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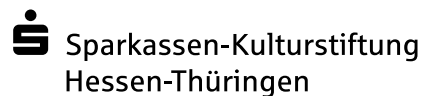
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GEFÖRDERT VOM



The Erfurt *Judeneid* between Pragmatism and Ritual: Some Aspects of Christian and Jewish Oath-Taking in Medieval Germany

ANDREAS LEHNERTZ

The thing you are accused of, [you swear that] you are not guilty [of it]. So help you God. The God who created heaven and earth, leaves, and grass, which have never existed before. And if you swear falsely, the earth that swallowed Datan and Aviram shall swallow you. And if you swear falsely, leprosy that left Naaman and befell Gehazi shall befall upon you. And if you swear falsely, the laws which God gave Moses on Mount Sinai, which God himself wrote with his fingers on the stone tables, shall swallow you. And if you swear falsely, all the writings which are written in the five books of Moses shall judge you. This is the *Judeneid*, which Bishop Conrad gave this city [of Erfurt].¹

Introduction

Oaths like this Erfurt *Judeneid* (pl. *Judeneide*) – which is the oldest oath known to us of its kind in the German language,² dated to circa 1200 – were used daily in contact between Jews and Christians.³ They had a specific formula used by Jews in a ritual setting in public, and were usually taken on the Torah scroll or a Pentateuch codex. In many situations, such as naturalization, in court, and for release records after imprisonments, they played a crucial role. Most works on *Judeneid* texts claim that these texts were used in court only and omit the fact that they were utilized in many more situations. I will show in this paper that the situations of usage were indeed manifold.

— Oaths are generally found in all areas of life in the Middle Ages, and whenever Jews had to swear to Christians, it was usually a *Judeneid*. To make them legal and accepted by both parties, local Christian law, as well as Jewish customs (*minhagim*) and Jewish law (*halakha*), had to be addressed in some way. This need is the reason why one finds references to the common Bible only and not to Christian legal concepts drawn from the New Testament.⁴ Both groups also commonly practiced oath-taking among coreligionists. The elements of the *Judeneid* in its textual form as well as in its ritual performance drew from these oath practices of Jews and Christians alike. No study has yet tried to analyze the Christian and the Jewish

¹ Erfurt, Municipal Archives, o-o/A XLVII, n.1: »Des dich dirre sculdegit, des bistur unschuldic. So dir got helfe. Der got der himel unde erdin gescuf. Loub, blumen unde gras, das da uore nine was. Unde ob du unrechte sweris, daz dich dir erde uirslind, di Datan unde Abiron uirslant. Unde ob du unrechte sweris, daz dich di muselsucht biste, di Naamenen liz und Iezi bestunt. Unde ob du unrechte sweris, daz dich di e uirtilige di got Moisy gab in dem berge Synay, di got selbe screib mit sinen uingeren an der steinir tabelen. Unde ob du unrechte sweris, daz dich uellin alle di scrift, di gescriben sint an den uunf buchen Moisy. Dit ist der iuden heit, den di biscof Cünrat dirre stat gegebin hat«; see CHRISTINE MAGIN: »So dir Gott helfe: Der Erfurter *Judeneid* im historischen Kontext«, *Die Erfurter jüdische Gemeinde im Spannungsfeld zwischen Stadt, Erzbischof und Kaiser, Erfurter Schriften zur jüdischen Geschichte*, vol. 4 (Jena, Quedlinburg 2016), 14–28, here 19. The biblical figures Datan and Aviram conspired against Moses (Num 16). Their punishment was that they were swallowed by the earth and disappeared. Gehazi, a servant of the prophet Elisha, betrayed the Syrian military commander Naaman, who suffered from leprosy (2 Kings 5). His punishment was that leprosy left Naaman and befell Gahazi. Work on this paper has been possible through a postdoctoral fellowship in the »Beyond the Elite. Jewish Daily Life in Medieval Europe« research group at the Hebrew University of Jerusalem (since 2018). This project has received funding from the European Research Council (ERC) under the

European Union's Horizon 2020 research and innovation programme (grant agreement no 681507). Drafts of this paper were discussed with ELISHEVA BAUMGARTEN, NUREET DERMER, AVIYA DORON, ETELLE KALAORA, AMIT SHAFRAN, HANNAH TEDDY SCHACHTER, MIRI FENTON, ADI NAMIA-COHEN, NETA BODNER, ALBERT KOHN (all Jerusalem), TZAFRIR BARZILAY (Beer Sheva), KARL HEINEMEYER (Erfurt), and especially EYAL LEVINSON (Jerusalem), MARIA STÜRZEBECKER (Erfurt), and GERD MENTGEN (Trier), who made significant suggestions for shaping my ideas. MAIKE LÄMMERHIRT (Mannheim) kindly shared many sources. It is her merit that I was able to use so much comparative material. I also wish to thank the editors of the volume as well as the participants of the workshop »Ritual Objects in Ritual Contexts« (December 3–4, 2018) and of the conference »Ritual Objects in Ritual Contexts« (November 6–8, 2019), where I presented the outlines of what became this paper. ANTJE BAUER (Erfurt) kindly helped me at the Erfurt municipal archive.

² Earlier oath texts in Latin exist; cf. VOLKER ZIMMERMANN: *Die Entwicklung des Judeneids. Untersuchungen und Texte zur rechtlichen und sozialen Stellung der Juden im Mittelalter*. Europäische Hochschulschriften, Reihe 1: Deutsche Literatur und Germanistik 56 (Bern, Frankfurt am Main 1973), 26–43, for texts from the Carolingian period on until the twelfth century; HANS-KURT CLAUSSEN: »Der Judeneid. Ein Beitrag zur Geschichte des Rechtsschutzes«, *Deutsche Rechtswissenschaft*, vol. 2, ed. KARL A. ECKHARDT (Hamburg 1937), 166–89, here 166–73.

³ Throughout this article, I prefer to use the German term *Judeneid* since the English terms »Jewry oath«, or »Jewish oath« might lead to a misunderstanding as oath-taking between Jews, i.e., Jewish oath-taking.

⁴ See, for example, in the case of the Erfurt *Judeneid*, the references to Datan and Aviram, Naaman and Gehazi, as

oath-taking procedures concerning the *Judeneid*, although they have central aspects in common.

— This paper aims to outline similarities as well as differences between these various oath-taking practices by utilizing the Erfurt *Judeneid* as a comparative basis. Although many studies have been undertaken on the *Judeneid* in general⁵ and even though the Erfurt *Judeneid* was studied in a very commendable way recently,⁶ many questions are still left open and others yet need to be addressed. The focal point of this paper will be the pragmatic usage of the Erfurt *Judeneid* and its ritual application. I shall start by introducing Christian as well as Jewish oath-taking, and then continue by characterizing the *Judeneid*. The first two parts will be kept brief and cannot go into great detail,⁷ while a focus is laid on the third part concerning the *Judeneid*. After this, in a next step, I will examine aspects of shared and different ritual practices and the oaths' function in all three cases of oath-taking. I shall restrict my study of Jewish as well as Christian oath-taking practices to the area of the medieval German Kingdom⁸

well as the giving of the Ten Commandments to Moses on Mount Sinai.

⁵ See, for example, MICHAEL TOCH: »Mit der Hand auf der Thora. Disziplinierung als internes und externes Problem in den jüdischen Gemeinden des Spätmittelalters«, *Disziplinierung im Alltag des Mittelalters und der Frühen Neuzeit*, ed. GERHARD JARITZ (Vienna 1999), 157–71; CHRISTINE MAGIN: »Wie es umb der iuden recht stet«. *Der Status der Juden in spätmittelalterlichen deutschen Rechtsbüchern* (Göttingen 1999), 275–332; GUNDULA GREBNER: »Der alte Raby hat eyn gemeyn buche in syner hant gehabt ...« *Jüdische Eidesleistungen in und um Frankfurt am Main* (14.–16. Jahrhundert). Eine Phänomenologie«, *Die Frankfurter Judengasse. Jüdische Leben in der Frühen Neuzeit*, ed. FRITZ BACKHAUS et al. (Frankfurt am Main 2005), 145–60; GUNDULA GREBNER: »Haltungen zum Judeneid: Texte und Kontexte der Frankfurter Eidesformeln im 14. und 15. Jahrhundert«, »...Ihrer Bürger Freiheit«. *Frankfurt am Main im Mittelalter. Beiträge zur Erinnerung an die Mediaevistin Elsbet Orth*, ed. HERIBERT MÜLLER (Frankfurt am Main 2004), 141–73; JOSEPH ZIEGLER: »Reflections on the Jewry Oath in the Middle Ages«, *Studies in Church History* 29 (1992): 209–20; GERD MENTGEN: »Art. Judeneid«, *Hand-*

wörterbuch der deutschen Rechtsgeschichte, vol. 2, second rev. ed. (Berlin 2011), 1409–11; ROLF SCHMIDT: »Judeneide in Augsburg und Regensburg«, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Germanistische Abteilung* 93 (1976): 322–39; AMNON LINDER: »The Jewry-Oath in Christian Europe«, *The Jews in Early Christian Law. Byzantium and the Latin West, 6th–11th Centuries*, ed. JOHN V. TOLAN and NICHOLAS R.M. DE LANGE (Turnhout 2014), 311–58. Further studies are cited on the following pages of this article. A comprehensive study incorporating the manifold new insights of the last decades remains a desideratum.

⁶ MAGIN: »Gott.« She cites all earlier studies on the Erfurt *Judeneid* in her article.

⁷ I hope to deal specifically with this topic on another occasion.

⁸ For Jewish oath-taking outside the German Kingdom, see, for example, JOSHUA CURK: »The Oath of a Jew in the Thirteenth-Century English Legal Context«, *The Word of a Jew. Religion, Reliability, and the Dynamics of Trust*, ed. NINA CAPUTO and MITCHELL B. HART (Bloomington 2019), 62–80. For oath-taking of Muslims, see BELEN VICENS: »Swearing by God: Muslim Oath-Taking in Late Medieval and Early Modern Christian Iberia«, *Medieval Encounters* 20 (2014): 117–51.

and will concentrate again on the Erfurt *Judeneid* at the end of this article. By examining the available sources for the utilization of the Erfurt *Judeneid*, a more nuanced picture of its importance and the central role in Jewish daily interaction with the Christian urban majority will hopefully arise.

Christian Oath-Taking

For a long time, scholarship has made surprisingly little effort to analyze and explain Christian oath-taking in medieval Germany regarding its pragmatic and ritual aspects, despite – or maybe because of – the great mass of available sources.⁹ Christian juridical and theological perception builds on the church father Augustine (354–430 CE), who set his argumentation about oath-taking mainly on the ground of the common Bible. He remained the authority in this matter for the whole medieval period.¹⁰

— Due to different needs, many types of oaths existed. For the various situations in which Christians took oaths, we often do not know the exact texts utilized. In most cases, we also do not know what the rituals looked like in detail – although texts as well as rituals perhaps did not differ very much in the various situations. Oaths were taken when Christians became citizens (naturalization),¹¹ received an official function (»office«) like, for example, a judge,¹² joined as members of a corporation such as guilds,¹³ swore to follow their kings and local lords,¹⁴ ended feuds (*Urfehde*),¹⁵ got released from imprisonment,¹⁶ or appeared before a court of law.¹⁷ Oaths for all sorts of urban functions and positions existed at the peak of oath-taking in the fourteenth and fifteenth centuries. Even a hangman would have taken an oath in his function, such as this one from Munich:

The hangman shall swear to God and the saints. [He shall swear] to the law, the lordship, the city council, and the urban commune of Munich to be a loyal and a warrant to them, and not leave the city without permission.¹⁸

⁹ The broad spectrum of sources are demonstrated in LOTHAR KOLMER: *Promissorische Eide im Mittelalter* (Kallmünz 1989). I utilize this work intensively to keep the references in my footnotes to a minimum. Much additional literature is accessible here.

¹⁰ Cf. KOLMER: *Eide*, 47–51.

¹¹ Cf. KOLMER: *Eide*, 211–12; SONJA HEIM, *Der Bürgereid im Mittelalter und seine integrationsstiftende Kraft. Rituelle Praxis, Funktion und Bedeutungswandel der Schwörtage in Augsburg* (Augsburg 2007); GERHARD DILCHER: »Bürgerrecht und Bürgereid als städti-

sche Verfassungsstruktur«, *Neubürger im späten Mittelalter. Migration und Austausch in der Städtelandschaft des Alten Reiches (1250–1550)*, ed. RAINER CH. SCHWINGES (Berlin 2002), 83–97; BERND-ULRICH HERGEMÖLLER: »Art. Bürgereid«, *Lexikon des Mittelalters*, vol. 2, 1042–43; FELIX RICHNER: »Der Zürcher Bürgereid«, *Festschrift für Claudio Solvia zum 65. Geburtstag*, ed. CLAUDIETER SCHOTT and EVA P. SCHULER (Zürich 1994), 197–212; GUDRUN GLEBA: »Der mittelalterliche Bürgereid und sein Zeremoniell. Beispiele aus norddeutschen Städten«,

Visualisierung städtischer Ordnung. Zeichen – Abzeichen – Hoheitszeichen, ed. HERMANN MAUÉ (Nuremberg 1993), 169–75; WOLFGANG WAGNER: »Würzburger Bürgereide im späten Mittelalter«, *Würzburger Diözesangeschichtsblätter* 62/63 (2001): 505–26; WILHELM EBEL: *Der Bürgereid als Geltungsgrund und Gestaltungsprinzip des deutschen mittelalterlichen Stadtrechts* (Weimar 1958).

¹² Cf. WALTER STEIN: *Akten zur Geschichte der Verfassung und Verwaltung der Stadt Köln im xiv. und xv. Jahrhundert*, 2 vols. (Bonn 1893–1895), with many examples, such as vol. 2, n. 36–37; KOLMER: *Eide*, 109–22; LAURENCE BUCHHOLZER AND OLIVIER RICHARD, »Juror et faire jurer. Les serments des secrétaires municipaux« (Rhin supérieur, XVe–XVIe siècles), *Histoire Urbaine* 39 (2014): 63–84; HANS KOMÁRKOVÁ: »The Oath of Office in the Sphere of Food Production, Food Distribution and Utilization of Resources within the Urban Community. The Example of Late Medieval and Early Modern Silesian and Moravian Towns«, *Studia z Dziejów Średniowiecza* 21 (2016): 36–58.

¹³ Cf. *Frankfurter Amts- und Zunfturkunden*, pt. 2: *Amtsurkunden*, ed. KARL BÜCHER and BENNO SCHMIDT (Frankfurt am Main 1915); KOLMER: *Eide*, 196–207.

¹⁴ Cf. KOLMER: *Eide*, 72–109.

¹⁵ Cf. KOLMER: *Eide*, 132–42.

¹⁶ Cf. KOLMER: *Eide*, 136–39; STEFFEN WERNICKE: »Von Schlägen, Schmähen und Unendlichkeit. Die Regensburger Urfehdebriefe im 15. Jahrhundert«, *Kriminalitätsgeschichte. Beiträge zur Sozial- und Kulturgeschichte der Vormoderne*, ed. ANDREAS BLAUERT and GERD SCHWERTHOFF (Konstanz 2000), 379–404.

¹⁷ Cf. EKKEHARD KAUFMANN: »Art. Reinigungseid«, *Handwörterbuch zur deutschen Rechtsgeschichte*, vol. 4, ed. ADALBERT ERLER and EKKEHARD KAUFMANN (Berlin 1990), 837–40; KARIN NEHLSSEN-VON STRYK: »Reinigungseid und Geständniserzwingung: Die beiden Gesichter spätmittelalterlicher Strafrechtspflege.

Aus der Spruchpraxis des Magdeburger Schöffensstuhl im 15. Jh.», *Rechtsnorm und Rechtspraxis in Mittelalter und früher Neuzeit. Ausgewählte Aufsätze*, ed. KARIN NEHLSSEN-VON STRYK and ALBRECHT CORDES (Berlin 2012), 171–92.

18 KOLMER: *Eide*: 118: »Der zuchtiger sol sweren zu got und den hailigen. Dem rechten, der herrschaft, dem rate und gemainer stat ze Munchen trew und gwär zu sein und an urlaub auß der stat nit zu komen.«

19 Cf. KOLMER: *Eide*, 120–21.

20 Cf. KOLMER: *Eide*, 121.

21 See online via Universitätsbibliothek Heidelberg, »Heidelberg Historic Literature – Digitized«, Heidelberger Sachsenspiegel, <https://digi.ub.uni-heidelberg.de/diglit/cpg164> (last accessed on 10.10.2019). The different Sachsenspiegel manuscripts show about 21 scenes of oath-taking on relics; cf. KOLMER: *Eide*, 237.

22 Cf. KOLMER: *Eide*, 141–42.

23 Cf. KOLMER: *Eide*, 225–36.

24 Cf. KOLMER: *Eide*, 121; WOLFGANG SCHILD: »Gerechtigkeitsbilder«, *Recht und Gerechtigkeit im Spiegel der europäischen Kunst*, ed. WOLFGANG PLEISTER and WOLFGANG SCHILD (Cologne 1988), 86–171.

25 Cf. KOLMER: *Eide*, 236; JAN H. SCHMIDT: »Der Eid auf Reliquien und Reliquiare im Mittelalter. Verbindungen zwischen Gegenwart und Ewigkeit«, *Crossing Legal Cultures*, ed. LAURA BECK VARELA (Munich 2009), 159–68.

26 Cf. KOLMER: *Eide*, 120–21; 238–39. This practice seems to be influenced by Jewish oath-taking on the Torah scroll; see BOAZ COHEN: »The Testimonial Oath. A Study in the Reciprocal Relations of Jewish and Roman Law in Medieval Roman Law«, *Historia Judaica* 7 (1945): 51–74, here 67.

27 Cf. KOLMER: *Eide*, 234.

28 Cf. KOLMER: *Eide*, 236.

29 Cf. KOLMER: *Eide*, 206.

30 Cf. KOLMER: *Eide*, 121.

31 Cf. MICHALINA DUDA and SLAWOMIR JÓZWIĄK: »Gestures and Forms of Oath Swearing on the Consecrated Host in Christian Europe in the Late Middle Ages«, *Studia z dziejów średniowiecza* 19 (2016): 81–104.



FIG. 1: Heidelberg Sachsenspiegel (early fourteenth century): A Christian takes an oath including ritual gestures and a holy object

The text raises the question of its usage in the oath-taking process. In this and all other cases, it seems that the ritual procedure was built around relics of saints.¹⁹ Such a presence of sacral or sacred objects was to assure a truthful oath.²⁰ Often the oath was taken with two pointed fingers on the sacred object. (► fig. 1)²¹ Sometimes this happened with two pointed fingers and a raised hand, directed to the sun.²² Women, however, had to put their right hand on top of their left breast. Gestures were part of the oath-taking ritual and gave it an almost magical aura. The individual perception and trust into oath-taking was, it seems, nevertheless more critical for the oath's effectiveness.²³

— Such a creation of sacrality could hardly fail to impress the oath-taker. Even »themes of judgment« (*Gerechtigkeitsbilder*) were placed in law courts to support this.²⁴ Yet, the ritual setting of the oath-taking procedure is, by far, not explicit. This problem can be exemplified by the many various sacred objects that have been used to take upon the oath. From such examples, we learn that the image of the Christian oath-taking process is still not very clear to scholarship. It seems that swearing upon relics was fairly widespread,²⁵ but many religious institutions used the Gospels instead.²⁶ Oath-taking often happened at graves of saints, especially in the Early and High Middle Ages, and at church altars containing relics.²⁷ The question of various places for the oath-taking procedure comes up here.²⁸ Guilds had various objects such as oath panels or boxes,²⁹ and judges often took their oath on the sword,³⁰ symbolizing the power to judge over life and death, and even the host was used for oath-taking.³¹ All these objects helped to make the oath more reliable for those receiving it since oath-breaking has always been a considerable problem and factor of uncertainty. Authorities searched for ways to put in as much weight and meaning as possible into oath-taking and the objects involved. The ritual helped to make oaths a pragmatic tool for many necessities between individuals in daily life.

Jewish Oath-Taking

Even more problematic than the state of research on Christian oath-taking is the fact that Jewish oath-taking – that is, among Jews only – received no proper study to date, although a significant number of sources refers to Jewish oath-taking within the community. The statutes of the communities Speyer, Worms, and Mainz (*takkanot ShUM*) from the thirteenth century testify to Jewish oath-taking on several occasions. One example is the fixation of taxes on single community members. Here we find the following problem:

If a member of the community states under oath that he has only such and such an amount of money and then it is found that he possessed more, and that he took a false oath, he shall be unfit to act as a witness or to take an oath; in cases of litigation where an oath is required, his opponent shall take the oath and receive payment.³²

Here we see a pragmatic regulation where oath-taking was used to ensure the correct taxation fees. Fear of a false oath played an important role when the tax amount was based on trust only. False oath, therefore, led to the prohibition for future oath-taking. The issuing of communal statutes like this one or additions to it were passed under oath as well. The community members who were allowed to take part in the decision making confirmed their self-set statutes in such a way: »When the leaders of the people gathered together it was decreed under oath with a scroll of the Torah in the hand and all entered the Covenant [...].«³³

— Another form of oath that Jews seem to have vowed to each other was at times when Jewish men traveled together on journeys.³⁴ They swore to stay together, to learn Torah portions jointly, and split business profit. Unfortunately, we do not know how it was done in detail: Did they use sacred objects such as a Torah scroll before they started their journey, or were prayer books, which they carried as *vademecum*, sufficient?³⁵

— It goes without saying that before the Jewish court, Jews could take oaths as well.³⁶ A responsum (legal decision) of RABBI MEIR BEN BARUKH OF ROTHENBURG (ca. 1215–1293) reads:

Reuven sold a cloak to Simon for twelve half-pounds (marks). Simon rejects [the payment] to him. Finally, Reuven brought him to court. Simon claimed that he had already paid Reuven. The court ordered Simon to take an oath, but Simon kept on rejecting the taking of such an oath until he [Simon] died. Reuven now sues Simon's son [to pay Reuven], but Simon rejects [the

³² *Jewish Self-Government in the Middle Ages*, ed. LOUIS FINKELSTEIN (New York 1924), 238 (Hebrew on 227: ואם נשבע לקהל שאין לו כי אם כך וכך כסף ולבסוף נודע כי יש לו יותר ונשבע על שקר יהיה פסול לעדות ולשבועה ואותו שכנגדו (נשבע ונוטל.), online via Universitätsbibliothek, Goethe Universität Frankfurt am Main, Freimann-Sammlung, <http://sammlungen.ub.uni-frankfurt.de/freimann/content/titleinfo/107507> (last accessed 24.03.2019). A new edition of the *Takkanot ShUM* by RAINER BARZEN is to appear in print in the *Monumenta Germaniae Historica (MGH)* in 2020. Cf. *Rabbi Meir of Rothenburg. His Life and his Works as Sources for the Religious, Legal, and Social History of the Jews of Germany in the Thirteenth Century*, vol. 2, ed. IRVING A. AGUS (Philadelphia 1947), 487–88, n. 529.

³³ FINKELSTEIN: *Self-Government*, 233 (Hebrew on 225: בהתאסף ראשי עם יחד גזרנו בשבועת האלה בתפיסת חפץ וכל (העם בבירת על בן ברית).

³⁴ Cf. EYAL LEVINSON: »Eternal Love I Conceived for You.« Traveling Jewish Men and Covenantal Bromances«, *Mittelalter. Interdisziplinäre Forschung und Rezeptionsgeschichte* 3 (2020): 1–13, online via <https://mittelalter.hypotheses.org/24164> (last accessed 24.03.2019).

³⁵ A responsum by RABBI MEIR BEN BARUKH OF ROTHENBURG indicates, that all forms »holy [Jewish] manuscripts« (*kitvei ha-kodesh*) were accepted to take an oath; cf. *She'elot ve-Teshuvot Maharam me-Rothenburg*, 3 vols., ed. YA'ACOV FARBSSTEIN (Jerusalem 2015), here 1:73–74, n. 120 (Prague).

³⁶ Cf. RACHEL FURST: *Striving for Justice. A History of Women and Litigation in the Jewish Courts of Medieval Ashkenaz* (PhD diss., Jerusalem, 2014), 148–87.

³⁷ AGUS: *Rabbi Meir of Rothenburg*, 439, n. 464. I corrected the English accordingly and used the Hebrew edition of ARYE BLOCH (ed.), *Shut Maharam* (Prague 1859), n. 837.

³⁸ For similar cases of oath-taking before a court to cleanse oneself from accusations; cf., for example, AGUS:



FIG. 2: A tiny Ashkenazi mahzor (ca. 1300?): A Jew wearing a Jew's hat takes an oath on the Torah, including ritual gestures, while he sits on the bench (*safsal*) upon the *bimah*

Rabbi Meir of Rothenburg, 400–401, n. 401; 402, n. 404; 406, n. 411; 410–11, n. 423 (and many more in this book).

39 Cf. AGUS: *Rabbi Meir of Rothenburg*, 426–27, n. 442; 440, n. 466; 523–30, n. 572; 615–16, n. 685; 617, n. 687; 628–29, n. 708; CHERYL TALLAN: »Medieval Jewish Widows: Their Control of Resources«, *Jewish History* 5 (1991): 63–74, here 64, and 70 n. 15; FURST: *Striving for Justice*, 167–69.

40 It is more likely that it was a *Judeneid*. See for this further down.

41 Cf. AGUS: *Rabbi Meir of Rothenburg*, 668, n. 774.

42 This practice is already reported in antiquity; cf. KOLMER: *Eide*, 234. For a responsum testifying to this practice, see AGUS: *Rabbi Meir of Rothenburg*, 419–21, n. 433. See also HANNA LISS: »The Torah Scroll and Its Functions as a Ritual Object in Jewish Culture«, *Musical Text as Ritual Object*, ed. HENDRIK SCHULZE (Turnhout 2015), 165–74. A focus on the sacred object involved in Jewish oath-taking as well as the *Judeneid*; see ILONA STEIMANN: »Das es dasselb puch sey: The Book as Protagonist in the Ceremony of the Jewry-Oath«, *European Journal of Jewish Studies* 13 (2019): 77–102.

payment]. Simon's son must take the ordinary oath of an heir that his father told him nothing regarding the debt to Reuven.³⁷

This kind of oath was used by those who were sued. Defendants could thus cleanse themselves from any plaint.³⁸ Its function is very close to the main versions of the *Judeneid* that we find in the German language since the time of the Erfurt *Judeneid*. These texts, too, were used as assertory oaths against accusations.

— The examples given show that Jews took oaths in community and legal issues within their community, including matters of taxation, law court cases, when they traveled together, when widows collected their dowry,³⁹ perhaps the admission of new community members and middlemen,⁴⁰ and the establishment of communal ordinances (*takkanot*). In general, it seems that Jewish oath took place in the synagogue⁴¹ and was sworn upon the Torah scroll, which functioned as the sacred object.⁴² It is not very clear which gestures Jews used. One plausible gesture appears to have been the raised hand⁴³ as a thirteenth/early fourteenth century Hebrew prayer book suggests (►fig. 2)⁴⁴ and which was similar to the Christian gestures during oath-taking mentioned above. The physical contact with the Torah scroll was unlikely since traditionally, the parchment of the Torah scroll was not to be touched by the bare hand.⁴⁵ Yet, the bound-up Torah, which was wrapped into the *me'il* (a mantel to cover the Torah), could be held during oath-taking.⁴⁶ In some sources, it is the *hazan* (cantor) who holds the Torah scroll while the oath-taker proceeds with his vow;⁴⁷ in other cases, the oath-taker holds it.⁴⁸

— The oath likely took place on the *bimah* (also indicated in ►fig. 2) where Jews read the Torah and happened on one of the days when the Torah was read; that is, Monday, Thursday, Shabbat,

43 This is indicated by FARBSTEIN: *She'elot ve-Teshuvot Maharam me-Rothenburg* 1, 3–4, n. 6 (Prague).

44 See online via the Bezalel Narkiss Index of Jewish Art, »Tiny Ashkenazi Mahzor«, <http://cja.huji.ac.il/browser.php?mode=alone&id=3533> (last accessed 12.10.2019). Another oath-taking scene before a king with at least two raised fingers is found there on fol. 126v.

45 On ways to not touch the scroll directly, see below.

46 See *She'elot ve-Teshuvot Rabeinu Ya'acov Weil*, pt. 1, ed. JONATHAN DOMS (Jerusalem 2001; repr. from Venice 1549), 47–48, n. 32. Interestingly, this is not exactly what fig. 2 shows.

47 Cf. AGUS: *Rabbi Meir of Rothenburg*, 575–76, n. 623; MARTHA KEIL:

»Namhaft im Geschäft, unsichtbar in der Synagoge: Die jüdische Frau im spätmittelalterlichen Aschkenas«, *Europas Juden im Mittelalter. Beiträge des internationalen Symposiums in Speyer vom 20. bis 25. Oktober 2002*, ed. CHRISTOPH CLUSE (Trier 2004), 344–54, here 352; MARTHA KEIL: »Public Roles of Jewish Women in Fourteenth and Fifteenth-Century Ashkenaz: Business, Community, and Ritual«, *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries): Proceedings of the International Symposium, Speyer, 20–25 October, 2002*, ed. CHRISTOPH CLUSE (Turnhout 2004), 317–30, here 328.

48 Cf. STEIMANN: »Das es dasselb puch sey,« 82.

and several holidays during the year.⁴⁹ But were Jews standing or sitting, as the image depicts the oath-taker, who sits on a bench (*safsäl*)? (► fig. 2) And what about Jewish women who by no means could easily enter the (men's) synagogue? Responsa literature testifies to the occasional oath-taking of Jewish women.⁵⁰ One of the examples for Jewish women taking an oath is ascribed to RABBI JACOB WEIL (first half of the fifteenth century) and explains that the woman had to wait at the entrance of the (men's) synagogue. The *ḥazan* brought the Torah scroll from the *bimah* to the woman, while ten male Jews (a *minyān*) accompanied him. Out of these ten men, three had to be judges; one read the text of the oath.⁵¹ The judges threatened the woman to not take a false oath. The oath was read in Hebrew but explained in German (*leshon Ashkenaz*) in case the woman did not understand it properly. It was required to start the oath-taking ritual by saying the Hebrew phrase »Here we are making you swear by the name of the God of Israel«,⁵² and she had to answer at the end of the oath text by saying »Amen.«⁵³

— This gives us an impression of the languages used for Jewish oath-taking. Both Hebrew and German are likely, but maybe also French for at least some time and in some communities like those in the Rhineland.⁵⁴ An Ashkenazi Hebrew manuscript from the end of the thirteenth/early fourteenth century even has a copy of a Latin oath in Hebrew letters.⁵⁵ It would also be worthwhile to analyze to what extent texts for Jewish oath-taking influenced the *Judeneid* texts – or maybe even how the *Judeneid* text influenced the Jewish oath-taking among coreligionists. Many questions remain open for a future study, but a comparison with Christian oath-taking on the one hand and the ritual of the *Judeneid* on the other hand might be enlightening.

The *Judeneid*

It was deemed inappropriate for Jews to take an oath on Christian sacred objects, although it seems that the rabbis harbored great fear that this might occur.⁵⁶ Christian vows and their rituals were not apt for Jews, thus another oath form had to be found – the *Judeneid* (*more iudaico, iuramentum iudeorum*). Earlier studies regarded the *Judeneid* as disgraceful and humiliating.⁵⁷ One reason for this is the frequently transmitted *Judeneid* versions that demanded Jews to take the oath standing on a sow's skin. Medieval illuminations of such scenes have influenced our perception of these anti-Jewish practices, especially in connection with the far-spread motive of the *Judensau*. (► fig. 3)⁵⁸

— For Frankfurt am Main, where during the fourteenth century both versions of the *Judeneid* – with and without the request that Jews had to stand on a sow's skin – existed, scholarship has shown convincingly that only the version without the sow's skin was in use.⁵⁹ The second, indeed disgraceful version, was a fantasy of city scribes and precisely because of its fantastic character transmitted into other regions. Scribes of city books sometimes had a certain tendency to add anecdotes and even personal anti-Jewish comments in »their« books.⁶⁰ Such other

⁴⁹ Cf. a responsum cited in KEIL: »Namhaft im Geschäft«, 352; KEIL: »Public Roles«, 328.

⁵⁰ Cf., for example, FARBSTEIN: *She'elot ve-Teshuvot Maharam me-Rothenburg 1*, 225, n. 411 (Prague); FARBSTEIN: *She'elot ve-Teshuvot Maharam me-Rothenburg 2* (Jerusalem 2015), 124–25, n. 174 (Cremona); and the cases of Jewish widows taking oaths to receive their dowry in footnote 39; KEIL: »Namhaft im Geschäft«, 352; KEIL: »Public Roles«, 328.

⁵¹ KEIL: »Namhaft im Geschäft«, 352; KEIL: »Public Roles«, 328.

⁵² Cf. SELA, *She'elot ve-Teshuvot*, 47–48, n. 32: *Harei anu mashbi'im otaḥ be-haShem elohei Jisrael*.

⁵³ Cf. SELA: *She'elot ve-Teshuvot*, 47–48, n. 32. See also STEIMANN: »Das es dasselb puch sey«, 81.

⁵⁴ A responsum by RABBI MEIR BEN BARUKH OF ROTHENBURG indicates, that oaths were seen as valid in every language; cf. FARBSTEIN: *She'elot ve-Teshuvot Maharam me-Rothenburg 1*, 3–4, n. 6 (Prague).

⁵⁵ Paris, National Library of France, Ms. hebr. 326, fol. 143r. It is an Ashkenazi manuscript.

⁵⁶ Cf. EPHRAIM SHOHAM-STEINER: »And in Most of Their Business Transactions Thy Rely on This.« Some Reflections on Jews and Oaths in the Commercial Arena in Medieval Europe«, *On the Word of a Jew. Religion, Reliability, and the Dynamics of Trust*, ed. NINA CAPUTO and MITCHELL B. HART (Bloomington 2019), 36–61. Perhaps the invocation of the various Christian saint names was the real problem and less the fear Jews could actually swear on relics.

⁵⁷ Cf., for example, OTTO BÖCHER: »Der *Judeneid*«, *Evangelische Theologie* 30 (1970): 671–81; JOHANN E. SCHERER: *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern* (Leipzig 1901), 18. Much of these evaluations is the result of taking the clearly humiliating and anti-Jewish tendencies of some versions of the *Judeneid* for granted.

⁵⁸ For this anti-Jewish symbol, see WINFRIED FREY: »...die gottver-



FIG. 3: A copy of the Schwabenspiegel (ca. 1425) with a Jew taking an oath while standing on a sow's skin

dammt Judensau.« Zur Vorgeschichte eines Totschlagsmotivs», *De Christine de Pizan à Hans Robert Jauss: études offertes à Earl Jeffrey Richards par ses collègues et amis à l'occasion de son soixante-cinquième anniversaire*, ed. DANIELLE BUSCHINGER and ROY S. ROSENSTEIN (Amiens 2017), 194–205; BIRGIT WIEDL: »Laughing at the Beast: The Judensau: Anti-Jewish Propaganda and Humor from the Middle Ages to the Early Modern Period«, *Laughter in the Middle Ages and Early Modern Times: Epistemology of a Fundamental Human Behavior, Its Meaning, and Consequences*, ed. ALBRECHT CLASSEN (Berlin et al. 2010), 325–64; HERMANN RUSTAM: »Die Spalter Judensau. Ein judenfeindliches Motiv aus dem Spätmittelalter«, *Heimatkundliche Streifzüge (Roth)* 15 (1996): 78–83; ISAIAH SHACHAR: *The Judensau: A Medieval Anti-Jewish Motif and Its History* (London 1974).

59 DAVID SCHNUR: *Die Juden in Frankfurt am Main und in der Wetterau im Mittelalter: Christlich-jüdische*

Beziehungen, Gemeinden, Recht und Wirtschaft von den Anfängen bis um 1400 (Wiesbaden 2017), 272–77, here 274–75; GREBNER: »Haltungen.« The neutral form was written and authenticated under the seal of the highest judge of Frankfurt, who was responsible for the procedure. Cf. also MAGIN, »Gott«, 23; EVELINE BRUGGER: »Von der Ansiedlung bis zur Vertreibung – Juden in Österreich im Mittelalter«, *Geschichte der Juden in Österreich*, ed. WOLFRAM HERWIG (Vienna 2013), 123–228, here 151; TOCH: »Mit der Hand«, 168–69; GREBNER: »Eidesleistungen«, 148, who all stress the fact that there is no proof of the utilization of these anti-Jewish forms of the *Judeneid*. In 1302, Wigbold von Holte, Archbishop of Cologne (1297–1304), ruled that Jews shall not be asked to take »unusual oaths« (*inconsueta iuramenta*); cf. MATTHIAS SCHMANDT: *Judei, cives et incole: Studien zur jüdischen Geschichte Kölns im Mittelalter* (Hannover 2002), 272. The use or nonuse of anti-Jewish

texts and ceremonies of the *Judeneid* did not depend on the actual political climate, as suggested by JÜRGEN WOLF: »Zwischen Mündlichkeit und Schriftlichkeit: Die frühen deutschen Judeneide im 13. Jahrhundert«, *Magister et amicus. Festschrift für Kurt Gärtner zum 65. Geburtstag*, ed. VÁCLAV BOK and FRANK SHAW (Vienna 2003), 839–74, here 868.

60 A fourteenth century *Judeneid* from Landshut was introduced by the city scribe with clearly personal anti-Jewish comments, and yet the oath text itself as well as the choreography was kept neutral; cf. RAPHAEL STRAUS: »Der Landshuter Judeneid aus dem 14. Jahrhundert«, *Zeitschrift für die Geschichte der Juden in Deutschland* 5 (1935): 42–49. Such comments can be found frequently; cf. SIMON SCHWARZFUCHS: »Art. Basel«, *Germania Judaica*, vol. 3: 1350–1519, pt. 1, ed. ARYE MAIMON and YACOV GUGGENHEIM (Tübingen 1987), 81–86, here 84.

anti-Jewish text forms of the *Judeneid* also result from notes of other cities since cities updated each other with texts and collected them.⁶¹

— Occasions that made a *Judeneid* necessary were, for example, taxation by the city government in the form of the city council or the local lord, naturalization, sometimes taking the position of agents or middlemen (*Unterkäufer*), release records after imprisonment, and law court cases. In Mühlhausen (Thuringia), only a day's travel distance from Erfurt, Jews took a *Judeneid* for taxation. Here, the city council asked the *parnasim* (community leaders) explicitly in 1444 to take the oath according to their customs. A city book from Mühlhausen contains a *Judeneid* that was the official *Judeneid* from Nordhausen and, at some point, added to the city book of Mühlhausen. It appears to have been used for such matters of taxation in Nordhausen as well as perhaps in Mühlhausen. The text, probably from the fourteenth century, reads:

I have paid taxes for my goods according to the city's laws, and I will report my residence. To this I swear. May I be helped by God and the laws which God gave Moses on Mount Sinai on the stone tablets. And if I swear falsely, I shall be unfortunate, the earth shall swallow me as it swallowed Korah, Datan, and Aviram, who received their just wage. Amen, Amen.⁶²

According to this text, it seems that Jews in Mühlhausen did not take a Jewish oath for taxation but a *Judeneid*, supervised by Christian officials. Such a practice would fit into the time after the Black Death when Jews received more frequently individual privileges of settlement. These contracts led to separate taxation instead of communal taxation, and a Jewish oath for this became obsolete. From the city of Friedberg, on the other hand, we know of oath-taking for taxation in the form of a Jewish oath – and it seems, this was a Jewish oath on an annual basis on Hanukkah (25. Kislev).⁶³ The source dates to the thirteenth century, when individual taxation was not yet common practice and Jewish oaths were needed to regulate these matters, as seen in the above mentioned *takkanot ShUM*.

— In many German cities, Jews could receive forms of citizenship, and we have evidence that they – very much like Christian citizens – took an oath for naturalization, the so-called *Bürgerleid*. This was, for example, the case in the cities of Worms and Gelnhausen.⁶⁴

— The *Judeneid* could also be demanded to allow a person to exercise a certain public function. For example, in the fourteenth and into the fifteenth centuries, Christian as well as Jewish agents or middlemen were known to take care of a specific product imported to the city, such as fish, horses, corn, or certain metals; for example, copper. This group has not received sufficient study yet, not for the Christian, and even less for the Jewish agents.⁶⁵ Jewish middlemen

⁶¹ Cf. SCHNUR: *Juden*, 274–75, and further down in this paper. Yet, SCHNUR also gives proof of discussions between cities about the *Judeneid* and even suggestions from some sides to add anti-Jewish tendencies.

⁶² ZIMMERMANN: *Entwicklung*, 58; and SCHUCHARD: *Juden*, 42: »Daz ich min gut nach der stat gesetzte togenlich verschozzit habe und min(a) gihusen wolle melde, daz swere ich, daz mi got helfe unde die e, die Got(a) gab Moysi uffte deme berge Synai an der steynen tafeln. Unde ab ich unrecht(a) swere, unselige muze ich werde, vorslinde muze mich die erde, alse Chore(a), Dathan undre Abyran, den nach iren werken wart lon. Amin, amen.«

⁶³ See the responsum in AGUS: *Rabbi Meir of Rothenburg*, 536–42, n. 581. Cf. SCHNUR: *Juden*, 42.

⁶⁴ See for Worms: GEROLD BOENNEN: »Jüdische Gemeinde und christliche Stadtgemeinde im spätmittelalterlichen Worms«, *Jüdische Gemeinden und ihr christlicher Kontext in kulturräumlich vergleichender Betrachtung von der Spätantike bis zum 18. Jahrhundert*, ed. CHRISTOPH CLUSE, ALFRED HAVERKAMP, and ISRAEL J. YUVAL (Hannover, 2002), 309–40, here 315; for Gelnhausen: SCHNUR: *Juden*, 272. For at least some time this might have been the practice in Nuremberg as well; cf. GUIDO KISCH: »Nuremberg Jewry Oaths«, *Historia Judaica* 2 (1940): 23–38, here 28–29, 30–31.

⁶⁵ For Christian agents, see HARTMUT SCHUBERT: *Unterkauf und Unterkäufer in Frankfurt am Main im Mittelalter. Ein Beitrag zur Geschichte des Maklerrechts* (Frankfurt am Main 1962); EBERHARD SCHMIEDER: »Unterkäufer im Mittelalter. Ein Beitrag zur Handels- und Wirtschaftsgeschichte vornehmlich Süddeutschlands«, *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 30 (1937): 229–60.

⁶⁶ See SCHNUR: *Juden*, 609–10.

⁶⁷ For Regensburg see RAPHAEL STRAUS: *Urkunden und Aktenstücke zur Geschichte der Juden in Regensburg*

1453–1738 (Munich 1960), 299–300, n. 835, a ruling for 1402.

68 Cf. ANDREAS LEHNERTZ:

»Hafturfekten von Juden in der Stadt Regensburg (14. bis 16. Jahrhundert). Städtische Autonomiebestrebungen zwischen Wandel und Kontinuität«, *Die Stadt des Mittelalters an der Schwelle zur Frühen Neuzeit. Beiträge des interdisziplinären (Post-)Doc-Workshop des Trierer Zentrums für Mediävistik im November 2017*, ed. INGE HÜLPES and FALKO KLAES, 134–72, online via <https://mittelalter.hypotheses.org/15761> (last accessed 24.03.2019). See for more on these release records further down.

69 Cf. KOLMER: *Eide*, 118.

70 Cf. CURK: »The Oath of a Jew«, 64.

71 This was also stated recently by CURK: »The Oath of a Jew«, 65, for Jewish oath-taking in England.

72 We even see rulings in court that see the *Judeneid* as stronger than the proof of the Christian plaintiffs; cf. MAIKE LÄMMERHIRT: »Jüdisches Leben im spätmittelalterlichen Leipzig«, *Das religiöse Leipzig. Stadt und Glauben vom Mittelalter bis zur Gegenwart*, ed. ENNO BÜNZ and ARMIN KOHNLE (Leipzig 2013), 91–111, here 108–09, for Leipzig in the first half of the fifteenth century. See also similar already for the English Kingdom CURK: »The Oath of a Jew«, 67.

73 In 1325, the Bavarian dukes acknowledged such a privilege for their Jews in Regensburg. This decision happened, as the dukes declared, after consultation with their advisers; *Regensburger Urkundenbuch, vol. 1: Urkunden der Stadt bis zum Jahre 1350*, ed. FRITZ BASTIAN (München 1912), 265, n. 479: »They [the Jews] shall not take another oath before our judges than the one which they took upon their books according to their old custom until today and in front of their synagogue.« (»Daz si dhainen ayt vor unsern rihtern niht tûn sullen dann den ayt, den si [die Juden] auf iren büchen nach alter gewonheit her braht habent untz auf den tag heut, und auch vor ir schül.«)

– and middlewomen as well⁶⁶ – were, it seems, appointed by the Jewish community on an annual basis and took an oath of office, most likely a *Judeneid*, although possibly it was a Jewish oath.⁶⁷

— When Jews got imprisoned because of delicts or to blackmail them when city councils, local lords, or even the emperor were once again in urgent need of money, they took a *Judeneid*. Such release records convey a reliable and insightful proof of Jewish oath-taking.⁶⁸

— The examples show that the *Judeneid* covered a wide range of fields. Most notable was Jewish oath-taking in Christian courts. Here, Jews could clear themselves from accusations through oath-taking when stating their innocence. The Erfurt *Judeneid* is, not surprisingly, a record for law court practices since it begins with a declaration of innocence: »What you have been accused of, that you are not guilty.« Such forms of oaths, designated as *iuramentum purgatorium*, were utilized for cleansing from accusation.

— Albeit we gain this information from the sources, many questions remain: Which objects were used in the *Judeneid* ritual? What gestures were part of it? Where did the procedure take place, and who swore the *Judeneid*? Contrary to Christian oath-taking, where scholarship stated that women only seldom took oaths,⁶⁹ Jewish women are recorded quite frequently of having taken the *Judeneid*. I shall examine these questions further in the next section.

Pragmatism and Ritual

The pragmatic and ritual performance of oaths is crucial. When Barack Obama became president of the USA in 2009, he – as already his precursors – took an oath of office during the inauguration ceremony, and his wife Michelle held the Bible for him. The judge mispronounced a part of the oath text and Obama repeated this mispronunciation. Later, he had to repeat the vow in his office to keep everything according to the ritual. This story exemplifies how serious oath-taking and its meticulously correct execution still is. In the Middle Ages, the ritual, defined by sacred objects, the place, perhaps even the right time, text, gestures, and people involved, such as a judge, the litigator, and witnesses, shaped the perception and the validity of vows. Oath-taking naturally was deeply connected to trust and even to forms of liability,⁷⁰ honor, and the social and economic status of the oath-taker.

— Jews – men and women – took *Judeneide*. It was a privilege to swear according to the »Jewish custom« (*more iudaico*),⁷¹ and the fact that Jews had full rights in Christian law courts is significant.⁷² This is revealed by the many rules and privileges specifying or allowing this very practice in case Jews had to take an oath in contact with Christians.⁷³ Their codification by privileges was very much like regulations concerning the synagogues, the Jewish cemetery, *kosher* slaughtering, taxation, and moneylending.

— Concerning Frankfurt am Main, scholarship has shown that Jews took the *Judeneid* on a codex of a Pentateuch. The highest Christian judge of the city spoke the oath. He had to verify that the



FIG. 4: The Erfurt Judeneid (ca. 1200).

correct (Hebrew!) book was used and asked a member of the Jewish community – without any connection to the particular law court case – to confirm this. Then, the Jewish oath-taker had to put his or her hand up until the wrist onto the opened codex. The book was closed, and now the judge read the text of the *Judeneid*. This procedure took place in front of the synagogue; that is, in the *Schulhof*.⁷⁴

— Evidence for the intended ritual use of the Erfurt *Judeneid* as recorded around 1200 is its form on parchment, with a beautiful script as well as a seal. (► fig. 4) Its appearance is very much like a charter (without a date), although its script is an early Gothic book script, and none used for charters.⁷⁵ The text is unlike other texts of charters not abbreviated, which points to the fact that it had to be clearly legible.⁷⁶ When reading the text aloud, it had to be done correctly and without mistake – very much as the story of Barack Obama illustrated. In front of an audience, the text was easily visible, which made it very

⁷⁴ See SCHNUR: *Juden*, 272–74. In the city of Gelnhausen, the *Judeneid* was read by the highest judge, too; see SCHNUR: *Juden*, 69–70. Furthermore, the oath-taking took place in front of the synagogue. Similarly, in the Austrian duchy, oaths were taking place in front of the synagogue; see BIRGIT WIEDL: »Jews and the City: Parameters of Jewish Urban Life in Late Medieval Austria«, *Urban Space in the Middle Ages and the Early Modern Age*, ed. ALBRECHT CLASSEN (Berlin et al. 2009), 273–308, here 285. The *Judeneid* for Dortmund was recorded in a city book with a Latin description of the choreography between 1280 and 1310. Here, the judge, the plaintiff, and the Jew entered the synagogue. The oath was, it seems, taken on a Pentateuch codex with the book of Leviticus since the Jew had to place his right hand upon it up to his wrist, and the book was closed then. Now a cleric read the oath for the Jew, and the Jew had to repeat the words. Whenever the Jew made a mistake, the text was read anew, and he had to hand over a pawn. For his work, the cleric was paid one pound of pepper or good of the same value by the Jew. In the end, the choreography demands an oath upon the book of Exodus, which contradicts the oath-taking above on the book of Leviticus; see JOHANNES DEISSLER: »Zur Geschichte der Juden in Westfalen 1 (1273–1347)«, *Corpus der Quellen zur Geschichte der Juden im spätmittelalterlichen Reich*, ed. ALFRED HAVERKAMP and JÖRG R. MÜLLER (Trier, Mainz 2015), n. 5, online via <http://www.medieval-ashkenaz.org/WFo1/WF-c1-002w.html> (last accessed 18.10.2019). Another choreography for the *Judeneid* is found in a city book from Nuremberg, dated to 1479 (see KISCH: »Nuremberg Jewry Oaths«, 34–38, n. 7) and in Landshut in the first half of the fourteenth century (see STRAUS: »Der Landshuter Judeneid«, 43–44).

⁷⁵ Every criterion points to this record being original and we have no reason to doubt its dating to ca. 1200; cf. MAGIN: »Gott«, 17–18.



FIG. 5: The Erfurt *Judeneid* (ca. 1200) with its parchment bent back in order to turn the seal



FIG. 6: The Erfurt *Judeneid* (ca. 1200) with its seal bent back.

suitable for ritual performance. The »crown« of its importance was the attached city seal, which everyone could see and recognize.

It is the oldest specimen of the city seal of Erfurt.⁷⁷ Centered in the seal image is St. Martin, the patron of the archbishopric of Mainz. St. Martin was, at least until the High Middle Ages, a most favored saint used for oath-taking on his grave or his relics.⁷⁸ He also was the patron of the archdiocese of Mainz, to which Erfurt belonged.

— The seal is attached upside down to the parchment⁷⁹ with silk twines in three colors. Other than parchment tongues, which were usually used to attach seals, these twines allowed a smooth turning of the seal on the backside of the parchment.⁸⁰ By doing so, the text could be read while the oath-taker, as well as the plaintiff – who had to be present at court – and the witnesses, would see the seal in the right position.⁸¹ Such practice becomes very likely. The parchment of the Erfurt *Judeneid* indeed has traces of usage at the place where the parchment was held with fingers.⁸² Moreover, the fact that the parchment is bent back at the position of the seal indicates that the seal was bent back. (► fig. 5, 6)

— The seal image possibly had an effect on the audience or the Christian accuser and perhaps also on the Jew taking the oath. It was the city's seal and therefore a symbol of authority, giving the oath procedure an official as well as ritual character. The last line of text stressing that the oath was given to the city by the archbishop underlines this.⁸³

— All these aspects turned this record of the Erfurt *Judeneid* into a ritual object.⁸⁴ A form of a comparative record of a *Judeneid* text exists in Frankfurt, as mentioned above. The highest judge of the city declared this text valid by writing it on parchment and sealing it, although when added into a city book, the seal fell off and got lost.⁸⁵

⁷⁶ See, for example, GABRIELE BARTZ: »Der ›Erfurter Judeneid‹ – ein chimärenhaftes Dokument«, *Quelle & Deutung V. Beiträge der Tagung Quelle und Deutung V am 19. April 2018*, ed. BALÁZS SÁRA: Budapest 2019, 15–43, here 25.

⁷⁷ Cf. MAGIN: »›Gott‹«, 16–17.

⁷⁸ Cf. KOLMER: Eide, 236.

⁷⁹ We know other cases of seals having been attached upside down. Sometimes this points to a lack of practice in sealing, especially in the Early and High Middle Ages; cf. HEINRICH MEYER ZU ERMGASSEN: »Siegel aus dem Lot. Beobachtungen über unübliche Siegelbefestigung und Siegelprägung«, *Mabilions Spur. Zweiundzwanzig Miscellen aus dem Fachgebiet für Historische Hilfs-*

wissenschaften der Philipps-Universität Marburg. Zum 80. Geburtstag von Walter Heinemeyer, ed. PETER RÜCK (Marburg 1992), 321–64; TONI DIEDE- RICH: *Siegelkunde: Beiträge zu ihrer Vertiefung und Weiterführung* (Wien et al. 2012), 135. In this study, however, we propose another interpretation of this Erfurt city seal. The claim by BARTZ: »›Erfurter Judeneid‹«, 28–29, that the seal might have been attached later is possible; yet, her claim that the seal was attached upside down to stress the »legal gray zone« is absurd.

⁸⁰ The length of the twines allows to place the seal exactly in the middle of the parchment's backside, which can hardly be a coincidence and therefore seems to be intended.

⁸¹ See ULLRICH BRUCHHOLD: »Vom rituellen Vollzug zum Verständnis. Überlegungen zum Erfurter Judeneid«, *Literatur und Macht im mittelalterlichen Thüringen*, ed. ERNST HELLGARDT, STEPHAN MÜLLER, and PETER STROHSCHNEIDER (Cologne, Weimar, Vienna 2002), 31–44, here 39–40.

⁸² We do not know if further copies of this text with the city seal once existed.

⁸³ Cf. MAGIN: »›Gott‹«, 17.

⁸⁴ MAGIN: »›Gott‹«, 17, notes that the utilization might not have been easy since the parchment was rather thin and the seal heavy. Yet, all the effort to produce this pomp-filled record seems to have been motivated by the wish to use it in the ritual (see also MAGIN: »›Gott‹«, 18).

⁸⁵ See for this and the following SCHNUR: *Juden*, 273.

The official character was given to the diploma of the Erfurt *Judeneid* by its representative form and the attached city's seal – a marker of authority and authenticity.⁸⁶ We can assume that more such separate written records, authenticated by seals, once existed in the Middle Ages, but got lost since. They must have been used during the ritual and replaced by new copies whenever needed.

— *Judeneid* texts tended to be rather short, like the Erfurt *Judeneid* and the authenticated text from Frankfurt. They needed to be of practical and easy use in the ritual and show the influence of a certain pragmatism. The text of a *Judeneid* also reflected such a pragmatic approach since a judge or another official read it aloud. Sources very frequently speak of vows that are read or *gestabt*.⁸⁷ The German verb *staben* points to the fact that a rod was used to imitate the rhythm of the oath text, which often has at least partially rhymed elements – such as the Erfurt *Judeneid*.⁸⁸ Hence versions of the *Judeneid* like the one from Erfurt were usually formulated in the second person singular: »The thing you have been accused of, [you swear that] you are not guilty [of it]. So help you God.« Yet, we also have texts in the first person singular, such as a *Judeneid* from the fifteenth century in Göttingen, recorded in a city book. It is concise, pragmatic, and even lacks all forms of sanctions for perjury: »The thing N.N. accused me of, [I swear that] I am not guilty [of it]. So help me God and the law which God gave Moses on Mount Sinai.«⁸⁹ Does this mean that Jews read and spoke this text themselves? The Latin choreography for the *Judeneid* in Dortmund demands Jews to repeat the oath text precisely.⁹⁰ In Regensburg, Jews declared several times that they took an oath that was read to them by their rabbi: »explained and read with [all] articles according to the Jewish laws and customs.«⁹¹ It is likely that in the latter case a Jewish oath was taken and noted through a Hebrew confirmation by the *Beit Din* (Jewish law court) for the Christian officials. However, it is unlikely that oath-takers would have heard a *Judeneid* text formulated in the second person singular – such as the Erfurt *Judeneid* – and change this formulation into the first person singular when repeating the text. A text in the first person singular therefore was repeated; a text in the second person singular was confirmed by saying »I swear« or »Amen.« A good example for the latter practice is the »old« *Judeneid* from Osnabrück, dated to circa 1300. It addressed the oath-taker in the second person and ends with the command »say amen« (»Spek amen«).⁹² The fact that the Erfurt *Judeneid* has no choreography points again to its utilization in the ritual – nothing but the exact text had to be read by the judge. Even the reminder that this *Judeneid* was given by the archbishop of Mainz was read.⁹³

— What was necessary to make Jews accept the oath-taking in front of Christians, and what was required to make Christians take oaths by Jews? From the examples given so far, it becomes clear that many elements were needed. These included a proper and pragmatic *Judeneid* text, the right place, the people involved, the objects used,

⁸⁶ Cf. TONI DIEDERICH: »Siegel als Zeichen städtischen Selbstbewußtseins«, *Visualisierung städtischer Ordnung. Zeichen – Abzeichen – Hoheitszeichen. Referate der interdisziplinären Tagung – gefördert von der Volkswagen-Stiftung – des Forschungsinstituts für Realienkunde am Germanischen Nationalmuseum, Nürnberg 9.–11. Oktober 1991*, ed. HERMANN MAUÉ (Nürnberg 1993), 142–52; BRIGITTE M. BEDOS-REZAK: »Towns and Seals: Representation and Signification in Medieval France«, *Bulletin of the John Rylands Library* 72 (1990): 35–48; ELIZABETH A. NEW: »Representation and Identity in Medieval London: The Evidence of Seals«, *London and the Kingdom: Essays in Honour of Caroline M. Barron*, ed. MATTHEW P. DAVIES and CAROLINE M. BARRON (Donington 2008), 246–58.

⁸⁷ LEHNERTZ: »Hafturfehden«, passim.

⁸⁸ MAGIN: »›Gott‹«, 20; BARTZ: »›Erfurter Judeneid‹«, 19.

⁸⁹ ZIMMERMANN: *Entwicklung*, 51: »Des my N. schuldig ghevet, des bin ik unschuldech, alse my God helpre unde de ee, de God gaff Moyse uppe deme berge to Synay.« The text appears under the headline *Iurat super libro Moysi*.

⁹⁰ See above, n. 74.

⁹¹ LEHNERTZ: »Hafturfehden«, 157: »Nach jüdischen rechten und gewonhaiten und mit artickeln erzelt und gelärt.« In Basel, too, the *Judeneid* was read by a rabbi; cf. SCHWARZFUCHS: »Art. Basel«, here 84.

⁹² See *Osnabrücker Urkundenbuch, vol. 4: Die Urkunden der Jahre 1281–1300 und Nachträge*, ed. MAX BÄR (Osnabrück 1902), 424, n. 622. For »I swear«, see examples in MAGIN: »›Gott‹«, 20; GOTTFRIED KNEIB: »Judeneide in Sobernheim«, *Mainzer Zeitschrift. Mittelrheinisches Jahrbuch für Archäologie, Kunst und Geschichte* 105 (2010): 115–19. The latter is important since the oath texts mentioned belonged – like Erfurt – to the archdiocese of Mainz.

⁹³ Cf. also BRUCHHOLD: »Vom rituellen Vollzug«, 38.

⁹⁴ Cf. SCHNUR: *Juden*, 274.

⁹⁵ For these *termini technici*, cf. KOLMER: *Eide*, 52.

⁹⁶ Cf. ZIMMERMANN: *Entwicklung*, 51; STEIMANN: »Das es dasselb puch sey«, 83–84. Names for these two types of *Judeneid* according to the weight of the delict vary between, for example, small and big, or light and heavy. In Leipzig, a light *Judeneid* was utilized alongside a »high oath« (»hocher eid«); cf. HARALD SCHICKEL: »Art. Leipzig«, *Germania Judaica* 3,1, 728–735, here 730. The sum of money involved in the court case had an effect on the object that had to be used for oath-taking – a Pentateuch codex or even the Torah scroll; cf. CURK: »The Oath of a Jew«, 71.

⁹⁷ Choreographies frequently demand a special book or even chapter that has to be opened – obviously in those cases a Pentateuch codex was used; cf., for example, LEHNERTZ: »Hafturfehden«, 148 (Lev 26:14–38 or Deut 28:15–68); FRIEDRICH SCHÜTZ: »Art. Bingen«, *Germania Judaica* 3,1, 116–128, here 119 (for the second commandment). See also STEIMANN: »Das es dasselb puch sey«, 87.

⁹⁸ Cf. STEIMANN: »Das es dasselb puch sey«; YAEL ZIRLIN: »Meir Jaffe and Joel Ben Simeon. Working Relations between Jewish Scribes and a Christian Atelier«, *Auskunft* 26 (2006): 287–309; ARNOLD ZWEIG: »Die Seele des Juden und das Buch«, *Soncino-Blätter. Beiträge zur Kunde des Jüdischen Buches* 1 (1925/1926): 1–43; URSULA E. KATZENSTEIN: »Mair Jaffe and Bookbinding Research«, *Studies in Bibliography and Booklore* 14 (1982): 17–28.

⁹⁹ LEHNERTZ: »Hafturfehden«, 155: »In die fünf püch hern Moisi und auf das rodal.«

¹⁰⁰ For a similar phrasing from England, see CURK: »The Oath of a Jew«, 70. A privilege by Duke Frederick II (ruled 1230–1244) for the Austrian Jews in 1244 allows a Jewish oath-taker to swear the oath *super rodali*; cf. BRUGGER: »Von der Ansiedlung«, 151. Cf. also STEIMANN: »Das es dasselb puch sey«, 86–87.

¹⁰¹ LEHNERTZ: »Hafturfehden«, 157: »Nach der judischen gewonhait an den mantel gerurt.«

the ritual procedure with gestures, and maybe even the time of the *Judeneid* ritual. I will elaborate further on these elements and ask if and how they may have differed in other times or at other places.

— First of all, the *Judeneid* text. Longer texts that contained anti-Jewish tendencies or even the demand that the Jewish oath-taker has to stand on the sow's skin,⁹⁴ as already discussed, are not likely to have been used. They were not pragmatic at all. For the many different reasons Jews had to take a *Judeneid*, various texts existed. We can differentiate between two basic functions of the *Judeneid*: promissory or assertory.⁹⁵ A promissory oath was used to promise something – to be a citizen and adhere to the city's local law, for example. An assertory oath assured something – not to have committed the deed one was accused of, for example. The Erfurt *Judeneid* is an assertory oath used to cleanse oneself from an accusation. These forms of the *Judeneid* were used in law court cases and were by far the most frequently recorded and most important for Jewish-Christian litigation. According to the weight of the accusation, many cities differentiated between a light and a heavy *Judeneid*. It usually depended on the amount of money involved. One *Judeneid* in Göttingen was used for law court cases under the sum of 50 marks only while there was a second, longer *Judeneid* for more significant cases.⁹⁶

— The site where the *Judeneid* took place differed as well: it could be in the synagogue (which would be the place for Jewish oath-taking, too), at the doorpost of the synagogue (for Jewish women taking the oath, but also for the touching of the door ring of the synagogue), in the *Schulhof* (perhaps the most prominent way), and in the city council or before different law courts. Reasons for the different places can be manifold and include various local customs, changing judges, the weight of the case, or the identity of the oath-taker (gender, social status, citizenship). All the places have in common that they were public spaces and, at least theoretically, assured the presence of enough witnesses.

— Objects involved were almost always the Torah scroll or a Pentateuch codex.⁹⁷ By the fifteenth century, many cities had their copy of a Hebrew Pentateuch codex. This made the procedure much more comfortable, and the Christian officials did neither have to search for a Hebrew Pentateuch or Torah scroll nor make another Jew check if it was the right text. It also shows that the *Judeneid* was a frequently utilized tool in these cities. For this reason, the city council or judge was willing to pay to have such a precious book, too. In Nuremberg, the city council commissioned a Hebrew Pentateuch for the *Judeneid* and even assigned the Jewish craftsman and artisan Meir Jaffé to bind it with a leather-cut cover, still existing today.⁹⁸ In Regensburg, Jews frequently stated that they took a *Judeneid* »upon the Five Books of Moses and upon the *rodal*«. ⁹⁹ Obviously, the vow took place on the Torah scroll (Latin *rotulus* is the scroll).¹⁰⁰ In the fifteenth century in Regensburg, we also read that Jews declared they »touched the cloak according to the

Jewish custom«,¹⁰¹ which we could interpret as the *tallit* male Jews wear in the synagogue, or the *me'il*, which is the cover of the Torah scroll. Since the touching of the Torah scroll with the bare hand is very unlikely,¹⁰² the *tallit* could have been used or, which is more likely, the Torah scroll was bound up and covered with the *me'il* when the oath took place. From some cities, we even have evidence that the oath-taker held the door ring of the synagogue during the ceremony of a *Judeneid*, and there is no reference to a Torah scroll or Pentateuch codex.¹⁰³

— About the gestures during the *Judeneid* ceremonial, we know very little. Frankfurt sources show that the oath-taker placed the hand up to the wrist upon the Pentateuch codex, but there is no mention of whether the other hand performed a gesture. In a source from Wrocław from the year 1435, the Jew Kussiel (Yequthiel) declared he had taken the *Judeneid* »with fingers raised to the sun«,¹⁰⁴ so he had raised his hand.¹⁰⁵

— The oath-taking of Jewish women was a topic of frequent discussion, as we have already seen. Regarding the *Judeneid*, it seems that for Jewish women to take an oath was not a problem at all. They quite frequently took vows. As early as in the eleventh century, RABBI ELIEZER BEN NATHAN OF WORMS (ca. 1100–1150) found it reasonable and necessary to allow women to take oath as well. He said:

In these days, that the women are bailiffs and money changers and negotiate and loan and borrow and repay and receive payment and make and take deposits, it is to their benefit to require them to take an oath, for otherwise people will refrain from doing business with them.¹⁰⁶

— When – to give an example – Sörel (Sarah) got released from imprisonment in Regensburg in the year 1452, she declared that she »took the oath good-willing and with the inserted right hand up until the wrist into the five books of Moses.«¹⁰⁷ From this, we learn that the right hand was used for taking the *Judeneid*. As opposed to Christian oath-taking, Jewish women putting their hand on the breast when taking an oath is not mentioned anywhere in the sources.

— Jews, however, had a word in the pragmatism of the *Judeneid* texts and its ritual.¹⁰⁸ The oath-taking »according to the Jewish customs« (*more iudaico*) is a very frequently found evidence. There was a certain level of communication between Jews and Christians to agree on the right terms, although at the end of the Middle Ages, the Jewish word in this discussion lost, it seems, more and more of its weight. The Erfurt *Judeneid* text testifies to the assumptions that a German version must have been in the interest of the Jews. Earlier texts are transmitted in Latin only, but a later thirteenth century source adds evidence to the importance of oath-taking and oath-receiving in a language everyone would understand. From

¹⁰² HANNA LISS: »Vom *Sefer Tora* zum *sefer*. Die Bedeutung von Büchern im ›Buch der Frommen‹ des R. Yehuda ben Shemu'el he-Chasid«, *Erscheinungsformen und Handhabungen Heiliger Schriften*, ed. JOACHIM F. QUACK and DANIELA C. LUFT (Berlin, Boston, Munich 2014), 207–27, here 209–10. Again, the parallel in the Christian sphere, where the Gospel often was not to be touched, is remarkable; cf. KOLMER: *Eide*, 239.

¹⁰³ HANS VOLTELINI: »Der Wiener und Kremser *Judeneid*«, *Mitteilungen des Vereins für Geschichte der Stadt Wien* 12 (1932): 64–70, here 69–70; cf. BRUGGER: »Von der Ansiedlung«, 151. This was also the custom in Bratislava, Hungary; cf. *Monumenta Hungariae Judaica*, vol. 1: 1092–1539, ed. ARMIN FRISS (Budapest 1903), 83, n. 52.

¹⁰⁴ MARCUS BRANN: »Geschichte der Juden in Schlesien. II. Von 1335–1400«, *Jahresbericht des jüdisch-theologischen Seminars Fraenckelscher Stiftung* (1897), Anhang IV, n. I, LXVIII–LXIX (in two versions, German and Yiddish). Cf., for more such examples, ZIMMERMANN: *Entwicklung*, 155, 157; 213; 215–16. Raising the right hand meant taking an oath in the common Bible; cf. Gen 14:22; Exod 6:8; Deut 32:40. See also THEA BERNSTEIN: *Die Geschichte der deutschen Judeneide im Mittelalter* (PhD diss., Marburg 1921), 15–16; MAGIN: »Wie es umb der iuden recht stet«, 307.

¹⁰⁵ Christians too declared this; cf. KOLMER: *Eide*, 241–43.

¹⁰⁶ AVRAHAM GROSSMAN: *Pious and Rebellious: Jewish Women in Medieval Europe* (Waltham, MA 2004), 122.

¹⁰⁷ Cf. LEHNERTZ: »Hafturfehden«, 160: »Den aide mit gutem willen und mit eingelegter der rechten hant bis an den risten in die fünf bucher Moises gesworen.« To mention only a few other Jewish women recorded as having taken a *Judeneid*, see, for example, GREBNER: »Eidesleistungen«, 156, where in Frankfurt, the Jewish woman Zorline even took a *Judeneid* for her husband, and SCHUCHARDT: *Juden*, 33, where in Mühlhausen, Ricke took an oath in 1428. For an example

from England, see CURK: »The Oath of a Jew«, 63.

108 Cf. MAGIN: »*Wie es umb der iuden recht stet*«, 284, showed that Jews intervened with success against anti-Jewish elements in the *Judeneid*. See also KISCH: »Nuremberg Jewry Oaths«, 27–28; MAGIN: »»Gott«, 14; 23.

109 MAGIN: »*Wie es umb der iuden recht stet*«, 287–88: *Ita quod christiani univarsi suum intelligent iuramentum*.

110 Cf. MAGIN: »»Gott«, 21–22.

111 In Litoměřice (some 40 miles north of Prague), for example, the *Judeneid* text was recorded in Czech language; cf. FERDINAND SEIBT and MARIA TISCHER, Art. »Leitmeritz«, *Germania Judaica* 3,1, 735–738, here 736.

112 Cf. SCHNUR: *Juden*, 275; GREBNER: »Eidesleistungen«, 144–45.

113 See, for example, REINHOLD S. RUF-HAAG: *Juden und Christen im spät-mittelalterlichen Erfurt. Abhängigkeiten, Handlungsspielräume und Gestaltung jüdischen Lebens in einer europäischen Großstadt* (PhD diss., Trier 2009); MAIKE LÄMMERHIRT: »Zur Geschichte der Juden im mittelalterlichen Erfurt«, *Der Schatzfund: Archäologie, Kunstgeschichte, Siedlungsgeschichte, Die mittelalterliche jüdische Kultur in Erfurt*, Bd. 1, ed. SVEN OSTRITZ (Langenweißbach 2010), 334–75.

114 Many *Judeneid* texts of the fourteenth and fifteenth centuries have survived from cities around Erfurt. See, for example, Nordhausen (MAIKE LÄMMERHIRT: »Die Anfänge der jüdischen Besiedlung in Thüringen«, *Zeitschrift des Vereins für Thüringische Geschichte* 69 [2015]: 57–91, here 84); Mühlhausen (*Das Mühlhäuser Reichsrechtsbuch aus dem Anfang des 13. Jahrhunderts. Deutschlands ältestes Rechtsbuch nach den altmittel-deutschen Handschriften*, ed. HERBERT MEYER [Weimar 1934], 3); Göttingen (RÖLL: »Zu den *Judeneiden*«, 181); Naumburg (MAIKE LÄMMERHIRT: »Von Werra und Leine bis zum Bober: Quellen zur Geschichte der Juden in Thüringen und Sachsen 1 [1297–1347]«, *Corpus der Quellen zur Geschichte der Juden im spätmittelalterlichen*

Stendal, some 60 miles west from Berlin, a choreography explains that the local *Judeneid* had to be in »the German language« (*lingua theutonica*) in order to make all Christians understand it – and this included the witnesses as well as the Christian litigator.¹⁰⁹

— At a time when German was, as far as we know, not yet the language used for rituals, such a shift from Latin to German as testified by the Erfurt *Judeneid* was a remarkable change. More German legal texts from Thuringia only emerge about 50 to 100 years later.¹¹⁰ It was in the interest of the local Jews who had to take the *Judeneid* to have a German text.¹¹¹ Accidentally this took place in central Germany as opposed to the Rhineland in the West, where a significant number of French-speaking Jews lived for whom Latin would perhaps have been easier to understand.

— Since it was so important to have a proper *Judeneid* text and the right choreography for the ritual – Jews too would have insisted on this –, it is not surprising that there is evidence for a city asking its neighbors how to proceed with Jews who were to take an oath.¹¹² This fact and the revision of text by Christian authorities as well as Jewish communities during the Middle Ages led to different versions of *Judeneide*, which especially since the fifteenth century received more frequently choreographies for the ritual. Not all of the cities had a significant Jewish population with long tradition enabling them to be specialists in matters of the *Judeneid*.

The Erfurt *Judeneid* and Its Utilization during the Middle Ages

In the thirteenth century, Erfurt belonged to those cities with a higher number of Jews living within its walls.¹¹³ The urban commune became well acquainted with the *Judeneid* since they had to enable Jews to take the oath according to their customs.¹¹⁴ Evidence for the utilization of the Erfurt *Judeneid* and how the ritual took place is, however, rather scarce. Nevertheless, records frequently mention oath-taking of Jews in contact with Christians in Erfurt. It was important for the Erfurt Jews to have the privilege of oath-taking »upon their books«; that is, swearing upon a Pentateuch codex or a Torah scroll. Oath-taking on sacred Christian objects, such as relics of saints, was ruled out, although we have indications that this was not always the case.¹¹⁵ This importance became evident at the time of the so-called *Zweite Judenschuldentilgung*, that is, the cancellation of Jewish debt demands, under King Wenceslas (ruled 1376–1400).¹¹⁶

Reich, ed. ALFRED HAVERKAMP and JÖRG R. MÜLLER [Trier, Mainz 2015], n. 182, online via <http://www.medieval-ashkenaz.org/TW01/TW-c1-000i.html> [last accessed 12.10.2019]); Heiligenstadt (*Willkür der Stadt Heiligenstadt aus dem Jahre 1335. Stadtrecht im Mittelalter*, ed. GERHARD GÜNTHER [Heiligenstadt 1997], 10).

115 Cf. SHOHAM-STEINER: »»Transactions.««

116 See ARTHUR SÜSSMAN: *Die Schuldentilgungen unter König Wenzel* (Berlin 1907). Cf. SCHNUR: *Juden*, 272, who stated that at that time the rate of Jews taking the *Judeneid* was explicitly high. For Erfurt, see RUF-HAAG: *Juden*, 220–24; LÄMMERHIRT: »Zur Geschichte der Juden«, 356–57.

In 1390, for the second time Wenceslas made an attempt to attack Jewish capital by cancelling the debt bonds that Jews had in their possession. The king, the nobility, and the cities profited from the illegal action. At this time, the Erfurt city council and the king had a confrontation that cannot be reconstructed anymore. However, in the end both parties reached an agreement on March 9, 1391, which was acknowledged officially by Wenceslas. In his royal privilege, he explicitly stated the Jew's right to swear on their books in case of an accusation.¹¹⁷ It seems that at least for some time, the *Judeneid* had been in question.

— Let us finally examine further evidence for the utilization of the *Judeneid* in Erfurt. For an extended period after the *Judeneid* was issued, we have no references to its use. In the second half of the fourteenth century, sources begin to mention it; that is, more than 150 years later. In the Erfurt *Judenbuch*, a city book recording mainly taxation of the Jews, an entry for the year 1389 says that the city council had demanded a *Judeneid* from the community leaders (*parnasim*) and tax collectors; that is, from the communal officials who were the primary contact persons for Christian authorities. They had to swear under oath that they would report to the city council all Jewish citizens as well as the children that had reached or already passed their legal age, which was twelve years.¹¹⁸ Officials of the Jewish community were probably asked for valid data concerning the latter by Christian authorities regularly. We do not know if the Jews of Erfurt took an oath of naturalization as evidenced in other cities. However, likely, they did so.¹¹⁹

— Even if they had not made an oath of naturalization, Jews would swear to stay and pay taxes to a city council – a part usually integrated into release records, too. Leaving the city without permission was perceived as breaking the oath. This is evidenced by two letters that the Erfurt city council wrote to local counts.¹²⁰ In both messages, they reported that Jews had left their city without permission, and in one of them, dated to 1451, they explicitly claimed that a Jew had done this »against his oath«.¹²¹

— In the year 1416, a letter from the Erfurt to the Frankfurt city council mentions that all Erfurt Jews had been imprisoned for 14 days, until they gave a sum of 6,000 guildens to the city council – obviously a case of blackmailing.¹²² It is safe to assume that release records were drawn up, and the imprisoned Jews took a *Judeneid*. Such records of pacification (*Urfehden*) or, more specifically, release records after imprisonment (*Hafturfehden*) are ideal sources for a study of oath-taking.¹²³ Released prisoners declared under oath that they would not seek future revenge, legally or otherwise. A release record was the contract guaranteeing this performative and juridical act. The rise of power of urban communes and local lords in the Late Middle Ages lead to the possibility and even to the necessity not only to enforce the local law but also the city's or local ruler's agenda. All other opinions and delinquent behavior such as robbery, fraud, brawls, or murder could lead to sanctions through forced

¹¹⁷ See *Urkundenbuch der Stadt Erfurt*, pt. 2, ed. CARL BEYER (Halle 1897), 727, n. 1010 (1391 III 9). Cf. LÄMMERHIRT: »Zur Geschichte der Juden«, 353–54; 356. Wenceslas gave such privileges in 1391 to other cities as well: cf. *Quellen zur Geschichte der Stadt Köln*, vol. 6, ed. LEONARD ENNEN (Cologne 1879), 32–35, here 33, n. 18.

¹¹⁸ »For this, our masters of the city council demanded from the *parnasim* and the tax collectors of the Jews, that they shall report on their oath all the Jews which are citizens and children of the [Jewish] citizens and had reached or passed the age of twelve.« ARTHUR SÜSSMANN: »Das Erfurter Judenbuch (1357–1407)«, *Mitteilungen des Gesamtarchivs der deutschen Juden* 5 (1914): 1–126, here 70: »Hirumme so hisen unser hern der rad die parnosen und schusser der juden, daz sie uff oren eyt sulden beschrieben geben alle die juden, die zcu Erfforte burger und burgers kint weren und die zwelf jare als und darobir weren.« See also RUF-HAAG: *Juden*, 153–54. Jewish officials for taxation who would perhaps take a *Judeneid* on the city council's demand are mentioned in the sources; cf. RUF-HAAG: *Juden*, 156–57.

¹¹⁹ Perhaps oath-taking was involved in a tax privilege from 1375, which has survived as *regestum* only; cf. RUF-HAAG: *Juden*, 156–57.

¹²⁰ Cf. RUF-HAAG: *Juden*, 289, n. 468; 286–87, n. 460.

¹²¹ Cf. RUF-HAAG: *Juden*, 289, n. 468.

¹²² See Frankfurt, Institut für Stadtgeschichte, UGB E 55, C 25, fol. 7v (1416 III 23). Cf. RUF-HAAG: *Juden*, 234–44; LÄMMERHIRT: »Geschichte der Juden«, 357.

¹²³ For an analysis of such release records issued by Jews in the city of Regensburg, cf. LEHNERTZ: »Hafturfehden.«

¹²⁴ Erfurt, Stadtarchiv, 0-0 / A 47-16 (1432 IX 17): »Daz wir haben gesworn yn Moyszes buch uff den tzen geboten eyn judiszen eyt semptlech unser eyn vor daz andern unde iglich vor sich selber.« Cf. RUF-HAAG: *Juden*, 309.

¹²⁵ RUF-HAAG: *Juden*, 309: »Bie got heymls und erden.«

¹²⁶ RUF-HAAG: *Juden*, 309: »Gegebin von anbeginne der werlde nach der juden zcal funff tusient unde hundert jar unde dar nach in demem dryunde-nutzigisten jare des eynunde-zweynt-zigisten tagis des monden tisseri genant. Und nach der cristen zcal tusient vierhundert und yndem ctwey unde driszigisten jare am mittwochen Lamperti.«

¹²⁷ Cf. LEHNERTZ: »Hafturfehden«, 153.

¹²⁸ Jewish men and women frequently attached their personal seals to release records; cf. ANDREAS LEHNERTZ: *Judensiegel im spätmittelalterlichen Reichsgebiet. Beglaubigungspraxis und Selbstrepräsentation von Jüdinnen und Juden* (PhD diss., Trier 2017).

¹²⁹ Erfurt, Stadtarchiv, 1-1 / XX1-7, vol. 21, fol. 159r (1435 I 31). Cf. RUF-HAAG: *Juden*, 309–10.

¹³⁰ RUF-HAAG: *Juden*, 309–10: »Bie sy me judischin eyde gered unde gelobt habe Moschen von Nuemborg.«

¹³¹ Erfurt, Stadtarchiv, 0-1 / VI-6 (1436 X 11): »Gesworn in Moyses buch uff den czehn geboten eynen rechten judischen eyd semptlich unser eyner vor den andern unde unser iglicher vor sich selbist.« The wording is similar to that from 1432. Cf. RUF-HAAG: *Juden*, 309–10.

¹³² RUF-HAAG: *Juden*, 309–10: »Gebin von anbegynne der werlde nach der judden zcal funfthusedt unde hundert ja runde darnach indeme sybenunde nuntzigisten jare dez ersten tages des manden marheszwan genant unde nach der cristen zcal thusint vierhundert darnach indeme sechsundrissigsten jare am donerstage nach Dyonisii.«

imprisonment or the death penalty. To make sure those imprisoned would not seek revenge after their release, especially by taking legal action against the detention before law courts of external cities and lords, the release from imprisonment always required the issuing of a release record. Both Jews and Christians were forced to issue release records. The central part of this process was oath-taking. In Erfurt, the Jewish inhabitant Kellin from Ulm issued two release records, in the years 1432 and 1436. Both have survived in the city archives. Kellin and his wife Esther declared in 1432, »that we have sworn onto the books of Moses upon the Ten Commandments a Jewish oath altogether, each for the other one and each for himself.«¹²⁴ In this case, both took, so it seems, two vows and guaranteed each other's truthful adherence to it. In the same record, they stated they had taken the *Judeneid* upon the Pentateuch »by the God of heaven and the earth.«¹²⁵ This is a reference to the Erfurt *Judeneid* text as we know it, which has the same element: »The God who created heaven and earth.«

— Such release records sometimes give us interesting further information about the ritual and pragmatism of the *Judeneid*. They are always dated. This enables us to explore on which days the release happened. Kellin and Esther's release record is remarkable since it contains the Christian as well as the Jewish date: »Given from the beginning of the world according to the Jewish dating five thousand and one hundred years and after that in the ninety-third year of the twenty-first day of the month called Tishri. And according to the Christian dating one thousand four hundred and in the thirty-second year on the Wednesday [of St.] Lambertus.«¹²⁶ The dating is congruent and »Tishri twenty-first« is the last day of the Sukkot festival. Were Kellin and his wife Esther led free from imprisonment because of the Jewish festival? Indeed, evidence from the dates of release records of Jews frequently points to the fact that they were set free before Jewish holidays or a Shabbat.¹²⁷ This refers to a possible representation of clemency by the city council and could publicly be celebrated by the oath-taking finalizing the end of imprisonment. From a formal side, Kellin attached his seal to the release record, which is a visible sign of his social status.¹²⁸

— Three years later, Kellin argued with another Jew, Moses, from Nuremberg. The dispute led to an agreement after the city council had intervened.¹²⁹ This was recorded in the city book, where the scribe stated, »Kellin vowed with his Jewish oath«¹³⁰ to Moses that he would not accuse him anymore. Both parties asked the city council to mark this agreement down in their city book. It seems that this was a *Judeneid*, not a Jewish oath.

— The second release record dates from 1436. Kellin issued it together with his son-in-law Fidel from Mühlhausen and the latter's wife Hanne, Kellin's daughter, after their imprisonment, and all three took an oath.¹³¹ Again, the date is given according to both the Jewish and the Christian calendars¹³² but does not correspond

to any Jewish holiday this time. Kellin again attached his seal to the release record and even added a Yiddish confirmation to it.

— Similar to the agreement Kellin made in 1436, the Jewish women Stolzin and her husband Seligmann appeared before the city council in 1425 to have a statement of themselves recorded.¹³³ The text says, they »have sworn upon Moses's book upon the Ten Commandments a Jewish oath.«¹³⁴ This could indicate an *Urfehde* or matters of taxation.

— That Jews would in various situations take an oath is evident in our final examples. One describes a dispute between the Erfurt water master and the local nobleman Ilversgehoven. It is recorded in another city book. Both parties settled their controversy by an agreement and took an oath. In some way the local Jews must have been involved, too, since an additional note reads as follows: »The Jews had to take the Jewish oath upon Moses's book upon the 10 Commandments.«¹³⁵ When Jews were appointed as witnesses, they took oaths, too. Evidence for this is found once again in a city book from Erfurt: the Jew Abraham from Jena took an oath as a witness in an argument between another Jew from Erfurt and a Christian.¹³⁶ Although we do not know how the *Judeneid* took place in Erfurt in detail, we see a wide variety of situations in which Jews took an oath. Some of these contain hints to contexts, in which the *Judeneide* were used, and it seems that the texts remained short and pragmatic.

Concluding Remarks

The *Judeneid* would not have been applied in the city of Erfurt for about 250 years after its first record around the year 1200 until the end of the Jewish community in 1453/1454¹³⁷ if it had not been efficient and if neither Jews nor Christians had trusted its liability. In Germany, *Judeneide* were utilized until the late nineteenth century when Jews, under the influence of the Enlightenment, acquired equal status before the law.¹³⁸ Although its practice was now outdated, the quality of the oath of a Jew became controversial once again. Nazis attacked Jewish oath-taking with the famous and widespread rhymed proverb »Trust no fox on his green heath and no Jew on his oath.«¹³⁹ In the Middle Ages, the word of a Jew, it seems, generally had the same legal weight as that of a Christian.¹⁴⁰ The *Judeneid* was the medium to ensure this. Characterized by pragmatism and ritual, there was no pejorative connotation in the *Judeneid*, which was used as an instrument for a daily life contact. This is important to keep in mind when exploring the pragmatic and ritual aspects of the Erfurt *Judeneid*, which is a good study case since it was like a role model for what followed in different *Judeneid* versions in the medieval German Empire.

— Like Christians, Jews in the Middle Ages took oaths in so many situations and for so many different reasons that we could characterize oath-taking as an almost daily act.¹⁴¹ A story like »The Man Who Never Took an Oath«, which is part of the thirteenth century Hebrew *Sefer ha-Ma'asim* (*The Book of Acts*), stresses the

¹³³ Cf. RUF-HAAG: *Juden*, 283–84.

¹³⁴ RUF-HAAG: *Juden*, 283–84: »Habin gesworen in Moyses buch uff den zcen geboten eynen judischen eyd.«

¹³⁵ Erfurt, Stadtarchiv, 5 / 900-36, 1056 (1426 x 15): »Die jüdn habn mußen den jüdisch eyd schwern in Moyses buch uff den 10 gebotten.«

¹³⁶ Erfurt, Stadtarchiv, 1-1, XXI-1a 1a, vol. 1, fol. 127r, n. 549.

¹³⁷ On the end of the Jewish community in Erfurt, see MAIKE LÄMMERHIRT: »Die Schutzaufkündigung 1453 und das Ende der zweite jüdischen Gemeinde«, *Die Erfurter jüdische Gemeinde im Spannungsfeld*, Erfurter Schriften 4, 124–37.

¹³⁸ See ZIMMERMANN: *Entwicklung*, 256; HIRAM KÜMPER: »Juden vor Gericht im Fürstenstaat der Aufklärung: Die Kontroverse um den Judeneid«, *Aschkenas. Zeitschrift für Geschichte und Kultur der Juden* 17 (2007): 499–518.

¹³⁹ Or: »Don't trust a fox on the greensward and never a Jew on his given word.« The German is »Trau keinem Fuchs auf seiner Heid und keinem Jud bei seinem Eid.« I thank MICHAEL BROCKE (Essen) for drawing my attention to this. Cf. WIKIPEDIA: THE FREE ENCYCLOPEDIA, »Trust No Fox on His Green Heath and No Jew on His Oath«, https://en.wikipedia.org/wiki/Trust_No_Fox_on_his_Green_Heath_and_No_Jew_on_his_Oath (last accessed on 10.10.2019).

¹⁴⁰ Cf. also CURK: »The Oath of a Jew«, 67.

¹⁴¹ Cf. KOLMER: *Eide*, 70.

¹⁴² See RELLA KUSHELEVSKY: *Tales in Context. Seder ha-Ma'asim in Medieval Northern France* (Detroit 2017), n. 13.

fact that it was indeed impossible to »escape« the oath-taking obligations people in the Middle Ages faced.¹⁴² A man who never took an oath? That would have been a curiosity!

— In order to exploit the benefits of the *Judeneid*, it had to be pragmatic and its ritual needed to be very clear. We have seen many examples for this punctual fulfillment of oath-taking, its ritual, and its pragmatic utilization. These examples can help us to understand how the Erfurt *Judeneid* as a ritual object was used during the Middle Ages. ◀

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RITUAL OBJECTS FROM MEDIEVAL ERFURT

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[ANDREAS LEHNERTZ](#)

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[MARK FARNADI-JERUSÁLMI](#)

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[VERA HENKELMANN](#)

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[STEVEN FINE](#)

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[MICHAEL BROCKE](#)

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[MARIA STÜRZEBECHER](#)

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