

Jewish legal status in the Polish-Lithuanian Commonwealth

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ABSTRACT: In this presentation, Adam Teller discusses the change of status of Jews in the Polish-Lithuanian Commonwealth from the subjects of the King in the late medieval period to subjects of lords, in private dominions during the early modern period. He contrasts two legal documents: a privilege granted to Jews by King Kazimierz Jagiellończyk (1453) and a privilege granted to Jews in the town of Jampol by the town's owner.

This presentation is for the following text(s):

- Extended Privilege Granted to the Jews of Great Poland
- The Jampol Community and Town Privilege



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Duration: 59:11

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Introduction to Extended Privilege Granted to the Jews of Great Poland

Adam Teller, University of Haifa, Israel

Notes: The 1765 confirmation kept by the Krakow Jewish Community, published by M. Schorr in *Yevreiskaya Starina* 1 (1909), 2 (1910).

This privilege of August 1453 – only a small part of whose 46 paragraphs is presented here – was one of the most short-lived ever granted to the Jews of Poland. The King, Kazimierz Jagiellończyk (1447-1492), seems to have wanted to extend his power over his country's Jews (note the usage, "Our Jews"), a significant urban population who played an important role in developing regional and national markets. The privilege – by which is meant not only its legal content but its physical form – was an expanded version of privileges previously granted to the Jews of Poland by Jagiellończyk's ancestor, Kazimierz the Great in the mid-14th century, which were themselves a slightly expanded version of the first charter of rights granted to Polish Jews by Bolesław the Pious in Kalisz, 1264. However, Jagiellończyk's version gives the Jews a number of new economic concessions. (Notice, however, that these new concessions are granted under the guise of simply renewing a previous privilege burnt in the Poznań fire). It is also the first privilege explicitly to give state backing to the organs of Jewish autonomy in Poland (paragraph 7). It was this state backing which was to allow the highly complex and sophisticated development of Jewish communities and regional councils in future centuries. However, if in this important aspect, the privilege of 1453 looks forward to future developments, in other stipulations it is clearly medieval in nature. These are the references in clauses 6 and 7, as well as in one version of the conclusion (here brought in square brackets), which demarcate the Jews as belonging to the Royal Treasury. This status of "servi camerae" was one of the characteristics of Jewish legal status in Europe during the high Middle Ages, which disappeared as a result of constitutional changes in the early modern period. In Poland, these changes stemmed from the strengthening of the nobility at the expense of monarchy. The first sign of this development was seen in 1454, where the Polish nobility, gathered at Nieszawa, forced the King to grant them a number of concessions, including the weakening of his control over Poland's Jews and the consequent cancellation of this privilege.

Source Publication

EMW 2004

J. Bandtkie, *Ius Polonicum codicibus veteribus manuscriptis et editionibus quibusque collatis*, Warsaw 1831: 1-21

M. Schorr, “Krakovskiy svod yevreyskikh statutov i privilegii”, *Yevreyskaya Starina* 1 (1909): 247-264; 2 (1910): 76-100, 223-245

Bibliography

Sh. A. Cygielman, “The Basic Privileges of the Jews in Great Poland as Reflected in Polish Historiography”, *Polin* 2 (1987): 117-149

A. Teller, “A View from the East: The Legal Status and the Legal System of Polish Jewry in the 16th-18th Centuries” in: A. Gotzmann, S. Wendehorst (eds.), *Von den Rechtsnormen zur Rechtspraxis. Ein neuer Zugang zur Rechtsgeschichte der Juden im Alten Reich [Beiheft der Zeitschrift fuer Historische Forschung]* (Forthcoming)

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Volume 1: Early Modern Jewries, 2004, Wesleyan University, Middletown, CT

Extended Privilege Granted to the Jews of Great Poland King Kazimierz Jagiellończyk, 1453

Translated by Adam Teller, University of Haifa, Israel

Notes: The 1765 confirmation kept by the Krakow Jewish Community, published by M. Schorr in *Yevreiskaya Starina* 1 (1909), 2 (1910).

...

In the Name of the Lord, Amen. As a perpetual memorial, We, Kazimierz, by the grace of God, King of Poland, as well as of the lands of Krakow, Sandomierz, Sieradz, Leczyca and Kujawa, Grand Duke of Lithuania. Hereditary Lord of Pomerania and Ruthenia, give notice by this present document to all those whom it may benefit, both now and in the future, who have knowledge of this document: That before Our Majesty appeared as delegates Our Jews from the lands of Great Poland, namely from the Palatinates of Poznań, Kalisz, Sieradz, Łeczyca, Brześć, and Włocławek, and the districts pertaining to them, and related: That the laws which they had previously received from the most serene prince of blessed memory, Our predecessor, Lord Kazimierz, King of Poland, and which they had always enjoyed in the times of the other kings, Our predecessors, and in our day, at all times and occasions, were reduced to ashes by the fire when before Our very eyes Our city of Poznań, in Our presence, was consumed in a firestorm. They [i.e. the Jews] are requesting and humbly supplicating that we should graciously agree to renew, ratify, and confirm the laws, according to a copy of the said laws which they have shown us. Which laws thus given, copied word for word, read thus.

...

Sixth. That no Captain (*Starosta*) or Palatine (*Wojewoda*) should [exact] from the Jews any payments, namely taxes and exactions, unless the Jews themselves give them of their own free will; this is because We have made them part of Our treasury.

...

Seventh. That if any Jew should not be obedient to his elders, he should pay a penalty of three marks to the Lord Palatine and similarly a penalty of three marks to his elders.

...

And we also stipulate that any Jew who holds hereditary property through an agreement [i.e. mortgage] should not be made to ride out to war, nor to make any [financial] contribution to

the expedition, because these Jews are a part of Our treasury.

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...

And We, the aforementioned, King Kazimierz, having listened to the laws of the above Jews, and after requisite deliberations with certain of the Counsellors of Our kingdom, having reviewed, examined, and considered the individual points, clauses, and conditions which appear in them [i.e. the laws], and desire that the Jews whom [we reserve to Ourselves and Our kingdom as a special treasury] should recognize that they they have received the relief of our happy kingdom for the Jews in the lands of Great Poland, namely in the Palatinates of Poznań, Kalisz, Sieradz, Łęczyca, Brześć, and Włocławek, as well as in the districts, towns and small towns belonging to them, both for those resident there now and for the others who will come to the lands of Great Poland from other places. We renew, ratify, and confirm the laws described above in all their points, conditions, articles, and clauses, and with the determination that they shall have eternal and perpetual force, in testimony to the present document, our seal is appended.

Made in Kraków, 13th August 1453

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Extended Privilege Granted to the Jews of Great Poland King Kazimierz Jagiellończyk, 1453

Prepared by Adam Teller, University of Haifa, Israel

Notes: The 1765 confirmation kept by the Krakow Jewish Community, published by M. Schorr in *Yevreiskaya Starina* 1 (1909), 2 (1910).

...

In Nomine Domini Amen. Ad perpetuam rei memoriam Nos Casimirus Dei gratia rex Poloniae necnon terrarum Cracoviae, Sandomiriae, Siradiae, Lanciciae, ac Cuiaviae, magnus dux Lithuaniae, Pomeraniae, Russiaeque dominus et haeres. Significamus tenore presentium quibus expedit universis praesentibus et futuris, harum notitiam habituris; quomodo coram Maiestate Nostra personaliter constituti Iudaei Nostri de terris maioris Poloniae videlicet, de Posnaniensi, Calisiensi, Siradiensi, Lanciensi, Brestensi, Vladislaviensi, palatinatibus et districtibus ad ipsa spectantibus, sua ex possessione deduxerunt, quod iura quae hactenus a celebris memoriae serenissimo principe domino Casimiro rege Poloniae etc. Praedecessore Nostro mediata et quibus aliorum regum praedecessorum Nostrorum et Nostris temporibus semper et usque in hactenus usu fuerunt, tum quando civitas nostra Posnaniensis voragine ignis Nobis praesentibus consumpta fuit, ipsis essent et per ignem in cinerem redacta, petentes et humiliter Nobis supplicantes, quatenus iuxta eorundem iurium copiam quam coram Nobis exhibuerunt, eadem iura innovare, ratificare et confirmare, dignaremur gratiose: quorum quidem iurium taliter acceptorum, tenor de verbo ad verbum sequitur estque talis.

...

Sexto. Item nullus capitaneus aut palatinus debent aliquos proventus, alias podatki et contributiones daniny apud Iudaeos, nisi quo eas ipsi Iudaei de sua voluntate donaverint; et hoc ideo, quod Nos eos reservamus pro Nostro thesauro.

...

Septimo. Item si aliquis Iudaeorum suis superioribus non esset oboediens, extunc talis domino palatino luet poenam trium marcarum et superioribus suis similiter poenam trium marcarum.

...

Et etiam statuimus quod quilibet Iudaeus bona haereditaria per introlegationem tenuerit, ad expeditionem non tenebitur equitare, nec aliquid pro expeditione dare et hoc ideo, quod ipsi

...

Et Nos Casimirus Rex praefatus iuribus Iudaeorum praescriptorum auditis et cum certis regni Nostri consilariis cum debita maturitate revisis et examinatis et ponderatis singulis articulis, clausulis et conditionibus in eis expressis volentesques, ut ipsi Iudaei quos Nobis [...] felicis regiminis se agnoscant, a Nobis esset {esse} consolatos pro iisdem Iudaeis et {in} terris maioris Poloniae vel {videlicet} in Posnaniensi Calissiensi, Siradiensi, Lanciensi, Brestensi, Vladislaviensi, palatinatibus et districtibus civitatibus et oppidis ad ipsa spectantibus et in eisdem habitantibus ac de gentibus, nunc praesentibus et aliis undecunque in ipsas Maioris Poloniae terras advenientibus, huiusmodi iura superius descripta in omnibus eorum punctis conditionibus clausulis et artirulis {articulis} innovamus, ratifocamus et confirmamus per praesentes, decernentes, robur habere perpetuae firmitatis, harum quibus sigillum Nostrum praesentibus est appensum testimonio literarum.

Actum Cracoviae feria secunda ante festum assumptionis gloriosissimae Virginis Mariae proxima anno Domini millesimo quadringentesimo quinquagesimo tertio.

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Introduction to The Jampol Community and Town Privilege

Adam Teller, University of Haifa, Israel

This privilege, granted to a small community in what is today Ukraine (the 1765, census notes 293 Jews in Jampol), illustrates the extent to which Jews were integrated into the life of the town in the 18th century. The basis for this integration was the economic policy of the Polish nobility - in particular, the wealthiest magnates. In order to reconstruct the economy of their estates following the destruction of the mid-17th wars, the magnates initiated a policy of encouraging Jewish settlement and economic activity. The legal basis for this was a law of 1539, which removed the Jews on noble estates from royal control, leaving them entirely under the jurisdiction of the nobility. This put an end to the Jews' medieval status of "servi camerae" and allowed each community to negotiate its own settlement terms separately. Since the magnates recognized the Jews as a highly effective economic force, they were prepared to grant them very favorable conditions. The Jews' economic importance was largely felt in the realm of the production and sale of alcoholic beverages - the so-called *propinacja* monopoly, which the estate owner granted Jewish businessmen on lease (*arenda*). Though their dependence on their noble lords could sometimes leave the Jews exposed to persecution at their hands, in the vast majority of cases, the economic services the Jews gave meant that they could rely on help and support. This may be seen here not only in the broad concessions granted to the Jews in the realms of trade and crafts, but also in the permission to build a synagogue, mikveh and cemetery (and to use wood from the estate owner's forests). The magnate estate owner also lent his support to the community council (*kahal*) and the Jewish courts, even allowing the Jews themselves to try cases where a Christian was the plaintiff. However, the most striking example of Jewish integration into urban structures in this document is the stipulation of the magnate estate-owner that the Jews of Jampol should be active participants in the municipal council. This was an extremely rare concession and should in no way be taken as representative of the situation in the overwhelming majority of Polish and Lithuanian towns and cities in this period. It should be noted that almost all the forms of Jewish integration into 18th century urban life in Eastern Europe were possible only due to noble support. The non-Jewish townspeople remained hostile to the Jews, whom they saw as economic competitors and religious enemies, but could not easily express their hostility for fear of invoking the wrath of their lords. From time to time, however, this hostility did find expression: in Jampol, the

townspeople, with the support of the local bishop, accused the Jews in 1756 of murdering a local Christian boy.

EMW 2002

Source Publication

J. Goldberg, *Jewish Privileges in the Polish Commonwealth: Charters of Rights Granted to Jewish Communities in Poland-Lithuania in the Sixteenth to Eighteenth Centuries*, II, Jerusalem 2001, 66-68

Bibliography

J. Goldberg, "The Privileges Granted to Jewish Communities of the Polish Commonwealth as a Stabilizing Factor in Jewish Support", in: Ch. Abramsky et al. (eds.), *The Jews in Poland*, Oxford 1986: 31-54.

A. Teller, "The Legal Status of the Jews on the Magnate Estates of Poland-Lithuania in the Eighteenth Century", *Gal-Ed* 15-16 (1997): 41-63.

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Volume 1: Early Modern Jewries, 2004, Wesleyan University, Middletown, CT

The Jampol Community and Town Privilege Michał Kazimierz Radziwiłł, 1711, 1753

Translated by Adam Teller, University of Haifa, Israel

To all those in general and anyone in particular, whether now or in the future, who needs to know, we state:

That the kahal and burghers of our town of Jampol have laid before us in presentation a privilege written on parchment and granted to that kahal by His Grace, Prince Janusz Korybut Wiśniowiecki Wojewoda of Kraków, of blessed memory. In response to their strenuous request we permit its copying here as follows.

With this, my privilege, I inform all those in general and anyone in particular who needs to know, now and in the future, that God Almighty, who grants earthly consolations to all, has caused the afflictions of the last thirty years - the tiresome Turkish war and frequent Tatar incursions, and now the daily trial of the Swedish and Muscovite armies and other passers-through, which have deprived this country of its pride and caused it the most unfortunate and highly lamentable loss; Jampol, my hereditary town has also undergone this misfortune. With divine help, raising [the town] from its ruins [and] striving to bring it back to vigor, I have resolved, desiring to encourage both those who are returning to their patrimony and other [settlers], to grant the citizens of this town rights to the benefit of their greater freedom and the increase of their fortunes. Which freedoms and rights - with the same benefits held by all my other towns - [are] granted them by me in the following privilege to serve their [needs].

First of all, there is to be free distillation of vodka, and alcohol may be sold in all the houses and open streets; however, Jews and Christians must return [payments] to my *arenda* on the distillation of vodka, the fermentation of mead and the brewing of beer according to the contract which will be made at the time. I grant them the freedom to engage in all forms of trade, both purchasing and selling goods of whatever sort, and in particular they may deal in woolen cloths, blue silks, fabrics, linens, silks, haberdashery, morocco leather, shoes, all kinds of cattle hide and goatskins - whether worked or unworked, imported or made in Jampol - wax, tallow and things of the sort which are sold in homes and in stalls. All craftsmen, Christians and Jews, whether linen-makers, tailors, furriers, bakers, slaughterers and others, may safely settle in this city and conduct free trade with each other.

The election of city councilors should be held in the following manner: the *podstarosci* of Jampol must choose one on behalf of the castle, the Jewish kahal a second, while the burghers are to choose two. These councilors must take good care that total order be kept in the town; the Catholic town guard must take care that the Jews not be harassed nor suffer any damage [to property] at the hands of fractious individuals during the Good Friday and Corpus Christi processions.

The free construction of a synagogue with its surrounding buildings is permitted, for which we allow [the use of] wood from our hereditary and leased forests, with the permission of the holders. They may have a cemetery and the man who lives there is to be exempt from labor obligations to both town and castle. A bathhouse with a well may [be constructed].

The Jewish kahal must give 12 days a year to the usual municipal works from houses fronting the street; from the houses without a front they must give 6 days if necessary and only to the [upkeep of the] municipal dykes, nothing else. On the great holidays of Easter, Ascension day, Whitsuntide, Corpus Christi, Christmas, Conception day and the Feast of the Assumption, no work may be done in the distilleries.

Any Jew who has been insubordinate to the kahal, I shall hand over to the jurisdiction of the kahal to prosecute him according to its religious law. A Jew sued by a Christian must [be brought] before the quarterly Jewish councilor; should he not be satisfied with the verdict, he may freely appeal to the castle. If the Jew is found guilty, the *podstarosci* must then send him to the quarterly councilor for sentencing. Jews may not purchase, bloody or damp items, nor church goods, under pain of death. They may freely trade in other goods according to the laws of the land. Weights and measures must be fair - the *podstarosci* must ensure this.

Those *arendarze* on my estates, in my hereditary lands and on those I have mortgaged under any title, who live in the vicinity of Jampol, belong to the Jampol kahal and must pay taxes to the Crown Treasury accordingly. These Jews must be tried according to their religious law and not before the castle [court].

Desirous that every clause of this law be carried out and consolidated, and in order to give it greater weight and reliability, I hereby sign in my own hand and give order that my seal be impressed.

Granted in Lublin, 5th June, 1711

This signature: Prince Janusz Wiśniowiecki, Wojewoda of Kraków, Starosta of Krzemieniec etc.

(Seal impression)

Which privilege, copied word for word, having signed, I give order to suspend my seal.

[Michał Kazimierz Radziwiłł]

Granted in Biała Krynica 7th March 1753

EMW 2004

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The Jampol Community and Town Privilege Michał Kazimierz Radziwiłł, 1711, 1753

Prepared by Adam Teller, University of Haifa, Israel

Przywilej kahału i miasta Jampola

- [308]** Wszem wobec i każdemu z osobna, komu o tym terażniejszego i na potym będącego wieku ludziom wiedzieć będzie należało, oznajmujemy.
- 5 Iż pokładali i prezentowali przed nami kahał u mieszczanie miasta naszego Jampola przywilej na pargaminie pisany od świętej pamięci jasnie oświeconego księcia imci Janusza Korybuta Wiśniowieckiego wojewody krakowskiego, temuż kahałowi nadane, który za usilnym ich staranie[m] pozwoliliśmy to wpisać sequitur de tenore tali.
- 10 Janusz Antoni Korybut Wiśniowiecki książę na Zbarażu i Wiśniowcu Wiśniowiecki, wojewoda krakowski, krzemieniecki, osiecki etc. starosta.
- Oznajmuję tym listem przywilejem moim wszystkim wobec i każdemu z osobna, tak i teraz, jako i na potym, komu będzie należało wiedzieć.
- 15 Iż kiedy Pan Bóg Wszechmogący, dawca uniwersalnych pociech ziemskich, ten który zasmuciwszy trzydziestoletnią blisko przeszlą, uprzykrzoną wojną turecką i częstemi tatarskimi inkursjami, a teraz znowu tak szwedzkich, jako i moskiewskich wojsk i innych przechodzących codzienną agrawacją, które nieszczęśliwą i nigdy
- 20 nieopłakaną kraju tego, wyzuwszy go z ozdób swoich, przyniósłszy stratę, więc i Jampol miasto moje dziedziczne tej podległe nieszczęśliwości. Z których ruin dźwigając prz[y] boskiej pomocy i do
- [309]** wigoru przyprowadzić usiłuję, tą przedsięwziął vel maksymę, aby
- 25 obywatelom miasta tego, chcąc jako tych, którzy się wrócili do ojczyzn swoich, tak i innych zachęcić, prawom nadał dla zaszczytu większej ich wolności i przymnożenia fortun. Które wolności i prawo im odemnie nadane przywilejem niniejszym moim, tak jako inne miasta moje wszystkie podobny zaszczyt mają służyć im powinno.
- 30 A naprzód wolne kurzenie gorzałek i szynki w domach wszelkich i

przebitych ulicach, przecież ex quota należytą która taka na ten czas w
 intercyzie będzie położona, od kurzenia gorzałek, sycenia miodów,
 warzenia piwa, oddać powinni do arendy mojej, tak chrześcianie, jako
 i Żydzi. Do prowadzenia handlów wszelkich wolność im daję, tak
 35 kupować, jako i przedawać towary quovis generale nazwane, a
 osobliwie sukna, bławaty, materyje, płotna, jebwabie, szmucharstwa,
 safiany, boty, wszelkie skóry wołowe, kozłowe, wyprawne i
 niewyprawne, przywożne i jampolskiejroboty, woski, łoje et ad genus,
 co jako w domach, tak w kramach przedawać, kupczyć im wolno
 40 będzie. Rzemieśnicy kożdy, jako płótnicy, krawcy, kuśnierze,
 piekarze, rzeźnicy i inni, tak chrześcianie, jako i Żydzi, w tymże
 mieście osiadać bezpiecznie i z drugimi wolno handle prowadzić
 mogą.
 Elekcyja burmistrzów takim sposobem odprawować się ma, to jest pan
 45 podstarości jampolski obierać ma z ramienia zamkowego jednego,
 kahał żydowski drugiego, a zaś mieszczanie dwóch obierać powinni.
 Burmistrze zaś powinni przestrzagać tego, aby w mieście był wszelki
 porządek, warta katolicka miejska przestrzagać ma, aby podczas
 procesyi w Wielki Piątek i naBoże Ciało, Żydzi od ludzi swywolnych
 50 nie byli prześladowani i szkody jakiej nie mieli.
 Pobudowanie szkoły z przyszkółkami wolne, na które drzewa w lasach
 moich dziedzicznych i zastawnych, za dozwoleнием panów posesorów
 pozwalam. Okopisko wolne i człowiek przy nim mieszkający wolny ma
 być od wszelkich egzakcyi miejskich, także i zamkowych. Łażnię ze
 55 studnią pozwala się.
 do szarwarków niejskich zwyczajnych dni 12 co
 rok a domów wjeznych, z domów zaś zatylnych dni 6, jeżeli tego
 potrzeba będzie, do grobli tylko miejskiej, a nie do żadnej innej roboty
 [310] pociągać powinien. W święta wielkich uroczys[to]ści, jako to w
 60 Wielkanoc, Boże Wstąpienie, Zielone Świątki, Boże Ciało, Narodzenie
 Pańskie, Poczęcie i Wniebowzięcie Najświętszej Panny, roboty w
 winnicach robię nie mają.
 Żyd, który by biał nieposłuszny kahałowi, takowego dają w moc
 kahałowi, aby onego według prawa swego duchownego skarał. Żyd zaś
 65 powinien być pozwany od chrześcianina do burmistrza kwartalnego
 żydowskiego, a jeśli by z dekretu tego nie był kontent, apelacyja wolna
 mu do zamku. A jeśli by się pokazało na Żyda, jest tedy powinien go z
 zamku do kwartalnego pan podstarości odesłać, żeby go tam skazano.
 Krwawych, mokrych, kościelnych rzeczy, nie powinni Żydzi kupować
 70 pod gardłem, innych zaś rzeczy według praw koronnych wolny handel.
 Kłoda i miara być ma sprawiedliwa, czego pan podstarości ma

postrzegać.

75 Arendarze, którzykolwiek znajdują się po majątnościach moich,
cyrkumferencyją Jampola i innych dobrach moich dziedzicznych i w
zastawach będących, quovis titulo nazwanych, wszyscy należeć mają
do kahułu jampolskiego i do Skarbu Rzeczypospolitej według
proporcji pociągać powinni. Ciz Żydzi prawem swym duchownym
sądzić się mają a nie do zamku.

80 Którego to prawa każdy punkt z osobna chcąc nieć w egzekucji i
utwierdzeniu dla tym większej wagi i pewności ręką moją własną
podpisuję i pieczęć moją przycisnąć rozkazałem.

Dan w Lublinie, die 5 Iunii 1711 roku.

Podpis taki: Janusz książę Wiśniowiecki wojewoda krakowski,
krzemieniecki, osiecki etc. starosta.

85 (Pieczęć wyciśniona).

Który to przywilej de vero ad verbum przepisany podpisawszy,
pieczęć moją zawiesić rozkazałem.

<Michał Kazimierz Radziwiłł>

Datum w Białej Krynicy, die 7 Martii, 1753 anno.

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Volume 1: Early Modern Jewries, 2004, Wesleyan University, Middletown, CT

Introduction to Privilege and Statute of Maria Theresa

Lois Dubin, Smith College, USA

In 1771 the Habsburg ruler Maria Theresa issued a Privilege and a Statute to Jews in Trieste, both to confirm their status and to attract additional Jewish merchants to help develop the Adriatic Free Port. Utility was the key: the perception of Jewish commercial utility was the basis for initially including Jews in general invitations to merchants (1719, 1725), and then for granting formal standing to the Jewish community as a corporate body ("Nation") in 1746 (a model followed for other non-Catholic mercantile communities), and also favorable conditions of residence, work, protection, justice, and religion to Jews as individuals. Jews were recognized as subjects of the realm, and were in many respects, as individuals and as a community, put on a par with others, particularly non-Catholic merchants. Favorable status and economic opportunity drew Jews to Trieste; they increased from approximately 100 in 1735 to 400 in 1775 to 1250 in 1800, becoming the largest minority, approximately five percent of the city's population.

The Theresian documents are useful for reconsidering Jewish status in early modern Europe and particularly the roads from expulsion (1492) to readmission to emancipation (1790-1). Maria Theresa's pragmatic policy in Trieste, adopted despite her usual anti-Jewish hostility, underscores the importance of utility, maritime commerce, and port-cities in creating new opportunities for Jews. Certain familiar dichotomies are too simplistic: expulsion *or* emancipation; tolerated aliens *or* equal citizens; utility *or* humanity; old-style privileges *or* modern constitutional rights; corporate *or* individual rights. The Theresian documents and the accompanying ones--ranging from 17th-century Holland through the Josephinian toleration edicts of the 1780s (here Vienna 1782) through the Emancipation of French Jews, especially of Sephardim in 1790-- reveal noteworthy continuities concerning utility, service, and rights of subjects and citizens. They highlight changing notions of subjecthood and civil inclusion of Jews *before* legal emancipation, and show that individual and corporate communal rights were not necessarily antithetical.

Texts:

A. Theresian Privilege and Statute:

Italian originals:

Privilege, in entirety, from Maternini-Zotta book, pp. 215-217

Statute, opening paragraph only, from Maternini-Zotta book, p. 218

English translations by Lois Dubin

B. Accompanying documents:

1. Menasseh ben Israel, "How Profitable the Nation of the Jews Are" (1655), from Mendes-Flohr and Reinhartz, *The Jew in the Modern World*, pp. 10-13

2. The Estates General of the Republic of the United Provinces, Declaration Protecting the Interest of Jews Residing in Holland (1657), from Mendes-Flohr and Reinhartz, *The Jew in the Modern World*, p. 17

3. Joseph II, Edict of Tolerance (1782, for Jews of Vienna and Lower Austria), excerpts from Mendes-Flohr and Reinhartz, *The Jew in the Modern World*, pp. 36-7, 40

4. Documents concerning the Emancipation of the Jews in France, The French National Assembly 1789-1791, excerpts from Mendes-Flohr and Reinhartz, *The Jew in the Modern World*, pp. 114-118

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