



Volume 1. From the Reformation to the Thirty Years War, 1500-1648 Regulating Jewish Life – Ordinance by Landgrave George I of Hesse (1585)

During the sixteenth century, the status of Jews in the German lands was increasingly regulated by statutes. While regulation did not abolish discrimination, it gradually brought the German Jews under the protection of law, first in the Empire and then in the territories. The Imperial models for this new kind of regulation had been enacted under Emperor Charles V (r. 1519-56), when Josel von Rosheim lobbied hard for the protection of Jews. Around 1500 Jews were still being accused of – and tried for – blood libel and host desecration; by 1600 most lived under some kind of statutory security. In the last urban uprising against Jews, the Fettmilch Uprising in Frankfurt am Main in 1614, there were very few deaths, and the expelled Jews were able to return to the city, though under a more restrictive regime.

The most important steps toward the legal integration of the Jews were taken not at the Imperial or the urban levels, but rather in the princely territories. Here, the general terms laid down by the Imperial laws of 1530, 1548, and 1577 were translated into local statutory law for the towns and villages into which Jewish communities had retreated from the cities during the late medieval era. The new laws generally aimed to demarcate a sphere of Jewish life and thereby separate Jews from their Christian co-residents. While this afforded Jews greater legal security, it came at the cost of isolation. Such territorial laws began in the Palatinate in 1515 and emerged in the electorate of Mainz, Bavaria, and Brunswick-Wolfenbüttel. The only major expulsion occurred in 1543 in the Saxon electorate, where Martin Luther's harsh attitude toward the Jews held sway. His views, however, ran counter to the predominant tendency to see Jews in ethnographic rather than theological terms, and modern literature tends to exaggerate his influence. The main tendency in the regulation of Jews, as of other groups, was toward systematic and detailed legislation.

The Jewish ordinance issued in 1585 by Landgrave George I (1549-96) for the principality of Hesse-Darmstadt is fairly typical of the new territorial regulation of Jewish life. It is distinguished, however, by its relative absence of both invective and discrimination against Jews in matters of dress. This statute, which descends from a law of 1539, was repeatedly confirmed by later Hessian princes.

Ordinance of George,¹ by God's grace grand duke of Hesse, count of Katzenelnbogen, Dietz, Ziegenhain and Nidda, etc., [setting out] the way in which the Jews currently living under our protection and those whom we shall admit hereafter, should conduct themselves.

[1] Firstly, the Jews shall promise on their Jewish oath² – before our officials and in the presence of the pastor of the town in which they are settled – not to blaspheme against our

¹ Landgrave Georg of Hesse-Darmstadt (1549-96) – trans.

Savior and Sanctifier Jesus Christ, the Son of God and the Virgin Mary; His holy name; or our Christian faith amongst themselves; nor to burden poor, simple Jews with fabricated human rules and teachings that are not in accordance with the Law and the Prophets, but rather utterly to refrain from all blasphemy and in their teaching [of ordinary Jews] to comport themselves as described in the writings of Moses and the Prophets.

[2] Second, they shall vow and swear that they shall not now, any more than during the lifetime of our beloved lord and father of blessed memory,³ erect new synagogues anywhere, but shall rather in all quietness use the old ones that have already been built.

[3] Third, they shall promise not to initiate religious disputations with any of our [subjects], especially not with simple laypeople. If, however, one or more of our preachers, motivated by good intentions, wants to enter into a disputation with them, they shall first answer for and confess their faith, as all are obliged to do.

[4] Fourth, they shall stay at home during sermons on holidays and workdays and shall by no means go about their business in the streets or prevent anyone from attending the sermon. Neither shall they otherwise dare to deride our subjects for their religious beliefs or attempt to shake them in their Christian faith and to lead them away from it. If, however, they [the Jews] are observed to be doing this in even the slightest degree, they shall, without mercy, be severely punished for it.

[5] Fifth, they shall buy and sell in a seemly fashion, but only in those places where there are no guilds or where the guilds will tolerate their presence; with regard to the same [buying and selling], they shall not make their goods more expensive nor inflate or raise their prices above what is generally valid among Christians. Similarly, they shall not sell wares that have been valued before being offered [for sale] to Christians, until these have first been assessed by our officials and retainers.

[6] Sixth, they shall conduct all of their trade honestly, not surrounded with questionable practices or financing.

[Infractions will be punished by the loss of the money lent and half of the usurer's remaining goods. Moneylending can only take place with the prior knowledge of ducal officials. A husband or wife must be informed if their spouse borrows money, and this must be reported to a ducal official so that he may see or hear for himself whether or not this was done properly.]

² Legal oath used in court cases between Jews and Christians, taken on the Torah (in Hebrew), following the second commandment in Mosaic law, and invoking the God of the Covenant with Israel – trans.

³ Landgrave Philip of Hesse (1504-67). George was his son by Duchess Christina of Saxony (1505-49) – trans.

[8] Eighth, they shall affirm under their Jewish oath not to give anything to our officials or retainers or their wives in order to corrupt or bribe them, so that they overlook their [the Jews'] improper dealings and allow their exorbitant usury and financial chicanery. [. . .]

[9] Ninth, any Jew who dishonors or has sexual relations with a Christian woman or virgin shall be arrested by our officials without mercy and subsequently – though with our prior knowledge – punished by death.

[10] Tenth, if a Jew knowingly buys stolen goods or makes a loan secured on them, he shall not only be taken into custody by our officials for the appropriate punishment, but shall also forfeit the purchased goods in their entirety. However, in order to protect himself better in such matters, the Jew shall not lend anything to anyone unless he has first established where the goods have come from and whether the person wanting to sell or borrow money on them has the right to do this or not.

[11] Eleventh, we also decree that no foreign Jew shall be permitted or allowed to buy or sell – be it little or much – in our territory, and our officials shall see to this with due diligence.

[12] Twelfth, they, the Jews, shall pay us the requisite protection money that each has promised every year, remitting it to our steward of each town in whose assigned district [*Amt*] they reside at the appointed time. On the other hand, the steward [*Kellner*] shall protect and defend them against anyone under our authority in their own affairs. They shall also be assisted in obtaining everything to which they are entitled.

[Article 13 emphasizes the officials' duty to ensure that the ordinance is observed.]

Certified by our imprinted ducal privy seal in Darmstadt on the first of January in the year of our Lord 1585.

Source of German text: Friedrich Battenberg, *Judenverordnungen in Hessen-Darmstadt. Das Judenrecht eines Reichsfürstentums bis zum Ende des Alten Reiches. Eine Dokumentation.* Wiesbaden: Kommission für die Geschichte der Juden in Hessen, 1987, pp. 66-68; reprinted in Bernd Roeck, ed., *Gegenreformation und Dreißigjähriger Krieg 1555-1648.* Deutsche Geschichte in Quellen und Darstellung, edited by Rainer A. Müller, Volume 4. Stuttgart: P. Reclam, 1996, pp. 79-84.

English translation: Heidi Eberhardt Bate