

# The Legal and Social Status of the Jews of Ukraine from the Fifteenth Century to the Cossack Uprising of 1648\*

*Shmuel Ettinger*

Whereas the history of Jews in Poland has been discussed extensively in Jewish historiography, no special attention has been given to the Jewish community in Ukraine. To this day we lack not only a general study, but even partial preliminary works on this topic.<sup>1</sup> This may be because from the time of the dissolution of Kievan Rus', Ukraine did not achieve independent statehood. The territory was annexed in the fourteenth century to the Lithuanian state; in the middle of the sixteenth century—as a result of the union of Poland and Lithuania at Lublin in 1569—to the Polish state; and after the partitions of Poland, to Russia. Even following the partitions, Ukrainians were not all under Russian rule, for some were inhabitants of Galicia.

S. Bershadsky summarized the history of Jews in the Lithuanian state from 1388 to 1569 in his *Jews of Lithuania*, a Russian-language work published in 1883.<sup>2</sup> Bershadsky's book remains the only general work on the topic, and it has retained its value. His treatment included Jews who lived in Ukraine—it seems that in this period there were no discernible lines of demarcation between them and other Jews of Lithuania. From his examination of the primary sources,<sup>3</sup> it emerged that the Jews of Lith-

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uania were close to the local inhabitants and distant from the other Jews until the coming of Polish rule, which brought to Lithuania "the Talmud, Jewish autonomy, and the solidarity of the *kahal*."<sup>4</sup>

After the Union of Lublin the situation became quite different. In the wake of the rapid and extensive settlement of the steppe, in which Jews took an active part, there developed various elements in the legal and social status of Jews, in their economic activity, and in their organization that were different from those of Jews in other parts of Poland and Lithuania. In these respects they were most similar to the Jews of the Ruthenian palatinate (later Eastern Galicia), but they, too, differed from the Jews of Ukraine (here by "Ukraine" I mean the Ukrainian territories ruled by the Grand Duchy of Lithuania until 1569). The political and cultural attachment of the Ruthenian palatinate to Poland was greater than to Lithuania, and urban areas were under the German-Polish cultural influence characteristic of Poland proper. This was of great importance from the Jewish point of view, for Jews lived mainly in the cities.

The Jews of Ukraine can be viewed as a separate entity from the time of the Union of Lublin. This article examines the singular aspects of their legal and social status, as well as the elements common to the Jews of Ukraine and Poland proper until the harsh decrees of 1648.\*

### *A. From the beginning of the fifteenth century to the Union of Lublin*

The earliest news of Jewish communities in Ukraine comes to us from the charters of settlement that were granted by the Lithuanian Grand Duke Vytautas in the years 1388-89 to the Jewish communities in the Lithuanian state, which at that time included most of Ukraine. One of the charters, it seems, applied also to the communities of Volodymyr and Lutsk in Volhynia.<sup>5</sup> The explicit information we have today, however, is from the fifteenth century, from the time that civil war between advocates of independence and the advocates of political union with Poland raged in Lithuania after the death of Vytautas in 1430. Two years later (1432), King Jagiello confirmed the rights of the inhabitants of Volhynia and granted its various corporate orders the same rights enjoyed by equivalent orders in Poland. In the same charter, he also granted the Jews of

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\* Literally, (evil) decrees of 1648: the usual way of referring to the Khmelnytsky uprising in Jewish writings. In rabbinic literature, these decrees are taken to be a punishment for sins, a testing of the righteous, or simply the chaos preceding the end of time. (*Translator's note.*)

Lutsk the same rights as those enjoyed by the Jews of Cracow and Lviv.<sup>6</sup>

We know little about Jewish settlement in Ukraine in the fifteenth century. Wealthy Jews were favourites of the grand duke: they served as tax farmers, and some lent him money.<sup>7</sup> In return for their services they were generally paid in kind, as were his other servants.<sup>8</sup> Jews also held estates and farms that were worked by indentured tenants, some of which they received as gifts from the grand duke himself.<sup>9</sup> We do not know, however, to what extent the charters granted to the Jews were actually implemented.<sup>10</sup>

The edict of expulsion from Lithuania (annulled eight years later) caused several changes in the lives of Jews. Even before it was issued, many Jews converted, especially wealthy Jews,<sup>11</sup> and the expulsion, of course, increased their number. Most of the converts continued to work at their previous occupations,<sup>12</sup> but the state's need to have Jews organize the economy diminished. Moreover, immediately after the expulsion, the government launched several efforts at urban development in the state. From 1496 on, many towns received Magdeburg law,<sup>13</sup> and the burghers, organizing themselves accordingly, became a force that would compete with and fight against the Jews for centuries to come.

King Alexander agreed to the return of Jews to Lithuania on the condition that they provide money for 1,000 horsemen in his service. A brief time later, however, the Jews turned to the same king and requested his support for the "ancient custom," that is, to exempt them from obligations to the military. The king complied by exempting them from going to war and from equipping soldiers. He made their status equal to that of the burghers in matters of taxation and exempted those who refused to use non-Jewish courts from paying fines. In 1514, Zygmunt I confirmed the charter, added to it the freedom to "engage in all means of livelihood together with the city [that is, the burghers—*Eds.*], in commerce and in the trades," and promised not to infringe upon the Jews' religion and privileges.<sup>14</sup> In Volhynia, an officer of the king had jurisdiction in Jewish matters,<sup>15</sup> whereas in Polish Podillia that jurisdiction was in the hands of the palatine or his deputy.<sup>16</sup> It seems that after the introduction of a written law—the First Lithuanian Statute—restricting Jewish privileges in several areas, officers and estate owners began to show contempt for the charters of Jews and their special jurisdiction. The king ordered that they be adhered to as before.<sup>17</sup> At the beginning of the sixteenth century there was still a tendency to see the Jews as dependent on the grand duke, not on his officials<sup>18</sup> (hence, in 1514 the Jews of Lutsk were exempted from paying the *starosta* for their synagogues).<sup>19</sup> But, under pressure from the *szlachta*, the king abandoned [his support for the Jews—*Eds.*].

A certain change in the status of Jews came in the wake of the "conversion libel" of 1539-40.<sup>20</sup> On the one hand, it strengthened the ties among the various communities,<sup>21</sup> whereas on the other, the king felt compelled to restrict the privileges of the Jews in accordance with the spirit of the Lithuanian Statute and the demands of the nobility. The council of the grand duke debated the whole matter in his absence, and that debate seems to show deviation from the principle that jurisdiction over the Jews was the sole preserve of the grand duke.<sup>22</sup> Indeed, the Jews were found innocent, but they did not escape suspicion. Restrictions were imposed on their relations with Christians, in keeping with the spirit of the church's regulations,<sup>23</sup> and they were forbidden to go to Turkey without the knowledge of the king. Apparently the king could not withstand the pressure of the corporate orders hostile to the Jews, and was forced to make their protection—and, in any case, his authority over them—a matter common to him and the magnates.

The autonomous jurisdiction of the Jews was acknowledged by the authorities,<sup>24</sup> but there were differences between Volhynia and Podillia. The framework of Jewish autonomous organization in Lithuania was apparently still rather weak (witness the great discord in Horodnia in the middle of the sixteenth century),<sup>25</sup> and its power of coercion was not strong, since we find many Jews going to non-Jewish courts for litigation among themselves.<sup>26</sup> This was not the case in the Ukrainian territories belonging to Poland, where the principle of personal autonomy was mandated more coherently. There the removal of a Jew from the jurisdiction of the Jews and their rabbis required a special order from the king.<sup>27</sup>

As we have seen, the king and the magnates attempted to defend the Jews, but throughout the sixteenth century the opposition of the other corporate orders grew. The nobility was content to demand that taxes exacted from Jews be increased,<sup>28</sup> but the burghers did not miss any opportunity to attack their Jewish competitors. The struggle was especially intense in the royal cities where Magdeburg law had created a framework for the consolidation of the independent organization of the burghers and helped to strengthen them. The burghers tried to reduce the area where Jews could settle<sup>29</sup> and to limit the range of their occupations.<sup>30</sup> They plotted against them,<sup>31</sup> and some took the law into their own hands.<sup>32</sup> The Jews defended themselves through appeals to royal charters<sup>33</sup> or by means of payments and bribes to the officers of the king and heads of the burghers.<sup>34</sup> The process of government centralization in the state and the tendency to impose monetary taxes instead of *corvée* led the government to group the Jews together to some extent with other city residents. Previously, the Jews had been subject to special municipal

payments and, together with the burghers, had paid only a special defence tax—the *serebshchyna* (giving of silver). In the course of time they began to impose on the Jews a certain percentage of the city's taxes. Thus in Kovel (1547) Queen Bona cancelled most of the Jews' labour obligations and replaced them with a uniform annual tax and participation in payment of the burghers' tax.<sup>35</sup> In 1556 the Jews of Bar were forced to compromise with the burghers and to define their obligations to the city and its defence.<sup>36</sup> Dependence on the burghers grew in the wake of Zygmunt August's regulation (1557) exempting the burghers from various labour obligations and replacing them with uniform monetary payments;<sup>37</sup> Jews were included in this arrangement.

Relations between the two sides continued to worsen and the position of the Jews deteriorated. We learn this from one of the early documents in the registers of the *Kehillot*. The "Liuboml community made the following agreement in the year 5318 [1558]: 'In the ban on any house-owner going and buying a house or land from any non-Jew within the wall,' because it has been seen that if non-Jews dwell in the city among the children of Israel (heaven forbid they should mix together), it is feared, heaven forbid, lest they burn down the houses of the Jews, or insist on expulsion (heaven forbid they should demand that the Jews be expelled from the city), heaven forbid. Therefore they decreed in the ban, in that same regulation, to establish it for themselves and for their offspring.' So strict were they in observing the regulation that "some who transgressed the regulation were prohibited from returning and selling to non-Jews."<sup>38</sup> Yet one cannot infer from this that there was no place for cooperation between the burghers and the Jews, especially in efforts to reduce taxes or in the struggle against foreign merchants.<sup>39</sup>

## *B. The legal status of the Jews after the Union of Lublin*

The legal status of the Jews of Lithuania (including the Jews of Ukraine) was defined anew just before the Union of Lublin, in the Second Lithuanian Statute of 1566. This statute later became known as the "Volhynian Statute" because it was retained only in the Ukrainian territories annexed to Poland in 1569, whereas in the rest of the Lithuanian territories it was replaced by the Third Statute of 1588. The Second Lithuanian Statute ruled against disqualifying the testimony of Jews (and Tatars) in real estate cases. But one can infer from its language that the statute disqualified Jews absolutely from serving as witnesses in all cases, in contrast to the specific permission granted by the First Statute.<sup>40</sup> Similarly, the Second Statute forbade Jews (and Tatars) to hold

Christian slaves. Slaves purchased by Jews (or Tatars) were immediately expropriated from their servitude without compensation; for those enslaved because of debt, conditions were established for their release.<sup>41</sup> Moreover, the Second Statute contained restrictions that were not in the first: Jews, like merchants and other burghers who were not members of the nobility, were forbidden to sue for debts according to the register of debts they held, unless these debts had been registered in the books of acts, administered by one of the officers of the king or municipality, that were intended to register claims and complaints. Also, enslavement on account of debt, as well as payments on a debt, were to be registered in the books. Jews were forbidden to convert or to circumcise an indentured slave, and anyone doing so was subject to death by burning. Christian women were forbidden to be wet nurses for Jewish children; anyone compelling a Christian woman to do so was subject to the death penalty. The duke and members of his council were not entitled to grant Jews (or Muslims) possession of an estate and its people. The duke was not entitled to impose on his subjects work or payments to which they were not accustomed. Jews were forbidden to wear clothes decorated with gold or silver, and were, moreover, required to wear yellow hats "in order that there be a sign to distinguish between Christian and Jew."<sup>42</sup>

The Lithuanian statutes did not comprise a written constitution. Like the Polish statutes (for example, that of Wislica in 1347, of Warta in 1423, and of Nieszawa in 1454), the Lithuanian statutes were the nobility's charters of freedom, or, more precisely, deeds of concessions made to them by the king for various reasons.<sup>43</sup> Therefore, the degree to which these statutes were implemented was dependent on the real balance of power between the nobility and the king. It is almost certain that the paragraphs relating to the Jews were never enforced (owing in particular to the continual movement of Jews from the property of the king to that of the nobility, where the Jews were subject to the jurisdiction of the estate owner). Nonetheless, in addition to the statutes, the charter of settlement granted by Vytautas in 1388, reconfirmed by Zygmunt I in 1507, remained in force throughout the sixteenth century. After the publication the First Statute, and the various attacks on the rights of the Jews that apparently resulted, in 1533 Zygmunt I again confirmed the validity of the former charters.<sup>44</sup> The Second Statute confirmed the same charters, published in 1564 and 1565.<sup>45</sup> In Poland at that same time Kazimierz the Great's extended charter of settlement, which granted the Jews various rights in addition to those in Vytautas's charter, was already in effect.<sup>46</sup> One can assume that after the annexation of Volhynia and the Kiev land to Poland, the Jews of these territories asked that their privileges be made equal to those of Poland. During the very time that

the Union of Lublin was being concluded, the palatine of Volhynia, Oleksander Chartoryisky (Aleksander Czartoryski), proclaimed his jurisdiction over the Jews of Volhynia, since according to Vytautas's charter, the Jews were under the jurisdiction of the *starostas*, whereas according to the extended charter they were under the jurisdiction of the palatines. It stands to reason that the Jews had an interest in this. Indeed, on 9 August 1569, a royal charter was issued that transferred the jurisdiction of the Jews to Oleksander Chartoryisky for his lifetime and, simultaneously, granted the Jews of Volhynia all privileges then held by the Jews of Poland.<sup>47</sup>

On 1 December 1576, King Stefan Batory granted a charter of settlement to the Jews of Volhynia generally, to the inhabitants of Lutsk, and to the inhabitants of royal and private towns. The charter made their legal status equal to that of the Jews of Poland. It was granted at the request of the two Jewish communities in Lutsk, Rabbinic and Karaite, who complained to the king about the accessibility of various officials. The political and legal changes that befell the annexed regions apparently proved hard on the Jews. The king confirmed all the rights that the Jews had held in the Grand Duchy of Lithuania and added that officers of the state were forced to judge the Jews according to Polish laws, namely: (1) the palatine's deputy in the capacity of "judge of the Jews" (as customary in the Polish lands) was not to judge them except in the presence of two Jewish leaders in their synagogue; (2) if the palatine or one of his officers set a term for a Jew to appear before a court, he was not to designate a place other than a synagogue, unless the Jew was required to appear before a district court;<sup>48</sup> (3) fines and fees for a summons to court would be collected as in Poland; (4) if there was a legal dispute between a Jew and a Christian<sup>49</sup> before the head of the city (*viit*) or the head of the burghers (*burmistrz*) in a case of murder, injury, or physical assault, the Jew would be tried according to Polish law; (5) in mortgage matters Jews would be judged according to Polish law;<sup>50</sup> (6) if a Christian had a case against a Jew, he was obliged to have evidence from two reliable witnesses, one Christian and one Jewish, and the same procedure applied in the case of a Jew against a Christian; (7) if a Jew was to take an oath and the claim involved a large sum—that is, more than 50 *hryvni* of minted silver—the Jew was to swear in the synagogue on the Ten Commandments; but if the value of the claim was less than 50 *hryvni*, he was to swear on the chain [of the door], that is, in front of the synagogue; (8) Jews were permitted to trade in all lands of the kingdom in exchange for payment of the usual customs; in the royal towns they were entitled, as were all other Jewish inhabitants of Poland, to sell honestly (that is, to engage in retail trade); (9) if a fire or other acts of violence occurred in

their neighborhood, the burghers were obliged to show compassion toward them, and the Jews were similarly obligated toward the burghers;<sup>51</sup> (10) Jews were not to be tried on their holidays or on the Sabbath; (11) Jews were permitted to engage in work and trade at all times except on Sundays, Easter, and Christmas, the feasts of the Virgin Mary and the feasts of apostles; on these holidays they were to behave in matters of work and trade according to the customs of Christians; (12) if a Jew rebelled and did not behave according to his religion, his Jewish community was entitled to expel him with the help of the authorities, which was not the case if the Jew wished to convert to Christianity; no violence was to be done to such a Jew and he was to be removed absolutely from the authority of the Jewish community; (13) if Jews came to the synagogue before a rabbi to try a case, officials were not to forbid them this, or to prosecute the rabbi because of it, or to impose a fine on him. The king ordered all palatines and other officials to judge the Jews according to Polish law and the above paragraphs, and to preserve them from all harm and miscarriages of justice.<sup>52</sup>

This charter was a marked improvement over Vytautas's Lithuanian charter in its acknowledgement of the Jewish community and institutions, the defence against libel regarding fires, etc., and in its steps toward the expanded Polish charter. The Jews of Lutsk continued their efforts to secure their position and succeeded. On 17 June 1578, Stefan Batory granted them the freedoms held by Jews in the palatinates of Ruthenia and Podillia,<sup>53</sup> and just several months later, on 5 January 1580, confirmed for them the expanded charter of 1453 in all its paragraphs.<sup>54</sup>

Even before they won application of "Polish law" to them, the Jews of Ukraine had received a number of economic concessions. Given the opposition that the Union of Lublin aroused in certain circles, Zygmunt August was interested in winning over the inhabitants of the annexed territories and convincing them of the advantages of the union. One result was the king's charter to the Jews of Lutsk of 24 April 1570, in which he made their rights regarding exemption from taxation in all areas of the Lithuanian Duchy equivalent to those of the burghers. However, since the Diet that decided upon union also granted the burghers of Lutsk a similar tax exemption even in Polish areas, the following was also granted to the Jews: "It seems right to us, on the advice of several men of our council, to grant this exemption also to the Jews of Lutsk, since they bear all obligations like the burghers. [Therefore] we have graciously and freely given to the Jews of Lutsk, both Rabbinic and Karaite, and we grant them in this our charter, exemption from all taxes in our Kingdom [of Poland], which we have already granted to the burghers of Lutsk mentioned above, and we exclude from

this exemption only the new border tax, which we keep in its entirety for us and for our successors." The king ordered all officials of the kingdom to exempt from taxes all Jews of Lutsk, who saw a copy of this charter signed and sealed by the palatine.<sup>55</sup>

That same year the burghers and Jews of Volodymyr, too, received from the king a charter of exemption "from paying taxes on all of the following: fees for sugar, bridges whenever they occur (except fees for salt and wax) on land or on waterways and rivers, in the Kingdom of Poland and in all other lands belonging to her, on all articles, property, money, goods, and merchandise—forever."<sup>56</sup> The king also ordered officials and tax farmers to exempt from taxes all who showed the seal of that charter sealed with the municipal stamp. Anyone violating that order was subject to a fine of 6,000 zloty—half to the treasury and half to the injured party.<sup>57</sup>

Immediately after his ascension to the throne, King Władysław confirmed all charters relating to the settlement of Jews in the country.<sup>58</sup> In 1635 the king confirmed the charters granted by the *starostas* of Kovel to the Jews of the city (principally in matters of personal justice and in cases between Jews and Christians, which had to be resolved in the presence of a *kehilla* representative),<sup>59</sup> and granted to the Jews of Bratslav and Vinnytsia a charter of settlement "for rights and freedoms."<sup>60</sup> In 1638 the king allowed the Jews of Dubno to establish a synagogue, to maintain their customs, and to engage in trade and in the selling of merchandise, as had been allowed formerly. The king obliged them, however, to pay the same taxes as the burghers.<sup>61</sup>

Clearly, then, the legal status of Jews in Ukraine improved with the annexation of the Ukrainian territories to Poland, although the Second Lithuanian Statute, which restricted their rights, was not annulled in practice until the end of the eighteenth century. Later legislation did not mention that statute's restrictive paragraphs. In fact, "Polish law," which was more amenable to the Jews, prevailed, while in several matters (freedom of trade, exemption from taxes) it made the Jews equal to the burghers. Paragraphs of the previous Lithuanian charter that equated the law of the Jews with that of the nobility (such as the rate of payment for injury) were maintained, as well.

### C. The legal status of the Jews in practice

Jews held Christian slaves and indentured servants, and it seems that they were not hindered in this. According to contracts of hire, they received not only the assets of the hired, but also the authority to judge indentured servants and to impose the death sentence (although we know of no case in which a Jew made use of that right). The estate of the

bishop of Pinsk and Turaŭ (Turiv) listed indentured servants who had been bought from Jews.<sup>62</sup> The Jews also held slaves purchased with their own money: captives who returned to their lands and were examined at the seat of the Patriarch of Moscow gave convincing evidence of this. In 1623, one such individual said that he was taken captive when "Lithuanian men" conquered Putyvl "and brought him to Oster in Lithuania, and a Cherkassian (Cossack) sold him to a Jew, and the whole time he lived with the Jew, ate meat on Wednesdays and Fridays (meatless days according to the custom of the Orthodox church), did not see the *ksiądz* (Polish Catholic priest), did not receive the sacrament, and did not embrace the Jewish faith."<sup>63</sup> Another captive, of Tatar origin, said in May 1624 that "he was baptized during the time of Tsar Boris as a lad and was taken captive by men of Lithuania and transported to [the land of] the Cherkassians, Zaporizhzhia beyond the Dnieper, and he was sold to a Jew and that *he embraced the Jewish religion*."<sup>64</sup> It is clear, then, that not only did Jews have slaves, but that sometimes they even compelled them to accept the religion of Israel.

There was a constant struggle between Jews and other corporate orders of the state over the charters of rights granted to the Jews. Most characteristic was the dispute that broke out between Prince Kurbsky and the Jews of Kovel. Prince Kurbsky was the chief military commander of Ivan IV (the Terrible), but because of political disputes he fled Russia and went over to the side of the Lithuanians. As a sign of respect Zygmunt August granted him the town of Kovel as an estate. A dispute quickly arose between Kurbsky, who was unversed in Polish ways, and the local Jews. The content of the dispute was represented in the complaint of the heads of the community of Volodymyr as follows: "An official of Prince Andrei Mikhailovich Kurbsky, the *starosta* in Kovel, Ivan Kelemet, at the instigation of a burgher of Kovel, Lavryn the apostate, became angry without cause at our brothers and friends, the Jews of Kovel Yosef ben Shmuel and Avraham ben Yaakov, at the Jewess of Kovel, Bohdanna, wife of Aharon, and at all the rest of the Jews who inhabit Kovel, and without considering our freedoms, rights, and charters, granted by the forefathers of His Majesty and by the king himself, His Majesty our gracious king, to all the Jews, on the Sabbath, on our Jewish holiday 'Shabbat,' unjustly and completely illegally ordered them arrested in the synagogue, the place in which they prayed to God, had them taken to a prison cruel beyond compare, in a dungeon of water, and sealed the rooms and cellars of their houses and the houses of other Jews, all their property, merchandise, and food."

The Jews of Volodymyr asked that a bailiff (*woźny*, an agent of the court) be made available to investigate and confirm the facts of the

incident, to interrogate the official about his actions, and to demand that he free the Jews and their property. An agent of the court travelled to Kovel together with the heads of the Jews of Volodymyr and a nobleman in the service of Prince Roman Sangushko (evidently a patron of the Jews), but he was not permitted to enter the fortress. From a distance he heard the cries of the Jews: "We are suffering from imprisonment and cruel torture without trial or charges at the hands of the official of Kovel, Kelemet, and at the hands of Lavryn the apostate, and we declare before God and man that we want justice. And if we owe anything to anybody, we are prepared to pay the penalty for it."

The official at Kovel came out and stood on the bridge of the fortress, and the Jews of Volodymyr demanded to know why he was holding the Jews in prison. The official answered: "It is true that I am holding two of the guarantors who posted bail to Lavryn the apostate for the appearance [at court] of Aharon ben Natan, and they are Avraham ben Yaakov and Yosef ben Shmuel, and a Jewess, the wife of Aharon, Bohdanna. But is the lord not entitled to punish his subjects, not only with prison but with any other punishment, *even with the punishment of death?* Everything that I am doing here [I do] at the command of my lord, His Excellency Prince Kurbsky, for my lord Prince Kurbsky has the right, since the estate of Kovel and its subjects are under his authority, to punish them as he sees fit. Neither His Majesty the King nor any other man has any involvement with the matter. *Since the Jews rely on the king, let the king come and protect them.* I will not release them from prison unless they pay Lavryn 500 groszy.' And then the Jews of Volodymyr said: 'Our brothers, the Jews of Kovel, do not owe Lavryn anything. They also said: *Pan Kelemet!* If the lord is entitled to punish his subjects, he is [entitled to punish them only] in accordance with the law, while you have caused a miscarriage of justice for all of us, in opposition to our Jewish freedoms, which we have from our ruler His Majesty the king, our gracious lord, and from the fathers of His Majesty, in the charters of settlement, which His Majesty has made inviolable.' To this Kelemet answered: 'I pay no attention to your rights and freedoms...' (the emphases are mine—S.E.).<sup>65</sup>

An official from Koshyr who had come earlier to the fortress "at the request of the Jew Israel, tax collector of Kovel" also asked that Kelemet free the Jews. Kelemet acquiesced and promised not to put the Jews into the dungeon again. Yet immediately after the official from Koshyr left the fortress, he had them imprisoned once again.<sup>66</sup>

The vivid description of this episode is a good reflection of the actual status of the Jews. The Jews put their trust in their charters and were prepared to fight for them. They attempted to exercise various means of

influence, mostly through the officials of landowner-benefactors. If this did not prove useful, they did not hesitate to claim their rights in court or to seek the support of the authorities. Subsequent developments in the Kovel dispute showed that at the end of the sixteenth century the Jews' confidence in the charters and in the help of the authorities was not in vain. The Jews brought their complaint before the king during the Diet of 1569 in Lublin (the crucial one that decided on union between Lithuania and Poland), and he ruled in their favour. Subsequently, the Jews of Kovel again addressed Kelemet, querying him: "'Will you continue to imprison our brothers, the Jews of Kovel, and to drive all of us from the city, giving us until tomorrow to leave?' And he said: 'Yes, I order you to leave the city!' [And they asked,] 'Will you not order our houses opened and our property and our synagogues opened and are you absolutely unwilling to treat us in accordance with the royal command?' And he answered: 'I am keeping the Jews in prison, and I will not order them freed from prison nor will I order your synagogue or your houses or your rooms, which have been sealed, opened....'"<sup>67</sup>

On 15 January 1569, the agent of the court recorded the refusal. On January 23, however, Kurbsky sent a special courier to invite a deputy of the court to the fortress of Kovel, so he would be present at the Jews' release from prison. According to Kurbsky, the Jews were arrested because of bails they had posted and for various debts that they owed (rental fees to the duke and taxes to the city treasury, as well as private debts). The very fact that the debts were itemized (whether true or false) was an attempt at justification. Kurbsky said that all debts would be demanded from the Jews through the court. He was prepared to release the Jews when *the royal chancellor* (head of the royal chamber) *and the royal marshal* (head of the Diet) *intervened on their behalf*, but the Jews themselves were not satisfied with the compromise and obtained an order from the king himself. Although the Jews knew that the prince was present at the Diet, they did not even show him the order. If they had, he would have discussed the matter with them then and there, before the king. He did not know about the order until he returned from Lublin. "In order not to oppose the will and order of His Majesty," he ordered the Jews released.<sup>68</sup>

As the plaintiff clearly admitted, under influence from officials of state, he was prepared to negotiate with the Jews, but the Jews would not agree to compromise and insisted on full recognition of their rights on the strength of the royal order. Hence, the Jews were indeed confident of their rights, and even high-ranking nobles like Kurbsky were compelled to take account of them.

### D. Problems of jurisdiction

One of the important problems in the observance of the charters in theory and practice was the problem of jurisdiction: before whom was a Jew to be litigated and according to what law should he be judged? As we know, the Jews were exempted from using the courts of the burghers or of the church, a matter stated explicitly in the expanded charter.<sup>69</sup> Consequently the Jews refused to be judged according to Magdeburg law, to which the burghers were subject, and demanded to be judged according to the "justice of the land,"<sup>70</sup> which applied to the nobility. In practice that is how they were treated.<sup>71</sup> An exception was the agreement made in 1621 between the burghers and the Jews in Pereiaslav, which included the Jews in Magdeburg law (that is, within the autonomous organization of the burghers). Jewish leaders in Pereiaslav were obligated, on their own behalf and on behalf of all the Jews "present and future," to bear all debts equally with the burghers. The latter authorized the Jews, because of the services they had rendered, to enjoy all the privileges of Magdeburg law. The agreement was confirmed by the king in 1623.<sup>72</sup>

Generally the Jews insisted, even in small private towns (to which the charters' paragraphs guaranteeing the Jews separate jurisdiction did not apply), that they were subject only to the "jurisdiction of the castle"—that is, to the jurisdiction of the official of the local ruler.<sup>73</sup> Actions of the court regarding a Jewish defendant (such as detention<sup>74</sup> or release on bail<sup>75</sup>) were all taken by the "castle."

The charters of settlement recognized the authority of the "Jews' judge" to adjudicate claims against Jews. There were, indeed, such Jews' judges in Volhynia, although generally the deputy to the palatine (*podwojewoda*) performed the function. In Volhynia the practice was introduced in the wake of the Union of Lublin; already in 1575, a Jewish resident of Lutsk complained that the palatine's deputy refused to give him a copy of one of the court books of the palatine.<sup>76</sup> In 1593, a case was tried before the "Jews' judge" in which a burgher from Riga claimed property from a local Jew.<sup>77</sup> In 1601, a Jewess was released on bail before the "Jews' judge" of Lutsk (not the judge mentioned in 1593). Similarly, a court was organized "in Volodymyr, in the house of a certain Jew, before the beadle (*szkolnik*) and other heads of the rabbinic *kehilla* who were present, on the seventh of January, the year of our Lord 1621, before Wojciech Milczewski, deputy to the palatine of Volhynia, who extends the right of his jurisdiction over the Jews of Volodymyr...."<sup>78</sup> The presence of Jewish representatives during court proceedings was one of the rights in the expanded charter. The charters all required that trials

be held before the synagogue or in any other place chosen by the Jews.<sup>79</sup> In the charter granted in 1634 by Hetman Stanisław Koniecpolski, as *starosta* of Kovel, to the Jews of that city, he ordered that no case between a burgher and a Jew be tried unless a Jewish leader was present.<sup>80</sup>

The charters also figured in court verdicts. According to the 1388 privilege issued by Vytautas, a Jew who had suffered an injury had to be paid compensation "the same as a noble";<sup>81</sup> such compensation was termed a *naviazka*. In 1578, the court of the castle in Volodymyr ordered that a Jew who was injured in the head be paid a *naviazka* of the nobility—30 [Lithuanian] groszy—"in accordance with the charters granted by Their Majesties to them [to the Jews]." Since the guilty party was unable to pay, he was handed over to the Jew to work for him at a rate of 50 groszy per year, as determined by the Second Statute.<sup>82</sup> This was no chance occurrence, but an accepted custom also mentioned in one of the Orthodox polemical writings. The writer complained that in the eyes of the authorities, the status of the Orthodox clergy was like that of a simple peasant and quoted a popular saying: "a pope [Orthodox priest] gets only the *naviazka* of a noble, but he is not considered a noble for this, and like him the Jews, since they also get only the *naviazka* of a noble."<sup>83</sup>

According to the charters, the oaths of Jews were to be sworn in the synagogue or beside it. This, in fact, was the practice. In 1590, two Jewish youths were accused of stoning an Orthodox religious procession. They denied the accusation, and, as there was no detailed evidence against them, they were required to swear an oath to that effect. The oath was sworn in the synagogue, in the presence of the bailiff and in "a wording supplied by the office (of the town castle)." In 1601 Jewish leaders in Cracow and Bochnia asked their counterparts in Lutsk to search for a certain Jew and, if they found him, to send him to Cracow or keep him in detention. The Jewish leaders in Lutsk replied that they had searched for him in all the cities and towns where Jews lived, but had not found him. To this they swore an oath in the presence of the bailiff at the synagogue.<sup>84</sup>

The court also took Jewish regulations into account. In 1601 a noble complained to the acting *starosta* in Lutsk that in his opinion, the judges of the burghers' court were acting illegally. The noble had come to collect a debt from a Jewish resident of Lutsk by the name of Yitshak on the strength of a judgment by the Lublin tribunal. The judges went with the plaintiff to the home of the defendant, but there his wife appeared before them and pointed to a sheet of parchment with Hebrew writing, according to which all of Yitshak's property—real estate and chattels—was mortgaged to her in her *ketubah* (marriage contract). On that basis the court refused to expropriate the property and told the noble to treat with

the Jewess in determining whose judgement took precedence.<sup>85</sup>

That was the state of affairs in Volhynia. In Polish Podillia the situation of the Jews was similar to that in the Ruthenian palatinate, but this is not the place to expand on these matters. The situation was different in the palatinates of Kiev and Bratslav. There the number of Jews under the jurisdiction of the king was negligible: the overwhelming majority lived on private estates. Until the beginning of the seventeenth century, hardly any problem of jurisdiction arose in a dispute between a Jew and someone not subject to the lord of his estate. Apparently in any such dispute the landlord appeared as the plaintiff for "his" Jew or as the defendant if the Jew was the accused. In any case, the custom survived to some extent in the claims submitted in the first half of the seventeenth century to the Lublin tribunal.<sup>86</sup>

The innovation introduced in the seventeenth century (after the inclusion, at the end of the sixteenth century, of the palatinates of Kiev and Bratslav in the Lublin tribunal's jurisdiction) was that the Jews themselves appear as plaintiffs and defendants before the tribunal. That change, which did not correspond to the spirit of the charters, can only be explained by the small numbers of royal Jews in these palatinates and by the special conditions in their area of settlement, which to a large extent brought the Jews closer to the other inhabitants of the region in status and manners (noteworthy is that the inclusion of Jews in the burghers' organization also occurred in this region, in the town of Pereiaslav.) In any case, documents from Eastern Ukraine make no mention of the "Jews' judge"; apparently, the office did not exist there. Indeed, the extant registers of the tribunal are not reports of cases tried before it, or even a collection of verdicts, but a list of complaints, sentences passed, declarations of "banishment" (expulsion, or the removal of legal protection from a person who did not obey the law or opposed its implementation) and "infamia" (infamy or the denial of the rights of citizenship.) They do not indicate whether the Jews claimed that the tribunal or another court was authorized to judge them. What they do make clear is that Jews appeared before the tribunal as plaintiffs and defendants in large numbers.<sup>87</sup> The tribunal was the court used by all the nobility without exception, and the possibility of appearing there on their own behalf increased the Jews' confidence in their dealings with the nobility. Jews enjoying the protection of highly influential nobles behaved like them in contesting the court and its decisions. A Jew from Mazrych, accused both of enticing into his service two barrel makers who had previously worked for a certain noble and of stealing money, prevented the carrying out of the sentence—i.e., the collection of damages—from profits accruing to him from the potash furnace. In 1618, another Jew

prevented the execution of a sentence and collection of payment. In 1622, Jews were found guilty of attacking property and destroying the potash furnace. In the same year, the tribunal imposed the penalty of "exile" on the Jews of Korsun when they opposed a verdict handed down in Kiev (in a case involving a potassium nitrate furnace) following a trial or arbitration between them and a noble.<sup>88</sup>

From all the above, it would seem that in the dynamic conditions of Eastern Ukraine during the period of great settlement, most of the paragraphs in the traditional charters carried little weight. Matters there were decided not on the basis of legal authority, but in accordance with the actual balance of power. On the enormous estates of Eastern Ukraine's colonizing nobility, legal authority was entirely in the hands of the local owner (at least, in theory, and in practice to the extent that he was in control). Legal cases came before government courts only when the litigants involved in a dispute were from different estates, and such cases were considered a matter of competition between two nobles. Apparently, too, the Jews disregarded the verdicts of the courts when the balance of power was in their favour, behaving just like the magnates and the nobility [with whom they were associated—*Eds.*].

Overall, the legal status of Jews in Ukraine, as in many other places, was determined by the outcome of a struggle between two elements: on the one hand, the tradition of their treatment by Christian society in Europe in general, as expressed in the charters of the kings of Poland and the grand dukes of Lithuania; and, on the other hand, the actual social conditions that were formed in this region, particularly after the process of rapid settlement. In light of the continual weakening of monarchical rule after the death of Zygmunt August and the rise of other elements in the state, the legal status of the Jews was increasingly determined by the attitudes of those elements toward the Jews.

### *E. The attitudes of corporate orders toward the Jews*

As already indicated above, it was the nobility, especially its prominent members—the magnates—who were the patrons and supporters of the Jews. Of course, that was not their attitude to Jews generally, but to "their Jews," those dwelling on their estates, serving them, and fulfilling economic and administrative functions important to them. Although these measures were intended to defend "their own Jews," they benefited all Jews in the state, since the magnates generally defeated any proposal that came before the Diet or the king's council that was intended to harm the Jews or to impose heavy monetary burdens on them. Moreover, the Jews and the Polish nobility in Ukraine shared a common fate in that the frequent Cossack rebellions threatened both sides

and compelled them to make a common defence. In this spacious region (especially its eastern part), inhabited by a populace equally hostile to the Jews and to the nobility, the Jew was generally the confidant of the noble, while the powerful noble was the main refuge of the Jew. Following the uprising of Nalyvaiko (1595) decades passed without any mention of Jewish victims. In all uprisings that broke out after the agreement of Kurkurkiv (1625), however, Jews, too, were attacked by the Cossacks. About the uprising of Taras (Triasylo) in 1630, evidence has been preserved that "in Ukraine, beyond the Dnieper, there was at that time a great war, there many Jews were killed." Other testimony tells of Jews who accompanied the camp of the Polish army: "It was on Shavuot, in the year 5392, that I had been in an army camp for two years during the war with the Cossacks near Pereiaslav beyond the Dnieper—I found many Jews and one by the name of Avraham...I made an agreement with him to buy in the camp [i.e., to trade in the camp]. I gave him 50 gold groszy and a wagon and horse, then he went to buy liquor with other Jews and they were all, for the sake of our sins, killed...."<sup>89</sup> Similarly, about the rebellion of Pavliuk (1637-39), one source says that the Cossacks burned the town of "Lubny, together with the castle, the monastery, and the church of the Bernardines, and murdered the handful of nobles and Jews who were defending them."<sup>90</sup> At that time fifty Jews were killed in Liakhovytsi.<sup>91</sup> The author of *The Abyss of Despair* also said that at the time "many synagogues were destroyed and about 200 souls of Israel were murdered, many churches were also destroyed; many clergy in Liakhovytsi and Lubny and its environs were killed and the survivors fled to Poland." In 1638 monks from Volhynia told the Moscow vovoda from the town of Putyvl: "...and the Cherkessians (Cossacks) did not want to be under the power of the lords (estate owners) and they killed and robbed the officials in the towns, the Poles and the Jews, and they burned the churches in the towns."<sup>92</sup>

Circumstances like these obviously strengthened ties between the nobility and the Jews. Yet members of the noble class were prone to harm the Jews of their fellow nobles. The register of cases brought to court provides evidence of this. Especially inclined to attack Jews were professional military men or members of the lower nobility, who were themselves servants of the magnates and who were often envious of the Jews because of their advantageous economic position or their excessive affinity to their patrons. Then, too, more than a few conflicts erupted between a Jew and "his" noble, the prince of the town. In such cases the situation of the Jew was particularly difficult. Jewish sources often mention violent and terroristic princes, and even among the "good" princes, the richest and most respected Jew was "considered no more

than a servant."<sup>93</sup>

Because of the special status they enjoyed in the state, the nobles, when angered, were generally disposed to violence in relations among themselves and with other corporate orders. Their relations with Jews were no exception. Cases of murder, assault, and rape of Jews are numerous.<sup>94</sup> In 1625, the heads of the rabbinic community in Lutsk complained of one noble serving in the army who attacked "their charter of settlement, civil law, and the constitutions" that "guaranteed the welfare of the Jews," and who would not permit a Jew to be brought for a Jewish burial, claiming that the territory of the cemetery belonged to him. When the Jews did not heed him, he and his retinue attacked them, injured many in the procession, threw the corpse into a ditch, etc.<sup>95</sup> The register of cases brought before the tribunal mentioned above contains records of acts of robbery against Jews committed under various pretexts. The robbers plundered their merchandise or "blocked their path." For instance, "A minister of the army who passed through the town with his soldiers" demanded from the Jews that they "give him presents and a great deal of food" and then also plundered their stores.<sup>96</sup> Similarly, acts against a Jew "in debt to a violator" were hardly rare, as noted in a *Responsa* stating that "the Goyim are violators" (it is undoubtedly the nobility that is meant here). In fact, it is not at all certain that such an act was considered a crime. On the contrary, it seems that even after a non-Jew committed the violence, "the Jew cannot be released from him and must, against his will, give in or sell to him on credit...."<sup>97</sup>

To sum up: no one acts to destroy his own property. Hence, the majority of the nobles were, in general, careful not to harm the Jews and even acted as the government's main supporter in its efforts to maintain the practices called for in the charters of settlement. In that there was no great distinction between the secular and the ecclesiastical nobility; all this also applied to the Catholic clergy, who mainly interfered with the building of synagogues. According to Catholic tradition, the building of new synagogues was forbidden, but the clergy was not excessively strict in this regard.<sup>98</sup> In Poland the king's consent was required. In 1626, for instance, the king allowed the Rabbinic Jews in Lutsk to build a synagogue of stone in place of the old synagogue, which was apparently made of wood. The king explained his action as due to uncertain security and as a measure to prevent fires. The new synagogue was to be no higher than its predecessor, its roof was to be fortified, and it was to include a place for weapons, which the Jews were to acquire at their own expense. During Tatar attacks they were obliged to provide men to defend the city and to use the weapons as instructed by the officer. The *starosta* and the other officials were not to interfere with construction as

long as the Jews paid all the required fees and “fully keep all of our Kingdom’s laws, both those of the state and those of the Catholic church.”<sup>99</sup> Apparently the Dominicans in Lutsk tried to interfere nevertheless, for two years later, in August 1628, the king was obliged explicitly to reiterate his permission for the completion of the building. In addition to the reasons given in his previous document, this time he indicated that “at this distance, the above-mentioned synagogue does not interfere with the church of the Dominican fathers in Lutsk.”<sup>100</sup> But opposition did not cease. In April 1629 the king issued a new order giving the town’s two wooden synagogues, that of the Rabbis and that of the Karaites, together with the gardens located next to their cemeteries, to the royal notary as a gift, since the Jews were warned that they dare not build synagogues or private houses “without the explicit permission of us or our fathers.”<sup>101</sup> The reference is apparently to a wooden house of worship built within the cemetery, not to the stone synagogue, for which the Jews had received special permission. The order appeased those who had opposed the building of the stone synagogue (perhaps the very Dominicans already mentioned). In an order of 1627, Anna Chodkiewicz [Ostrozka Khodkevych], presumably under the influence of the clergy, forbade building synagogues higher than churches, conducting funerals, or making brandy on Sunday in her town of Ostroh.<sup>102</sup> The interference of the church did not absolutely prevent the establishment of new synagogues, however. In the town of Ovruch, which, according to the lustration, contained a total of three Jewish houses, the Jews established a synagogue “with the permission of the *starosta*, even though they had no charter from His Majesty the King.”<sup>103</sup> In 1646 the king confirmed the charter of settlement for the Jews of Bar, permitting them to build a synagogue, a cemetery, a public bath, and a water pit (evidently a *mikvah*).<sup>104</sup>

In day-to-day relations, conflicts between Jews and the Orthodox clergy were more numerous than between Jews and the Catholic clergy. Apparently the Jews acted more gingerly toward the Catholic clergy, whose influence was greater. Nevertheless, in 1639 the head of the cathedral in Volodymyr registered a complaint against a Jew who, together with other infidels (*heretyky*), blocked his path while he was taking the Sacrament from the church to a prison where a certain noble was incarcerated. Not only did the Jew not remove his cap, but he urged others to do likewise and called the Sacrament an “error.”<sup>105</sup> The details of the incident are not clear: it may have had something to do with relations between the Jew and the imprisoned noble. In 1640, on the other hand, two Jews from Volodymyr and one from Ostropol made a complaint against a Catholic preacher, head of the schools in Volodymyr,

charging that he bullied the Jews, sent his students against them and attacked them on the crossroads, falling upon them with his servants and shouting, "I will teach you to complain about me to the bishop."<sup>106</sup> We learn from this that student attacks on Jews were common in Volodymyr (as in most cities of Poland), although the hierarchy of the church may have looked upon such acts with disfavour.

There is more evidence about conflicts between Jews and the Orthodox clergy, especially closer to the time of the Khmelnytsky revolt. The Orthodox synod in Kiev, which gathered in 1640, forbade Christian women to serve as midwives and cooks for Jews, and Christians to buy meat from Jews.<sup>107</sup> Evidently it was on the basis of these decisions that, in 1647, a priest in the town of Andriiv demanded that the inhabitants refrain from buying meat from the Jews; the municipal officer, however, ordered him to pay damages to the Jews and imposed a fine on him.<sup>108</sup>

The Orthodox clergy at times also tried to defend the Jews. In 1584, the Orthodox nobility made the complaint that the metropolitan of Kiev was granting charters of protection to the Jews: "Against the church of God, to the aid of the Jews, you provide for their enjoyment and benefit and to the additional weakening of our holy religion and to our anguish...."<sup>109</sup> In 1597, the bishop of Volodymyr and Brest determined that there was no substance to a priest's complaint that on a Jewish street in Volodymyr, Jews interfered with the church from their buildings. He also forbade the imposition of a payment on the Jews in addition to one established long before. That decision was upheld by the bishop (a Uniate) who succeeded him in 1638.<sup>110</sup> But such defence of Jews was quite rare. As religious tension in Ukraine grew in the wake of the Union of Brest and the renewal, in the 1620s, of an independent Orthodox hierarchy, the opposition of the Orthodox church to the Jews also increased, as shown by the decisions of the Synod of 1640. In fact, there was no longer any distinction between its attitude toward the Jews and that of the burghers, since the Orthodox church became closely tied to the burgher element after most of the nobility converted to Catholicism.

The relations between burghers and Jews are very important in explaining the legal and social status of the Jews. The Jews were primarily urban inhabitants who lived and worked alongside the burghers.<sup>111</sup> The need to maintain constant readiness in the face of recurring forays by the Tatars perforce strengthened ties between the two groups. The Jews participated in local defence alongside the burghers and were even obliged to be trained in the use of weaponry. One Hebrew source says: "For when there was tumult in Volhynia because of the Ishmaelites, which was common in the large towns of the region, everyone was obliged to be ready with instruments of destruction in

hand to wage war against them on orders of the Prince and his officers. And there was a time when the present man [the writer?] fired the catapult, which in the language of Ashkenaz is called *biks*, from his house through the window to the place marked for him in his courtyard wall, in order to try the *biks* as the instructors had done.... The heathen, who was taskmaster (commander) of Israel and ruled over them because he was the commander, stood outside to warn anyone who came into the courtyard...."<sup>112</sup> The lives of all the "inhabitants of the district" were stamped with "fear of the wars of the Ishmaelites."<sup>113</sup> An inventory of the town of Vinnytsia from 1616 indicates that the inhabitants of the town were "obliged to stand guard against the Tatars and go out against the enemies of the kingdom on horseback and with weapons [in hand] at the side of the *starosta* of Vinnytsia."<sup>114</sup> The burghers of Bohuslav and Pereiaslav (presumably including the Jews) were obliged to go out and take a stand against the enemy upon the guards' first summons. But the burghers and Jews of these towns were forbidden to take part in Cossack wandering, to send out patrols, or to allow Cossacks to enter their houses or equip them.<sup>115</sup> Hence Jews of the border district sometimes took part in the organization of Cossack raids that were aimed against the Tatars or to plunder the Turkish coast.<sup>116</sup>

Cooperation between the burghers and the Jews, intended essentially for defence, existed in other areas as well. For instance, the privilege granted to the burghers of Volodymyr after the Union of Lublin made it incumbent on the head of the town and on members of the town council to take effective measures for local defence and to regulate relations between Christians and Jews. If a fire broke out in a house, the town officials were not to fine the owners of the house, but the head of the town council was to punish the guilty for negligence. All burghers, Christians and Jews, as well as men of the *jurydyka*,<sup>117</sup> were obligated to join municipal guilds (craft societies) and to conduct themselves according to their customs. As mentioned above, burghers and Jews were equally exempt from payment of fees.<sup>118</sup> Relations between the burghers and Jewish inhabitants of Lutsk were established in a mutual agreement arranged by royal dignitaries (elected by the Diet of 1569) and confirmed by the king in 1580. The agreement involved the sum of 350 Lithuanian groszy, which the Jews paid the burghers to acquire liberties for the whole town, and it obliged the burghers to make the Jews partners in their liberties, "owing to their common residence and the bearing of all municipal debts." The burghers were forbidden to impose transport charges beyond the accepted custom on the Jews, to impose taxes on them for defence or other municipal needs by municipal decrees, or to arrange the distribution of taxes *ad hoc*, without the knowledge of the

Jews. Also, they had to include Jews in the preparation of accounts and allow them to participate in tax farming.<sup>119</sup> We have noted how the Jews of Pereiaslav were included in Magdeburg law. In 1609 the king gave a charter to the burghers of Kovel, obligating the Jews to work on repairing the town's walls and dams and to stand guard equally with the burghers.<sup>120</sup> By the privilege given to the Jews of Dubno in 1638, they had to pay taxes on par with the burghers, since they did business with the latter and made a similar profit.<sup>121</sup> Also, an inventory of Bile Pole in 1646 stated that the Jews were obligated to bear all debts equally with the burghers.<sup>122</sup>

There were also more specific instances of cooperation, such as that in Lutsk in 1588, when, at the sound of the town bell, burghers and Jews jointly attacked the house of a local noble and destroyed it,<sup>123</sup> or the joint complaint of the town's burghers and Jews against Cossacks led by Loboda, who attacked the town during the revolt of Nalyvaiko in 1595 and plundered it.<sup>124</sup> Another testament of close relations is the question placed by one remarkable personality of his generation: "the gentiles borrow clothes and jewelry from Israel [the Jews] on their holidays and wear them when they enter their houses of prayer and afterwards return them. Is it forbidden to lend them for the sake of peace, or not?"<sup>125</sup>

Yet, physical and occupational proximity increased the competition between the Jews and the burghers. The burghers attempted, through the authorities, to limit the rights of the Jews and to place them under municipal jurisdiction. In the years 1569-72, the burghers of Kremianets received several royal charters forbidding Jews to interfere in their commerce.<sup>126</sup> In 1576 the king confirmed for the burghers of Kiev "the ancient right" by placing all those who came to the city to trade, Christians and Jews alike, under municipal jurisdiction.<sup>127</sup> Moreover, in 1589 the Jews of Volodymyr were accused in court of evading personal duties imposed on all burghers.<sup>128</sup> Ten years later (1599), pogroms occurred against the Jews of Volodymyr.<sup>129</sup> The charter granted by the *starosta* to the burghers of Bar and confirmed by the king forbade Jews from selling meat other than retail and beside their synagogue; moreover, the number of their butchers could not exceed six.<sup>130</sup> That same year, 1615, the Armenians of Iazlovets received a charter of settlement from Prince Radziwiłł in which Jews were forbidden to interfere in their commerce.<sup>131</sup> In 1624 the burghers of Kiev obtained a privilege from the king making Saturday the city's market day;<sup>132</sup> that, surely, was to diminish competition from the Jews. In 1629 the furrier and tailor guilds in Lutsk obtained a charter forbidding Jews to engage in commerce that could have threatened their guilds.<sup>133</sup>

We also know of several overt conflicts between burghers and Jews

in royal towns. In 1616 King Zygmunt III appointed a commission to investigate burghers' complaints against the Jews in Kovel. The burghers complained that the Jews were destroying the town by buying from Christians taverns and houses facing the street, thereby harassing them and driving them from the town; also, they did not take part in repairing the town wall or standing guard. They also farmed taxes set by the Diet and private levies, collecting twice as much as was imposed, thereby impoverishing the town. The king appointed a commission to investigate the situation on the spot and correct it, but it was to take into consideration the "liberties" of both sides and the charters that had been granted them. Both sides were entitled to appeal the commission's decision before the king.<sup>134</sup> In 1619, apparently as a result of the complaint, a royal charter was granted to the burghers of Kovel according to which royal taxes would henceforth be collected directly rather than through the Jews, who seemed accustomed to leasing the collection of taxes.<sup>135</sup> At about the same time the burghers of Pereiaslav and Bohuslav complained of the "domination of the Jews," that "their number in the town was not small, that they held almost the whole market and the streets with their houses," and that because of "their machinations" they were reducing the burghers to naught. By the charters of settlement given to the burghers in each of these towns in 1620, the king promised to send commissars to the towns to investigate the complaints, to mediate between the sides, and to determine their obligations in regard to taxes, guard duty, repair of walls, bridges, and so forth. If the matter could not be settled, it would then be brought before the king.<sup>136</sup> We know nothing of the activity of the commissars in Bohuslav, but the inclusion of Pereiaslav's Jews under Magdeburg law apparently resulted from a compromise struck by the commissars. In 1619 the burghers of Kiev were granted the right *de non tolerandis Judaeis*. Their complaints were not serendipitous, but part of a political campaign, possibly an organized one, by which the burghers attempted to take advantage of the difficulties of the Polish state and the weakness of the king to supplant their competitors, the Jews.

Finally, in 1637, the following complaints against the Jews by the burghers of Lutsk were recorded: they sell brandy and pay nothing to the municipal treasury; they build houses on municipal land and transfer them to the jurisdiction of the castle; they dig within the wall and build breweries and wineries; they refuse to share with the burghers the burden of guarding and repairing the roads; they seize all leasing from the burghers. The burghers of Lutsk estimated their total damages at the hands of the Jews at 10,000 Polish zloty. Moreover, they complained that the Jewish municipal lessee, who was appointed by the *starosta*, arbitrarily raised the tax rate, which was high to begin with.<sup>137</sup>

The increase in the Jewish population—most of it urban<sup>138</sup>—and the intensified economic activity of the Jews exacerbated their relations with the burghers, especially in the royal towns, where the *starostas* lacked sufficient power to impose their authority on both sides. The compromises made from time to time through the mediation of special royal commissars were nothing more than temporary solutions, and the dynamic development of the region hardly allowed for stability. The burghers wanted to increase the Jews' portion of municipal debts and taxes, whereas the Jews sought advantages and concessions in their reliance on the "castle" (i.e., on the royal officer residing in the town). The Jewish share in municipal payments actually did increase gradually, but not enough to reassure their enemies. With the coming of Khmelnytsky, even fortified towns fell into the hands of the rebels, in most cases with the help of the burghers.

## Notes

1. Y. S. Hertz's book, *Di yidn in Ukraine* (New York, 1949), is a popular sketch, written by a non-scholar. A number of issues in the history of Jews in Ukraine before 1648 were raised by Y. Shatsky in "Historish-Kritisher Areinfir tsum 'Yon Matsula'," published by YIVO in the collection *Gezeires Tach* (Vilnius, 1938); however, in central issues as well as details, the work is problematic.
2. S. A. Bershadsky, *Litovskie evrei* (St. Petersburg, 1883).
3. The documents are included in S. A. Bershadsky's *Russko-evreiskii arkhiv* (St. Petersburg, 1882) (hereafter REA).
4. Bershadsky, *Litovskie evrei*, p. 423.
5. Bershadsky (*Litovskie evrei*, pp. 198-202) tried to prove that the charter of 1388 was granted to the Jews of Brest alone, since he thought that the Jews of various cities were not yet united enough to participate in a general charter. But that can be disputed on several accounts. The extant copy of the charter contains no mention for whom it is intended. Bershadsky proposes to read *beresteiskoi* instead of the words *vyshei menenoi* at the beginning of the document. It seems to me, however, that the writer or copyist distorted the text: if the above words were erased, it would seem that the "rights and liberties" were granted "to all Jews inhabiting this kingdom of ours," paralleling the text of Boleslaw's charter of settlement to Kalisz of 1264, from which the words were apparently translated into the Rus' language for the Lithuanian document. Also, the phrase "to the Jews of Brest [as Bershadsky amends it] inhabiting this kingdom of ours" is extremely strange. Bershadsky's evidence from the charter of settlement to the Jews of Horodnia, in which the grand duke confirmed for local Jews "the rest of the rights and liberties that we have granted in the charter to the Jews of Brest in 1388,"

does not constitute proof. It is possible that the charter to all Jews of Lithuania was called by the name of its main community—Brest—and that it was mentioned in order to distinguish between it and the charter granted that same year to the Jews of Trakai (the Karaites). When the communities of Lithuania appealed to King Zygmunt the First in 1507 to confirm the charter of 1388, they asked him to confirm it for, and not extend it to, all Jews of Lithuania.

6. "...judaeis vero et armenis [jus] tale, quale habent judaei et armeni in civitatibus Nostris Cracoviensi aut Leopoldensi." *Arkhiw Iugo-Zapadnoi Rossii* (hereafter *AluZR*), vol. 7, pt. 5, doc. 1. From this Bershadsky (*Litovskie evrei*, p. 200) concluded that Vytautas's charter of 1388 was granted only to the Jews of Brest. If that were not the case, Jagiełło would certainly have confirmed for the Jews of Lutsk their old rights and would have had no need to mention the rights of the Jews of Cracow and Lviv. But the question remains: why did the privilege of 1432 grant the Jews of Lutsk the rights enjoyed by the Jews of Cracow and Lviv rather than those of the Jews of Brest? It seems to me that Jagiełło intended to enforce Polish law and custom in Lithuania and thereby advance the cause of the union of the two states. Hence he granted the nobles of Lutsk the same rights enjoyed by the nobles of Poland. To the burghers he granted Magdeburg law, an innovation for Lithuania, for until then the law had been granted to only a number of towns and, hence, to a comparatively small number of Jews.
7. *REA*, vol. 1, docs. 10, 11, 13, 14, 15, 17, 24, 66, and *Russkaia istoricheskaia biblioteka* (St. Petersburg, 1872–) (hereafter *RIB*), vol. 27, docs. 3, 5, 8, give extensive information on Jews as tax collectors from 1482 to the Lithuanian expulsion of 1495. Information has also been preserved about a Jew named "Shan" who collected taxes in Volodymyr during the time of Vytautas and Svidrigaila, that is, before 1430: *Akty iuzhnoi i zapadnoi Rossii* (hereafter *AIZR*), vol. 7, doc. 38. In Kiev there were Jewish tax collectors even before the city was burned by the Tatars in 1482: *REA*, vol. 1, doc. 10.
8. Cf. *REA*, vol. 1, docs. 9, 18.
9. For example, the estate bestowed on the Jew Shan, mentioned above: *AIZR*, vol. 7, doc. 38; *Akty zapadnoi Rossii* (henceforth *AZR*), vol. 2, p. 120; *AluZR*, pt. 8, vol. 4, doc. 19; *REA*, vol. 1, docs. 28, 36; vol. 3, doc. 83.
10. See Bershadsky, *Litovskie evrei*, p. 241.
11. Shan, the tax collector of Volodymyr and his son Agaron (Aharon), the tax collector of Kiev, converted voluntarily (Bershadsky, *Litovskie evrei*, p. 244). Avraham Juzefovich converted before the expulsion and later served as secretary of the Lithuanian treasury. In a detailed study, "Avram Iezofovich Revichkovich, podskarbi zemskii, chlen rady Velikogo Kniazhestva Litovskogo" (*Kievskaja starina*, 1888, vol. 22, no. 9, pp. 457-99; vol. 23, nos. 10-12, pp. 69-120, 235-65, 417-58), Bershadsky showed that his conversion preceded the expulsion, contrary to the accepted view (for example, Balaban, *Beit Israel be-Polin*, Jerusalem, 1948, vol. 1, p. 15).
12. Avraham, mentioned above, and the tax collectors of Putyvl—perhaps Meruvakh (which should probably be read Mevorakh) and Israel from Kiev—who are mentioned in *REA*, vol. 1, doc. 24. Also, Fedor, Petr, and Ivan

- Novokreshchenye, who in 1495 collected taxes in Putyvl for three years (Bershadsky, *Litovskie evrei*, p. 254) and in 1499 collected the taxes of Smolensk (*Chteniia v Obshchestve istorii pri Moskovskom universitete*, hereafter *ChOIMU*, bk. 191, p. 88-89).
13. Cf. Bershadsky, *Litovskie evrei*, p. 261.
  14. *REA*, vol. 1, doc. 62.
  15. In Lutsk the *kliuchnik* (local manager of the king's property) served as the Jews' judge: *REA*, vol. 1, doc. 150. According to Vytautas's charter, the *starosta* was to serve as the Jews' judge.
  16. When, in 1534, the wife of a noble prosecuted a Jew from Medzhybizh, the Jew argued that he was required to answer only before the palatine. His case was transferred to the palatine's deputy in Podillia, L. Białkowski, *Podole w 16-tym wieku* (Warsaw, 1920), p. 111.
  17. *REA*, vol. 1, doc. 153; *AZR*, vol. 2, doc. 174.
  18. See the letter of appointment of Michał Jósefowicz (*REA*, vol. 1, doc. 60). Michał was to serve as the *direct and sole* link between the Jews and the king.
  19. *REA*, vol. 1, doc. 45.
  20. A Polish Jew accused the Jews of Cracow and other cities of circumcising Christians, sending them into the Grand Duchy, and smuggling them from there to Turkey. A description can be found in two royal letters in *REA*, vol. 1, docs. 175, 199. Additional details in documents published by E. Zivier, "Juedische Bekehrungsversuche im 16. Jahrhundert," in *Beiträge zur Geschichte der deutschen Juden, Festschrift zum 70. geburtstage Martin Phillipsons* (Leipzig, 1916), pp. 96-113.
  21. Already in 1507 the communities of "Brest, Trakai, Horodnia, Lutsk, Volodymyr and other cities" had all had the privilege of Vytautas confirmed by the king. The charge of libel called forth the urgent activity of all Jews royal and private, and the communities of Ukraine filled an important function (*REA*, vol. 1, no. 199, p. 242): "And immediately many Jews reached us, such as those from Horodnia, Brest, Volodymyr, and Lutsk, from Ostrih, Kovel and others [living on estates] of princes and lords, after they heard the libel [directed] against them and they wanted to investigate the matter...."
  22. The first letter was designated for the council of the grand duke (*Pany-Rady*) during his absence from Lithuania. During that time the council served as the supreme authority in the Grand Duchy. The second letter says, "and We, in our desire that this matter be rectified before a righteous judge, have ordered the lords of our council, their excellencies, from the Grand Duchy of Lithuania, to hear the evidence of that Jew from the [land of] the Kingdom of Poland (Korona Polska) and the judgement of the Jews of our realm, to investigate this matter and report to Us." All this occurred at a time when less important matters were dealt with only when the king was present, or interim orders were issued pending his arrival. Cf., for example, *Akty Vilenskoi komissii*, vol. 17, p. 83 (a Jew's demand for redemption of his patrimony).
  23. Anyone who gave refuge to a convert was subject to the death penalty and had his property confiscated; one could not employ Christian wet nurses;

one could not discuss with Christian employees matters that constituted an assault on the Christian faith; one was not to make them perform hard labour during their holidays; it was forbidden to buy a Christian slave (in fact, Christian slaves were owned by Jews not only in the sixteenth, but even in the seventeenth century, as shown below); debtors could be enserfed for only one year.

24. See, for example, Queen Bona's charter of settlement to the Jews of Kovel, evidently from the 1640s: "...aby się według praw y wolności Żydów Wielkiego Księstwa Litewskiego sądzili także i w szkole swej, przed doktorami swemy, według zwyczajów stawali i sądzili się..." (*AluZR*, pt. 5, vol. 1, doc. 30, p. 120).
25. *REA*, vol. 1, docs. 353-54; vol. 2, docs. 9, 35.
26. Cf. Bershadsky, *Litovskie evrei*, pp. 381-83.
27. For example, M. Bersohn, *Dyplomatariusz dotyczący żydów w dawniej Polsce* (Warsaw, 1911), p. 521.
28. See the appeals of the nobility to the king in 1551 (*REA*, vol. 1, doc. 22) and in 1563 (*REA*, vol. 1, doc. 176; *AIZR*, vol. 3, doc. 33).
29. Compare, for example, the appeals of the representatives of the burghers in Kovel to Queen Bona, asking that the Jews be forbidden to build their houses in the town square and that their place of residence be confined to the Jewish street next to the synagogue. The queen, granting their request, ordered the Jews to move to the Jewish street and the Christians to leave that street (*AluZR*, pt. 5, vol. 1, doc. 15, order of 9 January 1556). The compromise between the Jews and burghers in Bar states: "...quod judei Barenenses...eum numerum domorum, quem ab antiquo in hunc usque diem obtinent, retinere, atque hereditarie possidere in civitate Barensi debent." *AluZR*, pt. 8, vol. 2, suppl., p. 35; Bersohn, *Dyplomatariusz*, p. 70; *REA*, vol. 3, doc. 159.
30. See, for example, the king's order of 1536 forbidding the Jews of Kremianets to make use of the freedoms granted to the burghers (*AluZR*, pt. 5, vol. 1, doc. 9; *Źródła Dziejowe*, hereafter *ZD*, vol. 5, p. 172); the complaint of the tailor and furrier guild in Lutsk in 1539 against the Jews engaged in these crafts (*REA*, vol. 1, doc. 179); the interference of the burghers in the business of the Jews (*REA*, vol. 2, doc. 52).
31. For example, a Lutsk burgher attempted to exact damages from Jews for a fire, since "the fire came out of their house" (*REA*, vol. 1, doc. 137).
32. Thus, the burghers of Lutsk caught a Jew on a royal estate. Despite the protests of the king's officer and a bail of 10,000 groszy that he put up for him, the burghers sentenced the Jew to death in their court and executed him. *REA*, vol. 2, doc. 238.
33. In the conflict with the craftsmen's guilds mentioned above (p. 30), the king permitted the Jews to produce and sell these goods, but he obliged them to pay five *shuk* to the members of the guild. In 1556, the king granted the Jews in Lutsk the same rights as those enjoyed by the burghers, as defined in a new privilege given to the former, and exempted them from taxes within Volhynia. *REA*, doc. 68.

34. In this way, for example, the Jews of Volodymyr obtained building plots and permission to construct breweries. N. Kamanin and I. Istomin, "Sbornik istoricheskikh materialov izvlechennykh," in *Aktovye knigi Kievskogo tsentralnogo arkhiva*, no. 57, items 63-64.
35. *AluZR*, pt. 5, vol. 1, doc. 12; *ZD*, vol. 6, introd., p. 79.
36. The Jews agreed not to increase further the number of their houses, to bear all rights of citizenship together with the burghers, and to provide a horse from every house in time of war. In turn, the burghers allowed the Jews to live according to their own laws and to engage in trade (cf. fn. 29, above).
37. *AluZR*, pt. 5, vol. 1; Antonovych's introd., pp. 21-22; M. Liubavsky, *Ocherk istorii Litovsko-Russkogo gosudarstva* (Moscow, 1910), p. 251.
38. *Responsa Bach (Beit Hadash) ha-yeshanot*, doc. 3.
39. See, for example, the joint request of the burghers and Jews of Lutsk in 1558 to forbid foreign merchants to sell merchandise in their towns. *AluZR*, pt. 5, vol. 1, p. 5.
40. "And also, we determine that it is forbidden for Jews to give evidence in matters of land or proof of title to land and also in all other matters...." *REA*, vol. 2, p. 158. The First Statute—*REA*, vol. 1, pp. 169, 337.
41. According to the First Statute, a Christian slave went free after serving his master for seven years. According to the Second Statute, which is more restrictive toward the Jews, it seems that the slave went free immediately. The tenure of seven years was also retained in this statute, but it was applied to an indentured servant: if the amount of the debt was small, the debtor was obliged to pay it back through his work within seven years, but if the debt was large, each year of work was to be estimated at 50 talers for a man and 30 talers for a woman (in the First Statute, 30 talers for both). The ambiguity here was no doubt deliberate and was intended to place a burden on the owners of Christian slaves.
42. *REA*, vol. 2, pp. 157-58.
43. We know that Zygmunt I gave the First Lithuanian Statute to the nobility in exchange for the election of his son, Zygmunt August, who was still quite young, as Grand Duke of Lithuania. It is likewise evident that by granting the Second Statute, Zygmunt August intended to persuade the Lithuanian nobility of the idea of union between the two states. For more than twenty years the demand "to amend" the statute was an essential demand of the Lithuanian nobility. Cf. M. Liubavsky, *Ocherk*, pp. 231-32, 276-90.
44. We mentioned above the complaint of the Jews of Lithuania (1533) about officers of the king who were not acting in accordance with the old charters of settlement, which had also been confirmed by Zygmunt I, "to try to judge them according to the regular law and in accordance with the charters of our fathers, which were available to them (the Jews) as a gift from Their Majesties [the previous kings], and which are the written law for this statute (meaning the First Statute of 1529), which the Grand Duke of Lithuania gave to our kingdom, for in these laws of ours we have done no injury to the charters of settlement mentioned above or to their authority...." *REA*, vol. 1, p. 194.

45. REA, vol. 2, doc. 244.
46. The expanded charter was confirmed by Zygmunt I and Zygmunt August. Much remains to be said about this charter, but it cannot be expanded upon here.
47. Bersohn, *Dyplomatariusz*, docs. 120, 535.
48. "Gdzie indziej, a nie w powiecie," meaning the new territorial courts, established according to the Second Lithuanian Statute in 1566. To establish these courts the dukedom was divided into fifteen juridical districts (*Sudovye povety*), four of which were in Volhynia and Podillia (Volodymyr, Kremianets, Lutsk, Bratslav) and two in the territory of Kiev (Kiev and Mazyr). The district court was the most important of the local courts, because all nobles of the district fell under its jurisdiction, including members of the duke's council. Cf. Liubavsky, *Ocherk*, p. 280.
49. That is, if a Jew prosecuted a Christian. And even then, the matter was unclear, for in the Lithuanian charter jurisdiction in these matters belonged to the grand duke ("chym maet nam cholom byty"). REA, vol. 1, doc. 8, p. 9.
50. The reference is the law of the Jews of Poland, which in the issue of mortgages was also, in several instances, more lenient than the Lithuanian charter.
51. I.e., no side was to bear blame, since the disaster came from heaven and was not intentional.
52. Bersohn, *Dyplomatariusz*, doc. 152.
53. *AluZR*, pt. 7, vol. 3, p. 177.
54. *AluZR*, p. 78. This is the expanded charter of Kazimierz the Great, mentioned above, which had already been confirmed for the Jews of Poland. Upon his ascension to the throne, Zygmunt III confirmed for the Jews of Lutsk all the charters, rights, and liberties that they had been granted previously, in particular those that had been granted by Stefan Batory (Bersohn, *Dyplomatariusz*, doc. 192). Likewise, the king acceded to the request of the duke of Ostroh, who, serving as the palatine of Volhynia, in 1589 granted all rights, laws, and liberties of the Jews of Poland (e.g., freedom of commerce, personal jurisdiction, etc.) to the Jews of Bile Pole. Bersohn, *Dyplomatariusz*, doc. 193.
55. *AluZR*, pt. 7, vol. 3, pp. 176-77.
56. *Tsentrалnyi arkhiv starodavnikh aktiv u Kyivi*, V. Romanovsky, ed. (Kiev, 1929) (hereafter, *TsASK*), p. 76, says that book 928 of the Kiev archive (for the years 1590-92, doc. 124) registers the charter of settlement of Zygmunt II from the year 1570 "to the Jews of Volodymyr on rights and liberties." This was probably not a separate charter, but a subsequent registration of the document before us by the Jews of Volodymyr.
57. *ZD*, vol. 5, p. 147. All these charters were confirmed several times by subsequent kings: Stefan Batory, Zygmunt III, Władysław IV. King Stefan even reconfirmed, in 1576, the exemption from taxes of the Jews of Medzhybizh granted them in 1547 and 1557, owing to the injuries they had suffered from the Tatars; Bersohn, *Dyplomatariusz*, doc. 159. In 1577, Stefan

confirmed the charter of Zygmunt August in the matter of exemption from taxes during fairs (Bersohn, *Dyplomatariusz*, doc. 541). In 1579 he additionally confirmed the rights of the burghers and Jews of Minsk to trade in Volhynia (TsASK, p. 76).

58. Bersohn, *Dyplomatariusz*, doc. 230.
59. *AluZR*, pt. 5, vol. 1, doc. 30.
60. Bersohn, *Dyplomatariusz*, doc. 233.
61. Bersohn, *Dyplomatariusz*, doc. 237.
62. "And these are the men who were bought from the Jews: Ostanits and his sons...Aliushko...." *AluZR*, pt. 1, vol. 1, p. 57.
63. *RAV*, vol. 2, p. 606.
64. *RAV*, vol. 2, p. 646.
65. [Andrei Kurbsky], *Zhizn Kniazia Andreia Mikhailovicha Kurbskogo v Litve i na Volyni* (Kiev, 1849), vol. 2, pp. 1-5.
66. Kurbsky, *Zhizn*, vol. 2, pp. 5-6.
67. Kurbsky, *Zhizn*, vol. 2, pp. 7-10.
68. Kurbsky, *Zhizn*, vol. 2, pp. 10-11.
69. Docs. 30 and 40, according to the text published by P. Bloch, *Die General-privilegien der polnischen Juden* (Posen, 1892).
70. *Prawo ziemskie* was the customary law in that region, based on ancient custom or the ordinances and liberties granted by the kings to the nobility.
71. See Bershadsky, *Materialy dlia istorii evreev v Iugo-Zapadnoi Rossii* (= *Evreiskaia biblioteka*) (St. Petersburg, 1879-80), vol. 7-8, doc. 6. The Jews of Lithuania obtained confirmation of this right in 1578 from Stefan Batory (cf. *AZR*, vol. 3, doc. 221).
72. *ZD*, vol. 5, pp. 216-17; Bersohn, *Dyplomatariusz*, doc. 224.
73. See, for example, the "charter of liberties" granted in 1630 by the owner of the town of Ostrozhets to the new settlers for 12 years: "...u ochrona Żydów, którzy, pod zamkowy tylko urząd mają, podpadac..." *AluZR*, pt. 6, vol. 1, doc. 143.
74. For example, there were two lads (*bakhurchyky*) who were accused in 1590 of stoning an Orthodox religious procession and were held in the town castle of Volodymyr. *AluZR*, pt. 1, vol. 1, pp. 266-67.
75. For instance, in 1601 two Jews from Lutsk announced that they were putting up bail for a Jewess imprisoned for debt (Bershadsky, *Materialy*, doc. 8). In order to be guarantors, the two Jews relinquished "all their litigation, prerogatives, and [charters] of freedom and entrusted themselves together with all their property to this registration."
76. Book 2049 of the archive in Kiev, pp. 106-107, according to *Trudy II-ogo Arkheologicheskogo sezda* (Kiev, 1899), vol. 2, p. 64.
77. Bershadsky, *Materialy*, doc. 6. The burgher alleged that the Jews' judge demanded a bribe from him. It seems that there had been close ties between the judge and the Jews, and that, according to the burgher, the judge was himself *prokurator* on behalf of the Jews. Finally, after compelling the Jew to take an oath, the burgher released him on his own bail.

78. "Jurisdycja nad żydy Włodzimierskimi extendującym"—*AluZR*, pt. 1, vol. 6, doc. 193. The case was registered by the bailiff (emissary of the court) of the Volhynia palatine, who later submitted the verdict for registration in the books of the "territorial court" in Lutsk when that court was in session.
79. See M. Bloch, *Die Generalprivilegien der polnischen Juden* (Poznań, 1892), docs. 24-26; *REA*, vol. 1, pp. 5-14, docs. 3-22.
80. *AluZR*, pt. 5, vol. 1, doc. 30.
81. *REA*, vol. 1, p. 9, doc. 8. It differs from Bolesław's text from Kalisz, according to which there was compensation "...ut iutra terra Nostrae requirunt et exigunt..." (*REA*, p. 8, doc. 9), as well as from the privilege for the Jews of Trakai, which reiterates the Bolesław version (*REA*, doc. 8).
82. *AluZR*, pt. 6, vol. 1, doc. 41.
83. "Antirrizis," *RAV*, vol. 19, p. 685. The composition was written in connection with the Union of Brest.
84. Bershadsky, *Materialy*, doc. 9. It is interesting to note that in the complaint of the burgher from Riga (see fn. 81, above), the Jew was required to take an oath together with three other men. This may have been some vestige of an earlier legal custom.
85. Bershadsky, *Materialy*, doc. 10. Prof. Y. Halpern has called my attention to the "regulations of fugitives," which determined that "a marriage contract of a widow takes precedence over that of a debtor of immovable or movable property, even if he was not caught"; they were also included in the charters of settlement to the Jews of Lviv and Cracow granted by Zygmunt August and Stefan Batory. A similar privilege may also have been conferred on the Jews of Volhynia, but it has not come down to us. It may be that the custom in Volhynia was influenced by the custom of the Ruthenian palatinates (Lviv). The case before us, however, does not involve a widow, but a woman whose husband was alive; likewise, the royal authorization to the Jews of Cracow speaks of a marriage contract registered in the book of acts, not "a page written in Hebrew script." In this case the court may have considered the customs of the Jews beyond the definitions provided by the royal charters.
86. Compare, for example, *ZD*, vol. 21, pp. 305, 322, 333, 345, 428, 523, 551, 578, 630.
87. There was a number of cases in which Jews were the plaintiffs. In 1604 Jews obtained a verdict from the tribunal against a noble who did not pay a debt and did not allow payment from his property (*ZD*, vol. 21, p. 469). In 1618 a Jew from Kiev obtained an order of expulsion against a noble couple after they opposed the execution of a court verdict against them for forcibly taking back a village that the Jew had previously leased. After two months the tribunal cancelled the order of expulsion (*ZD*, vol. 21, pp. 224, 308). Discussion between the two sides was still going on in 1622 (cf. *ZD*, vol. 21, p. 626). That same year a verdict was given in a case between a prince from Zbarazh and his subject, a Jew from Puchrowiszcz, and nobles accused of removing the Jew from a village that had been leased to him (*ZD*, vol. 21, p. 312). At about the same time, a similar claim of a Jew from Kornin against a number of nobles was rejected (*ZD*, vol. 21, p. 207). That same year a Jew

"from the servants of Janusz, prince of Ostroh" obtained a verdict against nobles belonging to the Sapiieha family for robbing his goods when he passed through their town of Antoniv (ZD, vol. 21, p. 284). In 1624 a Jew from Bile Pole obtained an order of "expulsion" against Prince Zemski (ZD, vol. 21, p. 316). The same year there were deliberations before the tribunal concerning mutual accusations between a noblewoman and Jews from Bile Pole on the matter of leasing estates in the vicinity of Pavoloch (ZD, vol. 21, pp. 320, 326-27).

There were also several cases in which the Jews were the defendants. The tax collector from Kiev, the Jew Bohdan, was convicted in 1602 of taking various objects from the burgher Holaniki, claiming it was for tax purposes; the owner of the town lodged the complaint against the tax collector (ZD, vol. 21, p. 88). That same year a Jew from Berdychiv was accused of taking peasants from the village of a noble to the village that he (the Jew) held; his co-defendants were nobles who apparently owned the village (ZD, vol. 21, p. 85). In 1609 a Jewish tenant was convicted of illegally collecting a tax on the carts of the princes of Zbarazh (ZD, vol. 21, p. 549). That year Jews were required to pay for firewood they had used in the making of potash (ZD, vol. 21, p. 136). A similar complaint was lodged against a Jew from Pereiaslav in 1618 (ZD, vol. 21, p. 223).

88. ZD, vol. 21, pp. 461, 211, 624, 625.
89. *Responsa Bach (Beit Hadash) ha-yeshanot*, doc. 108.
90. *Diariusz Szymona Okolskiego*, p. 70, quoted in Tomkiewicz, *Jeremi Wiśniowiecki*, p. 111.
91. *Pney Yehoshua (Responsa of Yehoshua)*, pt. 2, doc. 68.
92. *AIZR*, vol. 3, doc. 1.
93. *Responsa Bach (Beit Hadash) ha-yeshanot*, doc. 27.
94. See, for example, the *Responsa* of Maharam of Lublin, doc. 86; or *Responsa Bach (Beit Hadash) ha-yeshanot*, doc. 52, although they do not belong precisely to the area of Ukraine. The killing of Jews in Bile Pole is mentioned, but it is said that they were tried in a court and executed. From the testimony presented it is difficult to reconstruct what happened. See *Responsa Bach (Beit Hadash) ha-yeshanot*, doc. 60.
95. Bershadsky, *Materialy*, doc. 12, pp. 28-29.
96. *Responsa of Rabbi Itshak Halevi*, doc. 15. Although the exact place of the event is not mentioned, there is no doubt that this was the general custom.
97. *Responsa Bach (Beit Hadash) ha-yeshanot*, doc. 146.
98. The roots of the prohibition are evidently in Byzantine Christian legislation. See S. Grayzel, *The Church and the Jews* (Philadelphia, 1933), p. 70, fn. 128.
99. Bersohn, *Dyplomatariusz*, doc. 227.
100. Bersohn, *Dyplomatariusz*, doc. 228.
101. Bersohn, *Dyplomatariusz*, doc. 229.
102. Kardaszewicz, *Dzieje dawniesze miasta Ostroga*, pp. 118-19.
103. *AfuZR*, pt. 7, vol. 2, p. 415.
104. Bersohn, *Dyplomatariusz*, doc. 245.

105. Bershadsky, *Materialy*, doc. 13, pp. 29-30.
106. Bershadsky, *Materialy*, doc. 14, pp. 30-32.
107. *RAV*, vol. 4, pp. 33, 37.
108. *AluZR*, pt. 1, vol. 6, doc. 314.
109. *AZR*, vol. 3, doc. 146.
110. Bershadsky, *Materialy*, doc. 7.
111. Most Jews lived in separate neighborhoods, on the "Jews' street" (in Lutsk, Volodymyr, Kiev, Ostroh). But this did not mean total separation, since there were also Christian houses in these neighborhoods and even churches (in Volodymyr). The Jews feared separation. In several towns, as we have mentioned, it was forbidden to buy parcels of land from gentiles lest a continuous Jewish territory be formed. That was dangerous from a security standpoint, since it was feared that during an enemy attack or riots, the burghers might abandon the Jewish part of the town.
112. *Responsa* of Maharam of Lublin, doc. 43.
113. According to *Ba'al Mas'at Benjamin*, doc. 29.
114. *AluZR*, pt. 7, vol. 2, p. 393.
115. The charters of rights date from 1620. For Bohuslav—*AluZR*, pt. 7, vol. 3, doc. 7; for Pereiaslav—*AIZR*, vol. 10, doc. 9.
116. The Polish government had banned such raids, since they disrupted relations between Poland and Turkey.
117. *Jurydyka* meant the area of jurisdiction of the castle or of the nobles or churchmen within a royal or private town.
118. *ZD*, vol. 5, pp. 144-47. See fns. 56 and 57, above.
119. *AluZR*, pt. 7, vol. 3, pp. 177-78.
120. Kurbsky, *Zhizn*, vol. 1, p. 324.
121. Bersohn, *Dyplomatariusz*, doc. 237.
122. Rawita Gawroński, *Sprawy ukraińskie* (Lviv, 1914), p. 194.
123. Bershadsky, *Materialy*, doc. 5.
124. *AluZR*, pt. 3, vol. 1, pp. 111-12.
125. *Responsa Masat Benyamin*, doc. 86.
126. *ZD*, vol. 5, p. 173. 180; M. Baliński, *Starożytna Polska* (Warsaw, 1843), vol. 2, p. 897.
127. *AZR*, vol. 3, doc. 72.
128. *TsASK*, bk. 965, doc. 1589.
129. *TsASK*, p. 77.
130. *ZD*, vol. 5, p. 41.
131. Baliński, *Starożytna Polska*, vol. 2, p. 981.
132. Mukhnov, doc. 237.
133. *AluZR*, pt. 7, vol. 3, p. 68.
134. *AluZR*, pt. 5, vol. 1, pp. 134-35.
135. Kurbsky, *Zhizn*, vol. 1, p. 326.

136. *AIZR*, vol. 10, pp. 520-24; *AluZR*, pt. 7, vol. 3, doc. 7. On that same occasion the king forbade both the burghers and the Jews to go out on military campaigns of their own accord.
137. Bershadsky, *Materialy*, doc. 11.
138. There were Jews living in villages, especially lessees, but their numbers were still small and they maintained ties with their towns of origin. In this period they were still referred to by the name of their original communities. The strengthening of security in Ukraine brought about the dispersal of the Jewish population into smaller and less fortified towns, but this dispersal did not become substantial. Even in the steppe, settlers were more numerous in the towns than in the villages.