

considerable funds with him to the colony; and when he heard of the uncivil reply of the trustees he promptly left Savannah. His absence must, however, have been of short duration; for his name frequently appears in the records of the trustees, and it is furthermore known that six farms were allotted to him.

Núñez became the ancestor of Mordecai Manuel Noah of New York.

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A.

G. L.

NUÑEZ-VAES, ISAAC JOSEPH: Rabbi at Leghorn, Italy; died before 1788. A follower of the Chabala, he was highly respected by his contemporaries for his knowledge and his piety. He published "Siah Yizhak" (Leghorn, 1766), novellæ to the treatise Yoma, with comments and emendations to the "Tosefot Yesbanim" to Yoma. The second part of this work, containing novellæ to the treatise Hagigah, together with a treatise on the prayers, especially on the "Shemoneh 'Esreh," was taken from his manuscript work "Bet Yizhak," which discussed a portion of the legal code "Orah Hayyim," and was printed posthumously by his son Jacob, with the latter's additions, under the title "Hedwat Ya'aqob" (ib. 1788).

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J.

M. K.

NUÑEZ-VAES, JACOB: Editor and rabbi of Leghorn, Italy; died there about 1815; son of Isaac Joseph Nuñez-Vaes, and pupil of Isaac Nuñez Belmonte. David b. Raphael Meldola wrote an elegy in his memory (Leghorn, 1815). Nuñez-Vaes, besides publishing the second part of his father's "Siah Yizhak," edited a double commentary on the Pentateuch by the tosafists and by Judah b. Eliezer, under the title "Da'at Zeckenim" (ib. 1783; reprinted at Ofen, 1831, by Aaron Kutna, rabbi of Totis, Hungary), as well as the "Sefer ha-Makria" of Isaiah di Trani the Elder (ib. 1779) and various other works.

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J.

M. K.

NUREMBERG: Most important commercial city of Bavaria. According to Wagenseil ("De Civitate Norimburgiæ," p. 71), Jews were living in Nuremberg as early as the beginning of the twelfth century. A tombstone bearing the name of Elijah b. Simon and dated Oct. 12, 1129, is said to be still in existence (comp. Zunz, "Z. G." p. 405, and note D). The next earliest tombstones still existing bear the dates 1273 and 1308. Legend declares that the Jews betrayed Nuremberg to Henry V. in 1106, but the historical fact is that he merely took the castle (comp. Aronius, "Regesten," p. 97). They are said to have purchased the favor of Emperor Lothar by the payment of large sums of money and to have sought refuge from persecution in the imperial castle in 1136.

At the end of the twelfth century the Jews were accused of having desecrated the host. The local memor-book refers to the persecutions under Rindfleisch. Moses ben Eleazar ha-Kohen calls the tragedy of Aug. 1, 1298, when 698 Jews were slain, the final act of the fifth millennium ("Mahzor Saloniki," kinaḥ 48, reprinted in Salfeld, "Martyrologium," pp. 343-345). Entire families perished, including R. Jehiel b. Menahem ha-Kohen with his wife Hannah and three children. It is recorded that a certain Jeremiah b. Isaac survived thirteen relatives, slain there, for twenty years. In the same year the emperor Albert issued an edict permitting the Jews to place themselves under imperial protection by payment of a certain tax.

Emperor Henry VII. issued an edict in 1310, forbidding the Jews, on pain of expulsion from the city, to sell meat to Christians in the Christian slaughter-houses. Jews and Christians were

Restric- not allowed to bathe together. Jews
tions by were not permitted to purchase eggs or
Emperor live animals before nine o'clock in the
Henry VII. morning; they were not permitted to engage in any trade, and their commerce was greatly restricted. In Nuremberg, as elsewhere, the Jews were driven to engage in usury, but they were not permitted to take more than two heller in the pound a week from citizens, or three heller from strangers.

Worse befell them under Ludwig the Bavarian. The citizens wished to enlarge the city, but were prevented from doing so by the ghetto; they therefore petitioned the emperor, who decreed, in 1315, that any Jewish houses that were an obstacle to the extension of the city might be forthwith demolished. The ground on which the houses stood was taken from the Jews without compensation. In 1322 their taxes were pledged to the burgrave Frederick IV., who protected them to some extent. About 2,000 Jews, including 212 Jewish citizens, were at that time living in the city. They had come from forty-five different places in Germany, but chiefly from Neustadt, Ansbach, Freystadt, and Baireuth. A foreign Jew was not allowed to remain in the city longer than from one to four weeks (with the exception of a student), under penalty of a fine of one gulden per day. A Jew living in the city and

Legal desiring to become a citizen was re-
Status. quired to take an oath of loyalty to the justice and the council of Nuremberg. Quarrels among Jewish citizens were adjudged according to Christian and municipal laws. Purely Jewish affairs were adjudicated before the "Judenmeister" and the council appointed by him. A Jewish citizen who wished to surrender his citizenship was forbidden to go outside the limits of the city on pain of a fine of 1,000 gulden, was required to pay the tax for the following year, and was not permitted to take any more pledges in the city; if he still retained a pledge or owned real estate he had to transfer it to a reputable Jew. In 1347 Charles IV. imposed a tax of 200 pounds heller upon the Jews of Nuremberg, payable in the city, to be devoted to furnishing wood for the castle in case of the emperor's presence there.

In the same year an edict was issued ordering the demolition of the synagogue and of some Jewish houses to make room for the Marienkirche. The Jewish citizens of Nuremberg had to pay 1,600 gulden to the burgrave, to the Bishop of Bamberg, and to Arnold of Seckendorf, receiving in return a plot outside the city that had been

The Synagogue Demolished. of saints were affixed to the houses erected on the site of the Synagogue and Jewish homes in order to wipe out

all memories connected with the Jews. On the outbreak of the war between Charles IV. and Günther of Schwarzburg, in 1349, the Jews sided with the patricians, and, on Charles IV. proving victorious, were punished by being expelled from the city (though their expulsion lasted only for three years, 1349-52); a number perished at the stake (Dec. 5, 1349; a list of them is given in Salfeld, "Martyrologium," pp. 219-230).

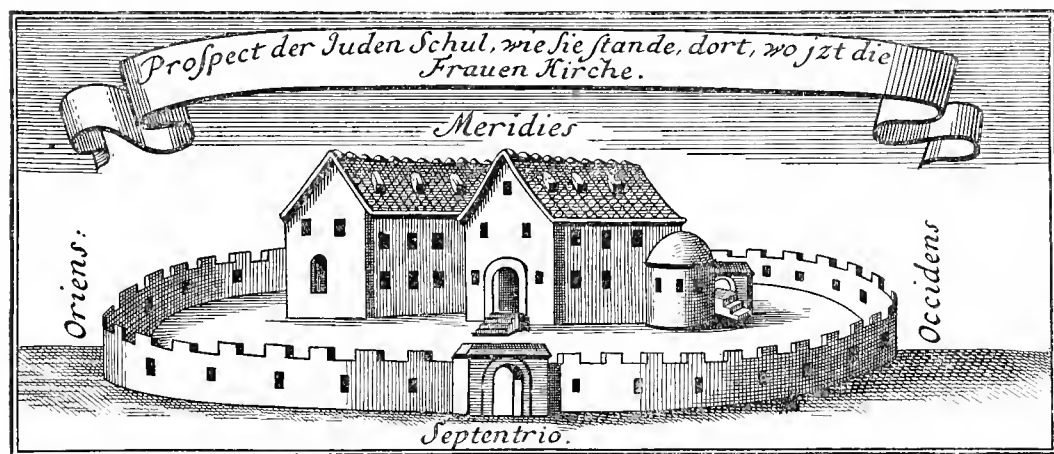
On May 2, 1352, Vischlein the son of Masten, Semelin the son of Nathan of Grefenberg, and Jacob the son-in-law of Liebetaut appeared before the council requesting to be received again as citizens, declaring that, in return, they would remit all

was to pay 400 gulden a year into the imperial treasury.

The Jews fared much worse under the short, oppressive reign of Wenzel. In 1385 all of them were imprisoned without cause, and were released only on paying a ransom of 80,986 gulden. The emperor then took the Jews' tax away from the city, giving it to Berthold Pfünzing for 3,000 florins. Jews were forbidden to sell their property in any manner, and on the death of a Jewish citizen one-half of his estate went to the imperial treasury and the other half to the city.

In 1451 a synod convened at Bamberg, in the presence of the papal legate Cardinal Nicholas, and decided, among other things, that the Jews of Nuremberg should no longer be allowed to engage in commerce, but might take up trades again on condition of wearing a yellow ring fastened to their outer garment, and a red peaked hat, which could be exchanged for a red cap, while the women were obliged to face their veils with blue material.

A foreign Jew staying temporarily in the city had to wear the "gugel," a hood with ends that hung down his back. This time, apparently,



OLD NUREMBERG SYNAGOGUE.
(From Andreas Würfel, "Historische Nachrichten von der Judengemeinde zu Nürnberg," 1775.)

debts the citizens owed them and would sell all houses held in pawn; they agreed to settle only where the citizens permitted, and asked merely to be protected against the nobility. The council being satisfied with these conditions, an imperial edict was

In the Fourteenth Century. received, on May 26, 1352, permitting the Jews to settle in the city, while the emperor agreed henceforth not to pledge the taxes and imports of the Jews. But after a short time he pledged the Jews' tax to Berthold Haller for 1,500 gulden, to Paulus von Pensenstein for 2,000 gulden, and to Peter von Wartenberg for 300 gulden. Eight years later one-third of the Jews' tax was pledged to the city, which agreed in return to protect the Jews for fifteen years. In 1371 this agreement was extended for twenty years, the entire Jewish tax being pledged to the city, which in return

the council sided with the Jews, for it sent two embassies to speak for them, one to the pope and one to the burgrave Frederick VI. The envoys explained to the pope that usury would be taken up by the Christians; to the burgrave that the Jews were entirely impoverished, and were unfitted by hunger and illness to engage in any trade. The burgrave promised to intercede, and when he went to Rome, a little later, he succeeded in inducing the pope to recall some of the decrees issued against the Jews of Nuremberg. They were then permitted to engage again in the money-brokerage business, but only for a certain time.

Apart from the sums which were taken from them without cause, the Jews were obliged to pay every tenth pfennig of their income into the imperial treasury, one-half on Walpurgis day and the other half at Michaelmas. Each Jew, also, had to pay a coro-

nation tax on the day of coronation of a new ruler. Every Jewish citizen, furthermore, had to pay the

Taxation. per head (at Nuremberg amounting to 3,000 or 4,000 gulden a year)—and the so-called "canonem" (sief shilling) on the "Oberst" day and on Michaelmas, which every Jew paid into the imperial treasury in token of complete submission. Apart from the wood-tax, mentioned above, the Jews also furnished straw mattresses,

Talmud Torah and a so-called "gymnasium" were connected with it. An office was in the court; in a cabinet in this building there was a board with a

**The
Old Syna-
gogue.**

Hebrew inscription stating that a Jew was once beheaded there. Below this office was the tomb of a rabbi who was said to have been killed by a steer. When the congregation had outgrown this synagogue the community sought permission, in 1406, to build another, but was forbidden, though



COSTUMES OF NUREMBERG JEWS.

(From Andreas Würfel, "Historische Nachrichten von der Judengemeinde zu Nürnberg," 1775.)

feather-beds, bolsters, covers, cloths, and dishes when the emperor was present at the castle.

The synagogue, which was torn down to make room for the Marienkirche, consisted of two one-story buildings, surrounded by a wall—one structure serving as a dwelling for the rabbi; when this wall was torn down corridors and buildings are said to have been found under it, which formerly were filled with goods. The second synagogue is said to have been at Wunderburggasse, No. 6. A

even foreign Jews were permitted to erect within the city limits tabernacles for the festival days. The rabbi officiated as principal of the school, and even scholars passing through the city were permitted to teach; Jacob Weil received such permission, as did also Jacob Levi (MaHaRIL; responsum No. 151); a certain R. Israel and R. Koppelman taught side by side. But controversies frequently broke out among the teachers, as in 1383, between the rabbis of Nuremberg and R. Mende of

Rothenburg, the former even going so far as to forbid children to study under R. Mende, on pain of a fine of 100 gulden for every child and loss of citizenship. Another quarrel may be mentioned—between R. Simelin of Ulm and the rabbis Seligmann, Lasen, and Gershom, which was decided by Jacob Weil. When it was planned to introduce the ritual of Nuremberg into the synagogue of Ulm, R. Simelin signed the agreement, but he refused to carry it out afterward, whereupon Jacob Weil sentenced him to entreat the public pardon from the almemar at morning prayer, first at Nuremberg and then at Constance. When a quarrel broke out between the rabbis of Nuremberg, Weil refused to listen to the suit, and the council was obliged to appoint Gottschall Ganz and two assistants to hear it.

Disputes of Rabbis. don from the almemar at morning prayer, first at Nuremberg and then at Constance. When a quarrel broke out between the rabbis of Nuremberg, Weil refused to listen to the suit, and the council was obliged to appoint Gottschall Ganz and two assistants to hear it.

The following rabbis of Nuremberg are mentioned: Jehiel ben Menahem ha-Kohen (d. 1298); Abraham ha-Kohen of Frankfort (d. 1298); Mordecai ben Hillel (d. 1298); Meir b. Uri (d. 1345); Süßmann and Gershom (at the time of the Black Death); Jacob Levi, teacher of Jacob Weil (1425-56); R. Israel, R. Koppelman, David Sprintz (15th cent.); Jacob Pollak (from 1470). The following are mentioned as "Lehrmeister": Haimann (son of Kaufmann of Bamberg), who was allowed only twelve pupils (1381); Jacob Meister Meir of Frankfort (1383; also cantor); Isaac of Salzen (1395); Isaac of Wörth (1435; teacher of children).

Rabbis and Teachers. The following cantors are mentioned, in addition to Jacob Meister: Michael von Weye (1396-1402); Wolfel Vorsinger (1425); Moses Sangmeister (1461).

The rabbi presided at the communal council, which was elected every year after Whitsuntide. This council consisted of five members, who pledged themselves, on entering upon their office, not to reveal any of the matters discussed. The council fixed the tax-rate, which, however, could not exceed ten gulden a year. The meetings were held in the office of the council, and the documents were signed by the rabbi and two "parnassim," while the remaining two members acted as treasurers. The council had general jurisdiction over the internal affairs of the community, including questions of marriage and inheritance; it kept account of the prescribed 100 cakes of salt which every Jew was required to have in his possession, on pain of a fine of ten pfennig for each cake lacking. Money matters were adjudged before the district court. In criminal cases the Jews were under the general laws of the state. Several of these cases are mentioned, together with the punishment inflicted. In 1363 a certain Joseph was hanged, but to the outside of the gallows, to indicate that the criminal was not a Christian.

Internal Organization. Similar sentences are mentioned—in 1420, 1430, 1436, and 1440. In 1436 several Jews were hanged for procuring and lechery. In 1440 the "Schulklopper" was accused of being a dangerous alchemist, and sentenced to imprisonment and branding on the forehead. In 1467 eighteen Jews were burned on the Judenbühl, on the charge of having murdered four Christian children.

In especially difficult cases an oath was required.

This ceremony always took place in the synagogue; the person taking the oath stood with his face toward the east and his right hand up to the wrist in the roll of the Pentateuch; then God was invoked, and the curse of fire, with all the other curses in the Bible, were called down upon his head if the oath were a false one. This oath, which was generally taken in a suit with a Christian, was composed in 1478 and printed for the first time in 1484 (quoted verbatim in Barbeck, "Gesch. der Juden in Nürnberg," pp. 24-26). See OATH.

The slaughter-house was regarded as the property of the community; after the return of the Jews to

Nuremberg in 1352 it was situated **Communal Buildings.** South, No. 1107, S. The communal bath was used by Christians as well as Jews. In the beginning of the fourteenth century the cemetery was situated outside the city, but the enlargement of the latter between 1350 and 1427 brought the cemetery within the corporate limits. It covered so much ground (a consequence of the diseases which ravaged the city in the years 1367, 1407, and 1437) that it blocked the way of the Christians to their gardens.

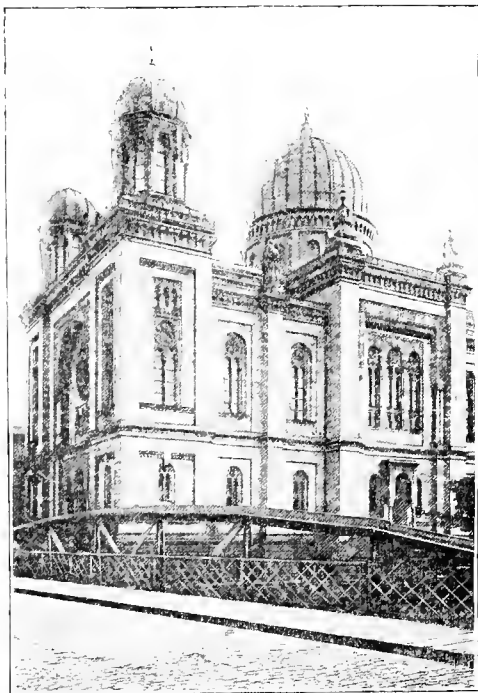
In the second half of the fifteenth century an increasing number of attempts were made to convert the Jews. John of CAPISTRANO preached at Nuremberg, and the Jews were compelled to attend his sermons. They were forced also to listen to the Dominican friar Schwarz, who undertook to convince them by proofs from their own writings. In consequence the relations between the citizens and the Jews of Nuremberg grew more strained. The wealthy citizen Antonius Koburger had the anti-Jewish work "Fortalitium Fidei" (Nuremberg, 1494) printed at his own expense in order to arouse hatred among

The Preaching Friars. the educated against the Jews. The council, which numbered among its members at that time the famous humanist Willibald Pirckheimer, decided to send a petition to the emperor requesting permission to expel the Jews. Emperor Maximilian, who was at that time at Freiburg, issued a decree (June 21, 1498) permitting the citizens of Nuremberg to expel the Jews, because (1) their numbers had greatly increased through immigration, (2) they had engaged in much usury, (3) they had entered the dwellings of other people, and (4) had aided suspicious persons, leading to thieving and crime. In the same decree the emperor transferred the property of the Jews to the city, or rather to the imperial bailiff Wolfgang von Parsberg. The houses of the Jews were sold to the city for 8,000 gulden, and the synagogue and the dance-hall for 350 gulden. The buildings in the cemetery were either burned or torn down; a street was laid out across the cemetery, and most of the tombstones were used as foundation for a road 65

Expulsion, 1499. feet wide by 279 feet long. The day of the exodus was first set for Nov. 6, 1498, then for Candlemas, Feb. 2, 1499, and finally for Lætare Sunday, 1499. The exiles were accompanied by an armed escort on account of the insecurity of the roads. Most of them settled at Neustadt, the residence of the widowed Margra-

vine Anna of Brandenburg; others went to Frankfurt-on-the-Main, and a few to Prague. Among Jewish writers this expulsion is mentioned only once, by Naphtali Herz Treves.

The municipal council of Nuremberg, not satisfied with having expelled the Jews from the city, endeavored to make their sojourn in the vicinity impossible. It protested when a Jew was made a citizen of Fürth. The citizens of Nuremberg were not allowed to buy meat from the Jews of Fürth, and trade with Jews was finally forbidden altogether (1533). Six years later, July 30, 1539, Nuremberg



New Synagogue at Nuremberg.
(From a photograph.)

citizens were even forbidden to borrow money from the Jews, under penalty of a fine of ten gulden. These severe measures seem to have been relaxed after a time, however, for the Jews resorted to the gardens outside the city to make purchases and sales. Under Maximilian II. they were permitted to buy all their food supplies at the public fairs near Nuremberg, though this permission

Intermittent Visits. were permitted soon after to deal in the city itself on condition of reporting to the guard on entering the city, whereupon the guard detailed a musketeer to accompany each Jew during the day. The attendance of this escort was called a "lebendiges Geleite"; after a time an old woman was substituted in place of the musketeer. On the Jews' departure from the city the guard levied a toll upon the goods purchased. No Jew was permitted to appear in the market between eleven and one o'clock in the day. The various edicts intended to regulate the behavior of the

Jews during their stay in the city were issued in the years 1721, 1723, 1732, 1774, 1777, 1780, 1787, and 1791. The desire is apparent in all these to admit the Jews to the city, although under the most severe conditions; for evident reasons, since the "lebendiges Geleite" system alone brought in an average revenue of 3,589 gulden a year.

The first Jew permitted to settle in Nuremberg after the expulsion in 1499 was the lottery agent Simon Wolfkehle, at the beginning of the nineteenth century. In 1824 a Jewish girl named Caroline Levi was permitted to stay in the city to learn fancy-work. In 1839 Joseph Wassermann, who was a veteran soldier and

Resettlement.

was employed in the postal service as driver, was permitted to live in the city. The year 1852 saw the first divine services, held on the occasion of the great festivals, permission having been given only on the condition of their being observed without noise. In 1857 the Jews of Nuremberg formed themselves into an independent community of six members. The first rabbi was elected fifteen years later, when M. Levin of Zurich was called to Nuremberg as the first preacher; he organized the community and its school affairs. The temple was dedicated on Sept. 8, 1874, in the presence of the burgo-master Stromer, one of whose ancestors had persecuted the Jews while burgo-master of Nuremberg in the fourteenth century.

The community at present (1904) numbers 6,500 members in a total population of 261,083; its rabbi (since 1882) is Dr. B. Ziemlich. Among its institutions may be mentioned the Unterstützungs- und Armenverein, the Israelitische Männer-Wohltätigkeitsverein, the Lazarus und Bertha Schwarzsehe Altersversorgungsanstalt, etc.

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J.

S. O.

NUSBAUM, HILARIUS: Polish historian and communal worker; born in Warsaw 1820; died there 1895. He was educated in the Warsaw rabbinical seminary, and began social work early. For some time he was in charge of a school for Jewish boys, founded by himself. Active in the affairs of the Warsaw community, Nusbaum was instrumental in the building of a synagogue about 1850. Assuming the management of the home for children, built by the philanthropist Mathias Rosen, he devoted his energies to the instruction of the inmates both in the usual subjects and in handicrafts. In 1867 Nusbaum was appointed a member of the committee of charities for the kingdom of Poland. For a number of years he was also an active member of the society of Lomede Torah and a help and inspiration to young men who were devoting themselves to Jewish learning.

Outside of his native city Nusbaum was better known for his literary labors. His writings include

the following: "Z Teki Weterana Warszawskiej Gminy Starozakonnych," 1880; "Szkice Historyczne z Życia Żydów w Warszawie, od Pierwszych Śladów Pobytu Ich w Tem Mieście do Chwili Obecnej," 1881; "Leon and Lob, a Social-Religious Study," 1883; "Jacob Israelevich, a Sketch from Jewish Life," 1886; "A Guide for Judaism: A Course in Literature and Religion"; "Historja Żydów od Samego Ich Początku do Obecnej Epoki," 5 vols., 1888-90, the most important of his literary productions; and "Przewodnik Judaistyczny, Obejmujący Kurs Literatury i Religji," Warsaw, 1893. The last volume of this work, treating of the history of the Jews in Poland, is particularly valuable. He also left in manuscript a treatise on education entitled "Our Emil," and for many years he was a contributor to the Warsaw "Izraelita."

Nussbaum's books are valuable as material for future historians of the Jews of Poland.

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H. R.

J. G. L.

NUSSBAUM, MYER: American lawyer; born in Albany, N. Y.; son of Simon and Clara Nussbaum, who went to America from Neustadt-on-the-Saale, Bavaria. He received his early education in the public schools of his native city, and afterward entered the law-offices of Newcomb & Bailey. In 1884 he was appointed police justice of Albany; in 1893 he was elected a member of the state assembly to represent that city; and in 1895 he was elected to the state senate as the representative of the county of Albany. He is a member of the State and Albany County Bar associations and of the Republican Club of New York, in which latter city his practise largely lies.

Nussbaum has always taken great interest in all Jewish charitable societies, having been for fifteen years a trustee of the Jewish Home in Albany.

A.

G. H. C.

NUT: The rendering in the English versions of the two Hebrew words "egoz" and "boṭnim."

1. "Egoz." This is mentioned once only, in Cant. vi. 11, where a nut-grove is referred to. According to the common tradition, the word designates the walnut (*Juglans regia*), both the designation and the fruit having been brought into Palestine from Persia. The Greeks and Romans also considered that country as the home of the fruit, which they called "Persian nut" (Κάρπov Περσικόν). Josephus speaks of the numerous nut-trees in the plain around the Sea of Gennesaret, and says ("Vita," § 3) that Jewish prisoners at Rome lived on figs and nuts exclusively, so as not to become unclean by eating heathen food. This indicates that nuts and figs were common food. In the Talmud and Mishnah (B. M. iv. 12; Ket. xvii. 15) nuts are considered a delicacy. Oil was prepared from the green nuts (Shab. ii. 2; Löw, "Aramäische Pflanzennamen," pp. 3, 84). Many nut-trees are to be found in Gilead, in the Lebanon, especially around Damascus, and in Judea, where they have been planted. They grow even on the mountains at altitudes too cold for the olive.

2. "Boṭnim." This word, the plural of "boṭen," is commonly taken to mean pistachio-nuts, the fruit of *Pistacia vera*, which is native in Palestine and

Syria as far as Mesopotamia. These nuts are mentioned in one passage only, Gen. xliii. 11, among the special products of Canaan that Israel proposed should be sent as gifts to Joseph in Egypt (Löw, "Aramäische Pflanzennamen," p. 68). The pistachio is now seldom cultivated in Palestine, but may frequently be found in Syria around Beirut and Damascus. The fruit is eaten raw or roasted, and is considered a delicacy throughout the East.

E. G. N.

I. BE.

—**In Jewish Life and Lore**: In Talmudic times nuts were used for making oil by means of a press similar to that used for olives; but the Rabbis disagreed as to whether nut-oil might be used on the Sabbath eve (Shab. ii. 2 [24b]). Nutshells yielded a kind of dye, and therefore they were considered of value and subject to the law of the Sabbatical year (Sheb. vii. 3). Nuts were much liked by little children, who were easily lured by means of them (Bek. 30a). The Rabbis held that nuts caused discharges from the nose and expectoration, and they therefore recommended abstention from them on Rosh ha-Shanah in order to prevent interruption of the prayers (Isserles, quoting Mölln, in Shulḥan 'Aruk, Oraḥ Ḥayyim, 583, 2).

The nut is often used by the Rabbis symbolically. It is the symbol of the scholar and the Torah; for, just as the kernel remains clean even when the nut is dropped in the dirt, so when the scholar sins the Torah, which he has studied, is not soiled. The nut is the symbol of the Jews for various reasons: it has four sections in which the kernel is hidden; so the Israelites in the wilderness were divided into four sections, each under its banner, with

Symbolic the Shekinah in the midst of them.
Applica-
tions. There are three kinds of nuts, hard, medium, and soft; and so there are

three classes of Israelites: (1) those who perform charitable acts voluntarily; (2) those who must be urged to do good deeds; (3) those who, in spite of earnest solicitations, decline to aid the needy. The roots of the nut-tree, unlike those of other trees, will revive after exposure, even though they may have begun to wither, and so the Jews, unlike the heathen, are forgiven if they confess their sins (Pesik. R. 11 [ed. Friedmann, p. 42]; Hag. 15b; Cant. R. vi. 11). It seems that the symbolic application of the nut was current in the Alexandrian school; for Philo (Περὶ Βίου Μωϋσεως, iii., § 22, ed. Mangey, ii. 162), explaining at some length the symbol of the nuts (κάρπυ) which Aaron's rod yielded (Num. xvii. 23 [A. V. xvii. 8]), says: "The nut differs from all the other fruit in that its eatable part and seed are the same; therefore it is the symbol of perfect virtue. For just as in a nut the beginning (seed) and the end (fruit) are the same, so is every virtue at the same time both beginning and end. Besides, the eatable part of the nut is enclosed in a twofold case, the outer part of which is bitter and the inner part is very hard; the same is the case with the soul, which must undergo bitter trials before it attains perfection."

The nut occupies an important place in cabalistic symbolism; for besides the fact that its shell ("ḳel-fah") has been adopted to designate dross, the nut as a whole symbolizes the adherence of the fourth

"kelifah," called "nogah," to the brain (Hayyim Vital, "Ez Hayyim," hekal vii., gate 9, ch. ii.). For other symbolic applications of the nut by the cabalists see Eleazar of Worms, "Sha'are ha-Sod weha-Yihud weha-Emunah" ("Sha'ar ha-

In Caba-
listic Sym- nuts as an emblem of fertility in both
bolism. man and beast; and therefore they used to strew nuts before the bridegroom and bride. This custom was adopted by the Jews in the time of the Talmudists (Ber. 50b), and in Polish towns it continues up to the present time. On the Sabbath which precedes the wedding, when the bridegroom is called up to recite a part of the weekly lesson in the synagogue the women from their gallery throw down nuts, which are picked up by the children. It was also the custom to distribute nuts among the children on the eve of the Feast of the Passover, in order that they might not fall asleep and to arouse in them a desire to question (Pes. 109a). This custom has developed into the general one of playing games with nuts, even among grown persons, during the whole feast. As the nut symbolizes the children of Israel, it is one of the ingredients of the "haroset" (Isserles, in Shulhan 'Aruk, Orah Hayyim, 473, 5).

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M. SEL.

NYÁRI, ALEXANDER: Hungarian art critic; born Aug. 28, 1861, at Zala-Egerszeg; educated at Vienna under Hansen, receiving his diploma as architect in 1884. In the following year he went to Paris and thence to Berlin, where he studied philosophy and the history of art. He received his degree of Ph.D. from the University of Leipsic in 1891.

In 1889 Nyári was commissioned by his government to travel through Hungary in search of specimens of the art of the Italian Renaissance dating from the time of King Matthias. Two years later he was appointed assistant in the archeological division of the National Museum and docent in the history of art in the School of Technology at Buda-

pest. Commissioned by Count Csáky, minister of public worship and instruction, to search for monuments of art relating to Hungary, he traveled through Poland and Saxony (1892), Germany (1893), Italy and France (1894), and England, Holland, Servia, and Rumania (1895). In the course of these investigations he discovered a number of unknown works of the famous Hungarian painter Karl Brocky, who had been court painter to Queen Victoria. In 1894 Nyári was appointed custodian of the National Gallery of Paintings.

Nyári's two chief works, aside from numerous smaller contributions to the history of art, are: "Der Portraitmaler Johann Kupetzky, Sein Leben und Seine Werke" (Leipsic, 1889) and "A Kassai Székesegyház" (Budapest, 1896; in German also), on the Cathedral of Kaschan. Nyári is a convert to Christianity.

BIBLIOGRAPHY: *Pallas Lex.*
S.

L. V.

NYONS: Town in the ancient province of Dauphiné, France. A Jewish community must have existed there before the fourteenth century; for a document in Latin of the year 1323 speaks of the "old Jews" and of "the newly arrived Hebrews." The last-mentioned were Jews who had sought refuge in Nyons when expelled from the Comtat-Venaissin by Pope John XXII. Two of them, David de Hyères and David de Moras, had great influence with the dauphin Humbert II. in 1338 and 1346 (Prudhomme, "Les Juifs en Dauphiné," pp. 18, 25).

Between 1270 and 1343 there lived in Nyons R. Isaac ben Mordecai, called "Maestro Petit," author of the "Azharot," enumerations in verse of the six hundred and thirteen Mosaic laws, which are recited in the congregations of the Comtat at the Feast of Weeks (Shabu'ot). Isaac wrote also commentaries on the Talmud, and corresponded with the most celebrated rabbis of the south of France (Gross, "Gallia Judaica," p. 387). Together with Petit is mentioned another scholar of Nyons, R. Hayyim of Vienne, a rabbinical authority (Gross, *l.c.* p. 194).

BIBLIOGRAPHY: Gross and Prudhomme as above.

G.

S. K.

O

OAK AND TEREBINTH: The Hebrew terms calling for consideration here are: "elah" (Gen. xxxv. 4; Judges vi. 11, 19, and elsewhere); "el" (only in the plural form "elim"; Isa. i. 29, lvii. 5, A. V. "idols," R. V. "oaks"; lxi. 3, A. V. "trees"); "elon" (Gen. xii. 6, A. V. "plain," R. V. "oak"; xiii. 18); "allah" (Josh. xxiv. 26, E. V. "oak"); and "allon" (Gen. xxxv. 8; Isa. ii. 13, xliv. 14, and often E. V. "oak"). All these terms may have originally denoted large, strong trees in general (comp. the Latin *robur*), comprising both the oak and the terebinth, which are similar in outward appearance. But "elah" (which in Isa. vi. 13 and Hos. iv. 13 is distinguished from "allon") and its cognates "elon"

and "elim" are assumed to mean the terebinth, while "allon" (which is repeatedly connected with Bashan [Isa. ii. 13; Ezek. xxvii. 6; Zech. xi. 2], a district famous for its oaks) and "allah" are assumed to denote the oak.

Both the oak and the terebinth offered favorite resorts for religious practises (Isa. i. 29, lvii. 5; Ezek. vi. 13; Hos. iv. 13), and were associated with theophanies (Judges vi. 11; comp. Gen. xii. 6; Judges ix. 37). By reason of their striking appearance and their longevity they served also as topographical landmarks (Gen. xxxv. 8; Judges iv. 11, vi. 11, ix. 6; I Sam. x. 3, xvii. 2). The custom of burial beneath these trees is mentioned (Gen. xxxv.

8; I Chron. x. 12). Oak timber was used for the manufacture of idols (Isa. xlv. 14) and for ship-building (Ezek. xxvii. 6). The oak and the terebinth are employed as emblems of strength and durability (Amos ii. 9; Isa. lxi. 3).

According to Tristram, the following three species of oak are at present common in Palestine: (1) the prickly evergreen oak (*Quercus pseudo-coccifera*), abundant in Gilead; the most famous exemplar of this species is the so-called "Abraham's oak" near Hebron, measuring 23 feet in girth with a diameter of foliage of about 90 feet (see ABRAHAM'S OAK); (2) the Valona oak (*Q. Agilops*), common in the north and supposed to represent the "oaks of Bashan"; (3) the Oriental gall-oak (*Q. infectoria*), on Carmel.

The terebinth (*Pistacia Terebinthus*) is abundant in the south and southeast. See FOREST.

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E. G. H.

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OATH: The Hebrew terms for "oath," "alah" and "shebu'ah," are used interchangeably in the Old Testament (comp. Gen. xxiv. 8 and 41; see also Shebu. 36a). According to the ancient Jewish principle of jurisprudence the judicial oath was employed in civil cases only, never in criminal cases, and only in litigations concerning private property, never in those over sacerdotal property; and over movable but not over immovable property. Later rabbinical law, however, imposes the oath even in the case of sacerdotal and immovable property (Shebu. 42b; Shulhan 'Aruk, Hoshen Mishpat, 95, 1). Moreover, the oath was administered only in case no evidence, or only insufficient evidence, was forthcoming on either side (Shebu. 45a, 48b). But if there was ample evidence, documentary or oral, *i.e.*, that of witnesses (Weiss, "Dor," i. 202), in support of the statements of the litigants, or if claim and disclaimer were not positive, no oath could be imposed, according to Biblical law. The character of the oath was, then, in the nature of a rebuttal of the claim of the plaintiff and was imposed upon the defendant as a purgative measure; or God was called

Function of Oath. upon as a witness, there being no other. Adelung, indeed (in *Saalschütz, "Archäologie,"* p. 277), derives the German "eid" (oath) from the Hebrew "ed" ("witness"); see also Delitzsch (on Gen. xxi. 30), Trumbull ("Blood Covenant," p. 266), Tyler ("Oaths," p. 87), and Paley ("Principles of Moral and Political Philosophy," book iii., ch. 16, p. 1).

Though the oath was not considered as full legal evidence (Frankel, "Der Gerichtliche Beweis," p. 305), it was accepted in lieu of something better. However, the oath was not meant to be an ordeal, a means of frightening the contestant into telling the truth, except in the case of the oath of purgation administered to a woman suspected of adultery (Num. v. 21; Michaelis, "Das Mosaische Recht," section 301, p. 341). The perjurer, however, was not liable to the court, but to God Himself (see PERJURY); furthermore, to such as were suspected of a disposition not to speak the truth the oath was

not administered (Shebu. vii. 1). The Biblical oath was imposed only upon the defendant (Shebu. vii. 1;

Hoshen Mishpat, 89, 1; "Yad," To'en, i. 2). The reason for this is in the **Always by Defendant.** dictum, "Possession is nine-tenths of the law"; or, as the Talmud (B. K. 46a) states it, "Whosoever would oust a possessor must bring evidence to establish his claim; his positive assertion alone is not sufficient, for the possessor may take the oath in support of his equally positive denial of plaintiff's claim."

The codifiers classify the Biblical oaths under the following three divisions: (1) "Oaths of keepers or custodians": A leaves certain objects in the care of B; B admits having received them, but claims that they have been stolen or lost; he takes

Biblical Oaths. the oath in support of his assertion and is acquitted from responsibility (Shebu. viii. 1; B. M. 93a; B. K. 107b;

"Yad," She'elah, iv. 1, vi. 3; Hoshen Mishpat, 87, 7). (2) "Part admittance": A claims to have lent B 100 shekels; B admits the claim as regards only 50, and after taking the oath is acquitted; but if B repudiates the claim in its entirety he is acquitted without oath. (3) But if A has one witness in proof of his claim, B must take the oath in either case (Shebu. vi. 1; B. M. 3a; Hoshen Mishpat, *l.c.*). The admissions of B in cases 1 and 2, and the statement of the one witness in case 3, are considered as half-evidence (Frankel, *l.c.*) in support of A, but not as sufficient to warrant a judgment in his favor. B, therefore, takes the oath, which is equal to half-evidence, and thereby invalidates the claim of A.

Though Biblical legislation imposed the oath only upon the defendant, changed times and conditions rendered it necessary for the teachers of Mishnah to impose the oath at times even upon the plaintiff, in cases where the defendant is not competent to take the oath, or where the claim of plaintiff has evidently a greater probability of truth than the disclaimer of defendant. These oaths are known as "mishnaic" oaths; and while the Biblical oaths are of a purgative nature, the mishnaic oaths are "oaths of satisfaction" ("nishba'in we-notelin"—

"they swear, and their claim is satisfied"; Shebu. vii. 1). The following **Mishnaic Oaths of Satisfaction.** cases fall within this category: (1) The defendant should take the Biblical oath, but he is suspected of a disposition to swear falsely; the court

can not, therefore, administer the oath to him, and imposes the mishnaic oath upon the plaintiff instead. (2) It is imposed further in the case of a laborer claiming wages; (3) of a storekeeper claiming settlement for goods ordered; (4) of one who claims compensation for robbery; and (5) of one who claims compensation for battery, certain indications supporting the claim. In all these cases, the claims being based upon positive charges, while the disclaimer is not quite positive, the plaintiff takes the oath and secures judgment (Shebu. vii. 1; Hoshen Mishpat, 89, 1; 90, 1; 91, 1; 92, 1). In some cases the mishnaic oath is imposed when the claim is not positive, as in the cases of partners, renters (paying part of the crop for rent), guardians (appointed by the court), and stewards. All these must take the mishnaic oath

of purgation if accused of unscrupulous conduct, even though the claim is based only on a vague suspicion (Shebu. 45a, 48b; "Yad," Shutfin, ix. 1; Hoshen Mishpat, 93, 1).

Later Talmudical practise has imposed the oath in cases where according to Biblical and mishnaic law no oath was imposed, as, for instance,

where a claim is repudiated in its entirety. The originator of this form of

Rabbinical Oath.

Oath, known as the "imposed oath" (שבועת היסח; see Rashi to B. M. 5a),

was the Babylonian Nahman ben Jacob (235-324 c.e.; Shebu. 40b; B. M. 5a; Hoshen Mishpat, 87, 7).

There is still another form of oath—the "oath of adherence" ("gilgul shebu'ah"; see Frankel, *l.c.*; Mendelssohn, however ["Jahrb. für Preussische Gesetzgebung," cxvi. 414], calls it "Neben-eid"). If one of the litigants is compelled to take the oath and his opponent seizes the opportunity to confront him with a second claim, upon which, had it been made separately, no oath would have been taken, the second claim is "adhered" to the first claim, and the defendant must take the oath in connection with both claims (Kid. 28a; Shebu. 48b). The only exception to this rule is made in favor of the laborer claiming his wages. To his oath no other claim can be attached; "it should rather be made as easy as possible for him" (Hoshen Mishpat, 89, 6). In any other case there is no difference; whatever the oath, a second claim may always be "adhered" to it (Shebu. 48b; Hoshen Mishpat, 94, 1). In other respects, however, there are far-reaching differences among the Biblical, the mishnaic, and the rabbinical oaths, both in practise and in principle.

(1) If the Biblical oath is required and the defendant will not take it, judgment is rendered against him, and his property is levied upon; if the mishnaic

Biblical, will not take it, judgment is rendered
Mishnaic, against him, but his property can not
and be attached, and only a thirty days'
Rabbinical ban is issued against him; or, if this
Oaths. be of no avail, slight corporal punishment is inflicted upon him by the

court; but if it is the rabbinical oath that he refuses to take, not even judgment can be rendered against him; instead he is acquitted (Shebu. 41a; Hoshen Mishpat, 87, 9; B. B. 33a).

(2) If the Biblical oath is required but it can not be administered to the defendant on account of his immoral character or because it is suspected that he would swear falsely, the plaintiff takes the oath and secures judgment; if the mishnaic oath is required but the defendant is not admitted thereto for the reasons stated, he is acquitted without oath ("Yad," To'en, iii. 4; Hoshen Mishpat, 87, 13). He must, however, according to later rabbinical practise, take the rabbinical oath (B. B. 33a; Hoshen Mishpat, 92, 9), if the claim against him is based upon a positive statement; but if it is the rabbinical oath that is required and he is not permitted to take it for the reasons given, the defendant is acquitted without any oath (Hoshen Mishpat, 92, 10).

(3) The Biblical or mishnaic oath, whether of satisfaction or of purgation, when required of the defendant can not be imposed instead upon the

plaintiff if he is not willing to take it; but the rabbinical oath may be so imposed (Shebu. 41a; Hoshen Mishpat, 87, 11).

(4) The Biblical oath is imposed only if claim and disclaimer are positive; the mishnaic or the rabbinical oath, even if they be vague and uncertain (Shebu. vii. 1).

(5) The Biblical oath is imposed only when the object in litigation is private and movable property, and not if it is sacerdotal or immovable property; the rabbinical oath is imposed even in cases involving sacerdotal or immovable property (Shebu. vii. 1; Hoshen Mishpat, 95, 1).

(6) If the Biblical or the mishnaic oath is imposed, the juror must swear by the name of YHWH and must hold a Bible or a sacred object in his hands, and the judge must admonish the juror and impress upon him the sacredness and the importance of the oath. The judge must also warn him against any mental reservation or ambiguity; but if he takes the rabbinical oath he may not mention the name of YHWH: he says merely, "I swear—." He need not hold in his hands a sacred object, and it is not necessary for the judge to admonish or warn him (Shebu. 36a; Hoshen Mishpat, 87, 13, 20, 21; see Frankel, "Die Eidesleistung," p. 31; Mendelssohn, in "Jahrb. für Preussische Gesetzgebung," cxvi. 414, in reference to gradation of oath).

The Geonim have extended the oath even to cases where the Talmud does not impose it, as when minors are concerned, if the oath is in their favor (Hoshen Mishpat, 89, 2); and sometimes they have put even witnesses under oath, though legally the latter are not called upon to swear (Hoshen Mishpat, 28, 2; Frankel, *l.c.* p. 212). The Bible, however, mentions only the following cases in which a judicial oath was required: a keeper suspected of careless watching or of taking a piece of property entrusted to him for safe-keeping (Ex. xxii. 7-10), and a woman suspected by her husband of adultery (Num. v. 22); and enlarged and amplified as was the scope of the oath in post-Biblical times, it was still restricted to civil courts. In criminal cases no

oath was employed, as, according to
No Oaths Jewish principles of jurisprudence, no
in Criminal one charged with a criminal act could
Cases. be believed even upon oath. Assault

and battery and embezzlement were considered only from their civil side, in regard to liability for damages. Nor was a witness, even in civil matters, put under oath, for "if we can not believe him without an oath we can not believe him at all" (Tos. Kid. 43b). The adjuration of a witness mentioned in Lev. v. 1 refers to a private adjuration for one to appear and testify as to what he knows about the case, but not to judicial adjuration (see commentaries of Keil and Delitzsch *ad loc.*; comp. Shebn. 35a). The court may adjure the witness if it sees fit, and such, indeed, was the practise in geonic times, but it is not obliged to do

so (Frankel, *l.c.* p. 212), as the character of the witness is assumed to be
No Oaths
for
Witnesses. one of probity and above suspicion or reproach (B. K. 72b; Sanh. 25a; Ho-

shen Mishpat, 34, 1; Josephus, "Ant." iv. 8, § 15). In short, the oath was not the only means by which

a statement could be supported; on the contrary, it was employed only for want of better evidence. But if there were witnesses, their statements were accepted as full legal evidence, and they were not subjected to an oath; for to swear falsely is not more sinful than to utter an ordinary lie. It is one's duty to speak the truth whether without or with an oath.

Neither were there any oaths for rulers or for subjects or citizens as such. The "oath of fidelity" that Herod required from the people ("Ant." xv. 10, § 4) was adopted from Roman custom. Nor were there priestly oaths. Yoma i. 5 refers not to an oath taken upon entering office, but to the oath of service, introduced as a check upon Sadduceeism. There were no official oaths of any kind, for officials were supposed to do their duty without the oath. "The multiplication of oaths," says Michaelis (*l.c.* section 301, p. 342), "tends rather to the corruption of morals." Paley (*l.c.* p. 144) also deplores the fact that "a pound of tea can not travel regularly from the ship to the consumer without costing at the least a half-dozen of oaths." The Jewish law, then, knew only judicial oaths.

But while legally recognized oaths were limited to judicial proceedings, extrajudicial oaths were employed freely in private life. The nature of the oaths mentioned in Num. xxx. 2 places them in the category of vows; they were employed merely "as props to a weak will," and

"were taken in order the better to uphold the Law" (Hag. 10a). These extrajudicial oaths were: oaths of agreement—*e.g.*, between Abraham and Abimelech (Gen. xxi. 23), Isaac and Abimelech (*ib.* xxvi. 31), Jacob and Esau (*ib.* xxv. 33), Jacob and Laban (*ib.* xxxi. 53), Joshua and the Gibeonites (Josh. ix. 16), Zedekiah and Nebuchadnezzar (II Kings xxiv. 20; II Chron. xxxvi. 13); oaths of promise—*e.g.*, between Abraham and Melchizedek (Gen. xiv. 22), Abraham and Eliezer (*ib.* xxiv. 3), Jacob and Joseph (*ib.* xlvii. 31), Joseph and his brothers (*ib.* i. 25), Rahab and the spies (Josh. ii. 12), David and Jonathan (I Sam. xx. 3, 13), Saul and the woman of Endor (*ib.* xxviii. 10), David and Shimei (II Sam. xix. 23); oaths of adjuration—*e.g.*, those of Deut. xxvii. 15, Josh. vi. 26, and I Sam. xiv. 24. Though strictly speaking these were not oaths in a judicial sense, they were, nevertheless, recognized as morally binding and as necessary to national security (II Sam. v. 3; Esth. x. 5; Josephus, "Ant." xv. 10, § 4), and even to international security (II Chron. xxxvi. 13; II Kings xxiv. 20; see Ned. 65a and Manassah ben Israel in Mendelssohn's "Werke," iii. 248). Even if fraudulently obtained (Josh. ix. 16) or erroneously made (I Sam. xiv. 24; Judges xi. 35; Josephus, "Vita," § 53) the oath was considered inviolable. Even the silent determination of the heart was considered as the spoken word which must not be changed (Mak. 24a; B. M. 44a). The general principle was, "Let thy 'yea' be 'yea' and thy 'nay,' 'nay'" (B. M. 49a; comp. Matt. v. 37; James v. 12). The Law had already placed a careful restriction upon the practise of oath-taking in the case of a member of a family other than the head (Num. xxx.), and in post-exilic times people seem indeed to have been more careful in regard to taking oaths

(Eccl. ix. 2); the prophet Zephaniah conceived the possibility of avoiding the oath altogether (iii. 13). The Essenes also avoided swearing, which they esteemed worse than perjury; "he that can not be believed without an oath is already condemned" (Josephus, "B. J." ii. 8, § 6). Philo says, "The bare word of a virtuous man should be like an oath, steadfast, inviolable, and true. Should necessity absolutely require an oath let a man swear by his father and mother . . . instead of by the name of the highest and first Essence." Even in judicial oaths, swearing by the name of YHWH was abolished altogether during the age of the Geonim (Rashi to Shebu. 38b; Hoshen Mishpat, 87, 19). See COVENANT; EVIDENCE; PERJURY; SWEARING; VOWS.

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J. RA.

OATH MORE JUDAICO: Special form of oath, accompanied by certain ceremonies, which Jews were required to take in courts of law.

The disability of a Jew in a contention with a Christian dates back to the Byzantine emperor Justinian, who declared that neither Jews nor heretics should be admitted as witnesses against Christians ("Corpus Juris," c. 21, C. 1, 5; Novellæ, 45, c. 1; Grätz, "Gesch." 2d ed., vi. 18; Stobbe, "Die Juden in Deutschland," pp. 148 *et seq.*). Secular courts, however, did not recognize it. Thus in the safe-conducts issued by the Carovingian

Historical kings in the ninth century (JEW. DE-ENCYC. v. 446, *s.v.* FRANCE; vii. 669, *velopment. s.v.* LEIBZOLL) Jews and Christians are

treated as equals, and consequently the testimony of the former, whether given under oath or not, is equal in value to that of the latter (Stobbe, *l.c.* p. 151). This is distinctly stated in the charter granted by Henry IV. to the Jews of Speyer in 1090. The law of Duke Frederick II. of Austria (1244), which has served as a model for much other legislation on the Jews (see JEW. ENCYC. ii. 322, *s.v.* AUSTRIA), merely requires that a Jew shall swear "super Rodal" (by the Torah; Scherer, "Die Rechtsverhältnisse der Juden," p. 182). Similar laws existed in England, Portugal, and Hungary; in the last-named country in a trivial case a Jew was not required even to swear by the Torah (Scherer, *l.c.* pp. 295-298).

There are, however, some older laws which prescribe certain practises intended to humiliate the Jew. A Byzantine law, dating from the tenth century and somewhat modified by Constantine V., demands that a Jew when swearing shall have a girdle of thorns around his loins, stand in water, and swear by "Barase Baraa" (Bereshit Bara), so that if he speaks untruth the earth may swallow him as it did Dathan and Abiram (Frankel, "Eidesleistung," p. 69). A law of Arles demands (c. 1150) that a wreath of thorns shall encircle the swearer's neck, that others shall be around his knees, and that a thorn-branch five ells in length shall be pulled "between his loins" while he is swearing and calling

down upon himself all the curses of the Torah (Pertz, "Archiv," vii. 789; Frankel, *l.c.* pp. 70-72; Stobbe, *l.c.* p. 155). The "Schwabenspiegel" (i. 263), a collection of laws dating from the thirteenth century, demands that when swearing the Jew shall stand on a sow's hide; other laws, that he stand barefooted or that he stand on a bloody lamb's hide; the laws of Silesia (1422) require him to stand on a three-legged stool, pay a fine each time he falls, and lose his case if he falls four times. In Dortmund he was fined each time he halted in repeating the oath. In Verbo, Hungary (1517), he was required to stand barefooted and swear with his face turned to the east, holding the Pentateuch in his hand (Depping,

"Les Juifs dans le Moyen Age," p. 327; Frankel, *l.c.* pp. 70-76; Stobbe, *l.c.* p. 155; Scherer, *l.c.* p. 297). A law of Breslau (c. 1455) demanded that a Jew should stand bareheaded when swearing, and pronounce the name of YHWH ("Terumah-la-Deshen," p. 203).

A decided change took place when, in 1555, the German federal-court procedure (Reichskammergerichtsordnung) prescribed a form of oath which, with some alterations, served as a model for subsequent legislation (Frankel, *l.c.* pp. 76 *et seq.*). Horrible

were the terms in which the swearer called down upon himself all the curses of Leviticus and Deuteronomy, the plagues of Egypt, the leprosy of Naaman and Gehazi, the fate of Dathan and Abiram, etc. As to the changes introduced in the procedure by the Prussian government, acting upon the advice of Moses Mendelssohn, see the latter's "Gesammelte Schriften" and M. Kayserling's "Moses Mendelssohn" (p. 281). The small German states gradually surrendered the most objectionable features of the oath: Hesse-Cassel, in 1828; Oldenburg, 1829; Württemberg, 1832; Saxony, 1839 (on which occasion Zecharias FRANKEL published his famous "Die Eidesleistung"); Schaumburg-Lippe and Anhalt-Bernburg, 1842; Hesse-

Homburg, 1865. Prussia retained the obnoxious formula until March 15, 1869; Holland modified the oath in 1818, Russia in 1838 and 1860. Isaac Adolphe Crémieux became celebrated by effecting the abolition of the oath through a case brought before the court of Nîmes in 1827. Lazard ISIDOR, as rabbi of Pfalzburg, refused (1839) to open the synagogue for such an oath; prosecuted for contempt of court, he was defended by Crémieux and acquitted. The French supreme court finally declared the oath unconstitutional (March 3, 1846).

In Rumania the courts have rendered conflicting decisions. The court of Jassy yielded to the protest of Rabbi Nacht against the oath ("Jew. Chron."

June 6, 1902); while the court of Botuschany decided that the formula promulgated in 1844 was still valid (Nov. 1, 1902; see the "Bulletin Mensuel de l'Alliance Israélite Universelle," 1903, pp. 8 *et seq.*, 263 *et seq.*).

The question with regard to the trustworthiness of the Jewish oath was intimately connected with the exact meaning of the "Kol Nidre" prayer, and it is accordingly bound up with the discussion of that prayer (see KOL NIDRE). The whole of the legislation regarding the oath was characteristic of the



Jew of Breslau Taking the Oath More Judaico.
(From a seventeenth-century print.)

attitude of medieval states toward their Jewish subjects. The identification of Church and State seemed to render it necessary to have a different formula for those outside the state church.

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