



The Jewry Oath (Judeneid)

Legal Practice In-Between

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Once there was a very rich *Hasid* (an upright man). And he never took an oath in his entire life. Before his death, he summoned his son in the presence of the elders of the city and told him: My son, beware never to take an oath, even if it is the truth, and I will give you everything I own, since I earned all my wealth because I guarded my tongue from ever swearing. And the son answered: I will uphold your command to never swear, even if it is the truth.¹

Anonymous scribe, *Sefer haMa'asim*, Northern France, thirteenth century

This story from the thirteenth-century Hebrew book *Sefer haMa'asim* tells the tale of two men, a father and his son, who categorically refused to take oaths. For its readers, this was a fantastical

¹ Quoted and translated in Rella Kushelevsky, *Tales in Context: Sefer haMa'asim in Medieval Northern France* (Detroit: Wayne State University Press, 2017), 131.

tale, hardly possible to imagine. As the story unfolds, the plot thickens: the son, who has promised to follow in his father's non-oath-taking footsteps, is beset by false creditors who he can shake only by taking an oath regarding his financial doings. This, needless to say, the son would not do. He is thus left in an intolerable legal situation.

What would the son have said if he had agreed to take such an oath? The Erfurt Jewry Oath (in German, *Judeneid*), which served to release accused Jewish individuals from such allegations provides an answer to this question (fig. 1).



Fig. 1. The text of an oath Jews took to cleanse themselves from accusation. The Erfurt Judeneid, Erfurt, Germany, circa 1200. Erfurt, Stadtarchiv, 0-0/A XLVII, No. 1.



Fig. 2. A Jew is taking an oath on the Torah scroll. Siddur, Franconia, between 1294–1325. New York, Courtesy of The Library of the Jewish Theological Seminary, MS 8972, fol. 118r.

It reads:

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

This text was written in German around the year 1200 in the urban commune of Erfurt (present-day Germany). It is a *Judeneid*, an oath of truth that Jews took in legal situations involving Christians, intended to create trust between two parties. Oaths were a normal part of life for both Christians and Jews in medieval communities. They were used regularly in various forms for different situations such as naturalization, taxation, litigation before a court of law (such as in this Erfurt *Judeneid*), after release from imprisonment, and so on.

This particular oath from Erfurt is the oldest *Judeneid* known in the German language. As such, it served as a model for the many *Judeneid* texts that followed over the next three hundred years in urban communes throughout Germany. As the record states, it was given by Conrad, archbishop of Mainz (1183–1200), who was the lord of the Jews of Erfurt at this time. The urban commune was then celebrating its sovereignty and receiving such a text was favorable for the whole city. Indeed, by presenting the urban commune and its Jews this *Judeneid*, the archbishop of Mainz laid a fundamental legal foundation for Jewish life in the city of Erfurt. The document was perceived as a privilege for the Jews of Erfurt. This text is our earliest indication of a Jewish presence in this medieval city; all other sources date between fifty and one hundred years later.

The *Judeneid* text was constructed to satisfy both Christian and Jewish legal practices. Only themes from the Hebrew Bible shared by both religions appear in the text of the oath – Moses, the giving of the Ten Commandments on Mount Sinai; Datan and Aviram, who conspired against Moses (Num. 16); and Gehazi, who betrayed Naaman (2 Kings 5). These subjects were familiar to both Jews and Christians.

The particular oath text from Erfurt was used when Christians accused Jews of wrongdoing. By taking this *Judeneid*, Jews could free themselves from these accusations as part of a litigation process before a court. The oath itself provided a route for Jewish vindication. From the Late Middle Ages on, we have abundant evidence for the use of such *Judeneid* texts, especially in Christian law courts. The fact that such oaths were utilized for hundreds of years, points to their efficacy.

What made these oaths so efficacious? The aforementioned biblical themes were a vital component. Another aspect, although not addressed by the Erfurt *Judeneid* text, is the ritual setting within which the oath was taken. Oath-taking always entailed a strict choreography in the Middle Ages – whether Jews, Christians, or Muslims were involved. Some *Judeneid* texts from other cities record this choreography, thus giving us access to their content. The ritual included sacred objects, a set place, and sometimes a particular time. The text of the oath itself often specified certain hand gestures and mandated an audience of witnesses as well as the judge.

Christian sources refer to the *Judeneid* as oath-taking "according to their (i.e., the Jews') customs," and there is evidence of the Jews's role in negotiating this procedure. As such, both Jews and Christians communicated their understanding of legal practices via the *Judeneid*. All this was crucial for the efficacy of the oath, which was a tool meant to instill trust. If the vows accompanying the ritual were not believed, then it would not have contributed to the communal well-being. The biblical references were by no means taken lightly by medieval Jews or Christians, and one can assume medieval people preferred not to take oaths when it was not necessary. In fact, many sources show that cases were settled before the court to avoid oath-taking.

When Jews had to take an oath, the procedure took place in a public space such as the synagogue, the *schulhof* (synagogue's yard), or the council hall. A ritual object was used, usually the Torah scroll or a Pentateuch codex (fig. 2). Some sources even report the use of the door ring (i.e., the door pull) of the synagogue as a supplemental sacred object. A hand was placed upon this sacred object while a Christian official, such as a judge, spoke the text. Jews repeated the text word for word or replied "amen" at the end. Although the choreography varied over place and time according to the custom of each city, in each case the exact ritual was essential to the act of oath-taking and was followed precisely. The ritual of the *Judeneid* was taken seriously, both by those who took and accepted them and by the audience that functioned as witnesses. In sum, oath-taking was one of the central aspects of daily life for Jews in the medieval Holy Roman Empire on a legal as well as a social basis.

Further Reading

- ❖ Guido Kisch, "A Fourteenth-Century Jewry Oath of South Germany," *Speculum* 14 (1940): 331–37.
- ❖ Andreas Lehnertz, "The Erfurt *Judeneid* between Pragmatism and Ritual: Some Aspects of Christian and Jewish Oath-Taking in Medieval Germany." In *Ritual Objects in Ritual Contexts*. Erfurter Schriften zur Jüdischen Geschichte 6, edited by Claudia Bergmann and Maria Stürzebecher, 12–31. Jena, Quedlinburg: Bussert & Stadelers, 2020.
- ❖ Amnon Linder, "The Jewry-Oath in Christian Europe," *Jews in Early Christian Law. Byzantium and the Latin West, 6th–11th Centuries*, edited by John V. Tolan and Nichols R. M. De Lange, 311–58. Turnhout: Brepols, 2014.
- ❖ Raphael Straus, "The Landshut Jewry Oath," *Historia Judaica* 3 (1941): 41–43.
- ❖ Joseph Ziegler, "Reflections on the Jewry Oath in the Middle Ages," *Studies in Church History* 29 (1992): 209–20.