THE ECONOMIC STATUS OF THE JEWS IN ALSACE, METZ AND LORRAINE

(1648-1789)

BY

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Abbreviations and Acknowledgments

ARCHIVES AND LIBRARIES:

AcM	= Archives of the Jewish Community of Metz. (The largest part of the archives was destroyed during World War II. Some documents are cited from notes made before the war and according to an inventory then compiled.)
AdBR	= Departmental Archives (*Archives départementales*) of Lower Rhine, Strasbourg.
AdHR	= Departmental Archives of Upper Rhine, Colmar.
AdM	= Departmental Archives of Moselle, Metz.
AdMM	= Departmental Archives of Meurthe-et-Moselle, Nancy.
AffEtrang	= Archives of the Ministry of Foreign Affairs, Paris.
AIU	= Library of the Alliance Israélite Universelle, Paris.
AmC	= City Archives of Colmar.
AmS	= City Archives of Strasbourg.
AN	= Nationales Archives (*Archives Nationales*), Paris.
ArchCC	= Archives of the Central Jewish Consistory, Paris.
Arsenal	= The Arsenal Library, Paris.
BmC	= City Library of Colmar.
BmM	= City Library of Metz.
BmN	= City Library of Nancy.
BmS	= City Library of Strasbourg.
BN	= National Library (*Bibliothèque Nationale*), Paris.
BuS	= National and University Library of Strasbourg.
Guerre	= Archives of the War Ministry, Château de Vincennes.
JTS	= Library of the Jewish Theological Seminary, New York, N.Y.
SBern	= State Archives (*Staatsarchiv*) of Bern, Switzerland.
ZS	= In the author's possession.

Other libraries used by the author: The Inguimbert Library of Carpentras, the Library of the Calvet Museum in Avignon, the City Libraries of Sélestat and Bordeaux.

I wish to express my deepest thanks to the above named archives and libraries for their great and invaluable assistance in my research. Without their assistance this study could not have been realized.

ABBREVIATIONS OF PERIODICALS AND OTHER PRINTED SOURCES:

ACPM = Arrêt de la Cour de Parlement de Metz; ACSA = Arrêt du Conseil Souverain d'Alsace; AI = Les Archives Israélites; AnREJ = Annuaire de la Revue des Etudes Juives; ER = Extrait des Registres; ERCSA = Extrait des Registres du Conseil Souverain d'Alsace; ERPM = Extrait des Registres du Parlement de Metz; LPR = Lettres patentes du Roi; RA = Revue d'Alsace; REJ = Revue des Etudes Juives; RJL = Revue juive de Lorraine; UI = L'Univers israélite.

ABBREVIATIONS OF PLACE OF PUBLICATION :

C = Colmar; G = Guebwiller; L = Lunéville; M = Metz; N = Nancy; P = Paris; S = Strasbourg.

This study is the first of a series on the Jews of France prior to 1789. The status of the Jews in these French provinces was so strongly bound to the economic position of the peasants that the author thought it necessary to begin the series of studies with a chapter on the situation of the peasants.

Some very important events took place in the history of the Alsatian, Metz and Lorraine Jews in the period between the Westphalian Treaty in 1648 and the Revolution, e.g. the conflict between the City of Strasbourg and the Jewish leader Cerfberr, the abolition of the body-toll, the Letters patent of July 10th, 1784, and the census of Alsatian Jews; the discussion on the Jewish question at the Provincial Assemblies, the first liquidation of the debts of the Jewish communities, the anti-Jewish riots in Alsace at the outbreak of the 1789 Revolution, the Law of September 28th, 1791, the internal conflicts in the Jewish communities, the discords between Ashkenazic and Sephardic Jews, etc. They are only referred to in this study and will be treated in separate studies.

Unfortunately, we were unable to add an index of persons and subjects treated in this study.

ARRÊT
DU
CONSEIL SOUVERAIN
D'ALSACE,

Qui condamne à mort les nommés Lintzentritt de Rhimbachzell, Joseph Fenderich de Hirtzfelden, & Bernard Grosgueth de Waldighoffen;

Aux Galeres à perpétuité: les nommés Jean Herr de Münckhausen, Pierre Oster de Zillisheim, Philippe Kiefer d'Uhrweiller, Joseph Mantz de Hombourg, & François Scheür du petit Landau;

Aux Galeres à tems: les nommés Jean-Adam Richert d'Ingwiller, Thomas Imhoff de Dessenheim, & Jean Zaiffer de Baldersheim;

Au Bannissement à tems hors le Ressort: le nommé Jacques Richert d'Uhrweiller: *pour avoir fabriqué & distribué des Quittances fausses.*

EXTRAIT DES REGISTRES
DU CONSEIL SOUVERAIN D'ALSACE.
Du 25 Juin 1779.

Rathſchluß
des
Hohen Elſaſſiſchen Raths,
Welcher

Wegen Verfertigung und Vermachung falſcher Quittungen, die ſogenannten Lintzentritte von Rhumbachzell, Joſeph Fenderich von Hirtzfelden, und Bernhard Grosgueth von Waldighoffen: zum Tod;

Die ſogenannten Johannes Herr von Münchhauſen, Peter Oſter von Zillisheim, Philipp Kieffer von Uhrweiller, Joſeph Mantz von Hombürg, und Franz Scheür von kleinen Landau: auf ewig auf die Galeeren;

Die ſogenannten Johannes Adam Richert von Ingweyler, Thomas Imhoff von Deſſenheim, und Johannes Zaiſſer von Baldersheim: auf die Galeeren für eine beſtimmte Zeit verurtheilet;

Und den ſogenannten Jacob Richert von Uhrweiller, auf eine gewiſſe Zeit aus dem Lande verbannet.

Auszug aus des Hohen Elſaſſiſchen Raths Protocoll.
Vom 25ten Brachmonat 1779.

Placard Announcing the Sentence Against Counterfeiters of Falsified Receipts, June 25, 1779 (see p. 129).

(University Library of Strasbourg.)

I. - Conditions in Northeastern France, Particularly of the Peasantry

1. THE DESTRUCTION FOLLOWING THE THIRTY YEARS' WAR

As a result of the Thirty Years' War, the provinces of Northeastern France were left in a most ravaged condition. When France, according to the terms of the Treaty of Westphalia (1648), extended her sovereignty over Alsace, the cities and villages of that province were largely destroyed. According to one source, 550 Alsatian cities and villages completely disappeared as a result of the war; one-third of this number were certainly destroyed as a direct result of the fighting.[1] In Lorraine conditions were not better, 80% of the population existed no longer, and part of those who remained alive escaped into the woods.[2] It may be true that first the Peasants' War and then the Thirty Years' War gradually helped to bring about the partial emancipation of the peasantry, in direct contradistinction to developments in other parts of Europe (Southern Germany), where the peasants' status greatly deteriorated. Yet the immediate result, as far as the peasants' daily life was concerned — regardless of the social status they may have had — was indeed an unhappy one. The very basis of life in the countryside was shaken — much more so than was city life. Hops for beer and tobacco replaced other products, land became cheap and changed ownership frequently. The government realized the

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[1] An enormous part of the population, both in the cities and in the townships, was killed or perished of hunger and plagues. The peasants who remained in their hamlets were stripped of all their belongings by the soldiers; peasants were tortured to divulge the hiding places of their money; they were hanged by their beards, by their genitals, their nails were pulled from their fingers. Many of the peasants hiding in the woods were devoured by beasts or bitten by rabid dogs; most of those who attempted to reach the larger cities died of diseases on the roads. 1636 — the year of a horrible famine — marked the beginning of instances of cannibalism. To be sure, not every locality suffered all these hardships, but after 1648 came all manner of fires, bandits' raids, poor crops, and cold waves and floods, too. In the small hamlet of Obermodern, the streets were so overgrown that even in 1650 a horse and buggy could not pass; in Oberbronn wolves multiplied for years. Half a century after 1648, while the reconstruction of Alsace was in full swing, 23,343 beggars, or approximately 10 % of the populace, roamed the cities and villages of the province. Fields previously cultivated were soon covered with stripling forests (this is one of the reasons why even in 1944 forests constituted 36 % of the Alsace area). F. J. Himly, Les conséquences de la guerre de trente ans dans les campagnes alsaciennes. *Deux siècles d'Alsace française* (P 1948) p. 15-60; Ch. Hoffmann, *L'Alsace au dix-huitième siècle...* (C 1906-7) vol. I, p. 3-5; R. Reuss, *L'Alsace au dix-septième siècle* (P 1897-8) vol. I, p. 111-31; S. Billing, *Geschichte und Beschreibung des Elsass...* (Basel 1782); *Verzeichnis der Gemeinden u. Kreise im Elsass* (S 1944) p. 68-69.

[2] J. B. Ravold, *Le peuple en Lorraine sous l'ancien régime* (L 1882) p. 58-59.

inherent dangers and was interested in inducing the peasants to work the land.[3]

These economic difficulties naturally caused the populace to fall into various debts — for loans contracted to support the armies during the war, feed the soldiers, pay taxes, etc. To cite an example in the Great Chapter of Strasbourg: In 1649 the debt of the village of Boersh amounted to 3,426 pounds, while that of the remaining twelve communities was 5,675 florins. Money was borrowed wherever it was available, from Gentiles or Jews, from a Gentile Strasbourg lender, from Swiss lenders, from a Gentile winegrower in Obernai. These communal debts were a constant headache to the Alsatian Administration until 1789, and even later. In 1750, the Intendant, M. de Sérilly, greatly improved the financial status of 340 communities by liquidating their debts, partly by selling some of their communal property. In addition to the communal debts, the individual peasants certainly had to contract loans so as to be able to resume their work. No organized credit facilities were available, neither was any financial aid on the part of the government in existence, and the peasants consequently had to search for any lender willing to grant a loan.[4]

2. THE PARCELLIZATION OF THE LAND PRIOR TO 1789

The relative number of peasants in Alsace who owned plots of land is a subject of considerable speculation. Most Alsatian historians maintain that the peasant actually owned his land even before 1789, just as some historians consider this situation to have existed in the whole of France. The date of the 1789 Revolution influences the entire historiography of Alsace. Historians opposed to the French Revolution and its policy of nationalizing the Church and emigrants' properties go out of their way to prove that the Alsatian peasant had been master of his land even before the Revolution, and that consequently the Revolution did not greatly help the peasant by selling the confiscated properties (*Biens nationaux*) of the Church and former landlords.[5] Perhaps the one who

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[3] An order issued January 11, 1653, in Upper Alsace specified that all plots sold during the war for too low a price could be re-acquired by the former owners, their heirs, or anybody else for one and one-half the amount for which they had been sold. A warning issued in November, 1650, in Strasbourg, called upon all owners and mortgagees of land to register with the authorities within six months, lest the land be assigned as property to those currently engaged in cultivating it.

[4] Reuss, *oc*, vol. I, p. 50, 540; Himly, *oc*; C. Schwartz, L'Intendant Mégret de Sérilly... *La Vie en Alsace* (1927) p. 86; A. Goesterman, *Geschichte der elsässischen Bauern- und Landwirtschaft* (C 1939) vol. II, p. 8.

[5] According to some historians, city elements benefited most from these sales, notably Protestants and Jewish speculators. The controversy as to whether the small peasantry was created after 1789 or whether it had existed before is not, however, limited to Alsace; it concerns the whole of France. The historiography of the agrarian reform carried out by the Revolution was in France never free from partisan sentiments of most historians. Everyone of them wrote the history of the French

was most pronounced in expressing his views of the Revolution was the Alsatian historian, the strongly anti-Jewish Abbot Charles Hoffmann, who wrote that the Revolution had exerted a negative influence on agriculture in general.[6] The Church, the rich classes, the local government administrative bodies, even the Utopian Socialist Charles Fourier — all of these, with small exceptions, opposed in the 19th century the parcellization of the land into small holdings.[7] The reactionary circles saw in the fractionalization of the land a revolutionary tendency; some liberal, later Utopian-Socialists, and still later Marxist circles viewed it as a reactionary move. The truth is that even though the small peasant was used, at certain times, by the reactionary groups, he represented in the main a liberal force. Thus, for instance, during the post-Napoleonic Restoration, the government dared not annul the sales of Church and emigrant property confiscated during the Revolution because it had to consider the peasant who had since bought these

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peasantry in the 18th century depending upon his subjective view of 1789. The lack of sufficient published documents at first helped to perpetrate this condition; yet even the great number of data published over the past sixty years (with the exception of data on Alsace, which suffer from a lack of similar monographs) did not alter this state of affairs. Each historian, to whichever camp he may adhere, is able to find a sufficient number of documents to prove his particular thesis, depending only upon the provinces and sources from which his documents are taken. The discussion on this problem between the two Russian historians M. M. Kovalovski and J. Loutchisky is well known. The first denies the existence of a class of peasants with small parcels of land before 1789; the second tries to prove the existence of such a class. According to Kovalovski the Revolution democratized the parcellization of land; according to Loutchisky the Revolution did not change much the situation that existed before 1789. According to Paul Boiteau only 450,000 peasants with small parcels of land existed in France on the eve of 1789; his point of view is supported by E. Rameau de Saint-Père and E. Champion. But according to Alexis Tocqueville 50 or as much as 75 % of the land belonged to peasants already prior to 1789; his point of view is supported by A. Foville, L. de Lavergne, and others. M. M. Kovalovski, *La France économique et sociale à la veille de la Révolution* (P 1909-11); J. Loutchisky, *La propriété paysanne en France à la veille de la Révolution...* (P); Ibid., *Quelques remarques sur la vente des biens nationaux* (P 1913); Ibid., *L'Etat des classes agricoles en France à la veille de la Révolution* (P 1911); E. Champion, *La France d'après les cahiers en* 1789 (P 1897) p. 136-37; P. Boiteau, *Etat de la France en* 1789 (P 1889) p. 24, 49; N. I. Kareiéev, *Les paysans et la question paysanne en France au dernier quart du XVIIIe siècle* (P 1899); Ibid., Deux opinions contraires sur l'histoire agraire de la France à l'époque de la Révolution. *La Révolution française,* vol. LXIV (1913) p. 481-503; L. de Lavergne, *Economie rurale de la France depuis* 1789 (P 1870); M. Marion, *La vente des biens nationaux pendant la Révolution...* (P 1908); E. Rameau de Saint-Père, *Mémoire sur les origines des grandes propriétés foncières en France* (P 1893); Ibid., *Mémoire sur la division de la propriété en France* (P 1885); Ph. Sagnac, La propriété foncière et les paysans en France au XVIIIe siècle d'après les travaux de J. Loutchisky. *Revue d'histoire moderne et contemporaine,* vol. III (1901) p. 156-71; A. de Tocqueville, *L'Ancien régime et la Révolution* (P 1857) p. 35; A. Vialay, *La vente des biens nationaux pendant la Révolution française* (P 1908) p. 280-283.

On the Jewish participation in the sale of nationalized property see: Z. Szajkowski, Jewish Participation in the Sale of National Property During the French Revolution. *Jewish Social Studies,* vol. XIV, No. 4 (October 1952) p. 291-316.

[6] "La Révolution exerça une funeste influence sur l'agriculture." Hoffmann, *oc.* vol. I, p. 250.

[7] Charles Fourier, *Traité de l'association* (P 1822) vol. I, p. 9-10; Ibid., *Théorie de l'unité universelle* (P 1841-45) vol. II, p. 11-12; Paul Leroy-Beaulieu, *Essai sur la répartition des richesses...* (P 1881) p. 163.

properties — and that was certainly a liberal victory over the reactionaries.[9]

The above-mentioned controversy is not without special interest regarding the topic of this study because the chance of acquiring nationalized property, as well as property from other sources, caused the peasants to seek funds from Jewish creditors. Yet the 19th century anti-Jewish Alsatian pamphleteer, Betting de Lancastel, attempting to prove that the poor conditions of the peasantry were caused not by the peasants' purchase of land but by Jewish machinations, wrote (1824) that at the start of the Revolution nearly all the peasants had already owned the land on which they worked.[10]

The land in Alsace was indeed to a great extent broken up into small holdings even prior to 1789. This condition resulted from a number of legal, technical, and traditional factors having their origin in the Middle Ages, one aspect of which was the practice of *colonge*: the lord would loan his serfs land, which would be passed on to the latters' heirs not as property but as holdings on loan. Thus entire villages with semi-free peasants, constitutions, taxes, etc. were formed from these loaned tracts of land. In addition, plots would be worked in return for rents, etc. Thus, even if the land was broken up, it does not necessarily follow that it really belonged to the peasants who cultivated it.[11]

Only after the outbreak of the Revolution in 1789 did part of this parcellized land become the property of the peasants owing to the abolition of feudal *rentes*; other parts of the land the peasants had to buy for cash, if they wanted to acquire legal ownership of it.[11] In 1765 the Duc de Deux Ponts allowed the peasants to buy off the rented land they held in the seigniory of Ribeauvillé for double the capital involved, yet the peasants were so poor that in 1785 they had still not availed themselves of this opportunity — they barely managed to pay the *rentes*. Charles Hoffmann himself states that among the "owners" of land were counted peasants

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[9] On June 5, 1832, the sub-prefect of Sélestat (Lower Rhine) wrote, that the large parcellization of land is a guaranty of order, because every peasant possessing a parcel of land is a partisan of the government and is a foe of the reactionary opposition and the left-wing opposition, as well. On July 30, 1832, he wrote again in connection with a German translation of a book of F. de Lamennais, that the peasants did not understand such books and in Alsace the number of landowners who feared any revolution exceeded the number of proletarians (AdBR, 3M28-29).

[10] M. E. M. Betting de Lancastel, *Considérations sur l'état des Juifs dans la société chrétienne, et particulièrement en Alsace* (S 1824) p. 96.

[11] I. Chauffour, *Quelques mots sur les cours colongères d'Alsace...* (C 1866); C. A. Hanauer, *Constitution des campagnes d'Alsace au Moyen âge* (P 1864); Ibid., *Etudes economiques sur l'Alsace ancienne et moderne* (P-S 1876); Henry Laufenburger, *Cours d'économie alsacienne* (P 1930) p. 397. On the eve of 1789, the British agronomist and traveller Arthur Young noted the following five groups of small peasants in Alsace: (1) the small properties of the peasants; (2) hiring at a money rent, as in England; (3) feudal tenures; (4) monopolizing land hired at money rent, and re-let to peasants; (5) metayers, by which is to be understood, hiring at half or third produce. Young, *Travels during the years* 1787, 1788, *and* 1789... (London 1792) p. 397.

[11] M. Augé-Laribé, *Grande ou petite propriété. Histoire des doctrines en France sur la répartition du sol...* (Montpellier 1902) p. 16.

with very small holdings of land which could not possibly have supported them. According to one estimate, the number of Alsatian peasants owning sufficient land to be able to support themselves from it reached not more than 2-3%. According to the estimate of the Alsatian Intermediary Commission (*Commission Intermédiaire*) in 1789, one-sixth of the income in Alsace belonged to the Bishopric of Strasbourg, to the foreign princes owning property in Alsace, while another one-sixth — even perhaps one-fifth — belonged to the Church.[12] The peasant Michael Jung of Stutzheim (Lower Rhine) related in a pamphlet published at the time of the Revolution how, owing to the sale of nationalized property, he managed to acquire a tract of land which he had cultivated for many years prior to 1789. The author of a memorandum to the authorities of the Colmar District wrote, in 1788, that only fifteen or twenty out of one hundred inhabitants possessed a plot of land they could call their own.[13]

In the beginning of the 19th century several disputes involving *rentes* occurred, proving that most of the peasantry did not own land prior to 1789; since, if this had not been so, these disputes would not have taken place.[14] (The Jews were not at all involved in

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[12] Hoffmann, *oc*, vol. I, p. 58-60, 181, 183.

[13] *Ibidem*, p. 53; *Denkschrift für Michael Jung, Ackermann zu Stutzheim...* (Sl [179-]) p. 2. BuStg122697.

[14] It is thus important to cite these disputes even though they took place during a much later period. The decree of August 4, 1789 (Law of November 2), nullified all feudal perpetual *rentes* (*perpétuelles*); yet the right to other types of redeemable *rentes* was still retained by the owners, and for these other *rentes* the owners were to receive consideration (*rentes rachetables*). Moreover, the peasant needed cash, and cash he could obtain exclusively from private lenders since no organized credit institutions existed. The distinction between feudal and other legal rights led to various speculations involving *rentes*. Even during the late years of the Revolution Alsatian peasants were requested to pay *rentes* which the government inherited from the old regime and which supposedly were not feudal *rentes*. The two Strasbourg bankers Menet and Prost, together with two government officials, founded in the year X an enterprise which was to acquire in Lower Rhine land *rentes* (*rentes foncières*). A rush to find forgotten *rentes* soon set in. Speculators employed staffs of individuals who were to search the archives of notaries for contracts involving *rentes*. They found the heirs and purchased for insignificant sums the right to these *rentes*. George Frédéric Teutsch, a big Strasbourg speculator, was most active in this respect. He bought a great number of contracts in which details were lacking and sought to cheat the peasants. In 1823, the government had to warn the peasants to beware of these speculators. Before the Revolution a considerable amount of property in the Sundgau region (Upper Alsace) consisted of *rentes* in favor of the city of Basel. The payments on these *rentes* were interrupted in 1792, but during the post-Napoleonic Restoration the peasants were requested to pay not only the *rentes* themselves, but interest on the unpaid *rentes* since 1792 as well. The city of Basel sold the *rentes* (amounting to 1,400,000 francs) to a few speculators. No other than the Upper Rhine Prefect in 1815, Nicolas-Félix Desportes, acquired, together with other speculators (including the President of the law-court of Altkirch) for 120,000 francs Basel *rentes* worth 1,000,000 francs, and later sold them to the speculator Teutsch. In the arrondissement of Altkirch alone the total of *rentes* in 1823 reached 2,680,000 francs. Beginning in 1789 — and sometimes even before that — the peasants were convinced that they were finally rid of the *rentes* which were an inheritance from the old regime. They were convinced that the land they worked belonged to them and that it had belonged to them for generations, and then suddenly it was demanded that they pay *rentes*, even interest, or that they give up their land. All at once the peasants learned

the disputes concerning *rentes;* not a single *rentes* speculator was a Jew, and there were no complaints against Jews regarding the disputes.)[15]

There can be no doubt that the majority of Alsatian peasants cultivated land which did not belong to them; they had rented the land from the Church, seigniors, or city owners, and paid *rentes* for it. Since most of the *rentes* were held for generations, the peasants began to consider the tracts of land as their property. Frequently, however, the old owners or their heirs suddenly reappeared.[16] A similar situation is evident if the archives of mort-

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that "their land" had been sold to speculators. The peasants refused to pay and serious clashes occurred. Emmissaries of the speculators were murdered, as were government officials suspected of being friendly to the speculators; court action and political intrigues ensued; revolutionary sentiments came to the surface again. On August 10, 1810, Johann Jakob Kieffer of Ittersweiler published a leaflet against the payment of *rentes* and asked the peasants that he be sent to Napoleon I, to whom he had previously sent a petition signed by fifty peasants, to intervene again on their behalf. He undertook to prove that the *rentes* in question were originally feudal *rentes* and consequently illegal; but Kieffer and a few of his friends were arrested. The dispute involving *rentes* was also utilized by the liberal cricles of Alsace in their struggle with the government. In 1823 the Altkirch sub-prefect inquired of the government how he was expected, popular sentiment concerning the *rentes* disputes being what it was, to counteract the influence of Mulhouse whence ultra-liberal ideas were propagated (Mulhouse was a center of Protestant republicans). The Belfort sub-prefect wrote in the same year that rumors of a third invasion were being spread "by liberals or speculators". On Dec. 24, 1808, the inhabitants of Mutzig protested against Charles Kern and other Strasbourg speculators, who asked payment for "feudal rights." In the year XII, a peasant of Bernolsheim was requested to pay 4,883 frs. for *rentes*; peasants from Weyersheim were requested to pay 8,377 frs.; 42 peasants from Herlisheim, all of them *Emigrés* who had left France during the Revolution and later came back, had to pay 4,689 frs. In 1814, four peasants of Turckheim were sentenced to pay *rentes* to Teutsch. On Jan. 18, 1815, the inhabitants of Saint-Hippolyte wrote in a petition that "Teutsch knocks people down without any mercy or human feelings." The anti-Jewish minded attorney Chauffour spoke against peasants in a lawsuit involving *rentes.* On Dec. 9, 1823, the Upper Rhine Prefect wrote that after the invasions of 1814 and 1815, the peasants found themselves in a terrible situation of which they could not get out even with the help of loans. Speculators demanded payment of *rentes* right after the first harvest. In 1833, the peasants of Geispolsheim were forced to pay long-forgotten *rentes.* Alsace was not the only place of such speculations and scandals. In 1808, peasants of Vaucluse, too, were forced to pay long-forgotten *rentes.* AN,F7-9533,BBIG-630, 641 and FIcIIIHaut-Rhin13; AdBR,Q (rentes de Teutsch); *A Messieurs les Députés du département, les héritiers de feu la Dame veuve Baronne de Gail* (Sl[181-]). BuStg100503; Chauffour, *Mémoire pour Antoine-Henri comte d'Andlaw... au sujet du ci-devant fief de la Reichsvogtey de Kaiserberg* (C 1819). BN,4Fn3-7810; Ibid., *Réponse des héritiers de feu M. le comte d'Andlau, au mémoire de M. le Préfet...* (C 1820). BN,4F3-492; Albert Helmer, Un procès sur la féodalité d'une redevance. *RA,* vol. LXIV (1913) p. 19-37; P. Leuilliot, L'Affaire des rentes bâloises, *RA,* vol. LXXIX (1932) p. 428-37; Fernand L'Huillier, *Recherches sur l'Alsace napoléonienne* (1947) p. 17-18, 128-151; *Arrêt de la Cour royale de Colmar du 27 août* 1814... (C 1814). BuStg100703; Lobstein, *Mémoire... pour... Teutsch* (P 1817). AN,F15-1074; *Mémoire pour le Sieur Bernard-Michel Champay... Geispolsheim* (S 1833). BuStg100468; de Fortia d'Urban, *Mémoires pour servir à l'histoire des propriétés territoriales dans le département de Vaucluse...* (P 1808).

[15] But the anti-Jewish historian P. Leuilliot makes the Jewish creditors, too, responsible for this agrarian agitation caused by the rents scandals. Leuilliot, *oc,* p. 437.

[16] In 1768 a church in Thann demanded the payment of a *rente* dating back to 1463 and concerning which the heirs of the first mortgageor had never even heard, — they were convinced that the land involved was their

gages (*Hypothèques*) are studied. In the mortgage archives of Alsace one finds a considerable number of mortgages registered on the basis of documents dating back to before 1789, some dating back to the 15th century or even earlier; these are registered mostly on the basis of old notary contracts establishing *rentes.*[17] These were undoubtedly debts for non-feudal *rentes*, which were not abolished by the Revolution and, so, could be mortgaged. The fact that these documents are not found in the mortgage archives of Lorraine or other Northeastern provinces except Alsace leads to two conclusions: (1) It serves as additional proof that the land did not belong to the Alsatian peasants with small land holdings prior to 1789, since even after 1789 they were required to pay debts for the *rentes* or buy the *rentes* and mortgage the land. (2) A considerable number of Alsatian mortgages of the first half of the 19th century are in favor of the Church, mostly taken out by peasants, and not as a result of donations for the Church, but rather stemming from obligations (for debts) in favor of the Church.[18]

It was this state of affairs which greatly contributed to the spread of usury; and the first victims of usury were those landless

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property. Hoffmann, *oc*, vol. I, p. 199-200, 209-221 ; C. Oberreiner, Une rente réclamée après quatre siècles. *RA*, vol. LXXVI (1929) p. 141-46.

[17] Of the 293 mortgages in the vol. 3 of the mortgage registries of Brumath (Lower Rhine) for June 3, 1796-May 19, 1798, 55 were held by Jewish mortgagees and 238 by non-Jewish mortgagees. Of the 238 mortgages 150 were registered on the basis of notarial acts dated before 1789, some of the 15th-16th centuries. Of the 432 mortgages registered in the office of Bouxwiller (Lower Rhine) during the period of June 3, 1796-May 18, 1798, 96 were held by Jewish mortgagees and 336 by non-Jews. 263 of the 336 were registered on the basis of notarial acts prior to 1789, some as early as the 15th century. Almost all the mortgages in favor of Jewish mortgagees were registered on the basis of acts subsequent to 1789, only a few of them—a few years prior to 1789. Of 309 mortgages in vol. 1 of the mortgage-office for the arrondissement of Saverne (June 6, 1796-Sept. 13, 1798) 149 were in favor of Jews and 160 in favor of non-Jews. 51 of the 160 were registered on the basis of notarial acts prior to 1789. Of 1808 mortgages in vol. 10 of the same office (June 14-16, 1799) 704 were registered on the basis of notarial acts dated prior to 1789, some of the years 1446, 1469, 1523, 1597, 1616, etc. AdBR,Q(hypothèques), *cf.* Z. Szajkowski, *Agricultural Credit and Napoleon's Anti-Jewish Decrees* (New York 1953) p. 78-80.

[18] Of 302 mortgages in vol. 48 of Wissembourg (Lower Rhine, Dec. 1, 1810-Jan. 30, 1811) the mortgages Nos. 96-107, 109-114, 123-128, 140-143, were registered in favor of Catholic Church institutions of Rohrbach and Wissembourg and another number of mortgages in favor of Protestant institutions. In vol. 19 of the same mortgage-office (Jan. 10-Feb. 18, 1804) the mortgage Nos. 45-49 and 54-55 were in favor of the Catholic Church of Billingheim; the Nos. 162-195, 197-199, 210-242 and 318-319 in favor of the Church of Hayna; the Nos. 255-258, 365, 184-387, 390-394, 413, 505-507, 534-535, 548-550, 597, 699-701 in favor of the Catholic Church of Schweigen and some in favor of the Catholic Church Saint-Jean of Wissembourg; the Nos. 588-589 in favor of the Church Saint-Jacques of Rudselz; the Nos. 439-444, 458, 462-466 and 473-485 in favor of the Church of Schleichal; etc. In the vol. 128 of the Strasbourg mortgage-office the Nos. 231-241, 243-244, 281-296 and 328-334 were in favor of the Catholic Church of Wantzenau. In vol. 77 of the Wissembourg mortgage-office (1819) 77 out of 389 mortgages were in favor of priests and Church institutions. Of 1,556 mortgages in the arrondissement of Sélestat for the period of Dec. 12, 1851-Apr. 7, 1852, 93 were in favor of Catholic or Protestant Church institutions; of these, only two were registered as a result of sales, only one as a result of a donation, all the others stemmed from obligations. AdBR,Q(hypothèques), *cf.* Z. Szajkowski, *oc*, p. 79-80.

peasants or peasants cultivating leased land, who strove to acquire holdings of their own. The peasants bought land they could not afford, and they frequently fell into debt to such an extent that the land was sold through the courts, or the peasants themselves were forced to sell their newly acquired property, or they had to negotiate new loans to pay the old debts.[19]

3. THE PEASANT'S SUFFERINGS

The peasants lived in such difficult circumstances that they were frequently forced to buy grain on their own in order to pay their *rentes*, as reported on October 26, 1761, by the Lorraine priest Ph. André of Achain.[20] That some *rentes* were paid not only in produce but also partly in cash, or entirely in cash, is quite clear if the lists of Church property nationalized during the Revolution are perused, and if the *rentes* that these properties yielded before the Revolution are examined. *Rentes* were paid entirely or partly in cash in approximately 80% of all Lower Alsace villages.[21] The conditions were probably similar in Upper Alsace.

According to the historian Jean Ollier, most of the Lorraine peasants were "half tenants and half proprietors of their land" (*moitre fermiers et moitre propriétaires*). Considerable tracts of land in this region belonged to Paris residents, some of them capitalists. In Lorraine the trend was also prevalent to permit the peasants to pay their *rentes* "rather in cash than in produce" (*en argent plutôt qu'en nature*), as the Provincial Assembly found in 1787. Conditions were so difficult for the peasants that in order to pay

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[19] Hoffmann, *oc*, vol. I, p. 183-84. Some historians called this a peasants' mania to possess much land, more land than his neighbor, to take land and get ruined by usurers, because of this mania. In the 19th century this was the main argument of the opponents of an organized agricultural credit, because such a credit would only promote the parcellization of land. In 1806, the notary Wendling of Landser wrote on the *acquisitions inconsidérées* and *avidité de s'arrondir* of the Alsatian peasants (AdHR,E,coll. Wendling48/16p.25).

[20] In 1783 a considerable number of peasants in Rustenhart (Upper Alsace) paid in cash the *rentes* which they were supposed to pay their lord in grain. AdHR,E1280; AN,KK1168f.48; Ch. Etienne, *Cahiers de bailliages des généralités de Metz et de Nancy* (N 1907-1930) vol. II, p. 6.

[21] Here are a few examples from the district of Strasbourg: About 1780, 4 out of 9 tenants of Achenheim paid their feudal rents in cash (or part cash and part products); in Altorff — 146 out of 364 tenants; in Dachstein — 6 out of 102; in Dangolsheim — 5 out of 14; in Dinscheim — 8 out of 12; in Dortisheim — 1 out of 2; in Erckboltsheim — 6 out of 23; in Ernolsheim — 7 out of 17; in Wasselone — 1 out of 2; in Westhoffen — 5 out of 7. In these 10 villages 189 out of 553 tenants paid their rents not only in produce, but in cash, too (4,140 pounds altogether). The same applies to redeemable rents (*rentes rachetables*). In Achenheim — 48 out of 265 such tenants paid their rents in cash, in Avolsheim — 19 out of 21; in Hoenheim — 7 out of 10, etc. AdBR,Q836-37. Frequently, even forced labour were paid in cash: "la ville de Strasbourg soutient qu'elle peut à son choix demander les corvées, soit en argent, soit en nature." *Mémoire pour... la Ville de Strasbourg. Contre les Bourgeois, Habitants & Communauté de Schiltigheim...* (S 1753). Arsenal, ms.6651,p.169. In most cases Jews paid special heavy taxes instead of beeing called to forced labour.

their *rentes* they had to sell their harvested cereals very quickly and frequently even to quit their land. P.E. Duvapontrel-Vaunoise, Mayor of Einvilli-au-Jard, wrote during the Revolution that one of the causes of high prices was the peasants' payment of their *rentes* in cash; he demanded that they be compelled to remit their *rentes* exclusively in farm produce because the peasant frequently had to seek the services of a lender in order to raise cash for the payment of *rentes* for the land he cultivated, frequently for generations.[22] On the eve of 1789, and even before that time, peasant uprisings against the Church and other owners to whom they were required to pay *rentes* were a frequent occurrence.[23]

The peasant cultivating a tract of leased land was not free to grow on it the products of his choice. A meadow for grazing cattle could not be changed into a grain field, because the lord or the priest had the right to graze their cattle there; the peasant was forbidden to pick fruit trees since the real owner leased the fruit on an annual basis to others; he was not permitted to hunt in his own fields in order to obtain meat, — this privilege belonged to the lord who had the right even to trample the peasant's grain fields; he was not even always permitted to fish in the brook running across his fields. The lords' and the priests' cattle had the right to come to the meadow one hour before the cattle from the village so that they would get the best grass. Covies of pigeons belonging to the lord or the priest destroyed the grain on the fields, while the peasant had no right to chase them. The peasant was required to cart stones for repairs on the lord's manor as well as the roads. Even the hides of dead cattle did not belong to the peasant.[24] In 1737 thirty-six farm laborers lived in Gerbéviller, Lorraine, while in 1758 only twenty-three remained. The peasants lost most of their cattle not only in Gerbéviller but in the whole of Lorraine as well because they were required to use their cattle for various forced duty-services (*corvées*). Most cattle died on the roads and the peasants lost the carts as well. In 1758 Gerbéviller had to supply 3,994 rations of food for the army of Metz, and since the town did not own that much grain, it had to buy it from

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[22] Jean Ollier, "La vente des biens nationaux de première origine dans le district de Toul" (N 1949) p. 29, manuscript, AdMM5861; *Procès-verbal des séances de l'Assemblée provinciale des Duchés de Lorraine et de Bar* (N 1787) p. 264; Pierre Eustache Duvalpontrel-Vanoise. *Plan que soumet, aux lumières et à la sollicitude de la Convention Nationale...* (L[179-]) 9 p. AdMM,L3606; Abbé D. Mathieu, *L'Ancien régime dans la province de Lorraine et Barrois...* (P 1879) p. 324.

[23] C. E. Scherer, Die Schicksale der Abtei St. Walburg von 1648 bis 1796... *Archiv f. Elsass. Kirchengeschichte,* vol. VI (1931) p. 115-88.

[24] Erckmann-Chatrian, *Histoire d'un paysan* (ed. 1869) vol. I, p. 9-15; D. Mathieu, *oc,* p. 301. According to some sources, even in the 18th century Upper Alsace landlords used their prorogative of the barbarous right to warm their feet in the blood of their peasants. Wintertime, when hunting, landlords took along peasants and, when their feet got cold, they slit the peasants' bellies to warm their feet in the hot blood. Adolf Jacoby, Ein augebliches Blutrecht oberelsassischer Grundherren vor der franzosischen Revolution. *Jahrbuch f. Geschichte, Sprache u. Literatur Elsass-Lothringes,* vol. XXIV (1908) p. 6-9.

a Jew. Part of this grain was paid for by the King, but part of it was paid from the town treasury.[25]

In 1761-62 a questionary was circulated concerning agricultural conditions in Lorraine, where the situation was as bad as in Alsace. All replies to this questionary describe the disastrous condition of the peasantry: they tell of large tracts of land which remained uncultivated because the peasants were required to pay exorbitant taxes and had neither horses nor fertilizer; the diminishing number of people cultivating the land because of the pauperization of the peasants; the peasants' transformation into professional beggars, etc.[26] In the statements of grievances (*cahiers des doléances*) of 1789 is painted a sad picture of the countryside in the Northeastern provinces of France. Peasants were required to construct and repair bridges belonging to noblemen; owing to the special tax, the price of leather rose by one-third; the price of salt was exorbitant, and this contributed to epidemics among the cattle. The 120 inhabitants of Albestroff complained against the Jews and against usury, yet as the direct causes of their poverty they named exorbitant taxes, high prices, and the fact that the land needed to be fertilized every three years and the peasant could not raise enough cattle to provide natural fertilizer.[27] Similar complaints appear in all *cahiers* of the provinces; 25% of the income was spent for taxes, and most of the tax burden fell upon the shoulders of the poor people, since the Church and the noblemen enjoyed privileges even regarding taxes.[28] The considerable differences among the various classes in the rural areas contributed greatly to the difficult situation of the Alsace peasants.[29]

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[25] J. B. Ravold, *L'ancien régime dans le canton de Gerbéviller et la Révolution* (L 1881) p. 45.

[26] AN,KK1159-72; Etienne, *oc*, vol. II, p. 246, 255, 278, 297, vol. III, p. 94-95, 114. "Le prétendu bon état des villages [lorrains] est en fait dénué de preuves et même de vraisemblance" ("Compte rendu à la Cour Souveraine, les Chambres assemblées, 19 mai 1762". AN,K1192). "Les impositions directes fixées à 1,915,620 livres ont été portées successivement depuis 1737 jusqu'en 1753 à 3,837,830" (AN,K1192).

[27] Ch. Etienne, *oc*, vol. I, p. 1-2, 10.

[28] A series of auxiliary trades which helped the peasants to raise some additional money disappeared in time, such as, for example, the manufacture of charcoal after stricter control over the forests was enforced. Bad weather further increased the peasants' suffering. During sixteen winters in the period between 1731-1788 the cold was so severe that most vineyards were destroyed. A memorandum of 1787 related that vagrancy in Alsace rose particularly owing to enormous taxes, which caused one-third of the population to become beggars in 300 towns where only ten years previously a small number of beggars existed. Among the beggars were peasants who were owners of plots of land too small to support them throughout the year. The situation was not much better in large cities. Immediately prior to 1789 one-eighth of the population of Strasbourg lived from mendicancy, while one-half of the population was needy. AN,K1236; S. Billing, Chronique des hivers rigoureux en Alsace depuis 1063 jusqu'en 1788. *RA*, vol. X (1859), p. 307-13; Ch. Hoffmann, *oc*, vol. I, p. 173-78, 182, vol. II, p. 207-21; de Boug, [*Ordonnances d'Alsace.*] *Recueil des Edits, déclarations, lettres patentes, arrêts du Conseil d'Etat et du Conseil Souverain d'Alsace...* (C 1775) vol. II, p. 672; H. Brunschwig, Les débuts de la Révolution à Strasbourg. *La Vie en Alsace* (1928) p. 115. On Jewish beggars in the 18th-19th centuries see: Z. Szajkowski, *Poverty and Social Welfare among French Jews* (New York 1954) p. 32-38.

[29] There were three classes in the free towns: 1 — the burghers

The wars, taxes, duty-services for the lords and the King, and the necessity of paying *rentes* — all these hardships invariably brought the peasant to a state where he had to seek a loan in order to pay his taxes, his *rentes*, or to buy a horse or a cow. As early as 1648 the peasants were completely swamped in debts. The priest J. Remacle of Raccange (Lorraine) wrote in 1761 that the ruined peasantry borrowed cash from the Jews." The Alsatian historian, L.V. de Goetzmann, repeated in 1768 the Intendant's statement of 1716 that in difficult times, the peasants, thanks to loans contracted from Jews, found it possible to pay the taxes imposed upon them; and in case the peasants lost their cattle in time of war, they received loans from Jews to buy other cattle.

(*bourgeois, Bürger*) who had to buy their title, but had the privilege of using the community forests and other properties; 2 — the clodhoppers (*manants, Hindersassen, Schirmer*), who were not accorded the use of the community properties; 3 — the day-laborers (*laboureurs, journaliers, Taglöhner*), whose only property was their own hands. Up to the 16th century the word *manants* designated in France those who did not have the rights of the *bourgeoisie*. These were the people who could not afford to buy the title of *bourgeois* and consequently remained second-grade individuals. Beginning with the 16th century the expression *manants* is used interchangeably with residents (*habitants, domiciliés*), while in the 18th century the expression is no longer used, although not everywhere. The situation was different in the Alsatian towns and cities. Here the great differences between the various classes of the population remained in force for a much longer time and were more deeply rooted than in the other provinces. The condition of the *manants* remained a problem of the day even during the first years of the 1789 Revolution, when communities refused to divide their properties among all inhabitants without regard of class. In Strasbourg a special class still remained, called "inhabitants" (*habitants, domiciliés*), the condition of whose members was even worse than that of the *manants*. Even the circumstance of belonging to the *manants* was connected with special financial obligations, like for instance the payment of a special tax (*Hintersassgeld, Schirmgeld*). The *manants* were simply impoverished day laborers living from their meager earnings, and hardly any of them owned a cow. In Merxheim (Upper Alsace) 14/15 of the land belonged to the seventeen farmers who were *bourgeois*, even though the number of *manants* was twice as large. Even among the privileged *bourgeois* various classes existed inasfar as benefitting from the community properties was concerned. M. Ortlieb related that in his town of Riquewihr the *bourgeois* were divided into eight groups, and each of these groups laid claim to one-eighth of the available fuel wood from the forest; thus when the wood was divided at the beginning of winter, the first group which comprised only twelve people received one-eighth, while the eighth group with seventy to eighty families likewise received one-eighth of the wood. In Descheim one rich inhabitant received so much land from the community properties that he leased parcels of the land to the poor. No feeling of solidarity could be discerned even among the poorest peasants — there was always one still poorer whom one could exploit and hate. The peasants of the poorest class were likewise subdivided into groups, laborers (*laboureurs*) who owned a horse and cart, and day laborers (*manœuvriers, journaliers*) who did not own even that. Each of these groups hated the other. Those belonging to the richer group would rather leave a tract of land uncultivated, according to an 18th century chronicler, than to lease it to a *manœuvrier* so that he could cease to be a slave. Hoffmann, *oc*, vol. I, p. 93-94, 183, 330-31, vol. III, p. 65, 377 ; Gaston Zeller, Manants d'Alsace, derniers manants de France. *Publications de la Faculté des lettres de l'Université de Strasbourg*, vol. CIV (1946) p. 111-25. See note 397, p. 136.

" J. F. Aufschlager, *L'Alsace* (S 1826) vol. I, p. 291 ; AN,KK1168f.99; Ch. Etienne, *oc*, vol. II, p. 309. "Le défaut d'argent le force [le paysan] à s'endetter ou à vendre ses fonds, s'il est propriétaire; s'il est fermier, le défaut de ressources le force à diminuer son train ou à quitter sa profession." *Remontrances de la Cour Souveraine au Roi, présentées à Sa Majesté, au mois de janvier* 1761 [N 1761] p. 9, AN,K1190

Similar loans, he related, were obviously not cheap, but in difficult circumstances it was better to pass through the hands of a usurer than to perish altogether.[31] In a petition dated 1791, the District of Altkirch demanded that debts in favor of Jewish creditors be nationalized and paid by the government, since the loans were contracted by the peasants as a result of hardships imposed upon them by the old regime which oppressed them and forced them to seek loans from Jewish lenders under the threat of complete ruin." The desire to better the condition of the peasant was frequently voiced in the provinces, even before 1789.[32]

None of these plans, however, was ever realized. The worse the conditions prevailing in the country, the more loans the peasants had to negotiate; at the same time, however, the mistrust of the lender towards the peasant grew. The lenders were afraid that the peasants would not be in a position to pay off the loans. In 1699, conditions of the peasantry in the Vosges area were so disastrous that special ordinances (March 13 and April 4, 1699) were issued raising the security of the lenders, so that the peasants could receive loans of not more than 100 francs per family to hold them until the next harvest. The priest Mougeart of Fécourt (Lorraine) wrote in 1761 that the position of the peasants was so wretched that even their creditors were ruined.[34] Yet somebody had to be blamed for the floods, cattle epidemics, for the drafting of all healthy males into the militia or for the fleeing of all those who refused to serve, for the required duty-services, for the lack of cattle, for the lack of fertilizer, for the high taxes and *rentes*, and for a thousand other daily troubles. A victim had to be found so that the disposition of the suffering peasant could be calmed, and so the entire blame was directed toward the Jew.[35]

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[31] L. V. de Goetzmann, *Traité du droit commun des fiefs*... (P 1768) vol. II, p. 317-18. Florimond stated that the Jews of Metz were more useful than dangerous: "mais [l'usure des Juifs] c'est un abus surmonté par une plus grande utilité qui en résulte" (AN,K1239). For the Intendant's statement of 1716 see Appendix II-2.

[32] "Cette dette, nous le disons avec le courage de la vérité, dérive principalement des vices de l'ancien Régime, de la surcharge d'impôts innombrables et de vexations de l'intendance et de ses supports; le citoyen opprimé et prêt à se voir expulser de l'héritage de ses pères par des poursuites ruineuses, souscrivait alors au profit du Juif, qui lui tendait une main perfidement officieuse, à tout ce que l'usure est en état d'extorquer de la détresse." AN,DXXXIX-12-16.

[33] In Lorraine the author of a memorandum written ca. 1780 warned that agriculture would never prosper if the peasant would not be given the opportunity to own good horses and cattle which would do physical work and also provide him with sufficient amounts of natural fertilizer, etc. F. J. A. de Hell was preparing, in 1789, a project of ameliorating the conditions of the Alsace peasantry in which he proposed that in case a peasant's house were burned or his cattle died the peasant immediately be provided with the funds necessary to build another house or purchase other cattle, so that he would not fall into the hands of usurers. AdMM, C320;AdHR,Wendl.13.

[34] *RELéop*, vol. I (N 1733) p. 142-44, 161-63 [=*Recueil des Edits, ordonnances, déclarations, traités & concordats du règne de Léopold Ier*... 15 vols. (N 1783-86)]; AN,KK1163f.36; Etienne, *oc*, vol. III, p. 138.

[35] An official of Belfort wrote the Sovereign Council of Alsace on April 4, 1755, that in order to raise the hopes of the peasants the number of Jews ought to be diminished (AdHR,C1284). "A la prévention défavorable,

One should immediately point out, however, that the peasants' plight in Northeastern France was by no means exceptional. In other provinces of France, even in those where Jews did not dwell at all, the living conditions of the peasants were not better than in Alsace, Metz, and Lorraine.[34] Yet in Alsace, Metz, and Lorraine some groups remained in a more secure position in many details, since here there was somebody who could be blamed for the hardships — the Jews.

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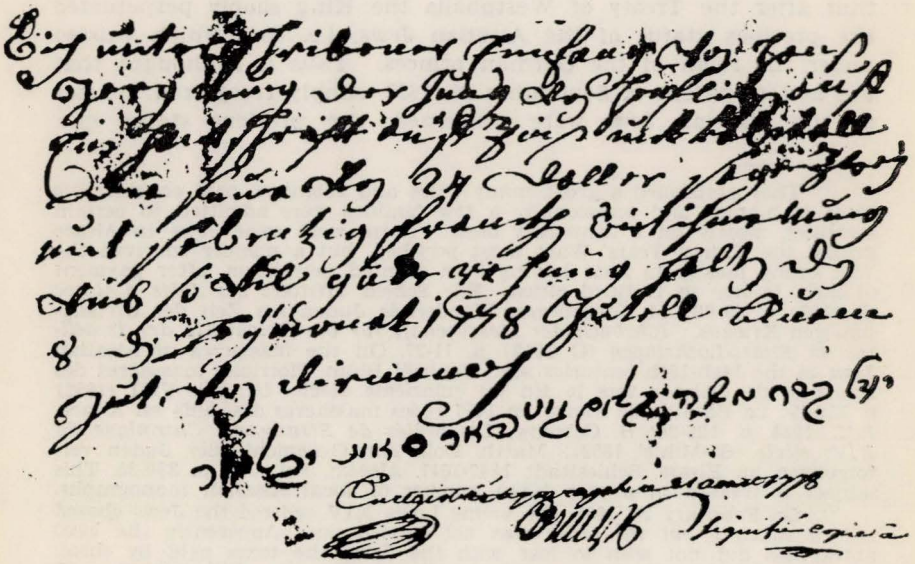
sur le caractère de la nation juive, se sont joints les principes d'intolérance et la haine de la différence des religions. L'Alsace est encore, à cet égard, à deux siècles des autres provinces du Royaume; le Peuple, en y persécutant les Juifs, croit remplir les décrets du ciel, et il y est, d'autant mieux porté qu'il satisfait, en même temps, son intérêt particulier" (de Mirbeck's memorandum for the Alsatian Jews, 1784. AN,K1142p.45).

[34] In the 17th century, peasants of Picardie, Champagne, Bourgogne and other provinces lost their land, because they could not repay their debts. On June 13, 1652, in order to save the peasants, the Parliaments ordered a modus of repaying the debts. But even over a century later (in 1766) Turgot wrote of the peasants of the Limoges province that they did not even possess enough money to be trusted with loans, so they could not profit from lower rates of interest. The peasant had only 25-30 pounds at his disposal in his yearly budget, and that, too, mostly in products. A. Feillet, *La misère au temps de la Fronde et Saint Vincent de Paul* (P ed. 1886) p. 364-65; *Œuvres de Turgot*, published by G. Schelle (P 1914) vol. II, p. 453.



A Counterfeit Receipt (see Chapter VI).
(Departmental Archives of Upper Rhine, IBE62.)

II. - The Jews in Alsace

4. THE ATTITUDE OF THE KING AND OF THE SOVEREIGN COUNCIL OF ALSACE TOWARD THE JEWS

After the extermination of most of the Alsace Jews in 1349, the handful who managed to survive wandered throughout Alsace and Switzerland seeking possible places of domicile.[11] In the very first years of French reign in Alsace, after the Treaty of Westphalia in 1648, the Jews were continuously exposed to the danger of expulsion.[12] Finally, after long protractations, Letters patent (*Lettres patentes*) were issued on September 25, 1657, according to which the Jews of Alsace were placed under the protection of the King. An Ordinance of October 4, 1671, again nullified the proposed expulsion of the Jews.[13]

Two historical viewpoints exist concerning the attitude of the French Monarchy toward the Jews of Alsace after the province was taken over by France. One school of historians maintains that after the Treaty of Westphalia the King simply perpetuated the previous status of the Alsatian Jews, i.e. that which existed under the reign of the German princes. Thus it is thought that the Letters patent of September 25, 1657, simply recognized, inasfar as the Alsatian Jews were concerned, the previous status quo.

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[11] They petitioned a great many cities and seigniors, paid considerable sums of money, and occasionally a few families were admitted to certain localities, mostly on a temporary basis. There were some Jews in Alsace during the Thirty Years' War; most perished, but a number survived the War owing mostly to their having been granted permission, after payment of cash, to live in fortified cities. Elie Scheid, *Histoire des Juifs d'Alsace* (P 1887) p. 49-68; M. Ginsburger, Wandernde Juden zur Zeit des dreissigjahrigen Krieges. *Jahrbuch der Gesellschaft für die Geschichte der Israeliten in Elsass-Lothringen* (G 1917) p. 11-27. On the massacres of Alsatian Jews in the 14th-15th centuries see: Raphaël Blum, Horribles massacres des Israélites de l'Alsace vers la fin du quinzième siècle. *UI*, vol. VIII (1852) p. 116-19; La Bataille de Nancy en 1477 et les massacres des Juifs en Alsace. *RJL*, 1934, p. 122-24; H. Cobourg, *Les brûlés de Strasbourg. Chronique du XIVe siècle* (St-Mihiel 1862); Matth. Doll, Zur Geschichte der Juden verfolgungen im Elsass, Schlesttadt 1347-1647. *Alsatia*, vol. VII, p. 330-35. This subject is treated in a very large number of local Alsatian monographs.

[12] On February 26, 1651, the young Louis XIV ordered the Jews chased out of Brisach, but the order was not carried out. Apparently the local authorities did not wish to lose with the Jews the taxes paid by them. [François Guinet,] *Factum... sur la matière de l'usure...* (Ville-sur-Yllon [S 1703]) p. 68. When Louis XIV occupied Huningue the Jews were forced to leave the city. Among them was Rabbi Abraham of Alsace who took up residence in Hungary. His great-grandson was Rabbi Simson of Alsace, the father of the 19th century Jewish leader of France, Albert Cohn. A. Cohn, *Lettres juives. UI*, vol. XX (1864) p. 105-06; Isidore Loeb, *Biographie d'Albert Cohn* (P 1878) p. 2.

[13] J. de la Grange, Mémoire sur la province d'Alsace, 1697. *Description du département du Bas-Rhin*, vol. I, p. 519-58; de Boug, *oc*, vol. I, p. 46.

This viewpoint was prevalent mostly among historians of the pro-German school." Yet the Alsatian historian F.R. Ichtersheim wrote in 1710 that the Jews fared better under the reign of the King of France than under the previous rulers as a result of their (the Jews') supplying the army with horses. This viewpoint was later developed by the Alsace historians of the French school, whose standpoint is best summarized by the French Jewish historian, André Neher. Louis XIV and his successors, he wrote, found that the Alsace Jews were in a position to help the French armies, just as the Metz Jews were able to do." When Alsace came under French rule the example of Metz, where Jews were permitted to maintain a community council, was already in existence. It was the French policy not to maintain the German status quo, but instead to equalize the Alsatian Jews' status with that of the Jews of Metz under French jurisdiction. Actually the legal position of the Alsatian Jews was worse than that of the Jews of Metz, who were not subject to many social disasters plaguing the Jews of Alsace. A. Neher explains this condition by pointing to the general shortcomings and difficulties of the French administration in Alsace which was more deep-rooted than in Metz. The city of Strasbourg, for instance, followed an anti-Jewish policy of its own with which the King could not always interfere. Yet, Maximillan I in 1516 and Charles Quint in 1544 and 1548 also permitted Jews to take up domicile in some Alsatian cities against the will of the city councils involved."

" The truth is that the *Judenordnung* of May 22, 1613, issued by Bishop Leopold of Austria remained the legal code regarding Jews even long after 1648. This Ordinance forbade Jews to purchase real estate without special permission from the Regency; it did not recognize a debt in favor of a Jew if the I.O.U. was not made out by an official of the locality where the Christian debtor lived; it limited the religious freedom of Jews; it forbade a Jew to give shelter to another Jew for more than twenty-four hours; it prohibited the carrying of arms by Jews even on the roads for purposes of personal defense; etc.

" These facts are very well known, they are mentioned even in the various decrees concerning Jews (January 24, 1632, September 25, 1657, and others). Following is, e.g., the preamble to the Declaration of the King in favor of the Metz Jews, Oct. 18, 1605: "...estant bien mémoratifs de ce qui nous fut représenté par les Juifs habitans par la permission de nos prédécesseurs Roys en la ville de Metz du bien qu'ils avoient apporté selon leur pouvoir à la conservation de ladite ville en notre obéissance, par le secours, assistance, & bonne intelligence qu'ils avoient en tant envers ceux qui avoient la charge de Place pour n[ot]re service, que envers les gens de guerre qui y estoient en garnison, & les habitans d'icelle..." (Arsenal,ms. 5417,p.329). Even the Bishop of Metz did not advocate a complete expulsion of all the Jews because "some" of them were useful: "Je ne serois pas d'avis que l'on les chassât tous, parce qu'il y a des banquiers, des marchands de chevaux, et quelques autres qui peuvent estre de quelqu'utilité, mais je suis persuadé qu'il est absolument nécessaire de les réduire à un nombre certain, et surtout de ne les pas laisser à la campagne où ils deviennent absolument les maîtres" (Guerre, A-I-2420,No.323).

" E. Seinguerlet, *Strasbourg pendant la Révolution* (P 1881) p. 55; *Ecclesiasticum Argentinense*, p. 105-18; R. Reuss, *oc*, vol. II, p. 578-79; F. R. Ichterstein, *Ganz neue elsassische Topeographia* (Regenspurg 1710); André Neher, Principes et applications de la politique de Louis XIV à l'égard des Juifs d'Alsace. *Deux siècles d'Alsace française* (P 1948) p. 159-73; Charles Gérard, Coup d'œil sur l'industrie et le commerce de l'Alsace au XVIe siècle, *RA*, vol. I (1850) p. 70. According to the historian Goetzmann the Alsatian Jews lived more happily than those of other French provinces. The bailiff

The policies of the French administration in Alsace regarding Jews prior to 1789 can be summarized as follows: The French administration sought to protect the Jews from local persecution since it received from the Jews special taxes and, in times of war, the Jews were of great help — they were in a position to provide horses, grain, and cash. The Alsatian noblemen and city administrations were not particularly satisfied with this state of affairs; hence, controversies frequently ensued between the royal French administration and the local authorities. The King of France inherited the German rulers' rights regarding the Jews, while the municipalities retained *their* rights."[43] Alsace was divided into countless more-or-less independent small states and cities rivaling with one another. These entities sometimes consisted of a city, an entire region, or a group of towns, even a single village, with traditions of their own, separate jurisdiction, and specific political and economic interests. This condition made the assimilation of Alsace as a French province very difficult. With the exception of the 18th century, even the architecture in Alsace is peculiar to the German provinces."[44] In the final count one has to conclude that until the Revolution of 1789 Alsace was an occupied province with a strange language, a strange culture, decimated into a series of local political entities and interests, undermined by intrigues. France was able to assert her authority there only by force of her military and civil administrators.[45] The Alsatian Sovereign Council (*Conseil Souverain,* Parliament)

Jacquot of Bolwiller wrote that since Moses' times did Jews live nowhere as happily as in Alsace. The 19th century historian Ch. Hallez wrote just the opposite, and so did the French-Jewish historian, I. Bédarride. According to the Alsatian historian, F. B. Balzweiler, the status of the Alsatian Jews was worse than that of the serfs. The Jewish historian, E. Carmoly, wrote that Louis XIV persecuted the Protestants but not the Jews, the King's death was a happy event for the anti-Jewish elements. The historian, Rabbi M. Charléville, wrote that Louis XIV was favorably disposed to Jews; that he assimilated the status of the Alsatian Jews to that of the Metz Jews. Goetzmann, *oc,* vol. II, p. 289; AdBR,C336; Hoffmann, *oc,* vol. IV, p. 319; T. Hallez, *Des Juifs en France...* (P ed. 1845) p. 92; I. Bédarride, *Les Juifs en France, en Italie et en Espagne* (P ed. 1867) p. 374; F. B. Balzweiler, Histoire de la ville et du bailliage de Soultz. *RA,* vol. XLVIX (1898) p. 284; E. Carmoly, Histoire des Israélites de France. *Revue Orientale,* vol. II (1842) p. 232-33; M. Charléville, *Louis XIV et les Israélites.* Extr. des *AI* (P 1888) p. 8.

[43] Jean Benoist, *Le premier administrateur de l'Alsace française Jacques de la Grange. Intendant d'Alsace de* 1673 *à* 1698 (S 1930) p. 77-79; Julien Hayem, *Mémoires et documents pour servir à l'histoire du commerce et de l'industrie en France.* 6e série (P 1921) p. 184; E. Scheid, *Histoire des Juifs de Haguenau...* (P 1885) p. 45.

[44] J. Benoist, *oc,* p. 31-33; Emile Baas, *Situation d'Alsace* (S 1946) p. 39.

[45] There were three types of authorities in Alsace: (1) The military commander (*Commandant militaire*) who was in command of the King's armies within the province; (2) The Sovereign Council (*Conseil Souverain*) which enjoyed the same rights as the *Parlements* in the other provinces and which concerned itself not only with matters of justice but also with administrative, political, and legislative problems; (3) The Intendant who was a *Commissaire* empowered with great authority — he even had the right to intervene in matters of jurisdiction usually reserved for the Sovereign Council. The military commander and the Intendant were the King's own direct representatives in Alsace, they constantly watched over the interests of the monarchy in their province. The Sovereign Council was created in September 1657 as a continuation of the Royal Chamber (*Chambre Royale*), brought into being soon after the Treaty of Munster (1648), as a result of which the Province of Alsace came under French

also officially represented the King; yet it was more flexible then the royal administrators, it was composed of Alsatian personalities and was more influenced by local events and interests. Thus the Council was frequently the scene of conflicts between the interests of the Monarchy and local interests, and also of conflicts between the Council and the King's two direct representatives in Alsace, the military Commandant and the Intendant. Conditions were approximately as in Metz, even through the opposition of the Metz Parliament against the King was stronger than that of the Alsatian Council. In studying the condition of the Alsatian Jewry these general circumstances of political life in Alsace must be borne in mind. The Jews in Alsace were not concentrated in a few large centers, but were spread out throughout nearly 200 communities (the exact number being 19,707 Jews in 182 communities according to the 1784 census), and these communities were located in the various political and administrative parts of Upper and Lower Alsace, in cities and towns belonging to a variety of owners. The 182 cities and towns where Jews resided were royal and free imperial cities, belonged to the Church and to 56 different individuals." Thus the Alsatian Jews were submerged in a sea of opposing political and economic interests, jurisdictions, traditions, and intrigues. Frequently, as we shall see, the King took the side of the Jews. Yet this was not the rule, he did not always find it to his advantage to do so.

Two points of view frequently appeared in the struggle between the Alsatian Jews and their enemies: (1) That advocated by the Gentiles that the Alsatian Jews had no royal privileges and were dependent upon the local seigniors; and, (2) that of the Alsatian Jews that their position was made equal with that of the Jews of Metz and that they thus did enjoy certain royal privileges. The Alsatian Jews frequently pointed out that the King needed them in order to help develope Alsatian commerce. In 1756, the Jews of both parts of Alsace wrote (in a petition opposing the demand of 12 communities concerning the decrease of the number of Jews

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jurisdiction. After a series of changes the Council took on its final form of the *Conseil Souverain* in 1679, and one year later (1698) Colmar (Upper Alsace) became its official site. Pillot et E. de Neyremand, *Histoire du Conseil Souverain d'Alsace* (P 1860).

" According to Heitz, *L'Alsace en* 1789. *Tableaux des divisions territoriales* (S 1860) 32 p. and *Dénombrement général des Juifs...* (C 1785) 386 p.; *Supplément au dénombrement...* (C 1785) 2 p.; *Récapitulation du dénombrement...* (C 1785) 1 p.

90 Jews resided, e.g., in Horbourg, which belonged to the seignior de Würtemberg and was under the jurisdiction of the bailiwicks of Horbourg and Riquewihr. 28 Jews resided in Ingersheim, which belonged to the City of Colmar and was under the jurisdiction of the bailiwicks of Ensisheim and Ste-Croix and under the administration of the seigniory of Upper Landsberg. Wintzenheim [Ht.-L.] with 394 Jews and Wintzenheim with 381 Jews were under the same jurisdiction and administration, but they belonged to Colmar and the bailiwick of Kayserberg. Grussenheim with 138 Jews, Herlisheim (in Upper Alsace) with 160 Jews, Woegtlinshoffen with 52 Jews, Biesheim with 256 Jews, all of them under the above named jurisdiction and administration, belonged to three different owners (Grussenheim to de Rathsamhausen, Biesheim to de Waldner and the three other places to de Schauernbourg). Waltenheim (35 Jews), Uffheim (122 Jews), Niedersteinbroun and many other cities and villages belonged to more than one owner.

and the imposition of higher taxes upon Jews) that after the Treaty of Westphalia, when the King sought to re-populate the province, he invited various foreigners to make Alsace their home, even Jews, so that they might revive commercial activities within the province. In contradistinction to the Jews' thesis that they were protected by the King, the Sovereign Council maintained that the Jews enjoyed no rights whatever, that they were merely tolerated." According to the Council's point of view the "tolerance" of a Jew in Alsace was not transmitted by heredity from parents to their children; young Jews were refused the right to live in the place where their parents had dwelled, i.e. after their marriage the young Jewish couple were again required to purchase their right of domicile, and were frequently not in a position to do so."

We have here a strange case of the Alsatian Jews' constant struggle for obtaining the same status of royal privileges enjoyed by the Jews of Metz, even though in some cases the actual position of the Alsatian Jews was better than that of the Metz Jews (dealing exclusively in used goods). It is to be assumed, however, that had they been able to obtain the royal privileges enjoyed by the Jews of Metz, the Alsatian Jews would have been in a position to turn these privileges to a greater advantage than did their Metz coreligionists. Actually the Jewish leaders of Alsace demonstrated no less

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[47] AdHR,C1558p.55. The attorney de Mirbeck wrote in his memorandum for the Alsatian Jews (1784) that they profited only from a strict tolerance (*tolérance rigoureuse*). He stated that only the Jews of Bordeaux, Metz and Nancy *approche le plus de l'état civil* (AN,K1142p.45). In April 1789, the Jews of Alsace, Metz and Lorraine wrote in a memorandum to the King, that the ordinances of 1672, 1674 and 1680, granted the Alsatian Jews the same rights as those of the Jews of Metz: "Les Juifs... sont regnicoles françois, sujets du Roi établis en France depuis longtemps sous la protection de l'autorité souveraine qui leur a conservé leurs rites et leur juridiction particulière... Cette Nation [juive] jouit du bénéfice des lois civiles du Royaume, puisque ceux qui la composent transmettent leurs biens, soit à titre de succession soit par testament: faculté dont sont privés les Etrangers" (AN,Ba11).

[48] Hallez, *oc*, p. 101; de Boug, *oc*, vol. II, p. 461. E. de Neyremand, *Petite gazette des tribunaux*, vol. III, No. 25 (C 1861) p. 3-5.

In a reply to the Intendant, Samuel [Baruch] Weill, the Chief Rabbi of Upper Alsace in 1711-1753 wrote on the condition of the Alsatian Jews that the Jews residing in cities belonging to the King pay yearly 10-17 pounds "protection fees" (*Billets de protection*) per family. The Jews of the 10 "imperial cities," the Strasbourg territory, the territories of the Alsatian noblemen and the Comte of Hanau pay only "capitation" toll to the King, but to the local authorities they must pay twice as much as for the Kings *Billets de protection*. Outside of their residence they must anyway pay to the King the body-toll (*péage corporel*). Jews paying *Billets de protection* were free from the body toll (in the author's possession). With respect to immediate results there was often perhaps no significant difference between the condition of the Jews under the King's protection and those under the protection of local rulers. Yet the Jews were disliked for their reference to royal protection, people simply could not understand why the King frequently appeared to take the Jew's side of the argument and permit them to express their gratitude for it. The author of a catalogue of Alsatian laws gave on November 20, 1781, a description of Jewish celebrations on the occasion of the birth of the Dauphin (1781) as a "monument of Jewish shamelessness." *Détail des cérémonies qui ont été observées par les Juifs de la province d'Alsace à l'occasion de la naissance de Monseigneur le Dauphin... dans la synagogue à Bischheim-au-Saum, le* 20 *novembre* 1781 (S 1784): "cette pièce est un monument de l'impudence judaïque." AdBR,C148b. On the abolition of the body-toll see note 422.

perseverance and ability than those in Metz and Lorraine.[49] The political and administrative decimation of Alsace was actually a doubleedged weapon — in the mass of opposing interests the Jews were frequently able to obtain points in their favor, while in Metz the Jews were opposed by a solid, well organized, anti-Jewish block of the Church, the city, the corporations and the Metz Parliament. From a legal point of view the Jews actually should have fared better in Alsace than they did in Metz. The Alsatian Sovereign Council was as a rule more of an instrument in the King's hands than was the Parliament of Metz, and was less dependent upon local interests, influences, and traditions. As a result, the attitude of the Council to Jews was in general more liberal than that of the Metz Parliamant, as evidenced by some legal cases. Yet, personal antipathies regarding Jews on the part of the leaders of the Council always played an important part.[50] Still, it is certain, that hundreds upon hundreds of cases can be found in which the Council and lower courts, petitioned by Jews, pronounced sentences in their favor. Without the legal intervention of the Council against countless chicanes of municipalities, seigniors, and unscrupulous debtors, the condition of the Alsatian Jews would have been much worse than it actually was.[51]

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[49] According to M. Ginsburger, after 1648, the Alsatian Rabbis came first from Metz, because for over a century the Metz Jewish community had had more experience in community affairs. Ginsburger, *Samuel Lévy, ein Stiefsohn der Glückel von Hameln* (Pressburg 1908) p. 9-10.

[50] This can clearly be seen from the trial against the Jewish martyr Hirtzel Lévy in 1754. Christophe de Klinglin, President of the First Chamber of the Sovereign Council conducting the trial had many enemies; he was a friend of the Jesuits and an anti-Jew. His father, a former royal praetor of Strasbourg, was sentenced to a prison term; the Jew Raphaël Lévy and his son Michel bore witness against him. The praetor and his son had taken bribery-money from these Jews and all this influenced Christophe de Klinglin's bias toward Jews. *Mémoire pour Abraham-Hirtzel Lévy et Feila sa sœur...* (P 1755) 12 p.; *Arrest du Parlement du Metz qui purge la mémoire du défunt Hirtzel Lévy, Juif...* (M 1755) 14 p. BN,1F2794; *Choix de nouvelles causes célèbres,* vol. I (P 1785) p. 117-67; de Neyremand, *Petite gazette des Tribunaux,* No. 8-9 (C 1859); I. Loeb, Hirtzel Lévy, mort martyr à Colmar en 1754. *AnREJ,* vol. I (1881) p. 125-61; Carmoly, Hirtzel Lévy, dit le kadosch de Wettolsheim. *AI,* vol. XVIII, p. 152-158; *Mémoire de M. de Klinglin...* (Grenoble 1753) 336 p. BN,Fm17557; Arsenal,ms.6665-66, 6686. On the Klinglin family and their lawsuits see also: *Mémoire pour la Dame... Gomé... contre messire Romain de Klinglin* (sl 1711); *Mémoire pour les héritiers de feu M. de Klinglin* (sl [1755]); *Mémoire pour le Magistrat de la ville de Strasbourg, en réponse au mémoire imprimé des héritiers... de Klinglin* (sl 1755); *Mémoire pour... la ville de Strasbourg... contre les héritiers du feu sieur de Klinglin* (P 1763); *Mémoire justificatif pour les héritiers ... de Klinglin... contre la veuve Haffner* (P 1769); *Klage der Frau von K[l]inglin gegen ihren Mann...* (sl 1787).

[51] On Dec. 30, 1722, the bailiff of Bischheim forbade slaughtering according to the Jewish canon; but on Apr. 30, 1732, the bailiff of Lauterbourg authorized such slaughtering and selling the non-kosher parts to Gentiles on fixed days. In 1733 and on Jan. 25, 1759, the Sovereign Council rendered verdicts in the spirit of the Lauterbourg decision (ZS). The Jewish horse-dealer Schmul Meyer of Pellicamp traded horses with the peasant Henri Faath of Queicheim. The peasant had to pay to the Jew 9 gold Louis, but the Jew neglected to take the necessary guaranty from the peasant. He then requested the court to grant him the necessary guaranty and on March 9, 1733, the *Marckgericht* of Germersheim did so, in spite of the debtor belonging to the jurisdiction of another bailiwick. Philbert, *Traduction d'un jugement rendu par le Marckgericht de Gemersheim du 9 mars* 1773 (sl nd) 8 p. JTS.

Frequently one gains the impression that regarding the opportunities of defending himself, the Jew was not the worst off. He was, for instance, more intelligent than the peasant and knew better how to make use of the machinery of justice. If needed, the Jew was even helped by the Jewish community council, while the peasant very infrequently knew where to find aid in his struggle against the city, the government, his seignior, or the Church. Only in fighting the Jew was the peasant able to obtain help from his priest or from others. The Jews even enjoyed certain autonomous rights in their community councils, more important rights than those enjoyed by the peasants or the Protestants."[52] These practices, however, were carefully controlled, calculated never to afford the Jews too many legal rights, only to tolerate them."[53] The same condition prevailed regarding the treatment of Jews by the King's direct representatives in Alsace. The *Commis des Domaines du Roi* of Landser started court proceedings against five Jews of Sirentz, on October 10, 1765, on the grounds that the Jews had not declared themselves with the authorities and did not pay

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[52] That the Jews enjoyed considerable autonomy regarding internal Jewish affairs is evidenced by the case of an order issued by the Sovereign Council on September 1, 1784, regarding the property of married Jewish women. This order aimed at equalizing, in this respect, the rights of the Jews with other inhabitants of Alsace, and particularly at protecting the interests of the Jews' Gentile creditors. Yet when it transpired that the recognized rules of the Jewish communities regarding these matters differed from those enforced by this order, the order of September 1, 1784, was temporarily rescinded, as was Article XIX of the Letters patents of July 10, 1784, concerning the same matter. In legal cases involving inheritance and concerning Jews and converts, the legal authorities in Alsace, Metz, and Lorraine favored the jurisprudence of the Jewish community councils which prohibited the convert's use of Jewish heritage. Verdict of the Metz Parliament, February 23, 1704; of the Council of Alsace of February 9, 1746, etc.; *ERCSA. Du 8 janvier* 1785 (C 1785) 6 p. BuS33229; *Précis pour Salomon-David Alphen, contre Me Jean-Pierre Pecheur...* (M sd) 42 p. BmC, Tc2-43. On the jurisdiction of the Alsatian Rabbis see de Boug, *oc,* vol. I, 102, 347, 359, 365, vol. II, p. 211, 219, 309, 419, 693, 765; J. de Fombusque, Les Juifs de Metz. *La Question juive en France et dans le monde,* No. 1 (1943) p. 42-43; M. Ginsburger, *Histoire de la communauté israélite de Bischheim au Saum* (S 1937) p. 19-28 (on the autonomy of the Alsatian Jewish communities). According to a memorandum of the Intendant of Alsace (Aug. 26, 1716) the Alsatian Jews had five official rabbis: (1) one in Upper Alsace, approved by royal Letters patent, and four in Lower Alsace: (2) in the territory of the Bishopric of Strasbourg (approved by the Bishop), (3) in the territory of the House of Hanau (approved by the prince), (4) a rabbi for the territories of the seigniors (approved by them), and (5) a rabbi for the City and territory of Haguenau (approved in 1697 by the Intendant). On May 21, 1681, Aaron Wormser of Metz was appointed by King Louis XIV as Chief Rabbi of both parts of Alsace, but in 1697 a second rabbi was apointed for Upper Alsace. In 1711, upon Weill's death, Samuel Baruch Weill [Weyl] became Chief Rabbi. Guerre,A-1-2679,No.81; de Boug, *oc,* vol. I, p. 102; Hoffmann, *oc,* vol. IV, p. 334; M. Ginsburger, *Die rechtliche Stellung der elsässischen Rabbiner unter französischer Herrschaft* (Zürich 1907) reprint. On the autonomy of the Metz Jewish community and Metz rabbis see notes 49 and 93.

[53] There were 53 synagogues in Alsace and 11 or 12 Jewish cemeteries, but only three synagogues (of Ribeauvillé, Westhoffen, Haguenau) were — according to Goetzmann — of an official character, the others were unofficially tolerated. The synagogue of Horbourg was granted permission to open in 1773 as a *maison pour prier.* J. F. Fischer, *Dissertatio inauguralis de statu et jurisdictione Judaeorum...* [1763]; I. Loeb, Les Juifs à Strasbourg depuis 1349 jusqu'à la Révolution. *AnŒEJ,* vol. II (1883) p. 3; Goetzmann, *oc,* vol. II, p. 290; Hoffman, *oc,* vol. IV, p. 320.

any royal protection toll (*droit de protection*), claiming to be cantors and teachers. On January 8, 1766, the Intendant L.G. de Blair recognized the rights of two of those Jews to occupy the positions of cantor and teacher and freed them from these payments. The other three Jews were ordered to pay their dues from the time they had come to the town. In addition, however, the Intendant ordered erased from the court records all expressions of a derogatory character against the Jews and forbade the subsequent use of similar expressions.[54] The Alsatian Council adopted a super-legalistic attitude with regard to the Jews. Contrary to its attitude in similar matters with respect to non-Jews the Council could not free itself from anti-Jewish sentiments. But since the King needed the Jews and the Jews managed to obtain protection rights from the King, it was the duty of the Council to watch that the laws be observed to the letter. Even anti-Jewish regulations and acts of terror against Jews were to be held within the framework of the Law.

5. RESTRICTIONS CONCERNING THE JEWS OF ALSACE

Between 1637, when the number of Jewish families in Alsace was estimated at 3,665, and the later part of the following century there were at least a dozen estimates of the size of the Jewish population, of which no more than one or two may be considered reliable. In 1689, the number of Alsatian Jewish families was estimated at 522 and in 1716 at 1,269, and according to the 1784 census, there were 19,707 Jews in the province. It cannot be assumed, however, that all the Jews had registered for the census. The Alsatian Jews regarded the census as an unfavorable measure, which many undoubtedly evaded whenever possible. To obtain a more accurate figure, one may attempt to estimate the Alsatian-Jewish population on the basis of the contemporary birth and death rates, and this would put the number of Jews in Alsace at 22,570 or 23,800.

In 1689 the Alsatian-Jewish population was distributed in 95 communities, in 1716 in 129 communities, and in 1784 — in 182 communities.[55] A pamphleteer of 1790 correctly noted that the Jews were forced to live in but 182 communities, and that in approximately 900 other towns and villages they were forbidden to dwell. They were permitted to engage exclusively in business activities in localities where almost no business opportunities existed, and they consequently had to turn to dealing in money. Jews were not permitted to live in the cities where the most

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[54] *Louis-Guillaume de Blair...* Broadside, Feb. 8, 1766. JTS.

[55] Z. Szajkowski, The Growth of the Jewish Population of France, *Jewish Social Studies*, vol. VIII (1946) p. 180-81; E. de Neyremand, Dénombrement des familles israélites en Alsace, années 1689 et 1716. *RA*, vol. X (1859) p. 564-68; E. Scheid, *oc*; G. Hemerdinger, Le Dénombrement des Israélites d'Alsace (1784). *REJ*, vol. XLII (1901) p. 253-64; Ibid., La population israélite en Alsace. Recensement de 1784, 1860 et 1895. *UI*, vol. LVIII-1 (1902-03); see note 46.

important fairs took place; they could attend the fairs for a special payment, as, for instance, in Strasbourg; they were permitted to come to Obernai only to the fair for a payment of 6 *deniers.*[56] Before the Revolution Jews were not allowed to live in Mulhouse (an independant republic), a center of many Alsatian industries.[57] In most cities lying alongside the good Alsatian roads Jews were likewise forbidden to dwell.[58]

The jurisdiction concerning residence rights of Alsatian Jews in regions not belonging to the King was not well defined, and there was therefore considerable leeway for intrigues against the Jews and demands for limiting Jewish rights of domicile or for the expulsion of Jews living in these regions. Every seignior considered the Jews his "property".[59] Every local ruler in Alsace jealousy attempted to guard his privileges regarding the admittance of Jews to his holdings, the Jews being to him a source of additional income. Legal cases between seigniors who sought to accept Jews, for suitable payment, and towns and villages which resisted these attempts were a frequent occurrence.[60] The Alsatian jurisprudence concerning the seigniors' right to accept Jews were established only

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[56] *Lettre d'un alsacien sur les Juifs d'Alsace à M. Reubell...* (P 1790) p. 13; J. D. Schoepflin, *Alsatia illustrata...* (C 1751) vol. II, p. 406. On a 1573 lawsuit betewen a Jew and the City of Colmar because Jews were not allowed to trade on the market see: Otto Koser, *Prozessakten aus dem Elsass...* (Berlin 1936) No. 404.

[57] Mulhouse was a Protestant center. It is worth while to note that the Protestants, too, had to fight often for their economic status. About 1780, the Catholics of Cernay fought Protestant industrialists who came there from Mulhouse to establish factories. C. Oberreiner, Cernay et les réformés mulhousiens. *Bulletin du Musée historique de Mulhouse,* vol. L (1930). On the economic and religious fight of the Metz Parliament against the Protestants see: R. Mazauric, Le Parlement de Metz et les Protestants après la Révolution. *Bulletin de la Société de l'histoire du Protestantisme français,* 1935, p. 377-88.

[58] According to a map of Alsatian Roads (1787) the first-class roads passed the following cities (the cities where Jews resided legally are given in italics):

1) Basel-Altkirch-Dannemarie-Belfort-Essert [road from Belfort to Paris].

2) Belfort - Aspach-le-Bas - *Guebweiller* - Soultz - Rouffach - Colmar - Ostheim - Guemar - *Berghem* - Sélestat - Benfeld - Erstein - Entzenheim - Strasbourg - Drüsenheim - *Fort-Louis* - Roppenheim - Seltz - Wintzenbach - *Lauterbourg* - Hagenbach.

3) Strasbourg-Stutzheim-Willgottheim-*Saverne* [road to Phalsbourg, Sarrebourg, Nancy and Paris].

The same applies to the second class roads, e.g., the road: Basel-Huningue-*Kembs*-Ottmarsheim-Neuf-Brisach [from there a road to Colmar]-Muntzenheim-*Marckolsheim* [from there a road to Sélestat]-Artolsheim-Rhinau-Strasbourg. Robert Werner, *Les Ponts et chaussées d'Alsace au dix-huitième siècle* (S 1929).

[59] In 1700 von Rappoltsheim wrote that the Jews of Rappoltsweiller are his indisputable property (*Vollkommenes Eigentum*) under a decree bought from the Emperor Ludwig in 1331. M. Ginsburger, Samuel Lévy, rabbin et financier. *REJ,* vol. LXV-LXVI,LXVIII (1908-09) p. 14. The author of a memorandum for the Prince de Deux Ponts wrote in the same sense (*droits de propriété sur le peuple hébreu,* ZS).

[60] In the 18th century a conflict ensued in these matters between the Comte de Borrey on one side and the city and the Jews of Wintzenheim on the other. In 1762, Walcourt, the owner of Martinsbourg in Wetholsheim, accepted 34 Jewish families even though he was not the seignior of the village. The village protested and on May 25, 1774, he was ordered to expel the Jews within a period of three months (see note 61).

after 1763. The right to expel the Jews was accorded to the King, and, according to the text, the independent imperial cities also enjoyed a similar privilege. The seigniors could remove the Jews only if the latter did not pay the required dues or otherwise trespassed against the law. The right to accept the Jews was held only by the seigniors or the city councils enjoying territorial independence or special rights (*Letters patent*) endowed by the King for this specific purpose; also the city councils which held property rights on Jews since times immemorial.[61] Yet the jurisprudence was not always respected, hatred against the Jews frequently replaced the letter of the law. In 1761, the city of Colmar permitted the Jew Lazar Salomon of Thann to make his home in Ingersheim, situated in the seigniory belonging to Colmar. This permission was consequently legal. Yet Ingersheim protested and sought legal counsel from three lawyers of the Council. In a consultation of January 18, 1763, the lawyers replied that even if the action of Colmar was a legal one, the Jew should not have been granted permission to reside there owing to the crimes (*crimes impies*) committed by Jews in general. The Intendant intervened in the conflict and judged, on March 1, 1763, in favor of the permission granted the Jew by the city of Colmar.[62] As was previously noted, the right of domicile of an Alsatian Jew did not apply to his entire family. Only the first-born son, of all his married children, could enjoy these rights, and this ruling created opportunities for chicanery against Jews.

A series of legal cases developed when the Prince Palatine de Deux Ponts wished to reject the right of domicile of a number of married Jewish children other than the first-born in his territory of Ribeauvillé and Bergheim.[63] In March 1769, the prince sought legal counsel from Colmar lawyers. As the legal rulings of the Council in this case were not quite clear and left room for various interpretations, two groups of lawyers of the Council wrote varying briefs. According to a *Mémoire* by two lawyers of March 17, 1769, a seignior did have the right to expel married children of a Jew excepting the first-born son; but according to a previous brief by three lawyers of the Council, the seignior after accepting a Jew was also required to accept the Jew's children. This lack of clarity in the jurisprudence on residence rights for Jews was

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[61] This latter circumstance was the justification of the Council which, in a case between the city of Soultzbach on one side and the seignior J.C.A.F. Baron de Schauenburg and the two Jews, Wolf and Isaac Weil, on the other, decided on May 10, 1754, that the seignior had not held the legal right to accept the Jews and thus was requested to expel them. *Mémoire pour Mre. Alexis Tranchant, comte de Borrey... contre les Prevôt... de Wintzenheim — demandeurs et la communauté et familles des Juifs...* (sl nd) 6 p.; AmS,vol.942; de Boug, *oc*, vol. I, p. 531, II, p. 46, 402, 462; Fischer, *oc*, p. 93; Hoffmann, *oc*, vol. IV, p. 317.

[62] AdHR,C1284.

[63] The Prince Palatine de Deux Ponts enjoyed the same rights regarding the Jews as other seigniors of Upper Alsace; he could accept Jews into his territory, but once he accepted them, he did not have the right to expel them, since he did not have any royal Letters patent empowering him to do so.

the cause of continuous court actions, anti-Jewish acts, interventions, etc., which caused the Jews great expense. The bailiff Jacquot of Bolwiller wrote that the right of Jews to be accepted was "personal and individual" and that the reproach of inhumanity did not apply in refusing right of domicile to a first-born son of a Jew. Thus the Jews frequently had to wander across the province until they found a seignior who agreed to accept them.[64] The price for permitting a new Jewish family to make its home in the community was frequently considerable.[65]

One of the most severe regulations against the Jews was the one establishing control over "foreign" Jews and Jewish beggars, i.e. Jews who could not legally receive domicile rights. On September 23, 1720, "foreign" Jews were refused permission to remain in Alsace for a period exceeding three days — and even that only after producing proof that they had come on matters of business; Jews were also forbidden to entertain "foreign" Jews without special permission.[66] One has to suppose that at times Jews managed to

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[64] Hallez, *oc*, p. 101; de Boug, *oc*, vol. II, p. 461; AdBR,C336; Hoffmann, *oc*, vol. IV, p. 324-25, 348, "rodé dans la province, jusqu'à ce qu'ils aient trouvé un seigneur facile à les recevoir." AdBR,C336. In some places the Jewish population consisted of legal residents and of tolerated Jews. In Wissembourg (Alsace), e.g., 40 Jewish families resided in 1775; 18 of them were granted permission of legal residence and 22 were only tolerated, J. Rheinwald, *L'Abbaye et la ville de Wissembourg* (Wissembourg 1863) p. 253; M. Ginsburger, Wissembourg, *Souvenir et science*, 1932, No. 2, p. 10.

[65] In Haguenau the widow of Nathan Alexandre paid 600 pounds; Abraham Aron Moch paid 3,000 pounds in 1776 for a similar permission for his daughter (his entire property was estimated in 1760 at 5,300 pounds); Koschel Moyses paid 300 pounds in 1778, Nochem Weyl paid 400 pounds; in 1785 Calme Rheins paid 1,000 pounds for a similar permission for his son (in 1760 his property had been estimated at only 400 pounds); even in 1789 Benjamin Bernheim had to pay 2,000 pounds for a similar permit for his son Raphaël and his daughter-in-law Sarah, the daughter of Abraham Aron Moch. I. Bernheim of Zillisheim who had resided in Ribeauvillé since 1773 wished to get married in 1786. He was a tailor and a merchant of textiles and had saved 2,000 pounds, his bride-to-be promised a dowry of 1,500 pounds. The seigniory promised to permit them to establish residence for a payment of 127 pounds, but the Jewish alderman did not allow this to transpire, since his three sons were also in the business and he did not want to have a competitor in the community. Not infrequently the parents of the bridgegroom demanded as dowry that the parents of the bride-to-be obtain permission for the bridegroom to establish domicile in the locality where the bride lived. This was the case with Moyses Koschel of Mettelbroun, the bridegroom of Gudel, daughter of Abraham Aron Moch of Haguenau in 1753. Scheid, *Histoire des Juifs de Haguenau*, p. 68, 71, 73, 75-77; Hoffmann, *oc*, vol. IV, p. 352. It should be noted that not only Jews paid residence taxes. Often old residents of Alsace forced new residents to pay a special tax, even if they married men or women who had lived there before. But this was not so drastic as toward Jews. AN,BaI20. Of course poor Jews were more often driven out. De Mirbeck wrote in his memorandum of 1784: "La fortune, vraie ou apparente, des Juifs, devint la règle de leur sort: le pauvre fut chassé, sans pitié, de sa terre natale, tandis que le riche, né ailleurs, étoit reçu, avec empressement, dont il plaisait au seigneur de le charger; quoique le droit d'habitation fut fixé par la loi" (AN,K1142).

[66] Similar orders to expel "foreign" Jews and "beggars" were issued on March 23, 1723; May 5, 1739; March 26, 1746; January 1, 1749; December 10, 1751; February 22, 1755; December 20 and 24, 1776; etc. When Joseph de Prunier de Saint-André, Commandant of Alsace in lieu of the Duc de Coigny, issued on December 10, 1751, regulations concerning the maintenance of order in the province, not less than 11 of the 30 articles contained in the proclamation were directed supposedly against Jewish "beggars" but

bail themselves out of these persecutions. Even the Letters patent of 1784 threatened an expulsion of the "foreign" Jews from Alsace, which, however, did not come to pass, only owing to the outbreak of the Revolution in 1789 (see note 426, p. 140).

On November 27, 1690, the Sovereign Council forbade Jews to travel on Sundays and other Christian holidays through the towns and villages in order to do business with Christians, a fine of 600 pounds being imposed for violation of this order. According to an order of December 23, 1740, Jews were prohibited from living under one roof with Christians, under the threat of a fine of 1,000 pounds for either party to this violation.[67] Jews were required to obtain special permits to engage in business of even the most elementary sort. In the entire province of Alsace there was but a single Jew, David Elias of Bouxwiller, who had a permit for a store (*boutique ouverte*).[68]

Alsatian Jews were also required to wear the yellow patch or another distinguishing mark reserved for Jews (at the county fairs of Obernai they were required to wear a special ring).[69] Jewish children were converted to Catholicism by force. Even Jewish converts suffered due to their parentage, as was the case with a priest of Soultzmatt, a descendant of Coppel Dreyfus of Guebwiller who embraced the Catholic faith in 1652.[70] Even the execution

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actually, in a broader sense, against foreign Jews and "extra-provincial" Jews (*juifs extra-provinciaires*), who did not have the rights of domicile. *Catalogue des Alsatica de la bibliothèque de Oscar Berget-Levrault* (N 1886) vol. III, p. 80, vol. IV, p. 5, 8-9; Alsatian Ordinances on Jews (printed broadsides), Sept. 23, 1720; March 23, 1723; Feb. 1730; Feb. 20, 1732; May 5, 1739; Dec. 10, 1751; Feb. 22, 1755. JTS; AdBR,C148e;AmC,AA174; de Boug, *oc*, vol. II, p. 630.

[67] *ERCSA* [Nov. 27, 1690] Broadside. AmC,AA174; *Arrêt du Conseil Souverain d'Alsace du 23 décembre* 1740. *Qui défend aux Juifs de se loger en mêmes maisons avec les Chrétiens* (C sd) 4 p. JTS; N. de Corberon, *Recueil d'ordonnances du Roy et règlements du Conseil Souverain d'Alsace...* 1657-1707 (C 1738).

[68] *Les Juifs d'Alsace...* (S 1790) p. 116. In 1752, the Jew Augé Lévy and his son Lazare of Arlesheim were fined 1,000 pounds for illegal commerce in playing-cards. Placard of Aug. 2, 1752. AdBR,C148e. In some places open stores of Jews were only tolerated ("on souffre par tolérance qu'ils ayent des boutiques ouvertes." Guerre,A-1-2679,No.81).

[69] AdHR,E699;AmC,AA173; Charles Gérard, Coup d'œil sur l'industrie et le commerce de l'Alsace au XVIe siècle. *RA*, vol. I (1850) p. 69; Schoepflin, *oc*, vol. II, p. 369.

[70] In 1735, after a cousin of Samuel Lévy of Sierc was converted to the Catholic faith by force, the Jews of Metz appealed in a petition to the King asking that, as was done in Bordeaux, all Jewish children-converts of Metz below the age of 14 be returned to their parents. The priest of Donnelay attempted to convert by force a child of Simon Jacob (1743?). In 1752, the Council ordered the priest Kellerman of Oberlauterbach to return to the Jew, Gerson Kaufmann, his child which had been snatched from him. In 1763, a Jewish child of Fénétrange was converted by force. After a protracted intervention and subsequent to a case when the child of Feiss Lévi of Zellviller was stolen from his parents, the Maréchal de Ségur proclaimed in the name of the King an order forbidding the conversion of Jewish minors. This order, however, did not apply to Jewish children born out of wedlock. A royal order of July 24, 1767, became law: basatrds were to be brought up as Catholics; bastards below five years of age who were later recognized by their parents after the latter's marriage could be brought up in the parents' religion, this rule, however, being applicable only to Lutherans and not to Jews with the additional proviso that the children could not be removed from the convent after the parents

of Jews sentenced to die was done in a particularly horrible manner: the culprits were hung by their feet, between two hungry dogs."[71]

The faintest expression of anti-Jewish sentiments immediately imperiled Jewish commerce. On January 27, 1689, three Jews were burned alive in Oberheim after having been accused of breaking into a church. Persecutions followed immediately. Jews were afraid to leave their houses and business activities came to a complete standstill. The Jews appealed to the Marquis d'Huxelles, Commandant of Alsace, who ordered on January 30, 1698, that the Jews be left alone and that the population refrain from molesting the Jews and attacking the synagogues. At times Jews were forced to move from one village to another owing to persecution. On March 1, 1777, the Mayor of Sarreguemines wrote that Abraham Cahen and Abraham Lévy were forced to leave Bliesbruck owing to assaults upon Jews. Cerfberr and other Jews attempted to move to Strasbourg owing to assaults upon Jews in the villages. It was dangerous for Jews to travel over the roads of Alsace because they were set upon by the peasants. Synagogues as well as Jewish cemeteries were desecrated. Murders were committed. On October 13, 1747, the Governor of Alsace issued an order forbidding similar excesses against Jews; a similar order was reissued on November 15, 1765. On very infrequent occassions a Jew had a chance to defend himself, but the price was extremely high. In 1700, the bourgeois of Wintzenheim attempted to expel a Jew, but the Jew brought the case to court and meanwhile he himself hired soldiers to protect him. The young people of the locality did not admit these soldiers to a dance and in the resultant shooting one girl was killed and one youth was wounded. Three soldiers were arrested and were utlimately freed, but the Jew had to pay all court expenses in this case."[72]

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got married. On the other hand, children born to the parents after the latter's marriage, even though less than nine months after the marriage ceremony, were to remain with their parents. AcM,BA,I-11; *Lettre de Mgr. le Duc de Choiseul à M. le Procureur Général du Roi au Conseil Souverain d'Alsace. A Compiègne, le 24 juillet* 1767 (C 1767) 7 p. BuS10313; de Boug, *oc*, vol. II, p. 763. On forced conversions of Jewish children in Bordeaux see: *Privilèges dont les Juifs portugais jouissent en France depuis* 1550 (P 1777) p 4: ordinance of July 15, 1728.

[71] Ch. Gérard, *oc*, p. 70.

[72] *A Monseigneur le Marquis d'Huxelles... Commandant en chef en Alsace.* Jan. 30, 1698. Broadside, AmC,AA174; AdM,L532. A printed order of François de Franquetot, Oct. 13, 1743, BmC5353; A printed order of Maréchal Louis George Erasme, 1765. AdBR,C334; Les Juifs d'Alsace au XVIIIe siècle... *UI*, vol. XXXIV (1878) p. 200-202; J. Liblin, Chronique du serrurier Dominique Schmutz de Colmar. *RA*, vol. XXIV (1874); Julien Sée, Hausbuch von Dominicus Schmutz... *Les Chroniques d'Alsace*, vol. VI (C 1878).

In fact, the Jews' attempts to settle without restraint in places where they were not allowed to reside before the Revolution were the main arguments in the fights between them and Gentiles. In 1790-1791, Bischeim, Mutzig, Soultz, Langensoulzbach, Gottershaussen, Bouxwiller, Bollwiller and many other places in Alsace, Thionville and other places in Lorraine protested against the residence of Jews or demanded from Jews special residence taxes. Even after 1790 a Jew could not stay overnight in Rouffach. In September 1789 the City of Colmar tried to expel a few Jews who lived in the house of the Gentile Jacques Gretscher. The latter declared that he will kill anybody trying to drive them out. Colmar protested even against

III. - The Jews of Metz and Lorraine

6. THE ATTITUDE OF THE KING AND OF THE PARLIAMENT OF METZ TOWARDS THE JEWS

After the expulsion of the French Jews following the Ordinance of Charles VI of September 17, 1394, a few new Jewish centers in France were formed in the course of years. In 1550 Henri II permitted Spanish and Portuguese Jews to come to Bordeaux, but as Marranos known under the name of *Portugais* or "New Christians" (*nouveaux chrétiens*). In addition, there were the Jewish communities of Avignon and Comtat Venaissin, but this province belonged to the Pope. Very small groups of Jews also dwelled in other parts of France, but on April 23, 1516, Louis XIII, under the threat of death and the confiscation of their property forbade all Frenchmen to allow Jews to live in their houses or even to talk to them. His successor Louis XIV expelled the Jews from the French colonies on September 30, 1683, while Louis XV on February 20, 1731, forbade the Jews throughout France to do business in localities where they were not permitted to dwell."[73] But at the same time three large Jewish centers again sprang up in the Northeastern provinces of France: Metz, Alsace, and Lorraine — all with the approval and even under the protection of the Kings of France.

The exodus of the French Jews in August of the year 1306 also

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the residence of Jews in the city's suburbs. Only on July 20, 1790, the special residence taxes imposed upon Jews were abolished by special Letters patent: AdHR,L645; AdBR,IL825,6L85; Rod, Reuss, L'Antisémitisme dans le Bas-Rhin pendant la Révolution. *REJ*, vol. LXVIII (1914) p. 246-64; F. B. Balzweiler, *oc*, p. 293; G. Durrwell, Histoire d'une ville d'Alsace et de ses envrions. *RA*, vol. L (1899) p. 154; N. Dorveaux et P. Lesprand, Cahiers... de Thionville. *Annuaire de la Société d'histoire et d'archéologie*, vol. XXXI (1922) p. 555; AmC,B63; *Très humble & très respectueuse Adresse à l'Assemblée Nationale, exprimant le vœu de la Commune de Colmar* [C 25 avril 1790] 4 p.; *Lettres Patentes du Roi, sur le Décret de l'Assemblée Nationale, du 20 Juillet dernier* [1790], *portant suppression des droits d'habitation, de protection, de tolérance & de redevances semblables sur les Juifs. Données à Saint-Cloud le 7 Août* 1790. *Transcrites en Parlement* [*de Metz*] *le 21 du même mois* (M sd) 3 p.

[73] E. A. Halphen, *Recueil des lois... concernant les Israélites...* (P 1851) p. XXVII-XXVIII; T. Reinach, *Histoire des Israélites...* (P 1884) p. 273; Jourdan, Decrnoy et Isambert, *Recueil général des anciennes lois...* (P 1821-33) vol. XVI, p. 76, vol. XXI, p. 343. The ordinance of Feb. 20, 1731, was repeated on many particular cases, e.g.: *Arrest du Conseil d'Etat du Roy... Fait aussi défenses aux Juifs de trafiquer, vendre, débiter & faire aucun commerce dans ladite Ville* [*de Nevers*]... *Du* 19 *Avril* 1740. Placard. *Arrêt de la Cour du Parlement, qui fait défenses aux Juifs de s'établir à La Rochelle à perpétuité ou pour un temps. Du* 22 *août* 1729 (sl 1729). For a chronology of French ordinances against Jews prior to 1789 (according to the *Recueil* by Jourdan, Decruoy and Isambert) see: J. de Fombusque, La législation concernant les Juifs dans l'ancienne France. *La Question juive en France et dans le monde*, vol. I, No. 3 (1942) p. 35-42.

sealed the fate of the Jews of Metz, who were expelled from the city in 1365. Afterwards they were recalled several times and then exiled again. It is almost certain that when King Charles Quint besieged the city of Metz in 1552 there were no Jews living in the city; they began settling in Metz after the city came under the rule of the King of France. Three Jews received permission to remain in Metz for a period of one year, but on July 22, 1565, they were ordered to leave. The Jews appealed to the Governor Maréchal de Vieilleville. At the time conditions in the city were poor. Credit facilities were ruined owing to the siege of 1552, the city was crowded with the military, and under these circumstances Jewish businessmen and creditors were a desired element. Probably for this reason the Governor permitted four Jews to remain in Metz, but he imposed severe conditions: limitations in granting of loans, living quarters restricted to an out-of-the-way ghetto, compulsory attendance at church sermons urging the Jews to convert to Catholicism, etc. In 1567, the King approved the Governor's permit. It is thus certain that the King did not, in so doing, renew old privileges, but that he established an entirely new precedent. In 1574, the Jews of Metz were ordered to leave the city within two months' time, but the order was probably not carried out. It was not before 1595 that the Jews managed to organize an official community comprising twenty-five families (120 persons). Letters patent of March 24, 1603, and an Ordinance of January 20, 1603, again approved the privileges of the Metz Jews.[74]

Ever since the Jews had returned to Metz, they continuously fell back upon the protection of the King and of his direct representatives, frequently against the will of the Metz city officials; but the struggle of the Metz Jews became more difficult after the establishment of the Metz Parliament (*Parlement de Metz*) in 1633 (the body was abolished in 1771 and was reorganized in 1775). On January 24, 1632, the Jews of Metz received Letters patent from Louis XIII, the document being a repetition and a summary of all privileges and regulations previously received by the Metz Jews.[75] We are thus faced with a rare and curious happening: the very French Monarchy which in 1615 forbade Frenchmen to entertain Jews under the threat of the death penalty (*sous peine de la vie et de biens*) ratified 17 years later — in 1632 — the meager privileges of the Jews of Metz. The Intendant of Metz, Jacques-Etienne Turgot, in his famous memorandum of 1698 concerning the

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[74] Roger Clément, *La Condition des Juifs de Metz dans l'ancien régime* (P 1903) p. 11-25; N. Netter, *Vingt siècles d'histoire d'une communauté juive. Metz et son grand passé* (P 1938) p. 18-27. According to the historian Gaston Zeller a few Jews took up residence in Metz because a high interest rate was not prohibited there. *La Réunion de Metz à la France*, 1552-1648 (P 1926) vol. II, p. 133. If so, we have one more proof that usury was practiced in Metz before Jews were allowed to reside there.

[75] Governor de Vieilleville's decision of Aug. 6, 1567; Henry IV's Letters patents of March 28, 1593; March 24, 1603 and Oct. 18, 1605; the Metz Governor's decisions of Jan. 20, 1603 and Jan. 17, 1614; d'Arguien's decision of Apr. 7, 1604; de la Vallette's decisions of Apr. 29, 1620; Sept. 5, 1624; Aug. 4, 1627 and Sept. 2, 1627.

Trois-Evêchés, actually referred to this fact as a *singularité remarquable.*[76] The Letters patent of Louis XIII of January 24, 1632 — despite their tendency to permit the Jews to establish domicile where they were needed but to sharply limit their rights — were the first deliberate royal act aimed at establishing the legal conditions of the Metz Jews, at making clear that the Jews enjoyed royal protection, and at limiting the various anti-Jewish intrigues and interpretations resulting from all the previous regulations. It was for that reason that the struggle during the registration of the Letters in the Metz Parliament was so violent, as will be related below. One has to suppose that the Letters of Jaunary 24, 1632, were closely related to the establishment of the Parliament of Metz one year afterward. The Jews of Metz certainly knew about the rumors and preparations with reference to the establishment of the Parliament. They had all reasons to fear a similarly centralized legal body within the city of Metz and province, and they consequently sought to secure as quickly as possible royal Letters patent which they could later demand be registered with the Parliament. They asked the King for the Letters which they were granted in January 24, 1632, and on October 23, 1633, te Jews asked that these Letters be registered with the Metz Parliament. On September 2 and December 16, 1633, the Christian guilds of Metz demanded of the Parliament not to register the Letters of January 1632. This anti-Jewish course of action was well prepared. Not only was the demand of the Christian guilds supported by the Bishop, but in addition to this problem was linked an individual legal case, between the Gentile yard-goods merchant Daniel Haudelot and the soldier Jean la Roche Angoulmois, and the Metz Jew Moyse le Jeune. Consequently the Parliament of Metz, in establishing its relationship to the Jews of the city, had to choose between following the wishes of the King or those of the city's Christian guilds, the Bishop, etc.; to consider the broader interests of the Monarchy in the province which, as we shall later see, was in need of the Jews, or the local narrow interests and anti-Jewish sentiments. At the time of its establishment the Parliament of Metz was not only composed of very few liberal personalities but, in general, was strongly influenced by local interests and sentiments, not necessarily in matters involving the Jews. The attorney of the Metz Parliament, Joseph-Ignace Foissey (1739-1818), wrote in one of his manuscripts concerning the Jews of Metz that the Parliament during the registration of the royal Letters for the Jews constantly sought to modify these Letters, in contradistinction to the former royal Governors (prior to the establishment of the Metz Parliament) who by force of their authority sought to enlarge and broaden the privileges in favor of the Jews against the express sentiments of the local authorities. In the royal decision of January 1633 to establish the Parliament of Metz, Foissey saw among others

[76] Roger Clément, Aperçu de l'histoire des Juifs de Metz dans la période française. *Jahr-Buch der Gesellschaft für Lothringische Geschichte und Altertumskunde,* vol. XV (1903) p. 33.

a chance for the people to put an end to this pro-Jewish "despotism" of the royal Governors who "for money continually accorded privileges to the Jews".[77] And so in effect it happened. A violent struggle ensued around the proposed registration of the Letters of January 1632, a struggle which ended in the registration of the Letters only on May 24, 1634. One day previously, on May 23, 1634, the verdict was published in the case between the Christian guilds of Metz and the Jews. In this verdict, as in the registration of the document the following day, the Letters patent were approved but with endless commentaries and restrictions against the Jews.[78] The Gentiles demanded that the economic activities of the Jews be limited to trading in money. Their argument was that all privileges accorded the Jews referred only to the Jews' trading in money and that no privileges were granted permitting the Jews to trade in commodities. The Metz Parliament, however, when registering the Letters, was forced to follow closely their contents and to refer to the previously granted privileges enumerated in the Letters of January 1632[79] and consequently did permit the Jews to deal in commodities, even in jewelry and silverware, with the proviso, however, that this merchandise not be new. This limitation, to be sure, was a pretty severe one, but the interpretation did constitute a "new concession" according to J.-I. Foissey.[80] With reference to this formal permission for Jews to earn their livelihood also from trading in old merchandise — and not only from granting loans to Christian debtors — began a struggle of Gentile merchants and artisans against the Jews, and these hostilities did not cease even during the first months of the Revolution of 1789. Apparently until 1634 the Jews of Metz could in effect engage in extensive trading without restrictions. Only during the ratification of the Letters patent of January 1632 did the Parliament restrict the rights of the Jews to trading exclusively in old merchandise.

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[77] "On doit observer que toutes les Lettres Patentes étaient adressées aux gouverneurs et commandants pour tenir la main à l'exécution d'icelles. Rien ne pouvait être plus avantageux aux juifs qui scavaient le moyen d'acquérir leur protection... permissions abusives... Le roi par édit du mois de Janvier 1633... ayant créé un Parlement à Metz fit tomber le despotisme des gouverneurs et mit les peuples en liberté de se plaindre des privilèges excessifs qu'ils avaient successivement et coup sur coup accordés à prix d'argent aux juifs... Tels ont été les premiers règlements et modifications que la sagesse et la prudence ont dictées au Parlement [de Metz] lors de leur enregistrement des dites Lettres patentes du 24 Janvier 1632 et nous le verrons dans la suite tenir la même conduite, bien différente de celle des anciens gouverneurs qui ne faisaient des règlements que pour étendre et augmenter les privilèges et libertés des juifs, qu'ils avaient introduit à Metz, par un coup d'autorité et malgré les vives remontrances des magistrats." BmMetz,ms.920,p.24,27.

[78] *Arrest de la Cour de Parlement de Metz* [23 *mai* 1643], *portant Règlement. Entre les Marchands Bourgeois... et les I[J]uifs...* (M 1635) 14 p. BmM,N470/19&JTS; J. L. C. Emmery de Grozyeulx, *Recueil des Edits... au Parlement de Metz* (M 1774-88) vol. II, p. 198-216. For the composition of the Jewish Community Council of Metz during the fight for the registration of the Letters of 1632 see: M. Ginsburger, *Die Memoiren des Ascher Levy aus Reichshofen im Elsass* 1598-1635 (Berlin 1913) p. 52, 90-91.

[79] April 7, 1604; October 18, 1605; January 17, 1614; September 5, 1624; August 4 and September 2, 1627.

[80] BmM,ms920,p.49.

A similar struggle (to that in 1634) was repeated during the registration of the Letters patent granted the Jews of Metz by Louis XIV on September 25, 1657, in which document the King particularly praised the role of the Jews. A previous royal declaration (June 21, 1656) permitted the Jews to trade in old and new clothing; the Letters of September 25, 1657, extended this permission to other commodities. In this instance the Jews were actually granted a great deal more freedom in matters of trade than in previous documents. On November 15, 1657, the Jews asked that this act be registered in the Parliament, and immediately the Christian guilds opposed this move In registering the document with modifications on January 21, 1658, the Metz Parliament again added a number of restrictions against the Jews including a proviso limiting Jewish trade in grain and wine only for their own use; a paragraph prohibiting Jewish trade in new merchandise of local manufacture; and a ruling that Jews were permitted to trade in new foreign merchandise only as fair merchants (*forains*), i.e. three times a year, only eight days each time, and only after a detailed inspection by the judges (*jurés*) of the guilds. Only on July 16, 1695, did the Parliament abolish this severe restriction.[81] The same happened with the royal Letters patent of July 9, 1718, which again listed all previous privileges granted the Jews, this time including permission for 480 Jews to live in Metz. This act was registered by the Metz Parliament — also with modifications — only on September 3, 1718.[81-1]

7. THE JEWISH COMMUNITY OF METZ AND THE JEWS OF OTHER COMMUNITIES WITHIN THE PROVINCE

The Letters of July 9, 1718, contains one special important point: that the Jews of the *généralité* (the province outside of the city of Metz) are to share in the payment of protection money to the King. This circumstance was the beginning of an internal struggle between the Jews of Metz and those in the other communities within the province. The Jews of Metz asked the Intendant, de Creil, that he force the Jews in these communities to pay part of the various taxes imposed upon the Metz Jews. On February 7, 1724, de Creil granted the request of the Metz Jews and ordered to force the Jews living outside Metz to pay the taxes. The Jews of the province did not cease to protest.[82] The internal struggle

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[81] R. Clément, Aperçu... p. 42; Ibid., *La Condition*... p. 148-49.

[81-1] See also: "Lettres patentes sur arrest servant de Règlement d'entre Marchands de la ville de Metz et la Communauté des Juifs de ladite ville. 9 Juillet 1718, à Paris". AffEtrang.,Lorraine, vol.103,p. 158 (the Gentile merchants again requested a decree forcing the Jews to make a living only from money-lending).

[82] Later, in 1792, the Jews of the communities around Metz, which before the Revolution had come under the jurisdiction of the Metz Jewish community council, wrote regarding the debts of the former Jewish community of Metz as follows: "never, nay never, did the Jews of the villages

in the Jewish communities of Alsace, Metz and Lorraine is not a subject of this study. From the cited instances one could easily draw conclusions concerning a struggle between the well-to-do Jews of Metz and the Jews in the smaller centers. Actually, however, the problem was much more complicated, and if the Jews of Metz really sought to burden the other Jews with the payment of part of the taxes (which perhaps had to be paid by the Jews of Metz alone, since only they were mentioned in the documents establishing these taxes — as, for example, the Brancas tax which will be mentioned subsequently), it must be recognized that the Jews of Metz showed in this matter a great deal of statemanship. One must not forget that Metz had been at one time a German Imperial Free City, and that in the 13th century the city freed itself from the rule of the Bishop so that Metz and the *Pays Messin* were entirely separated from the *terres de l'Evêché*. Despite the later transformations owing to France's acquisition of the province, this unity of Metz and the *Pays Messin* remained. The royal privileges for Jews, however, related only to the Jews in the city of Metz proper, the Jews of the *Pays Messin* and of the *Evêché* — and later those in the neighboring Lorraine — were always only half tolerated by the royal authorities.[43] Turgot wrote in his above-mentioned memorandum of 1698 that he did not know whether the Jews of the Metz province were tolerated by a royal permit. The attorney of the Metz Parliament Gabriel wrote in his collection of comments to the acts of the Metz Parliament that no permission was granted Jews to establish domicile outside the city of Metz. The seigniors did not have the right to sell the Jews rights of domicile and, if they did allow Jews to live in some localities, they (the seigniors) could expel them at will at any time.[44] Sometimes the Jews managed — by paying sums

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enjoy the privilege of belonging to the community of the Jews of Metz; they were only the slaves." *A Monseigneur l'Intendant. Supplient humblement les Elûs de la Communauté des Juifs de cette ville...* [ordinance of Feb. 7, 1724] 1 p. JTS; [Nathan Cahen, Juif de Louvigny,] *A Messieurs, Messieurs les administrateurs du département de la Moselle* [M 1792] p. 2.

[43] Clément, *La Condition..* p. 3-4.

[44] Ibidem, p. 108; C. L. Gabriel, *Observations détachées sur les coutumes et usages anciens et modernes du ressort du Parlement de Metz* (M 1784-88) vol. I, p. 39. As long as Thionville was controlled by the Spaniards Jews were not permitted to reside there. When the French took over the city the Councilmen requested them to continue the old policy toward Jews; but on Aug. 4, 1656, the Maréchal de Grancey allowed two Metz Jewish families to settle in Thionville, because he needed their trade and loans for the army. A few years prior to 1789, the Maréchal de Ségur forced the city to allow the Jew Mayer Lévy to reside there, because his services were needed by the army. On Oct. 20, 1670, the Metz Parliament ordered the Jews to leave Vantout and Mey; the danger of expulsion threatened again in 1766. In 1702, an order to expel the Jews from the *Plat pays* was frustrated, but in 1712 the Jews were again ordered to leave the province within 6 months. In the same year, 1712, the Jews were expelled from Phalsbourg, but they came back and were again expelled in 1743 and 1754. In 1784, they thwarted another order of expulsion. In 1713, the Jews of Sierck were facing an expulsion. In 1710, the Jews of Metz requested the Parliament to allow them to trade in Verdun. The fight was very long; only shortly prior to the 1789 Revolution the Governor allowed a Jewish peddler to stay there a few days, not without very sharp protests from the Gentile guilds. Only since 1792 Jews lived there legally. In 1761, Jews were expelled from the seigniory of Baudrecourt belonging to the Metz

of money — to stay a proposed exodus or even to receive permission to dwell in a new village. But money was not always sufficient, and in some cases the Jews had to take recourse to legal argument to stay an expulsion. The Jewish community of Metz did for this reason make use of the Intendant's order concerning the requirement of all Jews within the province to pay taxes as an argument that they did enjoy rights of domicile, claiming that each Jew paying taxes automatically enjoyed the domicile rights. Thus the taxes became a kind of unofficial *droit de manance* of the Jews in the province. This argument helped in many cases, but not always."

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abbey of Saint-Arnould. Maurice Aron, Liquidation des dettes de l'ancienne communauté juive de Metz. *AnREJ*, vol. II (1883) p. 558, 560-61, 572; E. Lévy, les Juifs de Metz et la ville de Verdun en 1748. *REJ*, vol. XI (1885); J. de Fombusque, les Juifs de Metz. *La question juive en France et dans le monde*, vol. II, No. 9 (1943) p. 79.

The expulsions of Jews were very frequently a result of demands by Gentile butchers and other Gentiles who were afraid of Jewish competition. This was stated in many official reports sent to the Minister of War: "Avant que d'exécuter l'ordre que vous me donnez de faire sortir les Juifs qui sont à Sarlouis [3 familles] et Phalsbourg [2 familles], permettez moy de vous dire, Monseigneur, que ces gens là ayant eu permission du Roy de s'y establir dans le temps qu'on a construit ces villes-là on les a obligés de bâtir des maisons à leur dépense, toutes les plus belles où ils ont sans doute employé la meilleure partie de leurs biens. Ils sont pourvus de plus de marchandises que les autres marchands n'ont pas... Ces gens-là sont d'un grand secours pour tirer d'Allemagne des chevaux des cavaliers, le Pays n'en pas peuplé on y reçoit toutes sortes de religions, et l'hiver dernier il n'y avoit point d'argent je les ay obligés de prester au Trésorier tout ce que ils ont pu et outre cela ils ont payez 10,036 Livres à quoy je les ay taxé par le besoin que nous avions de fond pour payer les troupes" (Report from Hombourg to the Minister of War, Oct. 2, 1694. Guerre,A-1-1289,No.220). "Il est bien du service, et de l'intérêt du public que ces Juifs restent en cette place, desquels l'esloignement causeroit une cherté exorbitante dans le négoce, d'autant que les marchands et les bouchers du lieu, se voyant seuls et libres, obligeroient chacun de payer leurs marchandises sur le pied qu'ils voudroient, ce qui seroit fort préjudiciable aux troupes et à toute la bourgeoisie" (Report sent on Aug. 7, 1712, by de Courdon, Military Commandant of Phalsbourg and Sarrebourg, to the Minister of War. Guerre,A-1-2395,No. 165). "Pendant le blocus du Fort-Louis qui dura depuis le mois de Septembre 1705 jusques au premier May 1706 ils [les Juifs] rendirent de grands services par leur sçavoir faire, pour tirer du dehors des bœufs et des vaches, dont ils ont débité la viande à meilleur marché que les bouchers quoy qu'elle leur eut coûté plus cher... l'interest de la petite Communauté des Bouchers du Fort-Louis qui vous ont présenté leur requeste [d'expulser les Juifs] n'estant pas d'ailleurs à comparer aux services que ces Juifs continuent de rendre pour les remontes de la Cavalerie" (The Intendant to the Minister of War, Sept. 4, 1712. Guerre,A-1-2394,Nos.77,85). In 1764, a similar fight was instigated against Jewish butchers of Wissembourg: M. Ginsburger, Wissembourg. *Souvenir et science*, 1932, No. 2, p. 10. In Lorraine, too, Gentile butchers were afraid of the Jews' competition and they obtained ordinances forbidding Jews to sell to Gentiles non-kosher parts of meat (Boulay, March 8, 1711). AN,E2861,p.481-82.

[55] Clément, *La Condition...* p. 108; O. Terquem, *Souvenirs historiques... Brancas et les Juifs* [P 1844. Reprint] p. 558; C. L. Gabriel, *oc*, vol. I, p. 49.

"J'ai examiné, Monsieur, les éclaircissements que vous m'avez adressés sur la demande commune que les Juifs de Metz et ceux qui sont domiciliés dans l'étendue des Evêchés, ont fait des Lettres patentes pour assurer l'Etablissement des Juifs de la campagne contre les entreprises et les exactions des seigneurs particuliers. Ces éclaircissements constatent clairement trois faits, l'un que les Juifs de la campagne n'ont qu'un titre indirect de tolérance dans les Lettres patentes du 9 Juillet 1718 et seulement en ce qu'elles les ont assujettis à contribuer à la redevance de 20,000 livres imposée sur les Juifs de Metz. L'autre qu'il n'appartient nullement aux Seigneurs particuliers des Evêchés, d'admettre ni d'expulser les Juifs et que par conséquent ils n'ont aucun titre pour exiger d'eux des droits de manance et de

Prior to 1789 Jews dwelled in almost 50 towns and villages of the province.[15] The Metz community sought to broaden the protection of the Jews also to Lorraine.[16]

8. THE STRUGGLE BETWEEN JEWISH CREDITORS AND GENTILE DEBTORS CONCERNING INTEREST ON LOANS

The royal Order (*arrêt*) of May 23, 1634, regulating the status of the Metz Jews also lowered the interest which Jews were permitted

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protection; le troisième qu'il est arrivé plusieurs fois que des Juifs de la Campagne inquiétés dans leurs habitations par les Seigneurs, y ont été maintenus sans difficulté par des ordonnances de Messieurs les Intendants. De ces faits sur qui roule essentiellement toute l'affaire, résulte la solution du parti qu'il convient de prendre. Jusqu'à présent, le nombre des familles juives qui se sont établies dans les Evêchés, ne paraît avoir rien d'excessif. M. de Creil a rendu de bons témoignages de leur conduite et elles aident la Communauté [Juive] de Metz à supporter les différentes espèces de charges qui lui sont imposées. Mais un trop grand accroissement de ces familles deviendrait extrêmement préjudiciable et serait la ruine du pays Le bien public demande donc qu'il ne leur soit point accordé de lettres patentes. Ce serait leur donner un titre positif, et s'ôter ainsi la facilité de les congédier, et de remédier au mal à la première occasion. Cependant il ne faut souffrir en aucune manière que les Seigneurs particuliers leur fassent payer une tolérance qu'ils ne tiennent que du Roy. Indépendamment de ce que les principes d'équité s'y refusent et que ce serait une usurpation de la part des seigneurs sur les droits du Souverain, il arriverait de là qu'insensiblement les Juifs de la campagne se multiplieraient à l'infini, parce que la plupart des seigneurs, n'écoutant que leurs intérests, se prêteraient aisément aux admissions de Juifs étrangers, au lieu qu'il est certain qu'ils s'opposeront à une trop grande multplication dès qu'elle ne leur produira rien. Mais il n'est pas nécessaire pour arrêter ou prévenir de pareils abus, que les Juifs des Evêchés aient des lettres patentes... Si les Juifs éprouvent les exactions qu'ils craignent, rien ne les empêche de recourir à votre autorité, et suivre en ce cas la route que vous trouvez toute établie dans l'Intendance de Metz. C'est ce que vous aurez la bonté de faire entendre aux préposés des Juifs, et la connaissance que vous aurez à prendre de leurs réclamations touchant l'objet dont il s'agit, ne pourra qu'être extrêmement utile pour le bien de l'Etat sur ce qui regarde la tolérance de la nation juive" ("Copie d'une lettre écrite par M. le Marquis de Paulmy [Marc-Pierre d'Argenson, Ministre de la Guerre] à M. de Caumartin, Versailles, le 15 Février 1755." AN,29AP3).

[15] According to a report of the Metz Intendant 55 Jewish families resided in 1702 in 20 places outside of Metz (Guerre,A-1-1583,Nos.68-69,73; Anchel,*oc*,p.157). According to various Jewish documents (mostly tax-registries, JTS) Jews resided in the '70s-'80s of the 18th century in the following places of the Metz province (together with the number of Jewish families, our list is, probably, incomplete): Augny—23, Avricourt—2, Basse-Yutz—5, Baudrecourt—2, Bionville—11, Bomarie(?)—2, Budange—10, Buding—?, Chambrey—10, Chaté(?)—20 (together with Tragny), Delme—13, Donlay (Donnelay)—5, Ennery—19, Ersdorf (Erstroff)—9, Fremestroff—2, Haute-Yutz—10, Hellering—8, Hellimer—12, Imling—8, Kédange—8, La Beuvrie(?)—4, Ladonchamp—7, Lagrange—6, Lemersdroff—3, Liancourt(?)—6, Liauvillé(?)—4, Louvigny—19, Luttange—12, Mann—4, Marly—11, Metzervisse—9, Mey (see Vantout), Mezier—4, Mittelbronn—9, Monner (Monneren?)—2, Montenach—4, Munthauban(?)—1, Niederwisse—4, Phalsbourg—18, Rurange—4, Saarrelouis—5, Saint-Jean(?)—2, Sansoné (?, see Vantout), Sierck—2, Thionville —?, Tragny (see Chaté), Uckange—10, Vallières—8, Vantout—41 (together with Mey and Sansoné), Vaudrevange—4.

[16] When King Stanislas came to Lunéville on April 3, 1737, he was greeted by the Metz Rabbi Néhémie Reicher who recalled the King's good treatment of the Jews in Poland On July 29, 1737, the Rabbi was nominated by Stanislas to the post of Chief Rabbi for the entire province of Lorraine, but enemies of the Jews in Nancy used the text of the Letters patent of July 29, 1737, to force the Rabbi to live in the city of Metz. After the death of N. Reicher his successor did manage to remain in Nancy. A. Cahen, Le Rabbinat de Metz... *REJ*, vol. VIII (1884) p. 272; N. L. Durival, *Description de la Lorraine et du Barrois* (N 1778-83) vol. I, p. 160.

to charge on loans from 16% to 12%. The Gentile debtors of Jewish creditors, however, began demanding that the royal declaration of July 7, 1643, lowering interest on *rentes*, also be applied to Jews, i.e. that the interest on loans granted by Jews likewise be lowered." The Jews of Metz protested this attempt in a petition in which they maintained that their economic condition was very difficult owing to the high taxes required of them. On July 11, 1645, the Metz Parliament ruled that the reduction in interest rates brought about by the royal declaration of July 7, 1643, did not apply to Jewish creditors, and that in accordance with the regulation of May 23, 1634, Jews could legally continue to charge 12% interest on loans. Yet Beaudaine, the seignior of Urville, demanded that the royal declaration of July 7, 1643, be applied in a trial involving him and his Jewish creditors. On October 14, 1645, the Metz Parliament considered this case and again approved the decision of July 11. Local judges, however, in cases concerning Jewish creditors and their Gentile debtors did apply the royal declaration of July 7, 1643, concerning *rentes*, leaving the Jews the recourse of appealing these judgements to the Metz Parliament. The Jews asked the King to issue a declaration which would, in the spirit of the regulation of May 23, 1634, clear up the controversy, permitting them to charge 12% interest. On September 5, 1646, the King remitted the petition of the Jews to the Metz Parliament and on November 5, 1646, the Parliament adjudged the case in the Jews' favor. A campaign against the Jewish creditors, however, was organized once again, and the Metz Parliament was called upon to consider a collective appeal against its decision of November 5, 1646. The defense of the Jews was that the declaration of July 7, 1643, was not meant to concern them, that trading in money was their only means of earning a livelihood, that they traded in money and not in *rentes*, etc. On March 3, 1650, the Parliament decided that in principle the Jews were permitted to charge 12% interest on loans, but that temporarily the maximum permissable rate would be reduced to one-half that amount. The Jewish argument was that they could not earn their living from granting loans at too low rates. This, however, was not all. Actually it was attempted to force the Jews to relinquish the trade in money by compelling them to charge lower interest rates than those charged by Gentile lenders. It may be interesting to note that even J. I. Foissey wrote that the decision

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" The history of the Jews in Metz constitutes clear proof that it is impossible to separate the history of the Jews from the general economic conditions in these provinces. The struggle of the non-Jewish debtors against their Jewish creditors may serve as an example. Many details in the history of Jews in Metz become clear when considered in connection with all other non-Jewish events. One of the first to do so was Joseph Ignace Foissey (1739-1818), attorney of the Metz Parliament since 1780 and a member of the Legislative Assembly in 1790 (see: E. Michel, *Biographie du Parlement de Metz* (M 1853) p. 170). He left in manuscript a history of the Jews of Metz ("Origine de l'établissement des Juifs à Metz et de son accroissement." AmM,ms920), strongly anti-Jewish in sentiment; but his method of interpreting the policy toward Jews in connection with general events is very good and was liberally utilized by Roger Clément (*oc*, p. 176-84) whose book is still the best history of the Metz Jews.

of the Metz Parliament actually meant that Gentiles could charge higher interest rates than Jews. Gentiles could in effect continue to charge 5 pounds, 6 sols, 8 deniers interest on 100 pounds while at the same time it was demanded that a municipal ordinance of May 20, 1654, concerning loans be applied to Jews, which would permit the latter to charge only 4 1/6%, even though the ordinance of May 20, 1564, did not mention Jews at all. The Jews again protested and asked that the reduction in rates not be applied to old debts, and that it apply in subsequent debts of less than 400 pounds only. On December 3, 1650, the demand was granted that the Jews could charge 12% interest for loans of less than 100 pounds. Only in June of the year 1669 a royal declaration established for all — both non-Jewish and Jewish creditors — the legal interest of 5 5/9%. This constituted the abolition of all privileges for Jewish creditors."

9. THE METZ PARLIAMENT AND THE JEWS

Two opposing opinions exist in the Metz historiography concerning the relationship of the Metz Parliament to the Jews. J. I. Foissey thinks that the Metz Parliament had to comply with the King's will concerning the Jews, but that insofar as it was possible the Parliament tried to limit the privileges granted the Jews of Metz by the King. The sentiments of the Parliament of Metz were decidedly anti-Jewish. The case of the martyr Raphaël Lévy who was sentenced to death by the Parliament of Metz could indeed serve as additional proof of the thesis of J.I. Foissey. This trial was more than a slanderous accusation against a single Jew. The prosecuting attorney actually demanded that the King be requested to expel all Jews from Metz." But the Metz historian Emanual Michel (1845) was of a different opinion. He maintained that even at the time of the registration of the Letters patent of January 1632 the Parliament did not seek to be popular by granting the anti-Jewish demands; that the Parliament realized that it was called upon to regulate a problem of *humanité* and public utility, since the Jews owing to their capital and trade would benefit the province, and it therefore registered the Letters. The truth is that the restrictions imposed

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" Emmery, oc, vol. I, p. 198, vol. II, p. 106-07, 160-61.

" Charléville, *oc*, p. 5-7. On the martyr R. Lévy see: [Amelot de la Houssaye,] *Abrégé du procès fait aux juifs de Metz...* (P 1670); Richard Simon [M. de Sainjore], *Factum servant de réponse au livre intitulé Abrégé du Procès...* (sl 1670), reprinted in his *Bibliothèque critique* (Amsterdam 1708) vol. I, chap. VIII and in: J. Reinach, *Raphaël Lévy...* (P 1897); *Les grandes cruautés commises par les Juifs de Metz...* (Orléans 1679?), *cf. Catalogue des ouvrages imprimés de la Bibliothèque municipale de Metz* (M 1878) p. 118; *Defenso... Abrégé du Procès...* (Blanckeuburgi [1714]). Reprint; F. Gayot et Pitavel, Juifs condamnés pour un crime encore... *Causes célèbres...*, p. 241-346; [Tsarphati-O. Terquem,] Raphaël Lévy de Boulay. *AI*, vol. II-III; Meir ben Abraham Halévy, A newly discovered Manuscript on the Ritual Murder Accusation in Metz (1669). *Studies in Philologie*, vol. III (Wilno 1929) in Yiddish; Emmery, *oc*, vol. V, p. 547-55.

during the registration of the Letters are proof against this thesis, but E. Michel was so much concerned about purely local facts that he was enthusiastic about everything the Metz Parliament did. E. Michel even maintained that in the action against the martyr R. Lévy the judges of the Metz Parliament were sincere, even though they possibly could have been misled by the anti-Jewish traditions and sentiments, by the "Catholic antipathy and the interests of the Gentile merchants," according to the Intendant Turgot. The historian Roger Clément also maintains that the Parliament of Metz, like the King, was aware of the usefulness of the Jews and that the Parliament was permeated by principles of impartiality concerning the Jews; only during the case of Raphaël Lévy did the Parliament forget its principles."[11]

Actually when considering the policies of the Metz Parliament with regard to the Jews, two separate periods ought to be distinguished. The first period, from the establishment of the Parliament in 1633 until the beginning to the 18th century — perhaps even until the middle of the 18th century — is marked by decidedly anti-Jewish attitudes. The facts are irrefutable, but these policies can be explained by a series of causes, the most important being that the leaders of the Metz Parliament themselves were, in the first period, far from liberally inclined and were continually sentitive to local sentiments concerning the Jews. In certain cases the Parliament — in contradistinction to the trial of the martyr R. Lévy — did everything possible to be just and even to punish attacks upon Jews."[12] Yet, similar cases should not be regarded as an expression of liberal treatment of Jews on the part of the Metz Parliament, but rather as instances of a jealous concern for the strict application of the laws from which even the Jews benefited. Only late in the second half of the 18th century, in the Seventies, the treatment of Jews underwent a change under the influence of liberal sentiments regarding Jews in some circles of the Metz population. But conclusions must not be hastily drawn even concerning this period. The Parliament of Metz was in the habit of being particularly liberal toward the Jews at one session and to sharply discriminate against them at the next. Apparently the Parliament was divided in the sentiments of its members.

Instances of discrimination against Jews and restrictions of their rights were quite common. The Metz Parliament continually sought to limit the autonomous rights of the Jewish community,

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[11] E. Michel, *Histoire du Parlement de Metz* (P 1845) p. 160-61, 170; Clément, Aperçu..., p. 337.

[12] When a soldier killed a Jew in 1660, the Metz Parliament sought to bring legal action against him. The Colonel of the culprit's regiment surrounded the prison with his troops so that the soldier could not physically be brought to court; the Parliament appealed to the King, who on July 29, 1660, ordered to deliver the soldier so that he could be tried. In a trial between George Coffetier, a Gentile, and the Jew Mayeur Godechaux Cahem of Châtel (1742), Coffetier bribed two false witnesses and he and one of the witnesses were subsequently sentenced by the Metz Parliament to lifelong exile, while the other witness received a milder sentence. Michel, *oc*, p. 163; *Arrest de la Cour de Parlement [de Metz] qui condamne Louis Gourmaix... pour faux témoignage. Du 12 septembre* 1742 (Metz) 4 p. AdM,B983.

to withdraw arguments between Jews from rabbinical jurisprudence and to relegate these arguments to the Parliament. A series of internal arguments among the Jews only aided the Parliament in promoting this policy. This struggle led to the editing of a collection of laws of the Metz Jewish community which was compiled in 1742 on the basis of an order by the Metz Parliament of July 24, 1740, and the royal declaration of August 20, 1742. The Jews of Metz managed to score a point only later, when Louis XVI ascended the throne in 1774. Concurrent with the renewal of Jewish privileges and the royal Letters patent of February 3, 1777, the rights of the rabbinical authorities in the judgement of arguments between Jews were expanded. Yet during the registration of these Letters on May 17, the Parliament of Metz so limited this privilege that the Jewish community was in effect not in a position to enforce obedience to the judgement of the rabbi."

The Jewish community of Metz was constantly involved in legal action against the various trade and merchant guilds of the city which sought to limit the rights of the Jews. In every case concerning even a single Jew and a guild, the Jewish community had to intervene on the side of the Jew, since a victory of the other side would immediately be construed as a precedent for new limitations against all Jews. These trials cost the Jewish community considerable sums of money.[93] The main demand of the Gentile guilds was to limit the number of Jews and particularly to prohibit the Jews to engage in any other trade but the "lending of money at decent interest rates." The Gentile merchants of Metz jealously guarded their privilege of trading in new goods. There were even instances of stopping Jewish traders in the middle of the street and searching them to ascertain that the latter did not possess new goods. In 1704, the Jews protested following a similar search of the Jew, Moise May, and the Parliament forbade such practices.[95] Jewish trade was also limited owing to the fact that Jews were required

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[93] *Arrest de la Cour de Parlement, qui fait défenses au Rabbin des Juifs de cette ville, de prononcer la peine de l'excommunication...* 30 *Janvier* 1759 (M 1759) 13 p. BuS101284; Clément, *La Condition...* p. 67-79; de Serionne, *Mémoire pour les Rabbins, Elus et Syndics des Juifs de la ville de Metz* (1765) [*cf*: A. Cahen, oc, p. 289]; N. F. Lançon, *Recueil des loix, coutumes ... observés par les Juifs de Metz* (M 1786), abbreviated edition: *Lois des Juifs...* (C 1853); A. Cahen, *oc*, p. 287-89, 295; AN,29AP3; Me Panot, *A Nosseigneurs de Parlement, supplient humblement les Syndics de la Communauté des Juifs de cette ville* (M 1765) 8 p.; *Arrêt de la Cour de Parlement, portant règlement pour l'exécution d'un jugement rendu par les rabbins, syndics... contre le nommé Moyse Mayence... Du* 21 *décembre* 1782 [M 1782]; Fombusque, *oc*, No. 9 (1943) p. 80-81, No. 10, p. 32-34. On the Metz rabbis see: A. Cahen, *oc;* Liste des rabbins de Metz de 1609 à 1848. *RJL*, 1926, p. 158. See also note 49. On the autonomy of the Alsatian Jewish communities and Alsatian rabbis see note 52.

[94] Such trials took place in 1633, 1647, 1657-58, 1673, 1697, 1703-05, 1710, 1716-1717, 1722, 1725, 1730-31, 1747, 1766, etc. (AcM, Series Co and Lap; Ap 1, 19,22,24,26,34-35,37; Pr 17,40.) In 1729 the Metz attorney Pierre Brandebourg received over 600 pounds from the Jewish community for his part in 15 trials (Iidem, Lap 3). Roederer wrote in a brief for the Jews of Metz: "Cette tentative intéresse la Communauté entière puisque ce que se fait contre un particulier de la nation [juive] pourrait se faire contre tous" (AN,29AP3).

[95] AcM,Co 22, Lap 50,Ap.24.

to obtain special permits to travel to Paris. In the 17th—18th centuries the Jews of Metz petitioned the King and the Intendants on several occasions that they be permitted to travel to Paris.[96] On Sundays Jews were forbidden to leave the ghetto for business reasons.[97] Jews were not permitted to acquire property outside the ghetto limit, even though the ghetto area was too small to enable the Jews to maintain their businesses in produce and horses. They had to struggle to obtain permission for storing their merchandise and to have stables for their horses outside the ghetto limit. In times of war, when the Jews' services were in great demand, Jews were permitted to maintain stables outside the ghetto, but in 1714 similar practices were forbidden in the city of Metz, and on June 6, 1715, the Metz Parliament, in a strongly-worded decision, rejected an appeal by the Metz Jews and prohibited their maintaining stables, cellars, or storage attics outside the ghetto under their own or under Gentile names. Gentiles violating the order not to rent storage space to Jews outside the ghetto were subject to a fine of 1000 pounds.[98] Jews frequently fell victims of controversies between various Gentile groups. The *corps des merciers* of Metz managed in the 18th century to push through an order forbidding Jews to sell Metz-manufactured textiles, while the *corps des drapiers* managed to obtain another order prohibiting the importing of foreign textiles and forcing all merchants to sell exclusively textile merchandise produced in the mills within the city.[99] On the basis of the various attempts by the city of Metz as well as by the

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[96] AcM, Lap 11-12; Guerre,A-1-2396,Nos.257-58,316-24,327-29,335-36,338-40, 349,352-54;2413,Nos.190,233,234,253-56;2767,No.90; R. Anchel, *oc*, p. 174-75; A. M. de Boislisle et P. de Bretonne, *Correspondance des Contrôleurs généraux des finances avec les intendants des provinces* (P 1874-97) vol. II, p. 366, vol. III, p. 206, 367-68, 395. The King's order was not to tolerate any Jews in Paris, but when he needed the services of the Metz Jews, the Minister of War promised them passports to Paris. In Dec. 1707, the Minister of War wrote to the Intendant of Metz, de Saint-Contest: "il est inutile qu'ils [les Juifs] fassent d'avantage de démarches pour obtenir de pareilles permissions. Sa Majesté ne voulant pas souffrir qu'aucun revienne à Paris pour quelque cause que ce puisse être" (Guerre,A-1-2033,No.321). On July 27, 1708, de Saint-Contest reported to the Minister of War: "Conformément à la lettre que vous m'avez fait l'honneur d'écrire le 22 juin dernier [1708] j'ay excité les Juifs à contribuer au bien du service en trafiquant des assignations, et en nous fournissant les secours pour les troupes dont chacun dans sa fortune pourroit nous ayder, car je leur ay laissé espérer conformément à vos ordres, que ceux qui s'y porteront de bonne grâce, pourroient avoir la permission de vous pour aller à Paris" (Guerre,A-1-2095,Nos.116-17). Such was also the French policy in regard to the Sephardic Jews of Southern France. In 1705, e.g., the Jews of Saint-Esprit were forced to close their Synagogue. In 1710, they asked for permission to pray in a private house, far from the center of the city. The Intendant wrote then to the Minister of War that such permission should be granted, because it will help him to gain the Jews' services: "cella me conciliéroit l'amitié du peuple juif et m'authoriseroit à les engager dans des besoins pressants de faire quelques avances et lorsque le prêt manque" (Guerre,A-1-71,No.241).

[97] *Arrest de la Cour, rendu sur le procèz verbal de la police générale. 11 Février* 1707 (M 1707) Broadside, AdM,B979.

[98] *Arrest de la Cour de Parlement qui fixe les limites des habitations et le commerce des Juifs de la ville de Metz. Du 6me Juin* 1715 (M 1715) Broadside, JTS. In 1727 it was stated in the War Ministry that the Jews did not have enough space in their Ghetto. Guerre,A-1-2679,No.40; Anchel, *oc*, p. 161

[99] Terquem, *Souvenirs...*, p. 548.

authorities in other cities of the Metz province to expel the Jews, one may conclude that the Jews lived in these cities definitely against the will of the city administrations and only owing to the grace of the King who granted the Metz Jews meager privileges because he needed their services. The Jews were aware of this situation and — as did the Jews of Alsace — constantly emphasized these privileges. When Nicolas d'Amour sought to demonstrate that the Jews of Metz could be considered only as "tolerated" inhabitants of the city, the Jewish community council replied in a memorandum that the Jews were not "tolerated" (*tolérés*) but "privileged" (*privilégiés*) by the King.[100] The historian Roger Clément rightly pointed out that as *sujets du Roi* the Jews of Metz, insofar as the public rights were concerned (*dans le droit public*), did not enjoy any of the rights of any of the existing social Gentile groups, such as the *serfs, aubains, bourgeois,* etc. They were an entity in themselves, a separate group, they were "the Jews of Metz" (*les Juifs de Metz*) who were protected by a series of royal ordinances[101] which, however, were so unprecise that they always left a wide field for anti-Jewish chicanes.

10. THE JEWS OF LORRAINE

The condition of the Jews in Lorraine was not better than that of their coreligionists in Alsace and Metz and Trois-Evêchés. The Jews were repeatedly expelled from that province. The historian Ch. Pfister maintains that when the French occupied Lorraine in 1633 and 1670 the conditions for the Jews did not take a turn for the better, while in the neighboring Metz and Trois-Evêchés the attitude of the French occupants towards Jews *was* an improvement. When the duc Léopold took over the reign over Lorraine in 1697, he was flooded with anti-Jewish demands. On August 13, 1698, he acquiesced to these demands by granting the debtors of Jewish creditors a delay of three years for payment of their debts. On August 5, 1700, the Jews were ordered to leave the province.[102]

Even if Léopold disliked anybody who was not a Catholic,[102-1]

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[100] AcM,Lap39. It is, perhaps, worth while to note that when the Metz Parliament was abolished by the King in 1771 and, then, reestablished in 1775, Jews took part in the ceremonies. They erected a gallery (*une galérie*) where an orchestra played music. *Supplément aux Affiches pour les Trois Evêchés et la Lorraine* (*No.* 48) *du Jeudi* 30 *Novembre* 1775..., p. 196-206. We do not know whether the Jews realized in full the meaning of the conflict between the King and the Parliament. Surely, they placed deeper trust in the King's administration than in the Parliament. The Jewish participation in the festivities did not prove that the Jews favored the Parliament; Jews were always forced to participate in festivities for every event, greet each new King, or local authority.

[101] Clément, Aperçu..., p. 40.

[102] Chr. Pfister, *Histoire de Nancy* (P-N 1908) vol. II, p. 311-14; Alfred Lévy, *Notice sur les Israélites du Duché de Lorraine.* Extr. (P 1885) p. 8; Ch. E. Dumont, *Justice criminelle des duchés de Lorraine et de Bar, du Bassigny et des Trois Evêchés* (N 1848) vol. II, p. 101.

[102-1] "Monsieur le Duc ne souffre ny Juifs, ny annabaptistes, ny huguenot, ny aucun hérétique" (1696. Guerre,A-1-1502,No.125).

still on many occasions he was willing to make a pact with the Jews in order to enrich Lorraine, but the Jews fell victims of the various political and economic conflicts between France and Lorraine. The following are the very little known facts on the conflicts, as they are related in the secret diplomatic reports of France's special envoy to the Court of Lorraine, d'Audiffret, and in the correspondance of the War Ministry (see Appendices I—1-10).

In order to enrich Lorraine, which suffered terribly from a lack of industry and credit, Léopold I decided to organise a Company for cloth manufacture, trade and banking on a very large scale. A proposed commercial treaty with the German States would help exports and imports with other countries than France. As Léopold could not find in Lorraine the necessary capital for his big project he invited Jews of Holland and Germany to come to Lorraine. He granted them all the freedom and privileges for which they could have asked, including the right to build a synagogue in Nancy, Lorraine's capital. In return he expected from the Jews to finance his projected Company, and they accepted his proposal. But France was not interested in letting Lorraine become a strong and independent State. According to d'Audiffret the projected Company was, first of all, an aggressive policy against France's economic interests. D'Audiffret mobilized all influential and anti-Jewish elements in Lorraine and made them protest strongly against Leopold's permission for Jews to take up residence and to build a synagogue in Nancy. On December 23rd, 1707, in the name of Christ, the Bishop of Toul demanded Léopold not to accept any Jews. Léopold again acquiesced (see Appendices I—1 and 2).

Lorraine did not abandon completely the project to organise a Company. Again this was to be done with some help of the Jews in the black market of coins. In France, Alsace, Metz and Lorraine all kinds of various currencies existed, and this created a black market trade in currencies (*billonnage*) which consisted in importing illegally coins from one province to another and in which Jews, too, were engaged, but surely not Jews alone. Lorraine used a few Jews to import coins from France but mostly from Holland, Spain and other foreign countries. In 1715 a Jew was dispatched to Frankfort to import to Lorraine 20,000 Louis d'or. According to the Treaty between France and Lorraine, residents from Lorraine were to be allowed to cross the French territory with marchandise imported from abroad, in this case with coins. But as France was not interested in letting Lorraine become rich and France was also afraid of a *billonnage* of French coins for the profit of Lorraine, many Jews were arrested.[102-2] In 1707 the Metz Intendant, de Saint-

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[102-2] Guerre,A-1-2391,p.258-59;2392,Nos.293,320;2395,Nos.235-37,267-68;2396, Nos.202-03; AffEtrang.,Lorraine,vol.92,p.14,43,55-56,81-82;vol.96,p.67,114,127,144-45,230-31; Boislisle, *oc*, vol. II, p. 180-81, 344, 366, vol. III, p. 206, 367-68, 395. See also notes 182-185. (On the role of Jews in *billonnage* in Southern France see: Guerre,A-1-1986 and Boislisle, *oc*, vol. III,p.242.) Moïse Alcan of Nancy and the Gentile François Baillot furnished gold to the banker J. J. Saur of Nancy for the fabrication of coins, but Saur refused to pay his debts: Me Simon, *A Son Altesse Royale. Monseigneur, supplie très humblement François Baillot* (N sd) 11 p. and (N 1722) 4 p. See note 102-4, p. 46.

Contest, stated that Jews of Metz should be allowed to reside and trade in Lorraine. But the King forced the Jews of Metz who were engaged in the trade of Lorraine to choose a residence in Lorraine or in Metz. Should they choose Lorraine then they would not be allowed to return to France.[101-3] The Jewish Community Council of Metz was even forced to publish a declaration against the *billonnage* of a few of its membres for the profit of Lorraine (see Appendix I-4). As all this was not a purely anti-Jewish policy, but first of all an economic restriction against Lorraine, Léopold protested against France's policy toward the Jews of Lorraine.

On July 3rd, 1712, the Minister of War wrote to d'Audiffret how Lorraine should be told that the Jews were only tolerated in France (i.e. in Metz) and that the restrictions against Lorraine Jewish merchants were not a breach of the Treaty between France and Lorraine (see Appendix I-5). On November 12, 1715, d'Audiffret reported to Paris how Lorraine tried to enrich herself with the help of *billonnage* through the Jews (see Appendix I-6). All the reports and ordinances were worded in a strongly anti-Jewish manner, full of anti-Jewish hatred.

In 1720, Léopold of Lorraine organised a *Compagnie de Commerce* without the financial help of Jews, and this Company provoked a great number of bankruptcies.[102-4] On this occasion d'Audiffret wrote again and again that France should not let enrich Lorraine; that the Company would help to ruin France's commerce, etc. (see Appendix I-9).

In reply to France's actions against the Jews of Lorraine Léopold prepared some drastic steps against "foreign" Jews in Lorraine, i.e. mostly Jews of Metz, and the Metz province, which will be related below. This time France protested against Lorraine's action against the Jews of France (i.e. of Metz), and tried to protect "her" own Jews. The same d'Audiffret, who once stated that the Jews of Metz were only tolerated, protested on July 22nd, 1719, against Lorraine's policy towards the Jews of Metz and he tried to prove that the Jews of Metz were not merely tolerated but they were granted all rights of the other residents and so the actions of Lorraine against them was a breach of the Treaty (see Appendix I-7). The truth is that d'Audiffret, who disliked the Jews,[102-5] had a few of his best informers among the Lorraine Jews, one them being Léopold's Jewish "Minister of Finances", Samuel Lévy. France,

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[101-3] See Appendix I-3 and Guerre,A-1-2033 (de Saint-Contest's letter of Dec. 20, 1707), 2391, Nos. 258-59, 299-300, 313; H. Baumont, *Etudes sur le Règne de Léopold, Duc de Lorraine et de Bar*, 1697-1729 (P-N 1894) p. 401-404.

[102-4] Baumont, *oc*, p. 389-460; A. Weyhmann, Die Herzoglich-Lothringische Handelskompagnie 1720-1725. *Annuaire de la Société d'histoire et d'archéologie lorraine*, 1909-1, p. 1-27. "Cette Compagnie a peu duré et a été supprimée, elle a causé bien des banqueroutes" (Manuscript note on a copy of the 1724 Edict, BN,F21096-95). The Jewish banker Moïse Alcan furnished gold to the famous *Compagnie de Commerce* of d'Aubonne; *Réponse de Moïse Alcan au second mémoire des directeurs de la ci-devant Compagnie de Commerce dite d'Aubonne* (N 1738) 15 p. See note 102-2, p. 45.

[102-5] "leur nation [juive] ne connoit point d'autre Religion que l'intérest" (d'Audiffret's report of Jan. 30, 1716. AffEtrang., Lorraine,vol.95,p.57).

too, used Jews for her *billonnage* and with the help of Jews France exported French coins which found their way into Lorraine (see Appendix I-7). And this was the real reason for Lorraine's action against the Jews of Metz. Curiously enough, on this occasion d'Audiffret wrote that the accusations against Jewish *billonnage* were only a cover for a much bigger *billonnage* organized by Lorraine on a very large scale without the help of Jews (Idem).

Toward the end of 1707 Léopold permitted a few Jewish bankers to take up residence in the city of Nancy. Even though be had great need of the Jewish bankers, since he was a heavy spender and his treasury was always empty, he did not permit to establish a legal Jewish community in Nancy, but he did start business dealings with Jewish bankers, particularly with Samuel and Salomon Lévy, Jacob Schwab, Moise Alcan, Isaie Lambert, and others. Salomon Lévy imported grain from abroad in 1709 and was prepared to obtain for Léopold a loan of 600,000 écus, or even of two million écus if required. But since Léopold did not wish to oppose the anti-Jewish sentiments and grant Jews domicile rights, Moise Alcan, who had considerable business dealings with the duc, received permission to remain in Nancy an additional two years directly from the King, Louis XIV. Samuel Lévy also received a similar permit. In 1714, Léopold was in debt for a considerable sum; he could not receive any additional loans, and in order to save his position he appointed the Jew Samuel Lévy to the post of *receveur général des finances* on October 8, 1715. The *Chambre des Comptes* which was to receive the oath of office of the Jewish "Finance Minister" threatened to resign and Léopold was forced to retreat regarding the oath which was never administered. At first Samuel Lévy managed to obtain the necessary funds not by cutting the expenditures but by contracting new loans. But when a Frankfort bank went bankrupt for the sum of one million in July 1717, Samuel Lévy likewise went bankrupt for the sum of three million pounds. The Jewish creditors of Metz lost 1,200,000 pounds as a result of this bankruptcy.[103]

On April 12, 1721, all Jews who had come to Lorraine since January 1, 1680, were ordered to quit the province within four months; on October 20, 1721, 71 Jewish families were exempted from this order and permitted to remain in the province. On April 3,

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[103] H. Baumont, *Etudes sur le règne de Leopold, duc de Lorraine et de Bar* 1697-1729 (P-N 1894) p. 400-18. On Samuel Lévy see: *Arrest rendu par les Commissaires... entre les créanciers chrétiens et Samuel Lévy. Du premier août* 1721 (N 1721) 5 p.; M. Simon, *A Son Altesse* (N 1724) 3 factums: of 14 p., 8 p. and 7 p.; *Mémoire pour les créanciers chrétiens de Samuel Lévy...* (sl nd) 10 p.; *Mémoire pour les créanciers chrétiens de Samuel, contre leurs syndics* (sl nd) 2 p.; [Supplique des créanciers chrétiens contre les syndics.] (N 1724) 7 p.; [Supplique des créanciers chrétiens contre Dominique Antoine] (N 1724) 14 p.; [Requête des créanciers chrétiens contre D. Antoine] (sl nd) 3 p.; Me André, *Réplique de Samuel Lévy...* (sl nd) 29 p.; Me P. D. Drouville et Me André, *Réponses de Samuel Lévy...* (sl nd) 46 p.; Ibid., *Réponses de Samuel Lévy...* [N 1717] 46 p.; *Addition au Mémoire de Samuel Lévy...* (sl nd) 2 p.; Me Thomassin, *Précis de la cause* de Samuel Lévy... [N 1718] 9 p.; P. D. Drouville, *Etat des contestations... entre Samuel Lévy, Juif, et six ou sept de ses créanciers chrétiens* (N 1719) 12 p.; *A Son Altesse Royale* (N 1724) 24 p.; *Réponse de Samuel Lévy...* (sl nd) 10 p. BmN&BN; M. Ginsburger, *oc.* See note 243.

1737, the dethroned Polish King Stanislas Leszczynski arrived in Lorraine and took over the reign of the province. His attitude toward the Jews appeared to be more liberal, but under his reign taxes kept rising and the conditions of the Jews did not improve; neither did conditions improve after the annexation of Lorraine by France in 1766. Only on January 26, 1753, was the legal status of the Jews regulated by a decision permitting 180 Jewish families to live in Lorraine. On June 23, 1760, foreign Jews were forbidden to enter Lorraine without passports and valid reasons for their entry. On April 22, 1762, the Sovereign Court of Lorraine and Barr ordered that, since Jews were trying to establish domicile in Fravemberg and Bousbach, the regulation of January 26, 1753[104] fixing the number of Jewish families in the province at 180 divided among 52 cities and villages must be strictly adhered to.[105] After Lorraine became in 1766 a French province, the Intendant respected the anti-Jewish restrictions of 1753.[105-1]

One has to suppose that in some localities there actually lived more Jews than were legally permitted to do so. In Nancy, for instance, there were 40 Jewish families according to the census of 1789, while in reality 97 Jewish families made their homes in the city.[106] Officially the largest Jewish communities of Lorraine were in Boulay (15 families), Lipheim (14), Puttelange (13), Nancy (12), Fénétrange (10) and Forbach (9). Three other communities contained five families each, ten communities four families each, three communities with three families each, thirteen with two families each, and seventeen containing only one Jewish family each. This fractionalization of the 180 Jewish families in Lorraine was not conducive to the establishment of any well organized business enterprises or of any large Jewish community activities.[107] The authorities attempted

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[104] Ch. E. Dumont, *oc*, vol. II, p 101; *RELéop* (N) vol. II, p. 461, 488, 508, vol. X, p. 71, vol. XIII, p. 35; A. Lévy, *oc*, p. 16; *Etat général contenant les noms et demeures des cent quatre-vingt familles juives...* [N 1754] 8 p.; *Arrêt du Conseil d'Etat du Roi qui porte règlement pour la communauté des Juifs et fixe le nombre des familles, du 26 janvier* 1753 (N 1753). BN,Ld184-18.

[105] For the number of Jewish families in Lorraine in 1721 and 1753 see: *Strassburger israelitische Wochenschrift*, vol. IV, No. 21 (1907) p. 6-7. The 1753 list was published in many studies; for the original publication of the list see note 104.

[105-1] Sylvain Job, Lunéville de ses origines à la Révolution. *RJL*, January 1950, p. 5-7.

[106] J. Godechot, Les Juifs de Nancy de 1789 à 1795. *REJ*, vol. LXXXVII (1929) p. 2-3. The first 51 Jewish families of Lorraine paid a yearly tax of 14,000 pounds. At first, not Nancy but Boulay was the site of the council of the Lorraine Jewish communities: "...de tenir leur synagogue dans une de leurs maisons sans bruit ny scandale dont la principale est à Boulay et de laquelle tous ces chefs de famille restants dans les Etats doivent dépendre, sans qu'ils puissent reconnaître ny dépendre d'aucune autre synagogue étrangère de quelque manière que ce soit." (AN,K1190,No.54).

[107] A group of Jews of the territory of Fravemberg on May 26, 1779, received an order to leave the province within a month's time. In December of the same year the King granted them rights of domicile. The priest of Lipheim sought to rid the town of Jews and in 1763 he accused a number of Jews of living illegally in it. But Daffincourt, the Lieutenant General of the city, established after an investigation that the priest's accusations were unjust. On October 1, 1772, a group of Jewish refugees was ordered by the municipal authorities of Nancy to quit the city within six months.

to extract as many taxes as possible from the Jews. The duc Léopold of Lorraine was mostly at fault in the previously-mentioned bankruptcy of Samuel Lévy, since the duc was interested in obtaining as much money as possible from the Jews, while Lévy's Gentile debtors grasped at the opportunity to ruin the Jews in general.[108] This was probably the reason why full agreement could not be reached between S. Lévy's Gentile and Jewish creditors.

It was commonly supposed that Jews were liked in Lorraine.[109] Actually, however, they were simply tolerated because their services were needed, and the small number of Jews who were permitted to live in the province were granted sufficient liberty to prevent them from dying out. When the Jews of Lunéville received permission in 1785 to acquire a plot of land to build a synagogue, they were ordered not to mention in the official documents the ultimate purpose for which the land was bought. No permit was given to build a synagogue — it was only tolerated. In 1787, the request of the Lunéville Jews for a Jewish cemetery was rejected. A Jew wishing to move to Lorraine or to move from one city to another within the province was required to wait for a "vacant place", i.e. he had to wait for another Jewish family to move away or to die.[110] The Jews of Lorraine, like those of Alsace and Metz, were accused of ruining the peasants by selling them at usurious credit rates horses and cattle.[111]

They appealed through the lawyers Lacretelle and Saladin to the Sovereign Court which on August 18, 1775, rescinded the penalty against the Jews but which at the same time ordered the strict adherence to regulations concerning the number of Jews and the localities open to them in the provinces of Lorraine and Barr. At the same time the Court printed at Jewish expense the regulation of January 26, 1753, fixing the number of Jewish families at 180. *RELéop* (N) vol. XIII-2, p. 888-90, vol. XIV, p. 320-22; AdMM, C356; *Extrait des registres de la Cour Souveraine du* 18 *août* 1775 (N 1775) 14 p. BN,Ld184-18.

[108] Maurice Aron. Le Duc de Lorraine Léopold et les Israélites. *REJ*, vol. XXXIV (1897) p. 115-16.

[109] "Dans le pays de suif,
C'est à dire en Lorraine,
On aime assez le juif
Et nul ne l'y malmène."
Baron Digot, *Les Juifs en Lorraine*, Extrait (sl nd) p. 1.

[110] Controversies between Jews struggling for the right of domicile were not uncommon. In 1760, two Jewish families demanded the right to establish their homes in Essey, near Nancy: the children of the deceased Godechaux de Bou who had lived in the village, and Louis Isac Ber[r] of Nancy (the son of Isaac Ber[r]), the grandfather of the famous Lorraine Jewish leader Berr-Isaac Berr. In 1770, a similar controversy ensued between Joseph Lévy and Bernard Coblenz regarding a place in Fénétrange. M. Aron, Quelques documents historiques intéressant la Communauté de Lunéville. Annuaire des *AI*, vol. XXIII (1906) p. 47; A. Lévy, *oc*, p. 20; H. Baumont, Lunéville à la veille de la Révolution. *Annales de l'Est*, vol. IX (1895) p. 422; AdMM,C356; L. Vanson, Curieuses requêtes des Juifs tendant à faire partie, au fur et à mesure des places disponibles, de cent quatre-vingts familles tolérées, en Lorraine, dans l'ancien régime. *RJL*, 1934. [1760-1788, according to the documents of AdMM,C356.]

[111] AdMM,C356.
The fight against usury was the excuse for the following drasting ordinance directed against foreign Jews in Lorraine: "...Qu'aucun Juif Etranger ne puisse entrer dans aucune maison des Villes, Bourg & Villages de nos Etats, Païs, Terres & Seigneuries de notre obéissance, sans avoir préalablement averty les Prévôt, Maire, ou autres Officiers principaux du lieu, du jour & heure de la entrée, avec déclaration du temps qu'ils pretendent

IV. - The Role of Jews in the Economic Life of Northeastern France

11. THE USEFULNESS OF THE JEWS FOR THE FRENCH MONARCHY AND THE LOCAL POPULATION

As it was already mentioned, Jews were permitted to reside in some localities because the King needed their services. The economic role of the Jews defined the relation toward them and gave them courage to send petitions and intercessors, pay bribery-money, etc., in order to ameliorate their status. "We are useful for the King and his people" — this was the main argument of the Jewish petitions. Frequently a Jewish army contractor was in a position to intercede for other Jews."[112] Even the free city of Strasbourg was unable to expel the Jewish army contractor Cerfberr from the city."[113] On Aug. 13, 1698, the Gentile debtors of Lorraine were granted a reprieve of three years for repaying their debts to Jewish creditors; but on Jan. 20, 1699, the reprieve was reversed because of the Jews' services rendered in times of wars."[114] In 1745, the Jews

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y rester. Que ledit Prévôt, Maire ou principal Officier commandera l'un des Habitants du lieu, homme de probité pour accompagner led. Juif dans toutes les Maisons où il voudra fréquenter pour être témoin des actions dudit Juif, & des traités & conventions qu'il pourra y faire avec aucuns de nos Sujets, dont le résultat sera rédigé par écrit & signé ou marqué dudit habitant conducteur, à peine de nullité des traités & conventions qui pourroient être faits par ledit Juif, sans que les actes par eux faits en autre forme puissent produire aucune action, ny faire aucune foy en Justice en faveur dudit Juif, ses heirs & ayans cause". *Edit de Son Altesse Royale. Contre les Usures. Vérifié en la Cour Souveraine le* 26 *Aoust* 1720 [N 1720] Placard. AffEtrang., Lorraine, suppl. vol. 20, p. 185; *RELéop*, vol. II, p. 390.

[112] In the 17th century, the army contractor Gerson of Haguenau obtained permission for another Jew to marry and to settle in the city with his wife. E. Scheid, *Histoire des Juifs de Haguenau...* (P 1885) p. 47.

[113] The story of the fight between Cerfberr and the city of Strasbourg will be told in a separate study. In 1698, the city Council of Colmar, where Jews were not allowed to reside, learned that the Jewish army contractor Alexandre Doterlé of Brisac was going to request the King for permission to reside in Colmar. The Royal praetor Dietreman was then in Paris and the city of Colmar asked him to oppose the Jew's request. But the Councilmen of Colmar soon became convinced that in a conflict of this nature they would have to lose; so they decided to limit their fight to restricting the Jew's right of residence to him personally, but not to any other Jews (AmC,AA174). Colmar allowed only short visits of Jews for business or for trials at the Sovereign Council. On Nov. 20, 1784, Colmar prohibited Jews to have in the city permanent storage-rooms for their merchandise. Only specially-appointed inn-keepers were allowed to receive Jewish guests for limited duration of only 8 days. In a memorandum the Jews protested. Colmar—they wrote—is important for them as a trade center and site of the Sovereign Council (AmC,AA174).

[114] *RELéop* vol. I, p. 37, 119. On Feb. 20, 1726, Léopold of Lorraine granted to Jean Semelle, a Gentile merchant of Nancy and debtor of the Jew Lazard Goudchaux a term of two years to repay his debt. AN,E2934B, p. 23. There were also cases of granting terms for repayment of debts to all creditors. Jews, e.g., were not mentioned in the Declaration of June

of Metz wrote in a memorandum to the King that the example of the Bayonne and Guyenne Jews should clearly indicate how useful the 400 Jewish families of Metz could be for the commerce of the Kingdom.[115] The preamble to the Letters patent of Feb. 3, 1777, published by Louis XVI, which renewed the privileges of the Jews of Metz, mentioned their devotion and usefulness.[116] When the wealthy Jew, Zacharias Jacob, a brother-in-law of Cerfberr, wanted to take up residence in Sarreguemines (Lorraine), the mayor wrote on Sept. 8, 1776, that through his trade with foreign lands Z. Jacob could employ many persons and become a source of wealth for the city.[117]

In 1715, or at the beginning of 1716, Isaïe Brunswick and 24 other Alsatian Jewish leaders requested some royal privileges for the Jews of Alsace, e.g. the right for Jews' children to take up residence where their parents lived; the right to have butcheries and to sell non-kosher parts of meat to Gentiles; to travel freely; the right to buy and build houses everywhere in Alsace; etc. The Gentile merchants of Strasbourg protested and demanded to limit the right of the Jews in Alsace to the trade of cattle and horses, the trade of old goods only and to money-lending. But some seigniors—e.g. the Prince de Birkenfeld and the Comte de Hanau—protested against the demands of the Strasbourg merchants which might have ruined their finances by depriving them of their income from the Jews. The *Conseil du Dedans* of the Regency discussed the Jews' demands at the end of January 1716 and on April 2, 1716, the Council demanded the opinion of the Intendant of Alsace, d'Angervilliers (see Appendix II-1). The Intendant was strongly anti-Jewish minded, although he recognized the usefulness of the Jews for the army and even for the peasants. In his reply, dated August 26th, 1716, d'Angervilliers wrote that on June 15th, 1716, the Alsatian Jewish leaders disowned Brunswick's action, and they had declared that he was an irresponsible person. It is possible that the Jews became afraid of the well-organized action which the Gentile merchants of Strasboug undertook against them. The Jews probably feared the reaction of the Council of the Regency to their petition which was probably presented before the death of the King, Louis XIV. It is also possible that the Intendant forced them to disown Brunswick's petition. The Intendant wrote to the *Conseil du Dedans* that the number of Jews should be restricted and that all the Jews whose families came to Alsace after 1689 should be exiled (see Appendices II-1 and II-2). On November

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1709: *Déclaration de Son Altesse Royale, portant surcréance au payement des dettes au-dessous de cinq cens francs jusqu'à la Saint-Martin* 1710. Lunéville, 15 Juin 1709. Placard. AffEtrang.,Lorraine,vol.73.

[115] Me de Serionne, *Au Roi* [supplique pour des Juifs de Metz] (sl 1745) 3 p.

[116] AdM,J119.

[117] AdM,L532. In 1777, the attorney La Servolle wrote in a memorandum for the Jewish merchants of Sarrelouis that the Jews of Alsace, Metz and Lorraine did much for the army and played even an important role in some "political" events, probably meaning wars. Me La Servolle, *Requête au Roi, pour les Juifs de Sarrelouis* (P 1777) p. 17. AmS,AA2381.

28, 1716, the Council again discussed the Jewish demands, because the Alsatian Jews did not disown all of Brunswick's demands, but only the first concerning the right of residence, probably because they did not want to lose the seigniors' help against the campaign of the Strasbourg merchants. But the Jews maintained 10 other demands. At this session the Council declared that an official statement that any new anti-Jewish restrictions would reduce the King's income from the Jews would not influence the Council's future decision on the Jews' petition (see Appendix II-3). Two days later, on November 30th, 1716, the *Conseil du Dedans* adopted a resolution proposed, probably, by its reporter, de Brancas, which was a project of very strong anti-Jewish restrictions, e.g., that no new Jews should take up residence in Alsace; Alsatian Jewish women married to foreign Jews, and vice-versa, should be forced to leave Alsace; forbidding the Jews' trade in new merchandise and forbidding open stores; stocks of merchandise should be sold only on the open markets; Jews should be forbidden to buy or build houses without the King's special permission; that all contracts in favor of Jews should be drawn up by officials, etc. (see Appendix II-3). We do not know if these proposals were accepted at a later meeting and published in the form of an ordinance or Letters patent,—probably not, because no such document is to be found in a printed or manuscript form. Only an ordinance forbidding notaries to draw up or renew obligatory notes other than by witnessing the paying of the full sum to the debtor was published on January 19th, 1717.[118]

In 1717, the Alsatian Jews again replied to the campaign of the Gentile merchants of Strasbourg by a four page printed memorandum addressed to the State Council (see Appendix II-4). In this memorandum the Jews declared that the Strasbourg merchants expressed the opinion of only a small group of merchants. Such cities as Sélestat, Ensisheim, Landau, Colmar, Huningue, Belfort, Molsheim, Ribeauvillé and many other cities where Jews were actively trading, did not approve the action of the Strasbourg merchants. Even in the four cities of Haguenau, Saverne, Obernheim and Wissembourg, only groups of Gentile merchants of foreign origin approved the action, but not the Councilmen. The Jews further declared in

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[118] The campaign of the Strasbourg merchants was well-organized. From a correspondence between the city of Strasbourg and seigniors, it clearly appears that some of the latters helped the Gentile merchants. Letters to organize the campaign were sent out from the office of M.G.M. Cardinal de Rohan. AdHR,E1627; Hoffmann, *oc*, vol. IV, p. 325-68; Goetzmann, *oc*, vol. II, p. 291. In 1724, the Gentile merchants of Carpentras demanded to limit the right of the Jews to the trade of old goods. *Réponse d'un avocat de Carpentras, à un de ses amis... portant défense ausdits Juifs de vendre les marchandises neuves* (Carpentras 1724) 11 p. Library of the A.I.U.,R43. On the Letters patent of January 19, 1717, see: *Arrest du Conseil Souverain d'Alsace portant deffenses aux Notaires & Tabellions du Ressort de passer obligations au profit des Juifs, que sur deniers nombrés & délivrés en présence desdits notaires, & de renouveler les dites obligations sous prétexte de décompte ou autres. Du* 19 *Janvier* 1717 (C 1717) 8 p. AdBR,B598; de Boug, *oc*, vol. I, p. 488-89 (avec renvoi à l'Arrêt du 2 décembre 1704: "Arrêt en faveur de la Jurisdiction d'un Rabbin" [et l'usure], de Boug, vol. I, p. 359-60). See p. 97.

the same memorandum that in 1672 the Intendant equalized the rights of the Alsatian Jewish merchants with those of the Jews of Metz. Should the rights of the Alsatian Jewish merchants be limited, the King and the seigniors might lose the large incomes paid by Jews in taxes on imported salt, coins, etc. Should the King's State Council allow it, the Jews would like to join the various business and guilds which were then closed to them. The Jews were ready to respect the statutes of these guilds, if only their religious principles would not suffer from it (e.g., the respect of Sabbath);[119] this would also greatly aid in the combatting of illegal operations in commerce and credit. Not speculation, but the Jewish nature of economizing, allowed them to sell goods cheaper than did Gentile merchants. For 80 years Alsace was a battlefield and Jews could do much for the province. In fact, with few exceptions, there were no Gentile merchants. If there were no Jews, the noblemen and the peasants would have to travel to a far city in order to sell their crops, or to buy their wares. The travel expenses would eat up the greatest part of the profit from the crops and without the Jewish competition, the Strasbourg Gentile merchants would enforce a monopoly of high prices. As a result, the province would be ruined. The trade in old, worn-out goods was unknown in Alsace. Credit operations, too, were limited, because debtors could repay the loans mostly with their crops and by law Jews were not allowed to profit from such form of repayment. Horse and cattle traders were busy mostly in wartime. And thus, the Jews concluded, limitation of their trading to cattle, old goods, and money would force them out of business altogether. The Jews declared further that they would not ask for new privileges, but for an Act of the King's State Council which should clearly acknowledge the existing privileges, so that they, the Jews, might be unafraid of the many caprices of their adversaries. In order not to lose the help of the seigniors in this conflict the Jews declared that they did not want to abolish the seigniors' privileges over Jews; they did not seek the King's direct protection, which would deprive the seigniors of their income from the Jews; the State Council could even specify that the existing seigniors' rights would not be abolished. Should the King's Council refuse them protection, the wealthiest Jews would be forced to leave for other countries willing to grant them more protection; only poor Jews would remain in Alsace. As for usury, the Jews

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[119] Gentiles often opposed any law allowing Jews to become peasants. The Jews would—they said—lose too much time because of Sabbath and other Jewish holidays. But Christian peasants, too, lost much valuable time because of their religious holidays (J. B. Ravold, *oc*, p. 26.) La Fontaine wrote:

> Le mal est que dans l'an, s'entremêlent des jours
> Qu'il faut chômer; on nous ruine en fêtes:
> L'une fait tort à l'autre; et monsieur le curé
> De quelque nouveau saint charge toujours son prône.
> (*Le Savetier et le financier*).

As late as on June 1, 1810, Beving, the Prefect of Rhin-et-Moselle, warned that peasants sacrificed the interest of the agriculture in favor of an exaggerated piety, that they deserted the fields and went looking for miracles (AN,F7-8068).

declared in the memorandum that if there were victims of Jewish usurers, they could ask for protection of the law-courts, instead of making general unspecified accusations against Jews. Jews themselves would gladly combat usury, etc.

Unfortunately, we do not know how this conflict ended because very few documents of this period were saved.[119-1]

12. THE ROLE OF JEWS IN THE PARCELLIZATION OF LAND

Holders of ground *rentes*, land traders, and various speculators utilized the poverty of the landless peasant.[120] Speculation with land was very common, sometimes through auctions, which opened the way for competition among prospective buyers and prevented the lowering of prices.[121]

It is hard to determine whether Jews or Gentiles were the pioneers of trading with small parcels of land in Alsace and the neighboring provinces. Gentiles played a pioneering role in this field through the leasing of land to landless peasants for *rentes* in money or products. But Jews were pioneers in selling parcels of land to peasants for cash or on credit.[122] Later, Gentiles, too, became active in this field.[123] Jews introduced also the sale of houses by single apartment, which helped much to liberalize real estate holdings in the cities. This, the Jews first learned in the ghettos, where space was limited, and where even rich Jews were forced to live in single apartments instead of entire houses.[124]

[119-1] On June 29, 1717, all the documents on this conflict were given to the Duc de Noaille's secretary, Ozane, but de Noaille's archives were destroyed in 1871.

[120] This was characteristic not only of Northeastern France; all over France wealthy city speculators bought large estates from ruined landlords in order to resell them in small parcels to peasants. Speculators granted to peasants loans for buying land. In 1789, the peasants from near Marseille complained that their parents borrowed money on 5 % interest in order to buy land, but, as the land brought them only a 3 % profit, they feared that the creditors may take away the land. Fritz Wolters, *Studien über Agrarzustände und Agrarprobleme in Frankreich von* 1700 *bis* 1790 (Leipzig 1905) p. 2-3; *Archives parlementaires*, vol. III, p. 719.

[121] Following is an example of such an auction in 1780: the seigniory of Ribeaupierre sold land by auction. The auctioneer received a bid from a prospective buyer; this the auctioneer reported to a second prospective buyer, who offered a higher price; again this was revealed to the first prospective buyer, who promised to pay more. In 1760, an estate was leased to peasants for a period of 9 years. After the 9 years the peasants wanted to continue the lease, even at a higher *rente* but in order to obtain a much higher price the landlord decided to parcellize the estate. Hoffmann, *oc*, vol. I, p. 201-05.

[122] Jews themselves often wrote in legal memoranda that they bought large estates and resold them in small parcels, e.g., AdHR,IBE72 (petition by Abraham and Solomon Netter).

[123] About 1770, the law-clerk Noël of the bailiwick of Briey bought large estates for resale in parcels. The tenant-peasant J. B. Joli of Jonaville was ordered to leave "his" farm. The lease of an estate of Horbourg which was leased for 18 years for 18 pounds annually was changed in 1788 into an annual *rente* of 25 pounds. Hoffmann, *oc*, vol. I, p. 186-87.

[124] In the Carpentras Ghetto, too, these conditions forced the Jews to sell single apartments. A. Lunel, Du temps des ghettos Comtadins. *Les Œuvres libres*, No. 130 (1932) p. 365. Because of these restrictions real

The selling of land in small parcels was done not only by Jews, but still, Jews were often criticized and even sharply attacked for their part in the parcellization of the land, e.g., the sharp critique of the historian Abbot Charles Hoffmann, who thought that it was

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estate was much more expensive in the Jewish Ghettos than outside the Ghettos. On June 3, 1701, a Gentile owner of a small parcel of land in the Metz Ghetto asked for permission to sell it to the Jews because he could obtain from them twice as much than for a similar parcel of land outside the Ghetto (Guerre,A-1-1504,Nos.134-36). Jews were exiled even from places where they were forced to build houses in order to help rebuild the destroyed cities, e.g. in Sarlouis and Phalsbourg (Guerre,A-1-2395,No.165, see note 84). In the 1690's, the Jew Cerf Worms de Diling built houses in Sarlouis; in 1715 the city tried to expel him (Minutes of the *Conseil du Dedans,* 1715. BN,naf.23922,p.97,24039,p.23). The argument that Jews should not be allowed to reside near Churches or in places used as itineraries for Catholic processions was often used in order to restrict the Jews to a limited area, e.g., in Bliesbrücken (Lorraine) in 1737: "Veu au Conseil d'Etat du Roy [de la Lorraine] la requete y presentée par les Maire, Echevins, habitans et Communauté de Bliesbrücken, office de Sarreguemines, expositive que l'on a toléré dans ce village l'établissement de deux Juifs, que l'un de ces Juifs appellé Fromel Cain, ou Abraham Caen est propriétaire d'une vieille maison qu'il prétend rétablir dans ce lieu, et a commencé par le rétablissement des Ecuries, que cette maison étant scituée dans la principale rue du village, ou les Processions du très Saint Sacrement de même que les Confrairies passent au moins six fois l'année, outre que l'on est obligé de passer journellement pour l'administration des Sacrements aux malades, pour éviter le scandale de la part des Juifs, les exposants sont dans la résolution de payer le prix de la maison de Caen, sur l'estimation qui en sera faite, que le dix-sept avril dernier ils firent signifier un acte à ce Juif, par lequel ils protestent contre la construction du batiment de ses écuries, le trente un may [1739] ils le firent assigner en la justice de Bruhen, à ce que deffenses luy fussent faittes de continuer ce batiment. Le juge ayant permis l'assignation, toutes choses demeurant en Etat, ce juif a formé une demande incidente en dommages et interrests... sur quoy sentence est intervenue le vingt sept juin par laquelle... les mêmes exposans sont condamnés à dix francs de dommages et interrests, et aux depens liquidés à pareille somme, sauf à eux à se pourvoir au Conseil pour y obtenir un règlement contre ce Juif... Le Roy en son Conseil, ordonne avant faire droit, que le Sr. Guichenon se transportera dans le mois, au village de Blisebrüken, pour y entendre les parties intéressées, voir les lieux, et faire dresser carthe topographique..." AN,E2901,p.5-6. A similar conflict was instigated in 1723 by the Gentiles of Traenheim (Alsace): M. Ginsburger, Traenheim. *Souvenir et science,* 1932, No. 4, p. 8. The Jews of Puttelange (Lorraine) wrote in a petition of 1737: "qu'il y a beaucoup de maisons en ville qui sont vuides, les propriétaires seroient charmés de tirer une location. [Mais] que par arrêt du ci-devant Conseil est ordonnée que les Juifs dudit lieu transfereront leur domicile dans un endroit à eux indiqué" (AN,E2901,p.179). The 7 Jewish families of Morhange (Lorraine) were forced in 1734-37 to build houses on terrains of only 18 feet per family: AN,E2901,p.145; R. Haguenauer, Les Juifs de Morhange de 1686 à 1789. *RJL,* vol. VIII (1932) No. 82, p. 82-87. We do not know if Jewish houses were rented before 1789 to Gentile tenants, probably not. It is worth while to note the following conflict: On July 3, 1794, Suzanne Salomon Cerf of Paris rented to Abraham Grungelot the house which she possessed in Metz. But the City Council's architect rented the same house to 6 Gentile families. He declared that Cerf's representative in Metz, the Jew May, wanted to rent the house "only to Jews". The Departmental *Directoire* disapproved the architect's action: "n'a donné d'autre excuse à ce procédé arbitraire sinon que May étoit Juif, et qu'il ne voulait louer sa maison qu'à des Juifs". *Extrait des délibérations du département de la Moselle... du premier Vendémiaire, l'an* 4... (M sd) Placard. JTS. It is also worth while to note that during the Revolution Strasbourg changed the Jewish topography to a revolutionary one. The *Pont de la Porte des Juifs, Porte des Juifs, Rue des Juifs* and *Quartier des Juifs* became *Pont des Droits de l'homme, Porte de l'Egalité, Rue des Droits de l'homme* and *Quartier des Droits de l'homme: Délibération du Corps municipal de la Commune de Strasbourg. Portant une nouvelle dénomination des Rues* (S 4 Messidor an II) 16 p. JTS.

much easier for a peasant to pay *rentes* for a leased parcel of land than to buy a parcel of land for himself.[125]

Many restrictions against Jews were in force in the real estate business field. Before 1784, Jews were forced to resell within one year real estate bought by them.[126] This ruling was enacted in order to strengthen the prohibition against the Jews' possession of land and houses outside the ghettos. On Jan. 25, 1770, the Intendant granted to Gentiles trading in real estate priority over Jews. The Jews protested, and on May 20, 1770, the Intendant ruled that the priority order be valid only for 24 hours in sales on the open market and 8 days in sealed sales. In Bergheim, Jews had to ask for permission to buy houses even for their own use; such permission was granted them only after proving that there were no prospective Gentile buyers and after payment of a special tax amounting to the entire value of the house.[127] So, Alsatian Jews were forced to rent houses from Gentiles.[128] A Jew could be forced even to give up the house legally purchased by him.[129] The Letters patent of July 10, 1784, made the situation of the Jews even worse.

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[125] Hoffmann, *oc*, vol. I, p. 83, 185-87, 205-06. Following is an example cited by Hoffmann: In 1780 Lévy, Joseph Mayer and other Jews of Wintzenheim, purchased estates for 5,248 pounds, which they resold for the same sum in small parcels. Their profit consisted of the unsold small parcels valued at about 1,000 pounds, i.e. about 18 % profit (such a profit was then normal in such risky operations). Still, Gentiles had much higher profits, because they could move freely. Following are two examples cited by the same Hoffmann: The duc Mazarin leased his estate of Henflingen for 68 pounds annually. About 1752, he sold this estate in small parcels and with the obtained money he established *rentes* with an annual income of 134 pounds. *Ibidem*, p. 186-87. The attorneys of the bailiff and the Councilmen of Marckolsheim stated in a factum that the Jewish nation should be grateful to the two Jewish dealers in land, Leib and David Lévy, because they taught them to be adept in the art of selling large estates in small parcels. In this particular case they were supposed to buy land from the peasants, which they really did not own but held on lease from the city. Me Krauss, Me Lang l'ainé, Me Zippel, *Mémoire pour le bailli... de Marckolsheim... contre Leib & David Lévy, les deux Juifs de Scherwiller...* [C 177-] p. 1-2. AmS,vol.946,No.63. Of course, such sale of leased land was illegal. But we should bear in mind the many clashes betewen peasants and cities over the ownership of land. It is possible that in this particular case the Jewish dealers fell victims of such a conflict, or thet they wanted to help the peasants in their fight with the city Councilmen.

Undoubtedly, Hoffmann's Catholicism was one of the reasons of his strong anti-Jewish feelings. One of his books tried the prove the Jews' responsability in Christ's death: *Le Procès de N.S. Jézus-Christ devant le Sanhédrin et Ponce-Pilate* (Montbéliard 1876) 200 p.

[126] The Sovereign Council published sentences in this spirit on Sept. 23, 1755; March 11, 1757; Nov. 26, 1761; and May 31, 1768. de Boug, *oc*, vol. II, p. 459, 610.

[127] SBern,B216,f.290; AdHR,E1066.

"la nécessité, qui leur était imposée [aux Juifs] de se renoncer aux enchères, lorsqu'ils s'y présentaient des chrétiens, ou de laisser exercer le retrait par des chrétiens, quoique étrangers à ceux à qui appartenaient les bien vendus" (de Mirbeck's memorandum of 1784. AN,K1142).

[128] In 1780, the 331 Jewish families (1,712 persons) of the Ferrette bailiwick owned 176 houses of their own, while 90 houses were leased to them by Gentile proprietors. The 80 Jewish families (350 persons) in the bailiwick of Lower (Bas-) Landser owned only 48 houses of their own. The 213 Jewish families (974 persons) in the bailiwicks of Ensisheim and Sainte-Croix owned 131 houses of their own, while 18 were leased to them by Gentiles. The 87 Jewish families (410 persons) in the bailiwick of Rouffach owned only 48 houses of their own. AdHR,C1559.

[129] For 9 years the Jew Maushel lived with his family in a house which

It is worth while to repeat again that the strong trend toward the parcellization of the land existed already at that time all over France.[130] Surely, to the peasant of Northeastern France, whom the Jew helped to realize his dream of possessing his own parcel of land — to him the Jew would not have been an enemy, if only the peasant would not have been influenced by the well-organized anti-Jewish propaganda.

13. JEWISH HORSE-AND CATTLE-DEALERS, GRAIN-DEALERS, AND PEDDLERS

Dealing in horses and cattle was one of the main sources of income for Jews, although Jews were not the only dealers.[131] But the Jewish dealers, the *Routäuscher*, as they were called—were an absolute necessity for the existence of the French armies. In 1757, only 127 colts wre born in 287 Alsatian villages where the breeding of horses was one of the peasants' occupations. All government decisions to improve the situation did not bring any results.[132] Because of this, the role of the Jews who, with the help of their agents, imported horses from abroad, was a blessing. In 1698, the Metz Intendant Turgot wrote on this part of the Jews for the army.[133] In 1727, when talks of war continued, the Jews of Metz quickly brought to the city 2,000 horses for transporting provisions (*service des vivres*) and another 5,000 horses (6,000 according to another source) for the use of cavalry troops. In 1733, the Jews recalled these events in a memorandum and proudly asked: "Which other merchants could accomplish such an important and useful thing?"[134]

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he bought from the Lutherian pastor Hocher of Ingwiller. When the pastor died, his widow asked the Jew to resell the house to her. On Sept. 30, 1700, the regency of Bouxwiller judged that the Jew must comply with her will. On Apr. 18, 1701, a similar sentence was published by the Sovereign Council. N. de Corberon, *Essay de recueil d'arrêts notables du Conseil Souverain d'Alsace* (C 1740-42).

[130] Marc Bloch, La lutte pour l'individualisme dans la France du XVIIIe siècle. *Annales d'histoire économique et sociale* (P 1930).

[131] Strasbourg orders of July 1, 1641; May 15, 1715; Sept. 10, 1736 and 1758 against dealing with horses outside the city's control mentioned not Jews alone, but "Jew or all others" (*Juif ou tout autre*). An order of June 23, 1736, to combat the trade in diseased cattle mentioned Jews and others. *Ordonnance concernant la vente et l'achat des chevaux* (S 1758) Broadside. JTS; A printed ordinance of June 23, 1736. AmC,AA174.

[132] AdBR, Société d'agriculture, concours de 1858, No. 2.

"L'idée du haras n'a point été accueillie, parce que le climat et la nature des pâturages, ne sont pas favorables pour avoir une belle espèce de chevaux. Tous ceux qui ont tenté de faire quelques essais dans ce genre de commerce, n'ont obtenu qu'une très mince production de chevaux qui dégénèrent tellement à la seconde race qu'ils sont réduits à l'espèce ordinaire et très médiocre du païs" (Memorandum from the province of Chermontois, Lorraine, 1781. AN,G-1-131).

[133] BmM,ms243.

"...ils [les Juifs de Metz] tirent les chevaux d'Allemagne, ils payent à la ville le 40e de ce qu'ils vendent, et ils ont offert autrefois un abonnement à la ville de 2,000 écus par an, pour en être exempts; sur ce pied, il faut que leur commerce soit de plus de 80 mille écus, sans compter ce qu'ils prétendent y gagner" (Florimond's notes. AN,K1239).

[134] "Quels autres négociants du Royaume pourroient rendre un service

The trade in horses and cattle was of very great importance not only for the army, but for the civilian population as well. An example can be taken from the seigniory of Porrentruy (under the jurisdiction of the Bishop of Basel), where the situation was similar to that in Alsace. An ordinance of May 30, 1760, issued by the Bishop of Basel permitted Jews to trade in cattle even in non-market days, but foreign Jews (i.e. Alsatian Jews) were not permitted to trade with the peasants on credit.[135] This was a heavy economic blow for the Alsatian Jews who had little cash and were forced to buy on credit; but the ruling was a blow to the peasants as well. A 1769 discussion on this ordinance proved that the city element was in favor of this anti-Jewish order, but the peasants requested more economic freedom for the Jewish cattle-dealers. Erguël, the bailiff of Porrentruy, wrote that there were "Jewish Christians" (*Chrétiens Juifs*, i.e. Christian usurers). The ordinance was not published in order to defend the peasant-debtors. On the contrary, the ordinance forbade peasants to sell to Jews on credit. He wrote that the trade of fat cattle and young horses was conducted mainly in the pastures, and because of this practice Jews should be allowed to conduct their business outside the open markets. The bailiffs of Delémont and Moûtier approved the ordinance but the bailiff of Saignelegier wrote that any act against Jewish cattle-merchants could be a heavy blow (*coup sensible*) for the inhabitants of the mountain-country where this trade was their main source of income. Jews would get along more easily without the peasants than the latter could manage to do without Jews. He was against forbidding Jews to trade outside the markets; on the contrary, he wrote, peasants

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aussi important et si promptement?" AcMetz,Lap86; 483, p. 35. "On a tenté depuis quelques années à établir des haras en Alsace, mais quelque soin qu'on ait pris, ils n'ont pas bien réussi parce que les cavales sont trop petites et trop basses pour les étalons, qui sont de grands chevaux, qui viennent des païs étrangers. Le travail que l'on leur fait faire pendant qu'elles sont pleines et dans le temps qu'elles nourissent, fait que les poulains ne réussissent pas. Jusqu'à présent, on à gueres vu de bons chevaux en Alsace, que par le moyen des *juifs*, qui en trafiquent avec les Suisses. Il y a plusieurs familles de ces juifs établies dans la province... et on peut dire que l'on en tire du secours en tems de guerre, et qu'ils y sont nécessaires..." AN,K1236,papiers de Florimond. Of course, there were many cases of swindling in this field of economic activity, but this happened among Gentiles as well. In 1755, the Jewish cattle-dealer Cerf Weill of Zerviller and his partners bought cattle in the bailiwick of Belfort and went bankrupt for the sum of 130,000 pounds. The court judged that the bankruptcy was a malicious swindle; that Cerf Weill and his partners simulated a robbery upon themselves in the night preceding the day when they were to pay for the cattle (March 17, 1755). Cerf was sentenced to hard labor for life, his partners received smaller sentences (ZS). In 1768 Louis and Majer Schmol of Huningen refused to pay 500 *louis d'or* for cattle bought by them in the seigniory of Porrentruy (SBern,B216,f.372-79). According to one source, the Jew Moise Plien [Blien] of Mutzig delivered provisions for the German armies. I. Loeb, Borach Lévi. *AnREJ*, vol. III (1884) p. 281.

[135] *Ordonnance [de Simon Nicolas, Evêque de Bâle] concernant le commerce et trafic des Juifs* [Porrentruy, 30 mars 1760]. Broadside. SBern, B216,f.359.

On the 19th century restrictions against Alsatian Jews in Switzerland see: F. Ponteil, Les Israélites français et la Suisse sous Louis-Philippe. *Revue politique et parlementaire* (Fév. 1934); A. Neher, Une carte antisémite de la Suisse au XIXe siècle. *Evidences*, No. 27 (1952) p. 40-44.

frequently obtained better prices in their own homes. He was also against forbidding the peasants to sell to Jews on credit, because, he maintained, such a ruling would force the peasants to accept prices dictated by the only available buyers who would not fear Jewish competition. What was the peasant to do if the Jew refused to buy old or sick cattle and horses otherwise than on credit? Was he to let the cattle or horses die?"[136]

In three verdicts (June 27, 1724; Apr. 10, 1736; Jan. 17, 1739) in trials between the Jews and Councilmen of Hegenheim and Niederhagenthal, the Sovereign Council forbade Jews to feed their horses and cattle on the communal pastures. Similar verdicts were passed against Jews all throughout Northeastern France and this created great hardship to Jewish merchants."[137]

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[136] SBern,B216,f.319,322,327-28,330.
During the Revolution of 1789 some Jewish *Emigrés* were granted permission to return to France because as horse-and cattle-dealers they were useful to the peasants. The administration of Lower Rhine stated in the case of the *Emigré* Moyse Nathan Coshel, of Haguenau: "Nathan Moyse est un de ces individus utiles aux cultivateurs en leur fournissant les bêtes de trait et autres qu'il va chercher dans la lointaine pour leur revendre et par là, laisse le cultivateur à sa culture si nécessaire à la prospérité de la République" (AN,F75517). On March 8, 1796, the district of Haguenau stated in the case of a Jewish *Emigré*: "Jacques Lévi est de la ci-devant secte juive à laquelle les lois anciennes interdisaient le droit d'exercer d'autre état que celui de négociant, commerçant, frippier, ou colporteur, mais qu'il est malgré cela de cette classe de commerçants utiles aux cultivateurs de ce pays en leur fournissant chez eux le bétail nécessaire à l'exploitation de leurs terres et à leur nourriture journalière" (AN,F7-5539). (See note 176.) Even much later, on June 17, 1833, the Alsatian Deputy André declared that Alsace was not a good place for cattle breeding and, for this reason, cattle has to be imported; André, *Opinion pour la réduction de la taxe actuelle sur les bestiaux venant de l'étranger* (P 1833) p. 4. According to the Lunéville sub-prefect's report dated Apr. 20, 1807, horses, cattle, and grain were imported from the neighboring Vosges (AdMM,M). Naturally, there were many complaints against Jewish horse and cattle-dealers; but, as a matter of fact, they were always looked upon with much distrust. *Maquignonnerie* derived from *maquignon* (horse-dealer) and was an old French synonym for swindlig. A. Franklin, *Dictionnaire historique des arts, métiers et professions* (P 1906) p. 467. But even so, horse-dealers were regarded by peasants as indispensable men. During the Revolution of 1789 pro-government priests often posed as horse-dealers in order to get into the peasants' confidence. A. Benoit, Saar-Union en 1790-1793. *RA*, vol. I (1887) p. 236. In the 1610's the peasants of the Strasbourg territory were unable to till their land because the Magistrates forbade them to buy horses from Jews. In the 17th century, the trade of horses in Upper Alsace was authorized only at the open markets of Belfort and Cernay, but Jews were then allowed to reside only in the neighboring villages. M. Ginsburger, Rosenwiller. *Souvenir et science*, 1931, No. 1, p. 13 and: Cernay. *Ibidem*, 1932, No. 1, p. 12; *RA*, 1850, p. 68.

[137] de Corberon, *oc.* The horses-and cattle-trade was not without many other risks. In 1734, the two Jewish bankers of Metz, Abraham Lévy and Samuel Cahem, financed a big deal in horses and lost all their money. Lajeunesse, [*Contrat*] *Par devant les Notaires royaux à Metz, soussignés, sont comparus Samuel Cahem & Abraham Lévy* [M 1734] 8 p. BN,naf22705 f.274. The restrictions against the export of coins disfavoured the trade in horses, because peasants refused to accept promissory notes. Still, Jewish merchants were sometimes forced, even by the King himself, to accept notes instead of cash for merchandise which they delivered to the army. On Oct. 8, 1702, the Intendant of Alsace wrote to the Minister of War: "Les Juifs de cette Province [d'Alsace] qui traffiquent en chevaux me disent présentement, qu'ils ne peuvent plus en aller acheter hors les Etats du Roy, par la défence qu'il y a d'en sortir de l'or, et de l'argent, ils s'offrent que sy vous voulez leur permettre, Monseigneur, d'en sortir, ils montreront au dernier Bureau de France l'argent qu'ils emporteront avec eux pour acheter

The historian Charles Hoffmann wrote, without proving it, that Jews speculated by exporting grain to Basel. In any case this was a common practice among Gentiles as well. Foreign noblemen who owned land holdings in Alsace were permitted to export their grain. When the export of grain was not forbidden, Alsatian peasants sold annually 300,000 sacks of grain to Basel. Peasants were often sentenced for selling grain outside the markets.[138] In bad times Jewish grain dealers were often attacked by mobs. Frequently, Jewish grain-dealers saved cities and entire provinces from famine.[139] In 1649, Solomon Lévy of Metz imported grain from abroad. In 1698 and 1709 Jews again saved the famished city of Metz.[140] In 1770, the brothers Hayem and Cerf Worms sold to the

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des chevaux et qu'au cas ils n'en ramènent pas pour la valeur de l'argent qu'ils en sortiront, ils feront voir en rentrant dans le Royaume au même Bureau qui en tiendra un Registre, les mêmes Espèces qu'ils en auront sortis. Sy vous ne leur permettez pas, Monseigneur, de sortir de l'argent à ces conditions, cela fera un tort considérable à la cavalerie qui hyvernera en cette Province. Les lettres de change leur seroient inutiles n'achetant des chevaux le plus souvent que dans des petites villes, Bourges, ou villages ou il n'y a pas de Banquier" (Guerre,A-1-1502,No.316). On Nov. 28, 1709, when he needed badly the Jews' services, the Minister of War wrote to de Saint-Contest, Intendant of Metz: "Dans l'embarras où l'on se trouve, Monsieur, pour assurer la subsistance des troupes qui doivent passer le quartier d'hiver dans le département de M. de Saint-Contest, j'ai pensé qu'il pourroit peut-être encore trouver des ressources avec les Juifs de Metz, et je lui ai marqué de les engager à faire quelques avances sur de bons effets que je donnerais pour sûreté de leur remboursement. Je souhaite qu'il les trouve disposez à ce qu'on peut désirer d'eux en cette occasion" (Guerre,A-1-2167,No.315). Two weeks later the Minister refused to pay in cash for merchandise delivered by two Jews to the *Régiment de Toulouse.* On Dec. 9, 1709, he wrote to de Saint-Contest: "M. de Maupeou me mande que les nomméz Joseph et Aaron de Bonn, Juifs de Metz, poursuivent les officiers du Régiment de Toulouse pour le payement en argent des tentes qu'ils leur ont fournies. Il est juste qu'ils y satisfassent puisqu'ils s'y sont obligés par le marché qu'ils ont fait avec eux, mais je doute qu'ils soient en état de les payer en argent comptant... Il ne faut point les forcer à prendre des Billets. Il n'y a qu'à se contenter, s'ils continuent leurs poursuites, de les arrêter et pour cet effet le Roy rendroit un arrêt si celà étoit nécessaire" (Guerre,A-1-2167,Nos.333,343). In 1720, the Jews of Metz complained that Jean Jeoffroy of the Metz Parliament, from whom they borrowed, 27,800 pounds in *billets de banque,* forced them to repay in cash (AcM,Lap76). According to the historian Jacques Godechot, the Jews' demands for repayment of the debts owed them by the administration provoked anti-Jewish feelings during the Revolution. Godechot, Les Juifs de Nancy de 1789 à 1795. *REJ,* vol. LXXXVI (1928) p. 9-10. Gentiles, too, frequently complained that the army contracting business was not always profitable: "L'entreprise n'est pas lucrative". *Mémoire pour le Sieur Crespin Larcher... contre les Sieurs Vaultrin & Brunel...* (sl nd) p. 1. AffEtrang., Lorraine,vol.106. A 1790 pamphlet spoke of the hazards of Jewish army-contractors: "Er [der Jude] ist es, welcher Lieferungen, Zahlungen und so manchen eben nicht immer beliebtes Geschäft für Regierungen übernimmt." J., *Die Juden-Verfolgungen* (S 1790) p. 15. On conflicts between Jewish army-contractors and the Government during the invasions of 1814-1815 see: H. Contamine, *Les conséquences financières des invasions de* 1814 *et de* 1815 *dans les départements de la Moselle et de la Meurthe* (M 1932) p. 12.

[138] Hoffmann, *oc,* vol. I, p. 598-99; *Catalogue des Alsatica....* vol. III, p. 77 (sentence of Oct. 10, 1771). No Jews were accused in a very important report of 1694 on the export of grain to Basel. AN,G7-1634.

[139] In 1788, the price of bread rose in Lorraine, the mob subsequently attacked Cerfberr's magazine of grain and Jewish houses as well. The army was called in from Lunéville and Pont-à-Mousson to restore order. D. Mathieu, *oc,* p. 233.

[140] R. Anchel, *Les Juifs de France* (P 1946) p. 185-193; Boislisle, *oc,* vol. I, p. 497.

famished Lorraine city Sarrelouis 400 sacks of grain of their stocks for a price lower than that prevailing on the open market; they imported another 400 sacks of grain from abroad which they sold to the city on credit. In addition, they sold 3,000 sacks of oats to the army. In 1771, they sold again 1,000 sacks of grain of their stocks and imported another 600 sacks from abroad. They then lost a great deal of money.[141] In 1783, Cerfberr wrote that he saved Alsace from famine by importing grain from abroad.[142]

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[141] In 1787, the brothers Worms were presented with Letters patent granting them the same rights as those enjoyed by all other citizens (registered on Nov. 20, 1788, with the Nancy Parliament). AN,C82-817/2p.43. "Salomon Lévy, Juif établi à Coblents... a achetté en Allemagne pour son compte dix mil sacs, moitié bled, moitié seigle, et trois mil sacs d'avoine qu'il est prest de livrer à Metz, ou à l'entrée d'Alsace à un prix raisonnable" (1713. AffEtrang.,Lorraine,vol.85,p.127).

[142] De Colmy, Me Dumond & Me Lemaire, *Mémoire justificatif pour le sieur Cerf Beer [Cerfberr], entrepreneur général des fourrages, pour le service des troupes...* (M 1783) p. 5. JTS. [On this conflict between the famous Jewish army contractor Cerfberr and the army see also: *Arrêts de la Cour du Parlement, Chambre de la Tournelle, des* 19 & 28 *Mars* 1783 [M 1783]; Pierre Louis Couturier, *A Nosseigneurs de Parlement, Chambre de la Tournelle, supplie humblement...* (M 1783).]

In later years, during the crisis of bread in Strasbourg (August 1789-March 1790), a secret Jewish agent of the grain commission imported grain from abroad. In May 1795 the people of Paris manifested in front of the Convention crying for bread. A member of the *Section de la Butte-des-Moulins,* named Seigneur, posted up a placard dated June 8, 1795, proposing to ask the Jews (*la nation juive*) to import grain from abroad because only they could do it. In the year III the District of Metz asked the Jew Zacharias Cerf Hertz to import grain for 1,500,000 pounds. Cerf-Berr's importing of grain from Germany saved in 1789 all of Lorraine from starvation, all this in spite of the fact that Jews were not among the most important capitalists or speculators during the Revolution. H. Brunschwig, *Les subsistances à Strasbourg pendant les premières années de la Révolution française* (S 1932) p. 30; E. Charavary, Un appel à la nation juive pour se charger de l'approvisionnement de Paris. *La Révolution française,* vol. XXIV (1893) p. 62-68; R. Paquet, *Bibliographie analytique de l'histoire de Metz pendant la Révolution,* 1789-1800 (P 1926) p. 1329; Charles Poisson, *Les Fournisseurs aux armées sous la Révolution française. Le Directoire des Achats* (P 1932). On the Paris financial speculators during the Revolution see: E. Soreau, Les hommes de finance pendant la Révolution. *Revue des études historiques,* vol. CI (1934) p. 315-38. On the Jewish army contractors and Jews in the Purchasing Directory during the Revolution see: Poisson, *oc.* Still, the anti-Jewish passion was general for both Catholics and Protestants, as the historian Gabriel G. Ramon wrote in his biography of Dietrich, Mayor of Strasbourg during the Revolution: "la haine des Juifs était une des passions communes à l'immense majorité des Alsaciens catholiques ou protestants; ils ne songeaient même pas à rechercher la responsabilité initiale des défauts et des pratiques qu'ils flétrissaient chez eux, et encore moins, évidemment, à faire leur propre mea-culpa. On se trouvait en présence d'une aversion si vive, qu'aucun pouvoir humain n'aurait pu alors en tarir la source: haine et équité, foi et raison, sont des forces d'essence différente qui ne se peuvent opposer ouvertement." *Frédéric de Dietrich...* (N 1919) p. 116. Strasbourg had a curious and complicated policy of a very strong anti-Jewish action mixed with a shade of human feelings toward Jews. On one occasion the Mayor, P. F. Monet, called for unity of the Jews, Protestants and Catholics: "Prosélytes de Moïse, de Calvin, de Luther et de Rome, tendez-vous tous une main fraternelle; trop souvent le fanatisme arma vos bras pour vous entre détruire; oubliez vos haines dans les épanchements de l'amitié, dans les doux sentiments de la nature, dans les touchantes maximes de la morale". *Au peuple* (S 29 Brumaire an II) Placard, signed P. F. Monet, Mayor of Strasbourg. JTS. During the Revolution many pamphlets seconded the requests for the emancipation of Jews who could bring economic riches to France: La Baronne de Vasse, Angloise, *Mémoire ... à admettre les Juifs indistinctement aux droits de citoyen* (P 1790); *Recueil de pièces relatives à l'admission des Juifs à l'état civil* (P

One could imagine that usury was particularly developed on the markets. Similar accusations were frequently voiced against Jewish merchants. But, prior to 1789, the French laws were very liberal regarding commerce on credit on the open markets—such credit was legal. The historian Léon Cahen stated in his study on market-merchants that in the accusations brought by the debtors against the creditors who did not grant sufficient time for repayment of debts, no mention was made of the Jewish origin of some of these creditors. As a matter of fact, no charge of usury should be brought in such cases, as rates of 12-30% were normal interest. The debtor was interested only in obtaining more time for the repayment of his debt; he was hoping for a lucky speculation and did not mind the high rate of interest. In such loans the creditor always risked much, because the debtor frequently disappeared and the creditor could then only *déposer son bilan* — go into bankruptcy. Contrary to other countries where payment in cash was the principle of the markets, the unwritten law of the French markets was a long credit. Cahen noted very few Alsatian Jews on the markets outside of the Northeastern provinces."[143]

Undoubtedly the Jewish peddler was of great importance in the economic life of the peasants. There were two kinds of peddlers: (1) those who went from village to village with all their merchandise on their backs (*porte balle*) and (2) peddlers who possessed their own horse and wagon (*colporteur renforcé*, or *marchand forain*). The first was the poorest of all poor Jews, except possibly the beggars. In 1780, Clavé, the bailiff of Altkirch, wrote that the Jewish peddlers lived all day "on a piece of bread, or a few apples, or another fruit, depending on the season."[144]

The Prince of Birkenfeld wrote that the Jewish merchants were useful for the inhabitants, especially where most of the latter were peasants and commerce was unknown (Ribeauvillé, Bergheim, etc.). The peasants could purchase everything they needed from the Jew; without him the peasant would have to travel great distances and incur expenses in order to buy the smallest item. For the markets Jews were a source of income. The authors of an official memorandum to the King declared that a restriction of the Jewish merchants' rights would mean for Upper Alsace alone a loss of 30,000 pounds in taxes on imported and exported merchandise and 40,000 pounds in taxes on salt. In 1748, Altkirch complained that 300 pounds in taxes were lost at the Saint-Michel

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1790) p. 25; *A la Garnison de Strasbourg*, par un Strasbourgeois qui a voyagé vingt-quatre ans (S 11 Février 1790); [Israel Bernard de Valabrègue,] *Schreiben eines Lords...* (Breslau 1804) p. 60-61.

[143] V. Brants, *La lutte contre l'usure dans les lois modernes* (L-P 1907) p. 42; Léon Cahen, Quelques caractères de l'économie française à la veille de la Révolution. *Annales d'histoire sociale*, vol. I (1939) p. 243-44. It is worth while to note that a Metz pamphlet of 1783 against peddling made no mention of Jews. The author remarked that the Jewish petty trader was not of great significance and that, in general, Jews of Metz were not considered in the commerce as foreigners. *Dialogue concernant le colportage...* (M 1783) p. 8-40. BmN80167-12bis.

[144] *Dialogue...* p. 6-7; Hoffmann, *oc*, vol. IV, p. 70.

market because Jews did not attend it, it having been a Jewish holiday. A Jewish peddler explained the part of the 18th century Jewish peddler in the villages thusly: He was the only liaison between the villages. The Jewish peddler brought the latest news; he was an intermediary, the connoisseur on all kinds of coins; he helped to buy and sell cattle and to sell the crop; he found the creditors and gave good advice—and despite all this, possibly because of this—he was persecuted and was forced to pay all manner of taxes.[145]

14. THE FIGHT AGAINST THE JEWISH MERCHANTS

In reality, the 18th century fight against the Jewish merchants was part of the fight of the old against the new methods in commerce. The Jew traveled more, went to far places for new merchandise, expensive new merchandise for rich people and used good for poor people. The Jew did not wait for the customer, he went to him, in the city or village. At a time when in Southwestern

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[145] Hoffmann, *oc*, vol. IV, p. 367-68; Ben Lévi, Mémoires d'un colporteur juif écrits par lui-même. *AI*, vol. II (1841) p. 687. In 1790, the author of a Strasbourg pamphlet wrote of the role of the Jewish peddler: "Der Landmann begiebt sich nicht mehr in die ihm nahe biegenden Städte und Städtchen, um sein Haus mit den nothwendigen Erzeughissen des Kunstfleisses zu versorgen; der Hebräer bringt ihm alles, was er bedarf und nah mehr. J., *Die Juden-Verfolgungen* (S sd) p. 15. BN,A9431.

Gentile merchants fought not only Jews, but even Gentile peddlers; *cf.*, e.g.: *Consultation pour les Syndics, Adjoints, Corps et Communauté des Marchands Merciers-Quinquailliers de la Ville de Metz; contre Antoine Tissot et George Guérin, Colporteurs sans domicile...* [Metz 1781],AN,F12-776; *Arrêt du Parlement en faveur du corps des marchands de Metz, contre les colporteurs de balles.* 26 *Février* 1738 (M 1740). BN,F23685(90).

"ils [les Juifs de Metz] sont en état de donner leurs marchandises à bien meilleur prix, et gagner encore plus que les marchands crestiens. C'est ce que leur attire la jalousie des autres marchands, mais cette jalousie ne fait que redoubler leur attention pour se rendre utiles, pour se faire tolérer et augmenter leur établissement" (Florimond's notes, AN,K1239).

In the 19th century, too, Gentile merchants had a grudge against Jewish peddlers because they sold their merchandise cheaper. They were particularly bitter against those Jewish peddlers who auctioned off their merchandise. This was legal, but found very little favor among the city merchants. During one auction in Strasbourg (1827) the Jewish peddler Marx Lajeunesse of Nancy sold 30,000 frs. worth of merchandise to 4,000 clients. The Strasbourg merchants saw to it that he was sentenced for selling merchandise of an inferior quality. *Précis pour le Sr. Marx Lajeunesse [Cain], marchand forain...* (S 1827). BmC5336. In the year XI, the Mayor of Colmar forbade peddlers to sell merchandise otherwise than in open market. Two years later, the Gentile merchants of Colmar complained against the competition of the Jewish peddlers (AmC,H14-14b). In June 1814, the merchants of Haguenau complained against their competitors, the Jewish and foreign peddlers. A similar petition of the Saverne merchants (June 1814) did not mention Jewish peddlers. The Prefect of Lower Rhine sought the opinion of the Strasbourg Chamber of Commerce, which declared that the city merchants were seeking to abolish free competition (AdBR, 3M923). On Dec. 30, 1816, the Minister of the Interior warned the Prefects that the restriction of licensed peddling would abolish free competition (AdBR, 3M923) and on Dec. 30, 1816, the Minister of the Interior wrote to the Minister of Justice that the city merchants were only trying to abolish free competition; at first they atacked foreign peddlers, now they were complaining against Jews (AN,BB16-791,dr.8901).

France (Bordeaux) the economic role of the Jews was appreciated and encouraged, Northeastern France lived in a myopia of protectionism and hatred of Jews dating from the Middle Ages. Alsace became the *boulevard de l'antijudaisme*—as Baruch Hagani wrote.[146] Industry and commerce were not free but controlled by the various guilds who were the most active elements in the struggle against the Jews. These guilds were interested only in their immediate gains, without any concern for the general condition of the province or even of their own town. In 1767 and on many other occasions, the Jews requested permission to join these guilds, but were refused. The Sovereign Council and the King, too, refused this Jewish request.[147]

Because of all these laws and restrictions against them, the Jews could not trade on a large scale, and consequently most Jews were forced to make a living from their contacts with the peasants. Still, some Jews forced their way through and traded with distant cities and foreign countries.[148]

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[146] B. Hagani, *L'Emancipation des Juifs* (P 1928) p. 162-63. According to the historian R. Anchel, the 18th century fight against the commerce of Jews brought out more clearly and on a large scale the type of the poor Jew who was forced to live from charity. R. Anchel, Sur l'histoire des Juifs en France. *Cahiers Juifs*, No. 19 (1936) p. 32.

[147] In 1767, the Paris merchants requested the King to refuse to Jews *brevets* of merchants or artisans, which action, they maintained, would be in the spirit of Louis XIII's Declaration of Apr. 23, 1615, ordering the Jews expelled. On Aug. 14, 1774, Louis XVI forbade Jews to join the Paris guilds. On Feb. 13, 1747, the Jew Salomon Alexandre of Bouxwiller was granted permission to join the *maitrise des huilliers*, but on May 4, 1751, the Sovereign Council cancelled this grant on the basis of an article in the by-laws of the guild of Bouxwiller and as a *principe de droit public* that Jews should not belong to professional guilds. Four Jews of Thionville bought the right to obtain *brevets* of merchants, but the magistrates protested and on May 13, 1774, the Nancy Parliament (who then took over the functions of the Metz Parliament) cancelled these four *brevets*. *Requête des marchands et négociants de Paris contre l'admission des Juifs* (P 1767, 2e édition-1775, 3e édition-1790); E. A. Halphen, *oc*, p. XXXII; de Boug, *oc*. vol. II, p. 386; Hoffmann, *oc*, vol. IV, p. 363-64; Pierre Louis Lacretelle aîné, Plaidoyer pour deux Juifs de Metz contre l'Hôtel de ville et le Corps des marchands de Thionville, *Plaidoyers* (B 1775) p. 3-37; 2e édition-1777, 3e éd.-1826-26; 4e éd.-1928. Much later, in 1817, the first 19th century Franco-Jewish periodical expressed the Jews opposition against the renewal of profesional guilds. This seemed to be a matter having no relation to Jews, but they feared the guilds would close many economic positions to them. *L'Israélite français*, vol. I (1817) p. 241, 243-46. (It is wort while to note a rare pamphlet of April 1815 against the dangers of a return of the Monarchy, written by the Jewish leader Mathias Mayer Dalmbert and his friend L. Giraudeau: *Observations sur l'acte additionnel aux constitutions de l'Empire* (P avril 1815) 41 p.) On the memorandum of the Paris merchants see: J B. D. [Israél Bernard de Valabrègue], *Lettre, ou Réflexions d'un milord à son correspondant à Paris, au sujet de la Requête des marchands des six-corps contre l'admission des Juifs aux brevets...* (Londres 1767). On the severe policy of the Alsatian guilds see: Ch. Hoffmann, *Les corporations, maîtrises, tribus, corps de métiers en Alsace avant la Révolution*. Extr. (N 1899) 24 p. In Southern France, too, the guilds persecuted the Jews. In 1788, the guild of tailors of Nîmes forbade the Jewish tailor Isaac Monteil to exercise his profession. A. Jobez, *La France sous Louis XVI* (P 1893) vol. III, p. 326.

[148] According to the account books of the Jew Alexandre Hess of Metz (Jan. 1751-Oct. 1755) he traded with the following cities: Nancy, Lunéville, Sarrelouis, Pont-à-Mousson, Toul, Strasbourg, Saarbruck, Sarreguemines, Puttelange, Paris, Amiens, Reims, Rouen, Troyes, Sedan, Lyon, Basel, Luxembourg, etc. (JTS).

One should imagine that prior to 1789 the Jewish market-merchants and peddlers of Northeastern France did not reach all parts of France.[149] The accusations received in 1726-1746 by the Paris *Bureau du Commerce* concerned wandering Jewish merchants of Avignon, not Alsatian ones[150]. In Central and Southern France the Jews of Northeastern France would have encountered too many difficulties. A calendar of 1745 published for the Comtadin and Sephardic Jews of Southern France mentioned the markets of Besançon, Colmar, Sélestat and Strasbourg,[151] but it is not known whether the Jews did come to this markets of Eastern France. A calendar of Alsatian Jews mentioned 52 road directions, but not those of Southern France.[152] Alsatian dry-goods were sold on the Bordeaux market, but it is not established whether they were brought there by Alsatian Jews.[153]

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[149] Of course, there were many exceptions. The martyr Raphaël Lévy traded with Southern France and Italy. J. Reinach, *oc*, p. 22.

[150] David Wolfson, Le Bureau du commerce et les réclamations contre les commerçants Juifs 1726-1746. *REJ*, vol. LX-LXII (1910-11).

[151] M[ardoché] V[entura], *Calendrier Hébraïque*... (Amsterdam 1745) p. 182-94.

[152] Written by Joseph Lehmann of Ribeauvillé, who was in 1780 a teacher in the school of the cantor Isay Mayer (JTS). In 1701, the Jews of Metz accepted to buy horses for the French army, but they refused to deliver the horses to the Italian border because they did not trade there — "jamais Juifs n'ont eu commerce de ce côté-là". Guerre,A-1-1583; Anchel, *oc*, p. 181.

[153] The Bordeaux merchants did fight against the Avignon Jews on the Bordeaux market; but no documents concerning Alsatian Jews on this market could be found. G. Cirot, Les Juifs à Bordeaux... *Revue historique de Bordeaux*, vol. VI-IX (1915-16); Paul Corteault, La vie des foires bordelaises. *Ibidem*, vol. X (1917-18) p. 318-20, vol. XI, p. 18-19.

The Ashkenazic Jews of Northeastern France were much disliked by their Sephardic coreligionists of Southwestern France, and this was already an established tradition. In the 1765 preamble to the collection of ordinances on the Sephardic Jews in France the editors stated: "Il ne faut pas les confondre avec les Juifs des autres nations... Ils n'ont dans leur extérieur ni dans leurs manières rien de différent des peuples parmi lesquels ils habitent; ils sont stables dans les lieux de leur domicile, et il est rare d'en voir qui passent le commerce de ville en ville. A Amsterdam, où il y a des Juifs de toutes les nations, les Portugais ont leur synagogue à part... ils ne s'allient jamais avec aucune autre espèce de Juifs, et si quelqu'un le fait, il perd aussitôt toute considération parmi les siens, et en est pour toujours regardé comme étranger." During the Revolution, on Aug. 14, 1789, the Bordeaux Jews wrote the Abbot H. Grégoire who fought for Jewish emancipation that they were already privileged and consequently should not suffer because of the campaigns against granting citizenship to the Jews of Northeastern France. The Bordeaux Jews declared that the fight of the Alsatian Jews for citizenshing could only harm them. On Oct. 28, 1790, the Jews of Bordeaux were granted all rights, the other Jews won these rights only on Sep. 27, 1791. During the First Empire, as it became known that the government was preparing a new Decree against the Jews, the Sephardic Jews wrote (in a petition to the Government, dated June 1807) that the Government should distinguish between them and the Alsatian Jews. *Recueil de Lettres patentes, et autres pièces en faveur des Juifs portugais, contenant leurs privilèges en France* (P 1765) p. iij-iv; [Dias Pereyra, Raba Junior, Morales, Gradis aîné, David Dacosta, Abraham Rodrigues, Lopes Dubec, Benjamin de George, Salom au nom de 215 Chefs de maison] *Adresse à l'Assemblée Nationale*, Bordeaux, 31 Décembre 1789 (Versailles 1789) 8 p. JTS; Furtado l'aîné, Azevedo, David Gradis, Lopes du Bec, *Lettre adressée à M. Grégoire... par les Députés de la Nation juive Portugaise, de Bordeaux.* 14 Août 1789 (Versailles 1789) 4 p. JTS. Crémieux, Furtado, Rodrigues aîné, B. Rodrigues, Patto jeune, *Réclamation des Juifs portugais, espagnols et avignonnais de Paris, de Bordeaux, de Bayonne et du Midi de la France* [P juin 1807.] AN,F19-11008; R. Anchel, *Napoléon et les*

Alsatian, Metz, and Lorraine Jews did trade with Germany, Switzerland, Holland, Belgium, and other countries, but the conditions did not permit many of them to become merchants on a very large scale. Beside the anti-Jewish restrictions, there were many other reasons for this situation. Economically, Alsace was almost isolated from the rest of France. 216 control points along the Vosges checked all imported and exported merchandise. Only on Aug. 4, 1789, these custom-control points were moved to the Rhine; until that time Alsace was economically closer to foreign lands than to France. This was, indeed, a point in the province's favor, since it caused Alsace to become an important transit point in the trade between many countries. Through Alsace passed merchandise from and to France, the German States, Switzerland, Holland, Italy, and other countries. But Alsatian merchants were transport-agents rather than import and export-merchants. Contrary to the general opinion, Alsace did not play any important part in the international trade. Some of the most important commerce roads did not touch Alsace."[154] Owing to

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Juifs (P 1928) p. 281-82. The preamble of 1765 was also repeated in the 1777 edition: *Privilèges dont les Juifs portugais jouissent en France depuis* 1550 (P 1777) p.iv. The anti-Jewish elements frequently used the same argument against the Alsatian Jews, e.g. in the following document of 1784:

"*Le B...* Eh bien, Monsieur, Si vous voulés des exemples nationaux, jettés les yeux sur la ville de Metz; y eut-il jamais une ville plus avantageusement située pour le Commerce? mais y en eut-il jamais aucune dont le commerce et l'industrie fussent plus complettement anéantis; Or, demandés à des juges impartiaux quelle en est la cause: Tous en accuseront les Juifs trop accumulés, trop favorisés dans cette Cité malheureuse.

M. d'A... Et moi je vous citerai les Juifs portugais de Bordeaux qui ont fait fleurir le commerce dans cette ville.

Le B... Nouvelle preuve de la refléxion, que vous ne connoissés pas les Juifs, ni leur état, ni leur Religion. Si vous en aviés les moindres notions, vous sauriés qu'il y a plus de distance entre un Juif Portugais et un Juif Allemand, qu'il n'y en a entre un fermier Général et un rat de cave: vous sauriés qu'il n'y a pas la moindre rélation entre ces deux grandes familles de Juifs; que les Portugais regardent les allemands comme des esclaves, et que ceux-ci, haïssent et méprisent ceux là comme des apostats: que le Juif allemand n'ose pas fréquenter la Synagogue des Portugais; qu'il y a des nuances infinies entre les Principes de Religion, les moeurs, les penchants; le génie des uns et des autres est tel que les Hottentots du Capdebonne espérance se rapprochent plutôt d'un marquis françois, que nos juifs d'Alsace ne rassemblent aux Juifs de Bordeaux. Cet éloignement va si loin, que le Juif portugais n'épousera jamais une juive Allemande; il croiroit déroger par une telle Alliance, et vous faites des comparaisons entr'eux, et vous tirés des uns des conséquences en faveur des autres.

M. d'A... Notre but est de corriger les moeurs de nos Juifs d'Alsace, d'annoblir leur caractère, et les élèver au niveau des Juifs Portugais" ("Fragments d'une conversation entre un Baillif d'Alsace et M. d'A... m... f... de l'A... touchant les Juifs d'Alsace". AN,F12-854B).

According to the author of a 1790 pamphlet the Sephardic Jews were granted citizenship before their Ashkenazic coreligionists because the latter were the poorest Jews. *Observations sur la possibilité et l'utilité de l'admission des Juifs en Alsace aux droits de citoyen...* (S février 1790) p. 6. In a petition dated Apr. 28, 1790, the Gentiles of Bergheim asked to exile the Alsatian Jews to the center of Sephardic Jews in Southern France: "...qu'on les envoie à l'Ecole des Juifs portugais" (AN,D-IV-LVIdr.1638).

[154] A. Barthelmé, *Le Développement des courants commerciaux de l'Alsace depuis la guerre* (S-P 1931) p. 5; Charles Schmidt, La France a-t-elle eu, au XIXe siècle, une politique économique en Alsace et sur le Rhin? *Revue de Paris* (1924) p. 552-53; Robert Verner, *oc*, p. 145-46; Ibid, *Le rattachement douanier de l'Alsace à la France*, 1789-1791 (S 1950). In the 16th century the commercial road Antwerp—Italy passed through Lorraine, but

these causes, the initiative of the Jewish merchants was limited. The anti-Jewish restrictions did not permit them to overcome these difficulties and so they were unable to open new fields for the commerce of Northeastern France.

15. JEWISH POVERTY, TAXES AND DEBTS OF THE JEWISH COMMUNITIES

Owing to the restrictions imposed upon Jews and the limited field for economic Jewish activities, the Jews of Northeastern France found themselves in great need on the eve of the Revolution of 1789. There were, to be sure, many weathy Jews, but the greatest part of Jews were poor. Jacques de la Grange, the Intendant of Alsace from 1673 till 1698, wrote that very few Jews were wealthy and not even one was rich. In 1750, the possessions of the 30 Jewish families of Haguenau were evaluated at 61,600 florins. The three richest Jews possessed 11,000, 7,500 and 7,000 fls.; 15 possessed from 1,000 to 5,200 fls. each, and the others from 150 to 950 fls.; five Jews were paupers, and 6 others were free from paying community taxes. According to a second evaluation of 1760, 53 Jewish families possessed 64,000 fls.[155] The number of Jews almost doubled in 1750-1760, but not their possessions. In 1780, Hoffmann, the bailiff of Benfeld, wrote that the Jews of his sector

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when Amsterdam replaced Antwerp as a commercial center the merchants used the German roads: E. Coornaert, Les routes commerciales d'Anvers en Italie. *Annales de Géographie*, 15 mars 1927, p. 168-69.

"L'importation des marchandises étrangères étant gênée, le commerce tombe; et il est tellement déchu en Lorraine qu'en dix ans il y a eu plus de banqueroutes qu'il n'y en avait eu pendant les Règnes des deux derniers Ducs qui avaient pour maxime de leur Gouvernement de favoriser la liberté du commerce" (Memorandum of the 1750's. AN,K1192,No.56). "[La Lorraine] n'a pas de commerce extérieur". *Mémoire servant d'éclaircissements et de supplément aux remontrances de la Cour Souveraine de Lorraine et Barrois* [N 1758] p. 23. (AN,K1190). "Le commerce du Clermontois [Lorraine] est très rétroici" (Memorandum of 1781. AN,G-1-131). "Le principal commerce des marchands des villes [du Pays Messin] consistent premièrement aux achats qu'ils font à Francfort et à Liège, des marchandises nécessaires pour les habitants, et comme cela est borné à la consommation des villes, il n'est pas bien considérable, et cela comprend les draps qu'ils tirent de Hollande, et les marchandises qu'ils tirent de Paris. Le deuxième commerce est un peu plus considérable, il consiste à l'entrepôt des marchandises de Paris en Allemagne, qui sont dorures, marchandises grand prix, que l'on voiture par terre à Metz et passent de là à Sarbrick, Mayence et Francfort; il seroit considérable si les marchands ne les tiroient en droiture, et ne se passoient du secours de ceux de Metz (Florimond's notes, AN,K1239). The merchants of Metz wrote in a memorandum of the 1770's: "...du côté de l'exportation Metz n'offre rien dans son territoire capable de soutenir ou d'animer le commerce. Ses plaines lui fournissent à peine les graines nécessaires à sa consommation, et souvent elle est obligée à recourir à ses voisins. La rareté des pâturages la met dans le même cas pour les bestiaux dont elle manquerait, si le Luxembourg, les Vosges et la Franche Comté ne lui en fournissoient... Enfin Metz a toujours manqué d'une rivière navigable" (AN,29AP2).

[155] J. Hayem, *oc*, p. 184; Scheid, *oc*, p. 67-69. "Il y a très peu de Juifs en Alsace qui soient riches" (Guerre,A-1-2679,No.81); "Tous ces Juifs [de Bionville] sont pauvres" (Guerre,A-1-583,No.69). *Cf.* [M. Ginsburger,] Jüdische Armenpflege in Elsass-Lothringen. *Strassburger israelitische Wochenschrift*, vol. V (1908) Nos. 10, 19, 28.

were poor. A report from Sélestat declared that the poorest Jews (*moindres*) represented 3/4 of the Jewish population in the bailiwick. A report on the Jews of Soultz, Bischoffsheim and Rosenviller, dated July 29, 1780, stated that there were three social classes among the Jews, the same as among Gentiles. A Strasbourg memorandum of 1781 stated that only about 100 Alsatian Jewish families could be called weathy, 300-400 had an income, and the rest lived in misery. On Aug. 21, 1780, the *subdélégation* of Sélestat stated in its notes on a census of the 192 Jews of the two bailiwicks of Marckolshein and Comté de Villé, that almost all of them were poor. The richest Jew owned 5,000 pounds, a few wealthy ones 2-3,000, and over 3/4 of the Jews were so poor and lived in such misery that they did not even have sufficient strength to work. An anti-Jewish memorandum of 1782 repeated that only about 100 Alsatian Jewish families were wealthy, another 300-400 had an income, and the rest lived from charity. Gentiles would have expelled such paupers long ago—declared the author of the memorandum, but the wealthy Jews helped the poor Jews. A Parisian chronicler of the 18th century noted the great misery of the Alsatian Jews.[156] According to the 1784 census of Jews, 14 of the 105 Jewish families of the bailiwicks of Pfaffenhoffen, Ing and Newiller were paupers. In all of Alsace, 1,286 of the total of 19,707 Jews lived from charity.[157]

Severe winters were a catastrophe not only for Gentiles, but for Jews as well. In 1739, 46 Jews died in Metz; but in 1740, because of the severe winter and the high price of wood, the number of deaths rose to 114. In 1741 the results of the past years could still be felt — 96 deaths. In 1782, 55 Jews died in Metz, 1783—73, 1785—69, 1787—63, 1789—57. But in 1784 and 1786, because of the severe winters, the number of deaths rose to 132 and 102. In 1787, the Jewish leader of Metz, Isaie-Berr Bing, wrote that the status of the Jews should be described collectively and not according to the situation of a few wealthy Jews. "Collectively our 400 [Metz Jewish] familiies are even poorer than they are lucky."[158] The historian Chr. Pfister wrote that prior to 1789 the

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[156] Hoffmann, *oc*, vol. IV, p. 441; M. Ginsburger, Rosenviller. La communauté et le cimetière. *Souvenir et Science*, No. 1 (1930) p. 30; AmS,AA 2393; AdBR,C336,p.50; AN,H1641&K1236 (papiers de Florimond).

[157] AdBR,E supl. comté de Hanau-Lichtenberg,12; G. Hemerdinger, Le Dénombrement des Israélites d'Alsace (1784). *REJ*, vol. XLII (1901) p. 42, 264.

[158] AdM,V149; *Lettre du Sr. I.[saie] B.[er] B.[ing], Juif de Metz...* (M 1787) p. 47, 2e éd.-1805. Just as among Gentiles, there were a considerable number of Jewish families who got into trouble with the law for taking wood from forests. This was always a result of poverty and one of the reasons for social conflicts. Later, in the year XIII, the Council-General of the Lower Rhine complained that Jewish professions made big property owners of the rich Jews, and vagabonds of the poor Jews who were responsible for a great many "crimes" in the forests. Heating homes in the winter was always one of the greatest worries of the poor; in severe winters, the high cost of wood made for a higher mortality rate. In some localities, Jews suffered from the cold more than Gentiles because — even in the 19th century — they were not allowed to gather wood in the communal forest. In April 1827, the Prefect of Upper Rhine ordered the Jews of Zillisheim to be permitted to gather such wood. Thereupon, the Christians

greatest part of Jews living in Lorraine were poor."[159]

Jews were frequently ruined because they were forced to pay too high taxes. About 1730, the 23 Jewish families of Wintzenheim paid 1,456 pounds in protection-money and taxes, more than the 60 Gentile families of the city. In the seigniory of Ribeauvillé, the seignior forced the Jews to pay him half of the fines imposed by the Jewish communities upon Jews.[160] Each seignior, Conucilman, each King's or city employee was forcing the Jews to pay illegal taxes. In 1674, the Alsatian Jews complained that in addition to the 10 1/2 florins per family that they were forced to pay to the King (in accordance with the ordinance of Aug. 19, 1672), the royal treasurer of Alsace, Etienne Chaperon, requested from Jewish merchants a special tax, the body-toll (*péage corporel*) of 20 sols per Jew (40 sols if he traveled on horseback). An ordinance of Aug. 19, 1672, published by the Intendant Pouced de la Rivière stated that where Jews paid protection-money to the King, the local seigniors could force the Jews to pay only the residence-tax (*droit d'habitation*), but not the body-toll. On March 2, 1674, and again on Aug. 24, 1681, the Intendant Jacques de la Grange renewed this ordinance and equalized the status on the body-toll of the Jews who paid protection-money to the King to the status of the Metz Jews.[161] In 1767, the Jews of Haguenau and other communities tried in vain to pay protection-money directly to the King.[162] Because of the many chicaneries the Alsatian Jews requested (in 1747) the Intendant to fix the amount of city taxes (*charges au soulagement des communautés*) to be paid by them. This was done by the King's State Council and the Intendant on March 14, 1747 and March 28, 1749.[163] There were probably cases when

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made a pogrom on the Zillisheim Jews, desecrated the Jewish cemetery, broke the doors and windows of the synagogue and Jewish houses. AN,F7-9819(63956); F. L'Huillier, *Recherches sur l'Alsace napoléonienne* (S 1947) p. 529-530.

[159] Chr. Pfister, *Histoire de Nancy* (P-N 1908) vol. III, p. 326. Documents and pamphlets of the Revolutionary period, too, mentioned the appalling conditions of Jewish life, e.g., *Ueber die Vertreibung der Juden* (sl 1790) p. 6-7, 9; *Observations sur la possibilité et l'utilité de l'admission des Juifs en Alsace aux droits de citoyen...* (S 1790), p. 11. *cf.* Z. Szajkowski, *Poverty and Social Welfare among French Jews*, 1800-1880 (New York 1954) p. 6-7.

[160] AdHR,Fonds Corberon-Bruges24&E1625p.82-84.

[161] N. de Corberon, *Recueil...*, p. 58-60; Printed ordinance of the Alsatian Intendant, Aug. 2-24, 1681. JTS; Mémoire sur l'état des Juifs en Alsace, in: Chr. Wilh. Dohm, *Ueber die bürgerliche Verbesserung der Juden*, p. 164-65; de Boug, *oc.*, vol. I, p. 42, 47, 88, 104-105, 476, vol. II, p. 284, 710.

Frequently the King or the Lorraine Ducs defended the Jews only in order to protect their own Royal finances, e.g. the Lorraine ordinance of Jul. 28, 1733: "Sur ce qui a été représenté à Son Altesse Royale que les Juifs... se trouvaient les uns cottisés pour la Subvention sur les Rolles des Communautés, d'autres abonnés avec quelqu'unes desd. Communautés; et enfin plusieurs autres se sont obligés de payer certaines sommes aux Seigneurs Hauts Justiciers ou aux Baillis, au moyen de quoy S.A.R. est privé de cottes ausquelles ils devroient être imposés pour les charges ordinaires de l'Etat... Son Altesse Royale, en son Conseil, fait deffenses... de plus à l'avenir faire aucune imposition, n'y percevoir aucune taxe forcée ou volontaire sur les Juifs..." *Arrest du Conseil d'Etat de son Altesse Royale* [Lunéville, 28 Juillet 1733]. Placard. AN,K1187.

[162] Scheid, *oc*, p. 73-74.

[163] *Extrait des registres du Conseil d'Etat du Roi.* Du 4 Mars 1747.

Jews preferred to leave Alsace than to pay so many taxes. On Oct. 12, 1747, the Jews were ordered to pay every six months in advance the protection-money due to the King, so that they could not go abroad without paying the tax.[164] In fact, not only the local seigniors, but the King, too, tried to extract as much in taxes as was possible from the Jews. In 1710, a new tax of 1,250,000 pounds was imposed upon those Metz inhabitants who had made big profits.[165] In connection with this law—which did not mention Jews—the Jews were, in any case, forced to pay additional high taxes. 61 Jews of Metz were forced to pay 144,500 pounds. The Jews protested. They stated that the wealthiest Gentile merchants of Metz, who made more profits than all the Jews together, was requested to pay only 3,000 pounds in payment of the new tax. Only 20 Jews of Metz—they declared—were horse-dealers; 18 Jews traded in old goods, not being allowed to trade in new merchandise; 10 Jews had haberdasheries; 10-12 lent money and 5 family-heads were still too young to trade.[166] About 400 Jewish families lived in Metz at that time. Thus, it must be concluded that of the 400 only 65 had a regular income.

The Jews were not always in a position to pay such high taxes, bribery-money, attorneys, etc. Because of this the Jewish communities were forced to borrow money and become collective debtors to Gentile creditors.[167] In 1778, the Alsation Jewish leaders

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Broadside. AN,C12-9p.2; *A Monsieur Gayot...* [supplique des Juifs et arrêt du 28 mars 1749]. 3 p. MmC5353.

[164] Printed ordinance of Oct. 12, 1747. BmC5353

[165] *Edit du Roy, portant création de cens cinquante mille livres d'augmentation des Gages... octobre* 1710 (M 1710) 8 p. AdM,B159.

[166] "L'on demande aux Juifs de Metz des taxes en exécution de l'édit du mois d'octobre 1710 pour acquérir des augmentations de gages. Ils en demandent la décharge parce qu'ils ne sont point dans le cas de l'édit. Ils ne sont ny gens d'affaires ny traittans. Le Roy ne leur a acordé aucun privilège ny passeports pour la facilité de leur commerce. Ils ne jouissent pas même de la liberté qui est naturelle à tous les hommes. Ils ne peuvent tenir boutique ouverte. Ils ne peuvent faire façonner dans la ville de Metz aucuns habits ny autres marchandises neuves pour vendre ny même travailler d'aucun métier pour eux mêmes. Il leur est défendu par arrest du parlement de vendre aucune estoffes ou il entre de l'or et de l'argent. Ils ne peuvent vendre ny acheter d'immeubles que la maison qu'ils occupent dont ils en payent le dixième denier Royal. Ils ne peuvent donc acquérir ny constituer. Il ne se trouvera pas qu'ils ayent eu la moindre facilité qui leur ait jamais procuré le moindre bénéfice. D'ailleurs ils sont encore taxés comme aisés pour acquérir des rentes, quoiqu'ils n'en ayent pas la faculté. Malgré cela ils contribuent aux charges publiques comme les autres habitants, milices, capitation, amortissement, boües, lanternes, pauvres et autres. Ils veulent bien pour marquer leur zèle et contribuer aux besoins de l'Etat, porter une somme de dix mil[le] livres au clergé pour jouir du bénéfice de l'arrest du 13. décembre 1710 qui décharge des taxes ceux qui presteront au clergé dix mil[le] livres, mais ils demandent un arrêt qui autorise l'acquisition qu'ils feront et qui les décharge des poursuites qui sont faites contre eux [pour ne pas avoir payé les taxes nouvelles]." AcMetz,Ce125,295. Pr.18.

[167] Already in the 14th century the 6 Jewish families who took up residence in Haguenau were unable to pay for the houses in which they lived. In 1347, the Gentile Claus Mundelin granted them a loan of 100 Strasbourg pounds at 10 % interest; the loan was guaranteed by a mortgage on all Jewish possessions in the city. In 1358, the Haguenau Jews paid an annual *rente* and other gifts to the Church for permission to build a synagogue. In 1623, they took another loan to build the synagogue. Many taxes were paid by the Jewish community collectively. Raphaël Blum, Un

tried to contract a loan of 40-50,000 pounds. On Jan. 6, 1778, they requested their leader Cerfberr to look for a Paris creditor who would grant them a loan for an annual *rente*.[168]

The Jewish community of Metz was required to pay so many taxes that the Metz Jews were continually forced to take loans. Here is one example—the Brancas-tax: Charles François de la Baume le Blanc, the marquis de la Vallière, was a nephew of a famous duchess who paid with her body for the favors granted to her by the King. The marquis, too, decided to profit from the duchess' love affair with the King and in 1714 he requested the privilege to impose an annual tax of 40 pounds upon each Jew of Metz. The Jews sent many petitions and de la Vallière's request was refused. But on Dec. 31, 1715, Louis de Brancas, duc de Villars, was granted such a privilege from the Regent, with the help, of course, of his mistress, the beautiful wife of an officer, de Fontaines, and a mistress of the Regent, too. All the petitions of the Jews, bribery-money and letters from the Intendant, were unsuccessful. Letters patent of July 1718 changed the annual tax of 40 pounds per Jew to an annual tax of 20,000 pounds imposed upon the Jewish community of Metz. Also, the Jews were forced to pay 60,000 pounds for the preceding three years and 10,000 pounds for various expenses. Altogether, the community spent 100,000 pounds in combatting the new tax.[169] Only much later, during the Revolution of 1789, did the Metz Jews feel free enough to write that the Brancas family was used to living in laziness from Jewish misery. On July 20, 1790, the National Assembly abolished the Brancas-tax.[170]

The Jews constituted only 1/18 of the general population of Metz, but they were forced to pay 1/6 of the *capitation*-tax (8,297 pounds). In 1715, the Metz Jews paid 2,100 pounds for licences while Gentiles of the same professions paid only 1,000 pounds. In 1757-66, the city budget reached 275,079 pounds, and the Jews were forced to pay 48,148 pounds. In 1789, the Jews constituted only 1/20 of the general population of Metz, but they were forced to pay 9,648 of 57,736 pounds in city taxes. In 1785-1789, 80% of the community budgets of the Metz Jews went for paying taxes, only 20% for rabbis, schools, charity, the synagogue, cemetery, etc. In 1785-1789, each Jewish family of Metz had to pay 361 pounds

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morceau d'histoire israélite. *UI*, vol. XXIII (186; Dr. Max Ephraim, *Histoire des Juifs d'Alsace...* (P 1926) p. 68-72; E. Scheid, Histoire de la Synagogue de Haguenau. *UI*, vol. XXXVI (1880-81) p. 110-12, 205, 398.

[168] This subject will be treated in a separate study. See Appendix III for an essay of a bibliography on the debts.

[169] O. Terquem, *oc*; C. Wolf, Les Juifs de Metz et la famille Brancas. *UI*, vol. LIII-2 (1898). Brancas never paid his debts and forced the Jews to pay with the Brancas-tax his debts to his creditors Jacques Aubert, de Fontaine, de Rivière, Jacques Faysolle, Etienne Pollec, de Chalus, de Gaudin, Genève, Joseph Menagé, Jean Gaspard, Coste, Perette Gaudin, Charles Henry, Jacques Pierre de la Cour, Louis Letrogneu, N. A. Girault and many, many others (AcM,Ce300-365).

[170] [Nathan Cahen, Juif de Louvigny,] *A Messieurs, Messieurs les administrateurs du département de la Moselle* (M 1792) 14 p. JTS; Louis Wolf, *Mémoire pour les Juifs de Metz concernant une redevance de* 20,000 *livres qu'ils payent annuellement au duc de Brancas* (P 1789) 8 p. BN,naf22706f 180; *Réimpression de l'ancien Moniteur*, vol. V, p. 185.

in community taxes, but poverty was so great that of those families who were able to pay, each paid 450 pounds. The annual deficit of the community reached from 40,000 to 95,000 pounds. In 1748-1789, the Metz community was forced to take from Gentile creditors loans in the amount of 526,336 pounds for which the community paid 42,172 pounds in annual *rentes.*[171]

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[171] AN,DIII174,dr.Metz; A. Cahen, Budget de la communauté juive de Metz. *Mémoires de la Société d'archéologie lorraine,* 3e série, vol. III (1875); R. Clément, *La Condition...* p. 118-19; *AI,* vol. XLII (1881) p. 21-22; G. L. Y. [Gerson Lévy], Extinction de la dette de l'ancienne communauté de Metz *AI,* vol. IV (1843) p. 636-63.

Two Portraits of the Alsatian Anti-Jewish Leader F.-J.-A. Hell, Engraved During the Case of Counterfeit Receipts (see note 386, p. 131).

(City Library of Colmar.)

V. - The Jewish Aspect of Credit and Usury

16. CREDIT IN NORTHEASTERN FRANCE

Usury existed not only in the Northeastern French provinces of Alsace and Metz and in Lorraine, but all over France, even where Jews were not allowed to reside.[172] In the 17th century, the Church's ban on granting loans on interest was still in force. Legally such loans were permitted only in the Northeastern provinces, but even the Parliaments of Grenoble, Toulouse, Bordeaux, Aix and other provinces tolerated loans on interest. The historian Marcel Marion wrote that France presented the picture of a state, where loans on interest were officially forbidden by the Church, but where the government openly practiced a similar policy of credit, the laws regulated such credit operations, the judiciary bodies recognized these regulations, and the Church itself granted loans. It should be noted, as the historian Jean Bouchary wrote, that prior to 1789 the number of Jewish financiers in France was very small, in spite of the important Jewish role in the economic life of the ports of Bordeaux, Nantes and Saint-Malo.[173]

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[172] According to the historian G. d'Avenel, during the reign of Louis XII, all jewelers were pawnbrokers. The famous 13th century poems on usury, *Dolopathos* and *Credo de l'usurier*, did not mention Jews at all. In the poem *Patenoste de l'usurier* a Gentile usurer attacked a Jewish competitor. Provided they paid a percentage to the King, creditors were allowed to charge as much as 50 % interest. E. Boutaric, *La France sous Philippe le Bel* (P 1861) p. 224; T. Malzevin, Les Juifs dans le Sud-Ouest de la France. *Revue de l'Aunis, de la Saintonge et du Poitou*, vol. X (1869) p. 375; G. d'Avenel, La fortune mobilière dans l'histoire. *Revue des Deux Mondes*, vol. CXII (1892) p. 586; A. Méray, *La vie au temps des cours d'amour* (P 1876) p. 330-32; L. Say, *Dictionnaire des finances* (P - N 1894) vol. II, p. 1465; René Saulnier et Henri Van der Zée, *La Mort du Crédit. Image populaire*. Reprint from *Dawna Sztuka* (Lwow 1939); *Ordonnances royales sur le faict des usures depuis l'an mil trois cens onze cusques à huy* (P 1582) 70 p.; A. M. de Boislisle, *oc*, vol. I-III, index (usure, intérêt).

[173] R. T. Troplong, *Le droit civil expliqué...* Vol. XIV (P 1845) p. 280-81; M. Marion, *Dictionnaire des institutions de la France au XVIIe et XVIIIe siècles* (P 1923) p. 300. In 1714, the Bishop of Lyon prohibited sermons against usury. In February 1776, the Angoulême merchants Pierre and Jean-Louis Nouel paid 12-20 % of interest on loans. The Limoges Intendant A. R. J. Turgot wrote his famous memorandum in defense of usury at that time. E. Pages, *Dissertation sur le prêt à intérêt...* (Lyon 1819) p. ccvij; AN,K910; Turgot, *Théorie de l'intérêt de l'argent...* (P 1780); J. Bouchary, *Les Manieurs d'argent à Paris à la fin du XVIIIe siècle* (P 1939) p. 7.

The various facts on usury cited in this study do not concern usury as considered in the canons of the Church, i.e. the notion that any loan on interest was a sin, but — as defined by P. A. Merlin (*Répertoire universel et raisonné de jurisprudence* (Bruxelles 1825-28) vol. XXXV, p. 434) — higher than legal rates of interest charged by creditors. It is worth while to mention the opinion of the children of a Lorraine debtor who wrote in a 1786 factum (brief) against their father's creditor, the priest de Tonnoy of Saint-Dieuze, that the generosity of granting a loan without interest is not a very good business venture for the debtor, because under those circumstances the creditor can at any time demand repayment of the

In Northeastern France, Jews were forced to make a living mostly by granting loans on interest. Jews were even allowed to charge higher rates of interest than Gentile creditors;[174] this was a compensation for the greater risk to which Jewish creditors were exposed and for the ban on Jews to take up any productive trades. But this higher rate of interest was also the justification for anti-Jewish propaganda and many anti-Jewish laws. Frequently, any wealthy Jew was smirched by Gentiles as a usurer, even if he was not at all engaged in credit operations. This was stated in 1780 by Munck, the bailiff of Guebwiller and by an author of a 1790 pamphlet.[175] The Jews of Alsace, Metz and Lorraine were not allowed to invest their money in agriculture, in real estate outside the ghettos, in construction of factories, etc.[176] But even under these circumstances the Jewish creditor fulfilled a useful economic function because Northeastern France, like France in general, suffered from a lack of credit, which shortage was the cause of the deficiency of agriculture and industry.[177] When a house was destroyed by fire in the early feudal times, the neighbors were forced to help the victim build a new house. If a neighbor refused to help, the family of the victim had the right to move into his house. But in the 18th century this custom was already an old forgotten tradition. The Abbot C. A. Hanauer wrote on Alsace: "Everybody took loans, the Kings, princes, bishops, priests, cities and villages, and the poorest peasant, too."[178] But it was not always so easy to find a creditor. Even Basel, whose bankers conducted a great part of the Alsatian credit operations, suffered from a lack of credit facilities.[179] The reign of Louis XVI was the period of

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capital. *Précis pour les sieurs... Dieudonné... contre le Sieur de Tonnoy, Grand Doyen du Chapitre de Saint-Dieuze* (N 1786) p. 14. BmN6753.

[174] In 1680 a Jew was allowed to take up residence in Landau under the condition that he would trade only with old clothing, cattle and money. Merlin, *oc*, vol. XVI, p. 238. A Metz ordinance of May 20, 1564, legalized the rate of 8 1/3 % interest on *rentes*, but an ordinance of Apr. 6, 1567, forced Jews to charge 21-22 % interest on loans. R. Clément, *La condition...* p. 174-184.

[175] Ch. Hoffmann, *oc*, vol. IV, p. 445; *Les Juifs d'Alsace doivent-ils être admis au droit de citoyens actifs?* (S 1790) p. 27.

[176] R. Anchel, *oc*, p. 168. During the Revolution of 1789, Jewish *Emigrés* who were merchants were granted permission to return to France. The Law granted such permission only to peasants and workers, but in some parts of France exceptions were made for Jews because prior to 1789 they were driven out of all honest professions. On March 8, 1796, the Councilmen of Haguenau declared on the case of the Jewish *Emigré* Raphaël Bernheim: "Considérant que Raphaël Bernheim étant de la secte juive à laquelle les lois anciennes interdisaient le droit de citoyen et celui d'exercer d'autre état que celui de marchand, négociant, fripier ou colporteur, on ne peut lui imputer de n'avoir pas été ce que les lois lui déffendaient d'être..." (AN,F7-5513). See note 136.

[177] J. Loutchisky, *L'état des classes agricoles...* p. 62-66; [R. Lévylier,] *Notes et documents concernant la famille Cerfberr* (P 1902-06) vol. I, p. 1.

[178] G. d'Avenel, *oc*, p. 596; C. A. Hanauer, *Etudes...* vol. I, p. 515.

[179] The Alsatian anti-Jewish leader Hell attempted to obtain a loan of 230,000 pounds for the comtesse de Baignard from the Basel creditor Bourcard. On Nov. 2, 1782, Bourcard replied to Hell that the pockets of the Basel creditors were empty: "J'ai fait tout mon possible pour me procurer chez plusieurs personnes les facilités que je ne trouverai certainement pas chez un seul; mais inutilement; la disette des espèces en est la cause; vous ne sauriez, en effet, vous faire une idée de la rareté de l'argent; la

physiocracy, when the dignity and eminence of agriculture was discovered, but this did not ameliorate the peasant's condition. At that time the government attempted to induce the peasants to cultivate abandoned parcels of land, but Necker stated that the results of these efforts were particularly poor in Alsace owing to the lack of capital. Peasant-pawnshops granted to peasants seed on 5% interest, but even such pawnshops did not exist in North-eastern France. For a creditor, the peasant was a poor risk and consequently creditors frequently charged usurious rates of interest.[180] The Alsatian historian Goetzmann cited a memorandum of the Intendant d'Angervilliers (1716) who wrote that in difficult times, such as in times of war, etc., peasants could obtain loans from Jews in order to pay taxes, to buy cattle and seed. Of course, the Jews charged a high rate of interest, but in such emergency cases even usurious rates of interest were better than a complete ruin. Even the Alsatian anti-Jewish leader Hell wrote in 1779 that the peasants could obtain loans only from Jews.[181] This does not prove that only Jews practiced honest or usurious credit operations; we shall try to prove the contrary. But the Jewish creditor was the most easily accessible, the most willing to grant loans on conditions the peasant could meet. The Jewish creditor came himself to the village, or he could be reached easily through a mediator, the Jewish horse- or cattle-dealer, or the peddler. The Gentile creditor was more of a city-element; the peasant was forced to lose much of his valuable time in order to reach him, and, moreover, he was forced to incur expenses to do so. The peasant was trusted more by a Jewish than a Gentile creditor because the Jews came more often in close contact with the peasants and were familiar with their condition. But most important of all—the Jew was forced to grant loans because this was his main source of income, as he was shut off from all honest trades.

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guerre d'aujourd'hui, qui ruine le commerce, semble avoir bouché tous les canaux pour le retrouver; les caisses sont vides... les termes des payements étant continuellement reculés de six mois jusqu'à dix-huit..." AdHR,E, Wendl.14.

[180] Henri Sée, *La vie économique et les classes sociales en France au XVIIIe siècle* (P 1924) p. 105; d'Avenel, *oc*, p. 595. L. F. de Beaufleury of Bordeaux, author of a history of the Bordeaux Jews, wrote in a study submitted to an Austrian contest on usury (1789) that the amount of interest was always fixed in conformity to the wealth of the debtor, especially the peasant-debtor, whose income from his land was lower than the interest paid by him for a loan. [L. F. de Beaufleury,] *Qu'est-ce que l'usure, et quels sont les moyens de l'arrêter sans recourir aux lois pénales* (sl [1791]) 53 p. BN,8F791. The author did not mention the role of Jews. In his history of the Bordeaux and Bayonne Jews Beaufleury stated that the priests were always the Jews' most dangerous ennemies: *Histoire de l'Etablissement des Juifs à Bordeaux et Bayonne* (P an 8) p. 148. On physiocracy see note 396.

[181] L. V. de Goetzmann, *oc*, vol. II, p. 317; Hoffmann, *oc*, vol. IV, p. 371; [Hell,] *Observations d'un Alsacien sur l'affaire présente des Juifs d'Alsace* (Francfort [Strasbourg] 1779) p. 41. According to the famous Metz attorney Roederer, poor Jewish creditors, specially widows, who possessed only 50, 60 or 80 *Louis* each, charged usurious rates of interest because they were forced to make a living by granting very small loans. The rich Jewish creditors were more honest and charged up to 12 % per annum ("Réflexions sur le projet d'un Mont de Piété à Metz", AN,29AP99). For d'Angervillier's statement of 1716 see note 31 and Appendix II-2.

The lack of currency was one of the causes of the poor state of credit. Alsace suffered from a lack of coins in spite of the fact that coins were minted in many Alsatian cities.[182] Jews were not engaged in this fabrication of coins, but they played a very important part in the trade with precious metals and coins. As it was already related the various rates of currencies created a black-market trade of currencies (*billonnage*), which consisted in importing illegally coins from one province to another and in which Jews, too, were engaged, but surely not Jews alone.[183] Still, when a contraband in coins was discovered in 1703 in Metz, Jews were the first to be prosecuted, although the Jewish community proved that many Gentiles were smugglers. On Sept. 7, 1704, the Metz Intendant wrote that not only Jews, but Gentiles as well, Frenchmen and people of Lorraine, smuggled coins and that only the circulation of the same currency in all provinces could end this state of affairs. Because of this smuggling, Jewish merchants of Metz were not allowed to travel to Paris.[184] On many occasions Jews presented proposals on how to liquidate the crisis of currency. Thus, a Jew of Metz proposed to fabricate 10-sol coins from German marks, with a gain of 500,000 pounds for every 100,000 marks to be imported illegally by himself from Germany.[185]

17. NON-JEWISH USURERS IN ALSACE

According to the historian Abbot Xavier Mossmann, in the 14th century usury was not a strictly Jewish business in the Rhine provinces. The expulsion of Jews from Strasbourg (14th century) did not abolish usury there. In 1400, Strasbourg usurers paid a fine of 2,000 marks.[186] A Strasbourg decree of 1539 prohibited Gentiles to exchange or to buy loan-deeds from Jews. But Gentile creditors

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[182] C. A. Hanauer, *oc*, vol. I, monnaies; Rod. Reuss, *oc*, vol. I, p. 687-97.

[183] An ordinance of Feb. 26, 1340, spoke of *plusours gens malicious* who illegally exported coins from Metz to France. The 1387, 1403, 1425 and 1480 treaties between Upper Alsace and neighboring provinces on the trade in precious metals forbade priests, Gentiles and Jews (*prêtre ou laïc, séculier ou régulier, chrétien ou juif*) to export gold or silver. Hanauer, *oc*, vol. I, p. 222; P. Mendel, *Les Atours de la ville de Metz* (M 1932) p. 319.

[184] The Jewish cattle-dealers Abraham Picard and Samuel Brisach were arrested in Belleville, near Pont-à-Mousson, and the coins which they attempted to smuggle from France into Lorraine were confiscated. Peddlers often bought up from peasants the rare coins, but according to an order of Sept. 1720, forbidding this practice, not only Jewish peddlers were involved. AcM,Lap59,112; E. Ginsburger, Les Juifs de Metz et le billonage *RJL*, vol. XIV, No. 156-159 (1938); Anchel, oc, p. 196, 203; "Qu'on voit journellement des personnes, et notamment des Juifs, aller dans les villages enlever le peu d'espèces d'argent qui s'y trouve": *ERPM. Du* 26 *Septembre* 1720 (M 1720). AdM980. A Gentile cheated a Jew by presenting himself as a messenger from a prospective buyer of coins. *Mémoire pour Moyse Alcan... de Nancy* (N 1718?) 4 p. BN,F111.

[185] Anchel, *oc*, p. 200-201; E. Ginsburger, *oc*; H. Baumont, *oc*, p. 406-10.

[186] X. Mossmann, *Etude sur l'histoire des Juifs à Colmar* (C-P 1866) p. 2; Hanauer, *oc*. vol. I, p. 528. On two 1583 and 1615 sentences against Gentile usurers in Alsace see: Otto Kosser, *Prozessakten aus dem Elsass...* (Berlin 1936) Nos. 268, 1362.

did not comply with the decree which was often repeated. On May 22, 1613, Leopold of Austria forbade Jews of the territory of the Strasbourg Episcopate to sell their mortgage-deeds to Christians. A Strasbourg ordinance of Jan. 15, 1700, mentioned Gentile usurers.[187] A decree of 1728 forbade the signing of contracts with Jews and *Judengenossen*, i.e. Christian usurers.[188] On Nov. 20, 1665, Strasbourg allowed Jews to trade on the market during two days rather than during one day, because Gentile merchants became arrogant and they had to be reminded to behave in a more Christian way (*plus chrétiennement*). A decree of 1526 on credit operations of the Bergheim Jews stated that real-estate could be mortgaged first in favor of seigniors, then in favor of Gentile creditors, while Jewish creditors were to be the last to use this right. The statute for the Haguenau Jews (1558) forbade using names of Gentile intermediaries for the acquisition of mortgages on the properties of their debtors.[189]

The Alsatian historian Rod.E. Reuss wrote that Gentiles, too, practiced usury during the Thirty Years' War and the anti-Jewish minded Alsatian historian F. Chauffour wrote similarly concerning 16th century Alsace.[190] The ordinance of Nov. 24, 1690, on the legal rate of interest in Alsace mentioned not only Jewish, but Christian usurers, as well (*non-seulement par les Juifs, mais par les Chrétiens*). A royal order on the liquidation of communal debts (Dec. 26, 1683) mentioned "abuse" committed by creditors in favor of seigniors and even in favor of the Court of Austria against the interest of the Alsatian communities.[191]

In June 1714 a law was published against Christians who practiced "Judaism", i.e. usury (*chrétiens de cette province exerçaient le judaïsme envers leurs frères*) and ruined many people. The City of Colmar did persecute Jews (they were expelled from the city in 1337, 1348-49 and 1512); a statute of 1593 forbade Christians to trade with Jews. In 1719, on the occasion of renewing this statute, the city's *syndic* F.H.J. Chauffour declared that Christians, too, traded in a Jewish manner, i.e. practiced usury.[192] In 1720, the

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[187] *Les Juifs d'Alsace...* (S 1790) p. 2; M. Ginsburger, *Histoire de la communauté israélite de Soultz* (S 1939) p. 15; "des contrats et conventions usuraires des chrétiens": M. Schwab, Documents... *REJ*, vol. XI (1885) p. 142-44.

[188] A. Glaeser, *Gescichte der Juden in Strassburg...* (S 1894) p. 35, 72. Another source spoke of *chrétiens-juifs:* Ch. Hoffmann, *oc*, vol. I, p. 264. Later sources spoke of *beschnittenen und unbeschnittenen Wuchern; Israeliten oder unbeschnittenen Juden;* etc.: *Zuschrift an die Landleute im Elsass, über den Verkauf der National-Guter* (S 1790) p. 40; J., *Die Juden-Verfolgungen* (S 179-) p. 16; E. Schneider, *Ueber die Juden* (S 1793) p. 1 (see J. Sée, Idées d'Euloge Schneider sur les Juifs. *RA*, vol. XLII (1891) p. 131).

[189] Elie Scheid, *Histoire des Juifs d'Alsace* (P 1887) p. 61-62; Ibid., *Histoire des Juifs de Haguenau... REJ*, vol. VI (1883) p. 237; M. Ginsburger, *Les Juifs à Ribeauvillé et à Bergheim* (S 1939) p. 80.

[190] Reuss, *oc*, vol. II, p. 577; F. Chauffour, *Considérations sur les statuts de* 1593 (Reprint) p. 362; Ch. Hoffmann, *oc*, vol. IV, p. 458.

[191] de Boug, *oc*, vol. I, p. 187; N. de Corberon, *Essay...* p. 178-79. We do not not know of any good study on the debts of the Alsatian communities. From a rapid analysis of sources, one has the impression that Jews were rarely creditors of such loans. No Jews were either creditors of the communal debts in the Metz province or in Lorraine.

[192] de Boug, *oc*, vol. I, p. 437; Hoffmann, *oc*, vol. IV, p. 437; Merlin, *oc*, Juifs; AmC,C-V-6. A lawsuit between the *Collège de Strasbourg* and the

City of Wintzenheim requested the courts to force the *Reichsvogt* of Keysersberg to expel 24 of the 28 Jewish families in the city. On this occasion the famous Alsatian attorney Jean-François Bruges (1695-1766) demanded in his plea for the Jews proof that Jewish usurers ruined the city of Wintzenheim. Should all the usurers be expelled from Alsace, he maintained, then not only Jews, but "non-circumcized" (i.e. Gentile) usurers as well would have to be expelled, because they ruined people even more than Jews did."[193]

Usury against soldiers and officers was very frequently used as an anti-Jewish slogan. General Aubert-Dubayet wrote (1786) that by granting to soldiers loans on usurious rates the Jews ruined the army."[194] In fact, military men were even imprisoned for not paying their debts and in such cases they were forced to obtain new loans in order to repay the old ones.[195] But Gentiles, too, granted loans on usurious rates to soldiers and officers. A Strasbourg order of March 13, 1775, against selling on credit or granting usurious loans to officers, did not mention Jews at all. Later, the city published the royal decree of June 2, 1777, forbidding officers to buy on credit or to take loans without their superiors' permission. On May 3, 1784, Strasbourg forbade its residents—and "even Jews" (*même aux Juifs*) to buy from soldiers clothing, gold and other goods without written authorizations from their officers, because soldiers frequently sold stolen military property."[196]

According to a 1788 proposal of a pawnshop in Strasbourg, 7 and 8% was a normal rate of interest on loans. In 1780, a highly-placed Alsatian official spoke of Christian usurers. In 1789, the bailiff Clavé wrote that the peasant would be forced to take loans from "Jews and Christian-Jews" (*juifs ou chrétiens-juifs*), i.e. Gentile

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heirs of Martin Lehmann (a non-Jew) involved a usurious loan of 1725 (AdHR,fonds Corberon-Bruges 27). In 1722 the Gentile merchant Jean Herr of Colmar granted a loan of 5,300 pounds to Bressler of Ricquewihr. From Nov. 1723 till Nov. 1732 he obtained from his debtor interest of 1,700 pounds (AmC,FF312). Jean Herr attacked the rights of the Jewish creditor Samuel Weill because an I.O.U. given to the Jew was signed by the debtor Bressler's wife while she was still a minor (Ibidem).

[193] "...des gens qui, sans être circoncis, ruinent les sujets plus que ne le font les Juifs." Léon Hirsch, Un document alsacien du XVIIIe siècle. *UI*, vol. XXXVIII (1882-83) p. 532-36; E. Scheid, *oc*, p. 158-62. The definitive text of Bruge's plea is to be found in AdHR,Corberon-Bruges24. See notes 305 and 306.

[194] [Général Aubert-Dubayet,] *Le Cri du Citoyen contre les Juifs de Metz*, par un capitaine d'infanterie (Lausanne [Metz] 1786) p. 8-13. The pamphlet was prohibited by the Metz Parliament: *Arrêt de la Cour de Parlement de Metz, qui ordonne la suppression d'un libellé ayant pour titre: Le Cri du citoyen contre les Juifs de Metz ec. du 8 Juillet* 1786 (M 1786) 3 p. The Jews replied by publishing the pamphlet: *Lettre du Sr. I.[saie] B.[er] B.[ing], juif de Metz...* (M 1787, 2nd edition-1805).

[195] Me Lemaire, *Mémoire pour le sieur Jean Aubertin... contre le sieur Godchaux-Mayer Cahen... et Moyse-Salomon Emmericque, aussi Juif de Metz* (M 1790) 30 p. JTS.

[196] *Règlement de police, qui fait défense... de prêter de l'argent et faire crédit aux officiers des Corps* [S 13 Mars 1775]. Placard. AmS,vol.R50-1; *Ordonnance du Roi, concernant les dettes des officiers. Du* 2 *Juin* 1777 (S 1777) 3 p. AdBR,AS; *Ordonnance de la police qui fait défense d'acheter aucuns effects quelqconques des soldats* [S 3 Mai 1784]. Placard. AmS,vol. R50-77.

usurers.[197] Alsatian officials then again complained against Christian usurers who associated with Jews.[198]

Many usurers of Basel operated in Alsace. According to the historian A. Quinquerez, they ruined a large part of the Alsatian nobility. In the 18th century, Sundgau (Upper Alsace) residents, especially peasants, were still debtors of Basel creditors as a result of the events of January 1633, when the Swedish Army attacked and killed a large number of Sundgau peasants on the cemetery of Vézelois. From the peasants who were not killed they demanded large sums of money, which were granted as loans by Basel creditors. During the anti-Jewish riots in Alsace at the outbreak of the Revolution of 1789, a Paris newspaper wrote that Basel opened the gates for the Alsatian Jewish refugees because the Baselians subscribed to some of the Jewish principles of making a fortune, i.e. the practice of usury.[199]

18. NON-JEWISH USURERS IN METZ

The City of Metz always had a large number of usurers among its Gentile creditors, especially since for many centuries Jews were

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[197] AN,C12-7,p.8; Hoffmann, *oc,* vol. I, p. 264, vol. IV, p. 459. Even A. Hertzog, a historian with anti-Jewish inclinations, wrote on non-Jewish usurers in the 18th century: Der Wucher im Elsass. *Strassburger Post,* No. 985 (1908).

[198] In a projected statute for Jews (September 1788) the Alsatian Intermediary Commission spoke of Gentile usurers, as well. The Alsatian chronicler Jean-Ulric Metzger spoke of *les Juifs et leurs associés.* AmS,AA2389; Hoffmann, *oc,* vol. I, p. 183, vol. IV, p. 460. Documents and pamphlets of the Revolutionary period frequently referred to Gentile usurers. The title of a 1792 pamphlet by Maria Salomea Schottin was *Ueber Juden und Judengenossen im Niederrhein...* (S). BuS101492. General P.-F. de Latour Foissac attacked in a 1790 anti-Jewish pamphlet Jewish and Christian usurers: *Plaidoyer contre l'usure des Juifs des Evêchés de l'Alsace et de la Lorraine* (sl 1790) p. 75. The author of a Strasbourg pamphlet (in 1790) wrote about *Israeliten oder unbeschnittenen Juden.* J., *Die Juden-Verfolgungen,* p. 16. The Alsatian Jews themselves stated in a petition to the National Assembly (Jan. 28, 1790) that more non-Jews than Jews were sentenced by the courts for usury: [Jacques Godard,] *Pétition des Juifs...* 28 *Janvier* 1790... (P 1790) p. 46. Alexandre and Bois, both members of the *Club des Jacobins ou des Sans-culottes* of Strasbourg declared at a meeting of May 10, 1794, that non-Jews were also usurers and sometimes Jews were only intermediaries for big usurers. On May 13 one member proposed to publish a broadside asking the people to deliver the usurers — *Juifs ou chrétiens.* F. Ch. Heitz, *Les Sociétés politiques de Strasbourg pendant les années* 1790 *à* 1795... (S 1863) p. 350. On May 31, 1794, two members of the Colmar Jacobins Club stated that Gentiles, too, practiced usury and that Jews were frequently only intermediaries for Gentile archi-usurers. P. Leuilliot, *Les Jacobins de Colmar...* (S 1923).

[199] A. Quinquerez, Notice sur les causes de l'appauvrissement graduel de plusieurs familles de la Haute Alsace... *RA,* vol. XIX (1868); Julien Feuvrier, Le Sundgau en 1785... *RA,* vol. XXXI (1902); *Le Patriote François,* No. XXII, Aug. 22, 1789, p. 4. During the fight for the occupation of Metz (1552-1648), the King borrowed money from Basel creditors. The City of Türckheim borrowed money from the Basel family Medinger and from the Basel Church heads. The Basel Prince Joseph of Roggenbach had an annual income of 60,000 pounds from Alsace, a part of it from interest on loans. Ca. 1718-20, J. J. Birr of Basel was the creditor of Scheppelin, Mayor of Colmar. G. Zeller, *La Réunion...* vol. I, p. 321; A. Scherlen, *Histoire de la ville de Türckheim* (1925) p. 158; G. Gautherot, *La Révolution française dans l'ancien évêché de Bâle* (P 1907) vol. I, p. 29; *Mémoire pour les veuve et héritiers du feu Sieur Scheppelin...* (C 172-) 8 p. BN,F3-15548.

not permitted to reside there."[200] A 1634 decree concerning the Jews of Metz mentioned Jewish and Gentile creditors. The Abbot J.L. Chaillot of the Metz Cathedral was a creditor of his debtor Géorgin for 17,495 pounds. According to a 17th century document, Gentiles were creditors not only of *rentes*, but of debts for loans granted on simple I.O.U.s as well. The King's order of June 1669 abolishing loans on I.O.U.s mentioned "even Jews" (*obligations... passées, même par les Juifs*). The Metz bans on loans granted to minors (Dec. 11, 1717 and Jan. 26, 1754) mentioned "Jews and all other" creditors. The Metz attorney C.L. Gabriel wrote (1784) that Gentiles, too, practiced usury.[201]

19. NON-JEWISH USURERS IN LORRAINE

Usury prevailed in Lorraine to an even higher degree than in the neighboring provinces, because the Church's ban of credit on interest was not so radical in Lorraine. This was probably the reason for the lesser attacks on Lorraine Jews because of usury.[202] According to the study which the Benedictine Dom Chais of the Abbey of Saint-Avold submitted for the contest of the Metz Academy on Jews, the legal rate of interest was in Lorraine

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[200] In the 13th century Gentile creditors of Metz charged 21.3 % of interest, the creditors from Lombardy who operated in Metz (they were also the Pope's financial agents) were legally permitted to charge twice as much. When the Church refused religious burial to creditors who did not repay the interest paid to them by their debtors, the *amans* (amanuenses) drew up wills for the creditors in terms which did not oblige them to repay the interest, but forced the Church to grant religious interment. This provoked a great number of conflicts between the Church and the city-councilmen. Metz and the Metz province could not exist without credit. Peasants frequently bought on credit merchandise at the Metz market and they mortgaged their entire properties as security for very small loans. J. Schneider, *La vie de Metz aux XIIIe et XIVe siècles* (N 1950) p. 250, 267-72, 356; Ch. E. Dumont, *Justice criminelle des duchés de Lorraine et de Bar...* (N 1848) vol. I, p. 266.

[201] ACPM [23 Mai 1643] *..cf* note 78; *Factum pour Mr. Jean Louis Chaillot, prêtre, chanoine de la cathédrale de Metz...* [M 1718] 27 p. BmM, ZZ173-1; "Non seulement les dit Juifs, mais même les citoiens de Metz catholiques étoient dans l'usage de prêter leurs deniers, non seulement à titre de constitution de rente, mais encore par obligations et billets à terme stipulatifs d'intérêts:" BmM,ms170p.39; R. Clément, *oc* p. 174, 183, 189-190; *ACPM qui défend aux Juifs et à toutes autres personnes, de prêter de l'argent aux enfants de famille, etc. 4 Décembre* 1717 (M 1717) Placard. JTS; *ACPM qui ordonne que l'arrest du Règlement du 4 Décembre* 1717 *sera exécuté... du 26 Janvier* 1754... [M 1754] 19 p. AdM,B986; C. L. Gabriel, *oc*, vol. I, p. 48. The debtor Michel Servin's property was sold by the order of the Metz Parliament for 44,400 pounds (Aug. 8, 1716); only three of his 23 creditors were Jews: *Louis par la Grâce de Dieu, Roi de France...* [Sentence du 29 Septembre 1715, appel et sentence du Parlement de Metz du 8 Août 1716 contre Michel Servin] (sl nd) 13 p. JTS. In a similar case of 1784, the debtor Jean Neisof of Malling had not only two Jewish creditors, but many Gentile creditors as well, including high officials and the priest of Malling. Only 4 of the 21 creditors of the peasant Nicolas Vigneron of Lemesdroff were Jews. The priest Nicolas Thill of Téterchen was a creditor of considerable holdings. AdM,J414,1115,1242.

[202] M. Liber, Les Juifs et la convocation des Etats Généraux (1789). *REJ*, vol. LXIII, p. 95.

indeterminate in the '80s of the 18th century."[283] Most of the many Lorraine ordinances and laws against usury did not even mention Jews.[284] Many Gentiles were sentenced there for practicing usury.[285] An ordinance of June 12, 1630, referred to a rate of 60% in the sale of wine and other products on credit. An order of Aug. 17, 1715, forbade Jews and Gentiles to grant loans to minors. Nancy ordinances of Nov. 2, 1754 and July 30, 1763 against selling to minors and soldiers alcoholic beverages on credit and an order of March 30, 1722, forbidding in Pont-à-Mousson the sale of liquor on credit to students without their parents' permission did not mention Jews at all.[286] At the end of the 17th century the debtor A. de Bouzey accused his Gentile creditors—including his own brother—of charging interest on interest of unpaid interest. Ca. 1715 the justice J.F. Léleal charged that the creditors François and Mathieu Fromentau were worse than the Jews.[287] Priests were frequently intermediaries between Gentile creditors and debtors.[288] Gentiles frequently took loans from Jewish creditors in order to speculate with the obtained

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[283] "en attendant que la loi ait prononcé sur la quotité de cet intérêt à prendre ou à percevoir pour une somme déterminée, le particulier, qui ne saisit pas l'esprit de la loi se persuade, que cent pour cent ne sera jamais qu'un intérêt, et non pas usure." BmM,ms1350,p.787. Some unreliable sources mention an ordinance of Apr. 1, 1535, fixing the legal rate of interst at 5 %. In 1301, the legal rate was 8.91 %; 6.44 % in 1557 and 4.66 % in 1751-75. P.D. de Rogéville, *Dictionnaire historique des ordonnances et des Tribunaux de la Lorraine et du Barrois* (N 1777) vol. II, p. 644; Ch. Guyot, Essai sur l'aisance relative du paysan lorrain à partir du XVe siècle. *Mémoires de l'Académie de Stanislas*, 5e sér., vol. V (1888) p. 94-96.

[284] E.g.: Charles III's ordinance of Feb. 12, 1581; the Lorraine and Barrois ordinances of Feb. 1582 (usurious sales of houses); Sept. 22, 1586, June 12, 1630 and May 6, 1631 (usury through the sales of *rentes* and crops); Apr. 2, 1597 (jurisdiction over usurers); Jan. 23, 1632 and May 31, 1666 (repeating the former ordinances); Nov. 25, 1667 (fixing the legal rate of interest on *rentes* and loans at 5 %); etc. (de Rogéville, *oc*, vol. II, p. 644-96).

[285] E.g.: Jean Nicolas B. in 1709. The tavern-keeper Gueury Bagneux of Landremont granted loans *à la petite semaine*. His debtors complained and he was sentenced to 9 years of forced labor. Two Nancy usurers were sentenced in 1721. Jouhesmes, Etude sur la criminalité en Lorraine d'après les lettres de rémission (1473-1737). *Annales de l'Est*, vol. XV (1901) p. 383-85; *RELéop*, vol. II, p. 484-85.

[286] Jules Liégois, *Essai sur l'histoire de la législation de l'usure* (P 1863) p. 106; *RELéop*. vol. II, p. 72-73, 549-51, vol. X, p. 247-48.

[287] "il a non seulement tiré intérêt d'intérêt, il a encore tiré de l'intérêt de l'intérêt." *Mémoire pour Antoine de Bouzey...* [N 169-] 4 p.; *Response pour Madame de Bouzey...* [N 169-] 6 p. BmN6784-5. "les Fromentau, plus durs que n'est la Nation [juive] autrefois élue." *Mémoire pour le sieur Jean-François Leleal... contre... les Fromentau...* [N 171-] 14 p.; *Réplique pour le sieur Jean François Leleal...* [N 1720] 11 p. BmN7135-37. The bankrupt Count Duhan recognized debts owed by him for the amount of 4,310,802 pounds; only 68,000 were in favor of a Jew (Alcan of Nancy) and 57,300 pounds of the 162,071 pounds which he did not recognize were in favor of 6 Jews. There were no Jews among the creditors of the bankrupt Warin Bretteville of Nancy (1786-1793). *Mémoire signifié pour Me George-Rémi Vernent... syndic établi, aux créanciers... du sieur Comte Duhan...* (N 1722) 108 p. BmN7135;AN,DIII-158.

[288] E.g.: Abbot Joly of Etang in 1749-51. The Nancy Abbot N. F. de Fressey was a creditor. In 1778 he vouched for three loans granted by another creditor to Mme. Cheneau. *Mémoire pour le sr. Nicolas-François de Bressay... contre... Baudouin...* [N 1781] 46 p.; *Mémoire pour le sieur Claude-Nicolas Pierre... contre les héritiers bénéficiaires de M. l'abbé Joly...* (N 1718) 19 p. BmN,ZZ172-2 and 7844-17.

capital, as, e.g. with stocks of the *Banque Royale.*[209] The Lorraine peasants were debtors not particularly in favor of Jewish creditors; most of their creditors were non-Jews. 60 out of 76 petty-peasants of Chaloy owed a sum total of 47,052 pounds to their creditors, all of them Gentiles, among them the merchants Bénard, Naudin and J.A. Guerre. Some peasants were forced to sell their properties. When the City of Sarlouis tried to expel the Jews (18th century) the latter stated in a pamphlet that the Sarlouis Christians practiced usury.[210]

Usury was so widespread in Lorraine that a bitter conflict arose at the end of the 17th-beginning 18th century between the Church which was then officially against usury and even against granting loans at a legal rate of interest on one side, and the laymen who favored credit operations.[211] Abbot J.J. Petit-Didier wrote in 1745 that even priests and Church institutions practiced usury. The legal rate of interest was not complied with.[212] In 1679, the Toul Bishop Jacques de Fieux (1675-1687) published his famous Pastoral Letter against usury. But people were afraid that this would ruin the credit and reacted sharply against de Fieux. One year later, in 1680, the Lorraine attorney François Guinet published a pamphlet against de Fieux's Letter, in which he supported the principle of usury. Guinet was shielded by the Lorraine government. J. de Fieux became alarmed and he withdrew the printed copies of his Letter (which are now great rarities), but in 1687, he forbade to receive the confession of usurers. After de Fieux' death, the Bishop de Bissy renewed the attack on usury. He tried to renew an old Lorraine decree forbidding usury. In 1703, he prohibited to read Guinet's pamphlet and he published a new edition of his predecessor's Letter of 1679, but his opponents published a new edition of Guinet's pamphlet. On Oct. 15, 1703, the Sovereign Court of Lorraine and Barrois took an official stand in the conflict and maintained that the Lorraine traditions had been unknown to de Fieux who had been educated at the Sorbonne, and that the attacks on usury by de Fieux' follower were directed against Lorraine's laws and economic interests. No Jews were ever mentioned in this conflict.[213] During a later period, the Revolution of 1789, many

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[209] Brice Gome, who was for a time secretary to the Alsatian Intendant La Grange, contracted a similar loan of 150,000 pounds from the Jew Jacob Schaube [Schwabe]. He was almost ruined, but acquired four additional loans of 24,000 pounds. The priest Phister of Buettuviller inherited some money, so he obtained from Jews a loan of 21,095 pounds in order to speculate. *Factum pour Jacob Schaube... contre Me Brice Gome* [M 1722]; *Factum pour Me Pierre Phister, prêtre et curé de Buettuviller, contre Hirtz Salomon, Juif demeurant à Than...* (sl 1723) 26 p. BN,naf22705-232 and 2M3; BuS32881.

[210] AdMM,L2404; Jean Ollier, *oc*; Me Damours, *Mémoire pour les Maire, Syndics et Communauté des habitans de Sarlouis... contre les Juifs...* (sl nd) p. 2. BN,naf2206-89.

[211] Ch. E. Dumont, *oc*, vol. I, p. 266; "La pratique de prêts usuriers se généralisa." André Gain, *Cent ans d'épargne lorraine* (N 1937) p. XIV-XVIII.

[212] R. P. Jean-Joseph Petit-Didier, *Dissertation théologique sur les prêts par obligation stipulative usités en Lorraine et Barrois* (N 1745, 2nd edition-1748) preface; A. Gain, *oc*, p. XIV-XVIII.

[213] Jacques de Fieux, *Lettre pastorale... sur le prêt usuraire de l'argent...*

memorials of grievances (*cahiers des doléances*) of Lorraine complained against both Jewish and Gentile usurers.[214]

20. USURY THROUGH RENTES

Most of the historians agree that *rentes* were a way to grant loans on interest—a *moyens détournés*, as the historian P. Sagnac wrote. According to Alexis de Tocqueville, who was opposed to the parcellization of land, the prohibition of loans on interest had still retained the force of the law on the eve of 1789, and this helped in the process of pracellizing the land, as this law was conducive to the practice of *rentes*. Landlords unable to obtain loans parcellized their land by selling parts of their properties or by establishing *rentes*. The owners of *rentes* fought for their interests. A decree of 1720 reduced the interest on rentes in order to withdraw funds from the *rentes* for the benefit of John Law's projected bank. The debtors of *rentes* reacted sharply and forced the repeal of the decree in 1725. The Church did not prohibit the practice of interest through *rentes*.[215] But the protests against usury through *rentes* were so forceful that even Church leaders occasionally admitted that *rentes* were a usurious practice. In his famous declaration against usury, de Fieux defined as usury any interest paid in cash or in any other equivalent, i.e. products. The "Four Letters" of 1731 against usury are directed against *rentes*.[216] This did not restrain the Church from establishing *rentes*. The policy of the Church institutions was not to keep their capitals inactive (*ne point laisser de deniers oisifs*) but to obtain interest—as a group of creditors of the *Ordre du Refuge* of Nancy stated in 1782.[217]

(N 1679); 2nd edition: [de Fieux,] *De l'usure...* (Toul 1703). BmN85; Ibid., *Mandement...* (Toul 1687). BmN5030d; [François Guinet,] *Factum... sur la matière de l'usure...* (Ville-sur-Yllon [Strasbourg] 1680, 2nd edition-1703). BmN65; *Ordonnance de Monseigneur... Evêque comte de Toul...* (Toul 1703). BmN,85d; de Rogéville, *oc*, vol. II, p. 682-96; Abbé P.E. Guillaume, *Histoire du diocèse de Toul et de celui de Nancy* (N 1866-67) vol. III, p. 403-32; E. Martin, *Histoire des diocèses de Toul, de Nancy et de Saint-Dié* (N 1900) vol. II, p. 206. *Arrest de la Cour Souveraine... au sujet de l'ordonnance de... l'Evêque de Toul du 23 Septembre dernier* (N 1703) 16 p. BN,F23753(14); Lucien Parisot, L'Usure en Lorraine sous l'Ancien Régime. *Le Pays lorrain*, 1928, p. 359-65. In a letter of July 17, 1721, addressed to Léopold of Lorraine, the Bishop of Toul accused Lorraine officials of favoring usury. AffEtrang., Lorraine,vol.110,p.93-96.

[214] "usuriers juifs et chrétiens" (Lidrezing); "commerçants suspects de monopole [usure], particulièrement les Juifs" (Frémestroff); "plusieurs chrétiens qui sont juifs dans l'âme pour cet objet" (Hertzing); etc. M. Liber, *oc*, vol. LXIII, p. 90-94, 96; Charles Etienne, *oc*, vol. I, p. 252, 381, vol. II, p. 213; Fr. W. Hussong, *Cahiers de doléances... de Boulay et de Bouzonville* (M 1912) p. 148.

[215] Ph. Sagnac, *La Législation de la Révolution française* 1789-1804 (P 1898) p. 203; de Tocqueville, *L'Ancien régime et la Révolution* (P 1857) p. 380; Troplong, *oc*, vol. XIV, p. CXLVIII-CXLIX; Marion, *Dictionnaire...* p. 300.

[216] "Soit qu'on prenne de l'argent, ou quoi que ce soit qui vaille de l'argent," de Fieux, *oc*, p. 1. "usure, par rapport aux contrats de rentes rachetables des deux côtés," P. Mendel, *oc*.

[217] *Mémoire pour les créanciers de feu Me Tourtel, contre les Dames du Refuge de Nancy* (N 1782) p. 5. BmN7573.

Already in 1501 an author of Dauphiné wrote about usury through "pensions" (*rentes*).[218] *Rentes* were very much responsible for the sad condition of the peasantry not only in the Northeastern provinces, but throughout France.[219] The Lorraine ordinances of Apr. 1, 1573; Apr. 11, 1582; Sept. 22, 1586; Apr. 2, 1597; June 12, 1630; May 6, 1631; Jan. 23, 1632; May 31, 1666 and Nov. 25, 1667, were directed not only against usurious rates of interest on loans, but also against usurious *rentes*.[220]

The conflict between the King and the Metz Parliament could best examplify the position of the creditors of *rentes*. Because of the wars, misery was extremely great in Metz and the province of Metz, Lorraine and Barrois, Toul and Verdun. Many debtors, unable to repay their debts, were ruined; peasants were forced to leave the villages. In his Declaration of July 7, 1643, the King reduced the *rentes*, but entire towns, Church institutions and individual creditors protested against the royal declaration, which the Metz Parliament refused to register. The debtors complained again against the excessive *rentes*-interest, and on March 9, 1644, the King commanded the Metz Parliament to register the Declaration of 1643. On Sept. 10, 1644, the King ordered the Intendant of Lorraine, de Ricey, to promulgate the Declaration against the will of the Metz Parliament, which at that time had jurisdiction over Lorraine, too. On Dec. 15, 1644, the Lorraine Intendant promulgated the royal Declaration. The Metz Parliament was forced to relinquish its fight and to register the Declaration (on Dec. 19, 1644) but not without introducing many modifications in favor of the creditors. The Parliament ordered the creditors and debtors to disregard the Lorraine Intendant's promulgation of the royal Declaration and on April 18, 1646, the King was forced to renew his Declaration of July 7, 1643.[221]

The Alsatian historian Xavier Mossmann criticized *rentes* on the same grounds as those he used against Jewish usurers. Peasants were forced to pay *rentes* not only in produce, but even in cash[222] and this forced peasants to obtain loans in order to pay *rentes*. In Northeastern France the peasant could frequently find a loan

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[218] "Pension, a parler proprement,
C'est une usure paliée
...Certainement ce n'est que usure."
L. Delisle, *Vers français sur une pratique usuraire abolie dans le Dauphiné en* 1501. *Extr. de la Bibliothèque de l'Ecole des Chartres*, vol. LXVI (P 1905).

[219] Troplong, *oc*, vol. XIV, p. 336; *Traité sur la nature des biens ruraux dans les deux départements du Rhin...* (S 1802) p. 5; C. Oberreiner, *oc*, p. 141.

[220] par prest d'argent, achapt, de rente, de grains, vins et deniers... (1 avril 1535); usures palliées du nom de vente d'immeubles (11 avril 1582); usures palliées, sous ombre de constitution de rente (22 septembre 1586); usures en grains, vins et autres espèces qu'en deniers seulement... (5 avril 1597); usures pratiquées dans les ventes de grains et de vin (12 juin 1680); usures palliées, sous prétexte de vente de marchandises; rentes en argent et grains... (23 janvier 1632); Rentes et intérêts stipulés en espèces de grains et vins pour prêt de deniers (31 mai 1666); réduction des rentes et intérêts à cinq pour cent (25 nov. 1667). de Rogéville, *oc*, vol. II, p. 644 ss.

[221] Foissey, in: BmM,ms.920; R. Clément, *oc*, p. 176-78; J. L. C. Emmery de Grozyeulx, *oc*, vol. I, p. 616-22, vol. II, p. 64-66, 110-11, 128-36.

[222] X. Mossmann, *oc*, p. 11-19; M. J. Krug-Basse, *L'Alsace avant* 1789 (P-C 1876) p. 313, 318.

only from a Jew. Thus both the peasant and the Jew were caught in a vicious circle. The *rente* helped the peasant to "possess" his own parcel of land, to have the illusion of being independent. But rarely was the peasant in a position to pay the rente with the produce of "his" land and he was forced to become a Jew's debtor in turn. In many cases the Jewish creditors charged smaller rates of interest on loans granted by them to Gentile debtors than these debtors charged on land rented to peasants."[223]

No special laws prohibiting the establishment of land *rentes* in favor of Jews in Alsace, Metz or Lorraine were found. But there did exist many restrictions against Jews, not connected directly with *rentes,* but which created a jurisprudence in this respect, e.g.: the laws restricting the size of loans to be granted by Jews; the prohibition for Jewish creditors to obtain produce as security or as interest on loans; etc."[224] In their memorandum of 1717 the Alsatian Jews stated that the income from granting loans was restricted because in Alsace loans could be repaid mostly with produce, but Jews could not profit from such repayment. On Sept. 12, 1709, the Intendant of Metz, de Saint-Contest, wrote to the *Contrôleur général des finances* that Jews did not possess *rentes.*[225] *Rentes* were the most advantageous and most secure way of gaining profits through money-lending, but this profitable field of credit operations was closed to Jews. The Letters patent of July 10, 1784, forbade Jews to accept from their debtors payment of interest in produce. In a memorandum of 1711 the Jews of Metz stated that they were not allowed to trade with *rentes.* (The Jews of Avignon and Comtat Venaissin were similarly not permitted to obtain *rentes.*)[226]

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[223] In the 17th century the Jew Alexandre Cahen granted a loan of 4,500 *écus* to the comte de Linange, who had to pay interest only for 2,400 *écus,* while the remainder was to be repaid within two years. As security for the debt, de Linange gave a *rente* which was established in 1536, when for a loan of 10,000 florins the duc Antoine of Lorraine established a *rente* of 1,500 florins, i.e. 15 %, in favor of de Linange's ancestors. A. Cahen charged much less than 15 % interest. Who was the usurer: the Jew Cahen or de Linange? A. Cahen, Le noble et le Juif prêteurs d'argent. Différence du taux de l'intérêt. *REJ,* vol. III (1881) p. 126.

[224] In 1497-1506, Jews were allowed to obtain only movable goods as security for loans in the seignoiry of Ribeaupierre. Orders of 1520 and 1530 prohibited to guarantee loans obtained from Jews with crops. Only old debts could be repaid to Jews with wine, at the highest market price. "Aucun Juif ne prêtera à un bourgeois, soit à sa sollicitation ou autrement sur un bien en fond ou sur sa maison ou vendange... Les Juifs ne prêteront à qui que ce soit autrement que sur des gages mobiliaires." AdHR,E699.

[225] *Mémoire pour les Juifs établis en Alsace,* [1717] 4 p.

"...ils [les Juifs de Metz] y portent toujours de l'argent, et, n'ayant ni charges, ni terres, ni maisons, ni rentes, il falloit nécessairement que tout leur argent roulât dans le commerce." Boislisle, *oc,* vol. III, p. 206. But Jews were, frequently, intermadiaries in investing money in stocks for Gentile capitalists. In the 1720's, Nathan de Morhange of Metz took 20,000 pounds from Collart, attorney at the Paris Parliament, in order to establish for the latter a *rente* ("...il avoit assez de crédit pour faire placer ces effets en rente viagère". Arsenal,ms.10738).

[226] "D'ailleurs ils sont encore taxez comme aiséz pour acquérir des rentes, quoiqu'ils n'en ayent pas la faculté," AcM,Ce259; "La Constitution de pensions perpétuelles leur étant deffendue il leur est moins avantageux de prêter à jour quoique à un fond plus haut," a document of Carpentras. AIU, R43,No.96. Still, Jews were sometimes paid in produce, or

Proposals were made to improve the situation of the peasant-debtors by converting the debts owed to Jewish creditors into *rentes*,[227] but these projects were never realized. According to a 1790 pamphlet, the Gentile debtors were opposed to proposals of this nature.[228] In a memorandum of July 1789, addressed to the King, the Alsatian Jews pointed out that the project to convert the debts owed them into *rentes* was not workable, since the peasants owed to their Jewish creditors small sums. Jews would be unable to trade with *rentes* on such small sums, because they would not be accepted by bankers and merchants and because the expenses for selling them in distant cities (e.g. Paris) would be as great as the value of these small *rentes*. Only big capitalists could afford to convert their capital into *rentes*, but Jews were creditors of small loans.[229]

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received *rentes* as security for loans granted by them. According to a decree of the Strasbourg Senate (Sept. 13, 1539), Jews acquired *rentes*, which they sold to Gentiles: "plusieurs Juifs, en trompant les pauvres gens... les induisent à des engagements usuriaires et ruineux, et qu'après leur avoir fait passer pour les dettes ainsi surprises, des constitutions de rentes et autres contrats, ils vendent et échangent les dits contrats à des chrétiens." Chauffour l'aîné, Chauffour le Jeune, Schirmer l'aîné et Mueg, *Consultation pour la ville de Strasbourg... concernant... Cerf Beer...* (S 1786) p 23. The Jew Jacob Zay of Metz paid rental for a loan of 100 pounds granted by the Gentile creditor Michel Gazier. In 1796, the Jew Marc Lazard Lévy bought this *rente* from Gazier (AcM,Pr158). According to a notarial act of 1752, the peasant-debtor Aubertin Ruzé was to deliver wine to his Jewish creditor Joseph Cahen of Daugny (AcM,Pr68). In 1757, a debtor of Leib Salomon of Ribeauvillé paid the interest in produce (AdHR, E1628). According to a lawsuit of 1769, Jean Herschberg was a debtor of David Weyl of Surbourg for the sum of 500 florins in capital plus interest in produce (ZS, a document dated March 30, 1769). In the 1770's the Jew Salomon Lyon was Nicolas Vebem's creditor for 1879 pounds and "une certaine quantité de bled et autres grains" (AN,29AP100,Roederer's brief).

[227] The Sovereign Council discussed such a proposal in February 1786. The anti-Jewish leader of Alsace, Hell, made such a proposal in 1789, in the *cahiers* of Haguenau-Wissembourg and in one of his anti-Jewish pamphlets. V.M.A. Holdt, *Journal du Palais du Conseil Souverain d'Alsace*, publié par A. Ingold (C 1903-7) Feb. 3, 1786; Hell, *Mon opinion sur les Juifs...* (P 25 Dec. 1789) p. 1; M. Liber, *oc*, vol. LXIII, p. 188-190.

[228] *Lettre d'un Alsacien sur les Juifs d'Alsace à M. Reubell...* (P 1790) p. 9-10.

[229] "Ce sont les capitalistes embarrassés de leurs richesses, qui placent à constitution, et pour avoir leur argent, il faut leur offrir à la fois de fortes valeurs et de grands avantages." AmS,AA2394.

On the other hand, the exclusion of Jews from the trade of land *rentes* was offentimes a blessing, because it made difficult to dispossess or to exile the Jews. In April 1702, de Saint-Contest, Intendant of Metz, declared himself against a proposed expulsoin of Jews from the Metz province, because the Jews possessed only cash and promissory notes and, if they would have taken away those possessions with them, the province would suffer from lack of money: "Je ne croy pas qu'il soit convenable quant à présent d'en chasser aucun [Juif], voicy mon raisonnement, ou il les faut chasser le bâton blanc à la main, ou leur permettre de recouvrer leurs effets. Dans le premier cas il y a de la dureté et même de l'impossibilité dans l'exécution, parce que tous leurs effets étant en argent ou en billets ils trouveront moyen d'en faire le recouvrement. Ainsy tout revient au second cas, qui certainement ruineroit le païs où l'argent est déjà très rare: mais je crois qu'il seroit d'une sage précaution d'empêcher qu'il ne s'y en établisse à l'avenir parce qu'il n'y en a déjà que trop." On Apr. 20, 1702, the Minister of War replied to de Saint-Contest: "j'en ay rendu compte au Roy qui ayant vu ce que vous me mandez à leur égard n'a pas jugé à propos d'en faire sortir aucun présentement, mais Sa Majesté m'a ordonné de vous faire sçavoir que Son intention est que vous ne sousfriés pas qu'il s'y en établisse d'avantage." (Guerre,A-1-1583,Nos.68,73). The Intendant of

21. JEWS AS INTERMEDIARIES FOR GENTILE CREDITORS

Very frequently Jews were only intermediaries between Gentile creditors and Gentile debtors, because these Jews did not possess any capital of their own, or they acted as "fronts" for Gentile creditors who were afraid to engage openly in usurious business. The famous Alsatian attorney, J.F. Bruges, called such a Jewish intermediary the *maquignon de dettes.*[230] In 1634, the Metz Parliament forbade partnerships of Jewish and Gentile creditors.[231]

Very often Jews took loans from Gentile or Jewish creditors in order to be able to grant loans in turn and make a living from it. The Nancy Jewish creditor and horse-dealer, Lion Groutchou, wrote about it in a factum of the beginning of the 18th century. In 1674, Mayeur Schaube (Schvaub) of Metz wrote in a factum against the widow Françoise Mangeot that he granted loans with money which did not belong to him. Dom Chais of the Abbaye de St-Avold wrote in his study on Jews for the contest of the Metz Academy ('80s of the 18th century) that Jews speculated with money obtained from Gentile creditors.[232] Among the creditors of Alsatian Jewish debtors were many Basel bankers. On Aug. 4, 1789, Pierre Ochs,

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Alsace was afraid that, should the Jews be exiled from the Metz province, they would have emigrated to Alsace (his letter to the War Ministry, 1728. Guerre,A-1-2679,Nos.75-76,79).

[230] In his defense of a Jewish intermediary who received a commission of 2,000 pounds as the brokerage fee of a loan of 20,000 pounds granted by a Gentile creditor (AdHR,fonds Corberon-Bruges,34).

[231] R. Anchel, *oc*, p. 205. According to the documents of a law-suit involving the Jew Mayeur Schvaub and the Gentile Daniel Nolibois of Metz, a Jew practiced usury as a mediator for a Gentile (*Ibidem*, p. 206).

[232] "prêtent et empruntent des deniers." *Factum pour Lion Groutchou... contre le sieur Claude François...* (N 172-) p. 2. BmN. "il y avait commerce entre eux et Mayeur de prest d'Argent de Lettres de charge et semblables emprunts: et comme deffunt Bancelin étoit fort accommodé, il faisait de très grandes avances, en sorte que Mayeur étoit toujours redevable de notables sommes, ce qui ne sera pas difficile à croire, et ceux qui sçavent que le dit Mayeur, quelque bonne mine qu'il fasse, ne trafique, et ne tient banque que sur la Bourse d'autruy." *Inventaire de production... contre Mayer Schaube, Juif...* (sl 1674]) p. 1. BN,naf22705-53. "une quantité considérable de citoyens particuliers, lesquels dépositaires de quelque argent pendant 6, 8, 10 ou 12 mois, sont assurés qu'en le prêtant aux Juifs pour le même temps, ils en retireront la somme capitale et des rentes à proportion du temps; ce qui cesseroit, le Juif ne pouvant plus prêter luy même." BmM,ms.1350,p. 793. In 1550, the Jew Haym of Rosenwiller was the creditor and the debtor, too, of the Gentile Lienhart Wagner of Marlenheim: M. Ginsburger, Rosenviller. *Souvenir et science*, No. 1 (1930) p. 24. In 1715, Meyer Weill of Ribeauvillé was a debtor of the Gentile creditor Jean Grollmond of Guémar for 400 Louis d'or vieux: *Plaise à Nosseigneurs du Conseil Souverain d'Alsace, d'avoir pour recomandée en justice l'instance. D'entre Jean Grollmond... contre Meyer Weill, Juif...* (sl nd). BN,naf22705-148. Oury Lévy of La Haute Youtz was a creditor, but also a debtor of three Jewish and eight Gentile creditors: AdM,J1138. In 1757, the Gentile creditor G. J. Hoffman of Haguenau asked his Jewish debtor Jacques Alexandre for payment of two debts of 1743 (1700 pounds) and 1750 (595 pounds): AdBR,Gins.C224. "Il [Sauvayre] avoit prêté de l'argent, sous un nom emprunté, à Cerf Lévy, Juif" (1704): Boislisle, *oc*, vol. II, p. 180. In 1720, the Jewish banker Jocob Worms of Metz borrowed 14,000 pounds from a Gentile: *Mémoire pour Jacob Worms Banquier, Juif... contre Pierre Chartres Ecyer* (sl nd) 6 p.; *Addition au Mémoire de Jacob Worms...* (sl nd) 4 p. AffEtrang.,Lorraine, vol. 109. The merchandise displayed in 1736 by Moyse of Dimering (Lorraine) on the market of Boackenom was confiscated at the demand of his Gentile creditors (AN,E2901,p.261).

representative of Strasbourg in Basel, wrote that Jews speculated in Alsace with the capitals obtained from Basel creditors.[233]

This does not mean that the Jew who himself obtained a loan from a Gentile (or Jewish) creditor did it always in order to be able to grant loans to Gentile debtors in turn. He was frequently forced to obtain a loan in order to make a living by horse or cattle-trading, or to peddle, because he did not have any money of his own. Here is a striking example from the seigniory of Ajoye (now in the canton of Bern, Switzerland), where the living conditions were similar to those of Alsace: In 1777 the clerk of the seigniory made out an inventory of the possessions of the Jew Cerf Lévy, who was "tolerated" to reside in Miécour. His property consisted of: 6 horses in the value of 442-13-8 pounds, furniture, no cash whatever, but 20 debtors owed to the Jew debts for horses and cattle bought on credit—a sum total of 353-2- pounds. His entire property was evaluated at 795-15-8 pounds. At the same time the Jew was himself a debtor of 12 creditors for 848-8-9 pounds, all of them peasants from whom he bought horses and cattle on credit.[234]

Frequently laws were aimed at safeguarding the interests of Gentile creditors of Jewish debtors. On May 4, 1787, the bailiff of Ribeauvillé asked to allow Jews to keep open stores (*boutiques*) because Jewish peddlers and merchants without stores frequently went into bankruptcy and ruined their Gentile creditors.[235] In order to protect the Gentile creditors, the Sovereign Council ordered (on Jan. 21, 1701) that all Jewish marriage contracts drawn up by rabbis be deposited within 15 days in the notaries' offices, so that Jewish debtors could not keep secret from Gentile creditors information regarding their dowries and other financial marriage-settlements.[236] A prohibition of Sept. 27, 1719, to draw up inventories of or to seal properties of deceased Jews by rabbis aimed at the safeguarding of Gentile creditors' claims. Such inventories were to be drafted by royal notaries.[237]

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[233] Rod. Reuss, *L'Alsace pendant la Révolution française. RA*, vol. LXX (1923) III, p. 302. The Bros. Félix and Lehman Leyser of Niederhagenthal were debtors for very large sums of the Basel bankers J. L. Isselin and J. C. de Michel: AdHR,IBE66.

[234] SBern,B216,f.281.

[235] "l'expérience nous a malheureusement que trop appris que le négoce des Juifs soit marchands, soit colporteurs, finit presque toujours par des faillites ordinairement frauduleuses et ruineuses pour les créanciers." AdHR,E1629.

[236] "les Juifs établis en cette province, passoient des contracts de mariage par devant leurs Rabins, qu'ils prétendent porter hypothèque pour sûreté de la dot, et autres effects..., et ce au préjudice de tous autres créanciers du mary." *Louis par la Grâce de Dieu...* [Contracts de marriage des Juifs.] (C 11 Jan. 1701) Placard. JTS; Corberon, *oc*, p. 375-76. In 1787, the Jewish butcher Abraham Libman of Ribeauvillé refused, or was unable, to pay his debts. His wife then asked the bailiff to grant her a judicial separation of the property (*séparation de biens*). Of course, she only tried to save some of the family's property from being taken by the creditors. But such separations were then very common among both Gentiles and Jews (AdHR,IIIB700). According to Corberon (*Recueil*, vol. I, p. 375-76) and de Boug (*oc*, vol. I, p. 310) the above cited ordinance was of Jan. 21, 1701.

[237] "d'une conséquence dangereuse et injurieuse aux chrétiens, qui se trouveraient créanciers de ces sortes de successions." *ERCSA*. 27 *Sept.* 1717 (s! nd) 4 p. JTS. The same measure existed in Avignon and Comtat Ve-

Many Jews were only transferees (*cessionnaires*) who bought the right to debts from Gentile creditors or were repaid for debts owed by Gentiles with such rights to debts owed by Gentile debtors.[227] In some parts of Alsace Jews were not allowed to become transferees of debts owed to Gentiles. According to a document of Apr. 26, 1643, Jews of Dambach were not allowed to transfer to Gentile creditors debts owed them. This was done also in cases where Jews could not ask legally for payment of the debts. During the famous bankruptcy of Samuel Lévy, Finance Minister of Lorraine, several cases of Gentiles who allowed Jews to operate under their names were mentioned. The famous Jewish banker Moyse Alcan was one of these Jewish creditors who used the name of a Gentile for his credit-operations.[228] Jewish army contractors were frequently

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naissin: [F. R. Cottier,] *Dialogue sur le départ des Juifs de Carpentras* [Carpentras 1789] p. 9. In 1765, rabbis were permitted to draw up some inventories or to seal properties of deceased Jews in the seigniory of Ribeauvillé, who did not have any Gentile creditors: "Arrêt interprétatif de celui du 27 Septembre 1719, qui permet aux Rabbins l'apposition de scellé et sa confection d'Inventaire dans le cas où il n'y a pas de chrétien intéressé [Ribeauvillé, 17 Octobre 1765]". AN,29AP3; de Boug, *oc*, vol. I, p. 537-38, 545.

Frequently Jewish merchants came in conflict with Gentile creditors. On Feb. 6, 1772, the Jews Jacques Wormser of Grussenheim and Abraham Liebmann of Ribeauvillé bought land from Martin Weber who signed a guarantee against claims of Weber's known creditors. Weber dit not reveal to the Jews the names of all of his creditors. Weber's father vouched for his son with his own property, but at the same time he made his holdings secure by means of another guarantee in favor of a Gentile: *Mémoire pour Jean-Henri Bürchoffer... contre Martin Weber... et encore Salomon Spirr, Juif dudit Ribeauvillé...* (C 177-) 28 p. The officer Dujard bought an estate for 15,562 pounds from the widow Fallois, whose former husband was a Gentile's debtor for 86,144 pounds (Jews were not involved in this sale): *Mémoire pour les sieurs... Dujard...* (N 1718) 44 p. BmN,ZZ173-2.

[227] "Moyses Hirtz, Juif de Wintzenheim disant que le nommé Michel Dinthem, bourgeois dudit lieu, lui a fait cession avec subrogation... d'une somme de 600 l. 60 de principal qui lui était dû en vertu de son contrat de mariage par le nommé Antoine Dünther." AdHR,IBE70; "Nathan Braunschweig, Juif d'Horburg en qualité de cessionnaire du Sr. Philippe Rendel, juriste de Colmar..." 1781 (Idem,IBE64); "Daniel Lévy, Juif de Moutzig, en qualité de cessionnaire de Mannel Lévy, Juif de Balbrown et Meyer Netter, Juif de Rosheim, en qualité de cessionnaire des héritiers de George Ritter, vivant bourgeois de Dangolsheim" 1781. (Idem); "Saül Bernheim, Juif de Zillisheim, en qualité de cessionnaire de Pierre Spar," 1781 (Idem); "Koshel Marx Lévy, Juif de Wintzenheim... cessionnaire de Joseph Petit..." (Idem, IBE72); "Hirtz Moyses, Juif de Wintzenheim en qualité de cessionnaire de Mathias Gsell" (Idem); "Meyer Meyer, Juif de Dürmenach, en qualité de cessionnaire de Joseph Baur, sergent seigneurial de Ferrette," 1785. (Idem, IBE69).

[228] Th. Weiss, *Geschichte und rechtlichen Stellung der Juden im Fürstbistum Strassburg...* (Bonn 1895) p. 150. Me Marcot, *Supplément pour le Sieur Dominique Anthoine, contre Moyse Alcan, juif* (N 1718); Me Fournier, *Réponse pour Moyse Alcan...* (N 1719). BN,naf.22705,f.211et228; Chr. Pfister, *oc*, vol. III, p. 316-17. Such operations are mentioned in the Sept. 13, 1539 decree of the Strasbourg Senate, cf. note 226 (factum of 1786), p 23-24. Jacques Philippe Massias, *procureur fiscal* of the seignory of Hochlandsberg, sold in the 1760's to the Jew Sch. Bloch of Wintzenheim a debt of 120 pounds against Jean Biechelin of Colmar. AmC,FF318. In 1743, the comtesse Eléonore de Linange contracted a loan of 7,000 pounds from the Strasbourg Gentile banker Ewald in order to repay an old debt to the Jewish creditor Moyse Blien of Metz. Later she stated that Ewald lent his name to Blien (*prête-nom*). In August 1745, her son, Frédéric Louis de Linange, contracted from Blien a loan in order to repay to Ewald the debt of 7,000 pounds, plus 7,583 pounds of interest, i.e., over 100 % for a period of two years. On Jan. 29, 1762, the Metz Parliament ordered de

arrested because they lent their names to Gentile capitalists who went bankrupt.[240] The *cahiers des doléances* of the districts of Belfort and Huningue (1789) requested the prohibition for Jews to become transferees of Gentile creditors. The same problem was discussed in pamphlets of the Revolutionary period.[241] Oftentimes Jews vouched for Gentile debtors, but the position of a voucher was always very insecure, as he was often forced to pay the debts of the real debtor.[242]

The existence of so many Jewish creditors caused many bankruptcies among Jews. In 1772-1775, there were in Metz 76 bankruptcies for the amount of 2,391,900 pounds. Among them were 16 Jews who went bankrupt for 623,700 pounds. But this was an exceptional period of a crisis in which many merchants were ruined. Prior to 1772, there were in Metz only 3-4 bankruptcies every year.[243]

Linange to repay his debt to Blien. *Mémoire pour le comte de Lewenhaupt... contre Moyse Blien, Juif de Metz* (M 1762) and [*Requête au Roi par Adam, comte de Lewenhaupt, contre M. Blien*] (P 1771). BN,4F3-19452-3. In 1753, a Strasbourg Gentile was prosecuted because he had sold to a Jew the right to a debt of 8 florins. E. de Neyremand, *Petite Gazette des Tribunaux...* (C 1860) vol. III, p. 76-77.

[240] Such, e.g., was the case of Mayer Lyon, Jacob Worms and Abraham Worms of Metz: L. Kahn, *Les Juifs de Paris au XVIIIe siècle* (P 1894) p. 91-95.

[241] *Doléances générales des districts réunis de Belfort et Huningue* (Belfort 1789) p. 11. Rosman, an official of Mirécourt, proposed in 1790 to the Committee of Agriculture and Commerce of the National Assembly to establish in Champagne a colony for the Jews in order to fight usury. From his letter it is clear that the Jewish creditors "found money among non-Jews." ("Les personnes qui les soutiennent à prix d'argent sont complices de la manière qu'ils emploient pour s'en procurer"): F. Gerbeaux — Ch. Schmidt, *Procès-verbaux des comités d'agriculture et de commerce* (P 1906-37) vol. I, p. 702. The author of an anti-Jewish pamphlet (Strasbourg 1790) wrote: "...denn est ist allgemein bekannt, das überall, wo Juden sind, sie mehr mit Christengeld, als mit ihrem eigenen wuchern. Oft bedient sich der Christ, der zum wuchern geneigt ist, aber nicht dafür erkannt sein will, des Juden, un sein Geld über die gewöhnlichen Zinse anzulegen:" *Ueber die Vertreibung der Juden* (sl 1790) p. 8. Concerning Jewish creditors of Southern France who did not have their own money and were debtors of non-Jewish creditors, see: N. Roubin, La vie commerciale des Juifs comtadins en Languedoc au XVIIIe siècle. *REJ*, vol. XXXV, p. 102-105. A very interesting case is to be found in a later period (1803). Marchand Aron of Phalsbourg (Moselle) signed a contract with the non-Jewish creditor Henriet. The Jew agreed to pay all expenses in attempting to recover 13,000 pounds from Henriet's debtors on condition that Henriet would pay him 1/3 of the recovered money: "Convention entre le Sr. Henriet et Marchand Aron de Phalsbourg par laquelle ce dernier s'oblige à faire à ses frais toutes démarches nécessaires pour le remboursement des sommes dues au sr Henriet, savoir par la maison neuve celle de sept mille livres et par le V. Despieds; celle de six mille huit cents livres, à charge par le Dr. Henriet de lui remettre le tiers des sommes qu'il pourra récupérer de ces sommes, le tiers des dites créances est de cinq mille deux cents francs. S. S. à Sarrebourg (Meurthe), le 6 Vend. (an 12). [29 Septembre 1803]" AdMM,Q,Actes sous seing privés,Nancy,vol.24,p.73.

[242] Such was the case of Abraham-Aaron Moch, a *caution solidaire* for the debtor Quessemme, who in January 1789 contracted a large loan from the Gentile creditor Eschenauer: *Précis dans la cause... entre Abraham-Aaron Moch... contre Catherine-Dorothée Eschenauer...* (S[1801]) BuS123086.

[243] BmM,ms.4827-17. Bankruptcies were a frequent result of financial speculations. The Jewish Finance Minister of Lorraine, Samuel Lévy, who went into bankruptcy, stated that he became a victim of Jewish and Gentile usurers. The Lorraine Prince requested money and Lévy was forced to pay 100 % interest on loans. His creditors forced him even to accept jewelry at a very high price instead of cash. S. Lévy's bankruptcy ruined many of the richest Jewish merchants and bankers, among them

In cases of bankruptcies the law protected the claims of Gentile creditors against those of Jewish creditors.[244] In November 1712, the Intendant of Alsace proposed to force all the Jews of Alsace to pay the debts of Jewish bankrupts who left France.[244-1]

22. THE PROBLEM OF CREDIT IN THE MEMORIALS OF GRIEVANCES

The demands on credit in the memorials of grievances (*cahiers des doléances*) of 1789 are another proof of the importance of this problem in the period preceding the Revolution, not only in the provinces where Jews resided, but throughout the whole of France as well. Most of the grievances requested that loans on interest be legalized. This was, of course, indicative of the population's need of credit, but at the same time these grievances on credit were a disapproval of the Church's ban on loans on interest. Even priests requested to legalize such loans, because they wanted to derive income from their capitals—as the historian Roger Picard stated. The noblemen made the same demands because they wanted to obtain loans on a small legal rate of interest, while for commerce freedom of credit was a question of life or death. The requests to legalize loans were a part of the general demands to allow free production, for free movements in commerce and industry, etc.[245]

The *cahiers* of the districts of Huningue and Belfort demanded that Jews be prohibited from granting loans or to trade on credit, with the exception of trade operations on a large scale or in bank operations. *Cahiers* of Haguenau, Colmar and Metz requested to

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Olry Alcan of Nancy and Ruben Schaube of Metz, the brother-in-law of S. Lévy. On S. Lévy's bankruptcy, cf. note 103, p. 47. The bankruptcy of the three brothers Moyses of Bouxwiller (1784) ruined 36 of their creditors (112,561 pounds), 12 of them were Jewish merchants: *Précis... contre Abraham Hirsch Moyses, Juif de Bouxwiller* [C 1786]. AmS,vol.948,No.24. Among the victims of the bankruptcy of the German Jewish banker Lion Weisweiller of Hamburg (600,000 pounds) were Alsatian Jews: *Mémoire pour Aron Simon et Consors, Juifs de Landau, contre Lion Weisweiller, Juif détenu prisonnier...* (sl nd) 15 p. BN.

[244] A Lorraine ordinance of March 3, 1738, prohibited Jewish creditors of a Jew who went bankrupt to obtain payment from the judicially liquidated property of the debtor, except in cases where the Jewish creditors were transferees of Gentiles ("les créanciers juifs ne seront pas admis, à moins qu'ils soient cessionnaires de catholiques"): Ch. E. Dumont, *oc*, p. 11. After the Bros. Collot went bankrupt for a million pounds, they moved to Nancy, where they did not reveal their past. One of their victims was the Jew Isaac Berr who bought from them a promissory note. Jacquemin, Pheyne et Grandjean, *Mémoire à consulter pour le Sr. Jean-François Blaise, marchand à Nancy contre les héritiers d'Isaac-Berr, juif marchand en la même ville* (N 1765) II p; Bordelux et autres, *Mémoire à consulter pour la veuve et l'héritier d'Isaac Berr... au profit du Sr. Jean-François Blaise* (N 1765) 17 p. BN,naf22706f.25,31.

[244-1] "lorsqu'il faudra sortir des règles ordinaires il me paroist qu'il conviendra pour le faire plus utilement d'établir une solidité sur tous les Juifs de cette Province pour le payement de tous les créanciers dudit Lyon. L'on prétend même, qu'il y a eucy des exemples à Metz d'une pareille contrainte contre tous les Juifs qui y sont établis" (Guerre,A-1-2394,No.126).

[245] Ph. Sagnac, *oc*, p. 204; R. Picard, *Les Cahiers de* 1789 *et les classes ouvrières* (P 1910) p. 144-48.

permit priests to grant loans, so poor people should not become debtors of Jews. As all three *cahiers* of Colmar made the same demand, they were probably the expression of a campaign designed to deprive the Jews of their credit operations for the benefit of priests. The *cahiers* of Longwy, Crigy, Cattenton and Walmestroff (bailiwick of Metz), Brounderdorf, Brühl, Boucheporn and Azoudange (Lorraine) demanded to legalize loans on interest, even on simple unlegalized I.O.U.s, so that the peasant should not become indebted to Jews. Gueberschwihr (Alsace) demanded to prohibit the circulation of Basel coins.[246]

Similar demands were voiced in other parts of France. A 1789 pamphlet on agriculture demanded a 4% legal rate of interest. In Avignon and Comtat Venaissin, where 2,000 Jews resided, *cahiers* demanded that Jews be limited to the same rate of interest as that allowed Gentile creditors. The Abbot Escoffier hoped to normalize credit through safeguarding the interest of the creditors, and the Avignon pamphleteer M. de Montvert complained about the lack of credit facilities. From the Department of Gard came a demand to repeal the Decree of June 1771 on mortgages, which did not safeguard sufficiently the creditors' interests. Verdun, where Jews were not allowed to reside, demanded to combat usury through legalizing credit on interest.[247] *Cahiers* from many Departments where Jews did not reside at all asked that usury be curbed, e.g., from Angoulême (Charente), the Department of Lot (there, the priest Rulié of Cahors published in 1780 a pamphlet on this problem), the Departments of Maine-et-Loire, Rhône, Marne, Ile-et-Vilaine, Haute-Saône, Cher, Loir-et-Cher, Aube, etc., etc.[248]

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[246] *Doléances générales des districts réunis de Belfort et Huningue* (Belfort 1789) p. 11; *Archives parlementaires*, vol. III, p. 5, 8, 11, 419; *Cahier de l'Ordre de la Noblesse du baillage de Metz* (M 1789) p. 11; *Cahier de plaintes, doléances et remontrances du Tiers-Etat du baillage de Metz...* (M 1789) p. 4, 15; AdM,B4191; N. Dorvaux et Lesprand, *Cahiers de doléances des communautés en* 1789 (M-Bar-le-Duc 1922) vol. II, p. 241, vol. III, p. 65, 365; Ch. Etienne, *oc*, vol. II, p. 46, 50, 153; *RA* (1908) p. 426.

[247] *La plus importante et la plus pressante affaire, ou la nécessité et les moyens de restaurer l'agriculture et le commerce* (sl 1789) p. 56-58. AN,ADIV17; *Articles de demandes, ou doléances arrêtés par MM. les Electeurs de Mallenort...* (sl [1790]) p. 8. Library of Avignon,ms.2987; L'Abbé Escoffier, *Réflexions...* (sl, Mars 1790) p. 5. Library of Avignon, ms. 2987; M. de Montvert, *De la restauration des campagnes* (Avignon 1789) p. 173-181 and *Supplément...* (P sd). BN,R44365 and 8Lb39-3078; E. Bligny-Bondurand, *Cahiers... de Nimes* (Nimes 1908) p. 46, 553; M. P. d'Arbois de Jubainville, Les cahiers de doléances de Verdun en 1789. *Mémoires de la Société de lettres... de Bar le Duc* (1908) p. 187.

[248] P. Boisonnade, *Cahiers de doléances de la sénéchaussée d'Angoulême et du siège royal de Cognac* (P 1907) p. 68, 74-75, 106, 510, 512; *Archives parlementaires*, vol. I, p. 613, 733, vol. II, p. 336, vol. III, p. 152, vol. V, p. 304, 371, 384, 727; E. le Parquier, *Cahiers... du Havre* (Epinal 1929) p. XVII, 92, 145, 202; Gustave Laurent, *Cahiers...* (Epernay 1906-11), vol. I, p. 863, vol. II, p. 777; J. J. Vernier, *Cahiers... de Troyes* (1910-11) vol. II, p. 65, 170, 740, vol. III, p. 171-72, 203; E. Bridery, *Cahiers... de Cotentin* (P 1907) vol. I, p. 722; J. Savina—D. Bernard, *Cahiers... de Quimper et de Concarneau* (Rennes 1927) p. 11, 61, 253, 273, 314; H. Sée—A. Lesort, *Cahiers... de Rennes* (1912) vol. II, p. 313, 409, vol. III, p. 129, 528, vol. IV, p. 276; M. Godard—I. Abensour, *Cahiers... d'Amont* (Auxerre 1927) vol. I, p. 333, vol. II, p. 547; Dr. E. Lesueur—A. Cauchie, *Cahiers... de Blois*, vol. I, p. 22, 117; G. Balencie, *Cahiers... de Bigorre* (Tarbes 1925) p. 121, 172, 431, 470; A. Chandillon, *Cahiers... de Bourges* (Bourges 1910) p. 282, 620, 696, 740; Ch. Poré, *Cahiers...*

Some demands concerning credit contained in the *cahiers* were directed against the interests of the peasant-debtor, e.g., the demand that loans be arranged only in the presence of notaries. It is well known that peasants disliked any publicity on loans. Such a demand was probably put forward at the request of the notaries in order to increase their income. M. Liber already proved that the demands in the *cahiers* concerning Jews were not always the expression of the free will of the people, but of the policy of priests, lawyers, notaries, judges, etc. who specialized in making anti-Jewish propaganda.[249] It is well known that because the peasants did not know how to write, many printed samples of *cahiers* were circulated. Two such samples from Lorraine did not mention the Jewish problem. In Alsace were circulated ready-printed *cahiers* to which only the name of the locality had to be affixed. Priests frequently told the peasants what demands they should put in the *cahiers*. The demands concerning Jews are similar in their wording in many *cahiers* of different localities, e.g., of Brouderdorf, Bühl, Mont-Didier and Neuf-Village (Lorraine). A pro-Jewish pamphlet of 1790 stated that the *cahiers'* demands against Jews were not made by the people of France, but by professional adversaries of the new regime. The Alsatian *Commission intermédiaire* itself printed a similar sample of *cahiers* (but the Jewish or credit problems are not mentioned in this sample; nor is there any mention of Jews in another Alsatian sample).[250] The Jewish Problem is laid down in a sample of a *cahier* of February 1789, published by the Alsatian anti-Jewish leader Hell. He proposed measures against usury and Jews; the annulment of all debts of over 20 pounds owed by peasants to Jewish and Christian creditors if these debts were not contracted

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de Sens (Auxerre 1908) p. 818; J. Fournier, *Cahiers... de Marseille* (1908) p. 185-381; C. Bloch, *Cahiers... d'Orléans* (1906) vol. I, p. 333, vol. II, p. 144-45; P. Boissandre—L. Cathelineau, *Cahiers... de Civray* (Niort 1925) p. 9, 164, 367; F. Fourastié, *Cahiers... de Cahors* (1908) p. 17, 152, 164, 168, 271; [P. Rulié,] *Théorie de l'intérêt de l'argent...* (P 1780). BN,D53145; E. Champion, *La France d'après les cahiers de* 1789 (P 1897) p 159, 181; E. Picard, *Les cahiers de* 1789 *au point de vue industriel et commercial* (P) p. 144-48; A. Le Moy, *Cahiers... d'Angers* (1915-16) vol. II, p. 684.

[249] M. Liber, *oc.*

[250] [J. S. N. Anthoine,] *Essai sur les Assemblées de communautés... la rédaction des Cahiers* (P 1789) 16 p. BN,Lb39-1395; P. Lesprand, Quelques mots sur les cahiers... *Jahrbuch der Gesellschaft für lothringische Geschichte und Altertumskunde*, vol. XVIII (1906) p. 167; L. Jérôme, *Les Elections et les cahiers du clergé lorrain* (P—N 1889) p. 18; Abbé D. Mathieu, *oc*, p. 433; R. Parrisot, *Histoire de Lorraine* (P 1924) vol. II, p. 11-12; Ch. L. Chassin, *Les cahiers des curés* (P 1882) p. 273-74; A. Onou, Les élections de 1789 et les cahiers du Tiers-Etat. *La Révolution française*, vol. LVI (1909) p. 524; [Delaure,] *Dénonciation... contre le Sieur Comte de Bussevent... d'Huningue, en Alsace* (P 1790) p. 2. AN,ADXVI62; Ch. Etienne, *oc*, vol. II, p. 46, 50, 263, 291. *Lettre d'un Alsacien sur les Juifs d'Alsace...* (P 1790) p. 9: "Mais par qui ont été rédigés ces cahiers? Par des gens de loi, approbateurs nés de tous les abus d'administrations, parce qu'ils en vivent; conspirateurs ardents contre les droits de l'homme, parce qu'il ne saurait y avoir que peu de procès, là où ces droits sont reconnus... Aussi la plupart des cahiers n'ont-ils exposé l'opinion publique que lorsqu'elle s'est trouvée d'accord avec les intérêts des gens de loi. Dans tout autre cas, ils l'ont masquée au lieu de la dévoiler"; *Avis adressé aux communautés de l'Alsace par la Commission intermédiaire provinciale* (sl, 25 Février 1789) 8 p. AN,Ba11; *Instruction, ou si l'on veut, cahier de l'Assemblée du baillage de... 28 Février* 1789 (sl nd) 32 p. City Library of Strasbourg, Affiches révolutionnaires.

with the written agreement of seven members of each debtor's family; the abolishment of the Jewish communities and the rabbinical courts; the restriction of marriages among Jews; etc.[251]

Demands were directed not only against usurers—Gentile and Jewish—but also against debtors who accepted loans on usurious rates of interest and in general, against debtors who accepted loans which they could not repay. The slogan to "moralize the credit" (*moraliser le crédit*), i.e., to force the peasant not to take any large loans, was strongly advocated in the 18th century, as it was later in the 19th century. Many proposals sought to improve the peasants' position by fixing the amount of money which they could borrow and the form of guarantee to be given; etc. In February 1786, the Sovereign Council discussed the size of loans which peasants could obtain. A Strasbourg memorandum of 1781 stated that peasants were being ruined because they borrowed money in order to buy land. The anti-Jewish leader Hell proposed that peasants should be required to obtain only small loans after securing their families' written approval. The same proposition was made in 1788, in a projected status for Jews, prepared by the Alsatian Intermediary Commission and in Hell's sample of a *cahier*.[252]

All this outcry for "moralizing" the peasant was mainly an expression of the opposition to the parcellization of land, to allow the peasant to buy land with borrowed money.[253] In this way the fight against Jews was frequently interlaced with the problem of ownership of land by the peasants, which was against the interests of the Church and the landlords.

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[251] *Le Roi ne voulant régner que sur des hommes libres...* (sl Février 1789) 9 p. A sample of a cahier, by Hell. AN,Ba11. The Mayor of Strasbourg, de Dietrich, sent a copy of Hell's sample to the Ministry in Paris, but at the Ministry Hell's sample was strongly criticized because no samples of *cahiers* were to be circulated and because Hell's proposals were a result of scandals and intrigues: "Il serait peut-être bien intéressant de faire écrire promptement à M. Hell soit par le Ministre, soit par M. le comte de Puységur qu'il fera très bien de garder son projet en poche. Il ne vaut rien; c'est la sentence de 20 querelles et en tous ces doléances ne doivent point être suggérés." AN,Ba11,doc.19. Hell at that time favored autonomous rights for Alsace, which was not in accordance with the Government's views. Hell wrote the following on Jews in his sample of a *cahier*: "...Que la loi la plus nécessaire et celle que nous supplions Sa Majesté avec le plus d'instances de nous accorder, est celle de déclarer nulle toute obligation qu'un habitant de la classe du peuple aura contractée, à quel titre que ce puisse être, au profit de Chrétiens ou de Juifs, pour une somme au-dessus de 20 liv., sans qu'il ait été autorisé par délibération de sept de ses plus proches parents, faite sans frais devant la Municipalité de la demeure du débiteur, jointe au titre obligatoire, qui sera enregistré dans le mois au greffe de ladite Municipalité, aussi sous peine de nullité contre le créancier qui aura différé cet enregistrement plus longtemps. Que les Juifs contribuent à toutes les impositions comme nous, avec nous; qu'ils n'auront plus de rôles particuliers; qu'ils ne seront plus corps; qu'ils n'auront plus de syndics, ni agents, ni d'autres tribunaux [rabbiniques] que les nôtres; qu'ils ne pourront se marier que sur la permission des Etats provinciaux, permission qui sera gratuite et qui ne pourra être accordée que dans les cas qui seront exprimés par le règlement qui sera fait par lesdits Etats provinciaux."

[252] Holdt, *oc*, Feb. 4, 1786; AmS,AA2389 and 2393: Hell, *Mon opinion sur les Juifs...* (P 1789) p. 9-10; *cf.* note 251.

[253] "Tous les paysans achetaient; tous s'endettèrent et éprouvèrent plus ou moins les suites funestes de leur imprudence qui les avait jetés entre les mains perfides de l'usure." Hoffmann, *oc*, vol. I, p. 184.

23. THE IMPORTANCE OF JEWS IN CREDIT OPERATIONS

Almost all the classes of society had to borrow money from Jews, not only peasants, but seigniors, merchants, officers, etc.[254] While analyzing the inventories of Jewish inheritances, one finds that Jews were creditors of great numbers of small loans; they were like private bank institutions with a large number of customers. In 1714, a Metz Jew left to his heirs debts owed to him by 49 debtors; Salman Lagrange left a few hundred debts, and Lehman Hirtzel of Bouxwiller left to his heirs debts owed by 53 debtors.[255]

A series of conflicts between the Alsatian Jews and their peasant-debtors (known as the Case of the Counterfeit Receipts, *L'Affaire des Fausses Quittances* (see chapter VI), in 1777-1789 proved that a very large number of Alsatian peasants was in debt. According to one historian, only 2 out of 75 peasant families in Zellenberg were not indebted to Jews.[256] In connection with the falsified receipts, much was discussed on the causes forcing the peasant to make loans. On July 1786, the Jews wrote in a memorandum to the King that 2/3 of these debts were caused by the peasants' buying on credit parcels of land, houses, horses and cattle from Jews; only 1/3 of the debts were the result of cash-loans. Most peasants were debtors of small sums, 30—100 pounds, but rich debtors of large sums likewise tried to use falsified receipts. A Gentile memorandum of 1783 declared that only cash-loans could be usurious; debts resulting from sales on credit or ceded by Christian creditors to Jews were legal.[257] But no matter how wretched the peasants' situation was, the position of the Jews was not much better. The greatest part of the Jews' possessions consisted of unpaind loans granted by them to the debtors who bought falsified receipts. Most of the Jews were themselves debtors of Christian creditors who requested to be paid. This fact the Jews again brought out in a memorandum of July 1786. Much later, on March 7, 1792, the Jews wrote to the Legislative Committee of the National Assembly that the Case of Counterfeit Receipts, the expenses caused by the registration of the receipts, the lawsuits, and the inability to pay their own debts to Christian creditors forced them out of business and that in 1785 the wealth of all the Alsatian Jewish creditors (about 10 million pounds) was smaller than the wealth of 10 or 12 big Christian capitalists.[258]

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[254] In the 16th century, the seignoir of Ribeaupierre exempted the Jews from paying protection money (*droits de protection*) for as long as he was to be the Jews' debtor (AdHR,E2481). The Nancy merchant François Baillot borrowed money from Olry Alcan in order to continue his trade. *Mémoire pour François Baillot... contre le sieur Mathieu Fromentau...* [N 17-] 11 p. BmN6630. Even de Rohan, Cardinal of Strasbourg, was a Jew's debtor, because he vouched for a loan of 5,000 pounds granted by Isaac Berr for the famous Lady de la Motte who did not repay the debt: *Mémoire pour... de Rohan... contre M. le Procureur Général...* (C 1786) p. 7. BmN,ZZ173-7.

[255] AcMetz,Jug.13,Pr.124; AdBR,Hypothèques,Saverne,vol.I.

[256] A. Goestermann, *oc*, vol. II, p. 83.

[257] AmS,AA2394.

[258] Ibidem and *Pétition de* [*Cent*] *soixante citoyens Français du Dé-*

According to one document, Krauss who was sent by the Sovereign Council to liquidate the falsified receipts, registered in 88 cities and villages of the Ferrette sub-delegation 2,085 debts in favor of Jewish creditors for the total of 335,612 pounds 10 sols 4 deniers.[259] Some debts amounted to 2,000 pounds each, others only to 20—30 pounds each, but on the average the debts were of a few hundred pounds each. The number of registered debts (2,085) does not signify that there were either that many debtors or creditors involved. In Atarschwiller (Attenschwiller), for example, Krauss registered 92 debts for the total of 13,408 pounds, but there were only 77 debtors, some owing a few debts, and the number of the Jewish creditors of these debts was only 22. The 2,085 debts were granted by only 226 Jewish creditors residing in 23 Jewish communities. The largest number of Jewish creditors resided in Dürmenach: 44 with 372 debts (according to the census of 1784, 73 Jewish families lived there). Let us try to use this register to determine the percentage of Jews engaged in money-lending. According to the census of 1784, 923 Jewish families lived in the 23 communities where the 226 creditors resided. It may certainly be assumed that the creditors also granted loans to debtors in other sub-delegations, even in Lorraine and other provinces. But we have to assume that most creditors of debtors residing outside of the Ferrette sub-delegation belonged to the same group of 226 and, thus, only about 1/4 of the Jewish families was engaged in the business of money-lending. The creditors seldom resided in the same localities as their debtors, but this can be explained by the small number of places where Jews were allowed to reside. Jewish creditors with 185 out of the 2,085 debts lived only in 9 of the 88 residences of the debtors. There were a few exceptions: Out of 122 registered debts for 21,969 pounds in Blotzheim, 100 debts were in favor of Jews residing there; all 22 debts for 3,430 pounds registered in Dürmenach were in favor of Dürmenach Jews; 35 out of the 51 Hegenheim debts for 8,068 pounds were granted by Hegenheim Jews; 12 out of the 17 Hagenthal-le-Bas debts for 4,688 pounds were granted by Hagenthal Jews.

A similar situation can be observed in the sub-delegation of Belfort, where—according ot one register—650 debts of 446 debtors were registered in 67 localities (the amount of the debts is noted only in 316 cases).[260] These 446 debts were granted by about 50 Jewish creditors who resided in 17 communities of the Belfort or other sub-delegations; according to the census of 1784, these 17 communities had a Jewish population of 613 families, showing that a small part of these families was engaged in money-lending. Debtors of some of these 50 creditors resided only in 5 of the 17

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partement du Haut-Rhin classés par quelques malveillants, sous la dénomination de Juifs de la ci-devant Province d'Alsace, représentés par leurs fondés de pouvoir, les Citoyens Joseph Brouchvig, Emanuel Treysons et Daniel Cahen. Au Comité de Législation (Sl [1792) 12 p. AN,DIII214dr.ColmarNo.3300.

[259] AN,KK1240. See p. 128.

[260] AdHR,B,varia(H-I).

localities. Creditors of debts in the Ferrette sub-delegation lived in 14 of these 17 communities.

Usury would have been fought much easier if the practice of I.O.U.s (simple private agreements on loans, signed, but not sealed or witnessed) and of simple unwitnessed receipts given by creditors to debtors for repaid debts, would not have existed in Alsace. But, as already said, this problem was much discussed even before 1789. Simple I.O.U.s were very much in use, but in order to combat usury this practice was sometimes prohibited.

On Jan. 19, 1717, the Alsatian Sovereign Council forbade notaries to draw up or to renew obligatory notes other than by witnessing the paying of the full sum to the debtor. In a sentence of Jan. 22, 1725, the Council ordered that all documents in favor of Jewish creditors be drawn up by notaries or law-clerks in the presence of witnesses; simple I.O.U.s were prohibited; the old I.O.U.s had to be deposited with the notaries or in the law-courts. On March 24, 1733, the King published a declaration (registered on April 16, 1733, with the Sovereign Council) again prohibiting simple I.O.U.s, ordering the drawing up of loan and trade contracts in favor of Jews exclusively by notaries, etc. The Alsatian Jews protested. The Jews of Metz, too, protested and they presented to the King a memorandum written by the lawyer Godefroy in which they declared that the order of 1733 would force them to publish secret facts about their importing of horses, grain, gold, etc. for the King's armies and civil administrations; that even in private trade and loans, the merchants and debtors invariably avoided the divulgence of their secrets to the notaries; that peasant debtors would refuse to pay the notaries' fees; and that this practice would be detrimental to business and ruin the Jews economically. On Sept. 12, 1733, the King annulled his declaration of March 24, 1733. But on Feb. 19, 1735, in connection with a lawsuit between the Jew Fülckel of Ingolsheim and the Gentile Jean Valtin of Holtzheim, the Sovereign Council prohibited receipts given by Jews to their debtors and signed in Hebrew characters. The Council ordered that should a Jew be unable to sign a receipt other than in Hebrew, he must sign the document only in the presence of two witnesses and the receipt must be countersigned by a third person. If any remarks were added by the Jews in Hebrew on the receipts, they were to become null and void. On Oct. 24, 1767, the King recognized loans on simple I.O.U.s in favor of Jews in the areas administered by the Free City of Strasbourg, provided they be registered. On May 20, 1769, the Sovereign Council published a decree renewing almost all the articles of the King's declaration of March 24, 1733, ordering the registration in the law-courts of all simple I.O.U.s within three months. In Lorraine, too, a decree of Dec. 30, 1728, prohibited simple I.O.U.s on loans granted by Jews."[261]

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[261] *ACSA portant défenses... de passer obligations au profit des Juifs, que sur deniers nombrés... Du* 19 *Janvier* 1717 (C 1717) 8 p. AdBR,B598, *cf.* note 118, p. 52; *Déclaration du Roy, concernant les actes qui se passeront avec les Juifs...* 24 *Mars* 1733 (C 1733) 8 p. AmC,AA174 and Corbe-

The order of the Metz Parliament of Sept. 6, 1670, that all contracts between Jews and Christians be written in French, was published after the Jews were accused of signing receipts in Yiddish. In 1706, the King ordered oll contracts drawn up by rabbis to be written in French. On Aug. 26, 1710, he ordered that Jewish commercial record-books be kept in French. On Feb. 19, 1739, and June 10, 1739, the same order was issued concerning the drawing up of promissory notes and contracts.[262]

But later events proved that the order of Feb. 19, 1735, was not carried out. Because of the expenses involved in drawing up of official documents, the number of loans guaranteed by simple I.O.U.s was always very large. This practice, naturally, was dangerous, but on the other hand it also offered many advantages. In some localities of France, where Jews did not reside (e.g., in Pas-de-Calais, in a later period) simple I.O.U.s were not recognized, and consequently it was impossible for peasants to contract any loans there. Many 1789 Memorials of Grievances of provinces other than Alsace, even where Jews did not reside, requested that the practice of loans on simple I.O.U.s be legalized, as was the case in Alsace and Germany.[263] For the same reason receipts given by Jewish creditors to their debtors were signed in Hebrew and not

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ron, *Recueil...* p. 839-41. "C'est ce commerce toujours permis qui soutient leur établissement. En le détruisant, c'est leur ôter tout crédit, et les ruiner entièrement... Elles osent dire avec confiance, que jamais aucun Juif de Metz n'a été poursuivi en justice pour exaction et usure... Des prêts modiques faits à des laboureurs et Gens de la Campagne, leur donnent le moyen de payer la Taille et de cultiver leur Héritage. Sans quoy ils séroient souvent réduits à l'indigence." Me Godefroy, *Très humbles représentations de la communauté des Juifs de Metz sur la déclaration du Roi du 24 Mars* 1733 (P 1733) 6 p. (BN,naf22705f,262); *Lettres patentes sur l'arrêt du Conseil d'Etat du Roy, qui suspend l'exécution de la Déclaration de sa Majesté du* 24 *Mars dernier...* 12 *Septembre* 1733 (C 1733) 8 p. AmC,AA174 and Corberon, *Recueil...* p. 848-49; *Arrest de règlement du Conseil Souverain d'Alsace, du* 19 *Février* 1735. *Au sujet des quittances et autres actes des Juifs et leurs débiteurs chrétiens* (C 1735) 8 p. JTS; *Extrait des registres du Conseil d'Etat du Roy* [24 Octobre 1767] (S 1767) 4 p. AmS,vol. 951-4; *ERCSA* [20 Mai 1769] (sl nd) 6 p. AdBR,C147; *Edit de son Altesse Royale, concernant les actes qui se passent avec les Juifs* [30 Décembre 1728] (Lunéville 1728) Placard. BN,ms.Lorr.470f.148; Corberon, *Recueil...*, vol. II, p. 839-40, 848-49; Guerre,A-1-2771,No.86.

[262] J. de Fombesque, *oc*, vol. II, No. 19 (1943) p. 69; Catalogue of the AcM, vol. I, p. 32; *Déclaration du Roy, qui enjoint aux Juifs établis en la ville de Metz faisant quelque commerce, d'avoir des registres en langue française... le* 26 *Aoust* 1710... (M 1710) 4 p. BN,F23619-860-61.

[263] *Le Pas-de-Calais au dix-neuvième siècle* (Arras 1900) vol. IV, p. 391; Ch. Etienne, *oc*, vol. II, p. 46, 50, 153; C. Bloch, *oc*, vol. I, p. 333, vol. II, p. 144-45; Boissandre—Cathelineau, *oc*, p. 9, 164, 367. According to a report of Sarre-Union dated Aug. 16, 1795, three different ways of granting loans existed before 1789 in Alsace: (1) For a fixed term (*à terme préfixe*); (2) To be repaid on the first term; (3) Granted on mortgaged properties, to be repaid not — as in the rest of France — on a fixed date, but on a date announced three months in advance by the creditor or the debtor. The first two types of loans were not made on the basis of legal documents, but only on the debtor's word or on a simple I.O.U. (AN,D-III-212). The 1684 Edict on I.O.U.s figured in de Corberon's collection, although the Edict was not registered with the Sovereign Council. *Edict... pour la reconnaissance des promesses ou billets sous seings privez... Décembre* 1684 (P 1685). BN,F23614(219); Corberon, *Recueil*, vol. I, p. 184-191. On the problem of I.O.U.s in the 19th century see: Z. Szajkowski, *Agricultural Credit...*, p. 59, 85-86.

legalized. This helped to falsify such receipts and to provoke the Case of Counterfeit Receipts.

It should be noted that simple I.O.U.s were not always a very good security for the Jewish creditors. Alsatian Jews lost much of their possessions because during the riots at the outbreak of the Revolution of 1789 peasants destroyed such notes.

Not Jews alone were creditors—honest creditors or usurers, but it is, probably, already too late to find out the percentage of Jews among all creditors. Still, a few documents may give us a hint on this problem. Such are, for example, the lists of creditors of *Emigrés* who left France during the Revolution. The lists were drawn up in order to repay the debts to the creditors with the money obtained from the sale of the *Emigrés'* properties. It must be noted that few of the important *Emigré* families were not indebted.[264] On the other hand, similar lists should be analyzed very critically, since many creditors did not request payment of the debts owed them by *Emigrés*. On a list of 819 such debts in the Lower Rhine were found only 58 debts owed to 28 Jewish creditors.[265] On another list of 221 creditors of liquidated corporations were found only 3 Jewish creditors.[266] Not one Jew appears among the 73 creditors of such a list in the Colmar district.[267] Only 6 Jews are listed among 240 creditors in the Department of Meurthe.[268] (There were also Jewish debtors of *Emigrés.*)[269]

24. THE CONDITIONS IN THE LAW-COURTS

Without the force of the Law, without the possibility of legal recourse against delinquent debtors, no individual would have lent money even to the most respectable debtor. In 1753 the Belfort attorney Claude Joseph Hengaud wrote, in a memorandum on the status of the courts of justice in Alsace, that lawsuits dragged on for many years, especially in cases where the creditor or debtor resided far from a judge's residence. Commerce and credit did not exist in such localities.[270] Very frequently the secondary, local judges were responsible for the sad situation of the peasant because they always attempted to profit by the peasant's conflicts with the law. As early as on Oct. 17, 1686, the King warned the Alsatian judges who in delivering sentences thought mostly of defending their own

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[264] "Peu de familles considérables, surtout parmi celles qui étaient à la cour, étaient sans dettes." *Observations sur le projet de loi relatif à la restauration des biens invendus... d'Emigrés* (P 1814) p. 1. BN,Lb45-349.

[265] "Liquidation des dettes d'émigrés." AdBR,Q.

[266] "Répertoire des liquidations faites sur les corporations supprimées." AdBR,Q.

[267] AdHR,L483.

[268] AdMM,Q990.

[269] P. Hildenfinger, *Actes du district de Strasbourg relatifs aux Juifs, 1790-an II.* Extr. de la *REJ* (P 1911) p. 109, 117.

[270] "Dans les baillages où les audiences sont rares..., le commerce et le crédit sont entièrement bannis." Hoffmann, *oc*, vol. II, p. 274.

or the seigniors' interests.[271] Judges moved from village to village, were slow in rendering justice, and extorted money from the peasants. In many memoranda these judges, as well as attorneys, were pointed out as those responsible for the peasants' misery. Some historians made the Jewish creditors responsible for the emigration of the Alsatian peasants in 1785-86, yet the *Bureau intermédiaire* of Huningue stated that the judges and attorneys forced the peasants to emigrate. In 1750, the seigniorial cashier of Heitern stated that *procureurs* (judges nominated by seigniors to render justice in their seigniorities) sided with Jewish creditors against peasants. In 1785, M. de Rathsamhausen called the judges "vampires" (*vrai vampires... dont l'Alsace fourmille*). Even the anti-Jewish leader Hell wrote in 1789 that the judges and attorneys ruined the peasants by forcing them to provoke many lawsuits. He called for the organization of a credit system for the peasants so as to help them defend themselves against usurers, attorneys and other despots. People felt such a deadly hatred towards the dispensers of the law that in 1789 judges were not allowed to take part in drawing up the *Cahiers des doléances* (memorials of grievances). A *Cahier* of Avricourt (near Sarrebourg) stated that because of the high expenses involved, peasants frequently abandoned their right to seek justice. In an 18th century factum written in prison, the tavern-keeper Jacques Allemand of Guebwiller strongly attacked the judges.[272] In case the peasant lost a lawsuit and his property was to be sold by order of the court, he was again being ruined by the executors of justice in charge of the sale, the auctioneers (*huissiers, priseurs-jurés*) who appropriated a large part of the income from the sales. This was stated in many 1789 *cahiers*. In 1767 the Intendant of Alsace published a special order against such practices of the auctioneers.[273] It must also be stated that the mania of lawsuits greatly helped to corrupt judges and attorneys. The Lorraine historian A. Dedenon criticized the passion of the 18th century priests for everlasting lawsuits which consumed considerable time and caused a great deal of expense.[274] In such an atmosphere of bribery and perverted law, Jewish creditors were forced to seek justice in endless conflicts with their debtors.

25. LAWSUITS AGAINST JEWS BECAUSE OF USURY

The slogan "Fight against usury" was the legal justification for many anti-Jewish actions.[275] According to some historians

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[271] "de juges qui ne dirigent les affaires qu'autant que l'interest du seigneur et leur bien particulier s'y trouvent." *Arrest du Conseil d'Estat du Roy. Pour retrancher les abus qui se commettent dans l'administration de la justice en Alsace... Du* 17 *Octobre* 1686 (C sd) 4 p. AdBR,C148g.

[272] AdHR,E1303 & coll. Wendl.13; BmM,ms.1350,p.796b; Hoffmann, *oc*, vol. II, p. 240-280; Ch. Etienne, *oc*, I, p. 46. "O pauvres villageois, que vous êtes à plaindre, les sous ministres de justice sont vos fléaux." *Requête d'atténuation pour Jacques Allemand...* (C [17-]) p. 2. BuS100440.

[273] Ch. Etienne, *oc*, vol. I, p. 46, 59, vol. III, p. 21, 44; AdBR,C147-76.

[274] A. Dedenon, *Histoire du Blamontois...* (N 1930) p. 96.

[275] "C'est cependant sous le prétexte affreux de l'usure que les Juifs

(E. Becourt and Vte. de Bussière), even the mass-annihilation of Jews in the 14th century was done not only because of religious hatred, but also in order not to have to repay to Jews the debts owed them. In Strasbourg the I.O.U.s signed by the Jews' debtors were burned at the same time as the more than 2,000 Jews themselves. But it is also possible that the debtors destroyed the I.O.U.s because they were afraid that the City of Strasbourg would force them to pay the debts for the City's treasury. Usury was also the legal excuse for the expulsion of Jews, e.g. from Sarlouis (Lorraine).[276]

The Jewish creditor lived in an endless fear that Gentile debtors would refuse to repay the debts or to pay interest. He was always afraid of a new decree which would legalize the peasant's refusal to pay. Indeed, severe winters, heavy rains or bad crops always brought with them such decrees. Jews were then forced to engage the services of attorneys, send petitions and representatives to the Government, pay bribery-money and this entailed heavy expenses.

There were numerous lawsuits against Jews for practicing usury,[277] but such sentences should not be taken as proof that the practice of usury was prevalent among Jews. In the beginning of the 18th century the Jews of Metz wrote in a petition that the Gentile merchants were unable to prove their accusation that Jews were usurers. In 1733, they wrote in a petition to the King that not even one Metz Jew was sentenced for usury. The anti-Jewish minded historian and attorney of the Metz Parliament, C.L. Gabriel, cited only one case of sentencing a Jew, not for practicing usury, but for granting a loan to a minor. The Metz historian Roger Clément wrote that he could not find any case involving the sentencing a Metz Jew for usury. The same was stated by the Jewish historian R. Anchel.[278] Even if sentences against Jewish usurers could be unearthed, not only in Alsace, but even in Metz,[279] they were rare. There are to be found many more cases of sentencing Jews for fraud, forgeries, etc., even more sentences against Jewish thieves than against usurers.[280] But swind-

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d'Alsace éprouvent continuellement des vexations de tout genre" ("Mémoire pour la Nation Juive..." [by Cerfberr], 1784. AN,F12-854B).

[276] E. Becourt, L'Abbaye, la ville et la famille d'Andlau au XIVe siècle. *RA*, vol. LXXII (1925) p. 247; Vte. de Bussière, Fragments des chroniques d'Alsace. *Revue catholique d'Alsace*, vol. III (1861) p. 267-68; Me Damours, *Mémoire pour... Sarlouis... contre les Juifs...* (sl nd) BN,naf22706 & AmS,AA 2381 (p. 27: "leurs usures et leurs autres rapines étoient les motifs que la ville faisoit valoir contre eux").

[277] In 1750, Isaac Abraham Cahen of Pontpierre was sentenced by the Sovereign Court of Lorraine and Barrois (AcM,Pr66). On Sept. 7, 1757, Joseph Salomon of Hellimer and Jacob Caen of Pont-Pierre (Lorraine) were sentenced to compensate their debtor Pierre Krantz. They appealed and the debtor later asked to force their heirs to pay the compensation (AdM,L532).

[278] AdM,E698; Me Godefroy, *oc*; R. Clément, *oc*, p. 191; C. L. Gabriel, *oc*, vol. I, p. 179.

[279] On June 12, 1709, Moyse May of Metz was sentenced to pay a fine of 50 pounds for practicing usury and to repay 100 pounds to his debtor: *ER du bailliage, siège royal de Metz* [M 1709] 3 p. BN,naf22705f.93.

[280] On March 29, 1771, Joseph Bloch of Cernay was sentenced for illegal commerce in pelts. On May 7, 1779, the Parliament of Metz sentenced Aaron

lers and thieves were not restricted to the Ghetto and the proportion of Jewish thieves was, surely, not greater than of thieves among non-Jews.[281] Jews themselves were frequently the first victims of Jewish swindlers.[282] Even the City of Strasbourg with its notorious tradition of anti-Jewish actions could not find many occasions to sentence Jews for usury. In 1772-1783, the city sentenced 14 Jews,

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Abraham Gougenheim and Hayem Bernheim of Courcelles-Chaussy for their drawing up of an I.O.U. of their debtor François Mougin of Romilly for 60 pounds in such a manner that enough space was left for them to add later another 400 pounds. Because in another case the creditors used other than their own names, the Parliament ordered that court officials could not accept as valid any I.O.U.s or receipts from creditors drawn up not on their own names. On Dec. 1, 1762, the Metz Parliament punished Cerf Lévy of Vallières, who bought sheepskins, cut out the duty-stamps of the *Régie des cuirs* and hid the skins in the bed of a tavern-keeper whom he afterward denounced for having bought skins without official stamps. A Jew of Metz, with a Gentile, were engaged in the illegal forging of gold. The banker Jean Evrard Zetner earned some money in the Strasbourg jail by writing letters for arrested officers and Jews. *Catalogue des Alsatica de la bibliothèque de Oscar Berger-Levrault* (N 1886); *ACPM qui condamne Aaron Abrahm Gougenheim et Haeym Gougenheim, tous deux Juifs... pour crime de faux... du 7 Mai* 1779 (M 1779) 8 p. JTS; *ACPM qui condamne Cerf Lévy, au carcan, à être battu, pour avoir caché dans la maison du nommé Jolivaldt, des peaux dont il avait enlevé la marque de la Régie... Du* 1er *Décembre* 1762 (M sd) 4 p. JTS; *ACPM portant règlement concernant l'orfèvrerie... et qui condamne Lyon Moise, dit de Hambourg... pour contravention au statut et Atours du Corps, etc. Du* 29 *Juillet* 1763 (M 1763) 12 p. AdM,B989; Rod. Reuss, Idylle norvégienne d'un jeune négociant Strasbourgeois. *RA*, vol. LX (1904).

It would even be possible to cite a long list of sentences against Jewish thieves, as, e.g., the following sentences of Metz: *ACPM qui condamne Mayer Emmanuel, juif d'Amsterdam... pour crime de vol. Du* 27 *Août* 17--; *ACPM qui condamne François Thiéry, soldat... Ancel Lyon, juif... pour vol. Du* 17 *Oct.* 1777 (M 1777); *ACPM qui condamne le nommé Henry Joanes... et renvoie Cerf-Isaïe Ullmann de l'accusation contre lui formée... Du* 15 *Février* 1780 (M 1780); *ACPM qui confirme une sentence... par laquelle Isaac Samson, Juif de Mariendal, a été condamné... Du* 29 *Novembre* 1780 (M 1780); *ACPM qui condamne Mayer Louis, Juif de la Vade... pour crime de vol. Du* 14 *Mars* 1783 (M 1783); *ACPM qui condamne Lazard Hayem Cahen... pour crime de vol. Du* 26 *Août* 1784 (M 1784); *ACPM qui condamne Moyse Lévi, Juif... pour crime de vol. Du* 27 *Mai* 1785 (M 1785); *ACPM qui condamne Mathis Jacob et Sarah Joseph Mindelet, Juif et Juive étrangers... pour crime de vol et filouterie. Du* 15 *Juin* 1785 (M 1785); *ACPM qui condamne le nommé Abraham Séligman, Juif roulant... pour crime de vol. Du* 17 *Mai* 1786 (M 1786); *ACPM qui condamne les nommés Mayer Alkan, Abraham Israël et Isaac Israël... Du* 27 *Juillet* 1786 (M 1786); *ACPM qui condamne le nommé Lyon Philippe, Juif étranger... pour crime de vol. Du* 14 *Mai* 1787 (M 1787); *ACPM confirmatif d'une sentence... qui condamne le nommé Joseph Bloch, Juif... pour crime de vol. Du* 27 *Octobre* 1788 (M 1788); *ACPM qui confirme une sentence... par laquelle les nommés Jacob Lévi et David Moyse, Juifs, ont été condamnés... pour crime de vol... Du* 2 *Décembre* 1788 (M 1788); *ACPM qui condamne le nommé Lyon Renard, Juif... pour crime de vol. Du* 17 *Avril* 1789 (M 1789); *ACPM qui condamne Joseph Bloch, Juif sans asyle... pour crime de vol... du* 5 *Octobre* 1789 (M 1789). Placards, JTS and AdM,B2228-31. On Jewish terms in the language of Alsatian Gentile thieves see: Z. Szajkowski, The Action against Yiddish in France in the XVIIIth and XIXth centuries. *Jiwobleter, vol. XIV* (Wilno 1939) p. 49, 58.

[281] "...il serait difficile de raporter l'exemple d'aucun Juif justement condamné à des peines capitales: on ne trouve aucun individu de cette nation dans cette foule des malfaiteurs, que la vengeance publique retranche du sein de la société; ou s'il y a eu réellement quelques Juifs accusés et coupables de crimes, le nombre en est si petit, et les exemples ont été si rares, qu'il n'en peut résulter qu'une idée avantageuse en faveur de cette classe d'hommes en général." Mr. La Servolle, Avocat, *Requête au Roi, pour les Juifs de Sarrelouis* (P 1777) p. 13.

[282] "Moyse Schuabe étoit alors puissamment riche, mais Jacob son frère et le sistème l'ont tellement ruiné que tous les enfants ont répudié sa succession [pour ne pas payer ses dettes]." *Mémoire pour Elie Schuabe, Juif demandeur, contre Dame Barbe Renaut...* (M 1739) 7 p. BN,fol.F3-15560.

all of them for trading with stolen merchandise, not even one for usury.[283] Proportionately the number of sentenced Jewish usurers was not larger than the number of Gentile usurers similarly sentenced.

But the number of Jews appearing in lawsuits was proportionately larger. Of 162 lawsuits pleaded before the bailiff of Chalampe (Upper Alsace) between Nov. 27, 1771 and Dec. 30, 1783, 54 were of Jews against Gentiles. According to one source, the Alsatian anti-Jewish leader Hell, bailiff of Landser, rendered 7,000 sentences in a three-year period (in the '70s of the 18th century), 2,000 of them involving Jews.[284] These were almost always litigations resulting from business or credit operations, mostly judicial actions of Jewish creditors against their Gentile debtors, who refused to repay the debts for loans and commercial transactions, or demands of debtors to free them of their obligations toward Jewish creditors. Frequently such lawsuits involved demands of Gentile guilds to limit the rights of Jews in commerce. All these lawsuits could be taken as an indication of some cases of usury, but they also emphasize the vast number of debtors who picked quarrels with their Jewish creditors in order to avoid payment of debts.

Jews frequently demanded the reason for not sentencing Jewish usurers, if they really did exist. But the anti-Jewish elements maintained that Jewish usurers knew how to avoid the law. The truth is, however, that it was often possible to avoid—through bribery—severe sentences in cases involving, e.g., the commerce in coins, because in such cases the accusation had to prove that the accused was caught in the very act of breaking the law. Too many complicated legal documents and conflicting interests of the parties were involved in lawsuits resulting from usury to enable any usurer brought before the law-court to avoid punishment. Some lawsuits involving the practice of usury were even a result of well organized anti-Jewish campaigns, and in those cases any peasant who wanted to bring accusations of usury against his Jewish creditor could easily find financial, moral and juridical support.

In a memorandum of April 1781 the Alsatian Jews charged that judges assumed a right which was not a part of their jurisdiction, namely to seek out cases of usury and force debtors to bring their Jewish creditors to justice. According to the law, cases involving usury in Alsace were to be heard by a royal judge, yet such cases were also tried by various local judges, mostly ingorant individuals, as the Jews stated (*ignorants pour la plupart*). The Alsatian Jewish leader Cerfberr made the same statement in a memorandum of 1784.[285] The Alsatian officials did everything possible in order

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[283] AmS,AA2393.

[284] AdHR,IE49 (2 vols.) & Wendl. 48/16, p. 44, 103. See note 389, p. 131.

[285] AN,H1641. "Cependant il est peu de justices seigneuriales dans la Province d'Alsace dont les officiers (ignorants pour la plus part et dont un seul gradué devient le maitre de l'honneur et de la liberté d'un citoyen qu'il anéantit en le décrétant depris de corps) ne se soient permis des procédures aussi irrégulières que vexatoires" ("Mémoire par la Nation Juive..." [by Cerfberr], 1784. AN,F12-854B).

to fix convincing prosecutions against Jewish creditors. The manner of conducting the investigations and trials was fixed in advance, even by the Sovereign Council. In 1772-73, the officials of Hirsingen were engaged in looking for witnesses for a similar trial, while the Attorney-General of the Sovereign Council asked the bailiff of Landser, Hell, to take care of the affair and to find proof that the Jews practiced usury, because without such proof Jews could not be prosecuted."[286] In 1782, the Gentiles Joseph and Nicolas Ventz and Louis Carlé of Bergheim claimed that they and other creditors were ruined by the Jewish usurer Joseph Schuster of Ribeauvillé. But, being unable to prove it, they were afraid to start any legal proceedings because the Jew could request to classify the suit as a case to be judged under the royal jurisdiction and then use against them their own accusation on usury which could not be proved. On Feb. 16, 1782, the attorney Lang wrote to the Jew's three debtors that they should be more careful and not accuse openly their creditor of practicing usury. Of course, the Jew could be fined, but the debt would still have to be repaid if they would be unable to prove a clear case of usury. First of all, they were told, they must get the proof and witnesses."[287] Following is another case: The same Jew Joseph Schusta [Schuster] of Ribeauvillé was accused by many of his debtors of charging usurious rates of interest. According to one source, 72 out of the 75 families of Zallenberg were his debtors. The Chancellor's office of Ribeauvillé collected some accusations of the debtors in order to summon the Jew before the judge nominated by the seignior. In a brief of Dec. 24, 1769, three attorneys of the Sovereign Council gave their opinions on the best way of conducting the trial. The attorney Dupont advised to wait until the Jew would ask one of his debtors for payment of a debt, after which the latter was to bring against his creditor an accusation of usury. Then the Attorney-General on Fiscal Matters (*procureur fiscal*) would side with the debtor and the bailiff would order an investigation. Should the Jew appeal against a sentence of a local judge, the Sovereign Council would surely uphold the sentence of the lower court. But the matter was very complicated. The same attorney Dupont and his colleagues Queffeneme and Kieffer stated that usury was a public crime (*crime public*) and not only the debtor, but even officials could sue the usurer at law. In Schusta's case his debtors would be unable to sue him, because they would then be unable to act as witnesses in their own accusation. They could, however, appear as witnesses if the Jew were sued by the seigniory for general practice of usury (*usure générale*). In fact, this creditor was never brought to justice."[288] One of the

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[286] AdHR,Wendl.48/16,p.49.

[287] "ils parviendront à faire punir le Juif, mais leurs dettes en ne seront pas pour cela acquittées, il faudra y faire honneur à moins qu'ils soyent à même de prouver par autres preuves, qu'ils ont été usurés... Si cependant les trois particuliers qui ont signé la plainte sont en état de prouver le fait personnel et propre de l'usure exercée contre eux, rien ne les empêche à donner eux mêmes leur requête de plainte au Conseil [Souverain]". AdHR, E1628.

[288] AdHR,E1628.

excuses for the Sovereign Council's order to the bailiffs for searching for documentary proof of Jewish usury was that ruined peasants would be unable to pay taxes."[289] Still, the Council was not always in a position to violate the law. On Nov. 20, 1771, the Jew Hirsch Samuel was sentenced by a Landau judge for usury. The investigation against him was conducted by the Attorney-General on Fiscal Matters and the Jew's debtor Otto Friederich Schwughard was the witness for the prosecution. The Jew appealed to the Sovereign Council which reversed (on Jan. 14, 1772) the sentence of the lower court and transferred the lawsuit to the jurisdiction of the bailiff of Lauterbourg and ordered that all judicial expenses be paid by the city of Landau."[290] On March 5, 1784, with reference to a similar case involving the Jewish creditor Salomon Wahl of Dürmenach, the Sovereign Council forbade the law-court to indict creditors on the basis of unchecked accusations."[291] A similar situation existed in the territory under the jurisdiction of the Metz Parliament. In the 1740's the Jew Cerf Moyse of Mittelbronn was sentenced for practicing usury against his debtor J.C. Moutier. The lawsuit was provoked by somebody other than the debtor, and the accusation could not be proved. In a sentence of Apr. 21, 1747, the Metz Parliament annulled the first sentence and ordered that the documents remain as a warning to the judges not to conduct such obscure investigations."[292] On May 17, 1747, and June 28, 1757, the Metz Parliament prohibited again organized unconvincing accusations against Jewish creditors. Such organized accusations were well prepared in advance, money was even raised to cover the expenses, peasant-debtors were told how to act in the law-court, etc."[293] The

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[289] The Council gave such orders on March 14, 1757, in connection with a lawsuit between Joseph Weill of Wittolsheim and his debtor Louis Kebelin of Steinbach; on Feb. 4, 1745 in connection with a lawsuit between Lazare Brunsvick and his debotrs Dirnvell and others and also in the 1760's in connection with a lawsuit between the Gentile Clausman of Strasbourg and his debtor Hithsler. AdHR,C1284 and E1628.

[290] AdHR,IBE59.

[291] *ERCSA. Du* 5 *Mars* 1784 (C 1784) 3 p. BmC3784.

[292] "La cour fait défenses à tous juges de son ressort de recevoir d'aucun particulier des plaintes générales; aux fins de faire informer d'autres faits d'usure, que de ceux qui concernent personnellement les plaignans". *ERPM, du vendredi* 21 *Avril* 1747. *Entre Cerf Moyse...* (M 1747) 4 p. BN, F34494. Roederer was Cerf's attorney (AN,29AP3).

[293] "...les appels ont été portés à la Cour Luy ont appris les manœuvres qui se pratiquoient dans son ressort par les habitants de la campagne contre les Juifs dont ils avaient été secourus par des prêts d'argent. La Cour n'a vu qu'avec indignation, que sous prétexte de faire punir le crime d'usure dont on croyoit pouvoir se plaindre, l'on s'étoit porté à des crimes beaucoup plus graves, et plus énormes encore, en employant le complot, et la machination entre plusieurs paysans, pour concerter la perte des Juifs sur les quels on faisoit tomber l'accusation d'usure. Quelques uns des paysans se chargeoient du rôle de dénonciateurs, le reste étoit réservé à porter témoignages capables de faire réussir les dénonciations, et tous ensemble s'obligeoient à tout événement, à supporter les frais qu'entraînoient leurs tentatives. Un complot de cette nature, ayant été découvert par l'attention ordinaire de la Cour sur l'appel d'une instruction en cas d'usure, commencé au Baillage de Vic, en l'année 1740, la Cour s'y pourvut par un arrêt; et pour remédier avec efficacité à un abus aussy dangereux pour l'avenir, elle ordonna que les chambres seroient consultées. Une autre machination de cette espèce ayant occasionné en l'année 1747, il fût fait déffences à tous juges du ressort de recevoir d'aucuns particuliers, des plaintes générales aux fins de faire informer d'autres faits d'usure que de ceux qui concernent

same occured in Lorraine, where the Jews denounced a "peasants' conspiracy against the Jews". On Apr. 5, 1775, the Sovereign Court of Lorraine and Barrois prohibited such unconvincing accusations against Jews.[294]

All this does not prove that Jews did not at all practice usury, and to seek such proof is not the author's aim. Jews themselves denounced usurers.[295] But even honest Jewish creditors were often

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personnellement les plaignans, et sur les réquisitions de la partie publique. Cet arrêt sembloit avoir mis fin à des voyes odieuses et punissables employées jusque là pour perdre ceux sur qui se réunissoit la malignité et la noirceur des complots. Mais comme l'on a pas pris dans les pays voisins du Ressort les mêmes précautions sur la matière dont il s'agit, que celles renfermées dans l'arrêt de la Cour du 17 May 1747, l'on y voit des particuliers se faire publiquement un titre lucratif de la licence qu'ils se donnent d'exciter des émotions pour rançonner ceux qu'ils alarment par des trames, et des machinations aussi répréhensibles, le fruit qu'ils en retirent a reproduit sous les yeux de la Cour la manœuvre que son arrêt a déjà condamné. Le 7 de ce mois il s'est présenté au substitut du procureur fiscal du Baillage de l'Evêché quatre particuliers de Bertring... qui luy ont dénoncé cinq Juifs comme coupables d'avoir commis dans le ressort de ce Baillage... des usures outrées, en percevant sur les billets des intérêts considérables, ils expriment que ce crime tend à ruiner la contrée... Cette dénonciation est sans doute une contravention bien formelle à l'arrêt du 17 May 1747; il est fait déffences de recevoir des plaintes générales, l'on ne peut informer d'autres faits d'usure que de ceux qui concernent personnellement les plaignans, or icy les dénonciateurs ne désignent, et n'articulent aucuns faits positifs qui leurs soient personnels, ils se plaignent au nom de différents villages pour le ressort entier du Baillage de Vic. Ce n'est pas assez, ils semblent faire accuser ceux qu'ils dénoncent par toute la contrée elle même... En conséquence, la dénonciation générale, en cas d'usure, reçue le 7 du présent mois par le substitut du procureur fiscal de l'Evêché, être déclarée nulle, les informations d'informer, information et autres procédures faites en conséquence être cassées et annulées, sauf aux particuliers qui ont souscrit ladite dénonciation à se pourvoir s'ils se croyent fondés pour raison des faits d'usure qui pourroient les concerner personnellement... La Cour... ordonne que l'arrêt de Règlement de la Cour du 17 May 1747 sera exécuté suivant sa forme et teneur. En conséquence... fait défences aux officiers du Baillage de Vic de contrevenir dorénavant audit arrêt de Règlement à peine de demeurer responsables en leurs noms des dommages et intérêts des parties..." ("Extrait des Registres du Greffe du cy devant Parlement de Metz transféré à Nancy, du 28 juin 1757". AN,29AP3). *Cf.* Clément, *oc*, p. 191-92; Anchel, *oc*, p. 209.

[294] Ibidem and: *Arrest de la Cour Souveraine de Lorraine et Barrois, qui condamne Jean-Balthazard Differdange, Huissier Royal à Thionville, et Antoine Godard, Marchand Tanneur à Kedange, en réparations et dommages-intérêts, pour avoir cherchés à nuire à l'état et à l'honneur de la Nation Juive, par des certificats mandiés, dans lesquels on a fait insérer que les Juifs ruinoient les Habitans de la Contrée par des usures énormes, et qu'ils refusoient la remise des titres acquittés. Du cinq Avril mil sept cent soixante-quinze* (Nancy) Placard.

[295] Samuel Lévi — a pupil of Rabbi Meir Caremoli (Carmoly) — who on Nov. 16, 1700, was appointed Chef Rabbi of Upper Alsace by the King wrote in a petition against the communities which fought him that he tried to convince them not to take too high interest on loans. In 1717, the Alsatian Jews declared in a memorandum to the King's State Council that they would gladly expell usurers from the Jewish communities, such cases had already happened. In 1786, the Jewish community of Metz prepared a memorandum to the army officers asking them for the names of those Jewish creditors who granted loans to soldiers under legal age; in such cases the loans would be annulled. At the beginning of the 18th century the Jewish community of Metz posted announcements in the Synagogue denouncing those Jews who discredited the Jewish name by their dishonest activities and lawsuits. Carmoly, Histoire des Israélites en France. *Revue Orientale*, vol. II (1842) p. 242; de Boug, *oc*, vol. I, p. 360; *Mémoire pour les Juifs établis en Alsace* (sl [1717]); Is. Loeb, *oc*, p. 188; Isaïe-Ber-Bing, *Mémoire particulier pour la communauté des Juifs établis à Metz* [M 1790] p. 10; AcM,Ce57-58. On the

persecuted by their inscrupulous debtors as usurers."[296]

Some decrees aimed against usurers resulted in aggravating the crisis of credit.[297]

26. PSYCHOLOGICAL PROPAGANDA AGAINST JEWS IN THE LAW-COURTS

In lawsuits between Jews and Gentiles, especially between creditors and debtors, the latters took advantage of the traditional hatred against Jews.

The term *Jew* was used as frequently as possible. The word *Juif* (Jew) prefixed to a name in court or in everyday life was not parallel to the terms like "the peasant X," "the butcher Y," "the officer Z," "A of Colmar," "B of Huningue," etc., which gave the social status, profession, or place of residence of non-Jews. *Jew* in such cases did nothing to fix the profession or residence of the individual, but merely vented anti-Jewish malice, when for example Abraham Lévy was called "the Jew Abraham Lévy." Jews often protested against this discriminatory practice, which, as a matter of fact, was severely condemned even before 1789. In the '70s of the 18th century, M. Vatiaud of the Royal Agricultural Society of Laon wrote in his unpublished study submitted for the Metz Academy's contest on Jews (1785-1787) that in official docu-

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19th century fight of Jews against usury see: Z. Szajkowski, *Agricultural Credit and Napoleon's anti-Jewish Decrees* (New York 1953) p. 94-103.

[296] Decrees of 1706 and Aug. 26, 1710, ordered the Metz Jews to use only the French language and official paper for their bookkeeping. So many Jews were then sentenced for infringing against this order that special forms of sentences were printed (AcM,Co16. *Arrêt du Parlement de Metz, qui condamne les marchands et négociants juifs de la ville de Metz en l'amende, faute par eux d'avoir tenu leurs registres en papier timbré, et les oblige à en tenir à l'avenir. Du* 22 *juin* 1708 [M 1708]. Gentiles were not forced to use French for their bookkeeping. According to the Alsatian administration, too, Jews used Hebrew and Yiddish for dishonest activities. Much later, in 1793, the Council of Lower Rhine prohibited the use of Hebrew in the private or business correspondence between Jews. *Conseil général du Bas-Rhin. Défense de correspondre en langue hébraïque* (S 11 juin 1793) 4 p. (*Cf.* the catalogue of Berger-Levrault, vol. V, p. 9). See p. 98.

[297] On Dec. 23, 1773, the Sovereign Council ordered that loan-contracts be drawn up and signed only in offices of notaries or other officials and in the presence of honorable men if the notaries were called outside their office. But peasants refused to accept loans in the presence of witnesses and in order to avoid such formalities, I.O.U.s and similar acts were dated in neighboring provinces. A decree of Jan. 7, 1783, prohibited this practice. *ERCSA. Du* 23 *Décembre* 1772 (C 1772) Placard. AmS,AA2381 & AdBR,C334; *ERCSA. Du* 7 *Janvier* 1783 (C 1783) 3 p. AN,K1142-55. The practice of drawing up documents in neighboring provinces existed also in cases not involving Jews: *Arrest du Conseil d'Estat du Roy, par lequel Sa Majesté défend à tous ses Sujets domiciliés dans les Généralités de Metz et Champagne limitrophes de la Lorraine, d'y aller ou envoyer leurs Procurations pour passer des Actes... Du* 13 *Décembre* 1740. *Extrait des Registres du Conseil d'Estat* (P 1741); *Arrest du Conseil d'Estat du Roy, par lequel Sa Majesté fait deffenses à tous ses sujets domiciliés en Franche-Comté, d'aller en Lorraine ou d'y envoyer leurs Procurations pour passer des Actes entr'eux... Du* 26 *Juin* 1742 (P 1743); *Déclaration du Roy qui fixe le Tribunal où doivent être discutez les Biens d'un Débiteur par lui possedez en même tems en France et en Lorraine. Donnée à Versailles le neuvième jour d'Avril* 1747 (P 1747). AN,AD-XVI-6A.

ments judges and other officials should be forbidden to qualify Jews otherwise than by their names, professions and residence and should not use the word "Jew".[297]

The terme *Jew* was repeated 53 times in a 1782 factum of Jean Rey against Leib Ulmann and 90 times in a factum of Joseph Leymont and Giles Tressa against Aaron Simon.[298] In most cases the term *Jew* went together with strongly worded anti-Jewish slogans and appeals to the Catholic and anti-Jewish sentiments of the judges.[299] In a factum of 1789, against Wolf Lévy, his debtor, Baron de Haindel, asked his judges not to permit the property which had belonged for many generations to his family to fall

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[297] "Les juges, officiers ou ecclésiastiques auront soin dans tous les actes de leur ministère qui concerneront les Juifs, de ne leur point donner cette qualification de Juifs, autant que faire se pourra, mais ils les désigneront seulement sous les noms de leurs états, qualités ou professions, ou s'ils n'en ont point, par ceux des pays d'où ils seraient, ou qu'ils habiteront, en évitant de faire entendre la religion qu'ils professent." BmM,ms.1350, p. 655-56. In the 19th century, Jews very frequently protested against using the word Jew in legal cases. During the post-Napoleonic Restoration the Judge Borely prohibited such practice in his court of Marseille (*AI*, vol. LIII, 1892, p. 118). On Nov. 23, 1841 and in 1858, the Central Jewish Consistory protested against this practice in the courts (AN,F19-11031). The attorney L. Aron Abraham, of Jewish origin, who tried to change his name, wrote in a memorandum of the 1830's to the Minister of Justice: "Mon nom m'est à charge parce que je dois vivre dans une petite ville de province... où, quoi qu'en disent les prôneurs de ce siècle des lumières, l'ignorance et les préjugés règnent encore... Mon nom [est un] obstacle à mon avancement au barreau... Mon nom entrave ma faculté d'aller et de venir... Mon nom s'oppose à mon mariage avec une femme chrétienne". *Mémoire adressé à Son Excellence Monseigneur le Garde-des-Sceaux, par L. Aron Abraham, licencié en droit, ...à l'appui d'une pétition en changement de leur prétendu nom d'Aron Abraham en celui de Level...* (sl nd) 14 p. BN,Ln 27-671.

Even a Jew's change of residence was used by his debtor as an excuse to attack him: *Mémoire pour Pierre Delagrange... de Metz... contre le Sieur Mayer Hadamar, Juifs, résidant à Metz, depuis Avril dernier, & ci-devant à Paris* (M [1784] 8 p. BmM,TC-3-66.

[298] *Mémoire pour Joseph Leymont et Gilles Tressa... de Landau... contre Aaron Simon, Juif... et encore contre Isaac Salomon, aussy Juif...* (sl nd) 35 p. AmS,vol.942; *Précis pour Jean Rey... contre Leib Ullmann, Juif de Loumschwiller* (C [1782]) 44 p. BuS100669.

[299] "Sa chute présage celle de l'usure, si au contraire, il réussit, la ruine du chrétien devient inséparable de son commerce avec le Juif"; "les vices de son odieuse nation"; "le judaïsme par *le poids* de ses moyens a tâché d'étouffer la procédure"; "son rabbin nous apprend qu'il suffit d'être Juif pour prendre des intérêts outrés et user de surpris..."; "les malheureuses victimes à secouer le joug judaïque;" *Mémoire pour Jacque Korum, Antoine Hann et consorts de Bercheim... contre Abraham Sée, Juif de Berckheim...* (Sl, [1744] 9 p.; *Supplément pour Jacque Korum... contre Abraham Sée* (Sl, 174-) 5 p.; *Déjense d'Abraham Sée, Juif demeurant à Berkheim* (Sl, [174-]) 13 p. BN,naf22705f.298,303,306;BmC5353. "L'appelant, toujours Juif..."; "Toute autre qu'un Juif aurait donné les mains à une proposition si raisonnable"; "mauvaise foi du Juif"; "la sentence... ne peut être contestée que par un Juif"; "cette nouvelle production de la chicane et du Rabinisme:" *Précis pour Jean Rey... contre Leib Ullmann, Juif de Loumschwiller* (C [1782]) 44 p. BuS,100669. "[Weill] ne triomphera pas de la justice, et de la simplicité d'un Paysan:" Mathieu l'aîné et M. Coenin, procureur, *Plaise à Nosseigneurs du Conseil Souverain d'Alsace d'avoir pour recommandée en justice l'instance. D'entre Jean Grollmond, Bourgeois de Guémar appelant de la sentence rendue par le Baillis de Ribeauvillé le* 21 *May* 1718 *et demandeur en requête, contre Meyer Weill, Juif demeurant audit Ribeauvillé...* (Sl nd) 39 p. BN,naf 22705f.148.

Even in ordinances of the Sovereign Council the term *Jew* went together with anti-Jewish slogans, e.g.: "la ruse & la fraude judaïque... ces monstres de la société civile", etc. in the ordinance of Jan. 19, 1717. Corberon, *Recueil*, vol. II, p. 601-602.

into the hands of a Jew."[301] Not only Gentile debtors, but even criminals used anti-Jewish slogans for their defense. Joseph Cahen of Metz sold cattle to butchers on credit. One of the latters, Jacques Durand, murdered the Jew and in his defense he stated that he was a victim of a Jewish conspiracy against the Catholics."[302] Debtors used anti-Jewish slogans even in cases where their creditors were Jews converted to Catholicism."[303]

The Jews protested against this kind of psychological warfare in the law-courts. Abraham Sée stated in a factum against his debtor that it was too easy to cry out for help against a Jew; some people thought, he wrote, that against Jews any action was lawful. In 1784 three Paris attorneys wrote in a factum for the Jewish merchant Hayem Worms of Lorraine that in the eyes of the common people the Jew was always the guilty one, because he was a Jew. The attorneys of the Metz Jew Joseph Gougenheim stated in a factum of 1783 that he was a Jew, but that he was nevertheless not less honest than Gentiles and even if he was a Jew, he would not give up his just rights granted to creditors by the law."[304]

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[301] *Précis pour le Baron de Haindel...* (P 1789) 17 p.; *Mémoire pour Wolf Lévy, banquier à Strasbourg; contre le baron de Haindel...* (Sl nd) 81 p.; *Réponse pour le Baron de Haindel, au mémoire des Sieurs Lévi et consorts* (Sl nd) 94 p. BuS100524-26. In this lawsuit the debtor used a psychological argument which was very frequently used by debtors, namely that he himself did not take the loan, that the debt was only a part of his parents' inheritance and that he was made to suffer without cause ("le baron de Haindel oppose la substitution pour que les biens que ses ancêtres lui ont transmis ne soient pas employés à payer ce qu'il ne doit pas personnellement." "Que, le Conseil de Sa Majesté veuille un moment se peindre, d'un côté, les sept frères de Haindel, unis par le sang, par l'amitié, par l'honneur, et mus par les plus nobles sentiments... se dépouillant eux-mêmes des droits de la propriété pour établir sur un fondement durable la gloire de leur maison, pour soutenir leurs descendans au service de la patrie et mettre leurs biens et leurs noms à l'abri des révolutions, de la mort et du temps. De l'autre côté, les Juifs et les usuriers, rassemblés autour d'un malheureux jeune homme pour épier ses fautes ou ses faiblesses... pour vivre de ses erreurs").

[302] Appelans à leurs secours les funestes préjugés introduits autrefois par l'ignorance ou par l'avarice contre la Nation Juive". "L'accusation... est l'ouvrage de la fureur dont les Juifs sont animés contre le nom & le sang des Chrétiens": Poutet, *Factum pour Esther Norden, veuve de Joseph Cahen, Juif, habitant de la ville de Metz, plaignante et appelante. Contre Jacques Durand, marchand boucher...* (M 1702) 11 p.; *Factum servant de défenses pour Jacques Durand... contre Esther Norden...* (M 1702) 17 p. BN,naf22705 f.62&68.

[303] E.g., Joseph Oudinot of Lorraine, a debtor of Paul Volsky of Varsovie, a "first servant of the Minister," who was of Jewish origin, *Mémoire pour le Sieur Joseph Oudinot... contre Paul Volsky, Juif converti de Varsovie* (N [1784]) 67 p. BN,naf22706f.126. Frequently converted Jews stated that they fell victims of the Jews, e.g., the converted Jew Jean Charles Schwabe, whose business went bankrupt, maintained in 1730 that he had been ruined by Jewish vengeance. [Jean Charles Schwabe,] *Au Roi et à Nosseigneurs de Son Conseil* (sl 1730) 8 p. BN,fol.F3-15560.

This kind of psychological warfare was used even in lawsuits where both sides were Jews, e.g., in the 1730-36 conflict between the two brothers Isaac and Joseph Kahn of Obernheim who had a concession on salt. The attorney of one of them stated: "They are all Jews" — *ce sont tous des Juifs* (ZS). In 1747, the Jew Olry Alcan stated in a lawsuit with the Lorraine Rabbi Nehemiaz Raicher that the latter was an "usurious merchant" (*marchand usurier*): De Bourcier de Montureaux, *Précis pour Nahemiaz Racher, Rabbin des Juifs de Lorraine, demeurant à Metz* (N 1744) 5 p. BN,naf22705f. 290.

[304] *Défense d'Abraham Sée...* (sl [1744]) 5 p. BN,naf22705f.306. *Cf.:*

On March 31, 1732, the Sovereign Council of Alsace heard the above-mentioned pleas of the City of Wintzenheim requesting permission to limit the number of Jews to four families, and the pleas of the Jews' attorneys Bruges and Wilhelm. The two attorneys maintained that Wintzenheim used the argument of usury as justification of their anti-Jewish action, and that usury became an excuse for attacking Jews in the law-courts and an argument for the creation of a public opinion frequently capable of killing the truth. The case of a lone Jewish usurer is taken as proof of usurious practices of the entire Jewish nation. But where are the proofs of usurious practices of the Wintzenheim Jews? How many Jewish usurers of Wintzenheim were brought to justice?"[265] On another occasion, during an appeal of the Jews to the Sovereign Council against penalizing a Jew for baking bread on the eve of a Jewish holiday, which happened to be on a Sunday, Bruges, one of the best Alsatian attorneys, stated that in the courts anything could

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Mémore pour Jacques Korum... contre Abraham Sée (sl [1744] 9 p. and *Supplément pour Jacques Korum... contre Abraham Sée* (sl nd) 5 p. BN,naf 22705f.298 & 303. "Aux yeux d'une populace insensée, le Juif a toujours tort, parce qu'il est Juif:" *Mémoire pour le sieur Hayem Worms, négociant juif...* (P 1784) p. 1. BN,4F33106. "Il est né Juif, mais il ne cède pas pour cela aux intimés du côté des sentimens:" Roederer et autres, *A la requête de Joseph Gougenheim, Juif...* (M 1783) p. 87. BmM,TC2/40. The attorney of the well-known Nancy banker Moyse Alcan wrote in a 1738 factum against the Compagnie d'Aubonne that his opponents were too sure of themselves, probably because Alcan was a Jew — "L'air d'assurance... a sans doute prévenu, surtout contre un homme de sa race:" *Mémoire pour Moyse Alcan, Juif, banquier à Nancy. Contre les Directeurs de la ci-devant Compagnie de Commerce de Lorraine, dite d'Aubonne* (L 1738) 15 p. *Cf. Réponse des directeurs de la dernière Compagnie de Commerce de Lorraine, au Mémoire de Moyse Alcan, Juif* (N sd) 9 p.; *Réponse de Moïse Alcan au second Mémoire des Directeurs de la ci-devant Compagnie de Commerce, dite d'Aubonne* (N 1738) 5 p.; BN,naf22705f.273,289,294; Me Marcot, *Supplément pour le Sieur Dominique Anthoine, intimé, contre Moyse Alcan, Juif appelant* (N 1718) 4 p.; Me Fournier, *Réponse pour Moyse Alcan, au Mémoire du Sieur Dominique Anthoine* (N 1719) 7 p.; BN,naf22705f.211 & 228. *Mémoire pour Moyse Alcan, Juif, demeurant ci-devant en la ville de Nancy* (N 17-) 4 p. BN,naf 22705f.211,228,273,289,294 and FIII-290. "Il est absurde et odieux à un débiteur de vouloir caractériser d'une manière défavorable les motifs de son créancier légitime, et de tenter d'éluder par une voye aussi lâche, une obligation" (Roederer's brief for the Jewish creditor Jacob Emmeric, AN, 29AP100).

[265] "Quand donc cette communauté de Wintzenheim vient exposer que les Juifs du lieu dévorent les habitants chrétiens par leurs usures, et que par cette raison, il faut réduire à quatre les familles juives de Wintzenheim, ce n'est qu'un moyen que l'imposture a fait inventer... Si il est un lieu commun usé et rebattu dans le Barreau, c'est celuy de l'usure des Juifs: on en surprend quelques-uns au fait et de là on conclut que tous sont entichés de ce vice. C'est une étrange chose que l'opinion: au dire de Sophocle, elle étouffe la vérité: véritable *potentior et opinio*. Mais où sont donc ces preuves de cette usure qui vous dévore, demandeurs? Quels sont les tribunaux qui ont ressenti de vos plaintes?... Combien de procès, le Conseil a-t-il jugé entre des habitans et des Juifs de Witzenheim... Mais... Si l'on chasse tous les Juifs à quatre près, vous laissez quatre usuriers... Les Juifs, dites-vous, sont notoirement des créanciers impitoyables. Si vous les connaissez tels, rien ne vous oblige de contracter avec eux: empruntez plutôt de ces chrétiens, qui, pour faire faire votre somme vous donneront de mauvais débiteurs ou vous feront prendre à haut prix des denrées dont vous n'avez pas besoin, et qu'ils rachèteront de vous presque pour rien. Exterminez de la Province non seulement les gens qu'on accuse d'être usuriers, mais encore une bonne partie de ceux qui placent à intérêt leur argent, et qui sont en extérieur chrétien, ruinent les sujets plus que les Juifs." AdHR, fonds Corberon-Bruges 24. *Cf.* note 193.

happen to a Jew, that he might even be forced to observe Catholic holidays which so many Catholics themselves did not observe."[306] Frequently Jews were insulted and even physically assaulted in the law-courts."[307]

27. THE ISSUE OF USURY AGAINST MINORS

One of the most popular slogans against Jewish creditors was that their debtors were frequently minors or irresponsible persons. This was also often pointed out in the law-courts by the families or attorneys of debtors not only of Jews, but also of Gentile creditors."[308] Usually the attorney started his plea with a sentimental description of his client's status while taking the loan, that he had then been a minor and should not be held responsible for the acts of his youth."[309] Some debtors or their attorneys stated that Jewish creditors changed the original dates on the I.O.U.s, so that they could not be fined for granting loans to minors."[310] Jews were arrested even for granting loans to adult sons of families."[311] Of course, honest families were frequently ruined because of loans that were taken by youthful debtors who liked to enjoy themselves."[312]

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[306] AdHR,fonds Corberon-Bruges 24. *Cf.* notes 193 and 305 and de Boug, *oc*, vol. I, p. 188 ("Ordonnance du Conseil pour faire observer par les Juifs les Dimanches et les Fêtes," Nov. 27, 1690), vol. II, p. 855. This did not prevent Bruges from attacking Jews in cases where he was attorney for Jews' opponents. On the other hand, anti-Jewish leaders were sometimes attorneys of Jews. The famous Reubell, who fought against the Jewish emancipation, was the Jews' attorney in a lawsuit between Jews and the *Grand Conseil* of the district of Bern. This was one of the causes of his antipathy towards Switzerland. *Lettre d'un alsacien, sur les Juifs d'Alsace...* (P 1790) p. 6; P. L. Hanet-Cléry, *Mémoires* (P 1825) vol. II, p. 19; J. Godechot, *Les Commissaires aux armées sous le Directoire* (P 1937) vol. II, p. 15-16.

[307] Because of a similar assault on the Jew Olry Cahen of Metz, the Metz Parliament prohibited attacks upon Jews or other persons in the law-courts. *ACPM portant defenses à tous Laquais d'insulter dans l'enclos du Palais n'y ailleurs, aucuns Juifs n'y autres Plaideurs* [M 1763]. Placard. BmN320f.145.

[308] A Lorraine debtor signed in March 1789 an I.O.U. for 8,000 pounds for a loan granted him by a Gentile. Later he refused to repay the debt. He maintained that he took the loan only in order to help an irresponsible minor-debtor pay his debts. *Précis pour Jean Pierre Goeury... contre Nicolas Bazile Prud'homme...* (N sd). BmN,ZZ19-7.

[309] Such was, e.g. the plea of the attorney of Baron de Schauenbourg, seignior of Soutzbach, against Simon Lévy of Wintzenheim and Gentile creditors, too, in the 1760's: "Le Sr. Schauenburg étant mineur s'est livré avec l'inconsidération, qui était si pardonnable à cet âge, aux emprunts ruineux et usuraires, que lui proposaient les Juifs." *Précis de la cause d'entre le Sr. Baron de Schauenbourg...* [C 176-] p. 2. AmS,vol.944.

[310] *Ibidem.*

[311] This happened to the creditor Isaac Lévy of Imling, who was a creditor of the Gentile Renault. The Jew's attorney stated in a 1758 factum that such an act of injustice never happened in the annals of justice: Me Jacquemin, avocat, *A Nosseigneurs, Nosseigneurs de la Cour Souveraine de Lorraine et Barrois, supplie humblement Isaac, habitant d'Imling... contre les Sieurs Renault...* (N 1758) 16 p.; *Premier interrogatoire du Sieur Renault fils, du 7 Juillet* 1757 (N 1758) 11 p. BN,naf22706f.22.

[312] The youthful son of Le Tixerant of St.-Mihiel was sentenced to prison for failure to repay a debt of 8,000 pounds to his Jewish creditors Cayen and Wol of Nancy (1784-85): *Mémoire à consulter pour le Sr. Le Tixerant...* [N 1787] 84 p. BmN,ZZ172-1.

Usurers found easy victims among such young men. Still, debtors who refused to repay their debts often charged that their creditors tried to ruin minors. Following is an example: The Jews Aron Meyer of Moutzig and Meyer Blein of Metz sold, in 1747, their properties to the attorney François Joseph Schneider for 33,595 pounds. The attorney paid only a first installment of 7,970 pounds, which he took from his wife's dowry, but later he refused to pay the remainder of the sum or to return the properties. His argument was that because in the meantime his wife had died, his minor children had become—in accordance with his marriage contract—proprietors of one-half of his property, including the properties bought from the Jews, and that according to the law his children's property could not be taken away from them.[313] In fact, the courts frequently ordered even minors to repay their debts.[314] It is worth while to note that according to the Alsatian jurisprudence Jews at the age of 13 years were no longer minors and their signatures on commerce and credit documents were recognized as valid.[315] The Metz Parliament likewise rendered a similar decision on June 21, 1758, and even ruled that Jewish girls were no longer considered minors at the age of 12. Of course, this was contrary to the French jurisdiction, but the Parliament took into consideration not the laws of France, but the religious Jewish principles of the Metz Ghetto.[316]

28. JEWISH DEMANDS TO JUDGE CASES OF USURY IN ROYAL LAW-COURTS

Jews were frequently not permitted to bear witness in criminal or civil lawsuits. On July 9, 1721, the Alsatian Sovereign Council forbade Jews to bear witness in the lawsuit between the Protestant Pastor Golberi and Rabbi Hirtz Reinau of Soultz, and on Feb. 3 and 10, 1740, in the lawsuit of the Jew Gabriel Reinau of Guebwiller against Luc Streckheisen of Basel. On Dec. 14, 1690, the Metz Parliament also decided that a Jew could not bear witness for a Jew against a Gentile.[317] Even the Paris attorney Jacques Godard (who, during the Revolution, fought for Jewish emancipation)[318]

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[313] Me Georges de Broussey et Me Thannberger, *Précis de la cause d'entre... enfans mineurs... de Me François Joseph Schneider... contre Aron Meyer, Juif de Moutzig* (Sl, 17-) 8 p. AmS,vol.943.

[314] On Feb. 4, 1695, the Sovereign Council sentenced a minor-debtor to repay his debt to Le Harel (a Gentile creditor), even if the debtor's property were to be sold by judicial order: N. de Corberon, *Essay...*

[315] Sentences of the Sovereign Council: in the lawsuit of Emanuel and Salomon Dreyfus of Blotzheim appealing against a sentence of the bailiff on Oct. 15, 1763; in the lawsuit between Simon Hussmann of Herrlisheim against Simon Cochet and Meyer Lévy of Wintzenheim, Dec. 23, 1756; in the lawsuit of J. J. Bursteim of Basel against Emmanuel and Salomon Dreyfus of Blotzheim, Feb. 13, 1764; in the lawsuit betewen the non-Jewish creditor Jean Rudler of Guebwiller and his Jewish debtor Moise Dreyfus of Hattstat, Feb. 18, 1704 (AdHR,E,coll.Wendl.48-16p.15; Corberon, *oc.*).

[316] A. Cahen, *Le Rabbinat de Metz...* Extr. de la *REJ*, p. 290.

[317] Corberon, *oc*; R. Clément, *oc*, p. 142-43.

[318] [Jacques Godard,] *Adresse présentée à l'Assemblée Nationale le* 28

declared in a 1787 brief that in criminal lawsuits Jews should not be allowed to bear witness against Christians."[318]

The practice of *More judaïco* (a special text for Jews' oaths in the law-courts) also existed in the Northeastern French provinces. (This practice was abolished as late as in the 1840's.)"[319] It is worth

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Août 1789 *par les Juifs résidant à Paris* (P 1789); [Ibid,] *Pétition des Juifs... le* 28 *Janvier* 1790... (P 1790), édition allemande: *Unterthänige Vorstellung der in Frankreich unsässigen Juden...* (S 1790); Ibid, *Lettre des Juifs établis en France à M. le Président de l'Assemblée nationale* (P 1790); Ibid, *Discours prononcé le* 28 *Janvier* 1790, *en présentant à l'Assemblée générale de la Commune une députation des Juifs de Paris* (P 1790); Ibid, [Discours,] in: *Recueil de pièces relatives à l'admission des Juifs à l'état civil* (P 1790).

[319] Jacques Godard, Consultation, p. 95-103 in: M. Ch. M. J. Dupaty, *Justification de sept hommes, condamnés par le Parlement de Metz en* 1769, *sur les seules dépositions de Juifs-plaignans...* (P 1787) 112+16 p. (4°), JTS, édition in 8°: BN,Ld184-276. *Cf.* J. Liblin, *Les sept martyrs de Lutzelbourg et les précurseurs de Schinderhannes,* 1768-1786 (C 1864) 30 p. BuS101433. Dupaty's factum was written in connection with an appeal of the heirs of 7 Gentiles who were sentenced in 1769 by the Metz Parliament to be hanged for a robbery against Jews. The famous Metz attorney Roederer prepared a reply to Dupaty's factum ("Notes pour répondre à M. Dupaty", AN,29AP3). In the year XIII an appeal of the heirs was still pending (AN,BB16-467).

[320] On the fight for and against the *More judaïco* in the 19th century see: A. Crémieux, *Plaidoyers sur cette question: le Juif français doit-il être soumis à prêter le serment More judaïco* (Nismes 1827) 32 p.; Ibid, *Second plaidoyer sur cette question...* (Nismes 1827) 40 p. BN,Ld184-212 & 12bis; Ibid, Plaidoyer devant le Tribunal de Saverne. Résistance d'un rabbin au Serment More judaïco. Audience du 31 Décembre 1838, in: *Persécution contre les Juifs. Extrait de l'observateur des Tribunaux, tome I*er, *nouv. série de* 1840 (Sl 1840) 72 p., p. 18-72. BmM,cart.32-33 ("Dans vos esprits, Messieurs, vivent encore ces tristes préjugés, dont le génie même de Napoléon ne fut pas exempt: les Juifs de 1839 sont pour vous les Juifs de 1539... Louis XVIII refusa de renouveler ce décret impie [du 17 Mars 1808]; mais la Restauration amenait après elle son inévitable cortège d'anciens préjugés. A peine donc si les Israélites peuvent compter en France vingt-cinq années d'émancipation. Eh bien! Je le dis hautement, Messieurs, ce qu'ils ont fait dans ce quart de siècle, c'est un miracle!", p. 60, 64.); Xavier Chauffour, *Mémoire adressée à Monsieur le Garde des Sceaux, Ministre de justice* (Mulhouse 1825) 8 p.; Ibid, *Observations sur le serment More judaïco déféré aux Juifs d'Alsace en matière civile, comme serment litis décisoire* (C 1844) 63+36 p. Litho. BN,Ld184-166 & 201; Guillet, *Le Juif français doit-il prêter serment More judaïco* (P 1827); S. Bloch, le Serment juif. *Régénération* vol. I-II (S 1836-7); *Serment dit More judaïco. Déclarations de Messieurs les Grands Rabbins des Consistoires Israélites de France* (P 1844) 16 p. AN,F19-11030; *Serment More judaïco, Extraits des Archives Israélites de France* (P 1844) 48 p. JTS; *Réponse du Consistoire Israélite de la circonscription de Colmar aux articles insérés dans les numéros des* 8 *et* 12 *de ce mois du Courrier d'Alsace sur l'Abolition du serment More judaïco.* (C 22 Mars 1846) 3 p.; M. Hemerdinger, Le Serment More judaïco. *AI,* vol. V, p. 394, 490; Benoit-Lévy, Le Serment More judaïco. *UI,* vol. XXV, p. 716, 752, vol. XXVI, p. 169, 331; *La Gazette des Tribunaux* (1er Mars 1826, 3 Nov. 1827, 29 Oct. 1827, 22 Mai 1828); *Le Courrier des Tribunaux* (17 Juin 1827, 9 9 Fév. 1828, 11 Nov. 1829); *Recueil des arrêts de la Cour de Colmar,* vol. XXIII, p. 161; S. Posener, *Adolphe Crémieux* (P 1933) vol. I, p. 76-87; R. Anchel, *Napoléon et les Juifs* (P 1928) p. 559-568. On the practice of *More judaïco* in the German States see: Litteratur des Judenheides. *Zeitschrift für hebräische Bibliographie,* vol. I (1896-97) p. 17-22. In 1815, the courts of Upper Rhine requested that even Jewish women be bound by the *More judaïco* (ArchCC, 9. A letter from the Wintzenheim Consistory dated June 2, 1815). In 1809, the Court of appeals of Colmar based its decision of *More judaïco* on a German law of many centuries prior to 1789 (ArchCC, Copies of letters, vol. I, p. 140-41). Even the liberal newspaper *Courrier d'Alsace* protested in March 1846 against the decision of the Supreme Court of Appeals which abolished the practice of *More judaïco.* According to the historian A. Mathiez the *More judaïco* was not an act of intolerance toward Jews, but a part of the general fight against usury (*Annales historiques de la Révolution française,* vol. V (1928) p. 374). See also: Abr. Lévy, Le grand-rabbin

while to note that the Alsatian Sovereign Council's regulation of June 10, 1739, on the *More judaïco* was published not as a purely anti-Jewish order, but because of a conflict in connection with a lawsuit of the Jewish creditor Lazare Brunschvick of Thann against the widow of Jacques Rudler, Mayor of Willer. The Jew had to take an oath and the widow requested that he do it before the official Rabbi of Ribeauvillé who was appointed by royal Letters patent. The Jew demanded that the widow pay the expenses for bringing the Rabbi to the court. The Council then published a regulation requiring the Jews to take oath in their manner and language (*langue vulgaire*).[321] Later on the Letters patent of July 10, 1784, on Alsatian Jews fixed the *More judaïco* as forced upon Jews. Nothing is known about any 18th century Jewish protests against this custom. Curiosly, the anti-Jewish City of Strasbourg disliked this practice. In a letter of Oct. 18, 1769, de Meaupeou wrote to the attorney de Boug that the *More judaïco* was not applied in the law-courts under the jurisdiction of the City, but that recently two Jewish witnesses had refused to take oath otherwise than before the Rabbi, in accordance with the Sovereign Council's regulation of June 10, 1739. Should the *More judaïco* be applied in the court, the expenses for bringing the Rabbi to the court would aggravate the judicial budget. De Boug, one of the best jurists in Alsace and author of a collection of decisions of the Council, replied in a written brief on Oct. 30, 1769, that the use of the *More judaïco* had already been regulated in 1739, but that in its contents this oath was similar to any oath of Christians and should be taken before a judge, as was the practice with Jews outside of Alsace. The two Jews had no right to refuse taking oath before the judge. According to de Boug the *More judaïco* was unknown in some lower Alsatian courts and he himself saw Jews taking the oath before the Council without a Rabbi; he knew only one case of practicing the *More judaïco* before the Council, in a lawsuit against Aron Bloch of Bischeim, who propagandized among the peasants inducing them to emigrate, which was against the law. According to de Boug, who was strongly anti-Jewish-minded, the *More judaïco* was not a law in Alsace, but a custom."[322]

Isidor et le serment More judaïco. *UI*, vol. XXXXIV (1889) p. 373-74; L. K.[ahn], Le Serment judaïque. *AI*, vol. XXXXVII (1892) p. 270-71. On a *More judaïco* case in a Paris law-court in 1872 see: R., Le Serment More judaïco à Paris. *AI*, vol. XXXIII (1872) p. 621-22.

[321] de Corberon, *oc.*; de Boug, *oc*, vol. II, p 208, 328. In 1739 the widow and children of Jacques Rudler of Willer were sentenced to repay to Lazard Brunschwick a 1731 loan of 1,539 pounds. As the Jew did not have any cash-books, he had to take an oath before the Rabbi. The debtors asked to bring the Royal Rabbi (appointed by Letters patent). The Jew agreed if the debtors would pay the expenses. As the debtors did not reply, the Sovereign Council ordered them on June 10, 1739 to repay the debt. *ERCSA* [10 *Juin* 1739] 3 p. AmS,AA174; Corberon, *oc.*

[322] "Par la Loi Romaine que nous suivons dans [la] Province, les Juifs sont tenus de se conformer à toutes les formalités judiciaires usitées dans les Tribunaux de la justice. C'est donc à tort après cela que les deux Juifs assignés pour déposer comme témoins par devant les officiers de la Maréchaussée de Strasbourg, prétendant qu'ils refusent... être tenus de faire serment entre les mains du juge qui reçoit leur déposition et que selon leurs obser-

Jews were not even permitted to reside in Colmar, the site of the Sovereign Council, which was the Alsatian supreme court. They could stay in Colmar only for very short visits.[223]

In a petition of December 1771, the Alsatian Jewish leaders demanded that the right to judge cases of usury be taken from the local judges and reserved only for royal law-courts functioning under the jurisdiction of the French laws. The Jews (with the aid of a brief written by H.P. Simon, who was since 1770 attorney at the Council) proved in accordance with Article 202 of the Ordinance of Blois of 1254, that usury was a criminal offense which could be punished by confiscation of property or deportation; that only royal judges could pass such severe sentences; that the privileges of local, seigniorial judges were mostly limited to watching over the safety of people's properties and over social welfare.[224] The Jews further stated that the Ordinances of 1311, 1312 and 1576 on fighting usury were drawn up as regulations for the royal judges only. In the same spirit were published the decisions of the Besançon Parliament of Nov. 17, 1751 and of the Paris Parliament of March 11, 1623 and March 18, 1625. The local, seigniorial judges of Alsace, they claimed, were people lacking in culture, without any spirit of justice, brutal and incapable of objectivity in the passing of sentences. The Jews stated that they approved of sentencing Jewish usurers, but that this should be done within the framework of the law

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vations particulières, c'est à leur Rabbin à prendre ce serment, puisqu'en empire le contraire s'observe actuellement et qu'ils prêtent serment entre les mains des juges suivant la formule dont j'ai parlé [formule de 1538] et que je rapporte... je ne puis l'affirmer aussi positivement pour les matières criminelles, on m'assure au contraire qu'à cet égard l'usage est varié dans les justices subalternes et qu'il y a des juges que dans les procédures qu'ils instruisent à l'extraordinaire se servent du ministre des rabbins pour faire prêter aux Juifs et d'autres qui ne le font pas et donnent le serment eux-mêmes. Je me suis informé des officiers de la maréchaussée de cette ville [Colmar] quel était leur usage sur ce point et ils m'ont dit que le cas s'était présenté très souvent où des Juifs avaient été obligés de prêter serment par devant eux soit comme témoins, soit comme accusés, mais que jamais ils ne s'étaient servis du ministère d'un Rabbin à cet effet. A l'égard de l'usage du Conseil [Souverain] d'Alsace en matière criminelle, j'ai vu depuis 22 ans plusieurs Juifs impliqués comme accusés dans des procédures à l'extraordinaire et être entendus à la Chambre, soit sur la sellette, soit derrière le Barreau suivant que le cas l'exigeait, plusieurs même ont été appliqués à la question; mais jamais, ils n'ont été assistés d'un rabbin pour prêter le serment requis. M. le Président le leur donnait seul en observant simplement de leur faire mettre le chapeau parce que selon eux ils doivent être couverts quand ils parlent à Dieu et de les faire jurer dans les termes suivants[:] *je jure et je promets par le Dieu tout-puissant qui a créé le ciel et la terre, sous peine de damnation de mon âme, de dire la vérité.* Les officiers de la Maréchaussée de Colmar m'ont dit qu'ils en usaient de même" (ZS).

[223] A few Gentile innkeepers were allowed to keep Jewish servants for the Jews visiting Colmar, but in 1780 the Jewish servant David Lévi was ordered to leave the city. On Dec. 18, 1781, the Alsatian Jewish leaders Cerfberr and Isaac Meyer demanded that the city annul the order because many Jews must come to Colmar in order to plead before the Sovereign Council. The City Council allowed innkeepers to keep Jewish servants, but emphasized that this did not mean that the latter might reside in Colmar (AmC,AA176).

[224] The law-courts of the seigniorial cities were composed of a bailiff, a provost (*prévot*), four to eight advisers, an attorney-general on fiscal matters, and a court clerk. They were all appointed by their seignior, who had the right to recall them.

and only by royal judges."[325] On Dec. 17, 1771, the Sovereign Council rejected the Jewish demand on the grounds that (1) the Jewish leaders were not the "guardians or the avengers" of the royal jurisdiction; (2) the Jewish petition was only a collection of unworkable maxims, since no local royal law-courts existed in Alsace, so that to deprive the seigniorial judges of the right to pass sentences on usurers would mean to reinforce the practice of usury; and (3) according to the Jews' demand, only the interested person (i.e. the debtor) could ask for justice, but according to the jurisprudence of the Alsatian Sovereign Council, the same right belonged to the administration (*partie publique*).[326] In March 1781, the Jewish leader Cerfberr demanded again that cases of usury be tried only in royal law-courts.[327] The same demand was made in 1784 by de Mirbeck, in his memorandum against the Letters patent of July 10, 1784.[328] Not only Jews distrusted non-royal law-courts. In 1780,

[325] "A Nos-Seigneurs du Conseil Souverain d'Alsace supplient humblement les préposés généraux des Juifs de la Province d'Alsace. Disant: que le crime d'usure intéresse essentiellement le public: sa vengeance doit donc appartenir aux seuls juges roiaux chargés de soin de veiller à la sûreté publique à l'exclusion des juges seigneuriaux dont les justices ne sont que de purs privilèges accordés aux seigneurs, plutôt pour la conservation de leurs domaines et droits que pour considération du bien public. Les justices seigneuriales ne sont exercées que par un Bailly, un Greffier, et un Procureur fiscal: en supposant aux Baillis de toute la province toutes les lumières naturelles et acquises, l'inexpérience, la malice et la crédulité de presque tous les procureurs fiscaux qui ne sont pas même gradués et qui ne sont ni reçus ni examinés au Conseil [Souverain] donnent lieu à des vexations et à des procédures extraordinaires contre la nation juive, sous prétexte d'usure, de sorte qu'il n'y en a pas un d'entre eux, quelque titre légitime dont il soit nanti, qui ne courre risque d'être appréhendé au corps sur la requête de plainte d'un débiteur authentiquement obligé. Ce qu'il y a même de plus frappant, c'est que dans les justices seigneuriales composées d'un seul juge, les accusés sont privés de la faveur que l'ordonnance leur accorde en voulant que les décrets passent à l'avis le plus doux; comment cela serait-il possible dans les juridictions où il n'y a qu'un sul juge, la liberté et le sort des citoyens dépendra donc d'un seul homme dans un royaume où les lois publiques ordonnent le contraire même, en matière d'instruction... L'article 202 de l'ordonnance de Blois fait défense d'exercer l'usure, sous peine pour la première fois d'amende honorable, bannissement et condamnation de grosses amendes et par la seconde confiscation de corps et de biens. Ces peines servent à faire connaître que le Roi réservait la connaissance de ce crime aux seuls juges royaux puisque les juges des seigneurs sont incompétents pour édicter la confiscation de corps et de biens contre un sujet du Roi. Les ordonnances de Philippe IV en 1311 et décembre 1312, de Louis XII en 1500 et Charles IX en 1567, de Henri III en 1576 concernant le crime d'usure, ne sont adressés qu'aux juges roiaux. Guenois, compilateur des Ordonnances de la Monarchie dit que par la pratique du Roiaume, la connaissance du crime d'usure est un cas roial... Les supplians n'entendent pas favoriser ni prêter appui aux Juifs qui auraient eu le malheur de s'abandonner à l'usure, ils déclarent qu'ils verraient leur punition avec plaisir pourvu qu'elle fut édictée par les juges roiaux et conformément aux règles tracées par l'Ordonnance criminelle au titre de plaintes, dénonciations. Signé: Simon, procureur des supplians" (ZS).

[326] Holdt, *oc.*, Dec. 17, 1771.

[327] "Des ministres des Autels s'érigeant de leur chef où par des suggestions criminelles en Commissaires revêtus d'une autorité particulière se soient permis de rechercher avec autant de scandale que d'infidélité, des dépositions et plaintes d'usure pour ensuite les remettre à des procureurs fiscaux." AmStg,AA2383.

[328] "L'usure étant un cas Royal, les Justices des seigneurs n'en devoient pas connoître; cependant il en est peu, dans la province d'Alsace, dont les officiers ne se soient permis les procédures criminelles et les décrets les plus rigoureux, contre les Juifs, sur toutes les accusations relatives à l'usure". AN,K1142.

non-Jewish official administrative circles prepared a project to create a royal law-court (*siège royal*) in the seigniory of Belfort (Upper Alsace). The authors of the project stated that Alsace was the province with the least number of royal law-courts.[329] There existed a lack in courts of the medium class. between the Sovereign Council and the seigniorial judges. Because of this state of affairs the Council was forced to occupy itself with minor suits and both parties of lawsuits were frequently ruined.[330]

29. LAWSUITS

It is worth while to analyze some lawsuits between Jews and Gentiles as they are one of the best sources on the condition of credit, commerce, etc.

Jews were accused of falsifying documents. The Gentiles Gropper, Belsch and Rendelsheim accused in the 1780's the Jews Jacques Lévy and Abraham Bernheim of Habsheim of falsifying I.O.U.s of the debtors Bauman of Riedisheim and T. Werner Berenzwiller; they maintained that the Jews had asked them to sign as witnesses, but the Jews stated that the three Gentiles were even unable to sign their names.[331] The Comte du Trevoux was a debtor for the sum of 86,000 pounds. In 1717, he decided to speculate with promissory notes which he took on loan from the Jewish banker Mayer de Coblents of Metz. He added on the notes a remark that they were already partly repaid, and in order to insure himself against any lawsuits he first brought the Jew to justice.[332] Very frequently debtors provoked lawsuits against their creditors just in order to postpone payment of the capitals of their debts or interest. In March 1778 Sébastien Diebolt of Schvindratzheim bought on credit cattle from the Jew Gotschel Löwel of Minwersheim. The debtor refused to pay and he provoked 7 lawsuits and appeals against his creditor, but the Sovereign Council sentenced him to repay the debt.[333]

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[329] Royal law-courts existed only in Colmar (the Sovereign Council), in the bailiwicks of Haguenau, Wissembourg, Guermisheim and Landeck, in Brisach, Huningue, Ensisheim and Fort-Louis (AN,K1236. Florimond's notes).

[330] "Aucune province de France n'est plus dépourvue que l'Alsace de Tribunaux intermédiaires, entre la cour souveraine et les justices des seigneurs institués dans toutes les autres Provinces du Royaume, tant pour juger en dernier ressort ou par provisions des affaires médiocrement importantes, que pour remédier à la chicane des plaideurs, qui par le moyen d'appellation toujours difficile à anéantir, cherchent à éluder le paiement de ce qu'ils doivent légitimement; dispenser les sujets du Roi de quitter leurs foyers pour plaider sur des objets de peu de valeur... Le Conseil souverain d'Alsace... en est souvent distrait par les détails minutieux où il est forcé de descendre faute d'un pareil établissement dans la partie méridionale de cette province [Sundgau]. Toutes se portent indistinctement par appel des premiers juges devant ce Tribunal... les affaires majeures comme les minutieuses en souffrent et leur longueur obligeant les malheureux plaideurs à multiplier les voiages, achève de les écraser." AdHR,E2949.

[331] ZS.

[332] *Factum pour Mayer de Coblents, banquier juif de Metz, appelant Contre Mre André de Bressillac, comte de Trévoux* (M 17-) 10 p. BmN,ZZ 174/6.

[333] AdHR,IBE66. A lawsuit of Isaac Leib Sée of Bergheim and Israél Mayer of Scherwiller against their debtor Ch. M. Bussy, Attorney-General

The mania of lawsuits involved considerable expenses. If the debtors lost their suits—and in most cases the courts were forced to pass sentence against them—they had to pay not only the debts, but also the court expenses, pay their lawyers, the expenses of their creditors, etc.[334] On May 16, 1759, the Sovereign Council ordred the judges to pass sentences quickly because both parties suffered greatly from the long delays.[335]

Frequently debtors disappeared and their creditors were forced to search for them. Of 25 Jews who resided without passports in Paris in 1721, eight came to search for their debtors or because of lawsuits.[336] Creditors were forced to compromise and accept only parts of the debts. Meyer Weil of Ribeauvillé granted a loan of 20,543 pounds to the Prince Christian III de Deux Ponts. In 1739, the creditor requested the Sovereign Council to order his debtor to repay him the debt and interest, but many years later Mathias Weil, the creditor's heir, was forced to compromise and accept from the debtor's heir only 900 pounds.[337] Well-known Jewish bankers were ruined because their debtors went into bankruptcy. This happened—among many others—to Gerson Jacob Goudchaux (1768-1818), the father of Michel Goudchaux, who became Minister of Finances in 1848.[338] Sometimes a creditor was able through a lucky trick to obtain his money. The Comtesse du Barry refused to repay a debt of 60,000 pounds to Michel Oulif of Metz. In 1772, Oulif sold her a piece of jewelry for 6,000 pounds and without knowing it she signed an I.O.U. for 60,000 pounds, which she was forced to recognize as valid.[339]

Many Jewish debtors, too, refused to honor their I.O.U.s. The

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of St.-Hippolyte continued during the years 1773-1778 (Isaac Bloch, Une expulsion des Juifs en Alsace... *REJ*, vol. XXXI (1895) p. 87). The famous 18th century affair of the *Collier de la Reine* in which the Strasbourg Cardinal de Rohan was involved as a debtor of Cerfberr continued even during the 1860's (*AI*, vol. XXIV (1863) p. 775).

[334] In a lawsuit against his debtor Albrecht Helling of Cernay, the Jew Marx Guintzbourger of Brisack incurred one hundred different expenses (AdBR,IBE11d).

[335] *ERCSA* [C16 Mai 1759] 3 p. AmS, vol. 951-121. Klinglin of Strasbourg took in 1749 a loan of 45,000 pounds from a Jew, but refused to repay the capital or interest because another of his creditors had already a juridical mortgage against him. Because of this the Jew himself could not pay his own debts. A lawsuit between the heirs of both parties went on during the Revolution (AdHR,E2757). Similar cases happened to Alexandre Séligmann (Cerfberr's son-in-law) who granted a loan of 20,000 pounds to a Catholic religious institution (AN,BB16-624), and in a lawsuit of Abraham Isaac Brisac against Goussard de Montigny (AdM,J1104). The same happened to the Gentile creditor Chabouille of Paris who was forced during the Revolution to abandon his business and search for his debtor. *Mémoire justificatif du citoyen Chabouille* (P an III). AN,AD-XL-59.

[336] L. Kahn, *oc*, p. 6-7, 14. Hayem Worms tried for many years to find his debtor: *Mémoire pour Hayem Worms...* (P 1784) 79 p. BN,4F33106.

[337] AdHR,E899. J. F. Klinglin, the Royal praetor of Strasbourg, forced the Jew Raphael Lévy to grant him loans for a sum total of 80,000 pounds. Lévy, who was a well-known army contractor, was forced to accept in 1751 repayment of only 24,000 pounds. *Mémoire de M. Klinglin, prêteur royal de la ville de Strasbourg* (Grenoble 1753); I. Loeb, *oc.*, p. 149-54.

[338] E. Carmoly, Galerie israélite française, Michel Goudchaux. *AI*, vol. XXIV (1863) p. 609.

[339] *Ibid.*, Michel Oulif et la comtesse du Barry. *AI*, vol. XXIII (1862) p. 111-12.

Jew Hirsch Heineman of Mülhausen in Thyringen granted a loan of 1,640 *carolinen* to Gerson Lévy of Metz. In 1789 the creditor wrote to the National Assembly that should the Assembly force his debtor to repay his debt, half of it would be donated for a patriotic institution."[440]

Jews frequently fell victims of the diversity in different jurisdictions. The Alsatian Jew Meyer Aaron Dreyfues granted a loan of 1,200 Louis to Marie Meyer Fechter of Basel, but later she agreed to repay only 1,170 pounds. Because she resided in Hegenheim (Alsace) the Jew took her to justice. The debtor then attacked the Jew before the Senate of Basel which obtained an Alsatian court's order to arrest the Jew on the basis of a Basel sentence (which was against the Alsatian Laws). The Jew appealed to the Sovereign Council which on Oct. 3, 1763, passed sentence in favor of the Jew, but in the meantime Dreyfues spent a long time in prison and incurred expenses, without any hope to regain his money.[441] Creditors could not regain their money because they lost the I.O.U.s.[442] Many debtors were themselves speculators, many were spendthrifts who never aftempted to repay their debts.[443]

30. THE ATTITUDE TOWARD JEWS AND CREDIT

Usury was the main argument of anti-Jewish propaganda, especially on the eve of 1789, when the liberal circles could not be reached by anti-religious feelings against Jews. Two trends toward Jews could be observed in the public opinion of that time: According to one group, usury, laziness and dishonesty were a part of the Jews' nature and the Jewish religion. Another group stated that Jews

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[440] AN,D-XXIX-89.

[441] *Mémoire pour Meyer Aaron Dreyfues... contre la veuve Fechter de Basle* [C 1763].

[442] On March 30, 1699, Prince de Birckenfeld took from three Gentiles of Strasbourg a loan of 21,000 florins. They charged an usurious rate of interest because "money was rare" (*l'argent étoit rare*). The debtors' heirs refused to repay the debt and the creditors possessed only a copy of the original I.O.U. The same Prince left to his son a heritage which consisted of unpaid debts and the son was forced to obtain from the Jew Meyer Weil of Ribeauvillé a loan in order to repay these debts. In 1731, he took again 7,000 pounds from the Jew in order to cover the expenses of a voyage to Paris. Later he refused to repay the debts to Weil. AdHR, fonds Corberon-Bruges, vol.12,Nos.2,14.

[443] The priest Jean-Pierre Phister of Buettuviller took in 1720 a large loan from Hirtz Salomon of Thann in order to buy 1/10 of the land of Fessenheim. *Factum pour Me. Pierre Phister, prêtre & curé de Buettuviller, contre Hirtz Salomon, Juif...* (sl 1723) 26 p. BN,naf22705f.243 & BuS32881. In 1780 Beatrice Krafft charged that her husband, who was a debtor of Marx Lévi of Wintzenheim, was a heavy spender (AmC,FF318). The Baron Charles Anselme de Warsberg was a spendthrift and refused to repay the debts to his creditors Isaac Mayer and Gottschalk. In the 1760's he had an annual income of 60,000 pounds, but he still was forced to sell in a short time a heritage in the value of 120,000 francs and to take loans totalling 300,000 francs (according to the rate of 1807). Fritsch et Georgel, avocats en la cour, *Le réveil trompeur de la Judée. Précis pour Charles Théodore et Alexandre de Warsberg, propriétaires résidans à Sarrebourg... contre Gotschalk et Isaac Mayer, Juifs, domiciliés à Mannheim* (Trêves 1807) 8 p. JTS.

were forced into dishonest professions by the many anti-Jewish laws and restrictions of the countries where they resided.

It was an almost universal belief that the Talmud allowed, and even ordered, to charge usurious rates of interest on loans granted to Gentiles. Nicolas de Corberon, First President of the Alsatian Sovereign Council in 1700, wrote so in his collection of Alsatian acts.[444] Turgot, the Minister of Finances of Louis XVI believed that Jews were allowed by their religion to engage in usury.[445] But soon more liberal voices began to defend the Jews. In 1780, the bailiff of Benfeld, Hoffmann, wrote that the anti-Jewish restrictions forced the Jew to engage in usury.[446] The Commission which prepared the Letters patent of July 10, 1784, and the famous Metz attorney P.L. Roederer, were of the same opinion.[447] In a 1784 Strasbourg

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[444] de Corberon, *Recueil...*, p. 600-602. J. B. de Boyer Argens started his 1737 book *Mémoires du Comte de Vaxere, ou le faux-Rabbin* (Amsterdam 1749) with a letter to an imaginery Metz "Usurer and Rabbi." In the same spirit wrote the priest Ch. L. Richard in his anti-Jewish pamphlet *Lettre du Rabbin de la Synagogue des Juifs de Metz, au Sieur Liefmann Calmer, propriétaire de la baronnie de Péquigny. 5 Août* 1777 (sl nd) 10 p. BN,Fb 17810. [On Liefmann Calmer see: Un Juif seul contre tout le Parlement de Paris, in: *Recueil de pièces intéressantes sur les deux questions célèbres, savoir, si un Juif converti au christianisme peut épouser une fille chrétienne...* (P 1779);I. Loeb, Un baron juif français au 18e siècle, Liefmann Calmer. *Annuaire des AI*, vol. II (1885-86).] An 18th century Lorraine pamphlet presented the same idea in the form of a dialogue between Jews: *Hattarat Nedarim, ou Absolution de promesses* (sl nd) 8 p. BN,naf22706f.55.

[445] Turgot, *Théorie de l'intérêt de l'argent...* (P 1780) p. 3. On Feb. 12, 1751, the Marquis d'Argenson wrote that if the Protestants were fought against, they would be forced — the same as the Jews — to invest all their money in army contracting business and this would, of course, be useful to the Monarchy's finances. Arnaud Brette, *La France au milieu du XVIIIe siècle* (1747-1757) *d'après le journal du Marquis d'Argenson* (P 1898) p. 125-26. During the Revolution as well as in the 19th century, many circles believed that Jews were permitted by their religion to engage in usury, e.g. in the *Weltbote* of Strasbourg (E. Mühlenbeck, *Euloge Schneider* (S-P 1896) p. 6); "L'usure... ce monstre paroit l'avoir choisi [le Juif] pour son argent" (A letter of the National Guard of Sarreguemines. AN,D-IV-XLIV d.1267); "leur Thalmud qui leur fait un devoir de tromper": Louis Poujol, *Quelques observations concernant les Juifs...* (P 1806) p. 51; "l'un de ses préceptes vous fait un mérite et presqu'un devoir de tromper un Chrétien": B..., avoué, *Dialogue entre un avoué et un Juif de Metz, ou brève dissertation sur le décret impérial du* 17 *mars* 1808 (M 1808) p. 14; "Le Juif, imbu des maximes de son talmud, enhardi à l'usure et à la vexation par un faux zèle de religion: *Quelques idées sur l'usure des Juifs dans les départements du Haut-Rhin et du Bas-Rhin*, par un Sundgauien (P 1818) p. 39; Moreau. *De l'incompatibilité entre le judaïsme et l'exercice des droits de cité* (P 1819) p. 27, 80; de Lancastel, *oc.*, p. 24-36; "la source du mal existait dans une habitude invétérée, dans leurs principes héréditaires et dans la fausse interprétation que des rabbins fanatiques avaient donnée au fameux passage du Deutéronome: Non fene rabis fratri tuo, sed alieno". Dagobert Fischer, *Etude sur l'histoire des Juifs dans les terres de l'évêché de Strasbourg...* (M 1867) p. 29 (reprint from *Revue de l'Est*); "L'usure est donc pour le fidèle du Talmud un acte de Sainteté": Gougenot de Mousseaux, *Le Juif, le judaïsme et la judaïsation des peuples chrétiens* (P 1869) p. 159, 180.

[446] "Nous ne leur laissons d'autre ressource que le prêt à usure, et les obligeons d'être usuriers sous peine de mourir de faim. Est-il étonnant qu'ils le soient?... je n'entends pas leur en faire un reproche, il ne peut tomber que sur ceux qui les ont mis dans la nécessité de cette profession malhonnête." Hoffmann, *oc.*, vol. IV, p. 443-444.

[447] "Tous les moyens honnêtes de subsister leur sont interdits." R. Anchel, Les Lettres patentes du 10 Juillet 1784. *Festschrift zu Simon Dubnows siebzigsten Geburtstag* (Berlin 1930) p. 190; "ses vices ont été notre ouvrage." L. Kahn, *Les Juifs de Paris pendant la Révolution* (P 1898) p. 9.

manuscript, written in the form of a dialogue between a bailiff and an Alsatian named A-m-f, the latter stated that Jews could become honest men and anti-Jewish feelings could be destroyed by abolishing the anti-Jewish restrictions.[348]

But even the pro-Jewish circles sincerely believed that Jews were ruining the people. Very seldom was any attempt made to show how useful the Jewish creditor was to the country's economy. Even to the liberals the Jews were an uncivilized mass.[349] Some liberals voiced the opinion that by engaging in usury the Jews wanted to avenge themselves on the Gentiles for all the anti-Jewish persecutions.[350] Even H. Grégoire, the great fighter for the Jewish emancipation, believed on the eve of 1789 that Jews ruined the peasants and avenged themselves on the Gentiles. His proposals on the ways of fighting usury were based on his belief of "Jewish rapaciousness" (*rapacité judaïque*).[351]

In later periods, during the Revolution and the 19th century, too, liberal Gentiles stated that Jews were forced to engage in usury.[352] The Jews repated on many occasions that they were allowed

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[348] "Fragments d'une conversation entre un Baillif d'Alsace et Mr. d'A-m-f de l'A-, touchant les Juifs d'Alsace." AmStg,AA2393 and AN,F12-854B.

[349] It is worth while to note the statement of the historian Paul Bettelin that the Alsatian Gentile population of the 18th century was not all cultured. *Le Général Marc-François-Jérôme, Baron Wolff...* (Ambilly-Annemasse 1943) p. 9.

[350] Such opinions were expressed by the Lorraine attorney P. L. Lacretelle in his above-mentioned plea of 1774 and by Jacques Godard in the above-mentioned brief of 1787.

[351] H. Grégoire, *Essai sur la régénération... des Juifs...* (M 1789) p. 71-80, 92-99. Even in 1806 the Jewish leader Berr-Isaac Berr was forced to reply to Gregoir's attacks on the Jewish religion. *Lettre du sieur Berr-Isaac Berr... à M. Grégoire, sénateur* (N 1806). The Nancy attorney Thiery held similar opinions — that Jews ruined the peasants, the youth, etc. *Dissertation...* (P 1788) p. 22-24. The historian Abraham Cahen noted that even the best defenders of Jews knew very little of the internal life of the Jewish communities, e.g., H. Grégoire believed that the prohibition of the Metz community to use powder was an anti-sanitary act, while actually the Jewish leaders intended to prohibit luxury. A. Cahen, *Règlements somptuaires de la communauté juive de Metz...* (Versailles 1881) p. 7-8.

[352] E. Seinguerlet, *Strasbourg pendant la Révolution* (P 1881) p. 65-66 (Euloge Schneider's statement of July 16, 1793); Charles du Bus, *Stanislas de Clermont-Tonnerre et l'échec de la Révolution monarchique* (P 1931) p. 213: "Des hommes qui ne possèdent que de l'argent, ne peuvent faire valoir que de l'argent, voilà le mal; qu'ils aient des terres et une patrie, et ils ne prêteront plus: voilà le remède"; M. Vieillard, *Dissertation sur la demande des Juifs de Paris...* (sl nd) p. 5-6; J. B. Sanchmau, *L'école des Peuples et des Rois, ou essai philosophique sur la Liberté, le pouvoir arbitraire, les Juifs et les Noirs* (P 1790) p. 82: "Nous leur arrachons presque tous les moyens de subsistance, et nous leur faisons le reproche d'user envers nous d'astuce et d'adresse"; *Revue des grandes journées parlementaires*, vol. I, p. 19, Prince C. V. de Broglie's statement of Dec. 24, 1789: "il faut convenir que les règlements mêmes en vertu desquels les Juifs sont tolérés en Alsace, ne leur présentant d'autre moyen de subsistance, d'autre genre d'industrie que le commerce de l'argent"; De Laissac, capitaine au Régiment de Limousin, *Lettre à M. le Chapellier, membre de l'Assemblée Nationale* [P 1790] p. 21: "Je conviendrai que n'ayant eu jusqu'ici d'autre ressource pour vivre que les métiers de fripier, d'usurier, d'espion &c, il leur étoit difficile d'être rigides observateurs de la probité"; Paul Leuilliot, *Les Jacobins de Colmar...* (S 1923) p. 339-40; [F. R. Cottier,] *Dialogue* (Carpentras 1789) p. 9: "[Le Juif:] Le mépris dont on nous accabloit, étouffait en nous le germe de la vertu... on aplanissait la route qui pouvoit nous conduire au crime"; "la morale des Juifs, elle ne peut être mauvaise, puisque Dieu la leur a enseignée, mais l'avilissement dans lequel nous tenons depuis treize siècles cette

to make a living only from granting loans; they were not permitted to engage in useful and honest occupations; that they were ruined by dishonest debtors, etc."[353]

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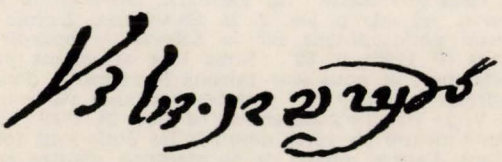
nation malheureuse, n'a sans doute pas peu contribué à la dégrader..." (Statement of the Colmar *Bureau intermédiaire*, May 1790. AdHR,C1602); *Lettre d'un citoyen, aux Gardes-Citoyens de la Ville de Nancy, en réponse à la question: les Juifs doivent-ils être admis dans la Milice Nationale* (sl nd) p. 4: "l'existence précaire & équivoque que l'on a bien voulu accorder aux Juifs, les a forcés d'adopter pour mœurs, & de pratiquer pour commerce, la fraude, l'astuce & l'usure"; [Hell,] *Les Juifs d'Alsace doivent-ils être admis au droit de citoyen actifs. Lisez et jugez* (S 1790) p. 133; M... [de Foulaines,] *Harmonie des cultes...* (P 1808) p. 161: "Quoi qu'il soit doux de trouver à emprunter, il est dur d'être obligé de rendre. Le plaisir d'être secouru dans son besoin passe avec la satisfaction de ce besoin. Il est presque dans la nature des hommes et des choses que pour devenir odieux, il suffit de prêter même loyalement"; "...une population si longtemps habituée à ne pouvoir se fier à aucune chance de solidité et que les préjugés publics n'en retiennent que trop encore dans cette méfiance" (Report on usury in the arrondissement of Saverne, Aug. 27, 1820. AdBR,3M15); M. Auger, preface to: *Oeuvres de P. L. Lacretelle* (P 1823) vol. I, p. vj: "...cette nation, qu'à force d'oppression et de mépris, on avait réduite à chercher un refuge dans la fraude et une vengeance dans l'usure." "Il n'est personne qui n'éprouve un sentiment de répugnance à l'approche de l'un de ces êtres avilis, âpres au gain, impropres au travail, croupissant dans la misère la plus abjecte, au cœur desséché, à l'esprit vide de toutes grandes idées... c'est nous qui avons réduit cet homme à cet état de dégradation... c'est nous qui, en l'oppressant, en avons fait un ennemi" (*Le Glaneur du Haut-Rhin*, May 28, 1848).

[353] M. Chauveau, *Pétition de Messieurs les Juifs du Haut-Rhin à l'Assemblée Nationale* (P [179-]) p. 3: "Les vices des Juifs naissent de l'avilissement dans lequel vous les avez plongés; ils seront bons quand ils pourront trouver quelque avantage à l'être"; *Zuschrift der elsassischen Juden an die übrigen Einwohner des Elsasses* [S 1790]: "Ne nous forçait-on pas, en quelque sorte, à nous dédommager des privations qu'on nous imposoit, & à racheter les taxes arbitraires auxquelles nous étions condamnés?"; *Lettre du Sr. Lion Goudchaux, Juif de Nancy, à M. l'abbé Maury...* (sl 1790) p. 5, 11: "Vous parlez, Mr., de la fortune de quelques Juifs, vous ne dites rien de l'avilissement & de l'humiliation de tous... Ils (les Juifs d'Alsace) ne pourront pas être les fléaux des campagnes par l'usure, libres par la loi d'acquérir, de commercer, de travailler, de se livrer aux arts & à l'étude des sciences, ils ne seront pas restreints, pour subsister & faire subsister leur famille, à l'unique ressource de faire valoir leur argent. Ils seront soumis, pour la rédaction & l'exécution de leurs conventions, aux Lois & aux Statuts qui en prescriront la forme."



Signature on a Counterfeit Receipt (see also p. 17).

(Departmental Archives of Upper Rhine, IBE62.)

VI. - The Case of the Counterfeit Receipts in Alsace, 1777-1789

31. THE BACKGROUND OF THE CASE

Jewish history knows of many conflicts between Jewish creditors and their Gentile debtors. Yet the *Case of the Counterfeit Receipts in Alsace* (*L'Affaire des fausses quittances*) is unique in its character, its scope, and its repercussions. So great was the misery of the Alsatian peasants that when they were given a chance to avoid payment of their debts to Jewish creditors by illegal means, they readily seized the opportunity to do so. Thus, toward the end of 1777, began the unusual affair which endangered the economy of the entire French province, brought about the economic ruin of the Jews, threatened their very existence, and even influenced the struggle for the Jewish emancipation during the Revolution of 1789.

Towards the end of 1777, and particularly during 1778, Alsace was inundated by a mass of counterfeit receipts "signed" in Hebrew characters, purportedly by Jewish creditors (Alsatian Jews rarely signed documents in Latin characters). When the Jews requested the payment of debts owed them by Gentile debtors, they were presented with these falsified receipts for sums allegedly paid them in partial or full payment of the debts. It immediately became apparent that a well-organized group had persuaded the Gentile debtors, mostly the peasant-debtors, not to repay their debts. With the help of a few converted Jews, or of a Gentile who had learned to write the Hebrew alphabet, this group fabricated a mass of receipts, signed them in Hebrew with the names of the creditors, and sold these falsified documents to the debtors.[354] There had always been isolated cases of counterfeiting receipts on the part of debtors, of forcibly recovering I.O.U.s, or even of murdering creditors.[355] This time, however, the cases were far from isolated.

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[354] See on p. 17 the reproduction of such a counterfeit receipt.

[355] In 1756, the Jew Abraham Lévy of Wittelshiem declared that a receipt dated Sept. 16, 1743, and presented to him by his debtor Jean George Rohrbach was falsified (AdHR,IBE54b). In 1702 the butcher Jacques Durand of Metz assassinated his Jewish creditor Joseph Cahen (see note 302). In 1767, a Gentile of Colmar was sentenced to die for killing his Jewish creditor: J. Sée, Hausbuch von Dominicus Schmutz. *Les Chroniques d'Alsace,* vol. I (C 1878); J. Liblin, Chronique du serrurier Dominique Schmutz de Colmar. *RA* vol. XXIV (1874) p. 260; Les Juifs d'Alsace au XVIIIe siècle. *UI,* vol. XXXIV (1878) p. 200-202. Hyacinthe Renault, a lawyer of Blâmont, attacked his Jewish creditor Isaac Lévy of Imling and took away from him by force the I.O.U. *Consultation* [pour Isaac Lévy] (N 1758); *A Nosseigneurs... Isaac Lévy, Juif... contre le sieur Charles-Léopold Renault...* (N 1758); *Premier interrogatoire du Sieur Renault fils...* (N 1758); *Réplique pour les sieurs Reynault... contre Isaac Lévy...* (N 1758) BmN, 7844/6-12.

It was a mass movement to erase the debts by an illegal ruse.[356]

These were tragic times for the Alsatian Jewry. Right from the beginning the counterfeiting of the receipts was accompanied by wild acts of terror aimed against the Jews. Anti-Jewish riots occurred at the end of August 1778, and many Jews had to escape from their homes to save their lives.[357] On September 2, 1778, the abbot de Raze wrote to the Bishop of Basel that in Alsace (particularly around Than, Dürmenach, Hagenthal) preparations were made to assasinate all Jews at a time when they would be assembled in their synagogues. He wrote that in some localities Jews had already been "almost mortally" wounded, and that some Jewish houses had been destroyed.[358] A pamphlet published during the Revolution maintained that Hell, the bailiff of Landser, and his friends, were prepared to kill the Jews on the day of September 30, 1778 (when they would be assembled in the synagogues; in the year 1778, the Day of Atonement fell in the evening of September 30 and on October 1).[359] A one-page leaflet entitled *Malédiction*, telling the story of the crucifixion of Jesus by the Jews and pointing out that Jews were permitted by their religion to deceive Christians, was distributed among the inhabitants of the province.[360] A book, *Observations d'un Alsacien* (written by Hell, as will be seen subsequently), full of anti-Jewish accusations and bringing the first account of the counterfeiting, largely helped to create the anti-Jewish atmosphere and to continuing the counterfeiteing activities.[361]

32. THE FIRST DECREE OF THE SOVEREIGN COUNCIL ON THE RECEIPTS, JULY 11, 1778

In 1790, the Jew Abraham Lambert of Metz wrote that the Jews lived in the 18th, not in the 9th century, and that they consequently could not be simply chased out so as to confiscate

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[356] One document mentions the number of 127,000 counterfeit receipts in 1778. This is probably not an excessive number, if it is considered that when the Alsatian Sovereign Council started to close out the case, four or five thousands false receipts were registered by the debtors. *Lettre d'un Alsacien sur les Juifs d'Alsace à M. Reubell...* (P 1790) p. 16.

[357] J. Rochette, *Histoire des Juifs d'Alsace...* (P 1939) p. 120.

[358] SBern,B216f.381.

[359] See note 356, p. 15-16.

[360] *Malédiction* (sl nd) 1 p. (fol.) SBern,B216f.367. *Cf.* E. Scheid, *oc.*, p. 237. (See p. 140.)

[361] [Hell,] *Observations d'un Alsacien sur l'affaire présente des Juifs d'Alsace* (Francfort [Strasbourg] 1779) 136 p., second edition — Neuchâtel 1790. The anti-Jewish riots spread to the neighboring provinces. According to Zalkind Hourwitz, Gentile debtors attempted to set fire to the Metz ghetto in 1781. In Metz, an anti-Jewish pamphlet was likewise distributed, in 1786; but the Metz Parliament stopped its distribution. Z. Hourwitz, *Apologie des Juifs...* (M 1789) p. 18; Général Aubert-Dubayet, *oc. cf.* note 194. [A pamphlet with the same title was published in 1788 by M. de Foissac.] With respect to the attempt to set fire to the Metz ghetto it is worth while to note that since 1767 a company of Jewish firemen existed in the ghetto: L. Zéliqzon, Deux documents relatifs aux Juifs de Metz sous l'Ancien régime. *Cahiers lorrains*, 1934, p. 65-73.

the debts owed them.[362] Fortunately the Case of the Counterfeit Receipts occurred at a time when it was not possible to expel the Jews (although for a time it was decided to annul 80% of the debts). Not only did the King and his Alsatian administrators need the Jews owing to their role in the economic life of the province, but the affair had a distinct rebellious character, and it may have constituted a dangerous precedent for refusing to pay taxes and debts owed to non-Jewish creditors. In the borderline province of Alsace—the scene of many controversial interests and conflicts between various princes, seigniors, and cities; where the French Kingdom was constantly compelled to fight for its influence—in this province that belonged nominally to France only since 1648, the King's representatives had to act carefully and to enforce the laws. Otherwise the interests and the influence of the King of France could be placed in jeopardy. Because of this factor, the King and his judicial administration in Alsace, the Sovereign Council, were compelled to strive for legally liquidating the affair of the false receipts in some manner. Had this not been the state of affairs in Alsace, the Jews would have lost all their possessions at the very beginning of the Case.

The first official act of the Sovereign Council in this matter was a decree issued on July 11, 1778, which—according to the Alsatian jurist and historian N. de Neyremand—aimed to ruin the Jewish creditors.[363] The decree ordered the debtors to register all falsified receipts in their possession. This measure was to have put an end to the use of the receipts and to the further falsification of such documents. But the travel expenses of the debtors—who had to come to town for the registration—as well as the registration fees (6 sols per receipt) were to be paid by the Jewish creditors. The decree also prohibited the Jews to grant future loans of more than 50 pounds on simple unregistered I.O.U.s (*quittances sous seing privé*), except in special cases. In the future, receipts issued to debtors by their Jewish creditors were to be signed and sealed in the presence of officials.[364] This last point was to prevent the continued counterfeiting of receipts. In fact, debtors presented falsified receipts dated later than July 11, 1778.[365]

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[362] Abraham Lambert, *Lettre à M. Reubell...* (M 1790) p. 6-7.

[363] E. de Neyremand, Créances des Juifs. Procès des fausses quittances. *Petite Gazette d'Alsace,* vol. III (1861) p. 15.

[364] ERCSA. Du 11 Juillet 1778 (C 1778) 7 p. BuS33227.

[365] An example of a similar case follows: In a dispute over falsified receipts, Jacques Baldinger, a shoemaker of Grand-Huningue, maintained that even the signatures on a few receipts accepted by his Jewish creditor, Jacques Weil of Blotzheim, as genuine, were dissimilar. A Jew, he declared, was always prepared to falsify even his own signature in order to deceive a Christian. Weil replied with an argument frequently used by Jewish creditors: the receipts which he claimed were falsified dated later than July 11, 1778, the date when the Sovereign Council ordered Jewish creditors to sign receipts only in the presence of a law-clerk and two witnesses. To this Baldinger replied that the decree prohibited the unwitnessed signing of receipts by Jews, but did not forbid Gentiles to accept such receipts. The Jew had persuaded him, he said, that it would be foolish to spend money on legalizing a receipt, and that a simple unsealed receipt would be sufficient. The Jew replied that the decree applied to Gentiles as well and that they were forbidden to accept unwitnessed receipts. AdHR,IIIB1818.

33. THE KING'S LETTERS PATENT OF NOVEMBER 6, 1778

The Decree of July 11, 1778, caused considerable deterioration of the Jews' financial status.[366] As a result of the registration procedures the Jewish communities were forced to spend considerable sums of money, for which expenditures they contracted loans (as late as the '60s of the 19th century these debts were still being paid up). The debtors likewise had expenses, and from the existing documents it cannot be determined by whom these expenses of the debtors were born. There must have existed an organized group which financed, at least in part, the debtors' trials, otherwise most of the debotrs involved in the case would have suffered financial ruin.

Anti-Jewish circles maintained that the Decree of July 11, 1778, was issued at the Jews' instigation. They also strongly protested against another order, of May 17, 1779, which reduced the price of registering the receipts from 6 to 3 sols per receipt.[367]

In a petition to the King's State Council, the Jews protested against forcing them to pay all the administrative expenses of liquidating the Case. In order to save expenses, the Jews requested that all civil and criminal trials caused by the receipts be transmitted to the attention of but a single magistrate direction and one jurisprudence. The Jewish request was granted by the King's Letters patent of Nov. 6, 1778, which ordered the annulment of the procedure prescribed on July 11, 1778. The new Letters transmitted the entire affair to the First Chamber (*Première Chambre*) of the Alsatian Sovereign Council which became for this Case a sort of a Court of Accounts (*Cour des comptes*). The falsified receipts already registered were to be returned to the debtors, who were to destroy them or come to an understanding with their Jewish creditors. The Jewish creditors were to prove within 6 months that the loans granted by them were not paid by the debtors and within the same time the debtors were to prove the authenticity of the receipts in their possession. To the First Chamber was granted the right to appoint special commissioners, who were to listen to both parties, check the documents, and try to persuade the debtors to destroy the falsified receipts; grant the debtors sufficient time to repay the debts; and—if necessary—act with all the force of the law against those debtors continuing to make use of the falsified receipts to avoid payment of the debts.[368]

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[366] Holdt, the author of a diary of the Council's activities, cited the sum of 6,000 pounds paid by the Jews for the registration by their debtors of but 2,400 receipts, as of January 7, 1784. Within a few months the law registrar of Ferrette registered 27,000 receipts, for which the Jews were required to pay all expenses (6 sols per receipt, i.e. more than 6,000 pounds). Holdt, *oc.*, Jan. 7, 1784.

[367] In a memorandum of Dec. 4, 1779, the notaries and registars in the law-courts of Upper Alsace complained that the registration of the receipts demanded much time, and that owing to the Case of receipts, only a very few contracts were being drawn up by them and they consequently could hardly make a living. Holdt, *oc.*, May 14, 1779.

[368] *LPR, qui attribuent à la Première Chambre du Conseil Souverain d'Alsace la connaissance des inscriptions de faux & des contestations relatives aux créances des Juifs d'Alsace... Du 6 novembre* 1778 (C 1778) 16 p.

In a letter accompanying the new Letters patents, the War Minister, prince de Montbarrey, in charge of Alsace, acquainted the Alsatian Council with the anxiety which the Case of falsified receipts caused in Paris. The Minister of Justice was so much disturbed that when the First President of the Alsatian Council visited Paris in November 1778, he asked him to return immediatly to Colmar (the Council's seat)."[369]

34. CIVIL AND CRIMINAL LAW-PROCEDURES IN LIQUIDATING THE CASE

At first the deposition of the falsified receipts was carried out by the debtors in the form of ultimatums to the Jewish creditors. Here is an example from the Haguenau notarial office: In 1771, the Jew Benjamin granted a loan to Henri Mouches and Jean George Oberlin. In 1779, the debtors declared that a part of the loan was already paid by them and they proved it with a receipt that was not recognized by the Jew as genuine. So, through the notary and in a written petition the debtors requested the Jew to be present at a fixed hour in the notary's office where they would pay him the debt, deducting the part already paid (and not acknowledged by the Jew), or if so be the case, the Jew would repay them any overpayment they might have made."[370] In order not to lose his money the Jew had but one legal course: to refrain from going to the notary's office and to reply in writing to the debtor's request, then the conflict would come under the jurisdiction of the law-court. True, this automatically involved expenses, but it was

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[p. 11-16: ERCSA. Du 12 Décembre 1778.] BmC5353.; Jourdan, Decrnoy et Isambert, *Recueil général des anciens lois françaises...* (P 1821-33) vol. XXV p. 448.

[369] E. de Neyremand, *Conseil Souverain d'Alsace. Créances des Juifs. Procès des fausses quittances* (C 1862) p. 20-22. BuS101319; Holdt, *oc.*, Nov. 24, 1778.

On Dec. 11, 1778, the Letters patent of November 6 were registered with the Council and on the following day, December 12, the Council published a decree regulating the liquidation of the Case. In Letters patent of April 7, 1779, the King published new detailed orders on this liquidation. In new Letters patent of May 27, 1780, the King repeated the transmission to the Council's First Chamber of all powers to liquidate the Case and granted the debtors a delay of two months to retract the falsified receipts or to face the law-courts as counterfeiters. In special instructions the Sovereign Council requested the bailiffs, provosts, *préposés*, and priests to announce everywhere the contents of the latest Letters patent and to tell the debtors that if they would refrain from using falsified receipts they would be granted a postponement of payments on the debts. Otherwise, if the debtors refused to obey the Letters, they would not be accorded any privileges (postponement of payments) and they would have to face the law: "ERCSA. Du 12 Décembre 1778" [See note 368]; *LPR, concernant les créances pour lesquelles les Juifs de la province d'Alsace seront dans le cas d'agir contre les débiteurs chrétiens de la classe du peuple. Du 7 avril* 1779 (C 1779) 8 p.; *LPR, portant règlement pour l'instruction des affaires d'entre les Juifs d'Alsace & leurs débiteurs... Du 27 may* 1780 (C 1780) 7 p.; Jourdan, *oc.*, vol. XXVI, p. 333; *Instructions pour les Baillis, prévôts et préposés* (C) 4 p.; *Avis aux sieurs Curés* (C) 4 p. AdBR,B598,C148h; AmS,AA2390; AmC, AA176.

[370] AdBR, Haguenauer Notariat, Schreibstübe Weber.

the only way out. Frequently, the Jewish creditors did not wait, but were the first to attack the debtors."[371]

Officially, the First Chamber of the Sovereign Council began busying itself with the receipts on Dec. 11, 1778, at its first session following the publication of the Letters of Nov. 6.[372] On Sept. 28, the Chamber nominated four commissioners who were sent to the three sub-delegations of Upper Alsace (approximately similar to the sub-prefectures of our days) in order to liquidate the receipts-case: Krauss was sent to the sub-delegation of Ferrette, Bruges to Belfort, and Michelet and Golbéry to Colmar. Their job was complicated and difficult, especially that of Krauss, whose sphere of activities included the region of Sundgau, the center of the entire affair. When Krauss arrived, on Oct. 16, 1780, to the Château of Blotzheim (near Huningue) where he established his office, he already found there 586 files of documents on the affair; till the end of his mission he analyzed 2,031 files (2,085 according to another source). Most of the debtors decided to abandon the falsified receipts and Krauss granted them long terms for repayment of their debts, often up to 15 annual terms.[373] He arrested persons for "cabaling," but, in general, his mission was successful. The other commissioners, too, accomplished their missions and received from the government bonuses.[374]

There were also conducted criminal investigations in connection with the receipts. An example had to be shown in order to discour-

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[371] Here is an example: In 1779, Jean Jacques Kueny of Huningue refused to pay a debt of a loan granted him by the Jew Jaudel Ulmo of Sierentz, and presented a receipt. Ulmo declared that his signature on the receipt was falsified and was prepared to prove it by comparison with his signature on other receipts. The same debtor once had already been, before the Case, on trial for refusing to pay a debt. To this the debtor replied that the Jew was trying to use the Case in order to avoid recognition even of the good receipts signed by him. Should the signatures of a Jew on different good receipts be analyzed, no two of them would be similar, because to sign receipts the Jews used different kinds of inks and pens and the Jews were always nervous when they applied their signatures. Such was the reasoning used by many debtors (AdHR,IIIB1818). From the texts of the petitions (*suppliques*) and the replies (*répliques*) of the debtors, it is clearly seen that these documents were written for the peasants by professional lawyers, notaries and other persons, according to a circulated pattern. In a similar conflict between the Jew Meyer Rueff of Blotzheim and his debtor Jean Finsterbach of Cappellen, the creditor declared that had the debtor really paid his debt, he surely would have requested the return of his I.O.U. by the Jew. Rueff also used another frequent Jewish argument: He granted two loans to his debtor, one of 2,650 pounds on March 31, 1778, and a second of 324 pounds on April 9, 1778. Where did the debtor get so much money in such a short time without taking a third loan, to repay the two original loans? This was, indeed, unnatural (AdHR,IIIB1818).

[372] "Registre des séances de la Ière Chambre du Conseil d'Alsace tenues en exécution des Lettres patentes de Sa Majesté du Six Novembre 1778..." AdHR,B,varia.

[373] Here are a few examples: 15 annual payments for a debt of 216 pounds, 8 payments for 330 pounds, 12 for 1,060 pounds, 12 for 800 pounds, 4 for 147 pounds, 10 for 205 pounds, 6 for 480 pounds, 10 for 550 pounds, etc.

[374] Krauss received 2,000 pounds, while each of the other three received 1,000 pounds. de Neyremand, *oc.*, p. 23-29, 39-40. Unfortunately, most of the archives of the four commissioners were destroyed in 1902. Still, a few documents were saved, and these present a valuable source for the study of Jewish credit operations. See p. 96.

age future falsifications. The first criminal suit was against a distributor of falsified receipts who was arrested in Mittelwirh after having been denounced by the peasants themselves. Usually, the First Chamber of the Council was the highest Alsatian judicial body for *civil* cases, but the Letters of Nov. 6, 1778, gave to the First Chamber the right to judge criminal cases as well, viz., those concerned with the receipts. The First Chamber sentenced the distributor of receipts to *carcan* with the inscription *Faussaire*, to be lashed, and sent away for life on the galleys; his assistant was sentenced to *carcan* with the inscription *Compagnon du faussaire* and to 20 years on the galleys.[375] The most important criminal trial in this Case, against a group of 32 persons involved in the counterfeiting and distributing of receipts, was concluded on June 25, 1779. Two of the 32 were Jews: the merchant Joseph Lévy of Leymen and Marx David of Zinswiller. Three of the accused, Lintzentritt of Rhimbachzel, Fr.-Joseph Fenderich, a pig-dealer of Hirtzenfelden, and the peasant Bernard Grosgueth of Waldighoffen, were sentenced to be hanged. Five accused were sentenced to the galleys for life; three accused were sentenced to 15 and 10 years on the galleys. In addition, they all had to stay on the *carcan* with the inscription *Distributeur des fausses quittances* in French and German and the initials *G.A.L.* were branded on their shoulders. The verdict was announced by large broadsides in French and German.[376] The sentence was severe, but not uncommon for the 18th century. Death or the galleys were common sentences for counterfeiting signatures.[377]

35. WHO PROVOKED THE CASE OF THE COUNTERFEIT RECEIPTS?

It was already mentioned that two Jews were accused of helping in counterfeiting receipts. Another few Jews who turned to Chris-

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[375] de Neyremand, *oc.*, p. 34.

[376] One was sentenced to be exiled for 6 years from Alsace; three received light sentences: reprimands and 15 days in prison on bread and water. Of the rest, some were freed by the same verdict and some after a new investigation. According to the verdict the bodies of the three hanged men were to be left at the place of execution until they would disintegrate, but in view of the hot weather, the Council granted on July 6, 1779, permission for burial. *Arrêt du Conseil Souverain d'Alsace, qui condamne à mort les nommés Lintzentritt... pour avoir fabriqué & distribué das quittances fausses. ERCSA du 25 juin* 1779 (Colmar). Placard. BuS39228. Another edition of the same verdict: *ERCSA. Du 25 juin* 1779 (Colmar) 10 p. (4°), in the author's possession. E. de Neyremand (*oc*) cited a few lines of a different text of the verdict. It is not known whether he copied the text from a manuscript or from a third printed edition of the verdict. According to de Neyremand, the sentence was passed on June 25, 1781, but according to both printed editions, the sentence was passed on June 25, 1779. See p. 2.

[377] "Edit contre les faussaires", Mars 1680 (de Boug, *oc.*, vol. I, p. 82-83). In 1744, Jean Robert Koch and his accomplices were sent by the Metz Parliament on the galleys for counterfeiting a receipt: *Arrest de la Cour de Parlement, qui condamne Jean-Robert Koch... pour crime de faux, &c. Du 20 Juillet* 1744 (M 1744) 8 p. BN,naf.22709f.360.

tianity were involved."[378] But it soon became apparent that not a few converted Jews, not even the men sentenced to die or to the galleys were responsible for provoking the Case. A more intelligent and important person was involved, and the name of this individual soon became known: *François-Joseph-Antoine Hell* (1731-1794), the bailiff of Landser (Upper Alsace). On Feb. 18, 1780, Hell was arrested and brought to the prison of the Strasbourg citadel. None of his friends was allowed to see him—as he wrote himself—and he was not permitted to receive any mail. His servant, who accompanied him to the prison, was not permitted to leave it. Hell refused to take any food except fresh eggs, he was afraid that the Jews might attempt to poison him. On Feb. 26, 1780, Hell was interrogated by the Intendant of Alsace himself.[379]

A great number of falsified receipts was found in Hell's house.[380] Was Hell only the initiator of the counterfeiting case, or did he himself falsify receipts? According to the results of the Intendant's investigation, Hell was suspected of both crimes; he himself stated that he learned Hebrew, but only out of curiosity for the language (he learned Greek and Latin, too).[381] But the main accusation against Hell was his role as the anonymous author of the 1779 pamphlet on the receipts. Hell confessed to being the author of the pamphlet.[382] He believed that this would free him from other responsibilities in the Case and that he would be acquitted. But when his authorship of the pamphlet became a serious reason for a trial against him, Hell denied the authorship. Hell's friends stated in a petition that he accused himself only out of magnanimity to the real author.[383] At one point Hell became afraid. In a letter of June 3, 1780, he assured the prince de Montbarrey that, if he were only freed, he would never again concern himself with the Jewish question. He played the role of a martyr. In one of his many petitions he maintained that the "Jews and other oppressors of the people" were trying to ruin him; on March 17, 1781, he wrote again that "Jews and attorneys" looked forward to his ruin; much later he wrote about himself as of the victim of the "oppressors of the people." Hell tried to prove the existence of a Jewish plot against him. In 1780, he presented a list of 86 witnesses, who stated that the Jews requested them to murder

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[378] The Jews accused an apostate of Leymen of helping on the counterfeiting: some compromising documents were found in his house and he spent a year in prison. But he was freed and asked the Jews for 20,000 pounds compensation. On June 28, 1781, the Jews were sentenced to pay him 2,000 pounds (de Neyremand, Créances..., p. 180). In Alsace lived some converted Jews and any one of them was in a position to help in counterfeiting receipts.

[379] AdHR,Wendl.48/16,p.62.

[380] G. Hemerdinger, Le dénombrement des Israélites d'Alsace (1784). *REJ.* vol. XLII (1901) p. 253.

[381] AdHR,Wendl48/16p.62. The Jews stated in a petition addressed to the King that in 1765 Hell wrote in Hebrew a letter to the Jewish leaders of a community proposing to defend them in a certain case for a fee of 400 Louis: "Mémoire sur l'état des Juifs en Alsace", in: Chr. W. Dohm, *Ueber die bürgerliche Verbesserung der Juden* (Berlin-Stettin 1781) p. 179-80.

[382] AdHR,Wendl.48/16,p.55,62 (see note 361).

[383] Ibidem, p. 248.

him, to give false testimony against him, etc."[384] A well-organized campaign requested Hell's release."[385] As a result of the pro-Hell campaigns the government did not put Hell on trial, but, as his presence in Alsace was dangerous, he was ordered on June 10, 1780, to leave Alsace for a forced residence in Valence (province of Dauphiné), where his wife's family resided. Hell spent three years in prison and exile."[386]

36. F.-J.-A. HELL—THE PORTRAIT OF AN ALSATIAN 18th CENTURY ANTI-SEMITIC LEADER

Very little was written in the Alsatian historiography on Hell and his various activities. An attempt will be made by this author to portray him on the basis of various printed and archival sources.

Hell came from a 15th century Frankfort family. He was born on June 11, 1731, in Hirsingue (Upper Alsace)."[387] At the start of the falsified receipts affair Hell was the bailiff of Landser, which belonged to the comtesse de Sénozan, Périgord, de Miramond and to de Veyne."[388] As bailiff, Hell came frequently in contact with the Jews."[389]

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[384] Ibidem, 48/15, p. 234; 48/16, p. 88, 134; *De Hell en Haute Alsace* (sl nd) 14 p., p. 10 (AdHR,Wendl.47/15,p.173).

[385] The author of an unsigned petition stated that Hell's only sin was his "great carelessness." Others called him a martyr in the fight for the peasants' interests. 45 Sundgau priests sent to the King a petition for Hell's release. Priests also sent petitions in his favor to high Church dignitaries. But the priests had to act carefully, especially since the Basel Bishop Frédéric requested on March 25, 1780, the Sundgau priests under his jurisdiction to preach justice toward the Jews and to tell the people that falsifying receipts was a sin. (Later, Hell wrote in his own draft of a petition for his release that the Jews paid the Bishop for a monitory letter against the peasants.) 92 Upper Alsace priests wrote in a petition addressed to their Bishop that Hell's pamphlet did not influence the people in any case, and that the Jews themselves were responsible for the counterfeiting because they gave an example by falsifying peasants' I.O.U.s. AdHR, Wendl.48/16p.43,64,75; SBern,B216f.385-86.

[386] According to a document dated Jan. 19, 1786 (AdHR,Wendl.48/16, p.44). During Hell's exile, two of his portraits were printed in Alsace with the inscription "The friend and the love of his fellow-citizens." (*L'Ami et l'amour de ses concitoyens*), BmC, *cf. De Hell...*, p. 10, and a document on Hell's exile in AN,K1142. Most of the Alsatian historians presented Hell as a hero and martyr. One anonymous historian attempted to minimize Hell's punishment and to prove that he spent only a few days in prison and was never exiled, that his arrest and exile were merely Jewish boasts: X [Charles Hoffmann?], Le Bailli Hell et la Revue des Etudes Juives, *RA*, vol. XXXI (1902). But the documents on which this study os based — including Hell's personal documents (in the collection of his notary, AdHR, collection Wendling) — prove that Hell spent three years in prison and exile.

[387] *De Hell...*, see note 386. Hell's title of nobility "was renewed" on Dec. 7, 1784, by Joseph of Austria. Hell received his first education in Porrentruy, later in Pont-à-Mousson, and in 1749-1753, in Strasbourg. On Nov. 17, 1753, he was allowed to plead as attorney in the Sovereign Council. From 1755 until 1761, he was clerk-tabelion (*greffier tabellion*) of the Hirsingue bailiwick; in 1761 he became bailiff of Seppois; in later years he occupied the same post in other bailiwicks.

[388] AdHR,Wendl.48/16,p.102-3.

[389] According to a biographical note on Hell dated Jan. 19, 1786, Hell himself judget about 2,000 cases yearly. In a three year period he passed 7,000 sentences, 2,000 of them between Jews and Gentiles. According to

Hell himself was indebted to many creditors. He probably also had Jewish creditors, and if this was so, this fact greatly influenced his relationship to the Jews."[890] Hell was greatly indebted not only because of his many financial speculations and his chase for riches, but also because of his squandering and his part in many obscure transactions."[891] He married the daughter of a rich Dauphiné man named Savoye only for her money. He warned his wife that he would divorce her if her father would refuse him money. On Feb. 17, 1787, Hell's father-in-law wrote in a letter to his daughter that Hell squandered about 40,000 pounds of the King's treasury. Hell asked his father-in-law to give him 30,000 pounds in order to repay the royal money before the embezzlement would be discovered, but Savoye did not have so much money, so Hell deserted his wife."[892]

Hell's entire personality was such that he was forced to become involved in conflicts with Jews. He believed that Jews were capable of committing all acts of evil."[893] Already in 1758, while being a simple clerk, Hell provoked trials against Jews in order to obtain bribes from them. When, as bailiff, he became the Landser judge, he presided at trials provoked against Jews by himself during an earlier period."[894] His hatred of Jews was so notorious that he

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another document written by Hell himself, 201 out of 5,331 sentences passed by him in a certain period were in favor of the Gentile sides against Jews, 591 in favor of Jews against Gentiles, 341 were preparatory sentences, etc. AdHR,Wendl,48/16,p.44,103. See p. 103.

[890] On Feb. 14, 1775, a loan of 6,000 pounds was granted to him by the Basel creditor Ferdinand Cuentz. On March 21, 1787, the City of Basel granted him a 20,000 pounds loan. The debts owed by him were much larger than his possessions consisting of land valued at 9,800 pounds, buildings valued at 2,246 pounds, furniture, etc. (AdHR,L483). During the investigation of February 1780, Hell confessed taking loans and gifts from Jews. On March 3, 1780, Hell wrote to the Intendant of Alsace that even before being nominated to the post of bailiff he was a debtor to Jews. According to a document of 1790, Hell was involved in a trial with his Jewish creditor Blum Rueff (AN,K1142,No.53; AdHR,L48 and Wendl. 48/16, p. 72).

[891] After Hell's death a Strasbourg forage clerk (*commis aux fourrages*) named Du Bois gave the following account: in 1787 he was appointed as the principal guard of the forest of the valley of Saint-Amarin under Hell's supervision. Du Bois worked on this post for two years without ever receiving his salary, because Hell and a certain Breiman put his salary, as well as other incomes from the forest, in their own pockets. When Du Bois protested, Hell gave him an I.O.U. for the unpaid salary, but the money was never paid to him. About 1770, François Noblat, the sub-delegate of Belfort sent to the Alsace Intendant long accusations against Hell and the bailiff Clavé; that they speculated in the sales of communal forests, etc. Such speculations resulted in a 1767 trial involving the inhabitants of Carspach (bailiwick of Altkirch), who sent a representative to Paris with complaints against Hell. Hell was, probably, not worse than all the other bailiffs, who likewise looked for additional income. AdHR,L483; Ch. Hoffmann, vol. II, p. 247, 249-251.

[892] Hell's brother, an officer, was a well known squanderer; his family was forced to pay his debts. AdHR,Wendl.48/16,p.102-3.

[893] In 1783, Hell received a confidential report that a foreign Jew was trying to buy the land of Landser valued at 900,000 pounds. Jews were not allowed to possess land outside the ghettos and according to Hell's letter of Oct. 24, 1783, this prospective buyer was "an Avignon man who had the look of a Jew and of an usurer," and Hell wrote letters begging everybody to save the Landser land from falling into Jewish hands. AdHR,Wendl.48/14.

[894] In 1757 occurred the sudden death of the Gentile Ignace Ilch of Hirsingen; his will left his entire possessions to his widow, but the will

sometimes placed himself behind the scenes of anti-Jewish affairs in order not to compromise them by his open participation in them. In 1772-1773, the Sovereign Council prepared witnesses and other proof in Hirsingue in order to prepare an accusation and trial against the Jews as a collective group for practicing usury. The Council requested Hell to do the job, but Hell asked that somebody else be found, because his hatred of the Jews was too well known."[395]

Hell was interested in agriculture, botany, mechanics, physics, and other sciences; he was the author of many scientific memoranda and he corresponded with scientists. He studied the peasants' situation and even before the Case of receipts he proposed to conduct a survey of the peasants' debts and properties (because of the falsified receipts the first part of his project was carried out)."[396] But, was Hell really a sincere friend of the peasants? Some documents prove the contrary. He was a partisan of the old, pre-1789 regime of the nobles and the Church. Let us take one example, his position in regard to the distribution of communal properties. In June 1788, the Alsatian Provincial Assembly (*Assemblée provin-*

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was signed by him while lying unconscious on his death-bed. Ilch's family engaged the Jew Salomon Ulmann of Dürmenach, who was familiar with the laws, to attack the validity of the will. But Hell was deeply involved in this affair; he helped to falsify the will. Before this affair Ulmann had won two trials against Hell. Now, the bailiff Hell decided to take his revenge on Ulmann and he sentenced him to prison for life. The trial and the appeal lasted over 15 years. Ulmann published a factum that made a great impression. He requested to be judged by a magistrate other than Hell. More than ten years later Ulmann published another factum in which was related the following: The Gentile Joseph Stempfell assaulted some Jews as they were leaving the Dürmenach Synagogue, and the Jews defended themselves. Hell then decided to use the incident against the Jews, but in order to achieve it Stemfell had to have the looks of a very sick man, a victim of the Jews. A doctor gave him a medicine that was supposed to make him ill, but he died of it. Hell sentenced one Jew to be hanged and two others to the galleys: Bruis & Loiseau du Maulon, *Mémoire à consulter, et consultation pour Salomon Ulman* [P 1768] 18 p. BN,4F31760; *Salomon Ulmann, Juif de Dürmenach, contre la procédure extraordinairement instruite contre lui au bailliage d'Hirsingen* (C [177-]) 27 p. BN,4F 35695. Hell was, for a while, very much worried because of Ulmann's factums. He requested his friends to send him letters, so that he may use the information to draft a reply to the Jew, but the reply was never published (AdHR,Wendl.48/16, p. 14-42, 94, 133).

[395] AdHR,Wendl.48/16,p.49. Hell bragged that he provoked the order forbading notaries to sign in Jewish houses I.O.U.s in favor of Jewish creditors. In 1766, Hell prepared an anti-Jewish pamphlet (Ibidem, p. 73 and 47/15 p. 243). Even before 1778 Hell instigated peasants not to pay their debts to Jewish creditors. In 1773, the Mayor of Seppois stated that Hell requested him to tell the peasants not to pay their debts, but Hell denied this and declared that the "Synagogue" paid the Mayor for making such a statement (Ibidem, 48/16 p. 48).

[396] Much later, in 1790, he again proposed to defend the peasant against usury, but he was unable to propose any organization of agricultural credit; in fact, nobody was able to do it (AdHR,Wendl.46/1-7, 48/16, p. 78; Hell, *Vœu d'un agriculteur rhéno-françois* [P 1791] p. 9). Hell was a child of the 18th century France, where the physiocratic idea that agriculture is the most noble and useful profession was accepted by everybody. Beginning with the '50s many societies for the amelioration of agriculture (*sociétés d'agriculture*) were founded (de la Fournière, Les Comités d'agriculture de 1760 et de 1784. *Mémoires du Comité des sciences économiques et sociales* (1909) p. 94-121; Veulersee, *L'Expansion de la doctrine physiocratique de* 1756 *à* 1770 (P 1911). The interest for agriculture arose in Alsace, too, but societies were founded there only after 1790 and Hell was dragged along with these ideas.

ciale) requested Hell to prepare a project for the distribution of communal properties. Hell fought against the equal distribution of these properties among all peasants; he proposed only a temporary distribution, because he claimed that the townsmen (*bourgeois*), too, should have, as a whole body, their rights to these properties. Hell's arguments were of such a nature: if poor people were allowed to buy their parts of these properties, they would be forced to take loans, and, being unable to repay the debts, the properties would be taken over by the creditors. Should the peasants receive communal properties free of charge, they would, in any case, be forced to abandon the land because of laziness. He proposed that *manants*—the poorest countrymen—should be excluded from receiving communal properties. Hell's ideas about peasantry can clearly be explained with his own words in one of his pamphlets published during the Revolution: "Peasants, you are now free and you can enjoy your freedom, provided that you do not harm anybody."[397]

Hell participated in many of the intrigues of the Upper Alsatian nobility against the Intendant of Alsace who defended the interests of the Kingdom.[398] Hell was never popular among the peasants. He had too high an opinion about himself; he liked many titles (at the Provincial Assembly he was called *docteur Confucius*). On July 21, 1789, peasants attacked his brother, who was a clerk at the Hirsingue bailiwick, because he wanted to hide the archives of the Huningue bailiwick and of the de Monjoie family; they tied and beat him up, and told him that he must pay for the sins of his brother who was brutal and unjust in passing sentences and in demanding taxes.[399] Still, when Hell returned from his exile in Dauphiné he was treated in Alsace like a hero and a victim of the

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[397] Hoffmann, *oc.*, vol. I, p. 348-73; Hell, *Vœu...*, p. 2. During the Revolution of 1789, many riots occurred in Alsace because the *manants* requested their part of the communal properties (*biens communaux*). Similar riots occured also in Lorraine. Georges Bourgin, *Le partage des biens communaux...* (P 1907), p. 199-216; 572-79; Ph. Sagnac et P. Caron, *Les Comités des droits féodaux et de législation...* (P 1907) p. 574-78, 618-21; Henri Sée, *La Vie économique et les classes sociales en France au XVIII*e *siècle* (P 1924) p. 72-75. Jews, too, requested during the Revolution their part of the communal properties: AdHR,L645; *Copie de la Pétition présentée par plusieurs Citoyens [Juifs] du Bas-Rhin, à la Convention Nationale* [avec: Extrait du registre des arrêtés du Comité de Législation du 11 Brumaire, an III] (C [an III]) 7 p. AmC,B63 ("nous sommes exclus du droit de partage des biens communaux"); P. Hildenfinger, Actes du district de Strasbourg relatifs aux Juifs. *REJ*, vol. LX (1910) p. 249-50. See note 29, p. 14-15.

[398] In 1767, he ordered a special tax to finance the nobles' fight against the Intendant's orders of 1742 and 1744, which aimed at stripping the nobles and the cities of their rule over the forests and at centralizing this power in the Intendant's hands. Hoffmann, *oc.*, vol. I, p. 648, vol. II, p. 250.

[399] *Ibid*, Les troubles de 1789 dans la Haute Alsace. *RA*, vol. LVIII (1907) p. 209-210. The peasants of the Landser bailiwick, where Hell was bailiff, were not happier than those of other parts of Alsace; their lot was even worse. The inhabitants of Hirsingen and other communities of the Landser seigniory were involved in lawsuits with the family of comte de Montjoie, seignior of Hirsingen, who refused to recognize the communal right of these inhabitants. In a memorandum of 1784, they complained that the seignior forced them into misery: *Mémoire pour les habitans & communautés de Hirsingen... contre... comte de Montjöye* (P 1784) 120 p. AdHR,IIE242.

Jews. He became an active member of the Provincial Assembly and headed a special commission to prepare a project of a Statute for the Alsatian Jews, which, in effect, aimed at worsening their situation."[400] After the outbreak of the Revolution of 1789 Hell was sent to the National Assembly as Deputy from Haguenau and Wissembourg (Alsace); he became one of the principal opponents of the Jewish Emancipation."[401] Hell was a fanatical monarchist; he believed that justice was to be found only in the hands of the King, who "is a God"—as he wrote in a letter to de Malesherbes—and that those opposing the King's will must suffer both on earth and in the other world."[402] Hell was arrested; it was not difficult to prove his monarchist and anti-Republican activities. In 1794, Hell died on the gillotine."[403]

37. THE LIQUIDATION OF THE RECEIPTS CASE BY THE ECONOMIC RUIN OF THE JEWISH CREDITORS

The King's transfer of the entire affair to the First Chamber of the Sovereign Council was opposed by many Alsatian groups and individuals. The fight of the free and independent City of Strasbourg for the maintenance of her privileges played an important role in this case."[404] The Magistrates of Strasbourg protested against the removal from under the city jurisdiction the cases involving falsified receipts. A group of Parisian attorneys stated in a memorandum that the interests of Strasbourg would suffer as a result of the King's decision. But it seemed certain that the King would not yield to the request of Strasbourg. Strasbourg was interested mainly in the aplication in cases of falsified receipts the special Strasbourg Statute on Jews residing in the territory controlled by

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[400] This subject will be treated in a separate study on the Jewish problem on the eve of the Revolution of 1789.

[401] Joseph Schwendt, who was himself a Deputy, wrote on Apr. 13, 1790, that Hell prepared a pamphlet against the Jews, but after the Jewish leader Cerfberr threatened to tell the entire story of Hell's anti-Jewish campaign, Hell was afraid to publish the pamphlet. Schwendt himself was an opponent of Jewish emancipation, but he disliked Hell. R. Reuss, L'Alsace pendant la Révolution française. *RA*, vol. LXXIV (1927) p. 496-97. Hell did publish a few anonymous pamphlets against Jews during the Revolution, only one of these is signed with his initial, H.: H[ell], *Mon opinion sur les Juifs*... (P 25 décembre 1789) 12 p. BN,Le29-408. In most catalogues a certain Scarramuza is mentioned as the author of the book *Les Juifs d'Alsace doivent-ils être admis au droit de citoyens actifs? Lisez et jugez* ([S] 1790) 208 and 46 p. But according to the catalogue of Chauffour's famous Alsatiana, the book was written by Hell: André Waltz, *Catalogue de la Bibliothèque Chauffour* (C 1889) p. 461. According to a note on the copy in the Library of the Jewish Theological Seminary, New York, Hell was also the publisher of the 1790 edition of *Requête des marchands et négocians de Paris*... (P 1790).

[402] AN,W351dr.713-1,p.51,dr.713-2,p.19. During the Revolution Hell tried to hide documents: *Extrait du registre des séances publiques... Haut-Rhin... 7 juin* 1793 (C 1793) 4 p. The Abbot Lellomé, Professor of the Colmar College, called Hell an *aristocrate* (AN,W351,dr.713,p.8).

[403] L. Delabrouse, Les Députés de l'Alsace à la Constituante (1789-1791). *Revue alsacienne*, vol. XII (1888-89) p. 444-45.

[404] This subject will be treated in a separate study.

the city, which gave to judges the right to confiscate the debts, because according to this Statute Jews were not allowed to grant loans or sell on credit to Christians. This question was discussed at a special conference held by the Strasbourg Magistrates on Feb. 14, 1781, in Wasselonne.[405] The text of a speech by a jurist (his name is not mentioned) at this conference was fortunately located. His attitude toward Jews was very liberal, probably one of the most liberal speeches toward Jews before 1789. He pointed out that even in trials involving Jews justice must always reign. One had to be especially careful, he said, in cases involving the possibility of passing sentences in the spirit of the Strasbourg Statute on Jews, because the Statute was of a criminal rather than civil character. Jurists always disliked and distrusted passing sentences leading to the confiscation of property. According to the Roman tradition of jurisprudence, the judge in such cases was preferably to favor the accused. If Jewish creditors were not guilty of breaking the law, the courts should defend them against the debtors, who would otherwise easily refuse to repay their debts and threaten the Jews with the eventual confiscation of the debts by the courts. The anonymous jurist cited an example of a similar trial: a Christian paid a Jewish merchant for the purchased merchandise with a promissory note. This was—according to the jurist—a legal transaction, usurious rates were not involved, but the Jew was still brought to the law-court. Should cases of falsified receipts be judged in the spirit of confiscation, justice would surely suffer."[406]

On Jan. 9, 1779, the Jews declared in a memorandum (drawn up by three Colmar attorneys) that they would be ruined, because their debtors, using the falsified receipts, refused to pay the debts, while the Christian creditors forced their Jewish debtors to pay their debts, especially in cases of debts resulting from the purchase of horses, cattle, grain, land, etc. on credit by Jewish dealers. The decree on the liquidation of the falsified receipts refused to the Jews the right to request the law-courts to order their debtors to repay their debts, but Christian creditors were allowed to request the help of the law against their Jewish debtors."[407] In a later memorandum to the Council on the Letters patent of May 27, 1780, the Jews protested against granting too long terms to debtors. The Jews wrote about another dangerous practice: "The agents of the chicanery" (*suppôts de la chicane*), who attempted to increase the number of trials in order to augment their own profits (i.e., lawyers, notaries, etc.), tried to convince the debtors that the Letters patent of May 27, 1780, allowed all debtors of Jews (even those not holding falsified receipts) to request from the First Chamber alleviations in the payment of their debts. All the debtors had to do, it was claimed, was to make against their Jewish creditors general accusations of usury, which would insure them against any further trials at the creditors' requests. In any case such

[405] AmS, Procès-verbaux de la Chambre des XIII, 1781, p. 36-38.
[406] AmS,AA2390.
[407] AdBR,C355,p.47.

accusations—debtors were told—would be forwarded to the Council's first Chamber, even if the creditors were in possession of legalized I.O.U.s. The Jews requested a special decree in the spirit of the Letters of May 27, 1780. These Letters—they wrote—were not granted in order to instigate new crimes, and as such the spirit of the Letters should be followed very strictly, i.e., only peasant-debtors who agreed to renounce their claims based on the falsified receipts were to be granted terms for the payment of the debts."[408] The Sovereign Council published an order in the spirit of the Jewish request. But lawyers were still persuading the debtors to make general accusations of usury against their debtors."[409]

It thus seemed that the Case would never end. The long terms granted to a great number of debtors were a sort of a premium of encouraging other falsifications—as the historian de Neyremand wrote."[410] Hell himself stated that the greatest number of receipts was falsified in the period between the publication of the first order calling for the registration of the receipts and the date set for the registration, because the counterfeiters assured the debtors that all registered receipts would be declared valid."[411] Even after the publication of the Letters of Sept. 28, 1780, many debtors bought falsified receipts bearing old dates. According to the Letters and the orders of the King and the Council, the debtors who refused to abandon the falsified receipts were to be punished. Something had to be done in order to put an end to the debtors' obstinacy and the criminal practices of their lawyers. And thus, on Dec. 28, 1780, the Council ruled that new falsified receipts would not be accepted as a basis for granting terms; and that the owners of such receipts would be punished."[412] This ruling was effective. First of all it permitted the Council to sentence only a small group of conterfeiters and distributors of receipts and prevented the mass-trials of thousands of debtors. Still, in 1784, the Jews complained that judges and lawyers forced debtors to bring accusations of usury against their Jewish creditors."[413] The courts were flooded with similar trials

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[408] "Mémoire pour les Juifs d'Alsace, sur l'exécution des Lettres patentes du 27 mai 1780", in the author's possession.

[409] The Council declared that the practices of the lawyers often ruined peasant-debtors, who sent to Colmar their accusations against Jews. The Council could not accept these requests and accusations. The Council decided to dismiss all such cases forwarded to it by judges of lower courts and prohibit future trials of a similar nature. *ERCSA. Du* 28 *Septembre* 1779 (C 1779) Placard, BuS101339; *ERCSA. Du* 18 *Août* 1780 (C 1780) Placard and 4 p., AmS,AA230 and AmC,AA176; *ERCSA. Du* 28 *Septembre* 1780 (C 1780) Placard, BuS38979. *Cf.* Véron-Réville, *Histoire de la Révolution française dans le département du Haut-Rhin* 1789-1795 (C 1865) p. 10.

[410] de Neyremand, *Conseil...*, p. 29.

[411] AdHR,Wendl.48/16,p.76.

Hell wrote (Ibidem) that the best way to liquidate the Case was to provoke one lawsuit from a Jewish creditor against his debtor in possession of a falsified receipt. This would force all debtors to destroy the receipts in their possession. He boasted of having written to a judge that if it were up to him, he would have hanged one debtor and the entire Case would thus end. But this was only an opportunistic self-defense.

[412] *ERCSA. Du* 28 *Décembre* 1780 (C sd) Placard. AdBR,B598.

[413] Léon Halévy, *Résumé de l'histoire des Juifs modernes* (P 1828) p. 285-86.

Hell himself wrote in 1783 that if the Case were not liquidated very soon, the Jews with small properties would be unable to exist and the poor Jews would die from hunger, as they received from their debtors neither cash or products since 1781.[414] The historian Véron-Réville, who studied the archives on the Case before most of these files were destroyed, wrote in 1864 that many Jewish creditors were not richer than their debtors and that a great part of the debts had been drawn up in a perfectly legal manner. But the falsified receipts ruined the Jews because the decrees on the liquidation of the debts aimed to accomplish just this. A decree of Aug. 28, 1787, allowed Jewish creditors to request payment of debts, but this was done with so many guarantees for the debtors that it only helped to ruin the Jews[415] Because of a bad harvest, on Sept. 28, 1781, the Council permitted the judges to grant new 6-monthly terms in payment of the capitals for debts of debtors who lost 1/4 of their harvests; one-year terms to those who lost 1/2; while interest had to be paid. On Jan. 7, 1783, the Council forbade Jews to request payment of debts and granted another term of one year to the debtors. On Feb. 5, 1784, the Council extended the term for still another year.[416]

In Junuary 1785, the Jews proposed that debtors of 600 pounds or less repay their debts in two terms of three months each; while debtors of larger sums repay the debts in four terms of 6 months each. This proposal was rejected.[417] On Jan. 7, 1785, the Council ordered the Jews to present within 3 months a list of all debts owed them by peasants and artisans. Until then, Jews were not to grant any new loans or request payment of any old debts. The date was delayed and in January 1786 the Jews presented the list of debts for the total sum of about 11 million pounds in capital.[418] In the beginning of February 1786, the Council considered the following four proposals for the liquidation of the debts: (1) to control and compare the claims of the debtors and their creditors and to fix the sums to be paid by the debtors at once; (2) to grant terms to the debtors; (3) to annul the entire debts, or parts of the debts, and grant terms for the payment of the uncancelled parts (only the King could make such a decision); (4) to transform the debts into rentals (*rentes*). In November 1786, the King expressed the opinion that the Jewish creditors be allowed to request only 1/5 of their debts. This meant the dispossession of the Jews of 4/5 of their properties. On Jan. 10, 1787, the King's proposal was confirmed by the Council of Alsace, but in August of the same year this decision was the subject of many changes. The decision of January 10 was a very dangerous precedent; both the King and the Council

[414] AdHR,Wendl.48/16,p.79.
[415] Véron-Réville, Les Juifs d'Alsace sous l'ancien régime. Le Procès des fausses quittances. *RA*, vol. V (1864) p. 289-300.
[416] *ERCSA. Du 28 Septembre* 1781 (C 1781) 2 p. In the author's possession; *ERCSA. Du 7 Janvier* 1783 (C 1783) 3 p. BuS33228; *ERCSA. Du 5 Février* 1784 (Colmar) 3 p. (4°) and Placard. BuS33228; AmC,AA176. Holdt, *oc.*, Feb. 5-6, 1784.
[417] Holdt, *oc.*, Jan. 26 and 31, 1785.
[418] Ibidem, Jan. 14 and 31, Apr. 21, Aug. 18, 1785.

became afraid of the consequences of such an act. In August, 1787, the Council allowed Jewish creditors to request through the courts the payment of debts. But the Council granted the debtors two terms in payment of debts of 100 pounds or less (the second payment to be made on Saint-Martin's Day of 1788); four terms for debts of 100-600 pounds; 8 terms for debts of 600-1,000 pounds; and 10 yearly terms for debts of more than 1,000 pounds. This was, again, a hard economic blow for the Jewish money-lenders.[419]

The *Case of the Counterfeit Receipts* was never properly liquidated. At the outbreak of the 1789 Revolution the debts were not yet paid off, legally the debtors had still many terms for the payment of their debts. In a memorandum of 1790 the Jews asked not to use the Case of the Receipts against their struggle for citizenship, because they were prepared to respect the terms granted to the debtors. On Sept. 27, 1791, full citizenship was granted to the Jews, and in a Law dated the following day, Sept. 28, 1791, the National Assembly ordered the Alsatian Jews to present a list of debts owed them by peasant-debtors and directed that a way of paying these debts be worked out. Yet, this Law was never adhered to. The Jews refused to present the requested list and they were not forced to do so.[420]

The Case of the Counterfeit Receipts instigated a whole series of very important events in the history of the Jews in France, e.g.: the aggravation of the conflict between the Jewish leader Cerfberr and the City of Strasbourg;[421] the abolishment of the body-toll;[422] the publication of Dohm's book on the emancipation of Jews;[423] the Letters patent of July 10, 1784;[424] the census of Alsatian

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[419] Ibidem, Feb. 3, Nov. 18, 1786, Jan. 10, Aug. 17, 1786; *ERCSA. Du* 28 Août 1787 (C 1787) 8 p. BuS101343.

The anti-Jewish historian Joseph Lémann wrote that even after the Council's order of Aug. 28, 1787, the counterfeiting continued: *La Prépondérance juive* (P 1889) p. 105. Other printed sources of the Case of the counterfeit receipts: *ERCSA. Du 7 janvier* 1783 (C 1783) 3 p. AN,K1142; Dr. Aug. Hertzog, Der Wucher auf dem elsässischen Lande. *Strassburger Post* (1908) N° 773; Dr. M. Ginsburger, Der Wucher im Elsass. *Ibidem* (1908) N° 854, 985 & 1012; Ibid, Der Unheber der falschen Quittungen. *Ibidem*, (1909) N° 431; Henri Labroue, Le Mécanisme de l'usure juive dans l'Est de la France au XVIIIe siècle. *La Question juive en France et dans le monde*, vol. II, N° 9 (1943) p. 41-48.

[420] This will be treated in a study to be published in *Zion* (Jerusalem).

[421] See note 113.

[422] *Edit du Roi, portant exemption des Droits de péage corporels sur les Juifs. Du mois de Janvier* 1784. *Enregistré le* 17 *du même mois* (C 1784) 4 p.; French and German edition: *Koenigliches Edict welches die Juden von Leibzoll Gubühren befreyt.* 7 p.; edition of Metz: *Edit du Roi, portant exemption des droits de péage corporels sur les Juifs... Régistré en Parlement le* 8 *Mars* 1784 (M 1784) 3 p.; *Lettres patentes du Roi sur arrêt portant fixation de l'indemnité accordée à la ville de Strasbourg pour raison de la suppression des droits qu'elle percevait sur les Juifs sous la dénomination de péage corporel... le* 25 *Janvier* 1786 (M 1786) 4 p.; *Extrait des registres du Conseil d'Etat du Roi* [du 8 Septembre 1786] (S 1786) 3 p. AmS, AA2378-9 and vol.R39-12;JTS;BN,Ld184-21. This subject will be treated in a separate study.

[423] Christian Wilhelm von Dohn, *Ueber die bürgerliche Verbesserung der Juden* (Berlin-Stettin 1781); French edition: *De la Réforme politique des Juifs.* Traduit de l'allemand [par J. Bernoulli] (Dessau 1782).

[424] On the Letters patent of July 10, 1784, see: *Lettres patentes du Roi, portant Règlement concernant les Juifs d'Alsace. Du* 10 *Juillet* 1784. *Enre-*

Jews[425] and the danger of expulsion for many Alsatian Jewish families;[426] etc. But this is a subject for a separate study.

To summarize our study, we must come to the conclusion that on the eve of the 1789 Revolution the Jews of Alsace, Metz and Lorraine were persecuted by everybody, by the Gentile population, by the Catholic Church and even by the Protestants who were persecuted themselves; by the seigniors, local administrations and by the King and his military and civil administrators. These persecutions affected the political, economic, civil and religious life of the Jews. Sometimes, the Jews were tolerated because the French Monarchy needed the Jews' help for the armies; for the seigniors and some cities, too, the Jews were a source of income. The Jews were forced to accept this role of economic agents because they were forced to accept any means of making a living. Fhe French Monarchy did never possess any liberal feelings toward Jews, who were always regarded as enemies of the Church but, who had sometimes to be tolerated because the French Monarchy was unable to organize its armies without the help of the Jewish bankers and traders.

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gistrées le 26 *Août suivant* (C 1784) 16 p.; German text in: *Privilegirte Strassburger Zeitung,* N° 76 (1784); R. Anchel, Les Lettres patentes du 10 Juillet 1784. *Festschrift zu Simon Dubnows siebzigsten Geburtstag* (Berlin 1930) p. 187-200, in: *REJ,* vol. XCIII (1932) p. 113-134 and in his book *Les Juifs en France* (P 1946) p. 213-33.

[425] See notes 46, 55 and: *ERCSA. Du premier Septembre* 1784 [Exécution des Lettres patentes du 10 Juillet 1784] (C 1784) 7 p. BuS33269.

[426] *ERCSA. Du* 6 *Mai* 1786 (C 1788) 4 p.; *ERCSA. Du* 13 *Décembre* 1788 (C 1788) 3 p. BuS101344 and AdBR,B598.

MALEDICTION.

Il eſt une nation, qui toûjours en delire,
L'on ſent deja d'avance ce que nous voulons dire.
C'eſt le peuple Juif,
Qui toûjours fugitif,
Par une erreur groſſiere
Aveugle, ſans lumiere,
Même ſans Foy ni Loy,
Tuerent leur propre Roy.
Ce qui les rend malheureux,
Ils demanderent ſur eux,
Et ſur leur nation
La MALEDICTION.

INCSRIPTIO.

Sanguis ejus ſuper nos / *Et ſuper filios noſtros.* } *Fiat.* — *Jeſus Nazarenus* / *Rex Judeorum.* } *Veritas.*

JESUS.

Qu'ay-je donc merité?
Je ſuis la verité.

PILATE répond:
Quid eſt Veritas?

C'eſt une queſtion, qui n'eſt plus guere en vogue,
On l'ingnore abſolument dans notre Sinagogue.

MALEDICTION.

Les Juifs d'apreſens, ſont de vrais gueux
Toûjours vagabons, ils n'ont ni feu ni lieux.
Fourberie, mauvaiſe foy, vices, qui leur ſont propres,
Il ne ſont plus dans le monde, que pour ſervir d'opprobre.
Il en eſt d'aſſez fous, de croire que c'eſt un bien,
Pour honorer Moïſe, de tromper un Chretien.
Le ſecond Evêque de RINCK, s'eſt délors depêché,
De chaſſer ces Frippons, de tout ſon Evêché.

OBSERVATIONS

D'UN ALSACIEN

SUR L'AFFAIRE PRÉSENTE

DES JUIFS

D'ALSACE.

A FRANCFORT.

M. DCC. LXXIX.

Left: An Anti-Jewish Leaflet Distributed During the Case of Counterfeit Receipts. *Right*: Hell's Book on the Case, 1779 (see p. 124).

Appendices

The Jews of Lorraine and the Conflicts between France and Lorraine, 1700's-1720's.

APPENDIX I-1.

D'Audiffret's Report on the projected Settlement of Jews in Lorraine and the "Compagnie Lorraine"

"Feu M. Le Duc de Lorraine Léopold I. qui étoit fort ardent pour les Projets [de fabriquer en Lorraine des draps] embrassa avidement la Proposition qu'on luy fit d'une Compagnie qui fut en Etat de mettre cette manufacture sur le pied des plus fameuses de l'Europe; le Plan en fut dressé...; ce Projet étoit à proprement parler une Conjuration contre les Etoffes de France dont on vouloit interdire l'usage en établissant avec l'Allemagne un Commerce de Réciprocité pour lequel on considéra que la Paix qui venoit d'être conclue à Utrecht en faciliteroit le moyen, et en ôteroit la suspition, et dans cette veuë on débaucha des Ouvriers français au nombre de quarante filleurs, tisserans, laineurs, et un fort habile teinturier; mais pour vouloir trop subtiliser ce Projet, ce Prince se fit échouer en ce qu'il crut que ses sujets n'étant pas assez Riches pour faire les fonds nécessaires à une Entreprisse aussy considérable, il faloit leur donner des Associés qui peussent y suppléer, et pour cet Effet, il fit offrir à des Juifs d'Allemagne et de Hollande de s'établir dans ses Etats avec toute la Liberté et tous les Privilèges qu'ils pourroint désirer s'ils vouloint former avec ses sujets une Compagnie de Commerce qui peut devenir florissante. Les Privilèges qu'il leur offrit consistoint à leur permettre de s'établir dans la ville Capitale de ses Etats [Nancy], d'y bâtir une Synagogue, de ne porter aucune marque qui les distingua des autres hommes comme ils le font dans les autres Etats, d'acquérir et de posséder même des immeubles, et de jouir de tous les Droits, Privilèges, et Prérogatives de ses sujets. Il avoit pensé, comme il a paru par l'Instruction qu'il avoit donné au Sr. Vautrin, Secrétaire de son Cabinet, qui fût chargé de cette Négociation qu'il ne pouvoit pas choisir des Négociants plus habiles par la parfaite connoissance qu'ils ont du Change et de la valeur des Espèces, et par l'adresse et la Dextérité qui leur sont particulières pour sçavoir le prix des Marchandises, le Gain qu'on y peut faire, et les moyens progrès d'en faciliter le Débit, et d'en augmenter la Consommation. Ils avoint accepté des Propositions si avantageuses pour leur Religion. Lorsque M. d'Audiffret, Envoyé du Roy, qui suivoit cette affaire et qui avoit cru ne devoir faire aucun mouvement qu'elle n'eut été résolue fut averti que les Lettres Pattentes de l'Etablissement de ces Juifs alloint être Expédiées, il comprit bien que ce nouveau Commerce porteroit un grand préjudice à celuy du Royaume en donnant l'Exclusion à nos Marchandises et à nos d'Enrées [denrées]; que le Roy ne pourroit point s'en plaindre parce que la Liberté du Commerce fait prendre les Marchandises qui conviennent le mieux, qu'on ne pourroit pas inventer un moyen plus subtil de nous faire du mal sans pouvoir l'Empêcher, qu'il ne faloit pas seulement avoir égard à la Privation du Débit de nos marchandises mais encore à la quantité de nos Espèces qu'ils trouveroint le moyen d'attirer en ce Pays par la Contrebande qu'il seroit impossible d'éviter, il considéra aussy qu'il n'étoit point de l'Intérest du Roy que la Lorraine s'enrichit et qu'il faloit la laisser dans la Langueur ou Elle se trouvoit, affin de la tenir mieux dans la Dépendance et la mettre hors d'Etat de nuire, à qu'oy elle ne seroit que trop portée si elle en avoit les moyens, c'est ce qui l'obligea de faire connoitre aux Ministres de la Cour de Lorraine que la Résolution que S.A.R. avait prise d'Etablir des Juifs dans ses Etats avec tous les Privilèges qu'elle leur accordoit, luy fairoit un tort infini, puisqu'elle ne blessoit pas moins la Religion que son bonheur, et l'intérest de ses sujets; qu'on regarderoit dans toute la Chrétienté comme une action non seulement odieuse, mais même scandaleuse d'élever des Synagogues avec le libre exercice dans un Pays qui avoit toujours passé pour bon Catholique, et très attaché au S[aint] Siège, et que c'étoit y introduire des sangsues qui succeroint le sang des Peuples, et les reduiroint à la misère comme ils faisoint ailleurs. Ses démarches furent suivies de vives plaintes de Made. La Duchesse de Lorraine contre une nouveauté si pernicieuse, et d'une lettre très forte que M. L'Evêque de Toul écrivoit sur ce sujet, de sorte que ce Prince se voyant attaqué de toutes parts avec de si bonnes et si solides Raisons fit dire à ses Juifs qu'il ne pouvoit point les recevoir dans ses Etats" ("Mémoire sur le Duché de Lorraine, par M. d'Audiffret, cy devant Envoyé Extraordinaire du Roy... 1732". AffEtrang., Lorraine, vol. 124 p. 416-22).

APPENDIX I-2.

The Letter of the Bishop of Toul to Léopold I against the Settlement of Jews in Lorraine, Dec. 23, 1707.

"Je suis pénétré de la plus vive douleur que puisse ressentir un Prêtre de J.C. et un Evêque Successeur des Apôtres; il s'est répandu un bruit, et plût à Dieu que ce ne fût qu'un bruit, que le Conseil de V.A. l'a portée à recevoir quelques familles de Juifs dans la Ville Capitale de ses Etats, et à leur permettre d'y faire l'exercice de leur Religion. Cette nouvele m'est confirmée par tant d'endroits qu'il ne m'est plus permis d'en douter... Seroit-il possible, Monseigneur, que sous un règne aussi sage et dans un Etat aussi fleurissant, qui jouit du bonheur de la paix au milieu des agitations de toute l'Europe, la privauté de la foy se trouve alterée, et que ce fût sous Léopold I que les ennemis et les bourreaux de J.C. elevaissent une Synagogue opposée au Temple du vrai Dieu ?... J'ose, Monseigneur, vous demander cette grâce au nom de cette Eglise qui nous a enfantez en J.C. Je me flatte, Monseigneur, que vous écouterez une mère pleine de tendresse qui parle à un fils plein de piété. Daignez, Monseigneur, la consoler en refusant aux Juifs la permission que l'on demande à V.A. pour eux" (Arsenal, ms. 2064, p. 172; AffEtrang., Lorraine, vol. 66, p. 247-50, 260-61. Cf. Beaumont, oc, p. 40-3).

APPENDIX I-3.

Reports on the Residence of Jews of Metz in Lorraine.

"Le Roy ne voulant pas qu'ils [les Juifs de Metz] en ayant deux [résidences] en même temps... leur commerce de monnoye est préjudiciable à la France. Et pour couper court avec ces gens là, Monseigneur, il n'y a qu'a expedier un ordre en forme si vous le trouvez bon, à la Synagogue et communauté des Juifs de Metz, de ne plus souffrir que les Juifs de Lorraine ayent de domicile en cette ville [de Metz], n'y espérance d'y reprendre leur établissement à l'avenir, s'ils n'y reviennent dans le bref delay" (J.B. Robin to the Minister of War, June 3, 1712. Guerre,A-1-2396.No193). "Sa Majesté [Louis XIV] ne veut pas que les Juifs de Metz entrent en relation avec ceux de Nancy n'y qu'ils soient leurs facteurs, agents ou commissionnaires, et si celà arrivoit vous pourrez leur déclarer que le Roy les obligeroit pareillement de sortir de la ville et du pays messin" (The Minister of War to the Intendant of Metz, July 17, 1712. Guerre,A-1-2395,No.113).

APPENDIX I-4.

The Jewish Community of Metz on the Contraband of coins of the Jews in Lorraine.

"La Communauté des Juifs de Metz a eu un très grand déplaisir que des Juifs se soient meslez de la Monnoye de Lorraine. Elle n'a rien oublié pour leur faire quitter cette Entreprise. Il y en a qui l'ont abandonné, mais len reste encore deux ou trois en Lorraine qui se sont opinatré. Nous avons non seulemènt déffendu à tous les Juifs de Metz, conformément aux ordres du Roy et à ceux de votre grandeur de n'avoir aucune relation, correspondance ou commerce avec eux sous peine d'excommunication qui est tout ce que nous avons de plus grand en notre Religion. Et nous veillons à ce que les Espèces de Lorraine n'entrent point dans le pays, puisque le Roy le déffend. Et nous avons découvert une contravention dont nous avons d'abord donné avis à Monseigneur l'Intendant et fourni les preuves pour parvenir à la punition. Il doit les juger incessamment" (Letter to the Minister of War, Nov. 2, 1712. Guerre,A-1-2393,Nos.239-40).

APPENDIX I-5.

The Minister of War to d'Audiffret on the trade of Lorraine Jews in the French Territory.

On July 3, 1712, the Minister of War wrote to M. d'Adiffret, France's Ambasador to Lorraine : "...Vous scavez que cette nation juive n'est pas regardée fort favorablement en France. Elle y est seulement tolérée avec des restrictions de ne pouvoir demeurer que dans la ville de Metz, et même dans le canton particulier de cette ville qui leur est assigné. M. le Duc de Lorraine sait encore mieux, car je crois qu'il n'y a aucun de Ses Etats où les Juifs connus pour cela soient admis, et ils ne peuvent par conséquent se qualifier d'estre de ses sujets n'y pour des Privilèges atribués aux Lorrains, mais il est encore plus sûr qu'aucun Privilège ne peut leur donner droit de venir librement en France et sans permission. Ceux qui sont établis à Metz et qui vivent comme sujets du Roy ne viennent pas même à Paris sans une permission expresse pour chaque voyage qu'ils y font, et le temps est toujours limité à celuy qui leur est nécessaire et indispensable pour régler les affaires qu'ils y peuvent avoir, après quoy ils sont obligés de retourner à Metz. Vous n'aurez point de peine sans doute à faire connaître à M. Le Duc de Lorraine que les déffenses faites de tous les temps aux Juifs ne donnent aucune atteinte aux Concordats qui permettent le Commerce entre les sujets de France et de Lorraine" (July 3. 1712. Guerre,A-1-1391,No.313).

APPENDIX I-6

D'Audiffret's Report on the Role of the Lorraine Jews, 1715.

"Un pays où les charges surpassent la possibilité de les payer; ou le négoce languit par la rareté de l'argent, et par le défaut de consommation des denrées, et ou les Peuples abbatus par une longue misère causée par d'excessives impositions ne sont d'aucune ressource et tant que cet obstacle durera il luy sera impossible de faire de nouveaux établissements pour l'utilité du commerce de ses sujets... Le Conseil des finances [de la Lorraine]... a cru qu'il n'y en avoit point de plus convenable que de mettre la monnoye dans un mouvement, a fabriquer de nouvelles espèces comme une source capable de remédier à l'épuisement. Cet expédient m'avoit paru une chimère connoissant l'impuissance ou se trouve le Prince d'acheter des lingots en Espagne et en Hollande, et sachant la résolution ou sont les négocians de n'en vouloir point prendre la commission par la crainte d'un payement trop retardé. Mais j'ay esté averti qu'un Juif auroit offert de fournir telle quantité de matière qu'on voudroit. Je travaille a le découvrir parce que j'en soupçonne c'est celuy qui a fait un grand billon des espèces de France en ce pays pendant la dernière guerre, et qui pour ce sujet a esté détenu quinze mois dans les prisons de Metz" (D'Audiffret's report of Nov. 12, 1715. AffEtrang.,Lorraine,vol.92.p.190-192).

APPENDIX I-7.

D'Audiffret's Report on the Lorraine Restrictions against Jews of Metz, 1719.

"On projette en cette Cour [de Lorraine] des ordonnances pour inquiéter les Juifs de Metz dans le commerce qu'ils font en cette Ville [de Nancy] en leur voulant faire payer des nouveaux droits avec d'autres conditions onéreuses sur des motifs préjudiciables aux intérests de Votre Majesté, non seulement en ce qui ce seroit une infraction manifeste des Concordats qui établissent la liberté, et la réciprocité du Commerce entre les Evéchês et la Lorraine, et dont il est important de maintenir l'observation, mais encore parceque l'ouvrage des Ministres de cette Cour lesquels employent toute sorte de moyens pour absorber les anciennes espèces du Royaume dont ils font le fond de la fabrication des leurs avec un profit considérable, ne peuvent souffrir que ces Juifs leur enlèvent leur proye par les soins qu'ils prennent d'en amasser pour les faire repasser dans le Royaume et en tirer à la vérité l'avantage qu'on y trouve en y joignant des billets d'Etat, ce qui anime contr'eux les Ministres de cette Cour et leur attire l'orage dont ils sont injustement menacés. Mr. Rutan a eu ordre d'écrire à Mr. l'Intendant de Metz et de lui faire connoitre que cette ordonnance projettée contre les Juifs ne devoit recevoir aucune difficulté de la part de Sa Majesté puisqu'au contraire c'étoit le moyen d'empêcher le billonage qu'ils faisoient en ce pays, et qu'étant seulement tolérés à Metz ils ne devoient pas joüir du bénéfice des Concordats qui n'ont été accordés qu'aux sujets de Votre Majesté et à ceux de M. le Duc de Lorraine... Je puis assurer Votre Majesté qu'en général c'est sans fondement qu'on les accuse [les Juifs] de billonage... ce prétendu billonage des Juifs n'est qu'un pur prétexte pour en augmenter un autre qui est plus réel. Le second motif qu'on allègue de leur simple tolérance dans la ville de Metz pour les exclurre des Prérogatives des Concordants ne paroit pas mieux fondé; ils étoint soufferts en cette Ville de'z l'année 1552... de sorte qu'en vertu de ces Titres on ne peut guères leur refuser l'avantage d'être réputés sujets de Votre Majesté et par conséquent de jouir en cette qualité des Privilèges portés par les Concordats. D'ailleurs les Ministres de M. le Duc de Lorraine se contredisent eux mêmes à cet égard, car lorsque Mr. Voysine écrivait à Mr. Robin de déclarer aux Juifs Samuel Lévi et Moyse, et Oulry Alcan qui s'étoint venus établir à Nancy où leur habileté dans le Billonnage les avoit rendu nécessaires qu'ils eussent à opter sur leur domicile à Metz, ou en Lorraine, et que s'ils prenoint ce dernier party, il n'y aurait plus de retour pour eux, ce Ministres en firent des grandes plaintes comme d'une contrevention aux Concordats, et l'un d'eux fut chargé de m'écrire... ils regardoient donc alors comme un fait incontestable que les Juifs y étoient compris et la variation qu'ils font à présent est une preuve bien convaincante qu'ils veulent en accommoder l'interprétation à leur intérest et qu'ils n'ont en vue que d'empêcher que les vieilles espèces ne puissent repasser dans le Royaume, et que personne ne partage avec la banque [de Lorraine] le profit qu'elle retire. Mais outre qu'il seroit dangereux de laisser donner une atteinte aussi préjudiciable aux Concordats Votre Majesté me permettra de lui dire qu'il est du bien de son service par plusieurs raisons de maintenir les Juifs de Metz dans la libre et paisible jouissance du droit de réciprocité due à ses sujets et de ne point souffrir qu'on exige d'eux en ce pays aucun nouveau droit ni les autres conditions qu'on a dessein de leur imposer" (d'Audiffret's report of July 22, 1719. AffEtrang.,Lorraine,vol.105,p.109-114).

APPENDIX I-8

D'Audiffret's Jewish informers in Lorraine.

"Moyse Alkan qui vous rendra cette lettre vous informera de toutes choses... vous faites très bien de vous en servir, il est honnête homme, bon fran-

çois, habile et incapable d'avoir fait la conversion des espèces. Je ne serois pas garant de même de Samuel Lévi et de Jacob Schvobe, ils sont entièrement livrez à cette Cour [de Lorraine] qui leur fait faire tout ce qu'elle veut, et ne doute point qu'ils n'enlèvent toute la monnoye de France, qu'ils peuvent avoir" (d'Audiffret's report of March 1, 1712). "Le Samuél Lévy vient de m'envoyer la lettre cy jointe de l'homme qu'il a envoyé à l'armée de l'Empire... il [Lévy] est très affectionné et il me donne de grandes lumières sur ce qui regarde l'excessif billonnage de nos espèces qui se fait en ce pays, au grand préjudice du Royaume. Comme il est parfaitement instruuit, c'est à luy que je dois tout ce qu'il y a de meilleur dans un mémoire auquel je travaille sur cette matière" (d'Audiffret's report of July 1, 1713). "Il y a en cette ville [de Nancy] un Juif nommé Samuel Lévy, lequel est établi depuis six ans... et duquel je me suis servi utilement dans plusieurs occasions aiant toute l'habileté possible pour déterrer bien des choses; comme je sçais qu'il a de bonnes relations en Allemagne, il m'est venu offrir d'en avoir des nouvelles qu'il remettroit pour vous" (d'Audiffret's report of Oct. 7, 1715)." Le Juif don't j'ay eu l'honneur de vous parler n'est pas Salomon Lévy... [mais] Samuel Lévy, [qui] est un galant homme que M. le Duc de Lorraine vient de faire Trésorier général de sa maison et fort au fait des affaires de cette Cour. On en peut tirer de bons services comme j'ay fait en plusieurs occasions. Mais comme il n'agit que par zèle et intérest il faut le prendre du côté de l'honneur (d'Audiffret's report of Oct. 24, 1715). AffEtrang., Lorraine, vol. 81, p. 159; vol. 86, p. 124-25, 130; vol. 91, p. 111; vol. 92, p. 105-109, 114, 153.

APPENDIX I-9

D'Audiffret on the "Compagnie de Commerce" of Lorraine.

"Le Conseil de ce Prince est occupé a examiner des projets de divers établissements de commerce... ils porteroint un grand préjudice au commerce du Royaume" (d'Audiffret's report of Jan. 18, 1720). "...cette compagnie [de Commerce] qui est l'ouvrage des Français dénaturez qui ont pris la ferme générale de Lorraine, et qui visent à mettre l'abondance, dans un pays mal affectionné, qu'il est de notre intérest de ne laisser pas enrichir, va causer un préjudice très considérable au commerce du Royaume si l'on ne prend les mesures convenables pour l'empêcher..." (d'Audiffret's report of Sept. 17, 1720). "Un pays" [La Lorraine] qui est celui qu'on doit le moins enrichir" (d'Audiffret's report of March 18, 1724). AffEtrang., Lorraine, vol. 107, p. 19-20, 184; vol. 112, p. 53.

APPENDIX I-10

D'Audiffret on the economic role of the Lorraine and Metz Jews, 1732.

"Le payement de toutes ces marchandises [importées en Lorraine] qui montent à huit millions se fait par Lettres de Change sans aucun délay, et ces Lettres sont ordinairement fournies par les Juifs de Metz ausqu'els elles sont payées qu'elqu'es fois par contrevaleur en d'autres Lettres de change que marchands tirent à leur ordre sur des places de France, ou d'Allemange ou de Suisse, ou d'Italie, suivant qu'ils peuvent avoir des fonds à prendre sur les unes ou sur les autres, et du défaut de cette compensation les Juifs sont payés en argent au cours de France ou de Lorraine" (d'Audiffret's Memorandum on Lorraine, 1732. AffEtrang.,Lorraine,vol.124,p.291-92).

The Petition of the Alsatian Jews, 1715-1717.

APPENDIX II-1.

Copies of Letters of the "Conseil du Dedans", 1716.

"A M. Dangervilliers. Les Juifs de la province d'Alsace, Monsieur, s'estant nouvellement addressés au Conseil pour demander 1°. la permission de ne faire qu'un mesme ménage avec leurs enfans mariés. 2°. d'avoir une boucherie dans les lieux où il y a six familles establies, et de vendre à un sol meilleur marché que les autres bouchers le derrière des bestes qu'eux Juifs ne mangent point. 3°. de voyager sans trouble ni insulte de personne. 4°. de pouvoir acquérir des maisons dans les villes, bourgs et villages d'Alsace: Et ces demandes estant contredites par les directeurs du commerce de la ville de Strasbourg et de quelques autres villes d'Alsace, le Conseil vous envoye le placet des uns et l'opposition des autres afin qu'après avoir examiné les prétentions respectives des parties, en stipulant toujours le droit des seigneurs, qui sont maistres absolus à cet égard dans leurs fiefs et jurisdictions, vous nous marquiez ce qui est du bien public en cette occasion, et ce qu'il est plus à propos de faire. Le renvoi des pièces sera nécessaire" ("Minutes des Lettres du Con[seil] du Dedans du Royaume", April 2, 1716. BN,naf14039,p.244-45).

"Il [l'Intendant d'Angervilliers] a répondu le 26 Aoust [1716] que les Chefs des Communautés des Juifs d'Alsace ont désavoué la demande qu'on a faite en leur nom, et a envoyé en mesme tems un projet d'arrest portant règlement tant pour les sortes de commerce qu'il estime qu'ils doivent faire que pour fixer le nombre de familles juives qu'on peut souffrir en cette Pro-

vince et pour empêcher qu'ils en viennent établir d'autres, estimant que ces gens-là s'emparant de tout le commerce font la ruine des autres Négociants" ("Minutes des Lettres du Con[seil] du Dedans du Royaume", April 2, 1716. BN,naf24039,p.244).

APPENDIX II-2.

Memorandum of the Intendant of Alsace, d'Angervilliers, on the Jews' Petition, Aug. 26, 1716.

"Mémoire et avis de M. d'Angervilliers sur les placets respectifs presentés en Conseil du dedans du Royaume au nom des Juifs d'Alsace et des Marchands de Strasbourg. 26 Août 1728 [1716].

Le placet des Juifs est présenté par Isaye Brunsvick et autres Juifs au nombre de vingt cinq qui disent avoir chargé de tous ceux de leur nation établis dans la Province d'Alsace. Ils exposent en termes assez vagues que depuis la paix on exige d'eux dans cette province des droits qui ne sont pas légitimes et qu'on ne cherche qu'à leur donner de l'inquiétude. Ils tâchent ensuite de faire valoir l'utilité don't ils prétendent avoir été pendant la guerre pour la remonte de la Cavalerie et enfin ils forment six chefs de demandes qui sont[:]

1°. Qu'il soit permis aux enfans mariés de ne faire qu'un seul ménage avec leur père et mère en payant néanmoins les droits du Roy.

2°. Qu'ils puissent avoir une boucherie particulière dans les lieux ou il y aura six familles de Juifs établis aux offres qu'ils font de vendre a un sol la livre meilleur marché que les autres bouchers les quartiers de derrière des bêtes, attendu que suivant leur loy ils ne mangent que les devants.

3°. Qu'ils soient déclarés exempts du logement des gens de guerre et de toutes corvées, excepté celles qui concernent le service du Roy.

4°. Qu'il soit fait defenses aux Magistrats, aux fermiers du Roy et à tous autres d'exiger des Juifs de plus grand droits que ceux qui sont perçûs sur les autres habitants de la Province.

5°. Qu'il soit libre aux Juifs d'acquérir des maisons dans tous les lieux de la Province, mesme dans les Villes, en payant les droits dûs au Roy et aux Seigneurs.

6°. Qu'il soit fait defenses à tous les habitants de les troubler dans l'usage des pâturages communs.

...Quelques marchands de Strasbourg qui se sont trouvés à Paris pour les affaires du commerce de la ville ayant eu communication de ce mémoire, en ont donné un contraire... Les Juifs ont encore fourni une réplique... ils se servent de termes assez indiscrets. Dès que ces différents Memoires ont été entre les mains de M. Dangervilliers, il les a d'abord communiqués aux principaux négocians de Strasbourg qui ont donné deux nouveaux écrits dont le précis est que les Juifs ne peuvent rapporter aucun titre sur lequel ils soient établis en Alsace... Enfin ils insistent à ce que tout autre commerce soit interdit aux Juifs hors celuy des bestiaux, de vendre et acheter de vieilles hardes et prêter de l'argent. Les chefs des Communautés des Juifs d'Alsace ayant de leur part pris icy [en Alsace] communication de tous ces mémoires ils ont parûs surpris de la démarche qui avoit été faite à Paris et enfin ils ont donné le 15 juin dernier un désaveu formel de Brunsvick. Ils disent que c'est l'ouvrage de luy seul et que cet homme est sans capacité ny probité. Il semble qu'après ce désaveu il ne devroit rien rester qui puisse faire l'objet d'une décision du Conseil; mais comme néanmoins les marchands de Strasbourg insistent à ce que le commerce des Juifs soit restreint dans des bornes très étroites et que d'ailleurs plusieurs villes et communautés de la Province s'élèvent contre le trop grand nombre de Juifs... le Conseil jugera peut être qu'il est nécessaire d'y pourvoir par quelque règlement...

Avis. Il est certain que les Juifs peuvent être de quelque utilité en Alsace. Dans les temps difficiles alors que la guerre est sur la frontière les païsans trouvent chez eux des ressources pour soutenir les charges dont ils sont tenus; s'ils ont été fourragés, s'ils ont perdu leurs bestiaux dans leurs corvées, les Juifs leur font des avances qui les mettent en état d'acheter des grains et des bestiaux. Ces prêts ne se font pas à bon marché, mais dans l'extrême nécessité il vaut encore mieux passer par la main des usuriers que de périr tout à fait. Les Juifs s'employent aussi à la remonte de la Cavalerie, ils s'intriguent pour en faire venir des païs étrangers et l'on ne peut disconvenir que pendant les deux dernières guerres ils n'ayant rendu quelques services dans ce genre. Ce n'est donc pas un mal qu'il y ait quelques Juifs en Alsace, mais ils se sont multipliés dans cette Province au point que leur nombre excessif entraîne beaucoup d'inconvénients... On proposerait volontiers de faire sortir d'Alsace une partie des Juifs qui y sont, il n'y aurait pour cet effet qu'à se fixer à l'année 1689 et dire que les seuls Juifs dont les familles se trouveroient établis en Alsace avant cette époque pourroient y rester... " (Copy sent in 1728 to the Ministry of War. Guerre,A-1-2679,No.81).

APPENDIX II-3.

The Decision of the "Conseil du Dedans", November 1716.

"Sur la demande des Juifs demeurant en Alsace, où ils ont un commerce libre, à l'exception de Strasbourg qui ne les souffre, de Colmar où il n'en a pas et de Landau où M. de Monclav ne permit qu'à un seul Juif de s'habituer; Ce sur l'opposition des Marchands de Strasbourg représentants que bien qu'ils n'admettent point cette nation chez eux ils ne laisseraient pas de ressentir le préjudice du commerce trop étendu des Juifs en Alsace, s'ils obtenoient

ce qu'ils demandent. Il faut savoir que les Juifs produisoient 10 chefs de Demandes, dont le 1er étoit de pouvoir demeurer ensemble en corps de famille et de n'en faire qu'une avec leurs descendans; mais comme ils ont désavoué cette demande depuis par leur dernier mémoire, il faut dire qu'ils les réduisent à neuf. 1°. Que ceux qui viendront en Alsace s'y marier, ayant la permission de s'y établir. 2°. De pouvoir commercer en gros et en détail et tenir Boutiques ouvertes hormis les dimanches et festes. 3°. D'estre admis aux Corps des maitrises. 4°. D'acheter et Bastir des maisons avec cour, jardinet, grange, tout autre possession leur étant deffendüe. 5°. D'envoer dans les Prairies communes les Bestiaux servant à leurs nourritures et ceux dont ils font commerce... en payant un prix raisonnable et point excédent ce qu'iyls ont payé jusqu'iez. 6° D'affermer et prendre à Bail tout les fermes du Roy que celles des seigneurs et autres particuliers. 7°. D'avoir une boucherie... 8° De payer les charges de l'Etat... 9°. L'exercice libre de leur Religion. Leurs moyens sont 1°. l'édit de l'Archiduc Albert en 1446, qui leur accorde une permission générale de tout genre de commerce. 2°. La concession de Charles V en 1530... 3°. que dans la Ville d'Obernheim, le Magistrat y loue luy mesme aux Juifs les halles pour tenir Boutique. 4°. sur ce que de tems immémorials ils y ont trafiqué de toutes choses. 5°. que les Juifs ont rendu dans les dernières guerres des services importants à l'Etat; Et qu'après tout ils renoncent à vendre toutes autres marchandises que celles de France. Les Marchands de Strasbourg opposent... Quand à l'intervention en opposition à la Demande des Marchands par le fermier du Domaine qui soutient que la restriction requise par les Marchands est préjudiciable aux droits du Roy qui diminuera infiniment les revenus de Sa Majesté en Alsace, le Conseil y a fait peu d'attention et s'est contenté de dire qu'il délibéreroit sur les neuf chefs à la séance prochaine, comme sur des choses d'une grande importance, et qui admises sans une extrême précaution, donneroient lieu à la ruine du Commerce des Chrétiens en Alsace et à une inondation dangereuse de Juifs en cette Province" ("Minutes du Conseil du Dedans, Rapporteur M. de Brancas". Nov. 28, 1716. BN,naf23924,p.117-119).

"De ne plus permettre à cette nation [juive] aucun établissement nouveau en Alsace... L'avis du Conseil est que les Juives d'Alsace mariées aux Juifs étrangers suivent le sort et la demeure de leurs marys hors d'Alsace, et que les Juifs d'Alsace qui se marieront avec des Juives étrangères ne pourront s'établir dans la Province... les Juifs ne pourront commercer aucune et étoffe neuve de produit de la Province. Et quant aux marchandises étrangères ils ne les distribueront que dans leurs magasins et dans les intérieurs de leurs maisons et seront soumises au droit de visite sans qu'ils puissent avoir aucunes Boutiques ouvertes en aucun lieu, si ce n'est aux marchés et foires annuelles. Qu'ils ne feront aucun amas de Denrées, quoy qu'il leur soit permis d'en recevoir en payement de leurs débiteurs, à condition toutefois de les revendre en détail aux prochaines jours de marchés... de ne leur permettre désormais n'y d'acquérir n'y de bâtir des maisons, sans une expresse permission du Roy ...qu'il ne leur soit pas permis à l'avenir d'en faire aucun [contrat] que par devant les Magistrats des lieux où ils seront établys..." ("Minutes du Conseil du Dedans. Raporteur M. de Brancas". Nov. 30, 1716. AN,naf2394,p.120-122).

APPENDIX II-4.

The Petition of Alsatian Jews, 1717.

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POUR LES JUIFS ETABLIS EN ALSACE

Les Juifs établis dans cette Province sont attaquez par quelques Marchands de Strasbourg, qui demandent que le Commerce de cette pauvre Nation soit restraint au Trafic de vieilles Hardes, de Bestiaux & de Prest d'Argent : Et qui pour obtenir cette Innovation, suposent que les Juifs n'ont eu permission de s'établir dans cette Province, qu'à condition de se borner à ces trois especes de Trafic exclusivement à tous autres ; qu'ils ont suby cette Loy dans tous les temps ; que les Juifs vendant à vil prix & ne trafiquant qu'avec des Marchandises fraudées, détruiroient le Commerce de Strasbourg, si on souffroit l'extension qu'ils ont commencée de donner à leur Commerce : Qu'enfin quatre Villes d'Alsace ont prié les Marchands de Strasbourg par diverses Requestes de prendre leur fait & cause au Conseil d'Etat.

Ce Tribunal Auguste est suplié d'accorder son attention aux raisons que les Loix & l'équité fournissent aux Juifs aussi bien que leurs Titres.

1°. Il ne paroist pas que ce soit le Corps des Marchands de Strasbourg qui agisse contr'eux : Si le Corps agissoit, il auroit produit quelque Déliberation portant ordre aux prétendus Députez de se pourvoir au Conseil.

2°. La Ville de Strasbourg qui est toute Marchande ne dit rien. Son silence est une preuve que les Marchands de cette Ville n'ont aucune plainte à faire contre les Juifs, & qu'ainsi la demande faite au Conseil sous le nom du Corps des Marchands n'est pas l'ouvrage de ce Corps, mais bien d'un très-petit nombre de Trafiquants, inquiéts & peu instruits des véritables interests de la Ville.

3°. Les quatre Requestes qu'on supose avoir esté presentées au Corps des Marchands par Hagueneau, Saverne, Obernheim & Weisembourg n'ont pas esté dessées en vertu de Déliberation de ces Villes ; elles l'ont au contraire esté à l'insçû des Magistrats & Conseils de ces Communautez. Elles ne sont signées que d'un très-petit nombre de Marchands Forains ou Savoyards Porte-Balles ; les Signatures même dont on a voulu les authoriser, n'ont aucune legalisation,

& par consequent elles ne peuvent estre regardées comme veritables. Cecy mérite d'autant plus d'attention, que la plûpart des Noms signez sont entierement inconnus dans le Païs. Il est donc évident que ces quatre Requestes ont esté mandiées par les ennemis des Juifs, pour donner quelque prétexte à leur Demande, laquelle sans cela n'auroit aucune apparence de raison, parce que les Juifs n'ayant pas la liberté de demeurer à Strasbourg ny d'y trafiquer, & ne demandant rien à cet égard, il est évident que les Marchands de cette Ville n'ont aucun interest en la Demande qu'on a formée sous leur Nom.

4o. Les Juifs font Commerce dans un très-grand nombre de Villes considerables d'Alsace, telles que Colmar, Landaw, Ensissheim, Schelestad, Ribeauvilliers, Molsheim, Derckeim, Tanne, Minster, Keyserver, Neubrisac, Rosheim, Rouffac, Betfort, Huningue & quantité d'autres qu'on ne peut nommer icy sans trop de prolixité. Aucune de ces Villes ne se plaint. Leur silence prouve que la conduite des Juifs est reguliere ; que leur Commerce loin d'estre onereux au Public, luy est trés-avantageux, & que le petit nombre de Trafiquans de Strasbourg qui se plaint sans interest, se plaint aussi sans raison.

5o. Les Juifs sont établis en Alsace de toute ancienneté, & y ont toûjours fait un Commerce entierement libre : Ils ont obtenu diverses Lettres Patentes des Archiducs, lorsqu'ils estoient en possession de la Souveraineté de cette Province. Le Conseil est suplié d'accorder son attention à celles de 1535. accordées par Charles V. qu'ils ont produites, & qui leur donnent dans les Villes, Villages, Bourgs, Chemins, Rivieres & Compagnes d'Alsace, les mêmes Droits, Privileges & graces dont joüissent les Chrétiens, tant gentilhommes que roturiers ; il est à remarquer encore que ces Lettres Patentes confirment celles de l'Archiduc Sigismond qui s'y trouvent insérées, & qui portent cette Concession.

L'Empereur Charles-Quint leur accorda encore d'autres Lettres Patentes en 1544. Qui non-seulement portent Confirmation des précédentes, mais encore

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expriment d'avantage la liberté qui leur est accordée : Il y est dit précisément Que cette Nation conserverà ses Ecoles & Synagogues, sans qu'elle puisse en être expulsée, ou y estre troublée par qui que ce soit : Qu'elle pourra trafiquer avec corps & biens par tout, soit en Paix, soit en Guerre sans pouvoir estre chargée de nouvelles Impositions. Qu'elle ne pourra estre chassée des lieux estant sous la Domination de l'Empereur par quelque personne que ce soit, mais que les Juifs qui s'y trouvoient alors, pourroient y demeurer avec leurs successeurs ; Qu'enfin en cas que par importunité ou autrement, on obtinst de l'Empereur quelque chose contraire à cette Concession, elle est par avance revoquée, declarée nulle & de nulle valeur. Ces Lettres Patentes ont esté confirmées dans toute leur étendue par l'Empereur Rodolphe en 1577.

En 1672. l'Intendant d'Alsace rendit une Ordonnance qui impose aux Juifs un Droit de Sortie & d'Entrée pour leurs Marchandises, & qui porte qu'ils joüirons des mêmes Droits que les Juifs de Metz, ils ont produit plusieurs autres Ordonnances d'Intendans, qui portent à peu prés la même chose.

Si les Juifs d'Alsace doivent user des mêmes Droits que les Chrétiens, ils doivent donc joüir de la liberté du Commerce ? S'ils doivent payer indistinctement l'Entrée & la Sortie de leurs Marchandises, ils peuvent donc en faire entrer & sortir sans distinction ? S'ils ont les mêmes Droits que les Juifs de Metz, ils ont donc celuy de faire toutes sortes de Commerce comme eux ?

6o. Il faut ajoûter à cela, que la Noblesse d'Alsace est dans une possession immemoriale (fondée en Lettres Patentes accordées par Sa Majesté, dont quelqu'unes sont produites) de permettre aux Juifs de tenir Boutique ouverte dans ses Terres, pour y commercer avec toute liberté. Le Roy ne voudra pas sans doute la dépouiller de cette possession ; ny que les Juifs qui sont sur les Terres d'Alsace, qui relevent immediatement de Sa Majesté, soient moins libres ou plus malheureux que ceux qui sont établis sur les Terres des Gentilhommes.

7o. Le Commerce des Juifs d'Alsace ne sçauroit estre limité, sans que les Fermes du Roy y perdent beaucoup, à cause des Droits considérables d'Entrée & de Sortie qu'ils payent, & de la quantité de Sel de Moyenuic dont ils trafiquent pour l'Etranger : Les Fermiers des Seigneurs & des Communautez en souffriroient aussi, parce que les Juifs les font valoir : Le Magistrat d'Obernheim leur a fait ordonner en dernier lieu de prendre celles des Halles de cette Ville.

8o. Les Juifs offrent d'entrer dans les Corps & Métiers, s'il plaist au Conseil, & d'en observer les Statuts, en tout ce qui ne sera pas contraire à la Loy de Moyse. Ils payeront les mêmes Droits que les autres Marchands, & seront sujets aux mêmes Visites. Ainsi il ne sera pas possible qu'aucun d'eux fasse un Commerce frauduleux. Ils seront d'autant plus éxacts en cela, qu'ils l'ont toujours esté jusqu'au jourd'huy, de maniere qu'il n'y a jamais eu de plainte contr'eux. Des Marchands Passagers de quelque Religion qu'ils soient, hasardent assez souvent des fourberies, parce qu'elles ne tirent pas à consequence contre leur crédit ; mais des Marchands domiciliez ont une reputation à ménager, dont ils sont d'autant plus jaloux, qu'elle est la baze de leur fortune & qu'on ne la recouvre presque jamais, quand on l'a perduë une fois.

Le bon Marché qu'on trouve avec les Juifs d'Alsace, ne vient donc pas de la fraude qui leur est imputée fort temerairement par le Memoire donné au Nom des Marchands de Strasbourg, mais de la modicité qu'ils pratiquent dans leurs Meubles, Habillement, Nourriture, Habitation ; enfin en toutes choses, personne n'ignore qu'ils portent cette modicité à un point surprenant.

9o. Plus il y a des Marchands dans une Province, plus elle est riche, plus elle est propre à supporter les charges de l'Etat ; l'Alsace a esté pendant quatre-vingt ans le théatre de la Guerre.

10o. Il n'y a presque pas de Marchands en Alsace autres que les Juifs, si ce n'est quelques petits Trafiquants errans Porte-Balles.

On ne peut accorder aux Parties adverses des Juifs ce qu'elles demandent, sans priver la Province de l'abondance qu'ils y entretiennent, & sans réduire le Gentilhomme & l'Artisant à traverser toute la Campagne jusqu'à Strasbourg pour aller vendre ses Denrées, & acheter jusqu'aux moindres bagatelles ; il naîtra necessairement de là deux inconveniens.

Le premier, que les frais de transport consommeront la meilleure partie des Denrées.

Le second, que les Marchands de Strasbourg devenus les Maîtres du prix de

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toutes choses, le seront aussi d'exercer toutes sortes de monopoles ouvertes.

Rien n'est donc plus évident, que le préjudice que la Province en recevroit, & qui la ruïneroit en peu de temps.

11°. Le Commerce de vieilles Hardes n'est pas connu en Alsace ; qui voudroit l'entreprendre s'y ruïneroit infailliblement ; celuy de Prêt d'Argent est infiniment borné dans une Province pauvre, où on ne peut se payer qu'en Denrées & Marchandises du crû du Pays, dont on voudroit faire interdire le débit aux Juifs. Celuy de Bestiaux n'a lieu que pendant la Guerre & les Mortalitez : Dans les derniers temps, les Juifs ont procuré une telle abondance de Bestiaux dans cette Province, qu'il n'y a plus de gain à y faire. Ainsi demander qu'ils soient restraints à ces trois especes de Commerce, c'est demander qu'on leur interdise tout Commerce possible, & par consequent qu'on les chasse d'Alsace, en renversant tous les Titres en vertu des quels ils y sont établis.

Cette exclusion priveroit le Roy des sommes qu'il tire du Droit de Protection, du Péage Corporel imposez sur les Juifs, du Produit des Fermes, de la Capitation, Subvention, Fourrages & quelqu'autres Charges, ausquelles ils contribuent, comme ils l'ont prouvé au Procés.

Ils ont demandé au Conseil de les maintenir dans la possession de demeurer en Alsace ; d'y appeller des Filles étrangeres pour marier à leurs Enfans (ce qui est l'usage de toute l'Europe, & qui a esté pratiqué jusqu'aujourd'huy en Alsace) parce qu'autrement ce seroit contraindre les Juifs à sortir de la Province, lorsqu'ils ne trouvent pas des Partis convenables ; ils ont aussi demandé qu'à l'égard des Juifs Etrangers, ils ne puissent venir s'établir en Alsace, sans permission expresse du Roy, ou des Seigneurs.

Qu'ils soient maintenus en possession de tenir des Fermes sans preference ; d'avoir Boucherie ouverte dans les lieux où ils sont au nombre de six familles, offrant de vendre la Viande à six deniers par livre meilleur marché que les Bouchers Chrétiens ; d'estre maintenus aussi dans la possession de tuer des Bestiaux dans leurs Maisons pour leur consommation dans les lieux où ils sont en moindre nombre, & de vendre les quartiers de derriere : D'envoyer leurs Bestiaux dans les Pâturages communs ; d'acquerir, faire construire & tenir à loüage des Maisons, Granges & Jardins dans telle étendü & quantité qu'il plaira au Conseil de limiter ; enfin d'avoir des Synagogues, avec défenses de les troubler dans leur Culte.

Aucune de ces Demandes n'enferme de nouveauté : Les Juifs ne cherchent point à inover, ils suplient au contraire le Conseil de leur accorder un Arrest qui empêche que leurs ennemis n'innovent. Ils sont à tout moment inquiétez, harcelez, tourmentez par des envieux, qui presentant des Memoires sous des Noms d'empruntez, font tous leur possible pour les contraindre à sortir d'Alsace. Si le Conseil n'a la bonté de mettre cette pauvre Nation a l'abry par un Arrest, elle demeurera exposée au caprice du premier Trafiquant, auquel il plaira d'être inquiét ; on l'a attaquée en 1671, en 1701, en 1711, en 1713. On les attaque encore aujourd'huy, nonobstant les Ordres du Roy réïterées à chaque Instance, & notamment ceux que le feu Roy donna en 1713. par feu Mr le Chancelier, sa Lettre est produite au Procés, & porte que Sa Majesté estant informée des Titres & Concessions en vertu desquels les Juifs sont établis en Alsace, Elle n'a pas trouvé à propos qu'on les inquiétât. Un Ordre si respectable, donné en si parfaite connoissance de cause, devoit décider pour toûjours le sort des Juifs ; cependant les voicy encore obligez de venir au pied du Trône, reclamer la Justice du Roy.

Des tempestes qui ont si peu d'intervale leur font craindre un naufrage prochain, & cette crainte doit raisonnablement porter les plus aisez d'entr'eux à se retirer dans quelques Pays où ils puissent trouver un Port assuré. Les dépenses des Députations continuelles qu'il faut faire à la Cour, & la crainte d'une exclusion subite, ne peuvent que renverser le Commerce, il n'y aura que ceux qui n'ont rien à perdre qui osent demeurer en Alsace, si le Conseil n'a la bonté de dissiper toutes les orages par un Arrest. Il ne peut y avoir de difficulté à l'accorder, ny à maintenir par l'authorité Royale, ce que l'authorité Royale a commencé : En effet les Empereurs, aux Droits desquels est aujourd'huy le Roy (qui a promis de maintenir les Concessions & Privileges par eux accordez) ont commencé cet ouvrage, & par des Lettres Patentes de 1490. 1530. 1535. 1577. & autres ; & le feu Roy de glorieuse Mémoire l'a continué par les Ordres que les Ministres ont si souvent réïterez ; par les Lettres Patentes accordées au Comte de Hanau, au Prince de Birekenfeld, à l'Evêque de Stras-

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bourg, & au reste de la Noblesse d'Alsace ; par les Baux à Ferme des Droits de Protection & de Péage Corporel ; par les Impositions ordinaires & extraordinaires ; par les Provisions du grand Sceau accordées au Raby ; par les Ordonnances des Intendans, qui estant les hommes du Roy, n'ont agy que suivant les Ordres émanez de l'authorité Royale ; enfin par la confirmation tacite de ces Ordonnances, qui estant passées en force de chose jugée, ont autant de poids que des Arrests. Ainsi le Conseil ne trouvera nulle difficulté à

accorder un Arrest qui est absolument necessaire, pour empêcher qu'on attaque désormais l'ouvrage de l'authorité Royale.

OBJECTIONS ET REPONSES.

Les Seigneurs qui sont intervenus dans cette affaire, semblent vouloir s'opposer en quelque chose aux demandes des Juifs : Tout se reduit à la crainte qu'ils ont, que les Juifs n'ayent intention de demander un Titre qui les rende indépendants de la Noblesse dans les lieux où elle a Seigneurie relevant du Roy.

Mais les Juifs déclarent que loin de vouloir donner aucune atteinte aux Titre des Seigneurs, ils ne desirent rien tant que leur execution. Ils consentent que leurs demandes ne leur soient accordées qu'avec la Clause, sans prejudice des Droits des Seigneurs à l'égard des Lieux qui en relevent. Car il doit estre observé qu'une grande partie de l'Alsace releve immediatement du Roy.

Les prétendus Députez des Marchands de Strasbourg ne font que deux Objections qui meritent d'estre refutées.

La première est, que les Juifs font un Commerce frauduleux qui ruine celuy des Chrétiens.

La seconde est, que cette Nation rafine beaucoup sur l'usure, qu'elle l'exerce d'une maniere qui ruïne toute la Province, & que le Conseil d'Alsace a esté obligé de rendre Arrest le 19. Janvier dernier, qui renouvelle les Défenses aux Notaires de passer Obligation en faveur d'un Juif, si ce n'est pour argent livré & nombré en sa présence.

A la première Objection, les Juifs répondent d'une manière fort simple. Ou les Marchands ont des preuves de la fraude ou ils n'en ont point. S'ils en ont, leur devoir les engage à les produire pardevant les Juges ordinaires pour faire punir les coupables : La Nation Juive loin de s'en plaindre, loüera les délateurs, & sera la partie la plus ardente à poursuivre ceux de ses membres qui se trouveront convaincus ; elle les retranchera même de son corps, comme des membres pourris. C'est ainsi qu'elle en a usé dans les occasions : Occasions rares à la verité, parce qu'elle a peu de sujets qui soient capables de fraudes, qui sont détestées & punies par l'ancienne Loy. Si les Marchands de Strasbourg n'ont point de Preuves, comment osent-ils accuser ? Ne craignent-ils point le titre de Calomniateur qui est dû à tout Accusateur temeraire ?

Cette Réponse doit servir aussi à la seconde Objection : Et il faut ajoûter que les Chefs de la Nation n'ont pas esté entendus lors de l'Arrest du dix-sept [-neuf] Janvier dernier, auquel ils vont former Opposition, en ce qu'il peut contenir portant Notes contr'eux.

Au surplus, s'il est vray qu'il y ait des Juifs qui éxigent des Contracts usuraires ; Qui doit estre regardé comme le plus coupable, ou les Notaires qui les passent, ou les Juifs qui les leur demandent ? S'il faut pour cela inquiéter les Juifs, Que faut-il faire aux Notaires ?

Enfin il y a toutes sortes d'apparence, que quelques ennemis des Juifs ont surpris la Religion du Procureur General : Car l'Accusation d'Usure est trés facile à prouver, n'ayant besoin que de preuves singulieres : Et par consequent s'il y avoit quelque chose de réel dans l'Accusation dont il s'agit, il auroit esté aisé de faire le Procés aux coupables. C'estoit ce qu'il falloit faire, s'il y avoit matiere, au lieu de charger toute une Nation de termes durs & ignominieux. Le malheur de cette Nation est, qu'on la regarde & qu'on la traite, comme convaincuë, dés qu'elle est accusée ; Un crime involontaire commis par ignorance (suivant le témoignage de Dieu même) l'a livrée a un nombre infiny de préjugez qu'on regarde tous, & sans distinction, comme legitimes. Cela est contre le Precepte Divin de la Charité, contre la Loy de Nature, & contre le Droit des Gens. Les Juifs n'ont pas à craindre de la part du Conseil d'Etat, c'est-à-dire, du plus pénétrant & du plus équitable des Tribunaux, une pareille injustice.

(Jewish Theological Seminary.)

APPENDIX III

The Debts of the Jewish Communities.

Following is an essay of a bibliography on the debts of the Jewish communities (AN,BN,AdM;JTS;ZS,BuS):

ON THE DEBTS OF THE ALSATIAN JEWISH COMMUNITIES: Séligman Wittersheim, *Messieurs les commissaires des départements du Haut et du Bas-Rhin pour la liquidation des dettes des Juifs domiciliés de la province ci-devant Alsace* (1792) 2 p. *Cf.* Loeb, *AnREJ*, vol. II, p. 175; *Auszug aus der Berathschlagung des Nieder-Rheinischen Departments-Direktoriums vom 1 Jul.* 1793, *im 2 ten jahr der Frankischen Republik...* ["*zur General-Liquidation der Schulden...*"] (Sl nd) 4 p.; *Consistoire Israélite du département du Bas-Rhin. Dettes des Israélites d'Alsace. Etat des sommes dues aux créanciers ci-après dénommés par la ci-devant communauté israélite d'Alsace, indiquant en même temps celles qui ont été remboursés jusqu'au...* 4 p. (fol.); L. Martin, Liechtenberger, Michaux-Bellaire et Rauter, *Consultation pour les Israélites habitant le département du Bas-Rhin contre les porteurs des créances de l'ancienne nation juive d'Alsace* (S 1835) 20 p. *Cf. UI*, vol. XXIII (1868) p. 419-20; [A manuscript copy of another factum is in the author's possession: Paul Fabre, avocat au Conseil d'Etat et à la Cour de Cassation, Note Consultative. Pour le Consistoire Israélite de la circonscription de Strasbourg. Créance Cerf Berr sur l'ancienne communauté juive

d'Alsace (Paris, 15 Août 1857);] *Consistoire israélite, circonscription de Colmar. Analyse. Dette Cerf Beer* (C 23 Juillet 1857) 2 p.; *Commission Cerf-Beer* (C 23 Janvier 1859) 2 p.; *Consistoire Israélite. Circonscription de Strasbourg. Extrait du registre des délibérations. Séance du 20 Juillet* 1866. *Dette Cerf Beer*, 2 p.; — *Commission* Cerf-Beer (S 25 Juillet 1866) 2 p.; *Journal du Palais* (1849) p. 560, (1851) p. 506; Dettes des communautés d'Alsace. *UI*, vol. XXI (1866) p. 435, vol. XXII (1866) p. 93; vol. XXIII (1868) p. 418-21; *La Presse Israélite*, vol. I (1869) p. 470; M. Ginsburger, Un emprunt de la nation juive d'Alsace. REJ, vol. LXXXI (1925).

ON THE BRANCAS TAX AND THE DEBTS OF THE JEWISH COMMUNITY OF METZ: Chauveau-Lagarde et Cambacérès, *Résumé pour les Juifs de Metz contre leurs créanciers* (P sd) 12 p. *cf.* R. Paquet, p. 1415; Louis Wolf, *Mémoire pour les Juifs de Metz concernant une redevance de 20.000 livres qu'ils payent annuellement au duc de Brancas* [P 1789] 8 p.; M. de Visme, *Rapport fait au nom du Comité des Domaines, le 20 Juillet 1790, sur le droit de protection levé sur les Juifs. Et décret rendu sur ce rapport* (P [1790]) 16 p.; *Loi qui renvoie au Directoire du District de Metz les contestations & à naître du rôle de contribution fait par les Juifs de Metz. Donnée à Paris le 27 Mai* 1791 [M 1791] 3 p.; [Nathan Cahen, Juif de Louvigny...,] *A Messieurs, Messieurs les administrateurs du département de la Moselle* (M 1792) 14 p.; *Extrait des Registres des délibérations du département de la Moselle. Séance publique du 5 messidor an III de la République française une et indivisible* (M an III) 7 p. *Cf.* R. Paquet, p. 1088-90; *Précis pour les créanciers des Juifs de Metz adressé au Corps Législatif sur la demande qui lui est faite de déclarer dettes nationales celles de la ci-devant communauté des Juifs* (P 179-) 12 p. *Cf.* R. Paquet; Puyproux (aîné), *Encore un mot pour les créanciers des Juifs de Metz* (Sl 1796) 4 p.; Mayer Lévy et Dumesnil de Merville, conseil, *Pétition aux citoyens, conseillers d'Etat, membres de la section de l'Intérieur* (Sl an 9) 15 p. *Cf.* M. Aron; *Arrêté relatif à la liquidation de la ci-devant communauté des Juifs de Metz. Du 5 Nivose, An X.* 2 p. *Cf.* Paquet, p. 1415, réimpression du numéro suivant; *No.* 1465. *Bulletin des Lois, No.* 145. *Arrêté relatif à la liquidation des dettes de la ci-devant communauté des Juifs de Metz. Du 5 Nivôse, An X* (P an X) 3 p.; *Comptes que rendent au Citoyen Préfet du Département de la Moselle... anciens syndics en exercice, et Commissaires élus de la ci-devant communauté des Juifs de Metz de la gestion qu'ils ont eue des biens de ladite communauté ainsi que des recettes et dépenses qu'ils ont faites, à compter du jour de sa suppression, en exécution de l'arrêté des Consuls, du 5 Nivôse, An X* (M 17 Frimaire An XI) 18 p.; Dubalay, *Analyse succincte de l'Affaire de la Communauté des Juifs de Metz, renvoyée au Conseil d'Etat* (M 1828) 3 p.; *Louis Philippe...* [Sentence du Tribunal de première instance du 3e arr. de la Moselle, 2 Janvier 1838, dans l'affaire Marie Cochel, veuve de Isaac Groudchoux et Jean Alexandre Tardif. Dettes de la Communauté juive] (M 1838). Imprimé sur 11 feuilles de papier timbré. 2e et 3e éd. sur papier timbré, litho.; *Liste nominative des Israélites qui paraissent devoir concourir au paiement des dettes de l'ancienne communauté des Juifs de Metz...* [Feuilles, avec 1 p. d'"instructions sur la manière de remplir cet état"]; *Liquidation de l'Affaire Tardif* (M sd) 3 p.; *Commission de liquidation des dettes de l'ancienne communauté des Juifs de Metz.* [*Lettre sur l'établissement des rôles*] (M 25 Juillet 1838) 2 p.; *Rôle de la répartition pour l'extinction des dettes de l'ancienne communauté des Juifs de Metz. Année* 1842 (M 1843) 32 p.; Lion Groudchaux, *La commission de liquidation des dettes de l'ancienne communauté juive de Metz. Rapport* (M 24 Juillet 1843) 12 p.; *Département de la Moselle. Communauté des Juifs. Recouvrement du rôle de répartition dressé le 19 Juillet* 1842... [*Circulaire aux receveurs généraux*] (M 30 Juillet 1843) 2 p.; *Commission de liquidation des dettes de l'ancienne communauté juive de Metz* [*Rapport*] (M 1844) 12 p.; Germeau, *Mémoire présenté par M. le Préfet de la Moselle... l'Examen des réclamations portées devant le Tribunal civil de Sarreguemines, par divers Israélites de Frauenberg, contre leurs cotisations au rôle dressé en* 1842, *pour le paiement des dettes de l'ancienne communauté juive de Metz* (M 30 Juin 1845) 7 p.; *Préfecture de la Moselle. Communauté juive de Metz. Recouvrement du rôle de répartition dressé le 19 Juillet* 1842 [Circulaire aux receveurs généraux] (M 20 janv. 1846) 2 p.; *Ministère de l'Intérieur.* [Lettre aux Préfets sur un procès auquel a donné lieu la répartition des dettes, procès Dreyfus] (P 4 fév. 1846) 1 p.; *Préfecture de la Moselle. Liquidation des dettes de l'ancienne communauté juive de Metz* [circulaire aux maires] (M Avril 1847) 2 p.; *Conseil d'Etat. Extrait du registre des délibérations. Séance du 12 Avril* 1845. *Affaire Salzedo contre la communauté juive de Metz* (M 1845) 6 p.; E. Allou, Collin et M. Moulin, *Règlement des dettes de la communauté juive de Metz. Note pour MM. Fould, Halphen, Worms de Romilly, Dreyfus,*

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