hereby obediently the statement of claim in the abovementioned case:

§1
Short Case Summary

Appellant Wolf Isaac Arnstein, born in this imperial capital Vienna, and his wife were accepted for protection and residency in Frankfurt on the Main on January 16, 1764. In return, they were obliged to pay the following annual fees:

1. Direct tax and tribute shilling: 54 florins
2. Royalty on his house in the Jewish lane, called “the white ring,” annually: 11 golden guilders, calculated according to the old rate, this equates to 19 florins, 15 kreutzer
3. Residency fee: 2 florins, 58 kreutzer
   Total payment, according to the 22 florins rate, [equates to] 76 florins, 13 kreutzer

§2
Some years ago, he [Arnstein] had to travel to France for certain trade transactions. When his business took longer and his wife died in the meantime, he sent for his child to come to him in order to save the double expense of household costs. While child and widower were still in the French lands, they did not seek residency or take up any obligations or oaths with another local authority, but remained only
with the one in Frankfurt. As notified attachment No. 1 proves, he paid all his financial duties through his sister’s son, Isaac Raphael Sinßheim, who lives in Frankfurt. He sustained his residency, which is an unmistakable sign that he never altered his plans to return to Frankfurt as soon as possible. Accordingly, his abovementioned sister’s son declared so at every occasion in and outside of the courtroom.

§3
Even if he was present and did all his trade right here [in Frankfurt], the municipal authority could not ask anything more from him. His legitimate absence does not mean that there are more or less than the 500 allowed [Jewish] households. Even if Arnstein would lose his animum redeundi [lit., “soul to be returned,” in the sense of wish to return], called off his residency explicitly or silently, and paid the 10th penny [obligatory fee for moving from the city with household goods], the property of his house would still count as a fully sufficient security according to the elected municipal authority’s own residency regulations.

Deductio Gravaminum [explanation of complaints]

§4
Complaint No. 1: Nevertheless, it seems that it [the municipal authority] tries to indirectly take from him and his child their rightfully acquired and legally maintained residency. Every subject in the world has coeteris paribus [all other things being equal]: the natural liberty to travel to and from his place of residency. If this were to be limited, it would not just affect him, but all protected Jews of Frankfurt. The municipal authority acted on a request of the Schatzungsamt [municipal registration office], which not only has no say in any residency issues, but also has no reason of complaint for any unpaid fees. The Rechneiamt [municipal treasury] is in charge of the residency cases, and for now, it never filed any complaint against him.
No. II shows a decision of the municipal council from July 2 of the previous year that ordered Arnstein “to return to Frankfurt within a year and a day’s time, or to reduce his property, however, to leave a deposit in the meantime.”

§5
Complaint No. 2: If the expression “in the meantime” does not exactly relate to the time period of “within a year and a day’s time,” the deposit would not even be a punishment because Arnstein voluntarily offered it back in the year 1775. This can be seen in decision §4, attachment No. II. If it is, however, a concrete legal date with the consequence that Arnstein and his child would lose their house, household, and residency: in short, everything that is precious and irreplaceable to
them in Frankfurt. The second complaint is equal to, if not bigger than, the first one.

§6
Complaint No. 3: If they [municipal authorities] argue that the liberty to live for some time abroad while keeping residency through deposit and annual contributions is only a privilege of registered Jewish children, but not of the heads of households [Hausväter, lit. house fathers], they forcibly offend the laudable imperial court’s decision. This decision was released already on October 27, 1735, in the case Frankfurt Jewish community against the municipal court, which is enclosed as attachment No. III.

Yes, if the municipal authority were to use the unforgivable interpretation that Arnstein was not a native Jewish child, it would ignore that his wife and his child are both natives and inherited the right of residency from their great-grandparents, protecting thereby also the husband and father. The resolution of the imperial commission of 1613 §8 forced the elected [municipal] council under oath to consider those native and those later accepted to be equal in rights, liberties, etc.

§7
Arnstein’s lawyer in Frankfurt has already filed a detailed, respectful, and insistent claim based on the highest imperial resolution (§O, attachment No. III) according to which temporarily absent Jews are allowed a terminus revertendi illimitatus [indefinite date of return]. Therefore, the laudable municipality does not have the authority to limit or to set one [date of return] without violating the Emperor’s authority. There are previous examples like those of the Frankfurt-protected Jew Herz Benedict Beyfuß and Mayer Michael David, who both kept their residency by paying their contributions while being absent for many years in Hamburg resp. Hannover. The latter even took on residency abroad and is under protection both in Frankfurt and Hannover until this very day.
Arnstein’s lawyer did not even refuse his client’s return within a year and a day’s time. Rather, he offered a deposit and additional security should it not be possible in order to receive the same merciful allowance [like the abovementioned Beyfuß and David]. He [Arnstein] never took on residency in the royal French lands, nor did he want to do so, as it was his only wish and intention to return as soon as his business would allow him to and to spend the rest of his days in Frankfurt. All of this can be read in the copies attached as No. IV.
When, however, instead of the allowance another decision was issued on July 2 of this year, quod est gravamen quartum [which is Complaint No. 4] left only a non-negotiable nine months for the return; the lawyer had no other choice but to place this submissive, solemn, and currently introduced appeal before the highest imperial court.
§8
The faithful and submissive lawyer has no doubt that his client’s legal request will be heard mercifully because the municipal authorities’ conduct against Arnstein is in accordance with (Complaint No. 5) neither common law, nor the imperial constitutions, nor the Frankfurt Jews ordinance, nor the local reformation, nor other statutes or any of the highest imperial court resolutions and decisions in other cases of Frankfurt against Frankfurt concerning the Jewish community.

§9
It is not in accordance with common law, from which Arnstein cannot be exempt because of the ius postliminii [right of return].

§10
It is not in accordance with the imperial constitutions because they too are in favor of merchant travelers.

§11
It is not in accordance with the Frankfurt Jews’ ordinance, as can be seen in the attached notified copy No. V. a.). Jews who have local residency and want to keep it cannot be under oath or obligation with another lord, nor can they uptake any against the will and knowledge of the municipal authority. Per argumentum à sensu contrario, quod est fortissimum [In the opposite sense, the strong argument can be made] that a Jewish inhabitant of Frankfurt who does not subject himself to any other authority than his rightful city cannot have his residency taken from that municipal authority. b.) The municipal authority also does not have the power to expel any Jewish inhabitant or cancel his residency without any reason according to its own arbitrariness because it is against the imperial privileges that protect the Jewish community. c.) Anyone who already has residency [in Frankfurt] and pays his contributions dutifully each year has the right to stay. This general rule was installed by the Imperial High Commission and confirmed by Your Imperial Majesty. This rule does not include exceptions for any laudable and necessary absences, but rather says explicitly that the municipal authority “cannot make any new ordinances and install new contributions that mean hardship” to the Jewish community and its individual members “without the highest imperial approval.”

§12
Neither the Frankfurt reformation nor any other statute of the municipal authority can speak toward a proceeding against appellant Arnstein. The first does not even mention any legislation towards Jews, and even if it did, it would not be valid because the Jews ordinance that was confirmed by every emperor was installed later on [and therefore supersedes it]. The same holds true for the old statute of
1451, that is mentioned by [Johann Philipp] Orth in the third sequel of his comments, according to which any citizen who takes on a household abroad longer than a year and a day’s time loses his citizenship and has to request it anew upon return. Orth explains that this old statute was repealed a long time ago and would, like the artisan ordinance, not be applicable to Jews anyway.

§13
On the other side, there is the imperial resolution enacted June 1, 1728 in the case “Frankfurt against Frankfurt concerning the complaints of the citizenry against the Jews” that the [municipal] council declared to be an addendum to the Jews ordinance which was accepted by Your Imperial Majesty. It states: “Every word and declaration in these articles must be left unchanged. Any dispensation or new ordinance by the [municipal] council is considered an impudent encroachment upon his highest imperial legal power and forbidden under penalty.” The extract speaks clearly for itself as attachment No. VI.

§14
Complaint No. 6: Another analogy of the constitutional laws of the city of Frankfurt can be consulted vestra generositas [with your large-heartedness allowance]: a.) The famous citizens contract of the year 1613, §8, according to which a citizen who moves away can keep his property and citizenship if the common citizen contributions continue to be paid. b.) The imperial confirmation of this §8 in the imperial resolutions of November 22, 1725, March 14, 1732, and December 16, 1737, states that this rule applies to both continuous and temporary absences. The extracts are included as attachment No. VII.

§15
The ordinance of the Frankfurt Jews prescribes that they call themselves protected dependents of the council rather than citizens. However, this is pure logomachy because the Jews customarily enjoy all the rights of daily life, trade, and conduct, etc., other than public dignities, like all the other citizens and Christian dependents. If you were to take away the name, citizens, dependents, and Jews all have to be considered inhabitants of the city of Frankfurt according to the same moral principle. In the same sense, emperor Caracalla previously issued that everyone who lives under Roman rule is to be considered a citizen (see Heinecc. antiquit. Rom. P.1 p.m. 404). The principle non quis, sed quid [not who, but what] also has to be applied to the understanding of the term citizen for the Jews, in sensu

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1 Orth, Johann Philipp: Nöthig und nützlich erachtete Anmerkungen über die sogenannte erneuerte Reformation der Stadt, 7 Bde., Frankfurt a. M. 1731-75.
2 Heineccius, Johann Gottlieb: Antiquitatum romanorum juris prudentiam illustrantium Syntagma secundum ordinem institutionum Justiniani digestum, in quo multa juris romani, Halle 1719.
communi et latissimo [in the common and widest sense] so that they can enjoy all but some exceptional rights like the other local inhabitants, especially the abovementioned imperial laws.

§16
Furthermore, all of the accusations against Arnstein’s persona are nothing but true attacks against the appeal case of the Jewish community of Frankfurt against the municipal authority concerning their Abzugsgelder [moving taxes] and have to be judged accordingly. The laudable Imperial Court decision of October 27, 1735 (see above §6 No. III), which was again confirmed August 4, 1738, and can be found as attachment No. VIII, ordered explicitly that the municipal authority should not be found guilty of any offense to the rule during the pending appeal. In identitatem, et continentiam causarum [Being the same and a continuation of this case], Arnstein should have been spared anyway until this major case about the moving taxes is finally resolved.

§17
The appellant lawyer submissively and lawfully asks from Your Imperial Majesty that His Highness would deign to recognize the appeal trial or, even more appropriate in consideration of the duration of this case, and ob videntiam gravaminum suspensa expeditione appellationis processuum [considering the complaints suspend the appeal trial] and rule the municipal authority to act as follows: Appellant Arnstein should not be deterred from paying his previous and future common contributions to keep his residency. He should not be limited in his liberty to trade and visit foreign places to mind his business and should be protected in his legally acquired rights of residency without any future interruptions.

About all this [wrote to you], etc.
Your Imperial Majesty

Your most submissive loyal obedient appellant lawyer, authorized on records, von Gretzmüller.
“Strategic Record Keeping and Striving for Autonomy: Was There a Jewish Community Archive in Early Modern Frankfurt?”
Verena Kasper-Marienberg, North Carolina State University


Verfahren: Arnsteiner Wolf Isaac Schutz- und Handelsjud zu Franckfurth am Mayn contra Schöffenrath daselbst, Laufzeit: 1778-1784

Allergnädigster Kayser, König, und Herr Herr:

Unter gewöhnlichem Vorbehalt aller- und jeder – denen Appellanten verliehenen Rechtswohlthaten, und Befugnüssen, leget treu gehorsamster Anwaldt den Beschwerungs Libell in aussen bemerkter Sach allunterthänigst folgendermaßen vor:

§.1.
Kurzer Geschichts-Verlauf

Appellantischer Wolf Isaac Arnsteiner, aus dieser Kayserlichen Residenz Wien gebürtig, wurde zu Franckfurth am Mayn den 16.ten January 1764. nebst seinem Weib in Schutz- und Stättigkeit aufgenommen, und machte sich dagegen zu folgender jährlichen ständigen abgaben anheischig:

1. Schatzung, und Herrenschilling 54. fl.
Zusammen im 22.fl Fuß zu entrichten 76.fl 13 kr.

§.2.
Gewiße Handlungsgeschäfte riefen ihn vor einigen Jahren nach Frankreich und da diese etwas weit ausgedehnt wurden, ließ er zu Erspahrung doppelter Unterhaltungskosten, nachdeme seine Ehefrau verstorben, sein ohnerzogenes Kind

§.3.
Ob nun schon der Magistrat daselbst von ihm nicht mehr begehren könnte, wenn er wirklich gegenwärtig wäre, und die stärkste Handlung triebe, ob auch schon seiner rechtmäßigen Abwesenheit halber keine der stättigkeitmäßig 500. Haußgesäßen daselbst mehr oder weniger wird; ob auch gleich, wenn Arnsteiner Animum redeundi verlöhre, seiner Stättigkeit demnach stillschweigend, oder ausdrücklich aufsagen, und den 10ten Pfenning hinter sich lassen müßte; so würde dennoch sein Hauß, dem eignen Verlangen wohl erwelten appellatischen Magistrats gemäß diesfalls schon allein überflüssige Sicherheit verschaffen.

Deductio Gravaminum

§.4.


Ja, wenn auch eine noch unverzeihlichere Auslegung von dem Magistrat, daß nämlich appellantischer Arnsteiner kein eingebohrenes Judenkind sey; sich angemaßt werden könnte, so müßte derselbe ignoriren wollen, daß dessen Frau und Kind eingebornre, und also bey ihrem von Urgroßeltern her erlangten Recht mit Mann, und Vater um so mehr zu schützen, und zu handhaben seyen, als wohl ermelter Rath schon nach dem bekannten Commissions Abschied vom Jahr 1613. §.8. sowohl eingebornen, als eingenommenen gleich- und einerley Rechte, Freyheiten p. widerfahren zu lassen schuldig ja eydlich verbunden ist.


§.8.

§.9.
Nicht mit den gemeinen Rechten dann, wie kann man dem Arnsteiner das – aus denselben bekannte Jus postliminii abstricken.

§.10.
Nicht mit den Reichs Constitutionen: denn diese begünstigen wie jene, die – wegen der Handelschaft Reisenden allenthalben

§.11.
Nicht mit der Frankfurter Judenstättigkeit: denn es bezeugt deren vidimirter Extract unter Zahl V. [Marg. Zahl V.], daß a., die Juden, so daselbst die Stättigkeit haben,// und solche behalten wollen, in keines anderen Landesherrn Eyd, und Pflichten stehen, noch wider Willen, und Wissen des Raths, sich in dergleichen begeben sollen; hieraus folgt nun per argumentum à Sensu contrario, quod est

§.12.
Eben sowenig können die Frankfurter Reformation, noch sonst ein Statutum des Magistrats Verfahren gegen appellantischen Arnsteiner begünstigen; denn erstere redet von den Judengerechtsamen gar kein Wort, und wenn sie davon redete, könnte solche doch weiter nicht gelten, als insoweit sie durch die verschiedene Jahr// hernach errichtete- von Kayser zu Kayser confirmirte Judenstättigkeit nicht aufgehoben worden ist. Eben dieses muß von jenem alten Statut vom Jahr 1451 gesagt werden, dessen Orth in seinen Anmerkungen dritter Fortsetzung gedenket, und nach welchem ein Bürger, der seine Wohnung über Jahr und Tag anderwärts errichtete, seines Bürgerrechts verlustig wenigstens solches, wann er wiederkehrte, von neuem zu suchen gehalten war, zumahl, da dieses alte Statut, wie Orth in angezogener Stelle darthut, auch sogleich weiter unten vorkommen wird, längst aufgehoben, und dasjenige, was auf gleiche Weis in einigen Handwersartikuln verordnet ist /: Orth eben daselbst :/ auf die Juden nicht anwendbar seyn kann.

§.13.

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§.14.

§.15.

§.16.
Introduction:

During the first half of the sixteenth century, Elijah Capsali, community leader and rabbi of the Jewish community of Candia (the capital of Venetian Crete), collected the communal ordinances and other materials (including some lists and responsa) he deemed relevant. Capsali was a self-conscious historian who also wrote Hebrew histories of the Ottoman Empire and of Venice. Nevertheless, his Cretan collection has rarely been treated in the context of Capsali’s interest in history. Rather, it has been read as a collection of almost ad-hoc legal materials. I posit that Capsali edited these texts to construct an intentional record of his home community’s history from the first days of its self-conscious organization as a formal kehillah kedoshah (qua corporate body) in 1228 through his own day, picking and choosing what to include and what to leave out, and in the process shaping a particular communal history for posterity. This form of record keeping was thus a mode of communal memory construction, and a tool for continuing the building of his chosen narrative with an eye toward the future.

Capsali’s collection of his community’s documents is now extant in only one known manuscript; it is held at the National Library in Jerusalem, but was previously part of the famed manuscript collection of David Solomon Sassoon in London. Otherwise, this manuscript’s provenance is little known, though its editors in the 1940s, Artom and Cassuto, asserted that the scribe was, at least, not an Italian speaker.¹

The first two selections transcribed and translated here provide Capsali’s self-conscious explanations of his project. The first is his general introduction to the manuscript, found at the very beginning of the text. The second is Capsali’s introduction to a section which, sadly, no longer exists: transcriptions of the various laws and agreements (transcribed into Hebrew using Italian terms: leggi,
ordini, and terminazioni) composed by the Venetian government of Crete regarding the Jews of the island.

The third selection is one of Capsali’s non-legal entries in the manuscript. It is a list of the significant accomplishments of some of the condestabuli, the official “presidents” of the Jewish community organization. Among the condestabulo’s main roles was to act as a liaison between the community and the Venetian colonial government on Crete. This list offers insight into Capsali’s historical interests and the modes of decision-making that went into the construction of the collection; it also alerts us to the many types of sources Capsali accessed in constructing his work.

Suggested Readings:
Sassoon, David Solomon, ed. Ohel Dawid: Descriptive Catalogue of the Hebrew


Preliminary Translation of Taqqanot Qandiya by Rena N. Lauer and Kevin L. Osterloh

[Entry] 1

[NB: This first paragraph is written as if from the point of view of the “forgotten” Hebrew ordinances themselves:]

... {1} Why have we found favor in your eyes to recognize us? Are we not thought of as strangers already for some length of time in our community? Have we not been ashamed, sitting in our dwelling outside the camp? What wrong have you found with us that you distanced yourselves from us? Have you not hated us and cast us out from among you, and why have you come to us now when you are in trouble? [...] You shall not reject the work of his law and the spirit of the ruler, will a man walk with his [master] without knowledge?...

[NB: Here Elijah Capsali speaks as if responding directly to the ordinances:] When Elijah heard it, he wrapped his mantle around his face, and he said, I am surely moved by zeal for the Lord, the God of Hosts, for they have forsaken your covenant they have torn down your altars, and your high-places of...

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1 Paraphrase of Genesis 31:15.
2 Lit. “For now some days and years.”
3 Paraphrase of Leviticus 13:46. The verse refers to a leprous person, thus the ordinances are comparing themselves to lepers.
4 Paraphrase of Jeremiah 2:5.
5 Paraphrase of Judges 11: 7. In context, Jephthah asks his brothers, who had previously cast him out for being the son of a prostitute, why they have come back and solicited him for leadership now that they are in dire straits.
6 “With” to express the expression “hithalekh ish et,” substituting Artom and Cassuto’s reading of el for et, as the original poem (see below) has it. This expression stems from Genesis 5:24.
7 A direct quote from Provencal poet-philosopher Yedaiah b. Abraham Bedersi’s fourteenth-century poem, Behinat Ha-Olam, chapter 9, verse 7. Artom and Cassuto seem to have not identified this origin. The missing text, “his master” [adono], can be now filled in conclusively.
8 I Kings 19:13.
9 Paraphrase of I Kings 19:14, replacing “your (sg.) covenant” (britkha) with “your (pl.) covenant” (britkhem). The plural “you” in this paragraph refers to the personified taqqanot.
10 This ellipsis is probably filled with the intervening text of I Kings 19:14, “the children of Israel” (bnei yisrael).
the Torah, bound up and given over to a neglected corner I have now come, for __
the Torah I have come. Peace be upon you, do not be afraid, your God, the God of
your fathers, gave to us a treasure in your sacks, your money,¹³ silver purged in an
earthen crucible refined sevenfold¹⁴ [...] to repair the community with you¹⁵ [...] an
offering as in the days of those who held to you in your youth,¹⁶ we ourselves will
cross over as vanguards¹⁷ to remove abominations from the land by your hands,
for the Lord has taken note of his people to give them bread.¹⁸

[The voice of the ordinances again:]
Wisdom [...] to rule over you, if your speech and your thoughts are in harmony
among you, come seek shelter in our shade,¹⁹ come up to us, drink our water, pick
our fruit, suck out our marrow, come eat of our food, and drink of the wine we have
mixed,²⁰ if you surely do this you will surely overcome [...]

{2-4} [NB: almost 3 illegible pages here]

[NB: Capsali’s voice returns here:]
{5}[He?] will repair our breach, and will instill in our hearts a new spirit,²¹ in
order to keep and to do and to uphold every ordinance __ and the precepts of our
fathers, and we will no longer throw away our ordinances behind our backs, and
we will no longer place our fences behind __, and we will no longer set down our
tagganot [lit. repairs] behind our mistakes [lit. the things we break/spoil], and we
will not throw behind our backs the words of our exalted leaders, and behind door
and mezuzah we will not put our memories, and all the people of the earth will see
that the name of God is called upon us, and they will fear us.²²

[What follows is a paragraph in Hebrew and Aramaic calling upon the leaders of
the community to enforce the taqqanot by enforcing the punishments on those who
transgress. Then, Capsali offers a metered poem repeating some of the same
themes of this entry, with an acrostic spelling out “Elijah Capsali the son of
Elkanah,” with the final line beginning with the word hazaq, strong.]

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¹¹ Paraphrase of 1 Kings 19:14, once again replacing “your (sg.) altars” (mizbehotekha) with “your (pl.) altars” (mizbehotekhem)
¹² An interesting reuse of bamot, usually a negative, here framed as a positive parallel to mizbehot (altars).
¹³ Paraphrase of Genesis 43:23.
¹⁴ Psalms 12:7.
¹⁵ The grammar of this phrase is not entirely clear. It may mean that the community will perfect or repair itself by
means of the taqqanot (the “you” of this paragraph), or it may mean that another subject will bring together the
community and the taqqanot. I prefer the former reading.
¹⁶ Meaning not entirely clear here.
¹⁷ Numbers 32:32.
¹⁹ Paraphrase of Judges 9:15.
²⁰ Paraphrase of Proverbs 9:5.
²¹ Paraphrase of Ezekiel 12:19.
²² Paraphrase of Deuteronomy 28:10.
[Entry] 119:23

Until now God has helped us to fulfill our desires, God desires [or: delights in] burnt offerings and sacrifices, legal ordinances, those whose corrections are intended to bring spiritual perfection and Torah values and divine benefits, so as to bring our soul within the tradition of the covenant, to establish it and to support it, so that Israel might know how to act. And now I thought to myself, saying that it is good and right to place among them and next to them the confirmations and the leggi and the ordini and the terminazioni that the glorious administration of Venice, the august, may her dignity be exalted, made, and may her kingdom be raised up in order to aid the Jews. And the general principle is that they are the entrance and the opening to spiritual perfection in this world, and because of them we will have peace in the world to come, and this is in accordance with the saying of the sage: Without flour there is no Torah, and without a doubt when we have peace and quiet, the flour container will never be finished, nor the cruets of oil, the purest extra virgin olive oil to light and to kindle the eternal flame of Torah, nothing is missing from it, from it the Rock of Israel shepherds.

Therefore, I have set my face like flint, to search out and seek from the mouths of scribes and the mouths of books all of the good ordini that were promulgated for our fathers because of their good effort for the needs of their community with earnestness. I rise in the community and cry out, who is the man who planted a sapling of mitzvah, and made a terminazion and ordine for the aid of the whole? And the herald proclaimed in a strong voice, and through this strong voice, they

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23 Following Artom and Cassuto’s numbering scheme. In the extant manuscript, this entry follows the next section, but the scribe has written a marginal note explaining that this entry should actually come before. Contextual logic agrees, as do Artom and Cassuto, p. 153, n.
24 Samuel I 15:22. Ironically, the passage from Samuel phrases this as a question, with the implicit answer that the ideal is not the sacrifice, but rather “obedience to the Lord’s command.” The verse continues, “Surely obedience is better than sacrifice, compliance than the fat of rams.”
25 Ecclesiastes 2:1, 2:15, 3:17, 3:18.
26 I.e. it is good and right to place the Venetian legal documents among and next to the taqqanot of the community.
27 Laws.
28 Legal orders.
29 Decision or agreements.
30 Lit. “May its horn be raised.”
31 I.e. the Venetian legal documents.
32 Mishnah Avot 3:17.
33 Deuteronomy 8:9. The verse refers to the land of Israel
34 Genesis 49:24. A phrase from Jacob’s blessing to his son Joseph.
35 Isaiah 50:7. In its biblical context, the simile means to feel no shame because of confidence in God’s help. Here it suggests determination more broadly.
36 Job 30:28. I have translated kahal as “community” as Capsali intends to use the word; the biblical text likely uses kahal qua “assembly.”
37 Daniel 3:4.
will go out from strength to strength,\(^{38}\) each man with whom are found leggi and ordini, let him come forward to the aid of God among the warriors,\(^{39}\) and hand them over to the one who is managing the labor. My heart is with the leaders \({349}\) of Israel, with the dedicated of the people—Bless the Lord.\(^{40}\) And all with whom are found leggi and ordini, put them in my hands and I will copy them in this book, they will be carefully placed between its lines,\(^{41}\) in order that they last for many days, and anyone who needs it, his food will be supplied and his drink assured,\(^{42}\) (as if) on the palm [of my hands] I have engraved them,\(^{43}\) and immediately he will find what he seeks, and it will no longer be like the word of a sealed document,\(^{44}\) for many of those who needed them did not know their whereabouts and where they are found, and they would need to search for them with effortful pursuit, and beyond this there was a financial loss, because each time they squandered (money), a price was paid in Israel.\(^{45}\) Who is so wise as to understand these things, that the Torah protects the money of Israel,\(^{46}\) as it is written, “...and provide drink for the congregation and for their beasts,”\(^{47}\) and as it is written, “The priest shall order the house cleared, etc.,”\(^{48}\) and according to the rabbis of blessed memory, the text is referring to an earthenware vessel, that it should not be broken, etc.\(^{49}\) These two rationales supported my hands, one on each side, thus my hands remained steady until\(^{50}\) I will have copied all that my hand has found for the benefit of our congregation, a heritage of the congregation of Jacob,\(^{51}\) and it will be that anyone who seeks the common good will approach this book, and to he who goes on that path, I will show the salvation of God,\(^{52}\) and no

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38 The word play is somewhat lost in this translation. Both “strong voice” and “strength” are translations of the catch-all term “hayil,” which can also mean “valiantly.”

39 Judges 5:23. From the Song of Deborah. Capsali is taking a negative (those who do not come to the aid of God are cursed) and reusing the expression to focus on those who will come to “God’s aid.”

40 Judges 5:9. From the Song of Deborah.

41 A paraphrase and play on Job 24:11, replacing yatzhiru (“they make oil”) with yazhiru (“they are careful”). The original means “between the rows they make oil.”

42 Isaiah 33:16.

43 Paraphrase of Isaiah 49:16.

44 Paraphrase of Isaiah 29:11.

45 This is a punning reuse of Judges 5:2, from the Song of Deborah. In the biblical context, the verse seems to literally mean “when locks [of hair] go untrimmed in Israel,” i.e. as a sign of dedication. Here, the same root p-r-‘a is used in its meaning of “to pay.” Artom and Cassuto explain that this means that each time a Jew needed a Venetian-granted privilege (say, to confirm it in court), but had lost it, s/he had to pay a fee to get another copy.

46 A rabbinic principle articulated, among other locations, in TB Menahot 76b, meaning that the Torah (and rabbinic law) does not allow (or force) behaviors that create an unreasonable financial burden. See below, n. 49.

47 Numbers 20:8.

48 Leviticus 14:36.

49 Mishnah Negaim 12:5 interprets the selection from Leviticus 14:36, that when a diseased patch appears on a house, before the priest comes to inspect it, it should be emptied. The Mishnah asserts that it should be emptied of even the least valuable items that could not be purified, i.e. earthenware vessels and other low-worth items, so that these items will not be declared impure and ordered destroyed. This is a locus classicus for the principle that the Torah protects Jews from financial burden.

50 As Aaron and Hur supported Moses’ hands during the battle with Amalek; paraphrasing Exodus 17:12.

51 Deuteronomy 33:4.

52 Psalms 50:23.
one will have to burden themselves anymore or to squander or to waste charity that he might disseminate in Israel.  

And because not all of the ordini that were promulgated in honesty and uprightness for the benefit of the community have been made known to me, for a great dark dread descended upon them, because of the length of time and on account of the troubles which have encircled us and surrounded us, lashed tightly, bound upon our necks, distressing us. And (since) they have not all been made known to me so that I might include them in the memory book of the children of Israel, I have left a place herein to systemically arrange the ordini of which my ears have not caught any whisper.

Therefore the man who fears the Lord shall be blessed, from the remnants whom the Lord has summoned to service before the community, who come by way of laws and ordini for the benefit of the community, may its Rock keep it and grant it life: those [legal documents] which were made in the first days long ago, or those which are renewed in each generation, in each family, for the benefit of the community, for the community there should be one law for them. All which their hand might find to make (available) by their power for common benefit, let them copy it here, and forever with iron stylus and lead, so that they will last for many days, and they will not cease to yield the fruit of righteousness. They are the tree of life to him who finds them, and to their whole bodies, a healing tongue is a tree of life [allowing one] to avoid deadly snares, and the stability of his times shall be a hoard of salvation, the inheritance of Ariel, no longer will our name be anything but Israel.

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53 A pun on Judges 5:11, exchanging pirzono (“his deliverance”) for pizrono (lit. “his dispersion,” but here translated in context), and tzedakot reinterpreted to mean literal charity funds, as the plural of tzedakah. The original context means something like, “His gracious deliverance of Israel.”

54 Paraphrase from Genesis 15:12.

55 Lamentations 1:14.

56 I.e. to include them presently.

57 Paraphrase from Job 4:12.


59 Yishmereihu tzuro vi-hayeihu

60 Numbers 15:15.


62 Paraphrase of Jeremiah 17:8.

63 Paraphrase of Proverbs 14:27. The previous quotation ends with “life” (hayyim), and this new quotation begins with the same word. Capsali conflates the two to create new meanings.

64 Paraphrase of Proverbs 15:4. The previous quotation ends with “healing” (marpeh), and this new quotation begins with the same word. Capsali conflates the two to create new meanings.

65 Paraphrase of Isaiah 33:6.

66 Paraphrase of Genesis 32:29, the moment in which Jacob’s wrestling opponent gives him the name Israel.
He propels his pen, the vain pen of scribes, despised and shunned by men. Elijah Capsali the younger, son of my master, my father, and my teacher, the wise man, with honor to my teacher, Elkanah, may he live forever, who writes by guidance of the lines below, as a minor servant who has been found for our community, the holy community of Candia, may its Rock keep it and grant it life. Today, in the year of “Let God give comfort for the evil,” on 18 Heshvan, they deemed my plan to be for the common benefit, and I included for them all that is found in the book to aid them, for by these (rulings) we will live among the nations, until a spirit from on high is poured out on us, and a redeemer comes to Zion, and let our eye gaze on Zion and on the building of Ariel. And in merit of this (I have become) a man redeemed by the Rock [Ben Pedatzur], God is also for me [Gamliel], then our mouths will be filled with laughter, with strength, and as for me, to the Lord I will sing, I will hymn to the Lord, God of Israel.

Blessed is God who has given rest to his people Israel, and has put us in a state of grace and favor in the eyes of our masters, the lords of Venice, and they have established for us all of the privileges found below, and we have found rest among the nations whence God has banished us, may the Lord our God be with us as he was with our fathers. Eternal Amen Selah.

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[Entry] 46:

Here are a few of the venerable condestabuli, may their souls be bound in the bundle of life, who strived honestly for the needs of their community, and made terminazioni to help the community, may its Rock keep it and grant it life.

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68 Jeremiah 8:8.
69 Isaiah 53:3. A statement of humility typical of Elijah Capsali.
70 Apparently where he uses Job 24:11.
71 Yishmereihu tzuro vi-hayeihu.
73 Lamentations 4:20.
74 Isaiah 32:15.
75 Isaiah 59:20.
76 Micah 4:11.
77 A perhaps confusing pun on the biblical character Gamliel (“also for me is God”) ben Pedatzur (“Rock redeemer”), the representative of the tribe of Menasheh in Numbers 1: 10. I have configured a translation with some meaning, as reasonably as possible.
78 Psalms 121:2.
79 Judges 5:3, from the Song of Deborah.
80 1 Kings 8:56.
81 Condestabulo (pl. condestabuli): Venetian dialect, term for the president of the Jewish community, an elected position (perhaps annually or biannually) recognized by the Venetian government. The condestabulo spoke as the official representative of the Jews to the Venetian colonial government on Crete.
82 Terminazioni (sg. terminazion): Venetian dialect, word for an agreement or decision made by the Venetian government.
When the honorable R. Elijah Parnas was condestabulo for our community, may its Rock keep it and grant it life, he made a terminazion through the administration, may her dignity be exalted,\textsuperscript{83} on behalf of the synagogue of Elijah the Prophet, which was closed because of our great sins, that no goy be allowed to touch it, to destroy it, from its walls to its doors, and that they will not defile it, throwing into it anything filthy, on fine of on hundred ducats.

When the honorable R. Elijah Nomico was condestabulo for our community, he made a terminazion regarding all those who enter the synagogues to steal a perutah or more, that he will be flogged around the city, and he also made many terminazioni to help the community, may it live forever.

\{90\} In the time when the honorable R. Joseph Missini was condestabulo for the community, he acted regarding the one who cursed the great leaders of the community who were in prison, and the administration punished him\textsuperscript{84} (with a fine of) a hundred dinars, and this was during the time of Duke Bembo.

When the honorable R. Malkiel Casani was condestabulo for our community, he made a terminazion regarding the one who slandered the virgin girls of Israel, that they would punish him and flog him around the city and that he would be jailed. And he did this, and they punished one Sicilian and flogged him and incarcerated him, and this happened with the agreement of the majority of the venerable leaders and Torah scholars of our community, may its Rock keep it and grant it life.

At the time when the venerable R. Abba Delmedigo the Elder, may his memory be a blessing, was condestabulo for the community, he made a terminazion regarding the keeping of Passover, that the wagon\textsuperscript{85} would not be moved from the Jewish quarter\textsuperscript{86} all of the days of the vigil. After this the rabbi R. Hayyim Missini, may his memory be a blessing, strengthened this terminazion.

19 January 1439.

At the time when Messer Luca Tron was duke, and at the time when the honorable R. Jeremiah Capsali, son of the honorable R. Moses, may his memory be a blessing, was condestabulo for the community, he made a judgment regarding the rebellion,\textsuperscript{87} that one Jew wanted to marry a women who was betrothed to another, as is explained in the judgments in the records of the dieti, as is written below in his petizion, and no one did it again, on pain that he would be punished and banished.

\begin{itemize}
\item \textsuperscript{83} Lit. “May its horn be raised.”
\item \textsuperscript{84} I.e. the government punished the man who cursed the Jewish community leaders.
\item \textsuperscript{85} Rehev, lit. a wagon or vehicle, perhaps referring to a mobile flour mill?
\item \textsuperscript{86} Here, kahal means the physical space of the Jewish quarter, a typical usage in this manuscript.
\item \textsuperscript{87} Ha-mered. Unclear usage.
\end{itemize}
At the time when the erudite scholar, the honorable R. Protho Spatael was condestabulo for the community, he made a terminazion regarding issues to help the community, and this was at the time of Duke Messer Donado, as is written in his Memorial,88 and he also acted regarding the “cantors.”

{91} When our teacher, the rabbi, R. Moses the son of the honorable R. Abba Delmedigo was condestabulo for the community, he made a terminazion regarding those who “make galut” for the Jews,89 that they allowed the Jews to buy from the market at any time they want, and no one will impede with their hands.

When the honorable R. Ephraim Delmedigo was condestabulo for our community, he made a terminazion regarding the Jewish dead, that the goyim were not allowed to strip them, and whoever did this was punished with the punishment of a thief, and so one goy went and was digging at night for the daughter of honorable R. Crosoli (?) Catalan, her jewelry was taken from her, and the aforementioned condestabulo was told about it, and immediately he took with him some of the Jewish young men who are in our community, and they ran to the cemetery, and found the goyim digging there, and they caught them and brought them to jail, and the duke ordered that they be flogged near the cemetery, and he also punished them90, and they were in jail for a long time. From this was done a great salvation for Israel, that before this there had been great anguish for our community about this, and this happened during the time when Messer Bernardo Balbi was duke, may his dignity be exalted.91

When the honorable R. Zachariah Protho [was condestabulo], he made a terminazion that no one can curse the condestabulo and his councillors on fine of fifty dinars.

When the honorable R. Jacob Abbis was condestabulo for our community, he made a terminazion that the Jews be allowed to buy from the market foodstuffs for the sake of selling to other Jews.

At the time when Messer Leone Dudo92 was duke, may his dignity be exalted,93 and in the time when our teacher, the rabbi, R. Judah Havivi {92} was condestabulo for the community, he made ordini regarding the butchers so that

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88 Memoriali are one type of ducal chancellery registers. These are now held at the Archivio di Stato in Venice.
89 Artom and Cassuto explain that this is an Italian Jewish expression that means “to mock Jews.”
90 Likely financially, i.e. a fine.
91 Lit. “May his horn be raised.”
92 Or better, Duodo. Leone Duodo was duke of Crete in the late 1450s.
93 Lit. “May his horn be raised.”
they would be divided, on fine of a hundred dinars, as it is written in the distesa of the notary Acide.

At the time that the honorable R. David Capsali, may his memory be a blessing, was the condestabulo for our community, may it live forever, there was a great famine across the entire island of Crete, and people were dying of starvation, and he made a terminazion that they would give from the administration’s flour also to the Jews a certain number of eiphot each week, and so did the honorable aforementioned condestabulo: he would take the flour each week in his house, and he would knead and bake it and distribute it to the poor. He also made a terminazion that no one was allowed to fill up or to close the large well that was made for the workers and the rest of the community, may it live forever, for their needs, and this was during the time of Duke Moro, may his dignity be exalted.

At the time of the honorable R. Abba Delmedigo, son of the rabbi, R. Shemarya, may his memory be a blessing, he made through the agency of his brother, our teacher, the rabbi, R. Moses, with Messer Jeronimo Lando, the Archbishop, many agreements to help the community, and for example regarding the Torah scroll that they took out for the archbishop, and likewise many other things for our aid, and Messer Jeronimi excommunicated anyone who trangressed his orders.

When the honorable R. Elisha Astruc was condestabulo, he made a terminazion regarding the butchers who go outside of the city to purchase, and that no one is allowed to assault them and steal livestock from them, and the administration places a fine on castellani.100

When the honorable R. Shabbetai Barbigna was condestabulo for our community, he made a terminazion regarding feast days, that upon them Jews could labor inside in the community.

When the honorable R. Shabbetai Casani was condestabulo for our community, he acted regarding the “cantors,” that they would be under the authority of the condestabulo and his councilors, and that they must show him an accounting of the goods of the synagogue, and also many terminazioni to help the community.

94 Artom and Cassuto understand this strange phrase to mean that the butchers would not unite in a sort of guild, which would make them liable to fix prices without competition.
95 Apparently, the specific content, i.e. that which is found in the notarial records of this particular Latin notary.
96 A fairly large biblical and rabbinic dry measurement, not actually used as a measurement in Crete and thus just suggestive of some significant amount of flour.
97 Or better, Mauro, perhaps Lorenzo Mauro, who was the duke of Crete in early 1460s.
98 Lit. “May his horn be raised.”
99 I.e. they went to the rural areas to purchase livestock to be brought back to the kosher slaughterhouse in Candia.
100 Castellani are those who lived in the fortress towns (castelli) beyond Candia. Ostensibly, the Venetian government had placed a mandatory fine on the fortress dwellers (and likely other rural folk) who engaged in such highway robberies and assaults.
Know that the honorable R. David Mavrogonato, through his good intervention, when he was an agent of the administration, made many agreements for our benefit, regarding feast days, regarding the *parola*\textsuperscript{101} on Sabbath and holiday eve; and that ten people could go with one candle at night. And this he also did for the fortress residents\textsuperscript{102}, and he strived for the needs of his community with faith. May his soul be bound in the bundle of life.

\textsuperscript{101} Unclear usage; perhaps referring to court cases.

\textsuperscript{102} Some Jews lived in a number of the *castelli*, as evinced by other *taqkanot* and Latin ducal chancellery materials.
Taqqanot Qandiya and the Construction of Crete’s Jewish History
Rena N. Lauer, Oregon State University


*NB: Curly-bracketed letters {} indicate manuscript page numbers, according to the pagination of the manuscript. Square brackets with ellipses […] indicate long stretches of illegible text, according to Artom and Cassuto’s rendering. Underscore ___ lines indicate a few illegible words. Square brackets with text [] indicate suggested readings, per Artom and Cassuto.


Cartouche [inverted] הָאָדָם [inverted] הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם הָאָדָם 하ָאָדָם הָאָדָם 하ָאָדָם 하ָאָדָם 하ָאָדָם 하ָאָדָם ... [ [... 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על כל שמחה ועל כל יאה, חפשו בכבדות晟 הסדר הקדושском פסירתו. ואל הודויהו וינה, ואת הוהיו וינה, ואת החש 소개ו על כל אולם יאה, שלחו לא הברון, ורחאם ולא על שונים תכתי, ולא על שונים צרכיו, ולא על שונים פסיו. והשם וינה את הקדושי וינה, ואת החש 소개ו על כל אולם יאה, שהם וינה את הקדושי וינה, ואת החש 소개ו על כל אולם יאה.
ברוך ז''א אשר נח צאו לעלם ישראל, ובזכות ייזוז כי, בסוהר אלהי טרמנציוני, היה, spanking מבית בן הוריה, וי''ז אין לי אדנטים/company מעין זה産 בפझ. 

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מל

אלוה המכות המכבשים הקנודרנשבלול תנטצ''ו, שרותהдол בצריך, שבורה באה, עוה פרגניצורי

לעゾ르 הקוהל י''א.

ביהורתי הנה ר''אליה פרנס קנודרנשבלול לקהלות ועיזי, שעש טרמברגרטיאי ע'' לשררה י''מ בעץ ב''ה של.

אליה הנביה שנסגו במעוזו הרבים, שליה היה שומ זור ישארו שלשה י ו altre הдержанו. 

והלחותיו, רשה יזוזתו, לשפר על מלאך, שגר הסות, חבר ודקר מי.

ביהורתי הנה ר''אליה פרנס קנודרנשבלול לקהלות, שעש טרמברגרטיאי בעד עיון שיכנה, בעד טרמברגטיי ריבע לקוהל י''א.

לכנון מפרודאה והעלא שיכנה סביר עיון, ובשע טרמברגטיי ריבע לקוהל י''א.

ברוך ז''א אשר נח צאו לעלם ישראל, ובזכות ייזוז כי, בסוהר אלהי טרמנציוני, היה, spanking מבית בן הוריה, וי''ז אין לי אדנטים/company מעין זה産 בפझ.

ברוך ז''א אשר נח צאו לעלם ישראל, ובזכות ייזוז כי, בסוהר אלהי טרמנציוני, היה, spanking מבית בן הוריה, וי''זאין לי אדנטים/company מעין זה産 בפझ.

ברוך ז''א אשר נח צאו לעלם ישראל, ובזכות ייזוז כי, בסוהר אלהי טרמנציוני, היה, spanking מבית בן הוריה, וי''זאין לי אדנטים/company מעין זה産 בפझ.

ברוך ז''א אשר נח צאו לעלם ישראל, ובזכות ייזוז כי, בסוהר אלהי טרמנציוני, היה, spanking מבית בן הוריה, וי''זאין לי אדנטים/company מעין זה産 בפझ.

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ברוך ז''א אשר נח צאו לעלם ישראל, וב בזכות ייזוז כי, בסוהר אלהי טרמנציוני, היה, spanking מבית בן הוריה, וי''זאין לי אדנטים/company מעין זה産 בפझ.

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יד"ק.
Linguistic and Formal Aspects of Jewish Record Keeping in Italy—A Comparative Investigation

Bernard Cooperman, University of Maryland, College Park

There is ample evidence for a flourishing Jewish documentary consciousness in 16th-century Italy. This is clear at many different levels—from the notarial to the constitutional, from the judicial to the legislative, from the personal and mercantile to the criminal and diplomatic. Maintaining documentary archives clearly became common, indeed normative, in a wide range of communities, apparently partly in response to pressure from the outside, partly because of an increasing level of institutionalization in the growing communities themselves. What were the models and norms for Jewish documentary and archival practice? How did existing traditions of terminological, conceptual, and linguistic practices among Jews interact with those imported from the outside? Can we see a difference between Jewish documents that might have to be presented to the outside authorities and those for purely internal use? Can we trace the emergence of a Jewish bureaucratic personnel? In my presentation I will compare documents preserved from two ethnically and geographically quite different communities—that in Rome and that in Pisa/Livorno—to try and answer some of these questions.
The very excellent gentlemen, *Parnasim*, [meeting] in the usual place [etc.]

Considering that it is necessary that Ketubot, which are public instruments, must be registered in a public book so that they might always be viewed and constitute the truth and validity of the act, therefore by the present decree they order and command that all Ketuba contracts which are issued in this Holy Community must be registered by the *sofer* of our chancery in the usual book. We require the parties that they not perform this registration with the opportune mechanism of the government. The said Ketuba instrument shall not be valid so long as it is not signed by the *sofer* [administrative secretary] of the Holy Community and by one of the three gentlemen [i.e., the *massari*] elected at the time. The registration requires a [fee of] ¼% of the dowry principle paid into the hand of that official and ¼ p.a² for each Ketuba for the Chancery, all for the good government of this Holy Community, which may God augment.

Item. We order that all those who have a son or daughter have to inform the Chancery in writing and they are obligated to have a synagogue honor [*shura*], having a note from the Chancellor that they have made the required notification, and paying the Chancery six *sueldos* and an *cho.

Similarly they order that the Chancellor must register all who pass from this to a better life in the usual book under pain of censure from the Gentlemen of the *Mahamad* [i.e., the communal government], all for the good governance....

Joseph Vaiz Villa Real
Abram de Gabriel de Paz
David Falcon

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¹ The date was given in *stilo fiorentino*. On the previous page, the entry of 22 March 1713
² Piaster or pezzo
Notarial Practice, Communal Institutions, and Legal Jurisdiction
Bernard Cooperman, University of Maryland

I. The Institutionalization of Communal Governance and Record Keeping. Pisa, 1713. Central Archives for the History of the Jewish People, Film HM 890, fol. 10r

Adi 16 Juño 1713 Pisa f.o

Los Muj Ill.res SS.res Parnassim en el solito lugar e[ccetera]

Haviendo considerado, ser nesesario que las Chetubod como Instrum.o pubb.co se deua registrar en un libb.o pubblico p.a que siempre paresca, y conste la verda y ualidad dl acto, y asi p. el presente Decreto ordena.n y mandaron que todos los Contrattos de Chetubod que seguieren en este פ"פ se deuan rejistrar p. el sofer de nuestra Canc.ria en el solito libb.o obbligando a la parte, que no quisiere aser tal rejistrasion con el remedio opportune di Justisia, y que no sea valida el tal Instrum.o de Chetubà mientes no est ubiere firmada dl sofer dl KK y de uno de los SS.res tres diputados que pro tempore fuere con deuer pagar dh’a rejistrasion ¼ p% del prensipal de la Dote en mano de dh’o diputado, y tres quartos de p.a cada Chetubà p.a la Canc.ria do todo p.ra buen gouierno de este KK que D.os aumente.

Item ordenaron que todos los que tubieren ijo ho ija deuan dares luogo en nota en la Canc.ria y que sean obligados a azer surà tomando el bulletin dl Canc.re de auer echo la deuida denunzia con deuer pagar en Canc.ria sualdos seis y ocho y semilm.e ordenaron que todos los que pasaren de esta a major uida deua el Canc.re rejistrarlos en el soito libbro sotto pena de albitrio de os SS.res dl Mahamad lo todo pr.a gueon g.no e mand.

Joseph Vaiz V.a Real
Abram de Gabriel de Paz
Dauud Falcon

The following *shtar harsha’a* follows the formulaic language of contracts that, like a modern "power of attorney" appoint agents to act on one's behalf in a specific legal matter. Such documents, which date back to Talmudic times, regularly include permission for the agent to bring the matter before non-Jewish courts as necessary. In this case, however, the parties are choosing from the start to bring their dispute before non-Jewish arbitrators, which would also mean being bound by a different procedural and substantive legal system. The document was preserved in the notarial register of the Roman Jewish notary which was eventually deposited in Rome's Archivio Capitolino, the repository for the records of all city notaries. The document, which includes the autograph signatures of the witnesses is a first copy, and therefore includes changes, deletions, and insertions. It is quite difficult to read.

**Power of Attorney**

We, the undersigned, testify as to what occurred in front of us today, Tuesday, the *calends* of July, [5]299, here in Rome, the city that sits on the river Tiber, here in the Scuola Tempio. The honorable Twenty [Licensed] Lenders came before us: 'Be witnesses and testify for us and write in clearly empowering language that cannot be changed from this day onward [        ] and then sign [the document] and give it into the hand[s] of Solomon da Pisa and Isaac Gois[o], may their Rock protect them, to the effect that we, the moneylenders of this city of Rome, hereby willingly and not because of any force whatsoever, empower Solomon and Isaac Goiso, [together and] individually, and give them control over 4 ells of land in our

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1 Models for such contracts were regularly collected in working manuals to serve as guides for scribes. Their practical relevance attracted the interest of Christian scholars; for example, J.H.M. Nagel, *De Contractu quodam iudaico emptionis et venditionis* (Altorf: 1754). Several of these were printed and republished frequently. The Israeli jurist and legal historian, Asher Gulack, provided a useful overview and sampling in *Ozar ha-Shtarot ha-Nehugim be-Yisra'el* (Jerusalem: 1926).

2 This series of notarial registers have been mentioned in many studies of Roman Jewish history, and selected items were published for example by Abraham Berliner, *Mi-Sridei ha-Ir, Kovetz al Yad* 9 (1893), in a 1984 master's thesis written at INALCO, Paris under the direction of Gérard Nahon, by Shoshana Shenhav Golan

"La vie et la mort des juifs de Rome d'après des testaments tirés de documents notaries en Hébreu datant de 1536–1605." Kenneth Stow, *Jews in Rome* (Leiden: Brill, 1995 and 1997) provides summaries of the registers for 1536–1557, and he has drawn on these in several important studies of Roman Jewish history. The present document is listed by Stow as #403, and he identifies it as on 57v–58r).
Thus we are licensing them to [negotiate] a *compromesso* according to the laws of the Gentiles with regard to all the conflicts and divisions that exist between us and him. Henceforth and from now on, we allow and authorize the above mentioned agents. Their power is as ours, their oaths are as our own, their mouths as our mouths and their hands as our own. Whatever the said agents say or do shall have standing and be binding and we may never reconsider or refuse or say to those agents that [we will not agree to what they did on the grounds that] "We sent you to profit us and not to cause us harm." Rather, whatever the agents rule shall be binding and have strong and trustworthy status. It shall not be invalidated because of an extra word or a missing word or an ambiguous word. Nor shall a document they sign be invalidated] because of an extra word or an erasure or a drop of ink. Everything is approved and confirmed, legal and trustworthy, according to their [i.e., non-Jewish] law as if it were written by an authentic public notary and rabbinic regulations. Thus say their excellencies, the above mentioned Twenty Lenders: this power of attorney is being written in public so that it not be considered a hidden thing. Everything is revealed and known to anyone who [can see or hear] it is true. And the said Lenders hereby revoke any disclaimer or disclaimer that might derive from a disclaimer ad infinitum in any way that the rabbis have defined "disclaimer." And in order that the truth not go missing, I, Meshullam the son of his honor, Rabbi Isaac of Volterra, the scribe of the city, at the request of the said Lenders, have written this power of attorney. We have explained this to the witnesses. They will sign their names in the margin of this power of attorney about what they heard and saw as testimony and memorial. And their Excellencies, the Lenders have transferred this to R. Salomone da Pisa and R. Isaac Gois[o], the above-mentioned agents, and everything that has been written and spelled out above with legal currency. This is strong and binding. [Signed] I, Meshulam the son of R. Abraham the physician of blessed memory, insofar as I am witness to what is written above. [Signed] I Raphael Hai the son of R. Judah [?] of blessed memory. And on this very day, His Excellency, His Honor David Ram, who is a *memuneh* [leader of the community council] called on R. Salomone Zarfati to agree to bring the case before a Jewish court and rabbis, namely Rabbi Judah ben Michael and Rabbi [?] ben Michael with regard to the taxes [?] in Rome.

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3 This fictive sale of land is required by Jewish law in any transfer of rights between parties.
4 This phrase is inserted to replace an earlier one that was crossed out. The earlier phrase, not entirely legible, refers to a license (חזקה) that was in dispute.
5 literally: "it was written in the market and signed in the open." This is a standard, required phrase for Jewish deeds of gift or transfer of property. See *Shulhan Arukh, Hoshen Mishpat* §242.3.
6 The Hebrew נופייס in this type of document usually means that we have appeased or relieved the worries of one of the parties. I have not found another example of this term used about witnesses.
7 Again a stock phrase for notarial documents that is not immediately relevant to what really happened.
8 The last phrase is puzzling. The form מסייות is not what we would expect, nor is it clear what taxes (if that is what is meant) might have to do with the conflict between the bankers. On the apparent
collegial appointment of several rabbis in Rome at a time see Robert Bonfil, *Rabbis and Jewish Communities in Renaissance Italy* (Oxford: Littman Library, 1990), pp.

To the City of Livorno, may God protect it, Adar 5428 [1667–68]

Question: A difference has arisen concerning a monetary conflict between Reuben and Simeon, residents of Izmir, may God protect it, and some residents of Livorno, may God protect it. They brought their case before the members of the Livornese Mahamad [lay council]. They, in their wisdom, ruled that the matter should be deferred for six months so that the sides could clarify their claims. When the Livornesi saw the council’s decision, they petitions His Exalted Grand Duke to transfer the case to the *Consoli del Mare*¹ or three Gentile² merchants. When Reuben and Simeon heard this, they declared that they wished to be judged only before a Jewish religious court, on the grounds that they, the defendants, were residents of Izmir where [Jewish cases] are judged according to the Torah, as has always been true there. Moreover, since their rivals transgressed the law and the Torah in asking His Excellency, the Grand Duke that the matter be transferred to a non-Jewish court, they do not wish to be judged by any law other than in accordance with our holy Torah. May our Teacher of Righteousness tell us who has the law on his side, and may you be doubly rewarded.

Answer: In thinking about this and wondering how the law tends in the matter before us, I began to investigate one central issue that requires clarification in our consideration. It is this: if a certain place has a custom—which is a proper custom that deserves, from a legal point of view, to be followed—to be judged in [Jewish] courts in cases of dispute and conflict, do we follow this custom on the grounds that “custom trumps halakha.” Perhaps we do not follow this. It seems to me that even according to the view that in matters of money (civil suits), custom trumps

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¹ The “consul” in Pisa is a maritime court which traditionally had jurisdiction over commerce and trade in Pisa and Livorno.
² Literally: uncircumcised.
³ *Exodus* 21:1
⁴ *Gitin*, 88b.
halakha…in this case we do not follow this custom because it involves something that is religiously forbidden since the All-Merciful stated: “’Before them’ and not before gentiles.” It is well known that most, indeed almost all, jurists agree that a custom is not binding in countering something that is actually forbidden. This is true even when we are speaking about a “widespread custom”\(^5\) instituted by the ancients.

[He lists the books of many great recent authorities] to the effect that a custom adopted by people of a city to have their deeds composed by gentile [notarie]s, do we follow this practice if it is widespread in that place and fixed by the ancients? Even in such a case, Rabbi Samuel Kalai (Mishpetei Shmu’el §103-104) believes that anything that involves going directly against a law of the Torah, we do not follow it. The two cases are different since there is nothing to forbid in using gentile notaries to draw up contracts. Where this practice is widespread and a fixed custom it is tantamount to a case where two parties agreed among themselves that these deeds that are written before gentile court would be accepted. It is no different than someone accepting a relative or someone else forbidden to judge or testify [for some reason]; that is acceptable…. Since the two parties accept this, who are we to tell them no? But in the case before us, it involves something actually forbidden outright. (Even if their law is the same as ours and even if both parties wish to be judged in their court, it is forbidden to be judged “before them.”) See Nahmanides, Commentary on the Torah, ad loc., Mishpatim, cited by Rabbi [Joseph Caro] of blessed memory [Beit Yosef, Hoshen Mishpat, §26]. Of what use, then, is a custom? For this would be tantamount to the parties agreeing that they will be judged by non-Jewish courts, which is of no use….

And now to our case. I would say that the people who requested His Excellency the Duke to move the case to the court of the Console [del Mare] in Pisa or before three gentile merchants, did an evil thing. They abandoned the source of living water to dig for themselves broken cisterns, to build themselves piebald altars in idolators’ temples (beit midresei ha-aku”m) … This case is especially bad since they had appeared before the men of the mahamad and the latter, in their wisdom, ruled as they did, and then these parties drew back from what the men of the mahamad had ruled according to the Torah of Our Teacher Moses of blessed memory and were content with children of the gentiles. It is amazing that Jews whose forefathers stood at Mt. Sinai despise the good and choose evil. These people are deviants; they have quickly abandoned the straight path, the Torah of God that is pure, and have run after illegitimate profit, oppressive profit. Who has heard of such a thing, to be unfaithful to the wife of one’s youth and to hold the breast of a gentile woman. They should be condemned and punished….

\(^5\) The term minhag pashut is sometimes taken to mean “a simple custom” but in this case, it refers to the fact that the custom is widespread and not merely local.
The residents of Livorno do not have the power to force the residents of Izmir to be judged according to their [Livornese] custom. Even granted that that is their custom, and custom is determinative, that applies only to the residents of Livorno or to the residents of another city who are suing residents of Livorno. But when it is the residents of another city who are the defendants, there is no doubt that [the Livornese] cannot force them to be judged according to the custom of Livorno; … plaintiffs must follow the defendants. [The authorities that Benveniste had earlier cited] went out of their way to argue that a case should be judged according to the local custom of where the business deal occurred. In our case, the business deal occurred in the city of Izmir; the matter should be judged according to the custom of Izmir. And even if the deal had been done in Livorno, those [authorities] said what they did only when both plaintiff and defendant were in that same place and then the plaintiff left for somewhere else. In our case, however, the defendant never was in Livorno when the deal was consummated. Everyone agrees in this case that the defendant is not required to behave according to the custom of the place where the deal was consummated. Rather, he can follow the custom of his own place. And in our case, even more so since the deal was consummated in Izmir!

Bottom line, in our case no law and no judge would declare that they should not be judged by the holy law of God. Hence I rule, under pain of excommunication, these people must together approach the members of the mahamad in Livorno together, and the case should be judged according to the Torah. … If they refuse, aside from the fact that they are violating a decree of excommunication, we shall do to them what is appropriate. If they think of distraining the property of residents of Izmir, we will distrain the goods of Livornesi here….

This is what appears to me. [Signed:] The young man, Hayyim the son of Israel Benveniste of blessed memory.
Notarial Practice, Communal Institutions, and Legal Jurisdiction

Bernard Cooperman, University of Maryland

רוצה בעל חייבים גמור הלכתיי ר"י הרמב"ן נ"א שמעון מה ענין כשאין לדון תקנותיהם על ע"כ איסור שצריך בתשובה איסור שהרי אין הרב אינו ירוחם התיר הע"כום פי האיסור המישרים לזה השנים התיר הרמב"ם ז"ל הוא תבקש קבלו הקדש עליהם נהגו עם פירושי בדיני וחברו ירוחם אין הסוחרים כאן איסור למקום ולאסור ל недо מתנו ז"ל הוא לחלק אם הסוחרים כפי או איסורא לחלק אם הסוחרים מধין ל%! קונItemCount 0 ו 사업.IDENTITY 0 א"כ איסורא להלכו ל%! קונItemCount 1 ו事業.IDENTITY 1 והם התירו אתא רבעה ז"ל להתרצו איסורא מודרין עקדא ז"ל לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"ו לודיסכ"و
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שלכפל 그래서にも ישמע אדם זה חברו בבני sollten בבריתJarvis ונקראית לא נישא לבריתJarvis
ולבריתJarvis עֲהַבַּהוּ נַעֲקָד עָלָיו וְהָעְקַדְתָּו בָּהּ. לֹא נַעֲקַד בָּהּ טַהְרָה, לָא לֹא עָקַד בָּהּ. לֹא הָעֲקַד בָּהּ.
Counting and Recording Sins
David Myers, Fordham University

Newer Beichtform, 1635, printed in Munich

The documents below, from a 1635 handbook on how to confess sins, reflect the intensifying practice in early modern European Catholicism of remembering and counting offenses in preparation for attending the sacrament of penance and receiving absolution from an authorized priest. Among the originals is an example of how the “technology” was intended to work easily, almost effortlessly.
Counting and Recording Sins
David Myers, Fordham University

Newer Beichtform, 1635, printed in Munich

New Form of Confession
That is:
Spiritual instruction, how
suitably light and without great
Effort, indeed without any writing, in a few
Hours, one may from many past years
prepare oneself fruitfully for a perfect general,
as even not less to ordinary
confession, which one is required to do at times during the year,
such as Eastertide, and other feast days.

To the honor of Almighty
God and to the health of the repentant
Sinner dedicated and
Brought to print.

Printed in Munich through
Nicolaum Henricum
1635
Practica,  
Of this instruction.  
Here stands the entire Practica of our instruction/ how you ought to prepare yourself/ in the following parts.

First:

You should fall on your knees/ and in the presence of the Holy Ghost, the Holy Virgin Mary, and the holy Guardian Angel humbly call and pray.

Second:

You should [remain] on bended knees before the face of God/ a half or at least a quarter hour [and ponder]; firstly the time in which you have not confessed; second, the state of your person. Third, the life, or service or

craft/ that you practice, indeed all the various offices/ which you fulfill and in which de facto you still serve. Fourth, all the places in which you from youth onwards have been or lived.

Fifth, briefly go through and consider the people with whom you have lived the most/ or with whom you have lived and associated etc. And then in a moment of thoughtfulness, fully comprehend the way you have lived: which consideration and reflection will help you not a little, if and when you come to the following register to think over and determine your past sins.

[new page]
Zum dritten.

So stand up afterward, sit down at your table and place before your eyes this register which afterwards will be set out for you, in which you will find diligently marked in all the lines almost every kind of sin which man commits against the commandments of God. Then you should look through and examine in this register one line after another, whether you find yourself guilty of this or that offense which your conscience and the materials will make easy to recognize; If however you find nothing/ and nothing comes to mind after you have thought about it a little, so go then without any care and scruple and be anxious no more, for you have done what was possible for you to do. If though you find something about which your conscience accuses you, then you should, with a penknife

[new page]

or needle which you have at hand, pull or lift the cut message out, so that it is outside of the taped white page.

Fourth

Now go with this register to the priest and lift out from the first commandment and read one after the other/ what you pulled out/ and confess the sins which find marked in the pulled out messages. It is also unnecessary to change something, except that when you are a little bit further along you repeat the following words, namely:

“Further, I confess that etc.

Fifth

After completed confession, however,

[new page]

so take yourself again to a prepared or special place, take the penknife or needle and push each message back in its place. See? There you have the practice. What is easier? What is faster?
The sixth and ninth Commandment.
Mark, dear Reader.

One finds many people who
years-long keep silent/
what they have committed against this Commandment/
and therefore, with impure consciences imprisoned
by mortal sin, receive the most holy:

[new page]

most worthy Sacrament of the Altar.
What follows from this however?
Despair in the last end and eternal damnation.
O miserable and most unholy people! O how much
better and wholesome it is to confess to an authorized priest
in God’s stead, and confess sins fully,/ than to be revealed and damned at the last judgment!
As a result be reasonable, examine your conscience well in the following point/
and where you find yourself guilty
take note and mark what you know, thereupon confess such all correctly as it comes and present it to a trusted priest and tell everything truly with your own words
This you can easily do, and it is not necessary that you write something

[new page]

Thoughts and desires.
Pleasure in impure thoughts
---
Whether one has sought and longed after them.
Whether one has accepted such thoughts without regard to person.
Whether you have at all times been inclined to and ready for evil thoughts.
Whether you have sinned with an ecclesiastic.
Whether you have committed the “nameless” and Sodomitic sin.
Whether you have lingered in nighttime fantasies.
Whether you have given cause for or demanded such.
Whether you have had an evil love and for how long?
Whether you have used arts and drinks to receive love.
Whether you have dedicated gifts to an evil end.
Whether you have sung unchaste songs.
Whether you have had or read vain words/ lascivious conversations or stories with others.
Whether you have written or possessed indecent love letters.
Whether you have possessed unchaste pictures.
Whether you have read or possessed such books or given them to others to read.
Whether you have exposed yourself indecently.
Whether you have looked upon others unchastely.
Whether you have grabbed others unchastely.
Whether you have kissed others, or caressed them or pursued similar wantonness.

[new page]

Whether you have taken part in unchaste dances.
Whether you have freewillingly defiled or polluted yourself.
If you have sinned with a person, you must recount all the circumstances: Such as, whether they are free or bound [in some way], whether they are related to you through friendship/ or whether they are promised to God, and similar. Etc.
Whether you have committed adultery.
Whether you went to suspicious places.
Whether you forced her to it.
Whether you with force abducted her from her father’s house.
Whether in your house you have kept a whore or a concubine.
Whether you have pursued indecent things by yourself or with others.
Whether you have taught others something evil.

[new page]

Whether you have enticed and helped others to evil.
Whether you through flattery, o procuring and other means given others means and occasion to it [evil].
Whether you have given offense to small children.
Whether in the marital state you have committed something foul [obscene] etc.
Whether you have hindered birth.
Whether you have brought someone to a miscarriage.
Whether you set unchastity as your highest good.
Whether you have given yourself entirely over to unchastity.
Whether you are sorry that you can’t do even more evil.

[new page]

Whether you still have something that sticks in your conscience.
Whether you until now have something which out of fear you have not been able to confess.
In what form the marriage bond took place.
Whether because of some impediment it might not be valid.
Whether you revoked a marriage. [could refer to divorce (if a Protestant)]
Whether you promised marriage to a gullible person and seduced her.
Whether you have not held your senses in check [bridled your senses].
Whether you have been forward?
Whether you have been with gestures or behavior lascivious, or decorated yourself in a vain, deviant, wanton, dissolute, womanly [fashion] and excessively attended to the adornment and decoration of the body.
Counting and Recording Sins
David Myers, Fordham University

Newer Beichtform, 1635, printed in Munich

Newer Beichtform/
Das ist:

Geistliche underrichtung/ wie
menniglich leicht und ohne grosse
mühe/ ja ohn ainiges schreiben/ in wenig
stunden/ sich von vilen verflossenen Jahren
her/ zu einer vollkommenen General,
wie auch nicht weniger zur Ordinari
beicht/ so er zu zeiten im Jahr/ als zur
Oesterlichen zeit/ und ander Festtagen
zu thun pflegt/ sicherlich beraiten/
umb solche mit frucht ver-
richten könne.

Zu ehren deß Allmächtigen
Gottes/ und zum hale der bußfertigen
Sünder gestellt und in
Truck geben.
***
Getruckt zu München/ durch
Nicolaum Henricum.
M. DC. XXXV
Practica, 
Diser Underrichtung. 
Es stehet dise gantze Practica 
Unserer underrichtung/ wie 
du dich beraiten sollest/ in 
Nachfolgenden sticken. 

Zum Ersten: 
Soltu auff die Knye fallen/ und 
umb beystand deß H. Geists/ 
der seligsten Jungfräun Mariæ/ 
und deß heiligen Schutzengels de-
mütig anruefen und bitten. 

Zum andern: 
Soltu auff gebognen Kneyen 
vor dem Angesicht Gottes/ ein hal-
be/ oder auff das wenigsten ein viertel 
stund; Erstlich die zeit/ in welcher 
du nicht gebeichtet/ Zum andern, 
den Standt deiner Person. Zum 
dritten/ das Leben/ oder Dienst/ oder 
Handiwerck/ so du getriben/ ja al-
lerhand Empter/ welche du ver-
sehen/ und noch de facto bedienen 
Zum vierdten/ alle örter in wel-
chen du von Jugent auff gewesen 
oder gewohne. 
Zum fünfften/ die Personen/ de-
en du am maisten beygewohnt/ 
oder mit welchen du gelebt unnd 
umbgangen bist/ tc. Küzlich durch-
uauffen und bedencken/ 
und gleich als in einem Augenblick deß Ge-
müts/ wie du gelebt habest/ durch-
mründen: welche Consideration
und betrachtung dir dann auch nit wenig helffen wird/ wenn du zu den hie nachfolgenden Täflein/ die /von dir/ begangne Sünden / zubeden-

cken/ und zuerkundigen/ kommen wirst.

**Zum dritten.**

So stehe darnach auff/ setze dich zu Tisch/ unnd stelle dir die Täflein für Augen/ welche hernach sollen gesetzt werden/ in welchen du in al-

len zeilen schier allerhandt Sün-

den/ mit welchen die Menschen wi-

der die Gebott Gottes handlen/ fleissig auffgezeichnet finden wirst. Derhalben soltu dann in disem Täflein alle zeilen nach einander durchsehen und erforschen/ ob du dich in disem oder jenem Laster schuldig befindest? Welches dir dein Gewissen/ und die Materia leicht-

lich zu erkennen geben wird; finde-

stu aber nichts/ und kompt dir auch nichts für/ nach dem du dich ein wenig bedacht hast/ so fahre alß dann ohn ainige sorg unnd scruple fort/ und sey nicht mehr sorgfeltig/ dann du gethan hasat/ was dir möglich gewesen ist. So du aber etwas fin-

dest/ in welchem dich dein Gewissen anklagt/ alßdann soltu mit einem

Federmesser oder Nadel/ welche du bey handen haben wirst/ daß auff-

geschittene Brieflein deroselben zedilen herauß ziehen oder auffheben/ also daß dasselbige auff der an-
geklebten weissen seyten außgezogen sey.

**Zum viertenden.**

Als dann gehe mit dem Täflein hin zum Priester/ und heb an von dem ersten Gebot und liß nacheinander/ was du daselbst herauß gezogen hast/ und beichte die Sünden/ welche du in dem/ von dir außgezognem Brieflein/ gezeichnet findest. Es ist auch unnötig etwas zu ändern/ nur allein/ wann du ein zeiltlang fortgefahren bist/ daß du underweilen die nachfolgende Wort widerholest/ nemblich:

“Weiter bekenne ich daß / tc

**Zum fünfften.**

Nach vollendter Beicht aber/

[new page]

so begib dich widerumb in ein Gemach/ oder absonderlich Ort/ nimb das Federmesserlein oder Nadel/ und schiebe ein jegkliches Brieflein wider an sein Ort. Sihe/ da hastu die Practicam. Was ist leichters? Was ist hurtigers?
Newer Beichtform 1635 table of sins 6th commandment

Das sechßte und neunte Gebott.
Merck günstiger Leser.

Man findt wol Leut/ welche vil jahrlang verschweigen/
was sie wider dises Gebott gehandlet/ und also mit unrainen und tödtlichen Sünden behaffeten Gewissen das heiligst: hoch-

würdigist Sacrament deß Altars empfangen/ was folgt aber hier- auß? Verzweyflung im letsten End und ewige verdambnuß. O elende und vil unselige Leut! O wie vil besser und hailsamer ist es allhie einem ordnenlichen Priester an Gottes statt beichten/ und seine Sünd vollkommlich bekennen/ als dermalen eins am Jungsten Gerich vor aller Welt geschendt und verdampt zu werden! Sey derwen verständiger/ erforsche in nachfolgenden Puncten dein Gewissen wol/ unnd warinnen du dich schuldig befinden thust/das zaichne und mercke /
du es waist/ alßdann Beichte solches alles auffrecht/ wie es dir einfält und fürkompt/ einem gewissen Prie-
ster/ und erzehle ihm alles trewlich mit deinen aignen Worten. Sol-
ches kanstu leichtlich thun/ und ist nicht vonnöten daß du etwas auffschreibt.

[new page]
Gedancken und Begirden.
Belustigung in unrainen Gedancken

Ob man solche gesucht und dar-nach getrachtet.

Ob man solche angenommen ohn ansehung der Personen.

Ob du zu aller zeit zum bösen ge-naigt und beraít gewesen.

Ob du mit Geistlichen gesündigt.

Ob du stumme und Sodomiti-sche Sünd begangen.

Ob su in den Nächtlichen be-trug verwilligt.

Ob du ursach darzu geben/ oder befördert habest.

Ob du böse
Lieb gehabt / und wie lang.

Ob du Kunst und Getränck ge-braucht / die Lieb zu bekommen.

[new page]

Ob du geschenck verehrt zu ei-nem bösen endt.

Ob du unzüchtige Lieder gesungen.

Ob du gaile Wort / leichtfertig Gespräch oder Historyen
bey andern gehabt oder gelesen.

Ob du ungebürliche Bulenbrief geschrieben oder gehabt.

Ob du unzüchtige Bilder gehabt.

Ob du dergleichen Bücher gelesen/gehhabt/ oder andern zu lesen geben.

Ob du dich ungebürlich entblöst.

Ob du andere unzüchtige angesehen.

Ob du andere ungebürlich angegriffen.

Ob du andere geküßt/mit ihnen gerungen/ unnd dergleichen Mutwillen getrieben.

[new page]

Ob du unzüchtigen Danzen beygewohnt.

Ob du dich freywillig verunrainigt oder befleckt.

So du mit einer Person gesündigt/ da mustu sagen alle gelegenheit: Als/Ob sie sey frey/verbunden/ verehelicht/ ob sie dir mit Freundschafft verwandt/oder ob sie GOtt verlobt/ und dergleichen/ tc.

Ob du die Ehe gebrochen.

Ob du an verdächtigen Ort gangen.
Ob du sie darzu genötigt.

Ob du sie mit gewalt auß ihres Vatters Hauß entführt.

Ob du in deinem Hauß ein Hur oder Beyschläfferin aufhaltest.

Ob du ungebürliche sachen getrieben mit dir selbst /oder mit andern.

Ob du andere etwas böses ge-lehrt.

[new page]

Ob du andere zu bösem ange-raizt und geholffen.

Ob du mit schmeichlen/ Kupp- len unnd andern mittlen an- dern gelegenheit darzu gegeben.

Ob du kleinen Kindern ärger- nuß geben.

Ob du im Ehestandt etwas unflätiges gehandelt/ tc.

Ob du die Geburt verhindert.

Ob du Mißgeburten zuwegen bracht.

Ob du sonst etwas unflätiges begangen.

Ob du dein höchstes Gut auff Unzucht gesezt.

Ob du ganz und gar der Un-
zucht ergeben.

Ob dich rew / daß du nicht mehr böses gestifttet.

[New page]
Ob du noch etwas habest das dich in deinem gewissen truckt.

Ob du bißhero etwas gehabt/ welches du auß forcht nicht hast dörffen beichten.

Welcher gestalt die Eheliche verbündtnuß geschehen.

Ob sie irgend wegen verhinder- nuß nicht gültig sey.

Ob du den Heurat widerruefen.

Ob du einer leichtglaubigen Person die Ehe versprochen/ und sie dadurch verführt.

Ob du deine Sinn nit im Zaum gehalten.

Ob du fürwitzig gewesen.

Nesver Beichtsform/
Das ist:
Geistliche Onderrichtung/wie
Menniglichleichte und ohne grosse
nähe/sa ohn einiges Schreiben/in wenigen
Stunden/sich von vielen vollen verloffenen Jahr-
en her/zu einer vollkommenen General,
wie auch nicht weniger zur Ordinar-
beicht/so er zu zeiten im Jahr/als zur
Oesterlichen zeit/und andern Festagen
zu thun pflege/sicherlich beraten/
und solche mit frucht vers-
richten könne.

Zu Ehren des Allmächtigen
Gottes/und zum halb der bußfertigen
Sünden geselle und in
Truck geben.

Getruckt zu München/durch Ni-
colaum Henricum.

M. D. C. XXXV.
PRACTICA,\n
dieser Vnderrichtung.

Es steht die ganze Practica
unserer Vnderrichtung/wie
du dich bereiten sollest / in
nachfolgenden stucken.

Zum Ersten:

Solch auff die Knie fallen/vn
symb benstand des N. Geists/
der seligsten Jungfrau Mariae/
und des heiligen Schugengels de-
mütig anruufen und bitten.

Zum andern:

Solch auff gebogenen Kneyen
vor dem Angesicht Gottes/ein halbe/oder auff das wenigste ein vierth
stund; Erstlich die zeit/in welcher
du nicht gebeichte. Zum andern,
den Standt deiner Person. Zum
dritte/das leben/oder Dienst/oder
Hand.
Handstvetck so du getrieben ja al-
lerhand Emperet welche du ver-
sehen vnd noch de facto bedienen
thust.

Zum vierdten alle ërter in wel-
chen du von Jungere auff gewesen
oder gewohnt:

Zum fünfften die Personen de-
en du am maissen bezgewohnt/
or die mit welchen du gelebt vnd
umbgangen bist er. Kürzlich durch-
laussen vnd bedencken vnd gleich
als in einem Augenblick des Ge-
muts wie du gelebt habest durch-
gründen: welche Consideration
vnd betrachtung dir dann auch nit
wenig heissen wird wenn du zu den
hie nachfolgenden Täslein die vorn
dir begangne Sünden Zubedenc-
ken vnd zuerkundigen kommen
wirst.

Zum dritten.
So sthe dar nach auff sehe dich
zu Tisch/ und stelle dir die Täfelin für Augen / welche hernach sollen gesetzt werden/in welchen du in allen zeilen schier allerhandt Sünden/mit welchen die Menschen wider die Gebote Gottes handeln/ fleissig aufgezeichnet finden wir. Derhalben solst dann in diesem Täfelin alle zeilen nach einander durchsehen und erforschen / ob du dich in diesem oder jenem läster schuldig befindest? welches dir dein Gewissen/ und die Materia leichtlich zu erkennen geben wird; findest zu aber nichts von kompt dir auch nichts für / nach dem du dich ein wenig bedache hast / so fahre alsdann ohn einige sorg und scrupel fort/ und sey nicht mehr sorgseltig dan du gethan hast / was dir möglich gewesen ist. So du aber etwas findest/in welchem dich dein Gewissen anklagt/ alsdann solst au mit einem Feder-
Federmesser oder Nadel, welche du in deinen handen haben wirst, das ausgeschnittene Brießlein der selben zeilen herausziehen oder auffheben, also das dasselbige auff der angeklebten weissen seiten auszugezogen seyn.

Zum viersten.
Als daß gehe mit diesem Täfelchen hin zum Priester, und heb an von dem ersten Gebot, inß liß nacheinander, was du daselbst heraus gezogen haßt; inß beichre die Sünden, welche du in dem von der ausgezogenem Brießlein, gezeichneten findeß. Es ist auch unnößig etwas zu ändern, nur allein/ wann du ein zeitlang fortgesessen bist, das du anderweitigen disse nachfolgende Worte wiederholtest/ nemblich: Weitier bekenne ich das ich/ so nach vollendender Beichte aber/
so begib dich widerumb in ein Gemach/oder absonderlich Ort/nimm das Federmesserlein oder Nadel/und schiebe ein jegliches Brieslein wider an sein Drt. Sihe/da hastu die Practicam. Was ist leichters? was ist hurtigers?

Etlische zwepfel oder Fraq- stuck fürsälich versertiger und zusammen gefasst.


Zum andern/ moehrestu auch fragen:
Das ich zuvill auffgeschrieben/da-
im ich den Apotheckern das
Gelt zubrachte.

Das ich die Arztnen nach für-
schreibung des Arztns/nit
angenommen.

Das ich eines für das ander/
unnüses für gute geben.

Das ich das Gifft unnd andere
verbottene sachen leichtsinnig
verkaufft.

Das sechste unnd neun-
tte Gebott.

Mercke günstiger Leser.

Man findt wol Leute/welche vil
Führlang verschweigen/
was sie wider dieses Gebott ge-
handler/unnd also mit unvrai-
nd tödelichen Sünden behaff-
teter Gewissen das heigst: hoch-


Gedancken und Begründen.
Belustigung in vnruinen Gedancken.
Ob man solche gesucht und dar
nach getrachtet.
Ob man solche angenommen ohn
anschung der Personen.
Ob du zu aller zeit zum bösen ge
natigt und bereit gewesen.
Ob du mit Geistlichen gesündigt
Ob du stumme vnd Sodomiti-
sche Sünd begangen.
Ob du in den Nächlichen be-
trug verwilligt.
Ob du ursach darzu geben/oder
befördert habest.
Ob du böse lieb gehabt/vnd wie
lang.
Ob du Kunst vnd Getränke ge-
brachte/die lieb zu bekommen.
Ob du geschenez verehrt zu einem bösen ende.
Ob du unzüchtige Lieder gesungen
du gaitse Wort/leichtfertig
Gespräch oder Historien bey
anderen gehabt oder gelesen.
Ob du ungebürliche Bulenbrief
geschrieben oder gehabt.
Ob du unzüchtige Bilder gehabt
Ob dergleichen Bücher gelesen/gehabt/oder andern zu lesen geben.
Ob dir dich ungebürlich erblöst
Ob dir andere unzüchtig ange-
sehen.
Ob dir andere ungebürlich an-
gegriffen.
Ob dir andere geküßt/mit ihnen gerungen/vnd dergleichen
Mutwillen getrieben.
Ob du unzüchtigen Dänzen beigewohnt.
Ob du dich freiwillig verunreinigt oder bestelle.
Ob du die The gebrochen.
Ob du an verdächtig Orte gange
Ob du sie darzu gendrigter.
Ob du sie mit gewalt auß ihres Vaters Haus entsführt.
Ob du in deinem Haus ein Hur oder Benschläfferin aufhaltest.
Ob du ungebührliche Sachz getribé mit dir selbst/oder mit andern.
Ob du andere etwas böses geteht.
Ob du andere zu bösein ange- 

rafft vnd geholfen.

Ob du mit schweichlen/Kupp- 

len vnnnd andern mitlsen an- 

dern gesegenheit darzu gegebß

Ob du kleinen Kindern ärger- 
nuss geben.

Ob du im Ehestande etwas un- 

stättiges gehandelt/re.

Ob du die Geburt verhindert.

Ob du Misgeburtten zuwegen 

bracht.

Ob du sonst etwas unstättiges 

begangen.

Ob du dein höchstes Gut auff 

Bnacht geseßt.

Ob du ganz vnd gar der Bn-

zuchtergeben.

Ob dich rew/ dasß du nicht mehr 
böses gestiffter.
Ob du noch etwas habest das dich in deinem gewissen truette
Ob du bischero etwas gehabt/ welches du aus forcht nicht hast dorffen beichten.
Welcher gestalt die Ehesiche verbündtnus geschehen.
Ob sie irgende wegen verhindernt / nicht gültig sey.
Ob du den Heurat widerzuessen.
Ob du einer leichtgläubige Person die Ehe versprochen / und sie dadurch versucht.
Ob du deine Sinnen im Zaum gehalten.
Ob du fürwizt gewesen.
Ob du mir geberden bist leichs- fertig gewest / unbeständig / erst / umsbeißt / mutwillig / siedlich / weibisch / dich ange- strichen / vn zu vil auff die sterd / vn geschmuck des leibs gescheiß
Das achte Gebott.

Dass ich in wichtigen sachen gelogen, welches zu anderen Leuten Schaden geacht.

Dass ich leichlich in geringen sachen gelogen.

Dass ich denen, welche mich um Recht gefragt gelogen.

Dass ich jemand falschlich verklage, daraus ihm ein gross unhail entstanden, nemlich:

Dass ich falsche zeugniss geben, daraus vil ubels kommen.

Dass ich anderer guten Leut Namen verleumden, verschwoert verlogen, in ungünst bracht.

Dass ich mit schmählichen Worten das gute bös, und das böse gut genannt, und dar durch Emter erlangt.
Ob du unzüchtigen Dänen behalten.
Ob du dich freiwilzig verunreinigt oder bestieckt.
Ob du mit einer Person gesündigt da musst sagen alle gelegentlich: Als Ob sie sehr verbunden verhext oder ob sie dich mit Freundschaft verwandt oder ob sie Gott verlor und der gleichen.
Ob du die Ehe gebrochen.
Ob du an verdachtige Orte gegan.
Ob du sie darzu getötigt.
Ob du sie mit gewalt aufs ihres Watters Hauß entführt.
Ob du in deinem Hauß ein Hut oder Benschläffer in ausgelaßt.
Ob du ungebührliche Sache gericht mit der selbst oder mit andern.
Ob du andere etwas böses gelehr.
Ob du andere zu bösem angezagt und geholsen.
Ob du mit schmeicheln Rupfen und andern mittlen ab dem gelegenheit darzu gegeben.
Ob du kleinen Kindern ärge nustgeben.
Ob du im Ehestande etwas unstatiges gehandelt.
Ob du die Geburt verhindere.
Ob du Misgebürten zuvagen brachte.
Ob du sonst etwas unstatiges begangen.
Ob du dein höchstes Gut aufs Unzücht gesetzt.
Ob du ganz und gar der Unzucht ergeben.
Ob dich rew daß du nicht mehr böses gestiftet.
Introduction

In order to cross borders in early modern Europe, travelers were expected to carry proper documentation that both identified them and permitted them entry into the region to which they intended to travel. In the Electoral Palatinate, the Jews were issued a special type of safe conduct that was tied to a flat rate tax levied on the Jews of Worms. In response, Jewish communities developed both inter- and intracommunal systems to sell, buy, and keep track of these documents. This presentation examines the safe conducts and the records and systems that developed to regulate their use.

Bibliography


And *gabbaim* [collectors] are appointed for [the regulation] of the *tiur* [safe conduct], which we, the residents of our community, are compelled to purchase every year from the Spanish regime, and it is a great expense. And it [the safe conduct tax] is not placed solely on our community, but rather on the larger group [of Jews], such that without [having] that safe conduct, no one can leave or enter. Thus all those that need the safe conduct are required [to share in the payment], including those who live among us here, those who live in the surrounding regions, also those who [reside] far away, even those communities and settlements that are not subject [to the authority] of our community, such as Frankfurt [am Main], Mainz, Bingen, etcetera. All those that face danger because of the safe conduct, or those that have debts or own property in the region [of the Electoral Palatinate], and all that will travel through the region over the course of the year, who will benefit from the safe conduct, all these [groups] must pay their share of the safe conduct [tax]. And the collectors are commanded to keep watch over those that live nearby and those that live far away, and over those who are obligated in the expense associated with the safe conducts, that they pay the necessary sums willingly or under duress, as was agreed according to the specific case. And they will sell all of the safe conducts, if they are able, for the community’s benefit. And every year two collectors are appointed to this position, and in the following year, two different collectors are appointed, because they [the collectors] are not appointed for more than a one-year term.
EARLY MODERN WORKSHOP: Jewish History Resources

Volume 14: Cultures of Record Keeping: Creation, Preservation, and Use in the Early Modern Period, Fordham University, New York, August 16-17, 2017

Documents, Records and Early Modern Border Crossings
Debra Kaplan, Bar Ilan University


אמרא נאים על התיוור, אשר באנו וישב קהלתנו מוכרים עם הפקות כל שנה מנוהר ושלום

ספרד, והחרצה בחיה מרובה. ולא מעינו בין התיוור הזהים, אך על כל כלול צא, דע

שהמשלים התיוור הזהים אין יצא ואין בה. עכו מחסרים כל התיוורים לחיה, והדברים פה תמות, וז"כ

שכם בבריתינו בבריתינו, חי התיוור, אוף ביתר, או צא להחרצה, או צא להחרצה. כל כנפוגות,

מען, בינונך והו, נל כל שמחה מכל מקום מהתוור, והיינו להברח והברח, על הפורים, וזל

הביאם בחיות והשבה לﬀר על הפרים, דע שמחה להברה, פרשים להא לחיה, או חיות להא לחיה התוור.

והגהباح פורים על ככ שפרחים ינイメ להו על התיוור, על התיוור, על המחותיכים, בהודואת התוור.

שנייאור את התוור, היינו מוחם ברכנו ובכפרים, נשארו פורים לעיון, לעיון, לעיון, לעיון, לעיון; כל

אוס אופר כל, להצלת כל. בכל שמחה עם ברוך על הכל, ושהנה לחיה, והנה לחיה, והנה לחיה, והנה לחיה.
It was agreed by the holy community [the communal leaders], may they be preserved by God, and at their head, the eminent rabbi, may he be preserved by God, together with the communal leadership: After having reached an agreement with the holy community of Worms regarding the safe conducts from the Electoral Palatinate, that two hundred Gulden will be given to them from our community every year, in exchange for forty safe conducts that they will provide to our community. And whatever additional [safe conducts] we will needs, as per the needs of the residents of our community, each safe conduct can be acquired for the price of one ducat. It was agreed that those two hundred Gulden will be collected as follows: fifty Gulden will be paid by the gabbaim [the charity collectors] on a yearly basis, and the remaining sum, after the proceeds of the sale of the forty safe conducts, will be collected from every head of household, from everyone whose net worth is one thousand Gulden or more, and [it will] even [be collected] from orphans and widows, and even those who have less than one thousand Gulden [net worth], but do business, must pay the same sum. This is how it will be for as long as there is a need for these safe conducts.

Enacted Sunday, the third of Ab, 413 to the small counting [1653]
Juda son of R. Moses Oppenheim of blessed memory
Aaron son of Jacob Meir Binga of blessed memory
הוסכם מפי חבורא קדישא יצ"ו ובראשם הגאון אב"ד יצ"ו ובראשם שאר קרייא העדה, מאחר דאש מנך הזיכרון ומען ק"ק זיכרון עניין להעניא את משפחות כאן, והשא הרה ברוחך כי צורך ושבירת הקהלין, כל מיום בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי須 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי須 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי須 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי須 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיор בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאש מן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיор בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלתו. ויאסף יד א"א כדי须 יושבי קהלתינו, כל תיור בעד א' סוף צו שאphalt. בנם הוסכם דאשמן המאות ומאחין ההובים ובארבע מעון לקהלת

יודא בן לא"י מהר משה ז"ל אופנהיים

אוהרב בר יתקב ולYaw empres

EMW 2017 101
The texts were selected in light of the general question: what kind of records did Ottoman Jewish communities maintain as part of their regular communal activities. They were further chosen to reflect procedures, considerations and conflicts that accompanied record keeping and were not usually recorded in the actual records produced. In most cases the records kept by the communities before the 19th century are no longer available. While references to the existence of various records can be found in a variety of contemporary and later sources (some of which I will mention), the texts translated offer a short selection of stories from “behind the scenes”. Reading the texts in terms of record keeping attest also to awareness, expectations, realities, usage, availability and relative importance attached to certain kinds of records. The texts will be mined for explicit and implicit conceptions and understandings of the records created in communal and personal levels, how were they preserved, used and accessed after being created, and what were their practical and legal implications. The evidence offered by these “stories” about records would be considered in three general categories – reflecting certain stages in the life of the records – initial construction, and later reconstructions and deconstructions.

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Introduction to text 1:

Rabbi Yosef Almosnino (1642*-1688*), born to a well known Salonica rabbinical family, studied in the main Yeshiva in Jerusalem (Beit Yaakov), appointed rabbi of Belgrade (1662*) after his maternal uncle (rabbi Yehuda Lerma of Istanbul) and his father-in-law (rabbi Simcha Hacohen). Circa 1676 he was asked to solve a controversy involving the wealthiest man in the community, who acted contrary to a community decision accepted in 1670/1. He ruled that the previous community decision was not binding, has already been broken, and should be ignored - like so many other decisions that were practically ignored. The text is an extract from his arguments on the matter. He attempts to explains why the decisions made by a congregation can be undone without any special procedure.

Belgrade Jewish neighborhood is reported to have been burned and most documents destroyed several times – before 1647, in 1688 and in 1795, furthermore, the community was repeatedly dispersed and exiled, and changed its structure, or faced destruction following several military campaigns, events which also included considerable destruction, fires and looting: 1688, 1717, 1739, 1789, 1806/7, 1813, 1862, 1915, 1941/2. There are no known community archives or record books from the period that have survived these catastrophes.

Almosnino’s book was the only manuscript that was in his possession when he died as a captive shortly after being exiled from Belgrade in 1688. It was printed by his son in Istanbul.

* I have not translated halachic discussions, quotes and references to other books. These are marked in the Hebrew text by [>] [<].
We see such occurrences every day in this city, so many decisions of the congregation [haskamot] that are made even with bans and sometimes clearly forbidding certain actions, and even then people disobey them, and no one says a word or lifts a finger. How many times was it decided [agreed] in [the Jewish community of] this city to ban bringing non-Jewish musicians with all kinds of their songs to wedding celebrations and circumcision ceremonies, and how many times was it decided that the women will not walk to the bathing-house or to non-Jewish houses/neighborhoods with objects of gold and silver, or wearing clothes weaved or embroidered with silver threads called dibas, or with food and drinks [namely] certain kinds of dishes of meat and wine, and all were forbidden in order to avoid the impression that they are wealthy, for that would lead to more taxes and expenses and disbursements, and to excesses against the people of the community. And there are many examples of this kind. And in spite of all this, the very people of the congregation who decided and agreed upon these measures ignore and abandon them without consulting a rabbi and without any formal undoing. Similarly, they have agreed and decreed in an ancient decision [haskama] that the women shall not walk or stroll out of the city or to gardens and orchards that belong to non-Jews within the city without being accompanied by men, in order to avoid the danger of some compromising situation - God forbid – and when caught alone, the unmarried girl may scream and no one will come to her rescue. And in spite of all this, it happens every day that they walk by themselves, and no one makes any protest or speaks up against it, and those who disobey are not banned and excommunicated, and even a simple declaration by the representative of the community [prayer leader] that the decision and ban were undone, as was ruled by the leading rabbinic authorities, is not made. And how many other decisions agreed upon [by the congregation] [haskamot], [and ignored in similar fashion, are there], they are are multiple, betten not mention [all of them]. And is all of this a reason for us to say that [all of these people of the congregation] have (God forbid) broken [legally binding community] decisions [haskamot] [enforced] by ban and excommunication? [ - Clearly not! - ] Not even the least knowledgeable Jews can be suspect of such a crime! [...]

Translation of the text:
Introduction to text 2:

Rabbi Moshe Mordechai Yosef Meyuhas (1733-1805), born and raised in Jerusalem in a prominent rabbinical family. The text is part of a discussion of community decisions [haskamot] following a ruling made by rabbi Yehuda Kassin of Aleppo accepting the position of subjects of foreign powers living in the city (the Francos) that they are not bound by the regulations and decisions [takanot and haskamot] of the local community.

Rabbi Yitzhak Hacohen Rappaport (1680*-1755), whose actions are described by Meyuhas, was born in Jerusalem, a scion of a rabbinical family from Lublin. He studied in the Beit Yaakov Yeshiva, and was sent in 1709 by the community of Safed as emissary to Istanbul, Anatolia and the Balkans. When passing through Izmir in 1714 he was appointed one of the two chief rabbis of the community. He returned to Jerusalem in 1749 and was appointed chief rabbi of the community.

The known book of regulations of the Jerusalem community is a compilation published in 1842, incorporating regulations from mid-18th century. It is not clear which regulations were cancelled in the event described. This appears to be the only source mentioning this event.

Translation of the text:

This is to testify that it so happened in the holy city of Jerusalem [may it be rebuilt] – when the phenomenal rabbi, the head of the city, the esteemed Yitzhak Hacohen, came from Izmir in the year 5509 [September 1748 – September 1749], and he had been one of the rabbis of the holy city before, and [then] traveled to Izmir and settled there for 40 years, and [then] returned. And upon his return he asked for the record book [pinkas] of communal decisions and decrees [haskamot] which he had been familiar with [while living] in the holy city [of Jerusalem], but this [record book] could not be found. Then he published several haskamot he was well versed...
in, but he did not want to renew them, he rather sent to all the rabbis and the rabbinical courts, [asking them] to examine and contemplate the undoing of these decisions and decrees [haskamot] and be prepared for the day of the scheduled meeting, and so it was that they all agreed to undo them, and they convened in his house and they all unanimously agreed to undo them and they have indeed undone them, and all of this took place in public.
Abraham bechor Avigdor (d. 1786*) was a prominent rabbi and head of one of several rabbinical courts in Istanbul. Married to the daughter of a well known rabbi, who had his wealthy patrons, he was part of the local rabbinical establishment. Presumably a native of Edirne, where he studied and had links to local rabbinic families, he was already a recognized rabbi circa 1733. By 1751* he was also present in Istanbul, at least on occasions. The evidence for his activity in Istanbul is mostly from the period 1760-1780. His book was published by his grandson, many years after his death.

The text was written during the Ottoman-Russian war (1768-1774). The military debacle and the growing expenses of the war created an acute fiscal crisis. The Ottoman authorities took urgent measures and exacted war contributions from many sectors, including the various communities in the capital. The Jewish community had to procure a very large sum in cash on a very short notice. This disrupted the routine procedures used to balance the community budget and led to emergency measures within the community aimed at obtaining the required sums by any means possible. The wealthy and prominent office holder in the community were already invested in the war effort and were facing a financial crisis of their own, hence they could not shoulder the financial burden in its entirety as has been the practice, and there was no way to avoid recruiting all the resources the community leadership could tap into. The community already had several taxes in place, including *gabella* [sales tax] on meat and cheese, however, many members of the community, including a large number of taxpayers have joined the campain (providing mostly logistical support) and their share of the taxes was not forthcoming either. Levying new taxes, which was rejected a year before, seemed the only feasible course of action.

The Jewish community of Istanbul, by far the largest Jewish community in the world from the 17th to the early 19th century, has left very few communal records
of that period. Only a small number of record books, and scattered testimonies in responsa literature, attest to the existence of a vivid culture of record keeping. The missing records can be blamed mostly on the frequency of conflagrations, in a crowded city built mostly of wood. Special studies have been devoted to the effects of fires and earthquakes on the Ottoman metropolis. Some of the most devastating conflagrations, which decimated entire neighborhoods, and hundreds or thousands of Jewish residences and institutions occurred in 1589, 1660, 1766, 1870. Well over 100 major fires have been recorded for the period 1560-1870. Many fires caused the relocation of Jewish population and institutions. Major reforms in the 17th and 19th centuries (especially circa 1690 and 1830) rendered many records obsolete, disposed of the institutions that maintained and preserved them, and thus discouraged their further preservation.

Translation of the text:

Section 57

This year, the year 5533, [in the month of Tishri? = October? 1772], a small group of the tax payers of the community [of Istanbul] appointed deputies to supervise the general affairs and budget of the entire community, eleven men from amongst them, and above them two rabbis who are also among the most important tax payers, great in learning and in wealth, and they put this in writing and signed and have entrusted in their hands enough authority to lead the community. And this is what they decided to do: To collect from everyone everything he owed [so far] based on the evaluation of the assessors [who were appointed by the community in previous years] and the tax quota that they have assigned to him. However, from this day on there will be no individual assessment of each person based on his wealth. Rather the tax quota will be assigned on each and every one as it would seem fit in their eyes, and there will be no assessment of wealth, for this brings the evil eye, and the notion of [individual] assessment will never be mentioned again from this time on. These they agreed upon and decreed with oaths and restrictions. They have further agreed that the aforementioned supervisors will in any case institute a *gabella* tax on wine in the manner that they will see fitting, whether it be sanctioned by the Law or not. And here there were three regulations [*takanot*]. And the rabbis, the three shepherds assigned to oversee the general affairs and budget of the city’s community, signed and approved. And after they have done all of this, some of the supervisors came to me and told me that it is necessary that I will sign as well. And my reply was that one who did not witness the new month is not told to come and testify [that he did], that I was not present at the time [of their deliberations] and knew not their arguments, nor the foundations on which this agreed decree [*haskama*] was based and why it was so concluded. So, the first [regulation], to collect the arrears, is very very good, but the second one seems to
me to be a scourge, as it is the opposite of all rabbinic sources and the opinions of all rabbinic authorities, who all agree that the Law is that taxes are to be payed based on wealth, and even if this was not the Law, that was the custom, and the custom takes precedence, even more so when this is both the Law and the custom. [As far as] the third [regulation], to institute a *gabella* tax on wine [is concerned], we have already discussed this issue last year, during the tenure of the late esteemed rabbi Shlomo Alfandari and we have agreed [not to impose it] as is written above [section 56], and I will stand my ground and will not yield, and what I have concluded to be the way the heavens directed me I will not relinquish, so help me God, May it be so Amen.

And I see that most of the rabbis of the city tend to approve the decision of the leading men of the community to obligate wine sellers to pay a new *gabella* tax, based on their own reasons, but not I, and the possibility that they [all] sign to uphold the *gabella* and require me to sign with them, because they are the majority and the Law says that “the majority rules”, that made my heart sad, and I stood trembling, [considering] what would be the right way [to take] in the eyes of God, and then I saw what had been written by [... references to previous rabbinic authorities and their opinions on the matter ...], and thus, I must sign together with the majority, against my own opinion. Because this is the proper thing to do. [... additional references ...]

And as I suspected in the matter, so it happened, because all the rabbis declared that for the well being of the community a *gabella* tax on the wine needs to be introduced according to the will of the leading men of the community, and they beseeched me, and I said why do you quarel with me, the three rabbis who need to sign on all matters related to the affairs of the entire community have already consented and signed. And you see that the other rabbis you have gathered and assembled for this occasion indeed consent, let me be. Nevertheless, I could not avoid it, for it came close to open conflict, so I [finally] decided to sign, and next to my signature I wrote “I have also been present with the rabbis, the 3 pillars upon which the Jewish community relies for all that concerns the affairs of the entire community, and we have discussed and negotiated the matter and this is the decision that was issued by all of us”, and I have signed my name ABA [Abraham bechor Avigdor]. And my intention was to imply that the decision was not mine, but rather that this was the decision that was issued, and as for myself, if this will come to my hands [in ruling] this is not how I will decide. [... references to previous cases and arguments ...] Be it as it may, the way in which I signed fulfilled my obligations in all regards, for while signing, I have also indicated my own opinion.
EARLY MODERN WORKSHOP: Jewish History Resources

Volume 14: Cultures of Record Keeping: Creation, Preservation, and Use in the Early Modern Period, Fordham University, New York, August 16-17, 2017

Construction, Reconstruction and Deconstruction: Stories about Records from the Ottoman Heartlands

Shuki Ecker, Touro College

Yosef Almosnino, Edut biYehosef (Istanbul 5471 – 1710/11), part 1, section 4, p. 32 columns 1-2
Construction, Reconstruction and Deconstruction: Stories about Records from the Ottoman Heartlands

Shuki Ecker, Touro College

בעיניהם ואית וומניה הוא כל למנע "אומרים וכיתבו כאן כפור = לי אדניה את ויהי והיתה אחתום ( уникальн מעיון }. אני ראיתי בהזמנה שלישית כגוןreten ואתה בירוח אתו משננו בימיםיאברם בן ראובן, Zachor leAbraham (Istanbul 5587 – 1826/7), раздел 57, עמוד 64

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Abraham bechor Avigdor, Zachor leAbraham (Istanbul 5587 – 1826/7), раздел 57, עמוד 64


מצפיהitori על המרחבים המקודים. כי קרוי לעשו

[><] הכות עראית שמן ב''נחקל על הבר המבואר''כתב הכנור [כ], א''י נזור בבר כתובות

אלמנות שהחרישו בשם''ב'' אם דינה לגבות כלמנה ואגרותה רכתי''ם, שמן מיר, א''י הב firefox

והיה החקל על שם הכתובים בכתובות כל אחר לא רצוי לפסוק היה א enclave ויד שלושה פ' ביבש.

אות אוצר למכבר אפרתי לכס דתים. את המﹼרות העשו כפ' המ שירוהו ובניינכס ואוה''ח כתוב

פש' די הפקר dobrיהו الحر הבה''פゅעכ תעליך והשיח当たり ממלא💤. על מ listarב הצידי ק.She י''ש [ר> [><].]}

והנה בנכם דידי יאשר דמיתן כות היה כי כל הכתובים אפורי כי מפגי תינק העני יוש לעשהו אבריא''ד.

על הין כרצים הביצים והפっちירויי וואני אפרתי להбав יＵליר חיר שלשה הרובים שהב על

התוכנה לעל דבר כללובה פעיר כבר הסכין והחון. עם שאר הסכינים שאספו והתמקמו העד ה

הנה הנה מסיכים ביןixo ולא יכלתי להתחפך כי היה אבר יפורי יוני ויומרי והמעטים א换届 ימית ו התוכנה

אחר התכונה בגאנ מכנסי עט הרובנ''ך, ג יפורי התוכה אשיא ב(ח) י.False התוכן עלימ כל בר

כללובה היער ו.$.הצארת בין מי בא כרי רבי מצโปรו והתרחיש שמי''א'א''א =אבריא''ד.

אבריא''ד. כותハイ לעשו כי לא מלכי היה היה כי כל אינד מברגר והרשיאレー לעשהו אבריא''ד

מעשא לדי איני מורה סך''[ר> י讼יכ בכם דברمشו''ם [ميدנה''שים〕 ס'' Dabei שכתבו שאר בין

צורים לדי זおいיס הכותיפ עלבר ב gammirc מפותח אבות [ח] עלירובדן בקונגרס קרא

בית הרזוא חתך על עניין זה ותקועprise לדי''ינר''ג, של איה ררצת להזוהו ומפרוש שלמה樹 יאי לעשהו

לידי והנה פרימל לך''י''ש [י/ייען שם] ביאורם הכמוסה כי זכיחי פלדהו כי מעשה שוה היה

יפלושי [ר> אך שיהיה לפקת השהמתו. כי ינותי ידי והבח מכאל הפרדים יחידי'עט

בחתימתי.
Founding Documents of the Kahal Kadosh Talmud Tora, Amsterdam
Anne Oravetz Albert, University of Pennsylvania

Introduction:

The 1638 founding document of the Kahal Kadosh Talmud Tora of Amsterdam is well known as a “merger agreement” that brought three existing congregations together into one synagogue under one leadership council (*Mahamad*). It bears the signatures of 218 householding men of the Spanish and Portuguese Jewish nation in Amsterdam, signifying their agreement to subject themselves to the authority of the new leadership. It is also well known that this document, along with the set of communal regulations drawn up later that year, granted nearly unfettered authority to the Mahamad. Looking at these two documents along with an earlier one that established an umbrella government over the three congregations (1622) and later references to them, there emerges a more nuanced view of how these they functioned—both as political texts and as documents in a working archive.

Text 1 has been published in Portuguese in Wilhelmina C. Pieterse, *Daniel Levi de Barrios als Geschiedschrijver van de Portugees-Israelietische Gemeente te Amsterdam in Zijn “Triumpho del Govierno Popular”* (Amsterdam: Scheltema & Holkema, 1968), 155-67; but never in its totality in translation. Wiznitzer (see below) published an English paraphrase. Texts 2 and 3 have not been published to my knowledge, aside from short excerpts.

Further reading:

Text 1 is the “merger agreement” signed on April 3, 1639. Of the three, it is the most formally presented, as the first document in a book called the Livro dos acordos, created for the purpose of recording the Mahamad’s regulatory decisions. I suggest that it functions as a constitution.

5398
In the name of blessed god
The gentlemen deputies, having seen the paper that Senhor Hakham Rabbi David Pardo presented to them, signed by the nation approving the union of the congregations, giving them authority for this, they, with suitable meetings, to find the most suitable means to effect the approval of this union, with the condition that everything they treat and resolve must be by a vote of them all among whom they will deal equally; and in agreement that the six deputies currently serving would choose one additional person from each kahal, so that their votes will be equal with the rest, and the resolved will be by all nine, then approved the following conditions:
First, that the congregation that is not Bet Israel must serve as the general congregation and will be given an appropriate name
Second, that since it is necessary to enlarge said congregation and it seems necessary to consult with some gentlemen of the magistracy, they choose [from] the gentlemen Abraham Salom, David Ozorio, and Jesuah Jesurum Roiz to discuss it with them and these gentlemen will be called no later than the 28th of this month

[Signed:]
Selemo [Assan?] Josseph Cohen Aaron Coen
Abraham Abuab Matatiah Aboab Josef Abeniacar

On the 28th of Elul the gentlemen deputies came together with the three gentlemen elected to discuss the above matters and agreed to follow the way that seemed good to them; and the gentlemen deputies agreed...that the gentlemen who at serve at present on the Mahamad of Neve Shalom shall continue with their charge and
that they will not elect a new Mahamad until the necessary people do it [?] to announce for the good government of the nation in the general assembly. They did it here in writing without signatures nor putting their names in the chest that was put in each one of the kehilot k

[Same six signatures]

In furtherance of such meritorious work, hoping that it will be agreeable to the blessed God and that from it will result other fruits of his service and augmentation of his holy law, the Senhores Deputies met a number of times, to discuss these matters and decide on the points that were offered, with hope and desire for them to be confirmed. In all, the following conditions were agreed upon:

Article 1
Firstly, in unanimous agreement we resolve and order that all of the property owned at present by the three holy congregations (keilot K), Bet Jacob, Neve Shalom, and Bet Israel, will be common, and from all (there will be) one, without division or any separation. Nevertheless, in this book where these agreements of unification are written, an inventory will be made of the property of each one of the congregations (congregaconis) separately, so that we will know what belonged to each one in case we should ever be compelled to leave this land, may God prevent it.

Article 2
That only one single congregation will be made in this city of Amsterdam, into which will be gathered and reconciled all three of the present ones, and that with all the punishments or bans (pennas o Heremse) that are appropriate, following the style of Venice, it is prescribed that at no time may there be in this city or in its district any [other] congregation, nor may people who are separated or who desire to separate themselves from the congregation meet together to pray in a minyan, with the exception of those who pray in the houses of newlyweds or mourners, or those who in other respects remain subjects and continue in the congregation, and for whom it is necessary to pray together one or more times; and those who are separated from the congregation who desire to meet with a minyan will be understood as going against this Article and they will be proceeded against with all the appropriate punishments and rigor for what they committed, and will be placed under the ban [porpostos em Kerem] and separated from the nation [apartados da naçaõ]

Article 3
That this congregation is for Jews of the Portuguese and Spanish nation who are at present in this city and who newly arrive here, and that any Jewish people who
come here from any other nations may be admitted if the reason seems good to the Mahamad at the time.

Article 4
For the administration and government of the community (Kaal) and nation the present 15 of the three Mahamadot will elect a Mahamad of 7 well-deserving people, zealous and God-fearing, of which there will be six parnassim and one gabyay…and these six parnassim and one gabyay will sit on a bench made for this purpose when everyone is together.

Article 5
Said Mahamad will then give orders, so that from the Ascamot of the 3 congregations (congregaconis) and of the imposta they will choose as they see fit, reducing some and increasing the ones that seem better to them, so that the community (hahal) and nation are to be governed by them [the ascamot]

Article 6
After the first Mahamad of 7 is elected by the 15, it will proceed in this manner, that every half year they will elect a new Mahamad to succeed them and this way each Mahamad in turn will elect the next, and all of the elections must be carried out according to the resolved practices, and done by box and ballet with five out of seven votes. And all of them must consent and sign with the majority, that which is decided by the five votes, without any opposition or contradiction

Article 7
The first election…will be published on Shabbat Hagadol; the six names will be written on six slips of paper etc. [pulled at random to determine the order of their service as chairman]

Article 8
So that there will always be on the Mahamad people of experience and those who can explain past matters, and so that the elections will also follow the timing of being announced on Shabbat ha-Gadol and on Rosh ha-Shanah: the three first parnassim serve their six months with the rest of the six colleagues of the mahamad, and on the eve of Rosh ha-Shanah after receiving the payment of six months of imposta tax, in the same manner as said above they will choose by announcing from the tevah on the day of Rosh ha-Shanah three other parnassim that in their place will be colleagues with the rest...

Article 9
The parnassim will sit in the order in which their names are pulled…
Article 10
No one of any quality may be elected to serve on the Mahamad until he has [lived] in Judaism for at least 3 whole years; nor may anyone return who has already served on said Mahamad until at least 3 years have passed since his service.

Article 11
All cases treated by the Mahamad must be resolved according to five votes out of seven, and if a case arises that requires a secret ballot, it will be done in the same way. …

Article 12
The Mahamad will have authority and superiority over everything, and no person or persons may go against the resolutions taken by said Mahamad, nor sign or publish papers to oppose them, and those who do so incur the punishment of the herem; because it is finally ordered and understood that the Mahamad must be supreme in the government of the nation, the community, and its dependencies, with the hope/expectation that those who govern will always arrange affairs with great consideration, without passion, and with zeal and fear of God; therefore each Mahamad that is elected will take an oath at the beginning of their service in front of the outgoing Mahamad, with the doors of the ark open, promising to serve in their position with truth and justice and to fear God without self-interest or spiteful damage…

Article 13
First of all the Mahamad must assign places [i.e., seats in synagogue] to the men with the most possible equanimity, and in all future times the current Mahamad will give places to those who newly arrive wherever they see fit… And they will not assign places to the women because each one must sit in a seat that is empty when she is in the congregation

Article 14
In order to aid the disposition of the Kahal and nation without selfishness and with fear of God the first Mahamad will make a general fintà for a period of one year, assessing individual heads of households (yahidim cabeça de cazas) in a way that they will establish, and which will be resolved and verified, and irrevocably executed, over which they may proceed with all punishments and rigor that seem good to them, insofar as the Kahal gives them full authority and power, submitting itself to obey it. And this fintà will be paid in two payments…

Article 15
Regarding the *imposta* and its payments, affairs will continue as they have been up to now and the Ascamah with the same punishments and enforcement [penalties and powers] that it had up to now…

Article 16
In a case where some *yahid* secedes from the congregation for personal interest, it not being a matter that about which the law confirms that it necessary to proceed against him, or for a debt that he owes or other financial matters, the Mahamad will try to reconcile him with the congregation (*congrega*) gently and mildly, and if this does not work they will not proceed rigorously against him, except to make him pay what he owes to the *finta* of that year. Even if he left in the beginning of it, in order that it be reimbursed, the Mahamad will proceed against him until he gives entire satisfaction.

Article 17
All of the officials that serve at present in the 3 congregations (*congregaconis*) must be admitted with salaried positions…

Article 18
There will be a bench on which will sit the salaried Hakhamim, in the first place the Hakham Saul Levy Morteira, next to him the Hakham David Pardo, then the Hakham Menasseh ben Israel, and next the Hakham Isaac Aboab.

Article 19
There will be sermons every Shabbat and every festival that the Mahamad sees fit, of which the Hakham Saul Levy Morteira must do three in a row and the Hakham Menasseh ben Israel the fourth and this way it will continue successively, and any others who want to preach will request permission from the Mahamad if they agree they will give 8 days notice to the Hakham who is supposed to preach to save him the work, and also the Mahamad will order them to announce from the *teva* whatever *dinim* they see fit.

Article 20
All of the *dinim* that arise and require resolution will be viewed and verified when the salaried Hakhamim are ordered to study them, following a majority vote, and in case of equal votes they will be heard by the Mahamad, in front of whom it will be resolved, said Mahamad taking information from each party as they see fit, and this way a determination will be made. And if some of the Hakhamim say, sustain, or write anything in opposition to that which is resolved, with two witnesses to condemn him, he will removed from his salaried position in the congregation and will never again be readmitted to that position.
Article 21
The Mahamad will elect six parnassim to serve in Talmud Torah, who, in company with said Mahamad, will compose Ascamot, by which it will be governed.

Article 22
[A list of the paid positions in Talmud Torah and their salaries]

Articles 23-29
[Regarding the assignment of aliyyot on regular days, on holidays, for special honors such as for bridegrooms, bridegrooms of the law, fathers of newborn sons, those who newly arrive or are circumcised; what to do when someone is sick or out of the country, etc.]

Article 30
For the administration of the Hevrath de Bikur Holim the Mahamad will elect six parnassim that have to accept this service, and all together they will compose Ascamot by which to administer it…

Article 31
[Regarding the amount parnassim may spend on sending a meal to mourners]

Article 32
The poor who will be admitted to the charity rolls will be people of good life and habit, and will be admitted by box-and-balls…

Article 33
Any Jew who has a dispute or issue with his colleague over property (not including letters of exchange and arestos in which the delay could cause harm) will be obligated to request, via the shamash (beadle), arbitration by the Mahamad, before whom both will have to appear, and said Mahamad will name arbitration judges, before whom they will present their case and give their reasons, in order to make it possible to bring them into agreement within six days; and if the parties do not consent to what the arbiters give them, or if the arbiters are unable to bring them into agreement, the parties will be free to seek and defend their justice wherever they desire and wherever seems good to them; and if it happens that someone calls his colleague before the court without diligently following the procedure, suitable actions will be taken against him.

Article 34
If the Mahamad treats any case of any quality in which a party is related to a member of the Mahamad up to the fourth degree, whether by blood or by affinity…[they will choose a past member of the Mahamad to stand in for him]
Article 35
[Regarding the *ashkavah* prayer]

Article 36
[Ets Haim, which is now part of Bet Jacob, will continue as it is, administered by the parnassim of Talmud Torah]

Article 37
[Regarding sending money for the holy land and to redeem captives]

Article 38
That the Mahamad may not spend more each year than is received from the *Kahal* and *imposta* and this rule must be followed inviolably

Article 39
That the *Hazan* will not call to the Torah or give a *misheberach* to anyone with a title without instruction from the Mahamad; and if he does he will pay a penalty of 3 florins for each time with no remission

Article 40
[Regarding the shofar]

Article 41
[That the debts/offerings of the three congregations will continue to be paid]

Article 42
These agreements must be observed thusly and in the manner indicated in their 41 articles, because under them, we have and will have a unified nation. If at any time the Mahamad sees fit to remove one of them, it may not do so without the six that made them unanimously now, or of those who at that time will be in place, calling others in place of the deceased from the same congregation or congregations from which the deceased came; and whatever the said six resolve in agreement will follow, so that all will be for the glory and praise of the blessed God we serve, conserve us in the augmentation of his holy law for all good.

[six signatures]

On the 29th of Heshvan, meeting together, the Lords deputies agreed that the 42 articles of the agreements of the unification of the nation should be promulgated from the *tevas* of the three congregations, in virtue of which they were promulgated on Shabbat 6 Kislev. Being approved by all the people, with the sole
proviso that Chapter 25 which treats the order of calling people to the Torah should be emended, which was admitted and approved by said Lords deputies who unanimously agree that it should be done in the following manner, that is, that there should be only 3 drawers, in the first of which would be entered all married men etc etc…

[All who consent] should sign here on the following pages, heads of households of the whole nation, accepting the agreements as they appear in these 42 articles, on 28 Veadar, 5399

[3 pages of signatures]
Founding Documents of the Kahal Kadosh Talmud Tora, Amsterdam
Anne Oravetz Albert, University of Pennsylvania

Archives of the Spanish and Portuguese Jewish Community of Amsterdam, Gemeente Archief Amsterdam 334.19.1, ff. 77-88

5398
Em nome del dio bendito
Os ssres deputados avendo visto a papel que osr Haham R. David Pardo lhes perzentou firmado pela nacao aprovando a uniaõ della e das congregaconis, e dandolhes auritidade pera q elles, com os ajuntos que lhes parceser, tratando polo en efeito, pelos meos mais convenientes, afêitaõ o aprovaõ dita uniaõ, com condicaõ que todo o que se tratar e rezolver Havera de ser por todos os votos entre quem se tratar uniformes e de acordo que seraõ os seis deputados que servivem e se quizerem eliger mais huã pesoa de cada cahal, h[e?] poderaõ fazer pera que sejaõ seus votos uniformes como os demais, eorezolvido sera por todos nove logo aprovaõ as condiconis segintes
—primeiramte acordaõ que a congregacaõ que aop[r]ezente he de bet Isarael aya de servir pera congregacaõ geral e se lhe poraõ por nome tal mutura
—segundo que fora se aver de alargar dita congregacaõ parciendo que sera nesessario como ni casaõ ha algu’s ss’reis do magistrado, elegem dos ss’reis abraham salom, david ozorio jesuah jeserum Roiz pera o tratarem com elles e ditos ss’reis seraõ chamados a menha 28 deste e oque com elles se rezolver senotara

[signed:]
   Selomo [Assan?]    Josseph Cohen     Aaron Coen
   Abraham Abuab     Matatiah Aboab    Josef Abeniacar

Em 28 de elul sejuntaraõ os ss’reis deputados com os ssres tres elejtos pera tratar ocontentudo asima e acordaraõ que segiraõ no modo que bem pares. e [oluos?] y acordaraõ os ssres deputados se ordenaõ por que entendem que assim convem; que os ss’reis que ao perzente serve nomamad de nevesalam se fiquem continuando em seus cargos e que naõ elejaõ novo mamad ate se fazer a pesoa que tiver que advertir pera o bom governo da nacaõ najunta geral; [fasa] a ponta in por escrito que sem serem firmados nem dizerem seus nomes dejtaraõ em caixa que em cada hua das keilot k se pora pera ho efeito

[signed:]
   Selomo [Assan?]    Josseph Coem     Aaron Coen
   Abraham Aboab     Matatiah Aboab    Josef Abeniacar
Em segmento de obra detanto meresimento esperando que sera agradavel del dio bendito oque dela creseraõ outros frutos de seu serviso e aumento de sua santa lej se juntaraõ os ss’res deputados diferentes vezes, e descurendo nesta materia vendo agus a pontamentos que se lhe deraõ com animo e dezejo de asertarem. em tudo, vieraõ de acordo. nas condisonis seg’tes

Cap 1
Primejramente Uniformes e de acordo rezolvemos eordenamos qeu todos os bems que ao perzente gozaõ eposuem as tres keilot K bet jacob, nevesalom; ebet jsarlael se faraõ comuns, ede tudo hua masa sem devizaõ, nem separacaõ algua, oque pera todo com sentimento se fasa no livro aonde se lansarem estes acordos da uniaõ ynventario dos bems de cada huas das conergaconsis aparte p’a prevenir que sefaisa a com que cada hua delas entrase cazo que el dio naõ permita em algum tempo sejamos compelidos ajaizemos da terra

2
que sofara hua conergaçaõ somente nesta cidade de amstredama hacoal serecolheraõ erezdiraõ todas as tres queu aperzente ha, eque com todas as pennis o Heremse queu pareser segundo ho estilo de veneza se prodira que em nenhum tempo posa aver nesta cidade nem em seu destrito nhaua conergaçaõ nem se poderaõ ajuntar doz pessoas que se apartem ou se queiraõ apartar da conergaçaõ pera rezar com ninhan efosse os que rozarem em caza dos nojvos, ou avelim, ou os que por outros respeitos estando suyeitos econtinuando na conergaçaõ por hua ou mais vezes lhes for nesesario rezarem juntos, [eContra os separados da conergaçaõ que se quizerem juntar com minhan efor Contra este Cap e prosedara com todas as penas erigor que paresce desne logo que ho ajaõ cometido couza a os porpostos em Kerem e apartados da nacaõ]

3
que esta conergaçaõ se faz pera os yudeos da nacaõ portugeza e espanola que ao perzente esta nesta cidade edenovo viere a ella eque as pessoas judaíqas que aquy vierem de quoais quer outras naconis poderaõ ser admetidos arezaõ paresendo bem ao mamad que servir

4
Pera admenistracaõ egoverno do Kaal enacaõ os perzentes quinze dos tres mamadod e leyeraõ mamad de sete pessoas benemeritas zelozas etemente del dio das quoais seraõ seis parnasim e hu gabaj ao quoaal sedara hu ajudante per que notem as promesas e escrevaõ oque nesesario for acodindo dito gabaj atudo oque toca a seu cargo; editos seis parnasim egabaj seasentaraõ embança que pera iso se fara aonde todos estaraõ juntos
5
dito mamad dara logo ordem pera que das escamot das 3 congreagaonis eda
imposta se elejaã os que pareser efaraõ huas reduzidas detodas acrescentasaõ as que
mais entenderem convem, pera que Hahal enacaõ aja de ser governado por ellas

6
depois de elejio pelos quinze oprimejro mamad osete delle plo modo que ao diente
se declara elejeraõ no ano vindouro novo mamad que aja de sucederlhe easim
susivam’te yra elegendo ahu mamad aoutro, etodas as elejconis averaõ de ser
sempre depois de praticada rezolvidas efejtas por busolo ebalas com sinco dos sete
votos. etodos seraõ obrigados ha com sentirem efírmarem com os mais oque pelas
ditos sincoto votos sair sem replica nem contradicaõ algua

7
aprimjra elejcaõ que se aja de fazer em hora da mamad sera publicada em sabat
agadol sendo eleytoz como asima os seis parnasim sefarao seis bilhetes com seus
nomes que metidos todos em hu vazo seyrã tirando delle, e notando no livro das
elejconis […] como sairem pera que cada hu deditos parnasim asim como for
saindo aya de ter aperzidencia nos materias que se tartarem eacompanhar osefere a
teva os doues mezes que lhe tocarem pela sorte que asim como lhe sair sera
publicada da theva pera que cada coal saiba que lhe toca, e deste modo gozaraõ
todos a misva o sera fasil cada quer’m as que convenha

8
epera que sempre aja no mamad pesoa de esperiencia e que posaõ emformar das
couzas pasadas como pera que também siga a memoria das elejconis queu se
publicavaõ tanto em sabat agadol como em razasana, e avendo os tres primejros
parnasim servido os seus 6/m. com oresto do mamad seis companhejros, em
vespora de rozasana depois de resebido o pagamento dos 6/m. da impost aplo
modo asima dito elegeraõ p publicar da theva no dia derozasana outros tres
parnasim que enseu lugar com oresto seos companhejros hayaõ deservir efazer ho
numero de sete ate bespora de sabat agadol no quoal todo ho mamad depois de
reseber osegundo pagamento da imposta aver …

9
sentarseaõ os parnasim asim como sairem oprimeiro no primejro lugar amaõ direjta
e assim irãø segundo ficando ho ultimo junto ao gabaj, …

10
naõ poderaõ elegerse pera servir no mamad dasedaqua pesoa de quoalquer calidade
que seja que pelo menos naõ aya asestido em yudiesmo 3 anos compridso nem
poderá tornarse a eleger nenhu que aja servido em dito mamad senão depois de
pasar tres anos da saida de sua serventia

11
todos os casos que se tratarem no mamad se averá de resolver pelo que pareser a
os sinco votos, dos sete e ouver cazo dino de volotarse em secreto o faraão
segunda o mesmo estilo, em todos os mais que pareser efor pedido por quod quer
dos do mamad eque por sinco votos em cuberta ou descuberta [x] se resolvera
sem contradicaão algua e averaão de firmar tudos.

12
O mamad terá autoridade esupiridade sobre tudo enenhua pesoa nem pesoaos
poderão yr contra as rezulucoes que dito mamad tomar, nem firmaraão papel, nem
papeir pera encontralas eos que ofizerem enconfirmarão em pena de Kerem, por que
finalmente se ordena e entende que ho mamad adeser supremo no governo da
nacaão do kaal esuas dependencias, esperando que os que governarem disporão (?)
sempre as couzas com grande consideração sem paixonis e com zelo etemor del
dio pera que amamad que for elejto na entrada de seu cargo diante do mamad que
sair tomara juram’to com as portas do ekal aberas prometendo de servirem seus
cargos com verdade ejustiça etem[or del] dio sem respeitaão nem despeitaão em
perjuiza …[becomes illegible, another 5 or 6 words at the bottom outside corner of
the page]

13
Em primeira instancia homamad averá de repartir os lugares aos omes com a major
igaldade que seja posivel e emtudo o tempo futuro omamad que servir dara lugares
aos que denovo vierem aonde ocomo lhes parecer, sem ter comprimento com pesoa
algua e podera mudar lugares da maneja que entender conven tirando hus e pondo
outros por quanto se entende ebem se aja lugar oropeo a fin de que naõ posa
ningem … …eas ss’reas molheres sena[õ] repartiraão lugares porque cada hua
avera dese asentar no que achar devago quendo que a congregacaão

14
pera acudir as despezas do Kaal enacaão sem respeitas e com temor del dio fara
oprimijro mamad finta geral por tempo de hu ano fintando aos yahidim cabeças de
cazas na forma que entenderem . eo que enter elles se resolver eficar averigado,
se dar execusaão ynvregavatle sobre que poderão proceder com todas as penas e
rigor que bem lhes pareser percoanto desde logo lhe da o Kaal plena auturidade
epoder sometendose aobedeselo, e dita finta se pagar em duas pagas aprimejra…
tocante aymposta os seus pagamentos fiquaõ as cousas no mesmo estado queu até agora e a escama com as mesma penas eforsas de que antes tinha pera se aver de pagar com ate aqy coremdiento de dita avera de entrar na conta geral dasedaqa donde tambem deve sair toda a despeza que se fizer

16
em cazo que algum yakid sesaia da congregacaõ por respeitos particulares seos como naõ seja por cazo que comfirme aley sedeva proseder contra elle, o per debito que deva a se deja e mais cajxinhias, o mamad percurara reduzilo acongrega por meos suaves ebrandos e naõ vindo niso se naõ porsedera com rigor contra elle, mais que em fazerlhe pagar o que dever a finta daquele ano. a jnda que se ahja saido no prencipio dele opera se embolsar procedara omamad como lhe paraser ate fazerlhe dar, intejra satisfacaõ

17
todos os ofessais queu ao perzente ha o servem nas 3 congregaconis haõ de ficar adm[xx] com os cargos esclarios …

18
farseha hu banco em que se asentaraõ os Hahamim salereados, no primejro lugar o Haham Saul levy Mortera junto a elle oHaham David Pardo logo a haham manassebemysarael epegado oHaham yzach aboab

19
avera darasiot todos os sabatot eas festas que ao mamad bem pareser dos quoais avera de fazer o Haham saul levy mortera 3 segidamente, eo haham manase bem ysarael ocoarto easim ira continuando susesivamente eos que mais quizerem darsar pediraõ Lisencna ao mamad que ocnsedendolha ojto dias antes ofaraõ saber aoHaham a quem tocava darsar pera esuzarlhe hotrabalho, etambem omamad mandara dizer odenim na theva a quem bem lhe pareser

20
todos os denims queu se ofereserem efor nesesario resolver seraõ vistos eaverigado depois de mandar estudar sobre elles pelos Hahamim que ouver salereados segindo ovoto dos mais e em cazo de aver votos ygoais ouvidos plo mamad diyante de quem se rezolveraõ dito mamad tomando informacaõ se lhe pareser acostara (?) aparte que entender ecom ysto ficara detreminado. esendo que algus dos aHahamim diga, sustente, ou escreva, algua couza em contrario do resolvido. desne logo com duas testemunhas que o condene ha ao per excluido doselario edoserviso da congriega enao sera admetido mais ao dito cargo.
elejera omamad seis parnasim pera averem deservir em talmutorah os quoais em companhia de dito mamad haraõ escamot, por onde ajaõ degovernarese

22
os cargos que os perzentes ofísiiais averaõ de exercitar eservir seus cargas saõ asaber
-mordecaj descrasto en sinaara atodos os meninos alicaõ de alfabet eajuntar e tera de selario florins sento esincoenta cada ano
-yoseph de faro em sinaara ler por sima de principio de parasa e tera de selario florins duzentos esincoenta cada ano
-yacobo gomez em sinaara aparasa em ebraiqo com tahamim e tera deselario duzentos e sincoenta fl. em cada ano
-abraham baruch fara ofisiio de Haam e ensinara parasaah em ladino e tera deselario florins terzentos esincoenta eflorins quarenta pera caza que saõ ao todo cada ano florins terzentos enoventa
-salom ben yossef em sinaara as liconis de porfetas eRessy com seus argumentos etera de selario florins terzentos esincoenta eflorins quarenta pera acaza que saõ ao todo terzentos enoventa florins
-o Haham Yzach aboa emsinara gramatica e aprimejra lisaõ de gimara [xxx] os derasiot da esivah da nojte etera de selario florins quatro sentos esincoenta em cada ano
-o Haham manaseh bem Israael com obrigacaõ de darsar emeada mez hu sabat levara desclario florins sento esincoenta em cada ano
-o Haham Saul levy mortera em sinaara alisaõ branse (?) defimara efara tres darasiot em cada rescodes como atras fiqua desclarado, elevara desclario seis sentos florins e sem sentos de [xx] em cada ano
-o Haham david pardo por procurador das misvot eajunto ao admenistrador debetahaim como pelos servilos queu ha feito a nacaõ que com ofavor del dio continuara fazendo o que os ss’res do mamad lhe ordenarem tera de selarion florins quinhentos esincoenta em cada ano esem sestos de turva (?)
-Imanuel abondana por servir de Hazan da gabara tera de selario em cada ano florins sesenta
-ao semas Jacob Franco pera servir seu oficio como o mamad lhe ordenar tera de selario cada ano florins sento eojtenta
-ao semas daniel do vale pera servir seo oficio como omamad lhe ordenar tera de selario em cada ano florins sento equorenta

23
nas asurot que seofereserem tanto de nojvos como de nojvos da ley e de filho nacido se tera aordem seginte ynrevogavel, asaber, que os donos das tais asurot repartira as misvot da nojte e da menha porquem lhes pareser chamando asefer,
Cohen, elevy esetede israel, editos nojvos: oubalabertyt poderaõ subindo a sefre prometer todo oque em vluntarem, comesmo os neove que subirem asefre e…

24
em dia de simHatorah esabat beresytt os nojvos da ley se asentaraõ em os asentos que se uzaõ das bandas do ehal; ejunto a elles se asentaraõ somente oparnas que autualmene servir junto ao hatan torah. ao parnas que ouver de segir no …

25
Por evitir confuzaõ etrabalho ao parnaz e escandolo no Kaal pera cham[x] asefre sera porsontes na manejra seginte, asaber,

26
as pesoas que de novo vierem a terra eos que se serconsidarem: eos aquem naser filhos seraõ chamados asefre sem sorte sendo os tais livres pera poderem prometer oque quizerem eporquem quizerem

27
os que da congregacaõ forem fora da terra e selhes naõ ouver tirado asua sorte da caixa eos que convaleserem de emfirmidades. faraõ agomel quando se tire o sefre e aquelles aquem por fazerem larga auzencia (auzenera?) selhes ouver tirado seu bilhete da caixa das sortes ficara a elejcaõ do parnas a chamalo asofre etera cuidado demeter outro bilhete com oseu nome na dita caixa

28
todos os que por sorte ou sem ella forem chamados asefre poderaõ prometer que envoluntarem com que aprimejra promessa seja pera asedaqa

29
nenhua pesoa naõ estando asefre podera de fora prometer por saude de outra pesoa algua em nenhua ocaziaõ, eporsua tensaõ poderaõ todas prometer oque quizerem epera quem em voluntarem. eas ditas promesas se faraõ em abrindo as portas do eHal antes de tirar sefre ou depois de meldado e tirado da theva pera sm se escuzar ao Kahal otra …

30
pera admenistracaõ da hebara de bikur holim elegera os do mamad seis parnasim queu ayaõ de acudir aoserviso dela, etodos juntos faraõ escamot com queu aja de administrases elegendo tambem onumero dos yrmaõs que benemeritos que terem entrar com obrigacaõ que ayaõ de acudir atudo oque comforme a taboa que se fazer lhe tocar eque oque sem justa cauza faltar, ou naõ mandar outro yrmaõ em seu lugar avera de pagar de pena de hu florim sem remisaõ algua tendo oparnas
obrigaçãodeadvertir aogabaj do Kaal o note em sua conta note ficandolhe primeiro

31
vaos avelim que ouver se mandara a primejra comida como se uza com forme a família despendendo de florins quatro ate sinco ou seis enaõ mais em nenhu cazo so pena que oparnas que exeder opagaza (pagara?) de sua caza enaõ lhe sera levado em conta, e pera ditos avelim naõ avera banço pareseu lar e cada hu se asentara em seu lugar

32
os pobres que se ouvrem de admetir a [xx] da sedaqua seraõ pesoa de boa vida ecustume, eseraõ admetiods por busolo ebalas com tanto que a nenhu acaza se podera dar maiór soma de dous ate seis florins cada rescodes

33
quualquer judeo que tenha pertenconis ou duvidas com seu companhejro sobre materia de fazenda como naõ seja sobre letras de cambeo e arestos em que adilacaõ le pode perjudicar sera obrigado mandar pelo semas Aitalo (?) pera omamad diente de quem ambos averaõ de apar[eser] e dito mamad os persuadira nomem (?) juizes louvados, diante de quem porponhaõ sua ca[xx] e den suas rezonis pera que fasão tudo posivel por acordalos ecompolos em termo de s[xx] dias enaõ consentindo as partes en qu eu selhe dem louvados. ou naõ podendo os louvados acordalos ficaraõ as partes livres pera porcurarem edefenderem sua justica aonde quizerem, ebem lhes pareser, esusedendo que algum sem proceder esta deligem[ente] chame a seu companhejro diante da justica se procedera contra elle como pareca

34
tartandose em mamad algum cazo de quual quer calidad que seja em qu eu seja parte pa[xx] parenta de algum dos do mamad ate quoiarto grao, tanto por sanginidade que por afîn[xx] o tal parente que estiver no mamad dandose por sospeito se saira fazendodo saber [xx] mais pera que do mamad pasado conforme despuzerem as escamos do Kaal tomem (?) [xxx] pesoa que com os mais aja de avergouar ocazo e o mesmo segira tendo asua paixaõ pa[xxx]contra algumas das partes ocazo que elle onaõ fave quualquer dos do mamad que [xx] souber ho dara por sospeito, e se chamara outro em seu lugar como asiam

35
naõ se podera mandar dizer escava por nenhu defunto que naõ aja falesido aquele [xx] e aos falesidos nelle sedejtara as abrindas portas naõ levantar osepher da theva eos que forem chamados aspeher estando a elle poderaõ mandalas dizer por quem
quizer e também em dia de kipur atarde sedejtaraõ esHavot jeralmente a todos os pesoaõ quem forem pedidas

36
amisvah e jrmandade do es haim ao perzente situada no Kaal K debet Jacob ficara continuando assy edamanejra que oje sege sendo governada pelos parnasim quõ forem de [xx] talmutora conforme as escamot que dita yrmandoade tem

37
pera notarem ecobarem oque se prometer a terra santa ecativos elegera omamad…

38
ho m amad naõ podera despender cada ano, mais que oremdim’to do haal ejimposta e esta ordem se goardara ynviolavelm’te

39
que o hazan naõ chamara asefre nem dejtara misebarah apesoa nenhua comtitulo sem ordem domamad; efazendos pagara florins tres de pena por cada vez sem rimisaõ alguãa

40
que o sofar em dia de razasanh se tangera na musaph atornada della

41
que todas as pessas, ou dinhejro quõ se ouverem oferesedo nas 3 keilot k com obrigacaõs a veraõ de digir con [xxx] cargos que tiverem

42
estes acordos averaõ de oservarse a sim eda manejra que nesta enos quorenta e hu capitolo asima se contem, por quoanto de baixo delles, nos avemos e havemos a nacaõ por onida (?), ese em algum tempo pareser etirar algo deles omamad ho naõ podera fazer senãõ os seis quõ agora as fizemos uniformem’te, ou da queles que no taõ tempo forem usuais chamando emprasa dos que faltarem outros que os que acharem perzentes, nomearaõ das pesos quõ ouverem sido da congregacaõ ou congregacoins d[os?] que faltarem eouõ os ditos seis rezolverem de acordo segira que tudo seja pera gloria elouvor del dio bendito que se sirva conservarnos no augmento de sua santa ley a todo bem

[6 signatures]
en 29 de hesvam estando yuntos os ss’res deputados acordaraõ qeu os 42 capitulos
dos acords eUniaõ da nacaõ se publicase das thevas nas tres congregaconis em
virtude do que asim segio efizaõ publicadas em sabat 6 de Kisleo; sendo aprovadas
de tudo o povo advertindose somente que o capitulo 25 que trata sobre o chamar
asefre devia em mendarse qeu foj admitido eaprovado por ditos ss’res deputados
que uniformes acordaraõ aja de segir na manejra seginte asaber, queu somente avera
3 gavetas, na primejra das quoais averaõ de entrar todas as pesoas cazados, ou
soltejros de idade de 20 anos asima pera serem chamados em sabat, em p’ro 2’o
3’o 4’o lugar, e enrescodes esefre segundo, comforme lhes sair pla sorte ~
nasegunda gaveta entraraer todas as pesoas de 50 anos asima e juntam’te os
Hahamim que ouver no kaal salereados
Pera serem chamados por maslim, em sabat pascoas, dias de sesum; asira
emandamento enaõ tersejra gaveta em traraõ todos os mansebos… …consinaraõ,
ordenando se fi[xx] aquiç ao pe[x] segidamente, toda anacaõ cabesas de cazas,
esejando os acordos como nelles [xxx] 43 se comtem em 28 de veadar 5399

[3 pages of signatures]
TEXT 2 is the first set of regulations put in place by the new Mahamad, the result of culling and combining the communal regulations of the three former congregations.

Haskamot by which shall be governed
The K.K. of Talmud Torah of Amsterdam, may God protect it, copied and chosen from all of those that there were in the nation. Newly revised, with some additions, and approved by the Lords of the Mahamad that were elected this year. In conformity with what was ordered in Article 5 of the new Acordos of the nation. Which were made with great vigor [?]. And the same for the Haskamot regarding the payment of the imposta, may it all be in service to and praise of the blessed God. Amen.

1 That the Mahamad has authority and superiority over everything. No person may go against the resolutions that said Mahamad takes and promulgates; nor sign papers to oppose it; and those who do will incur the punishment of the Herem because it is ordered that the Mahamad that serves in each year must be supreme in the government of the Kahal and the nation, and its dependencies. And it can condemn those who disobey with penalties as they see fit, making them request public forgiveness on the teva. The Mahamad, or any member of it who is in the synagogue at the time, if he deems it necessary to make sure that there will be no differences between parties, may also order someone out of the synagogue, subdue, or quiet, even up to the penalty of the herem, any person or persons of this kahal. Or that he not go outside of his house until he is instructed. And in all this, a father may not take the part of a son, nor a son the part of a father, nor a relative the part of a relative. Above all they will try to obey and accept the order of the Mahamad because this is for the good government, peace, and quiet of this K.K. may God bless it.

2 That in one Mahamad a father and son cannot both be elected…
3 That none of the seven elected to serve on the Mahamad each year may for any reason refuse the position…

4 That the Mahamad will meet every Sunday at a time mandated by the parnas currently presiding…

5 That if the Mahamad is treating a case in which one of the 7 does not wish to cast his vote openly, he may request that voting be carried out by hidden ballot…

6 That the Mahamad will set the hours at which to start praying, according to the times of the year

7 That the Mahamad will take an oath on a Bible to keep inviolably secret the elections and all circumstances surrounding them

8 That on Shabbat Hagadol before announcing the new Mahamad, the gabay will read from the teva the total income…

9 That the Senhores of the Mahamad who finish serving their time will return to sit in the seats they had previously held

10 That the Mahamad will be obliged to give to the newly elected Senhores, after Passover, an accounting of all the effects…

11 That because of the scarcity of the first levy of the finta…

12 That on the Sabbath preceding each of the three pascoas [shalosh regalim?]…for the poor…

13 That fundraising for the holy land will be done on…

14 That on Purim…[gifts for the poor]

15 That on the eve of Rosh Hashanah the Mahamad will elect a Hatan Torah…

16 That there will not be festas or enigmas [plays] in the synagogue on Simchat Torah, nor any other time

…

19 [No one may raise his voice against another in synagogue, or on the way to synagogue; no one may raise his hand against another in synagogue or on the way to synagogue; no one may bring a weapon to synagogue; if a young man has a
disagreement with non-Jews and feels he needs to carry a weapon for his self-defense he should request permission from the Mahamad; otherwise the punishment is *herem*]

20 That no one may stand up in the congregation in public with a loud voice in order to advise, approve, or reprove what has been ordered and commanded. Except for a person of the Mahamad to support what has been commanded. That the rest may not publicly go against that which said Mahamad orders. And whoever deems it necessary to discuss something should come alone and in secret to the parnas that [he chooses?]…in order to avoid causing disputes and upset.

21 As we know in order to avoid inconveniences it has been agreed that the Senhores Hakhamim will be called to the Torah without titles of Hakham, Morenu, or Rav. It is [now] ordered that if some Hakhamim come from abroad, no matter how well-known their status and authority are, they will be called to the Torah with no title, and the same for any other person of any quality. Because [we deem it?] the best practice for avoiding all kinds of inconveniences that otherwise arise. Nor will the Hazan give them such titles in the misheberach, but for the deceased in the *ashkavah* it is permitted; and also if in some written letters or books said Senhores Hakhamim are discussed, or in experience that we have had with them [?], they will be given the title of Hakham with all due courtesy and respect.

22 That no broker from our congregation may speak of or deal with business matters, neither before nor after prayer, with a penalty of 3 florins …

24 It is not permitted for those who pray in Hebrew to raise their voices so high that the voice of the Hazan cannot be heard clearly by the whole *kahal*, so that those who are farthest from him may know where they are in the prayer.

25 That no one should talk [?] during the time of prayer, nor at the time of the praying [reading? chanting?] of the Torah, nor go out when the law has been raised [i.e., when the Torah scroll is open?]. Because the mitzvah is not only to see the law, but it is also important to hear it chanted. It also causes great confusion when someone is not in the synagogue when his name is pulled to be called to the Torah. So it is recommended that…

26 That no one may remain standing in his place in synagogue except at those times when the whole [*kahal*] is standing, in order not to be an obstruction and impediment to the other *yehidim*, his neighbors. And if someone, out of devotion, wants to stand on the day of Kippur or another [day] he can move to a spot away from the others, that the Mahamad will assign
27 That no one will be assigned to say the prayer of minchah or aravit without the permission of the Mahamad, or of the member of the Mahamad who is in the synagogue…

28 That no one may give his seat in the synagogue to, nor sit with, any foreigner who is newly arrived, for more than one day. He should tell the Mahamad or the Parnas who presides, in order to accommodate him. And the Mahamad may move someone from one seat to another in the synagogue for better arrangement and good order, without any contradiction.

29 That no Hevrah may publish, order, or command anything in the synagogue without express permission of the Mahamad of this kahal.

30 [3 boxes for tzedakah]

31 That no one may beg for alms…

…

34 That no broker, licensed or unlicensed, should call any of his brothers to City Hall in connection with their corrections. Instead they should go before the Mahamad. And otherwise they will pay 12 florins to the charity fund, and they will not be admitted to the synagogue until they pay…

35, 36 meat

37 That no Jew may print, in this city or outside of it, books in Ladino or in Hebrew, without express permission from the Mahamad, in order that they may be reviewed and emended. Those who violate this order will lose all the permissions they had already received, for tzedakah.

38 That no one may dispute or argue with non-Jews in matters of religion…because it may disturb the freedom that we enjoy, and make us unpopular for something that is not part of the law, nor our obligation. …

39 That they not circumcise any person who is not of our Hebrew nation without permission of the Mahamad, under penalty of herem. And the Mahamad cannot give permission to circumcise anyone except Portuguese and Spaniards. And those who [hear of?] violations are obligated to report them to the Mahamad, under the same penalty.
40 That no one, under penalty of *herem*, speaks for himself or for others in these States to anyone, in the name of the nation or its common affairs, except said Senhores of the Mahamad or whomever they order to do so for convenience.

41 That non-Jewish girls should not carry meat from the market, nor butchered chickens, unless a Jewish person comes along. This is an obligation and very necessary for good Judaism.

42 Gambling

43 That no one may make pamphlets or defamatory papers. And if a foreigner does it, or if he has it done by others. He will be placed in *herem* and separated from the nation with all the curses of our holy law. He will be called a disturber of the nation because he commits a crime against the most holy law and against his neighbor. And he will be rigorously punished by through the arbitrarion of the Senhores of the Mahamad.

44 That no one of any quality may visit the house of a new mother until 15 days have passed, unless he is called. …

45 That if the senhores of justice capture a Jew for […bad stuff…] the nation can [not??] aid in freeing someone who dares to do such things. A firm resolution has been taken that the time and money of the nation will not be wasted on them. Nor will the Senhores of the Mahamad aid in freeing him, but will agree that he be punished by the justice according to his crimes for the example of others. And this way the [sin??] will be removed from us, and the people of the Lord will be free.

46 That neither *herems* nor punishments of *berachah* will be imposed over differences between us Jews and non-Jews. Both in matters of property and in fights and arguments.

47 That no person may give a *get*, nor write one, without the express permission and order of the Senhores of the Mahamad. And this is commanded under penalty of *herem*. Those who witness one also incur the same punishment, for aiding in it, in order to avoid many inconveniences.

…

49 That no one may buy in this land nor order from afar…coins that have been banned and prohibited by the Senhores. Nor may anyone sell property to receive them, in payment of such money conditionally. [?] And this under penalty of *herem*. 
50 Nor may there be any buyers of ?, in order to ? to give them to the poor, under penalty of berachah.

51 That there may not be any accompaniment of newlyweds or mourners, to avoid occasions that can occur in large processions, where we are noted by the inhabitants of the land.

53 That the main sermons of the year [will be preached only by our own Hakhamim, and not foreign ones]. And no young man under 25 years old may preach unless he is married. Those younger than that may preach in afternoons with permission from the Mahamad, and their sermons will be reviewed by a Hakham, his teacher, to see if anything needs correction.

54 That in the prayers on Rosh Hashanah and Yom Kippur, two of the salaried hakhamim will accompany the Hazan on the teva, alternating (?), as the Senhores of the Mahamad order.

55 That if the need arises in the future to add to or subtract from these Ascamot, the Senhores of the Mahamad that are serving at the time may do so. Understanding, of course, that it may not go against the Novos Acordos da Naçaõ, because those will remain always in place.

56 That the the gabay will read these Ascamot in a loud voice from the teva at the beginning of the term of service of each new Mahamad, so that they come to the attention of those who are newly arrived. And to refresh the memories of those who already lived in the land. So that each one knows the obligations that he must observe, and not commit errors, nor incur penalties inadvertently. Because this way, we better conserve ourselves in peace and harmony in service to the lord, may he permit us, with love and fear of him in our hearts, to better serve him and praise him.

Copy of the existing Ascamah regarding the payment of the imposta: That every person must pay the first imposta before the eve of Shabbat ha-Gadol and the second before the eve of Rosh ha-Shanah. And if anyone does not do it within these limited times will be excluded from the synagogue. And each Mahamad will be obligated to have this order carried out. And ...the payment of its/his house in the same limited periods so that the election of the new officials can be done. And in case there is a person or persons who would rebel, it is ordered on pain of Herem that no person may join him for a minyan nor pray in a congregation outside of ours. And he will not be admitted to the synagogue, even
after having paid, as it is constituted that he will have been expelled from it for this case.

These abovementioned Ascamot were signed by the Senhores of the Mahamad unanimously on the 28th of Av, in the year 5399.
Ashamot pelas quais sera governado
O K.K. de Talmud Torah de Amsterdam, que el Dio agm’te recopiladas e
escolhidas de todas as q havia na nacaõ. Novam’te revistas, em algo
acrescentadas, e aprovadas pellos s’reis do Mahamad q ste Ano foraõ ellejtos. Na
conformidade do que se ordena, no capit. 5. dos novos acordos da nacaõ. Os quais
ficaõ em seu int’ro vigor. E omesmo as Ashamot tocantes ao pagam’to da

Ia.
Que o Mahamad tem Autoridade, e superioridade sobre tudo. Enenhua pessoa
podera hir contra as resoluçons que ditto Mahamad tomar e fizer publicar; nem
firmaraõ papeis p’a encontroallo; e os q o fizerem encorreraõ em pena de Herem por
q se ordena q o Mahamad q en cada Ano servir, ha de ser suprero no governo do
Kahal e da nacaõ, e suas dependiencias. E podera condenar aos inobedientes nas
penas que lhes parecer; Fazendolhes pedir perdaõ publico em Tevah. Podera
também O Mahamad, ou qualquer pessoa delle que na Esnoga se achar
parecendolhe neces’ro p’a atalhar q naõ haya diferencia entre partes mandar sahir
fora da Esnoga, callir, ou acquietar, atte com Pena de Herem, qualquer pessoa, ou
pessoas deste Kahal. Ou qui naõ sahiyaõ fora de sua casa, te se lhe ordenar. e em
tudo isto, nem no mais que se pode oferecer acudira Paj por filho. nem filho p Paj,
nem parente por parente; Antes todos procuraraõ se obedeca e Campra O
Mandam’o do Mahamad por q assij convem p’a o bom governo, paz, e quietacaõ
deste K.K. que El Dio Bendiga.

2a.
Que naõ seraõ elleitos em hum mahamad, pay com filho etc
3  Que nenhum dos sette elleitos para servirem no Mahamad de cada Ano podera p
nenhum caso refugar o cargo…
4 Que o Mahamad se ajuntara todos os Domingos, as horas que o Parnas q preside
mandar…
5  Que tratandose algum caso em Mahamad em q algu dos 7 naõ q’a dar seu votto
descuberto, epedir se faca p Bussulo e ballas, se fara sem se por duvida
6 Que o Mahamad limitará horas, p’a se comissar a rezar, conforme os tpos do Ano
7 Que o Mahamad tomará juram’o em huá Bíblia de guardar segredo inviolável sobre as eleiçons e circunstancias que acerca dela…
8 Que o Sabat agadol atnes de se pulicar novo Mahamad, lera o gabaj da teva a conta do rendim’…
9 Que os senhores do Mahamad que acabarem de servir seu t’po, se tornaraõ a Assentar em seus lugares que de antes tinhaõ
10 Que o Mahamad seja obrigado dar aos S’res Novam’tes ellejtos, depois de Pesah, conta com entrega de todos os effejtos…
11 Que Para a pobranca da prim’ra metade da finta se pora hua taboa…
12 Que o Sabat antes de cada hua das 3 pascoas…por os pobres…
13 Que se fara Nedavah p’a terra s’ta por sabat Nahamuh…
14 Que dia de Purim, se tirara por toda a congregaçãö, …maot purim…sedaca
15 Que o Mahamad elegera bespora de rosa sanah Hattan Torah…
16 que naõ havera festas nas Esnogas, nem Enigmas, p simhah Torah; nem em outro tempo
17 Que som’te o Mahamad faça apagar açera q ardeo em kipur …
18 Que quem quizer acender lampadas em kipur traga o Azejte a Esnoga e se lansara em huá talha…
19 Que nenhuá pessoa levante boz na Esnogoa p’a enjuriar seu companh’o nem nos Midrassim escollas de T.T. nem da Porta da Esnoga p’a dentro; nem na distancia da casa da esnoga… e aquelle que o fizer, naõ seja admitido à Esnoga sem prim’ro pagar sincoenta florins p’a a sedaca. E assy mesmo, que nahua pessoa levante maõ, p’a dar em seu companheyro na Esnoga, nem em ditos lugares, nem venha a elles com espada, Adaga, pao, ou outra qualquera arma offensiva, …sedaca. E sendo caso que algu dos [mossos?]tenha pendenesa com goim ep’a sua defensa lhe seja neçess’ trazer algua arma, o comum cara com os s’res do Mahamad, e parecendollhes a causa justo, lhe daraõ l’ca p q a traga, p’a sua defenca. Tambem se declara… Herem…
20 Que nenhuá pessoa se levante na congregacaõ em publico com boz alla, a aconselhar, aprovar, nem reprovar, o que se faz manda e ordena. Salvo se for Pessoa do Mahamad em favor do qeu se manda. que os de mais naõ poderaõ hir em publico, contra o q ditto Mahamad ordenar. Equem lhe parecer qui tem necessidade de advertir algua cousa, se chegara a parte em secreto, ao Parnas q se[xxx], ou acsestioen (?) em seu lugar e dira aq[xx] pareceu [xx] naõ causar duvidas, e levantam’tos fazendo o contrario
21. Que visto que por evittar inconvenientes se ha tomado assento que sejaõ cham’dos a sepher os s’res Hahamim que haj na [xx tr’a?] sem títulos de Hahaõ, Morenu, e Rab; se ordena que ajnda q em algun [xx taõ?], venhaõ a tr’a Hahamjm de fora por mais fama ydade, e autoridade q tenhaõ; Naõ sejaõ cham’dos a sepher co nenhu título nem pessoa outra algua de qualquera qualidade que seja. Porq em p’xx
assim p’a’ milhor observacaõ nossa por evittar todo modo de inconvenjences que
do contrario recrescem. Nem o Hazan lhes podera dar em misseberah de fora,
semelhantes titulos. Mas por defuntos em eskavot he permitiddo. como tambem se
em alguã escrittara de cartas ou de livros se falar de d’tos s’res Hahamym, ou em
pratica q se tenha co elles, se lhes dara o titulo de Hahaõ como a deujda cortezia e
respejto
22 Que nenhum corretor dentro na congregaçaõ, antes nem depois da tephilah
possa falar nem tratar em cousas de neg’o com pena de tres florins
23 Que havendo em hua sema Berit e nojvo; O que prim’ro tevo a misvah
escolhôra de todas as misvot, hua e partiraõ as de mais egualm’te. E o mesmo se
entende havendo en hua sem’a dous Beritiot, e hum Nojvo ou mais conforme
acontecer sempre, o da prim’ra misvah tem hua de ventajem a sua Escholha, e as
demais partiraõ igualm’te E nos quem haõ de ser chamados a sepher se igualaraõ
entre sy…
24 Que naõ se consinta aos que meldãõ Ebraico, Levantarem a boz taõ alto, que a
boz do Hazan naõ se ouça claram’te em todo o kahal, p’a q os que estaõ mais lonje
delle sajaõ aonde vaj a tefila
25 Que ninguem pratique no tpo da Tephila; nem ao tpo de Meldar sepher nem se
sahjaõ em havendo levantado Lej; Porq a misvah naõ he so ver ley, mas impta
ouvilha meldar Alem de quem causaõ grande confuzaõ em naõ estarem na esnoga
qdo sacaõ seus escrittos das sortes p’a serem chamados a sepher. Pello q se
encomenda q haja…
26 Que ninguem possa estar levantado na Esnoga em seu lugar, salvo nos tpos em
q codo o [xx] esta alevantado, por naõ seer de Estorvo, e impedim’to aos mais
jehedim seus vez’os. E quevendo alguem p sua devoçaõ, estar em pee em dia de
Kipur ou em outro [xx] se pora em lugar separado, q o Mahamad lhe dara
27 Que ninguem se penha a dizer tephilah, Minha nem Arbit, sem l’ca do
Mahamad, ou da pessoa q delles estiver na Esnoga. Ou em auz’ o Mahamad tomar
al’ca dos velhos q antaõ se acharem na esnoga. E quem entrar na Esnoga,
estandose diz’o A Hamida, esperara, atte se acabar
28. Que nenhua pessoa podera dar lugar na Esnoga nem assentar a par de sy, a
qualquer forasteiro ou novam’te vindo, mais de hum dia. Advirtindo ao
Mahamad ou aso Parnas que presidir, p’a o acomodar. E O mahamad podera
mudar na Esnoga de hu lugar p’a outro a quem lhe parecer, p’a mais comodo, e
boa ordem, sem contradicsaõ algum.
29. Que por parte de nenhua Hebra, se naõ podera publicar, ordenar, nem mandar
cousa algua na Esnoga, sem expressa L’ca do Mahamad deste Kahal.
30. Que Haya em hum lugar separado, perto da porta, tres caxinhas, p’a sedaca,
erets ysrael, e cativos, com seus letrajros. com as quais tiraraõ os gabajm destas
misvot esmolla, aos dias de …
31. Que nenhua pessoa podera pedir Esmolla p’a outrem aos jehedim do kahal, na
congregacaõ nem fora della. Nem os s’res do mahamad daraõ l’ca p’a se tirar.
32. Que nenhua pessoa afalle em alugar, nem com effeito aluge casa de outro judeu, sem l’ca do morador, nem uze de comlujos (?) mandandoa tomar por maõ de framengo, para depois morar nella; e quem o contrario fizer, pagara vinte libras [xxx] para a sedaca. Bem entendido que toda a pessoa q fizer grangearja comm a casa donde se muda ou con outro qualquer que haja alugado, perderá a auçaõ de ditta posse. … Mas aqelle q sahir forçado por algua justa causa (a qual provara diante dos s’res do Mahamad) tera hum ano de respejto p’a naõ poder entrar outro portugez nella …

33. Que nenhua pessoa falle em allugar, nem co efejto alluge, mocã de servico, (ou Ama) de seu companhr’o sem expressa l’ca do Amo com quem estiver. so o pena de sincoentas fl

34. Que nenhum corretor jurado ou naõ jurado chame a casa da villa, a nenhum de suas yrmaõs em razaõd e corretajens. senaõ diante dos s’res do mahamad. Equem o contrario fizer pagara doze florins p’a a sedaca. e naõ sera admjttido a esnoga em q as naõ pagar …

35. Que toda a carne que naõ for sehitada e badecada por os sodequos e Bodeqes a …

36. Que nenhua pessoa possa vender carne caser de fumo. nem, quejos casserim …

37. Que nenhum judeu possa imprimir nesta cidade nem fora della livros ladinos, nem ibraicos, sem expressa l’ca do Mahamad, para serem revistos e enmendados. Eos que passarem esta ordem perderaõ todos os l’cas que lhe forem achados, p’a A sedaca

38. Que ninguem dispute, nem argum’te em mat’as de Religiaõ com goim p’a que fígaõ (sigaõ?) nossa s’ta Lej nem selhe digaõ palavras escandalosas, contra sua proficaõ, por q o contrario he perturbar a liberdade que gozamos, e fazernos mal quistos (?) por cousa q naõ he de lej, nem de nossa obrigacaõ. Pello se encom’da com todo o encarecim’. [something illegible added in a lighter hand, ending with sobre visto]

39. Que naõ circuncidem nenhua pessoa que naõ seja de nossa nacaõ ebrea sem l’ca do Mahamad, sob pena de Herem. E o Mahamd naõ podera dar l’ca p’a circuncidar se nenhua pessoa; salvo portuges; ou Hespanhol. E os que souberem o com trarjo seraõ obrigados a declarallo ao Mahamad, debaxo da mesma pena

40. Que nenhua pessoa sobpena de Herem, falle por sy nem por outrem nestes Estados a ninguem, em nome da nacaõ ou cousas gerais della, senaõ dittos s’res do Mahamad ou quem elles ordenarem, p ser assim mais convenjente

41. Que naõ tragaõ mocas goyot, carne do Assouge nem galinhas sehittadas, salvo vindo algua pessoa judya a vista dellas. Por seer assim obrigacao, em muy necessarjo a bom judezmo.

42. Que nenhua pessoa del casa de jogo aos dias de taanit de todo o Ano, por seer grande pecado que se faz contra el dio, e contra sua lej jugar nos tais dias. e quem
o contrario fizer o haverão por apartado, e prosederaõ contra elle rigurosam’e e
tambem se proibire jugar em 6a f’a a tarde
43
Que nenhu pessoa se ateve a fazer pasqins, nem papeis diffamatorios; E quim
semblhante desaforo fizer, ou mandar fazer por outrem; o haõ por posto em Herem
e apartado da nação com todas as maldicons de nossa s’a Ley; quem lhe caljaõ (?)
por perturbador da nação, pois comette crime semelhante contra a lej santíssima e
contra seu proximo. E allem disso sera castigado rigurosam’té ao Arbitrio dos
senhores do Mahamad.
44 Que nenhu pessoa de qualquer callidade que seja va a vizitar em casa de
mulher parida senã do passarem quinze dias. salvo sendo mandade
chamar. E essas naõ levem cousas de chejro, por o dano que de alj pode resultar.
45. Que sendo que os s’reis da justiça prendaõ algum judeu por cousas mal feitas,
Roubos, em bustes, ou outras insolentias fejtas de pensado. Ou cousas facinorosas,
mal soantes e caidando os tais que a nacaõ lhes podera acudir a seu livram’té se
attrevem cometer semelhantes maldades. Estã tomada firme resolucaõ, que co os
tais naõ segastara tp,o nem dr’o da nacaõ. Nem os s’reis do Mahamd acudiraõ a
seu livram’té. Mas consentiraõ que sejaõ castigados pela justica conforme suas
culpas p’a exemplo de outros. E com isso setire o Estrompeco (?) de entre nos. E
o Povo do s’re seja livre.
46. Que se naõ dejtem Heremot, nem penas de Berahah, sobre differenças q
tenhaõ os nossos judeus, com goim. tanto p causa de fazenda, com de brigas ou
diferenças
[47] Que nenhu pessoa possa dar guet, nem escrevello, sem expressa l’ca e ordem
dos s’reis do Mahamad. E isto se manda com pena de Herem. No qual enocrrem
 tambem as test’ das [xxx] p’a esse effejto assistirem. a fim de evittarem os m’os
convenjentes q do contrario
[48] Que ninguem [xxx] segir. Exceptuando os gettim q em Artigo de Morte
sedarem, os quais se fa esta levanta [xxx] ionalm’te, que naõ morrendo, ficaõ
nullos …
49. Que naõ possaõ comprar nesta t’a nem mandar vir de fora, moeda de placas,
duas placas, nem soloos que hajaõ sido bandidos, e prohybidos aquj por os s’reis.
Nem poderaõ vender fazenda p receberem, em pagam’ o tal dr’o, condicionalm’te.
E jsto sobpena de Herem…
50 Que naõ haja compradores de doutes, p’a fazerem grangearja em os tornarem
adar ao povo, sob pena de Berahah …
51 Que naõ haja acompanham’tos de noyvos nem de Avellim, por evittar ocazions
q em grandes acompanham’tos podem succeder, e sermos nottados dos
Moradores da t’a
52 Que as pessoas que se venderem empregaõ da misvah do Emprestimo se ente que
ficaõ arremattadas a quem as comprar, totalm’te sem replica algua
53. Que os darasiot assinalados do Ano como saõ, Em sabat Agadol, sabat sirah, em sebuot, sabat nahamah, sabat tessuvah, sbat de Hanuqah, e sabat mikamohah, naõ os pedera ningem de fora pedir, nem ocupar. Mas darsaraõ sempre nellos, os Hahamym agem togar (?) por sea gyro. E nenhum mancebo que naõ chege a 25 Anos, podera darsar pela m’[xx], salvo se for acasado. E aos menores desta idade selhos dara l’ca p’a darsarem a tarde todas as vezes queu a pedirem aos s’res do Mahamad. E os Darasiot dos tais foraõ revistos por o Hahaõ seu mestre para ver se tem q emmendar
54 Que nas tephilot de Ros asanah e kippur, acompanharão ao Hazan, nos lados da thevah dous dos s’res Hahamym Assalarjados, alternatim, quais os senhores do Mahamad, ordenarem.
55 Queu parecendo ao diante, acrescentar ou diminujra lgua cousa nestas Ashamoth os s’res do maahamad, que antã servirem o poderaõ fazer. Bem entendido q naõ seja em cousa que encontre aos novos acordos da nacaõ , Porq esses ficaraõ sempre em seu vigor
56 Que stas ashamot leva o gabay, todos os Anos em Boz alta da Tevah depois despois de entrar a servir cada Mahamad, p’a que venhaõ a noticia dos queu novam’t forem vindos. E refresquem a memorja os que de antes moravaõ na tr’a; Para cada qual saber a obrigaçaõ que tem de observar. e ninguem cometta erros. nem cahja em penas por inadvertencia. Para que assim, nos conservemos nilhor em paiz e concordia p’a servico do s’r, que permitta por seu Amor, e seu temor em nossos coraçons para que milhor o sirvamos e louvemos

Copia da ashamah que hay tocante ao pagam’to da imposta
Que toda pessoa traga o prim’ro pagam’do da imposta atte bespora de sabat Agadol e osegundo atte Bespora de Rosa sanah. E quem o contrarjo fizer, nestes t’pos limitados os haõ por excluydos da Esnoga. E cada Mahamad teraõ obrigaçaõ de fazer executar este mandado. E em falta a pagaraõ de sua casa nos mesmos t’pos limitados. Paraque se possa fazer a Elejcaõ do novos ellejtos. E caso que haja pessoa, ou pessoas que sejaõ rebeldes, mandaõ que com peña de Herem nunhuã pessoa se possa ajuntar com ello p’a fazer minha nem rezar em congregacaõ nem fora della. E naõ sera admittedo a Esnoga, ajnda que seya depois de haver pago, como conste que haja sa[...] por este caso fora della.

Estas Ashamot sobred’tas firmaraõ os s’res do Mahamad uniformem’tê em 28 de Ab A’o 5399
Joseph Boeno [baias?]
Jeosuah Jesurrun (?)
Abraham Salom
Semuel Achia (?)
TEXT 3 is a 1622 document establishing an intercongregational *imposta* (tax) and empowering a board of lay leaders to administer it. It also grants that board other powers and describes the umbrella structure in such a way that I suggest it should be understood as establishing a confederation. In the interest of brevity I have translated only certain articles here, indicating the subjects of the ones I omitted.

In the name of the blessed God

In Amsterdam the 24th of Shevat 5382 which is 4 February [1622]
The Senhores of the Mahamadot of the three *kehilot kedoshot* of this city, having met together to discuss affairs that are common and necessary for the nation and its conservation, agreed that since the Lord did us the favor of uniting us with such a general peace, may his mercy augment it, for better holy service, an *imposta* [tax] would be made in the form declared below (as is the custom in many places), because the income would go toward the common good and general benefit of the nation, and we can better conserve it, for the greater glory and praise of our lord. That is:

1 That all the property that from today forward comes to this city, whether foreign or domestic, they will be pay one *douto* per pound of goods...

6 …Those brokers, licensed or unlicensed, who make…per year will pay…because no one will be exempted from a thing that is so necessary and so facilitates the common good. It is ordered that no licensed broker, on his own or through others, will accuse those who are not… It will be prohibited to the whole nation…under penalty of *Berachah*, nor will he be admitted to the synagogues without first paying for the damage that he caused to the accused, plus 50 florins more to this *imposta*.

9 [Again the *berachah* is invoked for nonpayment]
10 To administer the collection of this *imposta* there will be 2 deputies from each *kahal* to serve on a Mahamad, who seem sufficient for the position. That is, the past Mahamadot will elect in each *kahal* two who from those who presently serve…and the current Mahamadot will name which two of the newly elected are to serve in this position at the time of their election; together with the election of the Mahamad they will be announced from the *teva* and this is how it will go every year.

11 There will be a chest with three different keys…

12 There will be a book of rules and agreements that are made, in which this agreement will be written, and in addition to the accounts of the imposta, which will also be written in the hand of each deputy for two months in the manner of chest described above. …

18 In the matters that the six deputies need to decide, it will always be by at least 4 votes out of 6, including those from the 3 *kehilot*, and the two dissenters will be obligated to go along with what is agreed with those 4 votes; but if it is not done in accordance with said method, the three Mahamadot will meet and vote openly on the case, which will not be decided with less than 12 votes, without which nothing will be done.

19 From the income of this imposta will be taken care of all of the common matters of the nation for its good conservation, with the proviso that those private/individual cases that arise and harm the nation may also be held to be common…[one of the deputies may intervene with the authorities (dealing not with money but with corporal punishment) but the individual will have to pay for it]

21 From said income of this imposta a contribution will be made to the almsmen of this city for their poor, 30 florins each month…in the name of the whole nation

22 And since the principal intent and foundation of this imposta is for us to relieve ourselves of the excessive expense that we have with the poor of our Portuguese and Spanish nation, and we are in dire need of a remedy or earnings, it was decided to try to send them along to lands of Judaism where they can more easily live, in the following way…

23-29 on *encaminhamento*

30 That no person from today forward under penalty of *Berachah* may speak himself or through others in these states to anyone in the name of the nation,
except said deputies or whoever they order to do so when it is more convenient to their authority.

31 And no person who is excluded from any one of the synagogues will be admitted to another without entirely satisfying the penalty that he owes to the imposta in his kahal; or if he leaves of his own accord, without first paying everything he owes.

32 That if it seems good, from this time forward, to add to or take away from the above, it is can be done with a meeting of the three entire Mahamadot that are serving at that time, where they will discuss the case and with a vote of at least 12 it will be resolved, publishing the new agreement to bring it to the attention of everyone, and if necessary a copy will be given to each person.

And because they agreed to all of the above with common consent that it was useful and necessary for the common good, the three Mahamadot that presently serve are obligated to carry it out and have it carried out, each in his kahal, giving a printed copy to each of the yahidim in his kahal at present and to those who will come in the future, so that they will govern themselves in conformity with it...

[Signed by 5 leaders of each kahal]
EMWW 2017

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4. Das policías de seguros que se fizerem por conta propia, ou alheia sobre fazendas que forem de hua terra para outra fora destes estados pagaraõ duas placas por libras de grossos e seraõ libres desta ymposta as que se fizerem sobre fazendas que forem dellas terras ou vieren para elas por quato os mesmas fazendas saõ de pagar a ymposta.

5. [A]s fazendas que se comprarem na terra, e tornarem a vender nella se aõ por libres desta imposta, o mesmo as fazendas que pagamõ por entrada, e se tornarem a carregar por conta dos mesmos donos. Bem entendido que os que comprarem fazendas de se mesmo para mandar fora da terra, por sua conta ou alheia pagaraõ a ymposta como se os comprassem de qualquer outra pesoa.

6. [?] os corretores jurados, ou naõ jurados que ganharem de libras quarenta de grossos aõ anno para sima paguaraõ huá placa por libra de grosos, para que naõ aya ninguem exsetuado de cousa taõ necessario e proveitossa para ho bem commun, Ordenandosse, que nenhu corretor jurado, por sy nem por outrem acuse aos que onaõ saõ porque ho que niso for (foi) culpado, sera prohibido atoda a naçãõ, para se naõ fazer com elle partida alguá so pena de Beraha, nem sera admitido nas Esnogas sem primeiro pagar no dano que ouver feito ao acusado, e cinquenta floris mais para esta imposta.

7. As fazendas q vierem forem vendidas em qualquer parte destes estados, de nossa ordem ou comprados e mandadas dali para outras pagaraõ amesa mesma ymposta como se aqui fosse feito

8. Eas fazendas que forem trazidas aestes estados por as naaos [naçaõs?] de guerra e se libertarem para seu donos pagaraõ amea placa por libra de grossos do valor de contado, taxandoas aotempo do Recibo como as demais.

9. E para que em tudo aja adevida ygualdade enaõ diferença nas contas que de ojes em diante se mandarem atodas as partes asentaraõ con pena de Beraha que cada qual ponha nellas esta imposta com título de consulado, e quem discrepar diso ynda que com effeito opague de sua bolsa se ha por incorrido na dita pena de Beraha e sabendosse procederaõ contra elle Rigurosamente.

10. Para a Administraçaõ do Rendimento desta ymposta avera de cada kahal dous diputados que servirem no mahamad, que pareserem mais suficientes para ho cargo, asaber os mahamadot pasados elegeraõ cada hum em seu Kahal dos que actualmente servem ditos dous diputados, e os mahamadot presentes no tempo de suas eleicoins nomearaõ logo quais dous dos novos eleitos ajaõ de servir este
cargo, que juntamente com a eleição de Mahamad serão Publicados de Theváh e
assí yra seguindo sosecivamente todos hos anos.

11. Avera hua caixa de tres chaves differentes em que se yra metendo o
Rendimento desta ymposta, a qual estara dus meses em poder de cada deputado
pasando de hum á outro do mesmo kahal, e para o começo se meteraõ os nomes
das tres keilot em hun vaso donde se tirara por sorte, primeiro, segundo, terçeiro, e
com a mesma hordem yra seguindo sempre em Toda sem aver mais sortes e cada
huá de ditas chaves estava em poder dos diputados de cada kahal numerados 1.2.3.
pelos quais numeros se ficara sabendo que sorte lhe sahiu

12. Avera hum libro dos termos e asentos que se fizerem em que este acordo sera
escrito, e outro das contas desta ymposta, os quais estaraõ tambem dus meses em
maõ de cada deputado no modo da caixa asima dito. Bem entendido, que entraõ
em poder dos do Kahal que for segundo por sorte, de maneira que nunca estaraõ
empoder dos deputados do kahal donde estuier a Caixa, e asi yra seguindo em
Roda subsesivamente.

13. E sera cada hú obrigado ter contato que dever a esta ymposta, sobre ho cargo
de sua conciencia com todos as obrigacoins, juramentos, epenas de berahot de
nossa santa ley que toma desde logo sobre sy para ser apenado nellas porqualquer
cantidad por minima que seja que asabendas soneg[ar] ou diso aplicar para
qualquer outra obra pia porque tirandoõ desta se tem como dinheiro Roubado
asantidade e oque cada hum achar que deve, trata cada tres meses a caxa com hum
vilhete asinado em que dira a contia para se Referir com aberba que se fara no libro
de cada partida os quais vilhetes andaraõ na mesma caxa, enfiados os de cada kahal
eano parte, para tambem por elles se Referir a conta do libro.

14. Os tres deputados que tiverem as chaves, seraõ obrigados ase juntar passados
os tres meses todos os domingo seguintes na casa aonde estiuer a caxa por tempo
de hum mes, no qual tempo cada hum sera obrigado a trazer ho dinheiro que dever
até aquele dia que ho trou xer em moeda corrente e naõ acudindo, ditos deputados
os daraõ por nota aõ mahamad do kahal donde for Yahid, paraque naõ consintaõ
entre nelle até com effetico pagar, e para que sepossa saber os que naõ pagaõ sera
cada hú obrigado trazer ho que dever, ou vir declarar que naõ deve em dito tempo
excepto os corretores que eses soo no cabo do anno depois que souberem ó que aõ
ganhado viram pagar ó que deverm de ymposta de suas correta jens, ou declarar
que naõ devem, mas do que eles negoçiarem, pagaraõ aymposta no mesmo tempo
que os demais e paraque nenhua pesoa falte do comprimento desta hordem avera
nota de todos os Yahidim de cada Kahal excepto os que forem pobres de sedaka
onde se yra cotando os que vierem fazer sua declaraçoã, e nas Thevot se publicara
em que paver esta acaxa para ali viren fazer a pagã, ou declaraçoã.
15. Ditos seis diputados eraõ obrigados de se juntar pelo menos hua ves cada quinzes dias ao domingo para traterm sobre cousas gerais da na´caõ e ver se ha algua a que acudir, aqual junta sera na casa aonde estiver a caxa, e os amas do Kahal de quem ativer sera obrigado a asistir com eles, e fazer o que lhe mandarem.

16. A despoza que se prizer (fazer?) por conta desta ymposta sera sempre por asinaçaõ firmada por todos os diputados por os quais daraõ conta e por ho libro da Receita em cujas verbas se declarara particularmente hó para que se deu e qualquer asinaaõ queu naõ seja firmada de todos senaõ levara en conta, e esta daraõ aõs novamente eleitos ao outro dia depois de acabado seu anno, sem nenhú modo de duvida, nem Retençaõ, com pena de Beraha

17. Faltando algús das seis, por ausencia ou caso com que naõ possaõ asistir ho mahamad do kahal donde forem, elegera outros em sua praça do mesmo Mahamad para em quanto durar seu ympedimento

18. Nas couzas que os seis deputados ouverem de determinar sera sempre aomenos por voto de quatro em que entraraõ os de todas as tres keilot e os dous Restantes seraõ obrigados a assinar ho que se acordar com ditos quatro votos, mas naõ estando conformes na forma dita se juntaraõ todos os tres mahamadot e votaraõ sobre ocaso decubertamente que naõ se averiguara com menos de doze votos sem os quais fíqara nullo.

19. Do Rendimento desta ymposta se acudira atodos os casos gerais da naçaõ para bem econservaçaõ sua, com declaraçaõ que hos casos particulares subcedidos por defeitos da naçaõ se tem tambem por gerais para se acudir aelas com tais e aconteçendo, algú particular subçeso os diputados seraõ obrigados a acudir a elle pedindo se lho porem acusta da parte a quem tocar tendo com que pagar, e ysto no que toca a dinheiro, que sendo penas corporais se acudira sempre aellas como cousa geral, adverteindo que os gastos dos que tiverem posibilidade seraõ a sua custa

20. Eas determinaçoins dos casos queu se oferecerem se saõ jerais ou particulares, faraõ os seis deputados com voto de quatro uniformes em que entrem das tres keilot e em falta de naõ acordarem se juntaraõ hos tres mahamadots e com doze votos ficara de acordo.

21. De dito Rendimento se contribuira a os esmoleres de esta cidade para hos pobres della con trinta florins cada mes que lenara ho diputado em cujo poder estiver a caxa no saquinho que para iso daõ em nome de toda anaçaõ.
22. Ecomo ho principal intento efundamento desta ymposta he para nos aliviarmos do excesivo gasto que tomos con hos pobres de nossa naçaõ portuguesa e epanhola, pois aqui totalmente carecem de Remedio, ou grangeria, Acordaraõ se precure encaminhalos para terras de Judezmo aonde mais commodamente possaõ pasar avida na forma seguinte
Que hos pobres que daqui em diante vierem, de Portugal, e Castela, somente por mass em direitura seraõ gerais posto que vaõ a qualquer das ters kehilot, Aos quais eos diputados proveraõ com alguã ajuda comforme aque aopresente seda da sedaka a semelhantes familias procurando encaminhalos com abrevidade posivel preferindoos a os ja estantes na terra, e sendo algum ynhabit ho yraõ provendo desta bolsa para seu Remedio eos que ado ecerem seraõ curados por ho medico da Hebra e oficiais della do kahal aonde continuarem e a desperza sera por esta conta que se lhe pagara no fin da doença por Asinaçaõ dos Parnassim da Hebra de seu kahal.

23. Tambem avemos por gerais os pobres moradores aopresente nesta terra de nossa naçaõ portuguessa e espanhola que naõ estaõ admitidos nos rois da sedaka que cada kahal logo deu ynda que ao diante ho sejaõ em qualquer das kehilot dos quais os diputados yraõ despascando os que em suas conciencias entenderem saõ necessitados, e convem primeiro encaminharse acordandosse niso por votos como nos mais casos, ou tirandoos por sortes como melhor lhes parecer.

24. [Q] para encaminhamento dos pobres providos a o presente da sedaka que ficaõ sendo particulares a cada kahal hos seus conforme aos Rois que deraõ aplicaraõ os diputados a Cantidade de dinheiro que lhe parecer que sempre sera pouco mais ou menos da que forem Resolvendo despendor com os Jerais dando credito em libro de hum terço acada kahal ea encontro selhe yra dando debito do que forem gastando com ho encaminhamento dos que seu mahamad nomear.

25. Que para comodamente poderem fazer seu caminho se dara sem esepsaõ, asaber, sendo hua soõ pesoa setenta florins e sendo mais sesenta florins acad hua como seja de treze annos para cima, e da hy para baixo atrinta florins, e de mama a vinte florins dedarando que a nenhua casa por mais familia que tenha se naõ podera dar pasante de quatrocentos florins, e deste dinheiro selhes dara aqui ho menos que for posivel e oresto repartido pelos lugares por donde ou verem de passar. Bem entendido que nenhua pesoa sera encaminhada para mais proxima terra de Judezmo que Ytalia ou Polonia, e a os que naõ forem pelo menos para ditas terras de Judezmo, se naõ dara ajuda alguã dando aos que forem despachados as cartas de abonaçaõ e Recomendaçaõ que parescerem necesarias aos seis diputados porquem seraõ asinadas.
26. Q ve hos diputados daraõ nos despachos que fizerem de pobres gerais ho tempo que lhes parescer para se aviarem como naõ passe asaber. de sabat qadosh ate Rosasanah, ou de Rosasanah ate Sabat Gadol, e as pessoas despachadas que por algú ynconveniente naõ fizerem seu caminho poderaõ pretender novo despacho, por quanto hos que se naõ comprirem no tempo que se lhe sinalar na forma dita ficaõ nulos.

27. [E] Sendo por hos ditos diputados notificada qualquer pessoa para se aver deyr lhe naõ admitiraõ disculpa algúa, e naõ querendo fazer seu caminho sera excluída da sedaka para nunca mais entra nella pois deixa de seguir ho que lhe comvem para seu Remedio.

28. Eavendo comodo de se yr encaminhando pobres, ou ocasioõ de cousas necessarias ao prol da naçaõ em quanto naõ ouver dinheiro bastante para yso na caixa deszta ymposta, Poderãa hos diputados tomar a cambio ho que lhes for necessario por conta das tres keilot por yguais partes para se fazer ho pagamente do primeiro Rendimento da ymposta e ficarem desobrigadas, e Para segurança do diputados se naõ por obrigados cada kahal por huá terca parte, e avendo com a ajuda del [?]io dinheiro sobrado nesta caxa como passe de Libras cento de grosos aver na conta do livro por naõ ter gozado tanto, se lhe pagara então do contado para ficarem todas ynteiradas de suas sinaladas somas, e antes disto naõ e ho mais dinheiro ses Repartira no fim do anno hum terço a cada kahal para ajuda de seus gastos e jehirem aliviando.

29. Que hos diputados escreveraõ loguo (logno?), a frança e as mais partes que lhes bem parecer avizando como nenhu pobre que delos venha sera provido, nem encaminhado por quanto ali esta mais parto do caminho direito de Ytalia e Turquia Con declaracaõ que nenhu pobre que venha das tais partes, ou de outra qualquer de Judesmo seija quem quer que for podera ser provida, nem encaminhado, naõ tam somente desta imposta, mas nem ayuda admitido a sedaka de nemhua das kehilot para que assi escuem de se vir meter em terra tam cara e yncomoda como esta o he para viverem ou fazer caminho Pois ysto sóo serve para os quë ja ca estão e virem em direiura de espanha, perseguidos de trabalhos abusar a observança da Ley del Dio.

30. Que nenhua Pesoa de oje em diante so pena de Beraha, posa falar por sy, emn por outrém nestes estados a ningem em nome da naçaõ senaõ ditos diputados, ou quem eles ordenarem por ser assi mais conveniente á authoridade dela.

31. E que nenhua pesoa deitada de qualquer das esnogas sera admitida em outra sem dar ynteira satisfaçaõ a pena que lhe foy ymposta no seu kahal, e sahindosse por sua vontade sem primeiro pagar todo ho queu la dever.
32. Que Parecendo por ho tempo em diante acresentar, ou deminuir do acima, contheudo seraõ para iso juntos os tres Mahamadots que entaõ servirem onde se tratara meudamento a causa e con voto de doze uniformes enaõ menos se Resolvera publicando ho novo acordo para vir a noticia de todos de que parecendo necesario se dara a cada hú copia.

E porque todo ho acima contheudo a sentaraõ de comum consentimento, e acordo por assi parecer util e necesario a o bem jeras, se obrigaraõ os tres Mahamadots que aó presente servem a baixo asinados de ho comprir efazer comprir cada hú em seu Kahal atodos os yahidim delle que ao presente ha e aodiente vierem dando a cada qual copia ympresa para se governar conforme a ella e no libro dos termos de cada kahal onde este acordo sera escrito fara ho mahamad termo depois do da eleicaõ em que o novo mahamad se obrigue tambem aosobre dito qeu seja para mais glori, e louvor del Dio Bendito, e augmento de seu santo serviço, feito em Amsterdam ut supra

Jaacob Coem  
Abrahao Ysrael da Silva  
Eleazar Jeshurum Ribr’  
Joseph da Costa  
David Curiel

Josua Serafasil  
Aabram dragnos?  
O’do Tenoreo  
David Israel Pinto  
[illegible]

Abraham Gabay  
Yshaque israel men…  
Joseph Nahemias Torres  
A’ David Areril?

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Introduction

Documents presented here come from three different sources: the archives of Milan, the archives of Simancas, and Joseph Ha-Cohen’s chronicle Emek ha-Bakha. The document from Milan, dated from 1589, is a long defense of the Jews’ right to live in Milan sent to Madrid in response to a request by Philip II of Spain who was pondering whether or not to expel the Jews. The task was given to the Spanish governor of Milan, but it is collective work put together by the Senate of Milan, based on the opinions of scholars and theologians, and a series of affidavits from officials and magistrates from across the State of Milan vouching for the Jews of their cities and towns. Nonetheless, in 1591, Philip decided to expel the Jews from Milan. Joseph ha-Cohen’s successor (the “Corrector”) describes, in the second document, how a Milanese Jew, Simon Vidal Sacerdoti, went to Madrid to plead in front of the King. The final group of documents record Simon’s activities in Madrid in 1592, they allow us to get a fuller picture of these dramatic events for the Jews of Milan and compare what was said in Milan to what the Corrector said, to what happened in Madrid. They also provide insight into document composition, since Simon seems to have had the document from Milan with him, but he gives his own version of it. Finally, they raise questions on archival preservation and organization, since those six documents were preserved together in a file and given a sequence of numbers from 33 to 38, even though they cover a timespan of at least 15 months.
EARLY MODERN WORKSHOP: Jewish History Resources

Volume 14: Cultures of Record Keeping: Creation, Preservation, and Use in the Early Modern Period, Fordham University, New York, August 16-17, 2017

The Expulsion of the Jews from the State of Milan: Same Event with Views from Different Archives
Flora Cassen, University of North Carolina, Chapel Hill

Archivio General de Simancas, Secretarias Provinciales 1796#33

[in margin] Simon Vidal de Sacerdoti

To be able to better deliberate some claims on which Simon Vidal de Sacerdoti the Jew has given diverse memorandums to Your Majesty, we have examined again the information that the governor of Milan sent by letter to Your Majesty in the year [15]85 on his [Simon Sacerdoti’s] services and those of Vidal de Sacerdoti his father. This [letter] verifies that in the time of the Wars of Piedmont [Simon Sacerdoti] discovered a treaty that Francesco Bernardino Vimercato, governor of Valencia for the French, held in Alessandria, for which he was mortally wounded. And that around the same time, he discovered many spies in this city. He went five times to Constantinople on orders of the governors of this state [of Milan] and for secret things in the service of Your Majesty. And he has always been occupied with assignments and negotiations involving secrecy and trust. That likewise in the year [15]78, he discovered a Spanish mutiny in Alessandria that was of great importance, and not less [important was] his having discovered certain Turkish spies in Milan. And that said Vidal, his father, served with the same loyalty his entire life, giving important information and helping with large quantities of weapons and money Spanish men of war during times of need. And due to his house being the first and richest of the Jews of this state [of Milan] it had become a great necessity that the governors of this state always had an account with the father and son, entertaining them and using them for many things due to the satisfaction they derived from their loyalty and diligence. And therefore, it has seemed to the ordinary magistrate that said Simon Vidal was deserving of a reward and thus to increase his lifelong salary [placa muerte?] by three escudos per month, on top of the seven escudos that he already had, so that in total he would receive ten. And the governor and Secret Council concurred on the same, increasing therefore to six escudos per month the salary of three [escudos] that he already had. We are appealing now to Your Majesty to use the fact that fifteen escudos are designated for him, as had his father, and that to Mathias, his brother, six escudos are designated. We plead likewise that her Majesty be served to order that he be paid what had been left behind of his father’s salary with a derogation from the orders. And that he be given part of it here and financial support to pay what he
owes and return to his home. Because it has come from private notices of Your Majesty that it cannot be worth more than 20 U: [??] that they have to have from the Chamber of Milan, from the money and weapons that they have lent and [en]trusted in times of need, and from accrued interests.

[in Margin]
Mathasias
Truly the father of said Simon served much and well and has done it in important occasions for which it is fair to recognize that he deserves the [increase] of the [lifelong] salary [placa] that he holds of six escudos to nine or ten per month. Therefore in consideration of this and of all is that owed to all of them; and until they are paid; and that Mathias his brother is owed four escudos per month; and that the Duke of Terranova be instructed to see in which form these and the other Jews be paid; and that he [Simon? Mathasias?] remain as just executor of that which you Majesty has demanded regarding the expulsion of these people

[Back]
Milan
a 22 de Junio 1592

On the subject of Simon Vidal Sacerdoti the Jew

There are here new memorandums that you have given on which there is no need to make a case, only that the agreed upon be complied with. And so be it written to the governor and given the order that they be paid. And with this Simon and his brother, he [the governor] may do that which seems [right to him].

[Philip II’s initial/signature]
Para poder mejor deliberar algunas pretensiones sobre que Simon Vidal de Sacerdote Hebreo ha dado diversos memoriales a V Mgd se ha vuelto a ver la informacion que el governador de Milan embio el año de 85 de sus servicios y de los de Vidal de Sacerdote su padre con carta para VM Por la qual consta que al tiempo de las guerras del Piamonte descubrio un tratado que Francesco Bernardino Vimercato Governador de Valencia por franceses tenia en alexandria acuya causa fue herido de muerte y que el el mismo tiempo descubrio muchas espias en aquella ciudad que ha ydo cinco vezes a Constantinopla por orden de los governadores de aquel estado y por cosas secretas del servicio del Magd y siempre ha sido ocupado in comisiones y negocios de secreto y confianza. Que asi mismo descubrio an año de 78 un motin de españoles en Alexandria que fue de mucha importancia y no menos el haver descubierto ciertos Turcos espías an Milan, y que el Vidal su padre sirvio con la misma fidelidad todo el tiempo de su vida dando avisos de importancia y socorriendo con gran cantidad de armas y dineros para la gente de guerra española, en tiempo de necesidad, y que a esta causa siendo su casa la primera y mas rica de los hebreos de aquel estado havia venido a mucha necesidad que los governadores de aquel estado han tenido siempre cuenta con padre y hijo entreteniendolos y echando mano dellos para muchas cosas por la satisfaction que tenian desu fidelidad y diligencia y entonces parescio al magistrado ordinario que el dicho Simon Vidal era digno de premio y que assi se le podria acrecentar una plaza muerta de tres escudos al mes que tenia otros siete escudos mas, para que en todos cobrasse de diez y en lo mismo concurrieron el governador y consilio secreto y haviendosele acrecentado entonces a seis escudos al mes los tres de sueldo que tenia Supplica agora al Mgd se sirva de que a el se le señalen quinze escudos como los tuvo su padre y que a Mathias su hermano se señalen seis escudos al mes, mandando assi mismo VMd que se le pague lo que se quedo deviendo del sueldo de su padre con derogacion de ordenes y que aqui sele de alguna parte dello y alguna ayuda de costa para pagar lo que deve y boverse a su casa, pues ha venido por avisos particulares del servicio de VMd y no se puede valer de
mas de 20U: [??] que han de haver de la camara de Milan de dineros y armas que han prestado y fiado en tiempos de necessidad y de interesses corridos.

[Margin] Mathasias
verdaderamente su padre deste simon sirvio mucho y bien y lo ha hecho el en ocasiones importantes por donde es justo reconoscerse lo llegandole la placa que tiene de seis escudos hasta nueve o diez al mes assi por consideracion desto como de lo mucho que se lesdeve a todos ellos y hasta que sean pagades y que a Matasias su hermano se le den hasta quatro escudos al mes y que se encargue al duque de Terranova que vea la forma que podra aver para que este y lo demas hebreos sean pagados y se quida executor con justicia lo que VMd tiene mandando cerca la salida desta gente de aquel estado. a 22 de Juno 1592

[Back summary]

Milan
a 22 de junio 1592

Sobre el particular de Simon Vidal de
Sacerdote hebreo

Van aqui otros memoriales nuevos que ha dado de que no ay que hacer caso, sino de que se cumpla lo acordado. Y assi se escriva al governador y que procure dar orden en que sean pagados. Y con este Simon y su hermano se podra hazer lo que parece. [Philip’s initial/signature]
The Expulsion of the Jews from the State of Milan: Same Event with Views from Different Archives
Flora Cassen, University of North Carolina, Chapel Hill

On the 27th of the last month of November, we were served in council by order of Your Majesty an anonymous memorandum, which was given to Your Majesty in which what was given informed Your Majesty of many things against the Jews of this state in order that they be expelled and chased from it. And Your Majesty in her response ordered that the cardinal make the council see this paper and send a dispatch of what should be written to the Condestable because it is proper to finish with these people [Jews of Milan] and expel from here this Vidal, which has been done here as Your majesty has ordered and as Your Majesty has ben able to see through all dispatches that were sent to her regarding all the Jews as well as Vidal and his brother in particular to whom when coming to sign that which concerned him, it was said and ordered to him that he leave right after. But because in the said memorandum said some things are said that are contrary to the truth, which is so right and deals with the royal behavior of Your Majesty, it has not seemed right to the council to stop informing you of that which it is: claims that the Jews of this state have committed robbery, murders, sacrileges, having apostasied a Christian, spread heresies, entered in the monastery of Monjas, as is expounded in the said memorandum. It comes from a person, either with little information on the truth, or who wanted with that which is not [the truth], move Your Majesty to order to expel the Jews from this state, as if for this [expelling] it were necessary that part of these preceding causes be true. For whose [their/the Jews] punishment Your Majesty has her justices, and for ordering to expel them without damage to the royal and sovereign power of Your Majesty there is no need to base it on reasons such as those, especially [reasons] that aren’t certain as so few in the said memorandum are. It is said, in addition to this, to have preferred the debt of the Jews. Because if it is just and confessed, for no time cannot nor should the debts be annulled, and if it is not [just and confessed], there is no necessity to allege their annulment to stop paying. On all of this, it has seemed right to the council to inform Your Majesty according to that which she was served to order regarding that which concerns the Jews. 7 December 1592.
Milan, 1592
Response to that which Your Majesty wanted to hear concerning the document without signature that was given to you regarding the Jews of the state of Milan.

I was warned of all that was said and it is very good that the orders be executed, if they haven’t yet been. ☞ [Philip II signature]
A los 27 del mes pasado de noviembre servio en consejo por orden de VM un memorial sin nombre de autor que se dio a vm en el qual el que ledio va informando a VM de muchos cosas contra los hebreos de aquel estado a fin de que sean expedidos y echados del. Y VM en sa respuesta manda que el cardenale haga ver este papel en consejo y emiar ordenado el despacho de lo que parescere se debe escrir al condestable pues conviene acabar con esta gente y echar de aqui al Vidal. lo qual se ha hecho assi como VM lo ha mandado y lo ha podido VM ver por los despachos que se le han embiado assi tocante a todos los Hebreos como al Vidal y su hermano en particular a quien en viniendo firmado el que le toca se lo dixen y ordenara que luego se vaya. Mas porque en el dicho memorial se dizen algunas cosas contrarias a la verdad que es tanta razon que se trate ante el real acatamjento de VM, no le ha parescido al consejo dejar de informarle de lo que lo es pues dezir que los hebreos de aquel estado han cometido robos, homicidios, sacrilegious hecho apostar un christiano, sembrado heregias, entrado en moasterio de monjas en cerridad, como en el dicho memorial se expone, es de persona o poco informada de la verdad, o que quiso, conlo que no lo es mover a VM a que mandasse echarlos deste estado como se para esto fuera necesario que de parte dellos precedieran causas como estas, para cuyo castigo tiene VM suo justicios, y para mandarlos echar sin agravio suyo la Real soberana potestad de VM que no tiene necessidad de fundarse en causas como estas especialmente, no siendo ciertos como tampoco lo es lo que en el dicho memorial se dize de mas desto de aver preferito la deude delos hebreos, pues si es justa y confessada por ningun tiempo puede mi deve prescribir, y sino lo es no tiene necessidad de alegar prescripcion para dejarse de pagar. De todo lo qual le ha parescido a consejo informar a VM como es razon despued de aver obedidico a lo que fue servido de ordenar en este que toca a los hebreos. a 7 de deziembre 1592
Milan, 7 dec 1592
Respuesta alo que su su Md quiso entender sobre del papel sin firma que se avia dado contra los hebreos del estado de Milan.

Quedo advertido de todo lo que se dize y es muy bien que se ponga en ejecucion lo ordenado si ya no esta hecho. [Philip’s initial/signature]

qdo en Madrid a 19 de Enero 1593
The Expulsion of the Jews from the State of Milan: Same Event with Views from Different Archives
Flora Cassen, University of North Carolina, Chapel Hill

Archivio General de Simancas, Secretarias Provinciales 1796#35

Señor

Your Majesty was served the previous months by commanding that the Jews of the state of Milan leave with an order that firstly they be completely compensated for the credit that they hold with the Chamber of Milan for money with which they have helped and weapons in times of great need. And on that which concerns their expulsion from the state, Simon Sacerdoti says in the name of the University of said Jews that although the order of Your Majesty is very precise, they do not wish to give up on explaining to Your Majesty some reasons of Justice which are so pure and Christian and religious and of such importance that they will easily be enough to move Your Majesty from this resolution and to disabuse his sanctity and benevolence if perhaps there were in this order some error.

The first reason is that all the laws—divine and humane, civil and canonical—accept and promise cohabitation and conversation of Jews with Christians.¹ Moreover there are many doctors, scholars and theologians of high quality who conclude that it [cohabitation] is necessary and that they cannot be expelled without offending Christian charity and the Majesty of God.² Meanwhile they live quietly and without scandal as the poor Jews of the state of Milan have always lived, as is known by sworn testimony. And the reason that they cannot be expelled is that they represent the passion of Christ. And another that Christians and their own princes are obligated to promote the conversion of the Jews and bring them down to the saintly faith,³ aware that they have an origin of truth and are called, sheep of Jesus. Even for redemption without the baptismal waters, their conversion cannot have an effect without the conversation, with which it is possible to easily urge them and convert them, as it can be seen with effect every day throughout Christianity. And particularly in the said state of Milan where every day they convert and entire families have converted, as is known by sworn testimony and

¹ ex. de iude toto titO 1 christianis C. de paga
² d. 1. christianis ibi Doc. Oldr. Alex. Paris. Et alii relati in apostil. ad Alex. Cons. 13 lib. 7. Rola Val. in cons. 25. vol. 3. ubi in spe loquitur de iudeis estatus Mlí
³ Alb. In c⁰ q. super exdeuot
can be felt. And Simon Vidal himself has two sisters and one brother, and male and female cousins, and nephews and nieces who have returned [to Christ] and had they been in the lands of the Turks or the Moors neither them, nor others would have converted. And so, the laws say that expelling the Jews from [Christian] states is an abuse of Christian religion which reasons are of such importance that it is not possible to believe a saintly catholic and benevolent will [animated] Your Majesty if [Your Majesty] neglected to take them [the laws] into consideration and to take example from the popes, not only one, but from all who have been from the Holy Office over here, even though they are called vicars of Christ, not only do they not expel the Jews, but rather give them comfort, allowing them to live not only in the states of the Church but in the Rome where they live in large numbers with privileges and accommodations in order that they not leave so that they can be converted little by little. And Your Majesty should not take example on the King Don Ferdinando who expelled the Jews from Spain, which many, including many scholars, conclude in saying that it was not a good deed for many reasons and respects, even though there was an occasion for it [the expulsion] for there were many [Jews] in Spain and this could result in a scandal, likewise in that which touches upon religion and other particularities. But those reasons cease concerning the said Jews of the state of Milan for they are few and have always lived and live quietly and without scandals, that in the hundreds of years that they have cohabitated in the said state never has a bad thing been seen or heard of them, nor a complaint, as can be seen by the sworn testimonies from the very places where they have lived and live as was transmitted to Your Majesty in the information sent by the Duke of Terranova.

The second cause to consider is the service that Your Majesty receives as a result of their [the Jews’] habitation. And even though it is nothing in consideration to the greatness of Your Majesty, it is such that other Christian princes make much of it. Therefore, they [other princes] grant them residency rights and they invite them and search them so that they come to live in their states, and even more so to those who have demonstrated promptness to serve with their farms and lives as have done in general and in particular the poor Jews of the state of Milan with their persons and farms. And especially as Simon Vidal has done during thirty-five years, and as his father during sixty-one years during which there has not been one occasion, big or small, that they have not provided help, as for all Your Majesty has received notice which confirms this in the consulta that the Royal Council of Italy sent Your Majesty in the past months.

The third is that in addition to the service to Your Majesty, there is the service to the towns of the states where they [the Jews] live, likewise for the rentals of the houses where they live as for the maintenance that is sold to them, and many other reasons that are left to be said. And for the said reasons and many others that ought
to be considered we come to the royal feet of Your Majesty with all humility, pleading that you be served by avoiding and un-signing the said order to expel the Jews and that you be with the likes of scholars and theologians and with Christian charity in allowing that [the Jews] may live in the said state of Milan under the royal protection of Your Majesty as they have lived in the past on the condition that they provide no occasion for scandal.

And on that which touches on the second paragraph regarding the payment when Your Majesty was firm in her resolution to expel them, Simon Vidal said in the name of his University that in the accounts that were done to them in Milan, they find themselves much aggrieved, attentive to the fact their account has been made only five per cent with the budget that is understood in the decree of Your Majesty of the year 1560 in which for no reason or equity that can be understood given the quality of their honorable credit, and attentive to the fact that their privileges were granted by the Cardinal of Trento, then governor of Milan, confirmed by Your Majesty, and entered to the record by the Senate of Milan with derogatory clauses to the said decree of the year 1560. And of anything contrary to the said privileges, it is neither just nor honest that they suffer a grievance and damage so significant knowing that the sanctity and benevolence of Your Majesty requires that they be entirely satisfied and paid that which is fairly due to them. Pleading humbly that Your Majesty be served by ordering that on this they be given justice and offering to remain summarily with that which your excellent council will declare, or the senate of Milan, or any other tribunal that the better Your Majesty be served, given that it is a thing so just and honest that they await from the royal clemency and goodness of Your Majesty. And, Your Majesty, having ordered that the Jews leave the said state, your royal council does not wish to see this memorandum so as to not go against the will of Your Majesty, except with your special order. Therefore the said Vidal pleads in the name of the said University that to order to consider the reasons contained in this memorandum and order that they return to consult on on it and that they receive grace and mercy and justice.

[back] the University of the Jews
Senor

Fue servido VM los messes passados mandar que los hebreos del estado de Milan saliesendel con orden que primeramente fuessen cumplidamente satisfechos del credito que tienen con la camera de Milan de dineros con que han soccorrido y armas en tiempo de mucha necessidad. Y en lo que toca al hechar de los del Estado, dize Simon Vidal Sacerdote en nombre de la Universidad de los dechos hebreos, que aunque la Orden de VM sea muy precissa no quieren dexar de dar a entender a VM algunas razones de justicia lasquales son tan llanas y cristianas y religiossas y de tanta importancia que facilmente seran vastantes de mover a VM de esta resolucion y desenganar su santa y buenamente si acasso huviesse en esta orden algun engano.

La primera caussa es que todas las leyes divinas y humanas civiles y canonicas admiten y prometen la habitacion y conversacion de los hebreos con los cristianos\(^1\). Demas que son muchos doctores, letradas y theologos de mucha calidad los quales concluyen que sea necesario y que no se pueden hechar sin ofender la charidad cristiana y la magd de Dios\(^2\) mientras pero que viven quietamente y sin escandalo como han vivido siempre los pobres hebreos del decho estado como consta porfees. Y la causa porque no se pueden hechar es porque representan la passion de Christo. Y otra que los christianos y los proprios principes son obligados a procurar la conversion de los hebreos y reduzir los a la santa fee,\(^3\) attento que tienen origen de verdad y son llamados, obejas de Jesu Christo. Aunque por redempcion sin la agua del santo bautismo, laqual conversion no pede haver efecto sino la conversacion, con laqual pueden con facilidad instarlos y convertirlos como cada dia se vee con efecto en la christianidad. Y particularly en el decho estado de Milan que cada dia se convierten y se han convertido familias enteras como consta porfees qui se pressentian. Y el propio Simon Vidal se le han vuelto dos hermanas y un hermano y primos y primas y sobrinos y sobrinas y se estuvieron en tierras de turcos o moros no se ovieran convertido ello ni otros. Y por tanto dizen las leyes que el hechar los hebreos de los estados es abuso de la religion christianas las quales razones son de tanta importancia que no pueden creer una santa catholica y buena volutad de VM.
dexedet enellas en consideracion y tomar exemplo de los sumnis pontificis no de uno, mas de todos quantos ha havido de sant P° para aca, los cuales aunque son vicarios de christo no solamente no los hechan, mas antes les dan comodidad admitiendo los con que puedan vivir no solamente en los estados de la Iglesia mas en la misma Roma donde los ay en cantidad con previlegios y comodidades porque no se vayan afin que se conviertan poco a poco. Y VM no debe tomar por exemplo del Rey don Ferdinando que hecho a los hebreos de Spana, que demas de que muchos doctores concluyen en dezir que no fue buen hecho por mucha causas y respectos hubo alguna occasio para ello por haver mucha cantidad dellos en Spana y que podia suceder algun escandalo, ansi en lo que toca a la religion como en otros partiquales, las quales causas cessaen en los dechos hebreos del decho estado de Milan por ser pocos y que han vivido y viven quietamente y sin escandalos que en centenarios de anos que han conviven en el decho estado xamas se ha visto ni entendido cosa mala dellos, ni querella como consta por las fees de los propios lugares donde han vivido y viven y como ansi miss° a VM por la informacion embiada por el duque de Terranova.

La segunda causa de consideracion es el servicio que resulta a VM de su habitacion, que aunque sea no nada en consideracion de la grandezza de VM es tal que otros principes cristianos hazen caudal dello, y en su consideracion les conceden la habitacion y los convidan y buscan para que vayan a vivir a sus estados. Y mucho mas a los que han demostrado prontitud de servir con sus haziendas y vidas como lo han demostrado en general y particular los pobres hebreos del decho estado de Milan con sus personas y haziendas y como en particular lo ha hecho el decho Simon Vidal en espcio de trenta y cinco anos y su padre en espacio de sessenta y un anos que no se ha havido occasio chica ni grande a que no haian acudido como de todo VM tiene noticia le consta por la consulta que el Real consejo de Italia ha embiado a VM los meses passados

La tercera es que demas del servicio que resulta a VM ay el servicio de los pueblos del estado en los quales havitan, ansi por los alquileres de las casas que viven como por los mantenimientos que a ellos se venden, y otras muchas causas que se dexan de dezir. Y por la dechas razones y otras muchas que son de consideracion acuden a los reales pies de VM con toda humildad supplicando le sea servido ebitar y refirmar la decha orden de hechar los y sea con parecer de doctores y thelogos y con la charidad cristana permitiendo que pueden vivir en decho estado de Milan devajo de la real protection de VM como por lo pasado han vivido mientras que no dieren occasio alguna de escandalo.

Y en lo que toca al segundo capitulo del pagamento quando VM estuvie se firme en la resolucion de hecharlos, dize Simon Vidal en nobmre de su university que
en las quentas que les han hecho en Milan se hallan muy agravios attento que se
les ha hecho su quenta solo cinco por ciento com presupuesto que sean
comprehendidos en el decreto de VM del ano de 1560 en el qual por ninguna razon
ni equidad pueden ser comprehendidos en el estando la calidad de su credito
honorosso y attento sus privilegios concedidos por el cardinal de Trento entonzenes
governador de Milan confirmados por VM interinados por el senado de Milan con
clausulas derogativas al decho decreto del ano de 1560. Y de cualquier otro
contrario a los dechos privilegios - y no siendo justo ni onesto que padezcan un
agravio y dano tan notable saviendo que la sancta y buenamento de VM es que
 sean enteramente satisfechos y pagados delo que justamente se les deve. Supplican
humilmente a VM sea servido mandar que sobre esto se les haga justicia
offreciendose de estar sumariemente alo que se declarare su excelso consejo - o el
senado de Milan o qualquier otro tribunal que mejor VM mas fuere servido que
como cosa tan justa y onesta esperan de la real clemencia y bondad de VM. Y
haviendo VM mandado que salgan de aquel estado su real consejo no quiere veer
este memorial por no yr contra la real mente de VM sino es con su special orden,
Por lo qual el decho Vidal Supplica en nombre de la decha universidad se sirva de
mandar considerar las causas contenidas en este memorial y mandar que se buelva
to consultar sobre ello en que recibiran gracia y merced y justicia

[back]
La Universidad de los hebreos

1 ex de iude toto
tit. 1. xpianis C depaga
2 d. 1. xpianis et ibi Doc. Oldr.
Alex. Paris. et alii relati in apostil.
ad Alex cons. 13 lib. 7. Rol.
a val. in cons. 25. vol. 3.
ubi in spe loqtr de iudeis esta
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3 Alb. in co. que super exdeuot
The Expulsion of the Jews from the State of Milan: Same Event with Views from Different Archives
Flora Cassen, University of North Carolina, Chapel Hill

Archivio General de Simancas, Secretarias Provinciales 1796#36, 37, and 38

Not dated but filed with 1796-33, 34 and 35

(1796#36)

Simon Vidal Sacerdote hebreo

Señor

Simon Vidal Sacerdote says that a Jew has offered to give the true secret to “sweeten” the salty water of the sea at little cost and with ease and that it will last months and years very well. And because the said Jew is not to come to this court: he pleads Your Majesty, because it is a thing of such great importance for your royal fleets, to order the governor that he understand this affair so that it be given a reward that is fair. After having become aware of the said secret, which in addition to being great will provide a real service to You Majesty, the said Vidal will receive a reward for dealing with the said secret and those who [brought it] to light.

[in margin]
The secret to make sea water “sweet”

(1796#37)

Simon Vidal Hebreo

Señor

Simon Vidal has been in this court being much needed. It has been already thirteen months that he is in this [court] without receiving a single maravedi of support for the costs [of his stay]. And he finds himself in extreme necessity: he pleads Your Majesty to grace him with some support for the costs to sustain him until he is dispatched so that he be able to return to his home where he will receive reward and grace from Your Majesty.
Simon Vidal Sacerdote hebreo

Señor

It has been fifteen months since Simon Vidal Sacerdote the Jew has left his home to come to the feet of Your Majesty to give an account to him on certain things that happen in his royal service as he has given part to Don Cristobal de Mora. [Portuguese politician and diplomat who served at the court of Philip II]

He has given a memorial and account of his services of thirty-five years and of his father of sixty-one years in things of such importance related to the governor of Milan. And your Majesty has transmitted this to the Council of Italy which has consulted. And this consulta is in the hands of the Count of Chinchon [one of the great noble families of Spain; Count Diego Fernandez de Cabrera y Bobadilla] as they say. Having been here in great need not knowing who to turn to but to the royal feet of Your Majesty: To whom he humbly pleads that he [the king] be served by ordering to see his [Simon’s] consulta with giving him the reward that so many and so great services during so many years deserve. And that he can be promised the greatness of Your Majesty so that he can return to his home for he will serve You Majesty more from there than from here and that he will receive good and reward.

[in margin] that his consulta be resolved
Flora Cassen, University of North Carolina, Chapel Hill

Archivio General de Simancas, Secretarias Provinciales 1796#36, 37, and 38

Not dated but filed with 1796-33, 34 and 35

(1796#36)
Simon Vidal Sacerdote hebreo

Señor

Dize Simon Vidal Sacerdote hebreo, que un hebreo se ofrece A dar el verdadero secreto para endulcar el agua salada de la la mar con poco gasto y con facilidad y que durara messes y anos muy buena. Y por que el decho hebreo no es para venir a esta corte : Supplica a Vm pues es cosa de tanta importancia para sus reales armadas, mande al governador de Milan entienda en este negocio para que se le haga la merced que fuere justa, despues de haverse enterado del decho secreto que demas de ser grandissimo provecho a real servicio de VM el decho Vidal recibira merced en que se occupe en el decho secreto y los a que a luz.

[in margin] El secreto par hazer dulce el agua de la mar

(1796#37)
Simon Vidal hebreo

Señor

Simon Vidal se halla en esta corte muy necessitado son ya treze meses que esta en ella sin haver recibido un solo maravedi de ayuda de costa. Y hallandose en extrema necesidad : Supplica a VM le favoreza con alguna ayuda de costa para sustenarse hasta que sea despachado para poder volber a su casa que en ello reciba Mrd Y gracia de VM.

[in margin] pide ayuda de costa

(1796#38)
Simon Vidal Sacerdote hebreo

Señor

Son quinze meses que Simon Vidal sacerdote hebreo salió de su casa para venir a los pies de VM a dar le quenta de algunas cosas que passan tocantes a su real servicio como dello ha dado parte a don Christobal de Mora.

Ha dado memorial y cuenta de sus servicios de treinta y cinco años y delos de Vidal su padre de sessenta y un años en cosas de tanta importancia con relacion des governador de Milan y VM lha remitido al Consejo de Italia el qual lo ha consultado y esta la consulta en manos des Conde de Chinchon segun dizen y hallandose aca con mucha necessidad no saviendo a quien acudir sino es a los reales pies de VM : A quien humilmente supplica sea servido mandar se vea su consulta con hazerle la mrced que tantos y tan grandes servicios y de tantos años merezen y que se pueden prometer de la grandeza de VM para que pueda volver a su casa que mas servira a VM alla que aca en que reciba bien y mrd.

[in margin] que se resuelva su consulta
The Expulsion of the Jews from the State of Milan: Same Event with Views from Different Archives
Flora Cassen, University of North Carolina, Chapel Hill

Archivio di Stato di Milano, Fondo Culto 2159, Fasc. 1

Instructions and statements in favor of the Jews of the State of Milan to inform her Majesty of the execution of the request in her letter of April 25th 1589. To the illustrious Governor of the State of Milan.

Although the article is very clear that the Jews who are living well, not only cannot be prohibited to live in Christian lands, but instead they should be allowed to do so and as first even clearer proof, we add the decision in the law *Christianis C de paganis*. And this law was enacted by the emperors Honorio and Theodosio, because even if they were Christians they had knowledge of the light of truth and true Christian orthodox faith, by this law it is prohibited to Christians to abuse the Christian Religion including to torment Jews under penalty of receiving the same abuse but doubled, and the same sentence would be given to Judges and governors of the provinces that would not give the said penalty to those abusing Jews. What is read here is called to abuse Christian religion by tormenting the Jews. There are many other laws and canons about this, that are omitted to be concise. But we cannot leave out the saint cannons made by the Saint Fathers and Highest Popes, which concern most of these specific cases, where one can read many dispositions concerning the Jews, as you can see in all the titles *ex. de Iude*, which would be superfluous if their [the Jews’] right to live here wasn’t permitted by the Saint Fathers and the law doesn’t allow any superfluousness, as is mentioned in the *prima constitutione civitatis*, from which it is understood that the [Jews’] habitation is permitted by reason. This is demonstrated even more clearly by the following facts, that the Jews not only have always and continually been allowed to live in the jurisdictions of secular princes throughout Christianity, but also in the lands of the Holy Church, in the same city where the Popes live and where they have temporal jurisdiction, as is more clearly demonstrated in the opinion of the illustrious and revered Cardinal Vitello Camerario Apostolico of January 25th 1568 that states that the Holy, of happy memory, Pope Pio Quinto, from the day he was elected Pope to the day of this opinion, has always and continually allowed and tolerated that Jews stay, live and lend in the Provinces, Cities and Castles, and nearby places directly or indirectly subjected to the Holy Roman Church, and that the said Illustrious and Revered Camerario indistinctly gives and concedes a
license to all the Jews who want to stay, live, and lend through his letter patent signed earlier. Likewise, in a similar opinion of the Illustrious and revered Cardinal Caetano Camerario Apostolico of February 18th 1588 in which it appears that in the lands of the Holy Church, the license to live and work is given to Jews with the approval of judges, and this could be given to the State of Milan if this were King Philip’s will sign. 2a. And so, on the basis of these two foundations, namely the dispositions of the law and its observance, it is clearly understood that Jews should not be prohibited from living here.

A third foundation is added, which is taken from the most common opinions of Doctors who write on this matter, that the Jews should not be expelled, as long as they behave in a good manner as it is following Oldrado, Alessandro, Iasone, Parisio and others linked in the letter to Alex. consi. 13 col. 4 in the 7th vol. and Marsil consi. 101 num. 56 attesta Antonio Corsetti in the tracta. de Iude parte pri. cap. 7 Martin Lauden. in tracta. de Princip quest. and in the own terms of the Jews living in the State of Milan; and in consil. Rolan. Da Valle 25 in 3 vol. And that the Jews behave modestly and without scandal, without being accused of crimes or a scandalous thing is proven by the opinions that follow.

One by the Illustrious Don Rafael Mandrich with his seal, [stating] that the Jews living in Cremona behave modestly, deal with Christians with respect and reverence, that they have helped the soldiers with convenience and courtesy, and during the transit of Princes [through Milan] they would give them utensils and things as presents. Sign. A.

One by Sig. Bernardino Lodi, actuary of the Subconservatore of the Jews of Cremona, written in good [legal?] faith, [stating] that the Jews living there act with modesty against their debtors, and sought to delay the executions of [debts?] conceded to them. Sign. B.

One by Sig. Francesco Corbelino, actuary Criminal of Cremona, written in good faith, [stating] that the Jews living there live quietly and do not contravene to the orders and decrees of superiors. Sign. C.

One by the Magistrate Signori Vicario, Judge and accountant of Pavia, [stating] that the Jews living there live quietly, accommodating anyone dealing with them. Sign. D.

One by Christoforo da Corte, actuary of the Subconservatore of the Jews of Pavia, same as the previous one. Sign. E.
One by the Mag. Signori Decurione of Lode, written in good faith, stating that the Jews living there are ready to lend for free and give as presents utensils and stuff to the Princes and Lords visiting Lode, and that they are generous in their businesses and are behaving well. Sign. F.

One by Francesco Bondena, actuary of the Sub-curator of the Jews of Lode, written in good faith, confirming the previous letter. Sign. G.

One by Sig. Francesco Prevedono, actuary Criminal of Lode, written in good faith, stating that the Jews living there have never been accused of something scandalous in 25 years here. Sign. H.

One by the Rever. Sig. Episcopal Vicar of Alessandria, stating that the Jews living in that city live without scandal, behaving modestly with everyone. Sign. I

One by the Magistrate Sig. Subconservatore of Alessandria, stating that the Jews live quietly, and have been courteous with Christians by giving delays to pay, and remitting interests and expenses, and on occasion gifting utensils and stuff to Princes passing through. Sign. K.

One by the Mag. Sig. Lieutenant of the Mag. Sig. Sindicatore of Alessandria, stating that the Jews living there have not been accused of any excesses for many years and are behaving modestly. Sign. L.

One by the Sig. Civil and Criminal Actuaries of Casalmaggiore, written in good faith, stating that the Jews living there have lent money for free, and proceed with modesty against debtors, and postpone the executions obtained. Sign. M.

One of the Criminal Notary of Casalmaggiore, written in good faith, stating that the Jews living there do not disobey an order or decree from their superiors. Sign. N.

From this you can understand that there is on the above a common opinion that is confirmed by research and that is based on the above laws and cannons. Fourth [foundation], the conclusion that Jews shouldn’t be expelled is strengthened for many reasons, which are persuasive, to which you can add some particular ones from the infinity one could add. The first is that some Jews living here come to know the truth of the Christian faith and so they receive the holy baptism, which pleases our Heavenly Pastor that his sheep are well looked after, and so we have to care for the conversion of the Jew, *Ahh in cap. quod super ex. de vot.*, and this cannot be done otherwise than through cohabitation, which, for this reason, we must concede. Second is that the Jews inscribed to memory the passion of our Lord and Saviour, *come rei de quella*, and in their books the truth of our
Christian Faith is prefigured *Fel. et Soc. in cap. consuluit ex de Iude*. Third, also that the Jews are lambs of Christ by creation, not by redemption. If with the holy baptism they do not attain salvation, they are invited to the Evangelical table both the good and the evil, even though the ones who do not have the nuptial dress are still banished. So, since they are invited by the holy creator and live by the figure of our faith, we ought not to prohibit them from living here.

Fourth, that we are obliged to give alms also to poor Jews *cap. quescamus 42 distinct.*, and that this cannot be considered natural discourse if not with the residency of the Jews in our cities, since otherwise we cannot be informed of their poverty and needs.

Fifth, this stance is strengthened by considering he Jews’ usefulness to the people of His Catholic Majesty, since they rent the houses to the Jews that would otherwise remain empty, and they rent for more expensively to the Jews: they also sell them their fruits, grain, live[stock?], and other things needed to dress and furniture for the house. Her Catholic Majesty should not make little of this, rather she should favor and help her subjects, and give them all the conveniences so they can remain [solvable?] and as rich as possible, given that these subjects [the Jews] when they get more from their revenue and when they get richer, they are even more able and suitable to pay the taxes owed to her Majesty.

Sixth, we should not omit from this the [jews’] manifold utility to her M.R.C. which, in addition to the other [reasons], is convenient to consider.

First that her cities are more populous and are richer with the Jews living there, *dd. in l. l. ff. sol. matr*. Second, that her taxes are higher with the Jews, because of their use, namely of a machine, for the wine, meat and similar things needed to human life, and that some merchants pay every year a large sum of money in taxes.

And that the shops of the Jews result in great utility to His Majesty in taxes, as shown in the written opinions.

One of the assistants to the taxes in Milan [says] that the Jews have given and give the greatest utility in taxes. Sign. O.

One from a public notary written in good faith by a tax collector of Cremona that [says] as the previous one. Sign. P.

One from the tax collector of Pavia that [says] as the previous one. Sign. Q. One from a public notary written in good faith by the tax collectors of Lode saying the same. Sign. R.
One from the tax collector of Alessandria of the same content. Sign. S.

One from a public notary written in good faith by the tax collector of Casal Maggiore saying the same as the previous ones. Sign. T.

One from a public notary written in good faith by the tax collector of Pizighitone saying the same thing as the previous ones. Sign U.

Second, that her Catholic Majesty has, when needed, used the help of the Jews for 30 years by now, not only did they pay her for the license to lend at interest and to not have a sign differentiating them from Christians, they also lent her Majesty a lot of money, as will be said below, of which they remain creditors, and this money was given away in times of urgent necessity, when there were no Christians that could have served such [a large] sum; and to this we add that every time Christians have served in similar circumstances, they have wanted to recoup extremely high interests, and they wanted an very certain and very strong guarantee, as is well known. But the Jews have served without problems, for her [Majesty] greatest convenience with the interests they asked, and against the Jews, other than not having interest, they have lent so much money with inconvenience, damage and ruin to themselves, because some of them, for this reason, have remained very poor and miserable, so much that they have nothing to live from, except for what they gain with their industriousness. Third, that with the Jews’ residency her MRC rewards two well-deserving [men] making them conservators, to whom the taxes of the Jews for residency and usury are paid, and if her MRC did not reward these well-deserving [men] thus, she would have to reward them with what belongs to her MRC, so for this obvious usefulness to MRC together with all the others it appears clearly that the Jews should not be prohibited from living in this state. Nor is there danger of carnal relationships between Jews and Christians, because to this the answer is that this suspicion lasted until the time that the legge Christianis was issued, and many cannons like the above, and many lawmakers and conditori di canoni made many such laws and cannons. And if you want to search in the criminal trials of this state, you will not find one concerning such an accusation against any Jew, because they are so persecuted (if not of other [things], they are very afraid of being persecuted or sentenced) that they abstain entirely, and any suspicion ceases. But even though the law has to accommodate more frequent cases, one should not take a crime that an individual could commit, and take advantage from that case to create a general, or universal law against it, instead the suspicion always has to stand against particular individuals, and the presumption ought to be that the majority is behaving well, and by reason one should wait for evidence to change, which is good las. in 1.siis ad quem num. 28 de aquir. haered., Alciat. in tracta. de praesumpt. pri. reg. praesump. 30, Soc. Iun, consi. 37. num. 22. in pri. vol.
Even if not having a place limits this conclusion (when well pursued in our case, but which cannot be arranged) when the cause that is good is stronger, as the same Ias. said in the above, you should not doubt that the presumption of the many is stronger than the suspicion, and the presumption of good than that of evil, and especially if there is falsity in it, they [who utter false suspicions] should be severely punished: likewise it is universally permitted to carry a sword, but is not envisaged that someone could commit a crime with it, or a bad operation, for against such criminals one goes to trial and they should be given the just punishment.

And to obey that which her Majesty commands, the number of Jews living in the State of Milan: it is said that in total they are 889. 456 in Cremona, 123 in Pavia, 130 in Lode, 103 in Alessandria, 71 in Casal Maggiore, 6 in Caravaggio.

For these reasons, we conclude that we cannot prohibit them from living in Christian lands.

Instructione et Allegatione per gli Hebrei del Stato di Milano per informare sua Maestà in essecutione d’una sua lettera de 25 Aprile 1589. All’Illustrissimo S. Governatore del Stato di Milano.

Anch’ora che l’articuolo sii chiarissimo, che gl’Hebrei, quali vivono bene, non si possano non solamente prohibire habitate nelle terre de Christiani, ma anzi che se gli debba permettere per molto più Chiara dimostrazione s’adduce prima la dicisione de la legge Christianis C de paganis. Et qual fu fatta da gl’imperatori Honorio et Teodosio che erano pur Christiani, et havevano la cognitione del lume della vera et ortodoxa fede Christiana, col voler turbare gl’Hebrei, sotto pena del duplo a chi turbasse, et la medesima pena è constituìta a i Rettori delle provincie et a li Giudici, che non daranno le sudette pene a tali turbanti gli Hebrei. A tal che ivi si legge, che si chiama abusare la religione Christiana nel turbare gl’Hebrei. Molte altre legge et canoni sono a questo proposito quali per brevità si omettono. Non traslacciando però, che nelli sacri canoni fatti da Santi Padri et Sommi Pontefici, a quali tocca maggior parte de tali particulari, si leggono molte dispositioni fatte sopra gl’Hebrei, come si vede in tutto el titolo ex. de Iude. qual sarebbono superflue se l’habitatione non fusse permessa da gl’istessi Santi Padri, et la legge non admette superfluità alcuna, item in quibus in prima constitutione Civitatis del che si comprende, che la habitatione e permessa di ragione. Et questo più chiaro si dimostra da l’effetto seguito, et sempre continuato, perché si trova per cosa notoria, che gli Hebrei non solamente sono sempre et continuamente statti permessi habitate nelle giurisdizioni de Prencipi secolari per tutta la Christianità, ma ancora in quella della Santa Chiessa, anci nell’istessa Cità dove habitano i Sommi Pontefici, et dove hanno giurisdizione temporale, el che più chiaro si dimostra per la fede fatta sotto 25 Genaro 1568 dall’Illustriiss. Et Reverendiss. Cardinale Vitellio Camerario Apostolico, dove si legge, che el Santissimo de felice memoria Pio Papa Quinto dal giorno che fu eletto Papa fin’al giorno d’essa fede, sempre et continuamente ha permesso et tolerato Hebrei stare, habitate, et prestare nelle Provincie, Cità, Castelli, et luochi mediatamente, overo immediatamente alla
Santa Romana Chiesa suggetti, et che esso Ilustriss. et Reverendiss. Camerario ad ogni Hebreo che vogli stare, habitare, et prestare indistintamente suole dare et concedere licenza per sue patente, signata primo. Item per una simil fede dell’Illustriss. et Reverendiss. Cardinal Caetano Camerario Apostolico fatta a di 18 Febraro 1588 per quale appare che nelle terre della Santa Chiesa si da licenza ad hebrei di habitare et fenerare con deputatione de giudici, et che si darebbe nel Stato de Milano, se a questo vi concorresse la volontà del potentissimo Re Filippo sign 2a. Et cosi per questi doi fondamenti cioe della disposizione della legge et dell’osservanza, si conosce chiaramente, che non se deve prohibire l’habitatione a gli Hebrei.

S’aggiunge il terzo fondamento qual si pigli dalla communissima opinione de Dottori che in questa materia scrivono, che gl’Hebrei non si debbono scacciare, pur che si portino modestamente, como doppo Oldrado, Alessandro, Iasone, Parisio, et altri allegati nell’apostilla ad Alex. consi. 13 col. 4 in 7 vol. et Marsil. consi. 101 num. 56 attesta Antonio Corset. in tract. de potestra req. q. 81 et Marquardo de Susan. in tracta. de Iude. parte pri. cap. 7 Martin Lauden. in tracta. de Princip. quest. 9 et nel proprio termine deli Hebrei habitanti nel stato de Milano; vi è il consil. de Rolan. da Valle 25 in 3 vol. Et che gl’Hebrei si portino modestamente, et senza scandalo, et non sijno processati de delitti, o cosa scandalosa, si prova per l’infrascritte fede. Una del molt’Illustr. Sig. Don Rafael Mandrich col suo sigillo, che gl’Hebrei habitanti in Cremona si portano modestamente, trattando con Christiani con rispetto et riverenza, et c’hanno soccorso con molta commodità et cortesia a Soldati, et in transito de Principi hanno servito de utensila et robbe per regular’ essi Principi. Sign. A.

Une del sig. Bernardino Lodi attuario del Sig. Subconservatore d’Hebrei di Cremona con fede de legalità, che gl’Hebrei ivi habitanti procedono con modestia contra suoi debitori, et ricercati soprasedono anchora dall’essecutioni a loro concesse. Sign. B.

Una del Sig. Francesco Corbelino attuario Criminale di Cremona con fede de legalità, che gl’hebrei ivi habitanti vivono quietamente, et non contravengono a gl’ordini et cride de superiori. Sign. C.


Una delli Mag. Signori Decurioni di Lode con fede de legalità, che gl’hebrei ivi habitanti sono pronti a prestar gratis per regalare gl’Illustriss. Principi et altri
Signori che vengono a Lode utensilia et robbe, et sono amorevoli nelle suoi negotij et si deportano bene. Sign. F.

Una del Sig. Francesco Bondena attuario del Sig. subconservatore d’Hebrei di Lode con fede de legalità, conforme all’antecedente. Sign. G.
Una del Sig. Francesco Prevedono attuario Criminale di Lode con fede di legalità, che gl’Hebrei ivi habitanti non sono stati querelati de cosa scandalosa da 25 anni in qui. Sign. H.

Una del Rever. Sig. Vicario Episcopale d’Alessandria, che gl’Hebrei habitanti in quella cità vivono senza scandalo, procedendo con modestia con tutti. Sign. I.

Una del Mag. Sig. Luocotenente del Mag. Sig. Sindicatore d’Alessandria, che gl’hebrei ivi habitanti non sono d molt’anni in qua querelati d’eccesi, et si portano modestamente. Sig. L.

Una delli Signori Attuarij del Civile et Criminale di Casalmaggiore con fede de legalità, che gl’Hebrei ivi habitanti hanno prestato danari gratiosamente, et procedono con modestia contra debitori, et soprasedono dall’esecuzione ottenute. Sign. M.

Una del Notaro Criminale di Casal Maggiore con fede de legalità, che gl’hebrei ivi habitanti non contravengono a cride o ordini de superiori. Sign. N

Dal che si comprende, che ha luogo la sudetta commune opinione poi che vi concorre la qualità ricercata, et è fondata nelle sudette leggi et canoni.

Quarto, si fortifica questa conclusione per molte ragioni, che persuadono questo, delle quale se ne adducono alcune particolari fra infinite che si possono addurre. Prima che alcuni Hebrei per tal habitatione vengono a cognoscere la verità della fede Christiana, et così pigliano el santo battesimo del che più se allegra l’Evangelico Pastore che delle sue pecore ben custodite, et così stando che noi debbiamo curare la conversione d’essi Hebrei, Abb. in cap. quod super ex. de vot., et non potendosi questo far altramente e che per la cohabitatione quella si deve per questa ragione concedere. Secunda che gl’Hebrei ne riducono a memoria la passione del nostro Signore et Redentore, come rei de quella, et nelli suoi libri si prefigura la verità della nostra fede Christiana Fel. et Soc. in cap. consuluit ex. de Iude. Terza, che anchora gl’Hebrei sono pecore di Christo per creatione, non per
redentione, se con il santo Battesimo non si procacciano la salute poi che sono invitatì alla mensa Evangelica i buoni et i cattivi, benche poi restino scacciati quelli che non hanno la veste nuptiale, et così se dal sommo fattore sono invitatì, et vivono nella figura della nostra fede, non se gli deve di ragione prohibire l’habitazione.

Quarta, che siamo obligati a far elemosina ancora alli Hebrei poveri cap. quiescamus 42 distinct. et che non si puo considerare per discorso naturale, se non con l’habitazione d’essi Hebrei nelle nostre Città, perche altramente non potressimo esser informati della loro povertà et bisogno.

Quinto, se accresce questa disposizione considerando la utilità, che ne segue a li populi subditi di sua Maestà Catholica, quali per la habitacione de Hebrei affitano le case, che forse restarebbono vacue, et le affitano più care a gl’Hebrei : ancora gli vendono i suoi frutti, grani, vivi, et altre cose pertinente al vestire et fornitura di casa. Ne de questo deve sua M. R. Cath. farne poco conto, convenendoseli favorire et aggiutare a suoi sudditi, et dargli tutte le commodità perche restino solevati et ricchi in quanto si pò, atteso che detti sudditi quanto più cavano delle sue intrate, et quanto sono più ricchi sono ancora più habili et idonei a pagare i censi devuti a sua M.R.C.

Sesto, non se ha da ommetere a questo proposito le molte utilità de sua M.R.C. delle quale accesoriamente a le altre ne pò havre conveniente consideratione. Prima che le sue Città sono più populose et ricche con l’habitacione d’essi Hebrei, dd. in. l. l. ff. sol. matr. Secunda, che i suoi Datij s’affatano più poi che gli Hebrei, et per cose de suo uso, cioe macina, dacio de vino, carne, et altre simil cose necessarie al vitto humano, et per alcune de mercantie pagano ogn’anno grossa somma de danari de Dacij.

Et che dalli negotij d’Hebrei ne risulti grand’utilità a sua Maestà per i dacij, si prova per l’infrascritte fede.

Una delli assistenti al dacio de Milano, che gli hebrei hanno datto et danno grandissimo utile alli dacij. Sign. O.

Una publica per mano di Notaro con fede de legalità dal daciaro de Cremona delle precedente sostanza. Sign. P.

Una del daciaro de Pavia della precedente sostanza. Sign. Q.
Una publica per mano di Notaro con fede de legalità dellli Daciari di Lode della precedente sostanza. Sign. R.
Una del daciaro d’Alessandria dell’antecedente sostanza. Sign. S.

Una publica per mano di Notaro con fede legalità del daciaro de Casal Maggiore dell’antecedente sostanza. Sign. T.

Una publica per mano di Notaro con fede de legalità del daciaro de Pizighitone dell’antecedente sostanza. Sign. U.

Secunda che sua M.R. Cath. a suoi bisogni si è servita delle facoltà d’essi Hebrei come ha fatto da trenta anni in qua, che oltra quello hanno pagato gl’Hebrei per la licanza di fenerare, et di non portar segno differente da Christiani, hanno ancora servito a sua M. Reg. Cath. de molti danari, come se dirà de sotto, de quali ancora ne restano creditori, et tali danari sono stati tolti a tempi de urgente necessità, et quando non si trovavano Christiani che de tali danari servissero, et a questo proposito s’aggiunge che se alcuna volta Christiani in simili casi hanno servito, ne hanno voluto ricavare grossissimo interesse, et hanno voluto certissime et fortissime cautione, come s’adduce per cosa notoria. Ma gl’Hebrei hanno servito senza incommodarsi, anzi con suo grandissimo commodo per l’interesse che cavavano, et per contro gl’Hebrei, oltra che no hanno havuto interesse hanno ancora servito de tali danari con grandissimo suo incommodo et danno, anzi ruina, perché alcuni de loro per tal causa sono restati poverissimi et miserabili, a tal che non hanno di che vivere, se con la sua industria non se lo procacciano. Terza, che con l’habitatione de gli Hebrei sua M.R. Cath gratifica duoi benemeriti facendoli conservatori, a quali si paga il censo da gl’Hebrei quando habitano et prestano a usura, et se sua M.R.C. non gratificasse tali benemeriti a questo modo, sarebbe necessario gratificarli de quello che è de sua M.R.C et così per l’evidente utilità de sua M.R. Cath. insieme con tutte l’altre chiarissimamente appare, che l’habitatione non si deve prohibire a gl’Hebrei in questo stato. Ne a questo obsta che vi sij pericolo della commistione carnale de gl’Hebrei con li Christiani, perché se risponde, che tal suspitione era fin al tempo che fu fatta quella legge Christianis, et tanti canoni come sopra, et niente di meno non sono mancati i legislatori et conditori di canoni de far tal legge et canoni. Di più se si vorrà cercare nei processi criminali de questo stato non se ne troverà uno solo soprà tale imputazione contra alcuni Hebrei, perché gl’Hebrei infinitamente perseguiti (se non per altro, almeno per paura di gran persecutione et pena), s’astengono talmente, che cessa ogni suspitione. Ma de più poi che la legge si deve accomodare a gli casi più frequenti, non si deve talmente considerare un delitto che possa commettere un particolare, che da quello se piglia l’occasione de far una legge generale anzi universale contraria, anzi stando in ogni caso la suspitione contra alcuni particolari, et la presumptione ch’el maggior numero si debba portar bene, ancora che de raggione se debba più attendere la causa che obsta, che quella giova, Ias. in I.sis ad quem num. 28 de aquir. Haered., Alciat. in tracta. de praesumpt. pri. reg. praesump. 30,
Soc. Iun. consi. 37. num. 22. in pri. vol. Nientedimeno si limita detta conclusione non haver luoco (quando bene procedesse nel nostro caso, al quale però non si puo accomodare) quando la causa che giova è più potente, come l’istesso Ias. nel sudetto luoco dice, ne vi è da dubitare che più potente è la presumptione de molti che la suspizion de pochi, et la ppresumptione del bene che la suspizion de male, massimamente poi che chi in cio falasse si potrebbe severamente castigare : come ancora si permette il portar di spada universalmente, ne si ha risguardo che alcuno possi con quella far alcun delitto, o mal operatione, poi che contra tali delinquenti si procede, et se gli da el debito castigo.

Et per obedire a quanto sua Maesta commanda, quanti Hebrei habitano in questo stato di Milano : Si dice, che in tutto sono al num. de 889. cioè a Cremona 456, a Pavia 123, a Lode 130, a Alessandria 103, a Casal Maggiore 71, a Caravaggio 6. Per queste ragioni si conclude non potersi prohibire l’habitatione loro nelle terre de Christiani.

There was a Jew in Alessandria by the name of Samuel [Simon] ha-Kohen. He offered to go to Spain on behalf of the Jews to plead for his fatherland. . . . [A]fter he arrived in Spain, he conferred with the councilors about the plight of the Jews. He even succeeded in getting all the way into the palace where the King and his highest ministers were. He spoke in the name of the Jews and asked why he planned to deal in this way with his servants who had assisted him and his father in times of trial. He said that they were still ready today to help him with as much and more for the poor and indigent in case this became necessary, and that they could bring witnesses to justify them. But if the king had once decided to expel them, he would then demand, in the name of the Jews, that he first repays them what they could rightfully claim; for this is what justice demanded.
The Expulsion of the Jews from the State of Milan: Same Event with Views from Different Archives
Flora Cassen, University of North Carolina, Chapel Hill

2016-2017 Reading List

**September 23, 2016:** The session focused on three pieces, addressing both theory and practice of record-keeping, Jewish, non-Jewish:


**November 11, 2016:** The session was a workshop session of a manuscript in progress combined with theoretical literature:


**December 9, 2017:** December 9, Debra Kaplan from Bar Ilan University led the discussion of readings:


**February 3, 2017:** Laurie Nussdorfer, Wesleyan University:


**February 17, 2017:** Edward Fram of Ben-Gurion University of the Negev discussed “Why Are There Two Approbations to Rabbi Solomon Luria’s Hokmat Shelomoh? Who Cares?”
March 10, 2017: Debra Glasberg Gail discussed the relationship between personal record keeping and public consumption of knowledge.

- Chapter 6 of Debra Glasberg's dissertation.

April 28, 2017: Adam Kosto, Columbia University:

- Adam J. Kosto, "Laymen, Clerics, and Documentary Practices in the Early Middle Ages: The Example of Catalonia," Speculum 80 (2005), 44-74 and either of
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- Patrick J. Geary, Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium (Princeton, 1994), 81-114 (ch. 4)