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Part Two

Historiographic Questions

Premodern Poland–Lithuania

Did the Polish Nobility Take Seriously the Teaching of the Catholic Church? Reflections on the Relations between the Nobility, the Church, and the Jews

ADAM KAŹMIERCZYK

Much has been written on the subject of close and manifold links between the Jewish population and the nobility in the Polish–Lithuanian Commonwealth. Older historiography emphasized the role of a king as the main protector of the Jews, but even exponents of "martyrological historiography," such as Simon Dubnow, noted that part of the nobility, particularly the magnates, favored them.[1] Subsequent generations of historians did not contradict this view.[2] The fate of Jews in the Polish–Lithuanian state depended on the attitude

1 S. Dubnow, *History of the Jews in Russia and Poland. From the Earliest Times until the Present Day* (Philadelphia, PA: Jewish Publication Society, 1916), 54: "The Jews of Poland were favored by two powers within the state, by royalty and in part by the big Shlakhta."

2 However, Shmuel Ettinger, a historian of an older generation (but already of the twentieth-century Zionist Jerusalem School), stated that whereas the nobility provided Jews with

of the dominant nobility. In 1539, the nobles forced the Crown to grant them judicial powers over their Jewish subjects. The consequences of this noble protection, and particularly that of the magnates, is eloquently illustrated by the fact that a clear majority of Jews settled in private estates. Of the sixteen towns in the commonwealth with a Jewish population in excess of two thousand, at least ten were owned by the nobility.[3]

The attitude of the Christian nobility was one reason behind this migration and demographic expansion into private domains. They may have well shared the predominant negative stereotypes of Jews, but were rather selective in their adherence to the articles of canon law relating to them. Naturally, it would be unreasonable to expect Protestant or Orthodox nobles to have concerned themselves with the intricacies of the canon law of the Roman Catholic Church. But even in the later period of the commonwealth, from the second half of the seventeenth century—that is, after the Khmelnytsky uprising, when the vast majority of the nobility subscribed to Catholicism—they were only marginally mindful of the Church's teachings.

Quite early on, men of the cloth drew public attention to the particular bond linking the nobility and the Jews. They highlighted the fact that the extraordinary position of the Jews in the state, which they deemed offensive to the church, resulted from the patronage of the nobility. This theme of Jewish expansion facilitated by noble protection recurred with greatest frequency in the eighteenth century, coinciding with the greatest triumphs of the Roman Catholic Church in the commonwealth.

After 1648, the commonwealth lost a large portion of its territory inhabited by the Orthodox, while later, especially under Jan Sobieski, the policy of the state led the remaining Orthodox bishops to accept union with Rome. In fact, outside the eastern borderlands, a majority of Ruthenians accepted the union and consequently acknowledged the supremacy of the Papal See and its local representative, the Papal Nuncio. The beginning of the eighteenth century witnessed not only the marginalization of Eastern Orthodoxy, but also Protestantism ceased to threaten the position of the Catholic Church. This may explain the new importance accorded to the Jewish question, especially following the Great Northern War. Jews and their perceived destructive

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the means of existence and shielded them from excesses of other estates (the clergy and the burghers), their patronage left them entirely dependent on the landowners, and exposed to their whim. S. Ettinger, "The Modern Period," in *A History of the Jewish People*, ed. Hayim Hillel Ben-Sasson (Cambridge, MA: Harvard University Press, 1976), 751.

3 Gershon D. Hundert, *Jews in Poland-Lithuania in the Eighteenth Century: A Genealogy of Modernity* (Berkley: University of California Press, 2004), 23.

influence on the Christian community now had much greater significance for the clergy and bishops.

In the eighteenth century, the Catholic hierarchy maintained the traditional view that Jews should be tolerated within a Christian state, but, at the same time, should remain in a state of subjugation to and isolation from Christians.[4] This attitude found expression in the renewal of the *De Judaeis* clauses in the synodal statutes, as well as in pastoral letters from the bishops, such as that issued by Stefan Rupniewski, bishop of Łuck, in 1722. The letter clearly reflects his view that, upon his investiture, the situation of Jews in the Łuck Diocese was far from the ideal from the viewpoint of canon law. According to him:

> Not only have they almost shed in Poland their shameful, slavish name, openly carry on with their observances, holidays, and rites and have usurped every freedom, but they already aspire to rule over Christians, denying them their commerce, skills, trades, industries, and other means of earning a livelihood.[5]

In their eighteenth-century pastoral letters, Polish bishops commonly expressed their fear of the demographic expansion of Jewry, putting the blame on the mostly Catholic nobility. In 1717, Jan Skarbek, archbishop of Lwów, put it as follows:

> As we hear with the greatest sorrow in our heart and as we see with our own two eyes, the infidel Jewish nation in our archdiocese is multiplying daily and spreading wide through the favors and protection of the potentates to the detriment and uprooting of Christians.[6]

4 The so-called Augustine doctrine of a Witness Nation.

5 *Decretales Summorum Pontificum pro Regno Poloniae et Constitutiones synodorum provincialium et dioecesanarum Regni ejusdem ad summam collectae* [Collected Decrees of the Supreme Pontiff concerning the Kingdom of Poland and the Decisions of the Provincial and Diocesan Synods of that Country], vol. 3, ed. Z. Chodyński (Poznaniae: J. Leitgeber, 1883), 118–22. First published in *Litera Pastoralis alias Instructio seu Monita Paterna ad Clerum et Populum: sibi commissum Operam et Studio Illustrissimi et Reverendissimi Domini D. Stephani Boguslai* [. . .] *Rupniewski* [. . .], [Pastoral Letter otherwise Instruction or Paternal Warning to the Clergy and People entrusted to him: the work and study of the Illustrious and Reverend Bishop Stefan Bogusław (. . .) Rupniewski (. . .)], 1722, 118.

6 The Kraków Metropolitan Curia Archive [AKM], *Edicta et mandata dioecesis Cracoviensis 1737–1772*, 39 verso.

Such fears among churchmen reflected the real demographic expansion of the Jewish populace, particularly in towns, large and small, belonging to the nobles. Owners of ruined or freshly located settlements made attempts to populate them with new inhabitants, for the most part from among the Jews, particularly in the eastern reaches of the commonwealth.

Ensuring favorable conditions for the new arrivals was a *conditio sine qua non* of a successful settlement drive. In the case of Jews, quite apart from economic concessions, it was vital to provide them with a guarantee of freedom of worship. Charters issued to Jewish communities included licences to construct synagogues, establish cemeteries, use bathhouses, and maintain property free of taxation and other obligations for a rabbi, a cantor and so on.[7] Sometimes, an owner would attempt to obtain the local bishop's consent for the construction of a synagogue, but frequently church regulations were entirely flaunted.

The conditions imposed by the bishops in permits for the construction or refurbishment of a synagogue contained the same reservations as specified in diocesan statutes. However, a closer reading of Bishop Rupniewski's letter suggests that, perhaps, the real policies of the majority of church hierarchs were far more tolerant toward the Jews than their declared adherence to the traditional doctrine of the church would suggest. Even when it came to court cases against Jewish communities, these often ended in a compromise settlement, which usually meant only additional costs to the Jews. The bishops did not generally put obstacles to the settlement of Jews but assented, for a fee, to the construction of new synagogues or repairs to old ones and intervened only if their prerogatives were ignored.

Religious changes and the appearance of new prayer houses were also reflected in the charters issued by the landowners, even though they contradicted the laws of the Roman Catholic Church, which decreed that a settlement was entitled to only one synagogue. Even earlier, in 1629, Stanisław Koniecpolski, voivode of Sandomierz province, in a privilege issued to the settlers of Nowopol (Sieradz province), granted them the right to construct further houses of prayer should the need arise.[8] Sometimes, detailed instructions were issued, which on the one hand attested to some familiarity with Jewish rites, and on the other,

7 See introduction to Jacob Goldberg, ed., *Jewish Privileges in the Polish Commonwealth. Charters of Rights Granted to Jewish Communities in Poland Lithuania in the Sixteenth to Eighteenth Centuries. Critical Edition of Original Latin and Polish Documents with English Introductions and Notes* (Jerusalem: Israel Academy of Sciences and Humanities, 1985).

8 *Jewish Privileges*, vol. II, 153.

showed disregard for the laws of the church, which forbade public Jewish religious observance. Thus, Jan Paweł Dąmbski, lord of Lubraniec, allowed not only the customary synagogue, but also agreed to the creation of a Sabbath enclosure (eruv).[9]

This permissive approach of lay Catholics (the nobility) to the restrictions imposed by the canon law was bitterly opposed by the Roman Catholic Church. For centuries, it had attempted to place Judaism in the position of a tolerated but private faith. Hence the irritation of the clergy at the landowners, who more or less openly ignored the fact that their Jews were breaking canon law strictures by celebrating religious rites in public and failing to observe the limitations imposed on them during Christian holidays and fasts. Work on Sundays and holidays (and demanding work from Christians in Jewish employment), public funerals, and open merriment at wedding feasts during Christian periods of fast were the main issues. However, interventions by the church were treated as an encroachment on the freedoms of the noble estate, especially when such interventions were perceived as involving an element of economic competition.

As already discussed, landowning potentates often ignored the restrictive statutes of the canon law and state legislation. That said, some charters granted to Jews did contain regulations based on the law of the Roman Catholic Church. It is difficult, though, to be entirely sure of the motives behind such constraints as the prohibition to open windows or loiter outdoors during Easter Week or the Octave of Corpus Christi. They could well be repressive but, perhaps, were intended to save Jews from anti-Jewish violence, which has lingered in various parts of Europe right up to our time.[10]

An important field of contention, as seen by landowners, was the subject of Christians in Jewish service.[11] Numerous pastoral letters by eighteenth-

9 Ibid., vol. I, 166.

10 A tradition of the persecution of Jews during Easter did exist in Poland, as attested by a Jewish charter of Pniewy of 1648, in which Andrzej Karol Grudziński laid down as follows: "During the days of Easter, both my castle office, as well as the municipal one, ought to protect them [the Jews] in every way from the common man and his insolence, which is commonly directed against them at this time, with firm town and castle guard provided daily for three days of Easter," State Archive Poznań, *Księgi wojewodzińskie poznańskie* (Poznań Province Registry Books). W-3, 160–62, Pniewy, July 17, 1648.

11 Adam Kaźmierczyk, "The Problem of Christian Servants as Reflected in the Legal Codes of the Polish–Lithuanian Commonwealth during the Second Half of the Seventeenth Century and in the Saxon Period," *Gal-Ed. On the History of the Jews in Poland*, vol. XV–XVI (Tel Aviv, 1997): 23–40; Judith Kalik, "Jews in Catholic Ecclesiastical Legislation in the Polish–Lithuanian Commonwealth," *Kwartalnik Historii Żydów* 209 (2004): 26–39.

century bishops, as well as Diocesan Synodal Statutes, stressed the prohibition on the permanent employment of Christian servants by Jews. The issue of Christian servitude was highly important to the church because it negated one of its oldest anti-Jewish canons and also undermined the foundations of Christian theology toward Judaism. The church was also concerned that Christians who were subject to Jews would fail to observe their religious duties and thus not only expose their souls to eternal perdition but also scandalize the remaining flock. Such fears were legitimate insofar as there are known instances of Jewish proselytism in the eighteenth century.[12] In any case, church documents contain complaints against servants who neglected their religious duties and against Jews accused of preventing their laborers from attending to their religious rites out of hatred of Christianity. In a letter to the administration of the Zamoyski estates, the clergy of Zamość described the consequences of Jews employing Christians:

> Such communality with Jews brings about a thousand criminal acts, abominations and indecencies, such as non-observance of holidays, breaking fasts, non-attendance at church services on holy days and at spiritual instruction necessary to the soul's salvation, ignorance of even the central mysteries of the Faith, abandonment of the sacraments of Confession and Eucharist for a whole year and longer, carnal sins with Jews and Jewesses, services abhorrent to the Christian religion, such as lighting of Sabbath candles, carrying of Jewish books after Jews and Jewesses and carrying beverages that Jews are wont to use during their holidays and Sabbaths.[13]

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12 Apart from the phenomenon of the return to Judaism of Jewish converts (see Adam Kaźmierczyk, *Rodziłem się Żydem. Konwersje Żydów w rzeczypospolitej XVII-XVIII wieku* [I was born a Jew. The conversion of Jews in the Polish-Lithuanian Commonwealth in the seventeenth and eighteenth centuries] (Kraków: Księgarnia Akademicka, 2015), 165–97, there were instances of conversion of Christians to Judaism. There was a celebrated case of two women from Dubno sentenced to death for apostasy: *Arkhiv Iugo-Zapadnoi Rossii, izdavaemyi Kommisseiu dlia razbora drevnich aktov* [The Archive of South-West Russia published by the Commission for the Examination of Old Documents], part V, vol. I, *Akty o gorodach* [Documents on towns] (Kiev, 1869), part III, vol. 4, 267–270. Magda Teter, "Kilka uwag na temat podziałów społecznych i religijnych pomiędzy żydami i chrześcijanami we wschodnich miastach dawnej Rzeczypospolitej" [Some observations on the topic of the social and religious divisions between Jews and Christian in the eastern towns of the Polish-Lithuanian Commonwealth], *Kwartalnik Historii Żydów* 3 (2003): 334–35.

13 State Archive Lublin, Sąd Kom. 8, 45–48.

In the Polish church pronouncements, the failure to observe such prohibitions was deemed to constitute one of the heaviest sins, with absolution or its denial reserved to the bishops. It can be questioned whether the bishops really approached this failure with such rigor, since they themselves admitted it was a common occurrence. In their *ad limina* reports to the Holy See, they unanimously blamed the nobility for instances of breaking this particular article of the canon law. It is worth noting, though, that only in the eighteenth century did bishops begin to pay greater attention to the problem of the Jewish population and the issue of Christians in their service. Among earlier extant reports, only the bishop of Przemyśl, Stanisław Sarnowski, in his letter dated October 30, 1666, noted this phenomenon, although he also confirmed his helplessness to act against it. Perhaps, because he came from a different part of the commonwealth, the bishop found relations in Red Ruthenia particularly galling. As he wrote, it was especially Orthodox Christians who were employed by Jews who were sheltered by the nobles.[14]

Attempts to institute a prohibition on Christian service were, indeed, frequently ignored by the landed nobility. The growing role of the Jews in the economy of the estates, especially those belonging to magnates (in trade, crafts, and, above all, in the sale of locally produced alcohol), provoked displeasure with the interventions of the clergy. Their attempts to force adherence to certain points of canon law were seen as economically harmful by owners, tenants, and administrators alike, all interested in maximizing profits. Jewish leaseholders could not cope without Christian laborers, either free, or serfs (assigned in a tenancy contract). Similarly, Jewish trade would have been significantly hamstrung if it lacked the chance to hire Christians, if only as drovers. Small wonder, then, that when Jan Skarbek, archbishop of Lwów, issued a decree forbidding his flock to work for Jews, the manager of Starosielsk estates, Józef Karetti, avoided making any decision and declared that he needed to refer the matter to the owner. He also suggested to Elżbieta Sieniawska, wife of the Kraków castellan, that she play a delaying game to check whether the archbishop would succeed in forcing his decree elsewhere.[15]

In this case pretence was at least maintained, probably out of reverence for the generally respected Metropolitan of Lwów. Elsewhere, attempts to impose

14 Archivio Segreto Vaticano [ASV], Congreg. Concil. Relat. Dioec. 667.

15 More on the subject in Adam Kaźmierczyk, "Jews, Nobles and Canon Law in the Eighteenth Century," Biuletyn Polskiej Misji Historycznej 9 (2014), 226, dx.doi.org/10.12775/BPMH.2014.009.

this point of canon law met with open resistance, and noble-owners and leasers had no intention of listening to officious priests. They viewed such interventions as attempts on the prerogatives of the noble estate. Stefan Żuchowski, the archdeacon and judicial vicar of Sandomierz, well known for his anti-Semitic books and especially for his role in the Sandomierz blood-libel accusations, collected cases of Jews breaking canon and state laws, quoting many such instances in his book. One of Żuchowski's correspondents quoted a reply he had received from the noble-owner of a village when he attempted to impose canon law: "You priests will never succeed in preventing Catholics from serving the Jews," said the owner, and allegedly added: "And I will even order my Jew to distill alcohol on a holiday, because the Jew should not observe Catholic holidays, as has always been right and proper."[16]

The fact that bishops reissued such prohibitions again and again shows, above all else, that they were difficult or even impossible to enforce, a consideration of which the hierarchs themselves were all too aware. Steps were taken to oblige the lower clergy at least to attempt to apply such strictures, for instance at Decanal Congregations. Active teaching, such as pastoral missionary work, was another avenue. During one such exercise, conducted by a priestly missionary order at Nowy Korczyn, fifty women deposited signed promises with a local vicar that they would refrain from serving Jews.[17] Outright criticism of the behavior of noble-owners was certainly difficult. Mikołaj Wyżycki, archbishop of Lwów, had to intervene on behalf of a missionary priest who, in the course of his mission, offended the sensibilities of Prince Michał Kazimierz Radziwiłł, and begged him not to forbid further such missionary work on his estates.[18]

An even greater challenge to the theologically and canonically grounded conviction of a rightful subjugation of Jews and Judaism to Christians was the fact that Jews were granted leases and employed as commissioners, foremen, and other manorial posts. It is worth bearing in mind that in earlier times, particularly in Ruthenia, Jewish tenants enjoyed all the owners' prerogatives over the serfs, including even the right to impose capital punishment. In later times, for the most part, tenancy agreements forbade Jews to sit directly in judgment over Christians, but this was not always adhered to. Even influential bishops could not countermand the practice of employing Jews as manorial clerks and

16 Diocesan Library at Sandomierz, AKKS 742, 70r. Wojciech Kaniewicz, parish priest of Grzegorzowice to Stefan Żuchowski, at Grzegorzowice, September 20, 1712.

17 Kaźmierczyk, "Jews, Nobles," 228.

18 Ibid.

administrators, even though this violated church laws. This is well illustrated by the case of the so-called tenants of Słuck, brothers Gdal and Szmujło Ickowicz. Szmujło, especially, styled a cashier to Anna Radziwiłł née Sanguszko, and later to her son Hieronim Florian, practically controlled their finances and accumulated enormous power, which was a general irritant, not just to churchmen. The Lithuanian nobility were also scandalized and envious to boot, but the might of the Radziwiłł family was such as to stop any schemes against the Ickowicz brothers or other influential Jewish factors in their service. Even the Catholic hierarchs in Lithuania could only afford to issue humble entreaties. In a letter to Anna Radziwiłł, dated January 22, 1741, Michał Zienkowicz, bishop of Vilna, conveyed his New Year's greetings and pleaded with her to keep an earlier promise to remove the Jews from the administration of her estates, appealing to her pity for her suffering Christian serfs.[19] Similarly, Franciszek Antoni Kobielski, the bishop of Łuck, stopped short of any direct steps against Jews, when visiting Biała (Anna Radziwiłł's seat), formally postponing any cases against Jews until he had a chance to talk to the owner.[20] The bishops' entreaties went unheeded and the subsequent fall of the Ickowicz brothers had entirely different causes, unrelated to the hierarchs' interventions.[21]

Since the magnates paid no attention to bishops, they were even less inclined to listen to lower clergy. If the bishops were often forced to suffer disrespect and open defiance from noble landowners, then rank-and-file vicars, who depended on their lay patrons in many ways, were clearly not in a position to enforce articles of church law relating to Jews. In one case, well attested in literary sources, the *starosta* (district head) of Kaniów, Michał Potocki, ordered the reopening of a synagogue sealed by a bishop and sent him a letter in which he denied him any right to interfere with his Jews. It could be assumed that such crass disrespect was, perhaps, exceptional, since Potocki was well known for his lawlessness, but a similar situation occurred in Przeworsk. While visiting the parish, Walenty Antoni Czapski, bishop of Przemyśl, felt offended by the behavior of the estate's foreman, the local burghers, and Jews, and sealed their synagogue. The owner, Teresa Lubomirska, sent him an exceedingly angry letter in which she wrote: "we call the Church our mother, but I can see

19 AGAD AR V, 18763/I p. 71, Michał Zienkowicz to Anna Radziwiłł, at Vilna, January 22, 1741.

20 Franciszek Antoni Kobielski to Anna Radziwiłł neé Sanguszko, at Równe, July 6, 1741, AR V 6905, 25–26.

21 A. Teller, *Money, Power, and Influence in Eighteenth-Century Lithuania. The Jews on the Radziwiłł Estates*, Standford 2016, 73-105.

it has now become an oppressor of our noble estates."[22] Lubomirska assumed that the bishop should have behaved as any other landowner and come to her in the first instance, so that she should adjudicate in the case of his displeasure with her subjects. However, Czapski did not intend to give way; he wrote her an equally offensive reply, including threats of sanctions, and, eventually, the lady had to concede. The question arises, though, whether Czapski would have shown as much severity and determination had he been dealing with a different magnate and not a widow and had he not secured a nomination to a higher church office, which allowed him to disregard local elites.[23]

Aware of the position of the landowners on the matter, administrators and tenants of the nobility also flouted anti-Jewish church regulations. Church wardens were ineffectual in their attempts to make Jews comply with the law, in part because manorial officials and militias shielded them. Sometimes this resulted in blows and even bloodshed, and the clergy complained of the loss of face in front of the serfs, which only emboldened the Jews. The bishop of Kraków, Kajetan Sołtyk, lodged a complaint against a certain Mirecki, administrator of Szydłowiec, who failed to prosecute local Jews for hiring a Catholic on Yom Kippur. When the local vicar intervened with his wardens, they were offended and thrown out of the synagogue. The bishop ordered his court to issue writs, but was prepared to forgo a trial, asking only that the Radziwiłłs punish the perpetrators.[24]

Certainly, examples can be found when manorial courts did try cases of breaking church law, usually brought by local clergy, and the verdicts passed reflected synodal and diocesan instructions. But were they always religiously motivated? Take, for instance, the circumstances of a decree relating to an important Jewish center in Międzybóż, which was also a hub of the Czartoryski holdings in Podolia. A local commissioner of the estates imposed heavy fines on Jews for staying outside their houses during a Corpus Christi procession and for holding private religious services in their homes. But the real reasons may have been more prosaic. These festivities had been arranged shortly before a planned visit by Wacław Hieronim Sierakowski, bishop of Kamieniec Podolski. He was expected to consecrate a new church in Międzybóż, an act which, doubtless, also carried politi-

22 BC 2066 IV, s. 48–49, Kopia listu Teresy Lubomirskiej do W.A. Czapskiego (Copy of Teresa Lubomirska's letter to W.A. Czapski), sine datum et loco.

23 More on this in Kaźmierczyk, "Jews, Nobles," 234–35.

24 AGAD, AR V 14847, 85–87, Kajetan Sołtyk, Bishop of Kraków to M. K. Radziwiłł, from Warsaw, December 15, 1760.

cal weight. During the procession, some of the assembled Catholic nobles caught a number of Jews in the streets of the town and both the local vicar, Łossowski, and the bishop demanded severe punishment of the culprits as criminals, citing the 1670 Act of the Sejm. Ensuing correspondence shows that both churchmen relented somewhat from their extreme demands, but the commissioner had to punish the local Jews with appropriate severity. Considerable time elapsed between the events and the final sentence, and the verdict bears a mark of a compromise between the bishop and the magnate. The Jews did receive their punishment from the Czartoryski administration, so that the magnate kept his reputation intact in the eyes of the nobility of Podolia.[25]

Although the bishops, such as W. H. Sierakowski, Stefan Rupniewski, and Franciszek Antoni Kobielski, achieved a degree of success, their contemporaries saw limited possibilities of enforcing canon law, and these particular bishops were seen as particularly zealous in comparison with the rest. Stanisław Wodzicki wrote in his memoirs from the second half of the eighteenth century that only the use of diocesan militias could break the opposition. But he also added that "such power reached only as far as the Jews; no bishop would have dared to enforce his rulings on the nobility."[26]

Small wonder, then, that the bishops regularly complained in their reports to the Apostolic See of the protection afforded the Jews by the rich and mighty and of their own inability to enforce canon law. This frustration and a sense of helplessness led some of them to suggest in their *ad limina* reports that the Apostolic See should issue an edict to the faithful of the kingdom, and particularly to its upper class.[27] In the end, these supplications prompted the Congregation of Councils to act, and the case ended up at the *Sanctum Officium*. Its decree, issued in May 1751, stressed in no uncertain terms that the matter reached Rome at the initiative of the Polish "zealot" bishops. That same decree provided a foundation of the papal encyclical of Benedict XIV of June 14, 1751, *A Quo Primum*, which faithfully repeated the overview of the

25 Kaźmierczyk, "Jews, Nobles," 237.

26 Stanisław Wodzicki, *Stanisława hr. Wodzickiego wspomnienia z przeszłości od roku 1768 do 1840* [The memoirs of Count Stanisław Wodzicki from 1768 to 1840] (Kraków: J. K. Żupański & K. J. Heumann, 1873), 125.

27 The last such suggestion before the issuing of the encyclical was submitted by the bishop of Kraków, Andrzej Stanisław Załuski in his *ad limina* of 1751, *Relacje o stanie diecezji krakowskiej 1615–1765* [An account of the state of the Kraków diocese in the years between 1615–1765], ed. Wiesław Müller (Lublin: Towarzystwo naukowe Katolickiego Uniwersytetu Lubelskiego, 1978), 145.

position of the Jewish population, as presented by the Polish bishops. Based on the conclusions of his predecessors, the Pope naturally prescribed adherence to the canon law. On the issue of servants, he wrote:

> the sons of freedom should not serve the sons of servitude, so that the Jews, as servants held in contempt and rejected by the Lord, should feel, through their labors and subjugation, that they are serfs of those set free through Christ's death, just as they themselves were made slaves through it.[28]

The encyclical, both in the Latin original and in its Polish translation, was widely disseminated. Practically all Polish bishops included it in their pastoral letters. However, it does not appear that this last resort had any real effect at this time when the Enlightenment with its secularizing tendencies was taking root among the magnates. Even earlier, before any Enlightenment influence could be discerned, the Polish nobility notoriously failed to comply with anti-Jewish laws, not only church but also civil ones. This state of affairs prevailed despite their protestations of attachment to all forms of legality. This is very well illustrated by the case of the Masovian Exception, the law which excluded Jews from the Masovian Voivodship. Even earlier, local nobility argued for the removal of Jews and for severely punishing transgressors but, on the other hand, they quite pragmatically taxed them and their Christian servants.[29] Later, in the eighteenth century, neither the nobility-in-assembly (*sejmiki*), nor, even less, the church authorities, were in the position to enforce the law of the land or canon law. In the parish of Zielona (decanate of Przasnysz, Masovian Voivodship, land of Ciechanów), documents of an episcopal visit of 1781 show that despite a diocesan reform decree issued by the bishop of Płock of 1756, from the perspective of church authorities, nothing much had changed in the intervening twenty-five years.[30] The sole notable

28 Quote from W. H. Sierakowski, *Epistola pastoralis celsissimi illustrissimi et reverendissimi Domini Domini Venceslai Hieronymi de Bogusławice Sierakowski Dei et Apostolicae Sedis gratia archiepiscopi metropolitani leopoliensis* [Pastoral Letter of the Most High, Most Illustrious and Most Reverend Lord Wacław Hieronim de Bogusławice Sierakowski by the Grace of God and of the Apostolic See Metropolitan Archbishop of Lwów] Leopoli 1761, T2v.

29 Adam Kaźmierczyk, *Sejmy i sejmiki szlacheckie wobec Żydów w drugiej połowie XVII wieku* [Sejms and sejmiki of the nobility on Jews in the second half of the eighteenth century], Warsaw: Wydawnictwo Sejmowe, 1994), 74–76.

30 *Materiały do dziejów ziemi płockiej. Ziemia przasnyska. Z archiwaliów diecezjalnych płockich XVIII wieku* [Documents on the history of the Płock region. The Przasnysk County. From the diocesan archives of Płock in the eighteenth century], vol. 7, compiled and prepared

improvement was better adherence to civil law, but only because the so-called Sejm constitution of 1775 allowed Jewish settlement in Masovia (with the exception of Warsaw).[31] There is also proof that attempts to remove Jewish populations from royal cities were effectively used by the magnates and their officials for their benefit.[32]

The economic policies of the Polish magnates translated into active support of Jewish settlement on the greater part of the territory of the commonwealth. In 1753, Mikołaj Ignacy Wyżycki, archbishop of Lwów, wrote sarcastically, in a charter issued to a Jewish community of Stanisławów, that wherever a new town was established in the Polish Crown lands, the very first act was to lay the foundations of a synagogue.[33] Wyżycki used a similar phrase in two other permissions, registered in 1754 but issued earlier to the communities at Uście and Tyśmienica. Naturally, while copying the documents, chancellery scribes used an existing format, but the presence of this phrase shows that the phenomenon was persistent and common and that the encyclical *A Quo Primum* had not altered the attitudes of the nobility. Neither did any change occur in the matter of Christians in Jewish service, as desired by the clergy. Almost a decade after the publication of the encyclical, in a letter to Pope Clement XIII, Primate Władysław Łubieński explained in the name of the College of Polish

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for publication by Michał Marian Grzybowski (Płock: Towarzystwo Naukowe Płockie, 1995), 163: "Jewish habitation having been forbidden in the inns, located too near the church, erected barely 15 paces away from it, which was severely forbidden by the Illustrious Szembek, Bishop of Płock, in person in the decreta reformationis in the course of a general visitation die 16 Junii 1756 anno, these same inns are now all full of Jews, who publicly perform their Jewish rites in breach of the law. Those same Jews, apart from performing their faith's rites in very near proximity of the church, serve drinks like possessed to all and sundry, and despite the vicar's many admonitions produce and sell the drink publicly on Catholic holidays and Sundays, even during the high Catholic mass. And whenever I talked to the lords of those Jews and inns, so that they would revoke licence for the Jews to serve during a Catholic mass, they would not listen, excusing themselves with the loss of revenue and the Jewish freedom to trade on Catholic holidays."

31 VL VIII, 148.

32 "I have news to report that the Christians of the city of Kowno won a case in a civil court against the Jews, who are obliged to vacate the whole city within a year. Whereas it must be noted that over the Wilia river, and adjacent to this city of Kowno, there lie Your good Grace's hereditary lands of Słobódka from Milkoln, very propitious for the erection of a new town, which could be located on the occasion of these Jews building their new houses," Kazimierz Wiszniewski to Hieronim Florian Radziwiłł at Rumyszki, October 11, 1753, AGAD AR V 17539, 186.

33 CGIA Lwów, Fond 5, op. 1, d. 263, 12 VI 1753, 1179–82. "Ut ubi oppidum aliquod origitur prima ponant fundamenta synagogae," 1180. At Uście (April 17, 1741), 1197–99 and Tyśmienica (November 22, 1740), 1214–16.

Bishops that it was impossible in Poland to meet the requirements as set out in the encyclical of Benedict XIV.[34]

All the above examples prove that economic necessities and not religious scruples were paramount in the shaping of the legal status of Jewry in the Polish–Lithuanian Commonwealth.[35] Moreover, this view is validated by the fact that the church in the commonwealth was surprisingly uninterested in missionary work among Jews. Characteristically, the Polish translation of Pope Clement XI's bull *Propagandae per universum* of 1704 omits the original's summary of Gregory XIII's bull *Sancta Mater Ecclesiae* of 1584, in which the Pope ordered compulsory preaching to the Jews. In addition, the first, very modest, Book of Catechism addressed to Jews was published in Poland as late as 1760. Franciszek Antoni Kobielski, bishop of Łuck who was the sole member of the Polish Episcopate engaged more actively in missionary work, complained in his *ad limina* report of the magnates' opposition to his campaign of preaching in the synagogues, which he had overcome with difficulty—not for long, though, because he probably gave up on it before his death.[36] One of the reasons was, doubtless, a lack of interest by the nobility, and particularly the magnates, in any anti-Jewish campaign (which did not preclude individual instances of support for missionary work or other anti-Jewish measures).

Throughout the duration of the Polish–Lithuanian Commonwealth, the Polish church had failed to impose on the Catholic nobility its own point of view on the Jewish question, partly because the clergy and the monastic communities also used Jews for economic reasons in their own estates.[37] In

34 Stanisław Librowski, "Konferencje biskupów XVIII wieku jako instytucja zastępująca synody prowincjonalne" [Bishops conferences in the eighteenth century as a substitute to provincial synods], *Archiwa, Biblioteki i Muzea Kościelne* 47 (1983): 276.

35 This is also an opinion expressed by the main creator of a gallery at the Museum of the History of Polish Jews, Adam Teller, "Telling the Difference. Some Comparative Perspectives on the Jews' Legal Status in the Polish–Lithuanian Commonwealth and the Holy Roman Empire," *Polin: Studies in Polish Jewry* 22 (2010): 141.

36 More on this subject in the chapter on Jewish conversions: Adam Kaźmierczyk, "Nawrócenie Żydów. Misja polskiego Kościoła. Prawda czy mit?" [The conversion of Jews. A mission of the Polish church. A fact of a myth?], *Rodziłem się Żydem*, 219–48.

37 Kalik, "Jews in Catholic Ecclesiastic Legislation"; "Patterns of Contact Between the Catholic Church and the Jews in the Polish–Lithuanian Commonwealth: The Jewish Debts," in *Scripta Hierosolymitana*, vol. 38: *Studies in the History of the Jews in Old Poland in Honor of Jacob Goldberg*, ed. Adam Teller (Jerusalem: Zalman Shazar Center, 1998), 102–22; "'Zastaw' (Deposit) and 'Wiederkauf' in the Economic Activity of the Jews in Polish–Lithuanian Commonwealth" [in Hebrew], in *Jewish Entrepreneurship in Modern Times: East Europe and Eretz Israel*, ed. Ran Aaronsohn and Shaul Stampfer (Jerusalem: Magnes Press, 2000), 25–47.

addition, there was a tradition of anticlericalism among the nobility that was totally unrelated to the later trends in the Age of Enlightenment. Strongly jealous of their privileges, the nobles looked askance and with hostility on any interventions by the clerics, especially those entangled in political intrigue or fighting with them for tithes and other church income. (Incidentally, in no way did this preclude the declared, and frequently demonstrated, religiosity, or dislike of the Jews, or individual support for converts from Judaism.) All these factors facilitated the rapid growth of Jewish settlement, although it is worth noting that its expansion was greatest in these parts of the country where the structures of the Roman Catholic Church were the weakest. This was certainly an additional factor favoring this growth, but certainly not the decisive one.