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Adam Kaźmierczyk
(Uniwersytet Jagielloński)

Jews, Nobles and Canon Law in the 18th Century

The existence of the world's largest Jewish diaspora in a multi-faith state where, nevertheless, the Roman Catholic Church played a dominant role, sometimes caused conflicts between the nobility – the dominant group in society – and the Church, despite the fact that both the nobility and clergy often shared the same negative stereotypes. However, the faithful of the Roman Catholic Church did not really observe its teachings and applied the provisions of canon law quite selectively. This also applied to their attitude towards the Jewish population, especially in the case of the Polish nobility which, especially since the 2nd half of the 17th c., increasingly belonged to the Catholic faith. However, it must be remembered that the situation of the Jews in the Republic had for a long time differed significantly from that in other Christian countries. Foreign descriptions of life of the Republic emphasized on the one hand the large number of Jews and also the tolerance towards them. Giovanni Paolo Mucante, the papal master of ceremonies, who stayed in Poland-Lithuania in 1596–1597 with the mission of Cardinal Enrico Caetani, praised Polish piety at the end of the 16th c., but he was also surprised by the freedom of the Jews, even astonished at the sight of Kazimierz and the lack of special badges of 'disgrace' etc.[1]

[1] W. Kaczorowski, J. Seredyka, *Polska i Polacy końca XVI wieku według Giovan-*

Churchmen also quite early publicly emphasized the special relationship of the nobility and the Jews, noting that the special position of Jews, according to the churchmen, was offensive to the Church and the result of favoritism on the part of the nobility. The term 'Paradisus Judaeorum' applied to the Commonwealth was known long before the 18th c.[2]. Szymon Starowolski, referring to a poem with the same title, accused the nobles of supporting the Jews in *Robak sumienia złego* [*Worm of evil conscience*]: "This is not a paradise, because other nations are disgusted with the profane Jewish people, while in Poland the Jews are a nation loved by many lords […]. Who has the greatest trust at court? The Jew. Who has better private and public protection? The Jew". In another work he states: "because justice is kinder to Jews than to others, when they commit a crime they go unpunished more often than anyone else"[3].

While analysing the position of the 18th c. representatives of the Polish Episcopate and the Polish Church towards Jews one needs to remember a few important issues. Firstly, one needs to consider the doctrine of the Roman Catholic Church concerning conduct towards Jews, based on a centuries-old tradition dating back to antiquity, expressed in canons and repeated in Synod statutes. This attitude was generally formed in the Middle Ages, and in Poland it was accepted for the first time by the synod of Wrocław in 1267 which adopted the canon *De Judaeis*[4]. The later statutes of Mikołaj Trąba included regulations concerning Jews and the conduct of the faithful towards them.

niego Paola Mucante, in: *Kultura polityczna w Polsce*, 4: *Swoi i obcy*, 1, ed. M. Kosman, (2004), p. 64.

[2] J. Tazbir, *Żydzi w opinii staropolskiej*, in: idem, *Świat panów Pasków. Eseje i studia*, (1986), pp. 222–224; S. Kot, *Polska rajem dla Żydów, piekłem dla chłopów, niebem dla szlachty*, in: *Kultura i nauka. Praca zbiorowa*, (1937), p. 256.

[3] Kot, *Polska rajem*, pp. 261, 264.

[4] H. Zaremska, *Żydzi w średniowiecznej Polsce. Gmina Krakowska*, (2011), p. 136.

Basically, these medieval canons were repeated in almost unchanged form until the end of the 17th c. in provincial and diocese statutes[5].

However, it seems that the position of the 18th c. Polish Church was not always fully consistent with the canons. The second factor which needs to be considered here was the unique size of the Jewish population[6], the legal status of which, after all, depended on where they lived, which undoubtedly had an impact on the attitude of the Church to Polish Jews. Thirdly, one needs to take into account changes in Polish society and the Polish Church throughout the 18th c. The society of the Republic, which had previously been multi-religious, became mostly Catholic at the beginning of the 18th c. After 1648, the Republic lost some of the areas inhabited by Orthodox believers, while the policy, especially of Jan Sobieski, led to approval of the Greek Catholic Church by Orthodox bishops, e.g. by Józef Szumlański Archbishop of Lviv, and in 1691, Innocenty Winnicki, Bishop of Przemyśl[7].

Though the Orthodox diocese in Mohylów was established in 1720, otherwise most of the Ruthenian population outside the eastern borderlands accepted the Union and became subject to the Holy See with the Nuncio as its representative[8]. In addition to the marginalization of the Orthodox Church in the Republic by the beginning of the 18th c. Polish Protestants no longer posed a threat to the Roman Catholic Church. In 1718, the last Protestant member was ousted from the Chamber of Deputies and only the Prussian towns (Gdańsk) contin-

[5] *Antiquissimae constitutiones synodolaes provinciae Gnesnensis*, ed. R. Hube, (1856), pp. 68–71.

[6] J. Kalik, *Jews in Catholic Ecclesiastic Legislation in the Polish-Lithuanian Commonwealth*, "Kwartalnik Historii Żydów", 209 (2004), pp. 27–28.

[7] A. Mironowicz, *Kościół prawosławny w dziejach dawnej Rzeczypospolitej*, (2001), pp. 221–233.

[8] It is noteworthy that e.g. the writings of the bishops of Vilnius from the early 18th c. do not mention Jews. In his description from 1609 Benedykt Wojna mentions numerous Tatars [!], see *Relationes status dioecesium in Magno Lituaniae*, ed. P. Rabikauskas, I (1971), p. 43. On the other hand, all the published writings of the 18th c. Polish bishops contain information about the great numbers of the Jewish population.

ued to play a political role. Protestantism still remained an important issue for the Catholic Church but it concerned primarily peripheral border regions, neighboring Protestant countries, mainly with a German population and immigrants. Perhaps because of that the 'Jewish question' took on new meaning, especially after the Great Northern War. For the clergy and bishops the Jews and their allegedly destructive impact on the Christian community increasingly became an important object of interest.

Finally, it must be noted that the Polish Church finally accepted and implemented most of the Tridentine reforms. Furthermore, the changes that occurred in the early 18th c., the emergence of a new generation of bishops and hence, finally, the introduction of the provisions of the Council of Trent were also important factors affecting attitudes towards Jews.

Most of the bishops and clergy in the 18th c. adopted the traditional view that Jews should in fact be tolerated among the Christian population, but should also be subordinate to Christians and isolated from them. Evidence of this can be found in the *De Judaeis* canons, in the statutes of the Synods and in pastoral letters, e.g. those of Stefan Rupniewski, Bishop of Łuck from 1722. In one of his pastoral letters, the bishop argues that in his eyes the situation in the Diocese of Łuck, at the time of his taking office, differed substantially from the ideal expressed in the canons. He wrote as follows:

> Moreover, their habitation would be more tolerable, if after all knowing themselves to be outcasts, keeping in mind that always *incerta sede vagantur*, they would have to conform to the laws of the Church and the kingdom if they opposed public laws and prohibitions. However, since they now entirely ignore the laws and regulations,[…] It is not enough that in Poland they have almost entirely got rid of their ignominious, slave name, that they perform their rituals, festivals and worship publicly, that they usurp all their freedoms, they dare to dominate

the Christians, taking over their trade, arts, crafts, and other ways of earning a livelihood[9].

18th c. pastoral letters of Polish bishops commonly expressed fears of Jewish demographic expansion. In the words of Jan Skarbek in 1717, "That is what we hear with great regret in our hearts, and what we can see with our own eyes, that the Jewish people multiply every day in our archdiocese for the ruin and uprooting of Christians and are protected by the favour of the nobles"[10]. The fears of the Church were caused by the actual demographic expansion of the Jewish population, especially in the cities and towns belonging to the nobility. Noble owners of dilapidated or freshly established settlements tried to fill them with new settlers who, especially in the east of the republic, were mostly Jews. One point of the instructions given to an official of the Podolian estates of the Sieniawski family illustrates this phenomenon very well, because the official was ordered to "Take good care of the Jews and try to settle as many of them as possible"[11].

The prerequisite for a successful settlement was to ensure favourable conditions for the new arrivals, in the case of Jews an important role, in addition to economic factors, was played by guarantees of freedom to profess their religion. Privileges for Jewish communities (both existing and newly emerging) consisted of permission to build a synagogue, a cemetery, the use of a bath, and exempting the houses of the rabbi, the cantor etc. from taxes and duties. As can be seen from the privilege list of the Jews in Kutów, the owner himself tried to obtain a permit

[9] *Decretales Summorum Pontificum pro Regno Poloniae et Constitutiones synodorum provincialium et dioecesanarum Regni ejusdem ad summam collectae* […], ed. Z. Chodyński, E. Likowski, (1883), p. 118.

[10] Archiwum Kurii Metropolitalnej w Krakowie [Archive of Metropolitan Curia in Kraków, further: AKM], *Edicta et mandata dioecesis Cracoviensis 1737–1772*, p. 39v.

[11] A. Kaźmierczyk, *Żydzi w dobrach prywatnych w świetle sądowniczej i administracyjnej praktyki dóbr magnackich w wiekach XVI–XVIII*, (*Studia Judaica Cracoviensia. Series Dissertationum* 1, 2002), p. 24.

from the bishop to build a synagogue, while conducting simultaneous procedures for the construction of a Roman Catholic Church, "to finish a school and a synagogue in which to celebrate their devotion comfortably and which has already been partly constructed. And this in virtue of the permission and grace of his Excellency the Archbishop of Lviv, recently given to me orally in Lviv before this request to construct a church in that same town as soon as possible"[12]. This is also confirmed by other known permits of bishops authorizing the construction or renovation of synagogues[13] and the correspondence of bishops[14]. The efforts of the landowners did not always end in complete success. The Bishop of Kraków, Cardinal Jan Lipski, though he admittedly agreed to rebuild the burned synagogue in Staszów, firmly refused to allow Prince Czartoryski to erect a brick prayer house[15]. But it is also known that some nobles were not especially concerned about canon law, ecclesiastical authority and necessary permits, and issued their own documents permitting the construction of synagogues or cemeteries[16].

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12 *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*, ed. J. Goldberg, 1–2 (1985–2001), p. 142, Privileges granted by Józef Potocki to the Jews of Kutów of 1715, Humbelina Kurdwanowska promised to apply for a similar bishop's permission in Wojsławice, ibidem, p. 357.

13 *Jewish Privileges*, 2, p. 242: Szczucin, p. 250: Tarnopol, Konstantynów; Archiwum Diecezji Siedleckiej [Archive of Siedlce Dioecese], 62, S. Rupniewski, 1732, pp. 545–458.

14 E.g. Archiwum Główne Akt Dawnych w Warszawie [Central Archives of Historical Records in Warsaw, further: AGAD], *Archiwum Radziwiłłowskie* AR [further: AR] V, 8541 vol. VI, Jan cardinal Lipski to Michał Kazimierz Radziwiłł, 19.09.1742, from Wawrzeńczyce; Lietuvos mokslų akademijos Vrublevskių bibliotekos Vilnius [The Wroblewski Library of the Lithuanian Academy of Sciences in Vilnius], F 273–2601, Wołłowicz to Michał Fryderyk Czartoryski 1763 die 8 Julii in Chotaczowo.

15 Biblioteka Czartoryskich w Krakowie [Czartoryski Library, further: BC], 5871, nr 21539, Letter of cardinal Jan Lipski, bishop of Kraków, to August Czartoryski, Kraków, 15.02.1736.

16 Lietuvos Valstybes Istorijos Archyvas [Lithuanian State Historical Archives], fond 598–1–368, Privilege of Aleksander Hlebicki Józefowicz, starost of the Orsza

In the documents authorizing the construction or renovation of a synagogue the bishops gave their conditions, which repeated the objections known from the diocesan statutes. But even while reading Rupniewski's letter one should consider it questionable whether the actual policy of the majority of bishops was not far more tolerant than the one declared by the traditional doctrine of the Church toward the Jews. This theory undoubtedly requires in-depth research, but it is noteworthy that the Kraków *Acta Episcopalia* documents show a surprisingly small number of cases brought against Jews breaking Church rules, and not even convictions. Moreover, these cases mostly concerned Jews living in areas owned by the Crown, which would confirm the existence of far-reaching protection given to Jews on private estates. The surviving documents of the diocese of Vilnius show that permits, at least at the time of Ignatius Massalski, were issued automatically[17]. Moreover, even cases begun ended in a compromise, which generally meant additional costs incurred by Jews (cases when a synagogue was destroyed were probably very rare).

The bishops generally did not create obstacles to the resettlement of Jews, accepting, of course not without a fee, the building of new synagogues or the repairing of the old, intervening only when it came to a breach of their prerogatives. Sometimes, moreover, it turned out that the Jews had obtained permission from a local parish priest, which of course was treated as an abuse of his authority and encroachment on the powers of the bishop[18]. This does not mean, however, that some

district court, allowing the building of a synagogue in Szczuczyn (and granting them 'kopiszcze'[cemetery]), (10.06.1727) [copy].

[17] In 1787 at least five permissions were issued Viliniaus Universitieto Biblioteka [Vilnius University Library], Fond 57–B53–1416, *Protocollum actorum curialium* […] 1787, p. 38 (4.02.1787), Zelwiany; 207 (15.05.1787), Plisa; 209 (16.05.1787), Butrymańce; 259; 362 (9.10.1787), Worniany; T. Kasabuła, *Ignacy Massalski – biskup wileński*, (1998) p. 483.

[18] AMK, AE 84, pp. 421–423, Kraśnik, 17.04.1739; T. Kasabuła, *Kuria biskupia wobec żydowskiego budownictwa sakralnego w diecezji wileńskiej w końcu XVIII w.*, "Wiadomości Kościelne Archidiecezji Białostockiej", 8, 1 (1999), p. 140.

bishops, especially after the Great Northern War, did not make determined attempts to 'discipline' the Jews in this matter. The minutes of the Bishop of Kraków's court may suggest that Bishop Konstanty Felicjan Szaniawski quite vigorously set about organizing his diocese and the bishop's court received a number of lawsuits against Jews building synagogues without the permission of a bishop[19].

Religious changes and the emergence of additional houses of worship were also reflected in the privileges of the owners, despite the fact that they were contrary to the canons of the church limiting the number of synagogues in a town to one. Janusz Wiśniowiecki permitted the Jews of Jampol (Volyn) in 1711 to "freely build a school with school buildings"[20]. Prior to that, in 1629, Stanisław Koniecpolski, voivode of Sandomierz, while granting a privilege to Jewish settlers in Nowopol (Sieradz province), granted them the right to build more synagogues, should this become necessary[21]. Detailed regulations were sometimes added, testifying on the one hand to knowledge of Jewish rites, and on the other a complete disregard for the ecclesiastical canons prohibiting the public exercise of the Jewish religion. For example, in 1780 Jan Paweł Dąmbski, Lord of Lubraniec, in addition to the usual consent to the construction of a synagogue and cemetery, authorized the extension of the *eruv* on a Sabbath[22].

The laity's (nobility's) disregard for the restrictions imposed by the law of the Church was a bone of contention. For centuries the Church sought to achieve a situation in which Judaism would indeed be tolerated, but would become private in character. Hence, the policy of the owners, who more or less openly ignored the breaking of canon law by Jews forbidding public worship and breaches of Christian holidays and

[19] AMK, AE E10 (Protocol of the bishop's court), see files from 1720 pp. 175, 179, 252, 301, 340, 367, 383, 420, 426, 429, 437, 458, 537, 539, 608, 614.

[20] *Jewish Privileges*, 2, p. 69. Polish term 'przyszkółek' means *bet ha-midrash*.

[21] Ibidem, 2, p. 153.

[22] Ibidem, 1, p. 166; 2, Pilica, p. 177; p. 197, Pniewy.

fasts, prompted protests from the clergy. The major issues were working on holidays and Sundays (especially enforced on Christians working as servants) and public funerals or grand weddings during Lent. The interventions of the clergy were treated as a violation of the freedom of the nobility, especially when seen as an economic struggle.

As already mentioned, landowners disregarded strict Church and secular legislation. Sometimes, as in Szamotuły (Great Poland), the owner allowed the public celebration of worship and other religious rites, stipulating that only during the important Christian holidays should Jews apply for permission from the Samotuły collegiate priest[23]. Certain privileges and ordinances include provisions based on church legislation. It is difficult to assess whether the clause ordering the closing of windows or prohibiting Jews to leave their houses during the Holy Week and Christmas was repressive, or if its purpose was to protect Jews from persecution, the tradition of which continued, after all, in different parts of Europe up to modern times[24]. The privileges for Jewish communities in themselves demonstrate procedures undertaken by landowners and their officials in order to obtain from bishops the necessary permits to construct new synagogues, cemeteries, etc.

Another important bone of contention from the point of view of the landowners was the issue of Christians working as servants. Many pastoral letters of 18th c. bishops, the synod statutes of the dioceses (which at this time were relatively few and far between), emphasized permanent bans on the employment of Christians as servants by Jews[25].

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[23] Ibidem, 1, p. 332.

[24] E.g. the privilege for the Jews of Mordy indicated this defensive function, protecting the Jewish population, as it contains not only the above-mentioned prohibition for Jews, but also "Whom the burghers shall defend from wanton people", *Jewish Privileges*, 1, p. 219.

[25] On this subject see J. Kalik, *Christians Servants employed by Jews in Polish-Lithuanian Commonwealth*, "Polin", 14 (2001), pp. 259–270; A. 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", 15–16 (1997) 23–40.

This issue was extremely important for the Church because it was a denial of one of the most ancient canons, which can be described as anti-Semitic, and at the same time undermined the basis of Christian theology concerning Judaism. Theology, which was mostly formed in late antiquity, and the most important part of which was the doctrine of the Jewish Witness, formulated by St. Augustine[26].

A reference to it may be found in the above-mentioned pastoral letter of Bishop Rupniewski of Łuck. The church also feared that Christians subordinated to Jews would neglect their religious duties, and thus would not only expose their souls to eternal perdition, but would also be a public scandal for the rest of the faithful. These concerns were indeed justified. The most famous case led two Christian women from Dubno to apostasy (and ultimately death), what is more, one of them was a daughter of an Orthodox priest[27]. In any case, Church documents contain complaints against servants neglecting their religious duties, and against Jews, who were accused of hindering their employees' religious duties out of hatred for Christianity[28].

An offence against the said prohibition was regarded as one of the worst of sins, and bishops reserved for themselves the right to absolve it[29] although one can doubt whether the bishops actually applied this

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[26] J. Cohen, *Living Letters of the Law. Ideas of the Jew in Medieval Christianity*, (1999), pp. 23–65.

[27] *Archiv Jugo-Zapadnoj Rossii izdavaemyj Kommisseju dlja razbora drevnich Aktov*, V, I, *Akty o gorodach*, (1869), pp. 267–270. M. Teter, *Kilka uwag na temat podziałów społecznych i religijnych pomiędzy Żydami i chrześcijanami we wschodnich miastach dawnej Rzeczypospolitej*, "Kwartalnik Historii Żydów", 207 (2003), pp. 334–335.

[28] E.g. Archiwum Państwowe w Lublinie [State Archive of Lublin], Sąd Kom. 8, 27.10.1770, pp. 45–48: *Memoriał duchowieństwa zamojskiego do Rady Ekonomicznej ordynacji zamojskiej*.

[29] The report of Jan Skarbek, archbishop of Lviv from 1731 r.: "Iis vero, qui Iudaeis famulantur, absolutionis beneficium in confessionibus sacramentalibus impertiri interdixi casumque huiusmodi mihi ipsi reservatum hucusque habeo", in: *Relacje arcybiskupów lwowskich 1595–1794*, ed. T. Długosz, (1937), p. 115; Similarly W.H. Sierakowski, who included in the 'reserved' category e.g. giving Jews power over subjects,

rule, since they believed the sin to be widespread. In the relations *ad limina* sent to the Holy See, bishops unanimously blamed the nobility for failing to meet this provision of canon law. It should be noted that the problem of the Jews and the Christians remaining as servants is more broadly dealt with not earlier than in the writings of the 18th c. Polish bishops. In surviving earlier accounts, only Stanisław Sarnowski, Bishop of Przemyśl on October 30, 1666, drew attention to this phenomenon. Perhaps for a bishop originating from another region of the republic, the relations in Ruthenia it was more irritating, but he also expressed his helplessness. Indeed, he claimed that Orthodox Christians especially were commonly employed as servants by Jews who were under the protection of the nobility[30].

Indeed, attempts to ban such Christian employment were often ignored by the landowners. The growing role of Jews in trade, crafts, and especially in the production and selling of alcohol, in the economy of noble and especially aristocratic estates caused the owners, tenants, courtiers and officials interested in increasing profits to be against the

serving Jews and having sexual relations with them, see J. Atman, *W.H. Sierakowski i jego rządy w diecezji przemyskie*j, (*Studia Historico-Ecclesiastica* 3, 1936), p. 284.

[30] Archivio Segreto Vaticano [further: ASV], *Congreg. Concil. Relat. Dioec. 667*, Report of Stanisław Sarnowski: "Judaeorum magnus in haec diaecesi numerus frequentium causa est facinorum nam et sacrilegia indigne suscepti SS. Eucharistiae Sacramenti nonnunquam a Catholicis perpetrata accusant eorundem impiorum abusus licet debitae paenae sceleratis non desint, neque tamen ulla vis tormentorum nec rogus ipse ad quem hactenus a saeculari judicio sunt damnati confessionem hanc ab iis possit extorquere. Et cum permisti Christianis habitent familiam villanorum ut plurimum Schismaticorum Graeci Ritus a suis obsequis fovent quae rustica simplicitate et ignorantia quandoque etiam perversitate ieiuniorum suorum festorum et cultus Divini inter improbos obliviscitur. Quod efficaciter prohiberi non potest. Obstat enim nobilium saecularium etiam magnatum ac procerum Regni potentia et propensum in Judaeos bona eorundem inhabitantes et varia ipsis lucra adferentes studium quae sine Christianorum obsequio Judaei pertractare et adferre iisdem saecularibus minime possent. Est nimirum inveteratum in his partibus provinciae Russiae ab immemorabili tempore malum quod plerisque in locis gravius serpit cum oppida inter bellorum incommoda paucos habitores Christianos habentia Judaeis repleantur et inficiantur".

interference of the clergy and their attempts to enforce compliance with certain provisions of canon law, including the regulations concerning Christian servants, and saw it as causing negative economic consequences. Jewish leaseholders could not do without the employment (allocated by lease contracts) of Christians, just as Jewish trade would have been extremely difficult without the possibility of hiring carters. No wonder that when the Archbishop of Lviv, Jan Skarbek, issued a decree[31] prohibiting Christians from working as servants for Jews in the whole bishopric, the Stare Sioło manager, Józef Karetti, wrote to Elżbieta Sieniawska concerning the actions taken by the local parish priest who had sent his deputy with a request that the official would admonish the Jews not to employ Poles (synonym for Roman Catholics). Skarbek had to consult with the Greek Catholic bishop, as the administrator also reported that priests of the Greek-Catholic rite personally 'visited Jews'. According to his own words Karetti avoided taking any decision, claiming that he had to appeal to the decision of the owner. At the same time he advised the Kraków castellan's wife to dither: "We should not be first, but those who are closer to the Lviv archdiocese, if they act, your grace will know and see that we shall hear things *cursum*". It should be noted that this Italian in the service of the Sieniawski family held far from friendly feelings towards Jews[32]. In this case, at least an attempt was made to keep up appearances, probably because the Bishop of Lviv enjoyed respect and popularity. In other cases any intention to enforce the rule of canon law met with open resistance, and the aristocratic owners or tenants were not going to listen to officious priests, treating interference as a violation of their noble prerogatives. Stefan

[31] Probably a reference to the one published in Lviv on 7 June 1717, though it does not directly mention Christian servants, see copy: AMK, *Edicta et mandata dioecesis Cracoviensis 1737–1772*, pp. 39v–41v.

[32] BC, 5848, p. 90, Józef Karetti to Elżbieta Sieniawska, Lviv (13.07.1717). Karetti also added: "To tell the truth, Jews cannot function without servants, since they have only learned to cheat and not to work. Time will show the Jews and teach them how to manage".

Żuchowski, archdeacon and judicial vicar of Sandomierz, known for his anti-Semitic books and especially for his role in the Sandomierz accusations of ritual murder, gathered evidence of Jewish violation of canon and state laws. Many of them can be found in his book, in which Żuchowski accused the starost of Sandomierz, Dominik Alexander Lubomirski, and Jakub Władysław Mniszech, voivode of Sandomierz, of protecting Jews (not only in matters of ritual murder accusations), of holding a number of unresolved complaints against the Jews of the Lubomirski estates, as well as others privately owned[33].

One of the examples recounted by the official is based on a letter from the Grzegorzowice parish priest who quoted the reply he had received while trying to enforce the laws of the church, such as prohibiting the employment of Christians as servants in Jewish houses and a ban on Jews working on Catholic holidays, from the village owner: "That you priests will never prevent Catholics from serving the Jews". The owner was also supposed to have said: "that I even order this Jew to make alcohol on holidays because a Jew is not supposed to celebrate Catholic holidays, as they have never done"[34]. Some owners, in the privileges awarded to Jewish communities, openly ignored the provisions of canon law, Zygmunt Grudziński, voivode of Kalisz, allowed in his detailed privilege that Jews should employ Christian servants of both sexes[35].

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[33] Żuchowski, *Process Kryminalny o Niewinne Dziecię Jerzego Krasnowskiego, już to trzecie roku 1710 dnia 18 sierpnia w Sendomierzu okrutnie od Żydów zamordowane. Dla odkrycia jawnych Kryminałów Żydowskich, dla przykładu sprawiedliwości potomnym wiekom od X. Stefana Żuchowskiego Oboyga prawa Doktora, Archidyakona, oficyała y plebana sendomirskiego jako roku 1698 o drugie, tak roku tegoż 1710, o trzecie zabite w Sendomierzu sieroty aktora. Zaczęty y dotąd się toczący z dozwoleniem starszych roku 1710 do druku podane*, (after 1720), p. 225.

[34] Biblioteka Diecezjalna w Sandomierzu [Library of Diocese of Sandomierz, further: BDS], AKKS 742, p. 70, Wojciech Kaniewicz parish priest of Grzegorzowice to Stefan Żuchowski, of Grzegorzowice (20.11.1712). Kaniewicz reported that the local innkeeper has female servants and has even made one Christian woman pregnant.

[35] *Jewish Privileges*, 2, p. 324.

The repetition of bans by the bishops, however, indicates that they were difficult to enforce, of which the bishops themselves, moreover, seemed well aware. However, according to the Jesuit description, the above-mentioned bishop of Łuck reportedly managed to eradicate this practice (probably only for a while)[36]. Steps were also taken so that the lower clergy would seek to enforce prohibitions, for instance when Cardinal Lipski was Bishop of Kraków his inspector told the Dean of Lelów to discuss the issue of the employment of Christians by Jews at the vicarial congregation[37]. Pastoral activity was another means of achieving the same end, especially missions preached by different orders. During one mission, carried out by priests from the Missionaries order, 50 women left a parish priest in New Korczyn a commitment in writing that they would not serve in Jewish houses[38]. It is, however, doubtful if open criticism of landowners was possible. The Archbishop of Lviv Mikołaj Wyżycki had to intervene in the matter where a missionary had offended Michael Kazimierz Radziwiłł. The Archbishop had to ask Radziwiłł not to prohibit further missions on his estates[39].

Obviously, one cannot speak of a complete disregard for church law by landowners in the administration of their domains. In many places,

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36 Archivum Romanum Societatis Iesu, Rome, Pol. 58, p. 184, *Kolegium ostrogskie* [March 1722] "eodem mense curam Illustrissimi ac Reverendissimi Stephani Rupniewski Episcopi Luceoriensis feminae ritus Romani et Graeci relegatae sunt a servitiis Judaeorum, Ostrogii et in aliis civitatibus, nec non pagis ad Diecaesim Luceoriensem pertinentibus".

37 J. Bendyk, *Działalność duszpasterska biskupa Jana Aleksandra kardynała Lipskiego w diecezji Krakowskiej w latach 1732–1746*, (1997), p. 61.

38 Archiwum Polskiej Prowincji Księży Misjonarzy w Krakowie [Archive of Polish Province of Missionaries in Kraków], I. *Liber missionum e domo Cracoviensi, 1682–1788* [old reference Archiv. Congr. Miss. Cracoviae P III 32]. Similarly, the results of missions in Wiślica and Kościelec reported many believers of both sexes abandoning service in Jewish houses, p. 157 (1744), p. 195 (1752), Kościelec; p. 209 (1756), Nowe Miasto Korczyn.

39 AGAD, AR, V 18187, p. 58–60. Mikołaj Wyżycki archbishop of Lviv to Michał Kazimierz Radziwiłł (3.04.1754 Lviv).

judges and *latifundium* officials intervened according to the teaching of the Church. In Żółkiew, the daughter of a man called Andruszka was accused that as a servant of Jews she did not go to confession, did not go to church and did not know her prayers. She was placed under the care of an older sister, who was to ensure her Christian education, while her father was sentenced to be whipped for negligence of the girl's education and she herself was to stand in the stocks at the local cemetery on Good Friday[40]. The owner of Pniewy (Wielkopolska) in his privileges forbade, according to the teaching of the Church, the hiring of Christian servants and ordered Jews to observe Christian holidays etc.[41]

The issue of Christian servants, as pointed out, was the result of a conviction, well-established in theology and canon law, of the servile position of Jews and Judaism in relation to Christians. An even greater violation was to employ Jews as lessees of landed estates, as Commissioners, Treasurers, or other officials. You have to remember that, especially in Ruthenia in earlier times, Jewish tenants had all rights including the right to inflict the death penalty on their subjects[42]. Later, lease contracts generally forbade Jews to directly exercise judicial power over Christians, however they were not always fully respected. Although the use of Jews as administrative officials constituted a violation of the rights of the Church, even influential bishops were not able to cope with it. This may be best illustrated by the case of brothers Gdal and Szmujło Ickowicz, the so-called Słuck tenants. Szmujło, who bore the title of cashier first to Anna Radziwiłł, and later of her son, Hieronim Florian, in practice controlled their finances and accumulated in

[40] Library of Ivan Franko National University Lviv, 615 III, *Księga miejskiego sądu wójtowsko ławniczego królewskiego miasta Żółkwi 1736–1738*, p. 81v–82v (1738).

[41] *Jewish Privileges*, 2, p. 197.

[42] In Raków (Mińsk voivodeship) a Jewish innkeeper in 1638 had a right to "punish criminals even by death" J. Goldberg, *Władza dominialna Żydów-arendarzy dóbr ziemskich nad chłopami w XVII–XVIII w.*, "Przegląd Historyczny", 81 (1990), p. 195; *Akty izdavaemye Vilenskoju Archeografičeskoju Kommisseju*, 28 (1901), p. 167.

his hands enormous power which became a thorn in the eye not only of the Church.

This situation caused scandal and jealousy among the Lithuanian nobles[43], but the power of the Radziwiłł family effectively prevented any action from being taken against the Ickowicz brothers and other influential Jewish officials at the Radziwiłł court. Even the hierarchy of the Catholic Church in Lithuania could only resort to humble requests. Bishop of Vilnius, Michał Zienkowicz, in a letter to Anna Radziwiłł, in Vilnius on 22 January 1741, in his New Year's greeting wrote: "Hoping that, according to Your Grace's declarations, the start of a new year may bring a change to the Jewish administration over your lands. May the newborn Christ bring a Christian administration, since hearing about the oppression of the Christian people and the cry of the poor, and receiving daily proof of it, I count the mortifying days until Your Grace shows mercy for the tears and blood of Christians, which no one can reward or undo"[44]. Similarly, the Bishop of Łuck, Franciszek Antoni Kobielski, refrained from any measures against the Jews during a visit to Biała (the seat of Anna), formally putting off his judgment on Jewish affairs until after talking to the owner[45]. Moreover, requests did not help, and the subsequent fall of the Ickowicz family was for quite other reasons, unrelated to the intervention of Church officials[46].

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[43] Among the letters from the Radziwiłł archive are preserved letters of the titled nobility who wrote humbly to the cashier, using titles reserved for nobles. Michał Morawski, the treasurer of Nur, tenant of Wiżuny and steward of the Birże duchy called Szmojło "My most gracious Lord and benefactor" and requested his patronage and protection from slanderous accusations before the Prince, see AGAD, AR, V 9994, II, pp. 72–74, M. Morawski to Szmojło Ickowicz, 30 October 1744, Wiżuny, other letters to Szmojło.

[44] AGAD AR, V, 18763/I p. 71, Michał Zienkowicz to Anna Radziwiłłowa, in Vilnius, 22 January 1741.

[45] AGAD, AR, V 6905 pp. 25–25, Franciszek Antoni Kobielski to Anna Radziwiłł, Równe, 6 July 1741.

[46] T. Zielińska, *Kariera i upadek żydowskiego potentata w dobrach radziwiłłowskich w XVIII wieku*, "Kwartalnik Historyczny", 98 (1991), pp. 33–49.

The landowners and their officials also undertook steps when there was a conflict with the local clergy, or, which was more serious, with the local bishop. In the surviving correspondence between officials and between officials and owners, one can also find complaints about excessive zeal, or rather attempts to enforce the rights of the Church by the clergy. Marcin Janiszewski, administrator of Stare Sioło, wrote to Elżbieta Sieniawska "Szmuyło the lessee came to complain about a priest, a restive curate of the parish, who rushed into the inn during the Ruthenian carnival, took the music, beat up the people, and when I spoke to him he answered with a curse", and he added: "the curate causes frequent disturbances at the inn"[47]. Jews also wrote requests for help to the landowners. In one of them the innkeeper from Tenczynek in Małopolska, Lemel Lejzorowicz, claimed in a letter to the same Sieniawska that no innkeeper will remain long at the inn until the local parish priest was changed. He had sued him for breach of Lent (music at the wedding of his daughter) to the ecclesiastical court and obtained a conviction and a fine of 300 marks[48]. Furthermore, the administrator, Piotr Morzycki,[49] intervened in his case and Sieniawska herself applied directly to the bishop, K.F. Szaniawski. The priest, Krzysztof Świątecki, was in the opinion of many concerned, a zealous and devoted priest (and a convert from Judaism). Szaniawski, though it seems he was aware of the difficult character of the Tenczynek priest, ruled that the claims of the aristocratic landowner and her officials were unfounded and ended his letter to her asking: "I hereby humbly request Your Grace not to give Jewish lessees in your lands, who transgress against divine and human law, protection and power over Christians, least of all over priests"[50].

47 BC, 5840, no. 16152, Stare Sioło, 21 II 1720.

48 J. Gierowski, *The Correspondence of Polish Jews in the Early 18th Century*, in: *Studies in the History of the Jews in Old Poland in honor of Jacob Goldberg*, ed. A. Teller, "Scripta Hierosolymitana", 38 (1998), pp. 60–61.

49 See the correspondence of Morzycki: BC, 5897.

50 BC, 2738, pp. 421–424, Letter of Konstanty Felicjan Szaniawski, Bishop of

In practice, however, an energetic priest who was not afraid of his patron might cause a lot of bad feeling and use ecclesiastical and secular courts to at least temporarily enforce the restrictions known from the canons of the Church. In 1736, in the Lviv consistory court, a trial was held against the administrator of Mikulińce and the local Jews and Christian musicians who played at a public procession with a canopy. Another objection was added later, namely the improper behaviour of Jews during the Corpus Christi procession. The musicians were punished by the court with fines and public penance, and the case of Jews sent to the Crown tribunal[51]. In another case between the parish priest, Stanislaw Nowodomiec, and the administrator of the town Świrz, Sebastian Gawiński, the latter was convicted and given a fine of 50 marks for having allowed local Jews to ignore Catholic holidays, make vodka, and above all for allowing 'blasphemous' public processions, and the landowner was ordered to dismiss the administrator[52]. The landowner, Tomasz Radecki, ensign of Horodło, actually

Kraków, to E. Sieniawska, Kielce, 2 April 1724: "Żeby zaś ten kapłan tak miał być wcale złośliwy, jako go zawziętość niechętnych przed WMMMPanią odmalowała, mianowicie w oskarżeniu egzorbitancyi ostatniej żydowskiej, suplikuje temu nie wierzyć. Więcej bowiem PP administratorowie udają niżeli w samej dzieje sie rzeczy i dufając w asystencyją pańską WMMMPaniej wielkie księdzu czynią praeiudicia, a to i z tego samego o Żydach niesłusznym udaniu, jawnie pokazuje się zawziętość pp. administratorów, zuchwałość żydowska, a sprawiedliwy księdza plebana zelus".

[51] Archiwum Arcybiskupa Eugeniusza Baziaka w Krakowie [Archives of Archbishop Eugeniusz Baziak in Kraków] (further: AEB), Sign. 22: *Protocollon Actorum Officii Administratorialis Sede Vacante Achiepiscopatus Leopoliensis Anni*, pp. 105–106 (11.05.1736); pp. 177–178 (25.08.1736). The case ended with a compromise, i.e. the Jews had to make a payment to the local parish, Ibidem, p. 469 (13.09.1737), Mikulińce, the summary of Gabriel Czuryła, instigator of the consistory for the Mikuliniec Jews. The instigator cancels all punishments ordered by the consistory and the Crown Tribunal in the case concerning a public procession, at the same time obliging the Jews to make a payment to the Mikulińce church.

[52] AEB, 23 [K.K.30], pp. 82–82bv (8.06.1740), Case of f. Stanisław Nowodomiec "curatus Swirzensis" and Sebastian Gawiński administrator of the town of Świrz [p. 82a]: "quoniam luculenter constat ac deducitur quod Generosus Gawiński citatus in administratione bonorum Swirz existens contra iura canonica et constitutiones

appointed a new administrator, but at the same time filed a case against the priest in the consistory court, accusing him of slander and many other wrongs inflicted on Jews. It is interesting to add that one of the commissioners appointed to investigate the matter was Benedykt Chmielowski, Dean of Rohatyn[53]. It is difficult to assess whether the reason was the revenge of the landowner, or if indeed the priest had abused his position or just tried consistently to carry out the provisions of Canon Law. The case of Targowica, where an intervening prior of the local Dominican convent was treated by the landowner, Stanisław Mateusz Rzewuski, voivode of Podlasie, as a troublemaker and removed after the landowner complained to the general of the Dominican order, shows rather that the magnates were not willing to tolerate the intervention of the clergy. Rzewuski, as is clear from his letter, did not believe the Dominican monk's accusations. He believed that the Jews, known to him only as servile people, would not be able to commit the alleged offences which he considered to be slanders fabricated by the former prior. In a letter to the Bishop of Łuck, Rupniewski claimed that, in agreement with the constitution, he prohibited the keeping of Christian servants by Jews (on other than short-term contracts), while the Dominican made accusations that: "It is only *praetextus vexandi* to the Jews and *ad depredicationes mulctarum perducendi*, because it is not only incredible to dare *iniicere manus* against the Christians, but they themselves almost tremble with innate fear of *ad motae arundinis umbram*, as they want peace and fear conflict with Christians"[54]. It is

papales infidelibus Judaeis Swirzensibus festa solennia Christiani populi per concessionem distillationis cremati, coctionem variorum liquorum, publicum commertiorum exercitium, violare, in diebus ab Ecclesia prohibitis, scilicet quadragesimae Sanctae, musicas et horreas publicas exercere, caeremonias per modum processionis expedire permittit, blasphemantes et maledicentes populo Catholico non correpit, verum per modum fautoratus, ea omnia in periculum animae suae ipsis libenter concedit et exinde populum parochianum scandalizat".

[53] AEB 24 [K.K 37], pp. 136av–137dv [137bv–137c] (26.08.1740).

[54] Biblioteka Jagiellońska [Jagiellonian Library], 5269 III, pp. 200v–201r [2 copy: BC, 558, pp. 691–692], *Do JW Księdza Rupniewskiego biskupa łuckiego z Lubomla die 1*

noteworthy that Rupniewski gave in and stopped the process in the consistory, arranging for a clarification to be made by a relative of the magnate, Canon Rzewuski.

Could ordinary parish priests, often dependent in many ways on their secular patrons, enforce church laws against Jews since the church bishops themselves often had to endure slights and overt disobedience on the part of landowners? When the Bishop of Kamieniec, Wacław Hieronim Sierakowski, sealed the synagogue and cemetery in Husiatyń, and sentenced the local Jewish community to pay a fine of 1000 marks, the landowner Michał Potocki not only gave orders to open the synagogue, but sent a letter to the bishop, in which he refused to allow the bishop's interference in the legal affairs of his Jews[55]. A similar situation occurred in Przeworsk where, while visiting the parish, hurt by the behaviour of the local steward, burghers and local Jews, the Bishop of Przemyśl, Walenty Antoni Czapski, sealed the synagogues. The landowner, Teresa Lubomirska, widow of the voivode of Czernichów, wrote him a very insulting letter in which she stated:

(7) Martii 1724; see also pp. 126r–126v [2 copy: BC, 558, pp. 423–424, *St. M. Rzewuski do o. Bonifacego prezydenta konwentu, z Lubomla* (23.02.1723): "Nie mógł Żyd jeden w klasztorze nec verbo, nec gestu urazić WPana ani verbis contumeliosis, które WMPAn wyrażasz wierzyć trudno, aby gens timida i u nas servilis, osobliwie przeciwko duchownemu stanowi na nie odważyć się mogła. Z świeckiemi radzi oni pokojowi swemu, dopieroż cum austeriori na nich cleri authoritate, wybacz mi WMPan, są to tylko kolory defendendi facti, które chyba extenuari non excusari mogą"; pp. 126v–127r [2 copy: BC, 558, pp. 688–690], *Do JM księdza wikarego generalnego Zakonu Dominikańskiego de observantiae sub eadem data*; pp. 205v–207, copy of a letter of S. Rupniewski Bishop of Łuck to St. M. Rzewuski from Torczyna, 17 Martii 1724; it indicates that Jews were charged with e.g. forming a public procession with candles and shots fired, similar to Catholic processions; pp. 207r–208r, *Rzewuski do Rupniewskiego, Lubomla die 27 Martii 1724* [interesting as well].

[55] M. Bałaban, *Historja i literatura żydowska ze szczególnem uwzględnieniem historyi Żydów w Polsce*, 3: *Od wygnania Żydów z Hiszpanji do Rewolucji Francuskiej (od Zygmunta Starego do 3 rozbioru Polski)*, (1925), p. 327.

> […] because we call the Church our mother, but I see these days it is the oppressor of our noble fortunes, if I had a complaint concerning Your Grace's lands, I would have applied to you or your officials, not allowing myself as many liberties as were taken on my estate. Your Grace may rest assured that though I am orphaned, I will not allow any harm to come to my subjects, or my honor[56].

Apparently Lubomirska had treated the bishop as just another landlord, equal to her. Czapski, however, did not intend to give up and responded with an equally offensive, as well as threatening letter[57]. In this case, as noted in the chronicle of the parish by the then parish priest and well-known anti-Jewish writer, Jacob Radliński: "After the letter, the pride of the Przeworsk synagogue fell, and those who trusted in their mistress despised the authority of the clergy. The Duchess herself was very vexed to have to humiliate herself and write a second time requesting the unsealing of the synagogue"[58]. The question is whether Czapski would have acted so harshly and vigorously if he had to deal with another magnate and not with a widow, and if he had not been freed from relying on local elites by becoming a nominee for a higher Church office?

Attempts to enforce the law of the Jews made by the ministry of the Church were often unsuccessful, partly due to the protection Jews received from court officials and the magnates' militia. Sometimes they ended in violence and especially in the loss of prestige in the eyes of

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[56] BC, 2066 IV, pp. 48–49, Copy of a letter of Teresa Lubomirska to W.A. Czapski.

[57] Ibidem, Copy of a letter of Walenty Aleksander Czapski bishop of Przemyśl, nominate of Kujawy, Brzozów (15.12.1741), pp. 49–51: "[…] ale WMWPani za pewne bądź wyperswadowana, że jak prędko rezolwować się będziesz na odpieczętowanie szkół żydowskich, albo jakikolwiek w tym uczynisz impedyment w zapieczętowaniu, jak są zapieczętowane, tak prędko przymuszony będę do tego, że samej WMWPani kościół kazać zamknąć, a z Żydami według prawa u jurysdykcyi mojej postąpić sobie nie zaniedbam, za tak wielkie nieposłuszeństwo i contempt".

[58] Ibidem, p. 51.

subjects, which according to the clergy greatly emboldened the Jews. In Opatów, on Corpus Christi 1712, the dean of the collegiate church sent a priest, schoolteacher and bell-ringers to confiscate bread baked by Jews for the hospital, and "the Jews thoroughly beat them with shovels and the bell-ringers too"[59]. Almost fifty years later, the Bishop of Kraków, Kajetan Sołtyk, wrote a complaint to the administrator of Szydłowiec Mirecki, who had not sentenced Jews who had allegedly rented a Catholic on the Day of Atonement, and insulted the intervening priests of the local church and its administrator, throwing them out of the synagogue. As Sołtyk wrote:

> In this case the priests twice sought justice from Pan Mirecki, the tenant of the above-mentioned lands, but this gentleman instead of administering justice and giving a decent penalty for the transgression, dismissed the matter with jokes, and ignored the priests twice without giving them justice. Therefore, to ensure that this disgraceful case does not encourage other Jews to similar actions, Your Grace alone can deign to judge that I should vindicate the injury of the insulted clergy and church authority in agreement with my vocation. Therefore I have ordered claims to be made against the Jewry in front of the consistory court and their synagogue should be sealed[60].

Further on the bishop promised to withdraw the complaint from his court if the Radziwiłł family punished the guilty parties.

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[59] BDS, AKKS 742, col. 57, Letter of f. Antoni Galangani to Stefan Żuchowski (2.07.1712), concerning protection given to Opatów Jews: "Nic słuszniejszego jako tak wielkie tych Żydów tutecznych vindicare kryminały i z niemi secundum sanum WMMPana procedere consilium, ale mnie non sufficunt vires kiedy ludzi po temu nie mam, a ten Żyd, gdzie się tylko obróci, zawsze armatos famulos JMP dzierżawcy ma przy sobie, a do tego musiałbym z pryncypałem ich JWMPanem starostą sandomierskim [A.D.Lubomirski] w niemałe wchodzić intrygi, który singulariter Żydów protegit i mnie i samemu WMMPanu enormiter odpowiada".

[60] AGAD, AR, V 14847, pp. 85–87, Kajetan Sołtyk Bishop of Kraków to M.K. Radziwiłł, from Warsaw (15.12.1760).

Of course examples can be found of judgments in landowners' courts in cases of violations of religious laws, generally at the request of the local clergy, where the verdict was in accordance with the provisions of synods and recommendations of bishops[61]. Sometimes, as in the case of the Jews of Skoki, they were severe. The landowner in this case sentenced all the elders together with the rabbi to heavy fines and imprisonment, and the ordinary people to stand throughout the day with bare heads in the local market square[62]. In this case, we do not know what motive prompted the landowner issue the severe decree. More can be said about the circumstances of another decree for Miedzybóż, an important Jewish center and at the same time the centre of the Podolian Czartoryski estates, where the commissioner sentenced Jews to heavy fines for being away from their houses during the Corpus Christi procession and for holding private religious services in their homes. This happened because the feast of Corpus Christi was celebrated shortly before the pre-arranged visit of the new Bishop of Kamieniec (W.H. Sierakowski). When the nobility present among the faithful in the procession captured some of the Jews, both the parish priest Łossowski (also dean of Lviv) and the bishop demanded severe punishment of the guilty, claiming criminal penalties on the basis of the parliamentary constitution of 1670. As is clear from the correspondence of the two priests they gave up some of their extreme demands, but the Commissioner had to punish the local Jews severely enough[63].

Some bishops (Sierakowski, Rupniewski, Kobielski) achieved some success, but even their contemporaries considered their activity as exceptional. The ability to enforce church law was in the contemporary

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61 *Żydzi 1648–1772*, ed. A. Kaźmierczyk, (2001) pp. 180–182.

62 A. G Bem, *Przyczynek do dziejów tolerancyi z dziejów saskich*, "Przegląd Tygodniowy", (1877), p. 552.

63 The case is not entirely clear, as some Jews probably used this opportunity to get rid of their opponents, see BC, 7727, I, no 8.

view rather limited. As stated by Stanisław Wodzicki in his memoirs about the second half of the 18th c., only the use of the bishop's militia could curb resistance, but with the reservation that: "The authority is extended only over Jews, the bishop would not dare enforce his sentence on the nobles"[64].

*M*oreover, the bishops themselves complained in their reports to the Holy See about the patronage granted to the Jews by the nobles and the lack of opportunities to enforce canon law[65]. It was a feeling of frustration and impotence that led some of them to postulate in their reports *ad limina* that the Vatican should issue an edict addressed to the faithful of the kingdom, and especially to the nobility[66]. In the end these supplications led the Congregation of the Councils to act and the case went to the *Sanctum Officium*. A decree issued by the it in May 1751 clearly indicated that the case was brought to Rome at

64 S. Wodzicki, *Stanisława hr. Wodzickiego wspomnienia z przeszłości od roku 1768 do 1840*, (1873), p. 125.

65 *Relacje arcybiskupów lwowskich 1595–1794*, ed. T. Długosz, (1937), p. 114: "Iudeorum multitudo partes Russiae incolit christiano nomini semper inimicissma et sub protectione magnatum et potentiarum existens […]".

66 Among them the Bishop of Przemyśl W.H. Sierakowski who wrote in his report "Esset ideo neccessarium Pontificum Edictum particulariter prohibens Judaeis arendas villarum et quorumcunque proventium cum assignatione et cessione subditorum, ad eorum usum et obsequium: vetans ne ipsis liceat conducere Christianos et fovere pro famulitio, jubens solvendas ab eis recognitiones ecclesiis parochialibus pro occupatione locorum Christianorum, monens nobiles et quoscunque magnates, ne impediant iurisdictionem episcoporum in Judaeos, quinimo ut eam adiuvent et alia hoc in puncto ordinans, quae Sancitas Vestra ex specula pastoralis solicitudinis meliora et opportuna magis iudicacerit", ASV, *Congreg. Concil. Relat. Dioec. 667*, and finally Andrzej Stanisław Załuski bishop of Kraków from 1751: "Quare unicum sperari antidotum per aliquam constitutionem Sanctae Sedis Apostolicae vel saltem breve particulare ad omnes Regni Poloniae ordines, ut tam abominabilis gens Hebrea de omnibus circulis oppidorum et locis ecclesiae vicinis submoveatur et dilatatio eius coerceatur cum innovatione eorum omnium, quae alias circa ludaeos in ss. canonibus et constitutionibus apostolicis sunt statuta, nec dubitatur, qum apud gentem catholicam et Sanctae Sedis Apostolicae semper cultricem votivus semper sperari possit eventus", *Relacje o stanie diecezji krakowskiej 1615–1765*, ed. W. Müller, (1978), p. 145.

the initiative of the 'zealot' Polish bishops[67]. This decree became the basis of an encyclical of Benedict XIV *A Quo Primum* of 14 June 1751, which faithfully reproduces the situation of the Jewish population represented by the Polish bishops and in which, of course, the pope ordered the enforcement of canon law[68]. The encyclical, both in the original Latin version, as well as in the Polish translation, was widely spread, sometimes with accompanying pastoral letters from Polish bishops[69]. But it does not seem to have been effective at a time when Enlightenment and secularizing tendencies were increasing among the magnates. Almost a decade later, the primate, Władysław Łubieński, in a letter to Pope Clement XIII on behalf of the Council of Polish bishops explained that the application of the provisions of the Encyclical of Benedict XIV on the employment of Christian servants by Jews in Poland was not possible[70].

The Polish Church could not impose its position on the Jewish question onto the Catholic nobility, perhaps because the secular and regular clergy also employed Jews in their lands for economic reasons. There was also a certain tradition of anti-clericalism among the nobil-

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67 Archivio della Congregazione per la Dottrina della Fede, Vatican, Sign. St.St H7e *Diversorum ab anno 1748 ad 1772* (decreti del S.O.), *Decreta anni 1751*, no 6; ASV, *Bullae Consistoriales Ben. XIV*, vol. 19, p. 315r (16.05.1751), *Letter of Pier Gerolamo Gugliemi Assessore* [Sanctum Officium], pp. 317r–324r, *Copia dell'informazzione data da Mons. Nuncio di Polonia segra il mem[ora]le de Vescovi zelanti di d. Regno*, Drezno (8.03.1751); pp. 330r–331r, *Copia di memle presentata alla S.. di Nro Sig. dalli Vescovi zelanti di Polonia circa gli abusi degli Ebrei di quell Regno*; pp. 325r–328r, *Copia de sinodi locali della Polonia* [canons concerning Jews]; pp. 332r–337v, *Copia della relazione data da Mons. Lascaris Vescovo di Zenopoli concernente gli abusi degli Ebrei di Polonia*; pp. 338r–346r, *Pier Gerolamo Gugliemi Assessore* [Sanctum Officum], Polonia (28.04.1751).

68 See detail in G.D. Hundert, *Jews in Poland-Lithuania in the Eighteenth Century: a Genealogy of Modernity*, (2004), pp. 59–64.

69 E.g. pastoral letters of Józef Eustachy Szembek from 1752 to the Chełm diocese, and from 1753 to the Płock diocese.

70 Response to the *na breve* of Clement XIII see 31 May 1759, S. Librowski, *Konferencje biskupów XVIII wieku jako instytucja zastępująca synody prowincjonalne*, part. I: *Obrady w sprawach Kościoła i szczątkowa po nich dokumentacja*, (1983), p. 276.

ity, which had nothing in common with later Enlightenment currents[71]. The nobility ardently defended their prerogatives, the interventions of the clergy were treated with disgust and hostility, especially if they came from prelates, or parish priests in political intrigues and fighting against landowners over tithes and other revenues of the Church. The examples presented above suggest that the Catholic nobility did not accept the teachings of the Church and church law if (in their belief) it infringed noble prerogatives and their economic interests.

Translated by
Karolina Czeppe

Żydzi, szlachta i prawo kanoniczne w XVIII wieku

(Streszczenie)

Autor zajmuje się zagadnieniem stosunku Kościoła i szlachty w dawnej Rzeczypospolitej wobec kwestii żydowskiej. W XVIII wieku zdecydowana większość mieszkańców Rzeczypospolitej należała do jednego z odłamów Kościoła katolickiego, przy czym dominująca politycznie szlachta była głównie wyznania rzymsko-katolickiego. Mimo tego faktu biskupi i kler Kościoła katolickiego w coraz bardziej zdecydowany sposób wypowiadali się na temat miejsca Żydów w społeczności państwa polsko-litewskiego. Zwracano uwagę na wciąż rosnącą liczbę Żydów, wzrost ich znaczenia gospodarczego, a przede wszystkim na powszechne zdaniem duchowieństwa łamanie prawa kanonicznego. Jako główną przyczynę tego stanu rzeczy wskazywano protekcję szlacheckich właścicieli miast i wsi. Szczególnie kilka zagadnień było podnoszonych w listach pasterskich i statutach diecezjalnych. Powszechnie skarżono się na przyjmowanie przez Żydów służby chrześcijańskiej i przyzwolenia na to szlachty. Protestowano przeciwko publicznym praktykom religijnym Żydów, naruszaniu przez nich zakazu pracy w czasie świąt chrześcijańskich oraz organizacji zabaw podczas Wielkiego Postu. Próby egzekwowania przestrzegania prawa kanonicznego podejmowane przez duchownych katolickich na ogół pozostawały bezskuteczne. Poczucie bezsilności

[71] M. Markiewicz, *Problem antyklerykalizmu w czasach saskich*, in: *Rzeczpospolita wielu wyznań. Materiały z międzynarodowej konferencji Kraków, 18–20 listopada 2002*, ed. A. Kaźmierczyk et al., (2004), pp. 341–347.

i frustracji skłoniły niektórych biskupów nawet do suplikowania do Stolicy Apostolskiej o wydanie encykliki do wiernych Rzeczypospolitej, aby nakłonić możnych królestwa do przestrzegania prawa kanonicznego i zaniechania protegowania Żydów. Wydanie w 1751 r. encykliki *A quo primum* przez Benedykta XIV nie zmieniło jednak zasadniczo sytuacji Żydów ani postawy samej szlachty.

Juden, der Adel und das kanonische Recht im 18. Jahrhundert

(Zusammenfassung)

Der Autor befasst sich mit dem Thema des Verhältnisses der Kirche und des Adels in der Rzeczpospolita den Juden gegenüber, also mit der sog. Judenfrage. Im 18 Jh. gehörte die überwiegende Mehrheit der Bevölkerung der Rzeczpospolita zu einem der unterschiedlichen Gruppen in der katholischen Kirche, wobei der politisch dominierende Adel überwiegend römisch-katholisch war. Gleichwohl äußerten die Bischöfe und der Klerus der katholischen Kirche sich zunehmend eindeutig über die Stellung der Juden in der Gesellschaft des polnisch-litauischen Staates. Zunehmend wurde auf die wachsende Zahl von Juden, den Anstieg ihrer wirtschaftlichen Bedeutung und – nach der Meinung des Klerus – auf die verbreiteten Verstöße gegen das kanonische Recht aufmerksam gemacht. Als Hauptursache für diesen Zustand verwies man auf die Begünstigung des Umstandes der Privilegierung der Juden durch die adligen Besitzer von Städten und Dörfern. Insbesondere wurden hierzu einige Themen in den Hirtenbriefen und Diözesanstatuten aufgenommen. Häufig beschwerte man sich über die Beschäftigung von christlichen Dienern bei Juden und der Zustimmung des Adels zu dieser Praxis. Man protestierte gegen die Ausübung des Judentums in der Öffentlichkeit, dessen Verstoß gegen das Arbeitsverbot an den christlichen Feiertagen sowie die Durchführung von Veranstaltungen während der Fastenzeit. Die Versuche des katholischen Klerus, die Einhaltung des kanonischen Rechts zu erzwingen, blieben in der Regel wirkungslos. Die Hilflosigkeit und Frustration einiger Bischöfen führte dazu, dass sie sogar an den Heiligen Stuhl um eine Enzyklika an die Gläubigen der Rzeczpospolita supplizierten, um die Mächtigen zu der Einhaltung des kanonischen Rechts und den Verzicht der Begünstigung der Juden zu drängen. Die Verkündung der Enzyklika *A quo primum* im Jahre 1751 durch Papst Benedikt XIV. änderte die Lage der Juden grundsätzlich nicht, auch nicht die Einstellung des Adels.

Übersetzt von Renata Skowrońska

Jews, Nobles and Canon Law in the 18th Century

(Summary)

The author deals with the attitude of the Church and the nobility of Poland-Lithuania to the Jewish question. In the 18th c. the vast majority of the population of the republic belonged to one of the factions of the Catholic Church, and the politically dominant nobility was mainly Roman Catholic. Inspired by this, the bishops and clergy of the Catholic Church took a more decisive stance on the place of Jews in the community of the Polish-Lithuanian state, paying particular attention to the growing number of Jews, their increase in economic importance, and especially to their, frequent according to the clergy, violations of canon law. The main reason for this state of affairs was the patronage of noble owners of towns and villages. In particular, several issues were raised in the pastoral letters and diocesan statutes. The most common complaints concerned the phenomenon of Christian service employed by Jews with the consent of the nobility. The other frequently mentioned issue was the matter of public worship, and violation of the prohibition of work during Christian holidays, or the prohibition against play during Lent.

Attempts to enforce the canon law made by the Catholic clergy in general remained unsuccessful. The feeling of helplessness and frustration led some bishops even to apply to the Holy See for an encyclical directed to the faithful of the Republic, to persuade the powerful kingdom to follow canon law and stop protecting Jews. The encyclical *A Quo Primum*, issued in 1751 by Pope Benedict XIV, did not significantly change the situation of the Jews or the attitude of the nobility.

Translated by
Karolina Czeppe

Słowa kluczowe / Schlagworte / Keywords

- Polska; Żydzi; Kościół katolicki; prawo kanoniczne; szlachta
- Polen; Juden; katholische Kirche; kanonisches Recht; der Adel
- Poland; Jews; Roman-Catholic Church; Canon law; nobility

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