Sexual Relationships between Christians and Jews in Medieval Germany, According to Christian Sources

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Sexual relationships between Christians and Jews in the Middle Ages constitute a topic very well suited to the investigation of the various forms of inclusion and exclusion that concerned the Jewish minority in a sphere dominated by Christians. After all, this dynamic was effective on several complex and interrelated levels of the social fabric. Intimate interpersonal relations, be they of a physical kind or not, between adherents of two communities which otherwise attempted to draw clear-cut lines between themselves, could activate mechanisms of inclusion and exclusion. At the same time, similar mechanisms were set into effect within each group, which in turn must not be thought of as monolithic blocks.

I

Whereas our investigation is geographically limited to medieval Germany (the regnum Teutonicum) for primarily pragmatic reasons, the chronological focus on the late Middle Ages is due to the tradition and preservation of primary sources. It is true that the Church, whose organization and very existence were not yet definitely secured at that time, had taken great pains since late antiquity to limit social contacts between Christians and Jews as much as possible;¹ but there is a shortage of information corroborating the implementation of these normative sources.

Even in the more plentiful sources from the later medieval period, the allegation

¹ The translation of this paper was produced by my colleagues Christian Scholl and Christoph Clase (Arte Maimon-Institut für Geschichte der Juden, Universität Trier), to whom I would like to express my warmest thanks.

that Jewish employers seduced their Christian maidservants and female day labourers is only occasionally attested, although such incidents were already denounced in 828 by Archbishop Agobard of Lyons (816–840), who violently inveighed against the Jews. Significantly, a very early case of a Jew whose Christian maidservant had to render him services beyond her household duties is not recorded in a Christian source but in a responsum by R. Judah ha-Kohen of Mainz dating from the middle of the eleventh century. The scholar was entrusted with this matter because another Jew had helped the maidservant to escape. There are no reports of any involvement by Christian authorities.

Christian domestic personnel were part of the everyday life of Jewish centres in the *regnum Teutonicum*: the practice of hiring non-Jewish household servants had received explicit authorisation by Emperor Henry IV (1053/56–1106) in the royal charter for the Jewish community of Worms (1090), which served as a model for later royal, baronial, and municipal law codes concerning the Jews. Until the pogroms spurred by the Black Death, however, indications of sexual relationships between Christians and Jews can be found almost exclusively in ecclesiastical prohibitions, which are highly repetitive in character. From the second half of the 13th century, the case of the Jew Seligmann from Zurich who had two children by his mother’s maidservant will be discussed in detail below.  


4 *She’elot u-Teshuvot Maharan bar Baruch (Responsa of Meir ben Baruch of Rothenburg)* (ed. Moshe Arieli Bloch; so-called edition of Prague; Budapest: Josef Sternberg, 1895), §912.


6 Cf. the literature mentioned in n. 1; and for the 13th century in particular, see Solomon Grayzel, *The Church and the Jews in the XIIIth Century: A Study of their Relations during the Years 1198–1254. Based on the Papal Letters and the Conciliar Decrees of the Period* (Philadelphia: Jewish Publication Society, 1933).

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Thus, the Schwabenpiegel, a widely read German law book probably drawn up by a Franciscan monk of Augsburg, demanded that a Christian man who had had sexual intercourse with a Jewish woman or a Christian woman who had had sexual intercourse with a Jewish man be sentenced to death, since they had betrayed the Christian faith. In either case, the two offenders should be burned lying together so that they underwent—in some sense—a punishment that reflected their misdeed.4 A revealing divergence from this procedure is offered by the municipal laws of Augsburg, which were created in the same context as far as space and time are concerned. They stipulated that a Christian woman and a Jewish man must be burned if they were found red-handed having sexual intercourse. If, however, the deed became known only afterwards, the reeve was free to reduce the sentence.5 Contrary to the Schwabenpiegel, sexual intercourse between a Christian man and a Jewish woman is not mentioned; obviously it was not considered an offence worthy of the death sentence. We may infer that, the almost complete equality of Christians and Jews in terms of criminal offences, which could still be found in the 13th century, did not extend to sexual relationships between members of the two religions, in the municipal courts of that time.6

As far as we know, there is only one case in the Christian sources in which a municipal court did actually impose the death sentence on a Jew.7 However, in the first half of the 14th century, Rabbi Alexander Stürlein, who worked in Worms, Cologne, Frankfurt and Erfurt, had to decide a case in which a Jewish woman requested a divorce because her husband was having an extramarital affair with a Christian man. In his responsum, addressed to the woman, the rabbi explained that for his decision he had taken into consideration a responsum by R. Meir of Rothenburg (1220–1293), who wrote that he had witnessed cases in which Jews were

2 The case of the Jew Seligmann from Zürich who had two children by his mother’s maid servant will be discussed in detail below.
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7 Schwabenpiegel Normalform (ed. Karl August Eckhardt und Irmingard Eckhardt; Bibliotheca Rerum Historiarum 8; Studia Iuris Sueci 5; Aalen: Scientia, 1972), 305, Landrecht no. 322.
10 The offender was a Jewish servant from Basel who had had sexual intercourse with a woman from a patrician family in a garden shed. Cf. Hans-Rudolf Hagemann, Basler Rechtshilfen im Mittelalter (2 vols.; Basel: Frankfurt am Main, 1981, 1987), 1:265.
burnt at the stake because they had had sexual intercourse with Christian women.\textsuperscript{11} It is accordingly possible that Jewish men were indeed sentenced to death because of sexual relationships with Christian women, but the few records of municipal legal proceedings that have come down to us do not allow a clear assessment.

II

As a result of the internal quarrels over political participation that raged in many cities between the mid-13th and the mid-14th century, and as a lesson learnt from the experiences of the plague years, the municipal councils, especially those of the free cities, increased their efforts to regulate all spheres of life. Expressions of these efforts include the publication of strict rules on morality and strict punishments in cases when these regulations were violated, an area that had originally fallen within the purview of the church.\textsuperscript{12} At the same time, public brothels were established and placed under the control of the municipal council; their aim was not least to stop the prostitution which was scattered all over the town, with centres in or around certain pubs.\textsuperscript{13} Thus, public brothels were intended to contribute to the establishment of public order. Hence, it is no wonder that most sources about sexual relationships between Christians and Jews owe their existence to the fact that they were reported to the council. This is how they came on record. Fundamental insights have already been reached by pertinent research into the

\textsuperscript{11} Alexander ha-Kohen Stüblein, Sefer ha-Agudah (Cracow: Abraham Josef, 1571); quoted by Avraham Grossman, Pious and Rebellion: Jewish Women in Medieval Europe (2d ed.; Jerusalem: Zalman Shazar Center, 2003), 249–50 (Hebrew); see also the English translation (trans. Jonathan Chipman; Waltham, Mass.: Brandeis University Press; Hanover: University Press of New England, 2004), 141 (omitting quotations from original documents). One reason why Alexander Stüblein presented the possible fate of the adulterous husband in such drastic terms may have been that the extramarital affair would have become public through a divorce, and thus he wanted to induce the woman to thoroughly reconsider her intention to be divorced from her husband.

\textsuperscript{12} Cf. Peter Schuster, Das Frauenhaus: Stadtrecht in Deutschland (1350–1600) (Paderborn: Schöningh, 1992), 49–51 (with further bibliography). While concepts of law and order in towns were accorded greater weight after the Black Death, the persecutions of the Jews in the Holy Roman Empire, which had so often been tumultuous, were "replaced" by expulsions ordered by the authorities. This development was supported by the processes of commercialising and "territorialising" the royal prerogative to settle and protect Jews. See Jörg R. Müßler, "Judenverfolgungen und -verteilungen zwischen Nordsee und Saale im hohen und späten Mittelalter," in Geschichte der Juden im Mittelalter von der Nordsee bis zu den Süddeutschen. Kommentiertes Kartenwerk 1: Kommentarband (ed. Alfred Haverkamp; Forschungen zur Geschichte der Juden 14.1); Hannover: Hahnsche Buchhandlung, 2002), 189–222, 215 (with further bibliography).

\textsuperscript{13} Cf. Schuster, Frauenhause.

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court records from Zurich,\textsuperscript{14} which document sexual relationships between Christians and Jews quite exhaustively and which have been preserved almost completely since 1375. On the basis of further examples from other cities, it is quite possible to generalise from these insights, which will be described briefly in the next part of this paper before I present some new theses which go beyond them.\textsuperscript{15}

The cases which came on record in Zurich deal almost exclusively with male, usually well-off, Jews who were accused of having sexual intercourse with Christian women.\textsuperscript{16} In contrast, the women with whom they had sexual relationships generally belonged to a lower social stratum; the sources often mention maid servants and prostitutes.\textsuperscript{17} The case of Eli Meyerin, a Christian woman tried by the council of Zurich in 1415, illustrates this point.\textsuperscript{18} Eli was the maid servant of a well-to-do Jewish widow called Israelin. She had obviously had an affair with Israelin's son Seligmann over a long period of time. Two children arose from this relationship. Peter Wichtelmann, a Christian neighbour in whose house she gave birth to the two children (she had previously given birth to two other children by two different Christian fathers in the same house), helped her to procure a Christian wet nurse, who was paid for her services. When the council of Zurich became aware of all this, they carried out an inquest and decided that Eli Meyerin was to be escorted disgracefully out of the town on a cart and that she was never to enter the town again. Peter Wichtelmann was ordered to pull the aforementioned cart wearing a Jewish hat on his head, but no further legal steps were taken against him. Seligman was released from custody against payment of 200 guilders.

The punishment meted out against the participants appears typical. The Christian women, who by their immoral behaviour had brought the entire Christian community into disrepute, were always exiled.\textsuperscript{19} The Jews who were resident in the town were

\textsuperscript{14} From 1383, the Zurich council also claimed for itself jurisdiction in internal Jewish matters. Cf. Susens Burghart, Leib, Ehre und Gut: Delinquens in Zürich Ende des 14. Jahrhunderts (Zürich: Chronos, 1990), 185.


\textsuperscript{16} Cf. Brunschwig-Ségal, "Der Jude," 200. The manifold examples I have collected prove that this group of men included both married and unmarried men.

\textsuperscript{17} Ibid., 201.


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III

Commuting the death sentence for sexual intercourse between Christians and Jews into a fine, to be determined by the judge, was a practice that gained acceptance everywhere. As we have seen, such commutation was explicitly allowed in the municipal law of Augsburg. Within the Christian communities, financial compensation in lieu of corporal punishment was already an established custom, provided that the convict had adequate liquid assets at his disposal.

Significantly, the only recorded execution of a death sentence concerned a Jewish servant from Basel, who, in a garden shed, had "mint," that is to say made love to, a woman from an upper class family in Basel. The Jewish servant was made to stand in the pillory with a Jewish hat on his head for three days before he was burned at the stake. In Nördlingen, corporal punishment was imposed on the nonresident Jew Moses of Andenbach who was said to have paid a Christian woman named Margarete for having had sexual intercourse with her three times. On at least two of the three occasions, the sexual act took place in the house of another Christian woman named Hermann, who had paired the two off, and who, moreover, had served Moses sexually for money as well. Hermann also confessed to having had intercourse with another Jew called Emslin, in the local synagogue. Moses of Andenbach was probably branded, as were the two women, who in addition were banished from the town for ten years. A similar physical punishment for an illicit sexual relationship with a Christian woman, which was carried out in Augsburg, concerned the Schaltenjudge Jakob; that is to say a nonresident Jew without property and citizen status, who probably also lacked backing by the Jewish community of Augsburg. He was publicly stigmatized by a brand on the cheek for having had sexual intercourse with a common woman. The court also expelled him and threatened to cut off one of his hands if he should dare to return. Better was the fate of another Schaltenjudge in Augsburg, thirteen years later. For having had sexual intercourse with a nonresident Christian woman, who probably came from Bamberg, he was merely expelled from the town for three years. He was made to swear an oath to keep the peace (Urfehde) and was threatened with burning in the event of later violating his oath. Despite the regular nonapplication of the maximum penalty, people in Augsburg were well aware of the fact that such an offense was punishable by death. Even as late as 1590, the Jew Seligmann of Frankfurt was fined in Augsburg for sexual intercourse with a Christian woman; only, however, after the reeve had pointed out that according to the statute book, no painful punishment should be imposed on him since he had not been caught red-handed.

Generally, the commutation of corporal punishments into fines was in the interest of the respective judge, since judicial proceedings constituted an important source of revenue. The amount of the fine imposed often depended on the financial resources of the convicted who on the one hand, needed to be heavily punished, but on the other hand, should by no means be ruined. Consequently, distinctions were made based on the financial resources and the local origin of the accused—and this applied to both Christians and Jews. Apart from the servant from Basel who had intercourse with a woman from the upper class, all Jews on whom some form of corporal punishment was imposed were from outside the town where the offense had been committed and the trial took place. Whereas no statement can be made about the financial situation of Moses of Andenbach, we can be sure that the Jews mentioned in the two court rulings of Augsburg were both Schaltenjuden. Of these two, the one who had had sexual contacts with a local Christian woman was punished much more heavily than the one who had enjoyed himself with a Christian woman from outside. Obviously, the fact that the reputation of the town suffered less damage from the moral depravity of the nonresident Christian woman also played a role here.

The Christian women who took part in illicit sexual relationships were banished from town without exception; only the duration of their exile differed. Asked about their motives for engaging in sexual intercourse, the women often stated that they were paid for their favours or that they were given in exchange an abatement or deferment of their debts, so that in most cases—in contrast to the case of Eli Meyer—in no long-term relationship was established. Most of the maidservants and commercial

20 ibid.
22 See n. 10 above.
23 Town Archives Nördlingen, Judенаkten, file 1 (for 1470).

[24*]

27 Cf. Guelian, Geldstrafrecht, 278.
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prostitutes were unmarried, although occasionally prostitutes were married. In Zurich, for example, Chuntzmann Ringer is reported to have made his wife available to the Jew Moessli for paid favours in 1393. 39 Moessli, a respected member of the Jewish community in Zurich, was expelled from the town. Furthermore, a fine of 600 guilders was imposed on him, intended for the education of the children of Ringer’s wife. Ringer’s wife was banished, as was her mother, who had witnessed the intercourse but not intervened. The records do not mention a punishment against Chuntzmann himself. Probably the charge of procuration could not be proven against him.

IV

All in all, it can be said that sentences against men were generally more moderate than sentences against women. From among all cases of sexual relationships between Jewish men and Christian women which came before the courts, not a single one is known in which a Jewish adulterer was punished by the Jewish community. It would appear that while such contacts were frowned upon, they were also tolerated. Likewise, the Jews tolerated the regular visits of young unmarried men to brothels, as did the Christian community with regard to young, unmarried Christian men, in order to avoid the sexual abuse of citizens’ wives and daughters. 30 There are, however, no records to tell us how often the ‘betrayed’ Jewish woman divorced her husband. Divorce was a possibility not normally available to a Christian woman whose husband had been unfaithful. 31 Since marriage had become a sacrament, the law of the church as it had developed since the 12th century saw the Christian wife as a partner with her husband and as an equal partner to him. 32 Nevertheless, ancient legal conceptions of the superiority of the husband stubbornly continued to exist.

29 Cf. Weißer-Steinberg, Intérieurs, 26–27.
30 One of the reasons for establishing Christian brothels was that they channelled the sexual drive of young men and gave them the opportunity to satisfy it in a legal way. Cf. Schuster, Frauenhäuser, 41–42, 118. Numerous rapes of upper-class women, especially by young Christian men, are recorded in Southern France, from where we have more sources. See Jacques Rosinat, Diane Venus: Prostitution im Mittelalter (trans. Ernst Welter; Munich; Beck, 1989), 18–20. Jews are seldom mentioned as visitors of Christian brothels in medieval Germany (cf. Schuster, Frauenhäuser, 117–18). This is connected with the fact that brothels were easy to keep under surveillance and that prostitutes were threatened with severe punishment for having sexual intercourse with Jews. On the other hand, sexual relationships between Jews and “freelance” prostitutes are recorded quite often.
31 In the Late Middle Ages, isolated cases are recorded in which women were able to obtain a separation from their adulterous husbands before a church court. Cf. Rudolf Weigand, “Wer führte aus welchen Gründen Ehebrüche im Spätmittelalter?” in Strukturen der Gesellschaft im Mittelalter: Interdisziplinäre Mediävistik in Würzburg (ed. Dieter Rödel and Joachim Schneider; Wiesbaden: Reichert, 1996), 3–16, 15.
32 Cf. Wendelin Knoch, “Die A. Theologie und Liturgie; I. Biblicisch-theologische-sakramentale Sexual Relationships between Christians and Jews in Medieval Germany so that cases of unfaithfulness were only prosecuted as related to infringement of property rights, when a betrayed husband’s claims were concerned. 33 Extramarital affairs of the husband, on the other hand, were somehow regarded as minor offences. As a consequence, it is hardly surprising that municipal courts dealt very rarely with sexual contacts between Christian men and Jewish women. 34 Sephlyia, a Jewish woman, and allegedly a thief, adulteress and quarrelsome woman, was expelled from Augsburg in 1359. 35 In the records, she is referred to as a prostitute. She probably belonged to the lower social stratum, but the reasons why she committed adultery are unknown to us, as are the circumstances which led her into this awkward situation ten years after the pogroms of the Black Death. From Jewish sources, however, we gain a clearer picture in the case of a Jewish woman from Mainz whose husband had been killed during the persecution of the Jews at the time of the Black Death. 36 She had sexual intercourse with a Christian, then married a Jew against the objection of a rabbi, before she finally converted to Christianity. The observation that sexual relationships between Christian men and Jewish women hardly ever came to court finds some explanation, though by no means a full one, in the fact that great pains were taken to protect Jewish women against the Christian majority within the framework of family and community, by means of early marriages, appropriate financial provisions and integration into social networks, etc. 37

While there are examples of concubinage involving Jewish women—such as Golda, the daughter of the Jewish financier Katschkin, who obviously against her father’s will chose to live with one of the two counts of Cilli—long-term relationships with an emotional foundation between Christian men and Jewish women were usually

34 One case came on record in Regensburg in 1462. See Raphael Strum, Urkunden und Aktenstücke zur Geschichte der Juden in Regensburg (1433–1738) (Quellen und Erörterungen zur bayerischen Geschichte n.f. 18; Munich: Beck, 1960), no. 61.
35 Town Archives Augsburg, Schütze 81, fol. 80r, col. B, ed. in Miller, “Sex and Crime,” 509 n. 58.
38 According to Brunswig-Ségal, “‘Der Jude,’” 200–201.
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39 Cf. Weißler-Steinberg, Intérieur, 26-27.
30 One of the reasons for establishing Christian brothels was that they channelled the sexual drive of young men and gave them the opportunity to satisfy it in a legal way. Cf. Schuster, Frauenhäuser, 41-42, 118. Numerous rapes of upper-class women, especially by young Christian men, are recorded in Southern France, from where we have more sources. See Jacques Rossinat, Dione Venus: Prostituzione im Mittelalter (trans. Ernst Wältner; Munich; Beck, 1989), 18-20. Jews are seldom mentioned as visitors of Christian brothels in medieval Germany (cf. Schuster, Frauenhäuser, 117-118). This is connected with the fact that brothels were easy to keep under surveillance and that prostitutes were threatened with severe punishment for having sexual intercourse with Jews. On the other hand, sexual relationships between Jews and “free-lance” prostitutes are recorded quite often.
31 In the Late Middle Ages, isolated cases are recorded in which women were able to obtain a separation from their adulterous husbands before a church court. Cf. Rudolf Weigand, “Wer führte aus welchen Gründen Eheprozesse im Spätmittelalter?” in Strukturen der Gesellschaft im Mittelalter: Interdisziplinäre Medienforschung in Würzburg (ed. Dieter Rödel and Joachim Schneider; Wiesbaden: Reichert, 1996), 3-16, 15.
32 Cf. Wendelin Knoch, *Ephe: A. Theologie und Liturgie; I. Biblisch-theologische-sakramentale* Sexual Relationships between Christians and Jews in Medieval Germany so that cases of unfaithfulness were only prosecuted as related to infringement of property rights, when a betrayed husband’s claims were concerned.33 Extramarital affairs of the husband, on the other hand, were somehow regarded as minor offences. As a consequence, it is hardly surprising that municipal courts dealt very rarely with sexual contacts between Christian men and Jewish women.34 Sephaya, a Jewish woman, and allegedly a thief, adulteress and quarrelsome woman, was expelled from Augsburg in 1359.35 In the records, she is referred to as a prostitute.36 She probably belonged to the lower social stratum, but the reasons why she committed adultery are unknown to us, as are the circumstances which led her into this awkward situation ten years after the pogroms of the Black Death. From Jewish sources, however, we gain a clearer picture in the case of a Jewish woman from Mainz whose husband had been killed during the persecution of the Jews at the time of the Black Death.37 She had sexual intercourse with a Christian, then married a Jew against the objection of a rabbi, before she finally converted to Christianity. The observation that sexual relationships between Christian men and Jewish women hardly ever came to court finds some explanation, though by no means a full one, in the fact that great pains were taken to protect Jewish women against the Christian majority within the framework of family and community, by means of early marriages, appropriate financial provisions and integration into social networks, etc.38

While there are examples of concubinage involving Jewish women—such as Golda, the daughter of the Jewish financier Katschmi, who obviously against her father’s will chose to live with one of the two counts of Cilli—long-term relationships with an emotional foundation between Christian men and Jewish women were usually

34 One case came on record in Regensburg in 1462. See Raphael Strus, Urkunden und Aktenstücke zur Geschichte der Juden in Regensburg (1433-1735) (Quellen und Erörterungen zur bayerischen Geschichte n. f. 18; Munich: Beck, 1960), no. 61.
35 Town Archives Augsburg, Schütze 81, fol. 80r, col. B; ed. in Milliger, “Sex and Crime,” 409 n. 58.
38 According to Brunschwig-Ségal, “’Der Jude,’” 200-201.

[26*]
legitimised by the conversion of the Jewish woman to Christianity and the ensuing marriage. According to the communal records of the parish of St. Lawrence in Cologne, dating from shortly after the mid-12th century, one Sophia, daughter of the Jew Vivus, her spouse Theoderich, a minister or vassal of the reeve of Cologne, and their descendants renounced all claims concerning Vivus's heritage. To all intents and purposes theirs was a love match which induced the Jewish woman to give up her traditional religion. In the first half of the 13th century, the English rabbi Josef of Lincoln received an inquiry concerning a female Jew who had split up with her Jewish husband because of a non-Jew and who had converted to Christianity. After she had remorsefully returned to the Jewish faith and emigrated to a distant country, she wanted to marry again. Her mother addressed herself to Josef of Lincoln because the former Jewish husband, who had also remarried in the meantime, stubbornly refused to write out a divorce document to the apostate. Problems of this kind, just like sexual relationships between Christian men and Jewish women which were not legitimised through a later conversion, hardly ever came on record, since obviously almost no one had an interest in a public investigation of such cases. Besides, the initiation of sexual contacts was usually ascribed to the woman in any case. Whereas on the one hand, punishment of the Christian men by the municipal courts could hardly be expected, on the other hand, the Jewish community itself probably tried hard to treat the case as discreetly as possible, in order to avoid any lasting damage to its reputation. Moreover, it was very difficult to prove adultery against a married Jewish woman in any case, because of the complicated inner-Jewish legal process.40

Municipal courts summoned and regularly questioned both Christian and Jewish witnesses in cases brought against Jews. For some court proceedings, fairly detailed transcripts of witnesses' accounts are available. They reveal that testimonies of both Christian and Jewish witnesses could be rather vague. Thus, the Jew Mathys from Zurich, son of Eberhard, was accused of having made pregnant a woman called Widerin, in 1391. The examination produced no result, not least because the testimony of the witness was totally useless. Quite rightly, Annette Brunschwig-Ségal points out that the forces of social control in the small Zurich community of the Late Middle Ages were so strong that the witnesses either did not want to be involved in the court proceedings or deliberately sided with the Jew Mathys.46

In a case involving the Jew Samson of Jerusalem, too, witnesses gave inconclusive evidence. In the Burgundian cathedral city of Geneva in 1404, Samson was accused of having been with a Christian prostitute on a Sabbath, without having made clear that he was a Jew. The matter came on record because the Jew, after having had sexual intercourse with the prostitute, maintained that he could not pay since he could carry no money with him on the Sabbath. Although the prostitute, named Greda, had known the Jew from several conversations in the street, during one of which he is said to have presented her with a beautiful knife, she was not satisfied with his promise to pay some other time. Not until that moment, she alleged, did she identify her sexual partner, who did not carry any Jewish badge, as a Jew. As a result of this, she apparently snatched his coat, but she gave it back immediately and renounced any later complaint. Allegedly, she confided in some Christians who took her to a nearby Dominican monastery. It was very possibly the monks who ensured that Samson was arrested and that a lengthy investigation was started.47

Other than in the case just mentioned, it is rarely known at whose initiative the municipal councils launched court proceedings in individual cases. It can be assumed that those who violated norms of morality were denounced in general terms. In Frankfurt, the council decreed in 1386 that informers be offered financial incentives.48 According to this decree, Jewish men were to be fined for sexual intercourse with Christian women. The amount of the fine was not specified. The tenth penny was

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41 Hans-Georg von Mutius, Rechtsentscheide mittelalterlicher englischer Rabbiner (Judentum und Umwelt 60; Frankfurt am Main: Peter Lang, 1995), 97.


43 Cf. Burgkartz, Juden, 235.


45 Cf. Brunschwig, Gemeinde, 89.

46 Ibid.


48 While Jews were usually imprisoned for short terms only if they agreed to pay a fine, Samson was still in prison fourteen months after his arrest, when the bishop of Chambéry, as superior authority, ordered an investigation into the suspicious case. In this case, the Jew Josson was convicted of having given inconclusive evidence before the visàvis and the jury, concerning one of the lawyers. Josson had claimed that the lawyer had bribed Greda into giving evidence against Samson. Cf. Steinberg, Studien, 34–37.

Sexual Relationships between Christians and Jews in Medieval Germany

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to go to the person who caught the two in the act. Evidently, it was necessary to encourage the inhabitants of Frankfurt financially before they were ready to give evidence against persons who belonged to their own social environment and with whom they may have had personal or commercial contacts. Nevertheless, it looks as if people were generally not inclined to sacrifice these social relationships, in which Christians and Jews were equally involved, for the council’s ideas of governance and morality.

On the other hand, resentment and envy also played a role within these social networks. As a consequence, Jews might be blackmailed by threatening allegations that they had been too intimate with Christian women. A particularly striking example is recorded from Augsburg. Here, the prosperous citizen Katharina Mühleisen, three other patricians, and a Jew called Lemmlin hatched a plot against Joehlin the Jew. On the pretext of a loan transaction, Joehlin was lured into Katharina’s house, where he was seemingly caught red-handed alone with the woman in her chamber by the Christian accomplices. They overpowered him and threatened to have him burnt at the stake for having violated Katharina’s honour. The Jew Lemmlin was then called in and pretended to act on Joehlin’s behalf by lowering the ransom from the 400 pounds initially demanded to 150 pounds. Although all persons involved in the conspiracy had sworn to maintain silence about this affair, the rumour of blackmailing quickly spread all over Augsburg. Eventually it gained so much ground that the municipal council started an inquiry. Later on, all persons involved made a full confession. Katharina Mühleisen, one of the two main defendants, was sentenced to death by walling up. Margrave Ludwig of Brandenburg (1351–1365) got the council to agree that the sentence be reduced into a permanent exile. According to this residence ban, Katharina was forbidden to enter within a radius of six miles around the town. Lemmlin, who had no such influential advocate to intercede on his behalf, was sent to the gallows.

At times, Jews were able to secure the support of influential Christians when they were accused of sexual offences. Thus, Archbishop Dieter II of Mainz (1459–1461 and 1465–1482) requested the council of Regensburg to release the Jew Johel of Epfenstein on 25 August 1460. He justified his request with the argument that Johel’s father Meyer had lived in the territory of the archbishop’s father, the count of Bühningen (1408–1461), also called Dieter. A second letter the archbishop addressed to the Regensburg magistrate proves that Johel’s friends had gone to see both the archbishop and his father, the count, to win their support. Notwithstanding, both requests by the archbishop were turned down. The council of Regensburg first referred to the fact that Johel had had sexual intercourse with a Christian woman more than once, which made it impossible to simply release him. A severe punishment was necessary because the two offenders had not even shrunk from committing their deed on Assumption Day. According to the members of the council, this must be met with heavy corporal punishment. The archbishop’s second request was likewise rejected. The judges took the view that Johel could not go unpunished because this would be incompatible with the idea of justice and equal treatment. Besides, they wanted to prevent the spread of slander. After all, there were other Jewish men and Christian women who were imprisoned in Regensburg for illicit sexual relations. The Jewish community of Regensburg also endeavoured to reduce the sentence. Their argument was that hitherto, Jews from outside had sought to marry Jews from Regensburg because no one could remember that any Jew had ever been executed there. If, however, Johel of Epfenstein were sentenced to death, the respected Jewish community of Regensburg would attract fewer people from other parts of the country. It can be read between the lines that they argued this would have a very negative impact on the economy of the whole city.

At the request of Johel’s friends from Mainz, the archbishop of Mainz felt obliged to intervene again with the council of Regensburg to achieve the release of the prisoner on 24 September. He suggested sentencing Johel to exile from the city, as long as he was not punished physically. There is no response of the council of Regensburg recorded. However, exactly three months later, Dieter of Mainz again requested the councilors of Regensburg to release Johel. He argued that Johel had been sufficiently punished by the length of his imprisonment.

55 Strauss, Urkunden, no. 46 (1460 IX, middle of the month).
57 Strauss, Urkunden, no. 47.
58 Stern, Bevölkerung, 26 n. 6.
59 Ibid.; Strauss, Urkunden, no. 47.
60 Strauss, Urkunden (ab supra, n. 34), no. 49 (1460 XII 24).
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55 Straus, Urbkunden, no. 46 (1460 IX, middle of the month).
56 Stern, Bevölkerung, 26. In fact, the Jews of Regensburg were not affected by persecution after 1096, when they were collectively baptized by force during the attacks by crusaders. On the Jewish community of Regensburg, see Raphael Straus, Die Judengemeinde Regensburg im ausgehenden Mittelalter (Heidelberger Abhandlungen und Mitteilungen zur Neuere Geschichte 61; Heidelberg: Winter, 1932); and the short overview by Sebastian Schott, "Die Geschichte des jüdischen Gemeinde in Regensburg im Mittelalter," in Regensburg im Mittelalter: Beiträge zur Stadtgeschichte vom frühen Mittelalter bis zum Beginn der Neuzeit (ed. Martin Angerer and Heinrich Wanderwitz; Regensburg: University of Regensburg Press, 1995), 251–58; and Silvia Codreanu-Windauer and Heinrich Wanderwitz, "Das Regensburger Jodenviertel: Geschichte und Archäologie," in Geschichte der Stadt Regensburg (ed. Peter Schnaid, 2 vols.; Regensburg: Pastet, 2000), 1507–33 (each with further bibliography).
57 Straus, Urbkunden, no. 47.
58 Stern, Bevölkerung, 26 n. 6.
59 Ibid.; Straus, Urbkunden, no. 47.
60 Straus, Urbkunden (ut supra, n. 34), no. 49 (1460 XII 24).
January 1461 that the council of Regensburg finally agreed to give in to the repeated requests by the archbishop and to release Jochel. In contrast to other cases of sexual offences perpetrated by Jewish men and Christian women in Regensburg at the beginning of the 1460s, no commutation of the punishment in form of a payment of a monetary fine is recorded in the town book of Regensburg. It is possible that the judges followed the line of argument advanced by the Jew’s prominent advocate from Mainz.

VI

It would be possible to quote a much larger number of examples of the diverse contexts and implications of sexual relationships between Christians and Jews. But that would go beyond the scope of this general outline. Therefore, only some of the various aspects of this huge field were dealt with here; related topics, such as the rape of Jewish women by Christian men, or Jewish men accused of violating Christian women, were left out. What should have become clear through this survey is the complex interdependence of Christian and Jewish communities which, irrespective of the religious demands for strict separation on both sides, does not allow us to conclude that Jews were fundamentally isolated from the Christian majority. Nor can a general conclusion be drawn concerning the extent of self-exclusion practiced by the Jews. All this requires careful examination of the individual cases. Sexual contacts, which were often ephemeral in character but also sometimes based on strong mutual affection, obviously occurred in the Middle Ages in many different places and at many different times. They were judged differently according to particular circumstances. The judgements ranged from tacit permission to relentless prosecution and severe punishment.

A Catholic Priest and his Fight for Justice for the Jews:
Father Antonio Vieira

ANITA WAINGORT NOVINSKY

The greatest defense of Portugal’s Jews, who were systematically destroyed, physically and culturally, by the Holy Office of the Inquisition over the course of three centuries, came in the seventeenth century from a Jesuit priest, Father Antonio Vieira. The Jesuits played an important role in the seventeenth century, but in matters of ideas they did not represent a single uniform group. During Vieira’s lifetime the Jesuits were politically divided—in Portugal they fought against the Inquisition, supporting the House of Bragança against the Habsburgs; in Brazil, they were loyal agents of the Inquisitors.

Throughout Father Vieira’s life, the Jews were his central preoccupation. He lived in intimate relations with New Christians (Marranos) during his early years in Bahia, and with the Jewish communities in Amsterdam and Rouen during his career in the diplomatic service. In Portugal, Vieira was surrounded by Marrano merchants, and in 1649, together with these men of business (hombres de negocios), he founded the Brazilian Company of Commerce, which was in great part responsible for the reconquest of the northeastern part of Brazil from the Dutch (1654). While in Amsterdam, Father Vieira became a friend of Menasseh ben Israel and other Portuguese Jews; he frequently visited the Portuguese Synagogue and was strongly influenced by Menasseh ben Israel’s messianic ideas.¹

Vieira set the question of the social status of the Jews as a priority among the religious and political problems of his time. First of all, he wrote, before we can achieve the unification of all nations (that was always his great ideal), we must solve immediate political and social problems. And one immediate problem was the Jewish question. In many of his writings, Vieira discussed the complex problems of forced conversion, racial discrimination, the continuing exodus of the Portuguese New Christians, the economic harm done by the confiscations, and the innocent victims of the Inquisition.

The totalitarian political system of Portugal, in combination with the fear of falling

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Corrigendum (p. 21*, n. 10, and p. 24*, n. 22)

When I finished the manuscript I did not have before me the original from the council records of Basel for 1394. According to previous researchers, the Jewish servant who was found to have had intimate relations with Gengenbach’s daughter, was burned. The archival record, however, reveals that this conclusion is based on a typing error in one of the early studies. The Jew was not ‘burned’ (verbrannt) but rather ‘expelled’ (verbannt), the difference being no more than a single letter in German. This means that the only piece of evidence for the execution of a Jew on account of sexual relations with a Christian woman must be discarded.¹

Basel, StA, Ratsbücher A 3, fol. 13v:

*Item Gengenbachs tochter sol in die kefien geleit werden und darnach fünf jare und fünf mile vor den crützen leisten, umb dz si heimlichen einen juden hat geheissen kommen in iren garten, und der ouch dar in kam und sich ze sammen in dz hüselin, so in dem garten ist, beslussent. Und kuntlich worden ist dz si den juden kuste des ersten und er si darnach, dz es ir jungfrow sach, Ennelin, und die ouch mit dem Kinde haruß gieng, und uff ein stund by einander zügetaner thüren waren, als wänlich ist nach dem das si der jude die wyl gemynt hab.*

Item Ennelin von Schophein\textsuperscript{2} Genge, die Gengenbachs jungfrowe was, sol zwey jare und ein myle vor den crützen leisten, umb dz si hilflich und wissend gewesen ist, dz Gengenbachs tochter und der jude ze samen komen sind. Iuravit tertia ante Margarethe\textsuperscript{3}.

Item der jude, der Robins kneht wz, sol drie tag nacheinander mit einem juden hütelin in den halsysen stan von ratzit untz an den abend und darnach ewiklichen und fünf mylen vor den crützen leisten, umb das er zu Gengenbachs tochter in irs vatters garten gangen ist und die gekusset hatt und heimlichen mit zu getaner thůr bi ir in dem huselin im garten gewesen ist. Iuravit tertia post Margarete\textsuperscript{4}.

\textsuperscript{2} Schopfheim (Kreis Lörrach).
\textsuperscript{3} 1394 Juli 14.
\textsuperscript{4} 1394 Juli 21.
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