

An Oath Taken by Jews in Frankfort on the Main, ca. 1392 CE

In matters requiring an oath before the civil authorities the medieval Jew did not employ the same formula as the Christian or Muslim. The reason is obvious: the state was Christian or Muslim, and no Jew could or would swear after the Christian or Muslim manner. In a Christian land this would have meant a recognition of Jesus or the Trinity. Such an oath would not have been binding on the Jew and hence was never imposed. For the convenience of the Jew, therefore, an oath "according to the Jewish custom" (more judaico) was instituted. One of the oldest surviving authentic oaths of this type was promulgated by the Byzantine emperor, Constantine VII (912-959), but in all probability this type is still older. This Byzantine formula, which is probably based on a Hebrew or Aramaic original, was employed, with considerable variations, in most European lands during the Middle Ages.

In the course of time, as prejudice against the Jew grew, the belief became widespread among Christians that Jews would not hesitate to perjure themselves in Christian courts. To counteract this presumed tendency, the various cities and states, particularly in Germany and France, began to make the oaths more formidable and more shocking both in language and in accompanying ceremonial, hoping thereby to frighten the Jews into telling the truth. It was but a step from intimidation to humiliation and to mild torture: Jews had to wear crowns of thorns on their necks and around their knees, and long thorn branches were pulled between their legs while the oath was being administered (France, eleventh century).

The manner of administering the oath varied in different localities. In spite of the emancipation of the late eighteenth and early nineteenth centuries, the oath, "according to the Jewish custom," persisted in France till 1846, in Prussia till 1869, in Roumania till 1912. It is needless to say that Jews have always resented this type of oath, especially because of the presumption implicit in it that the Jew is a perjurer.

The following formula, originally in Middle High German, was used in Frankfort on the Main about 1392. However, there were other oaths imposed on Jews in Frankfort on the Main at this time and in other cities and states, too, that were milder and more dignified. A special oath for Jews was still used in the police-courts of Frankfort as late as 1847- (See JE, "Oath more judaico.")

This Is Indeed An Oath For Jews, How They Shall Take An Oath

The Jew shall stand on a sow's skin and the five books of Master Moses shall lie before him, and his right hand up to the wrist shall lie on the book and he shall repeat after him who administers the oath of the Jews:

Regarding such property of which the man accuses you, you know nothing of it nor do you have it. You never had it in your possession, you do not have it in any of your chests, you have not buried it in the earth, nor locked it with locks, so help you God who created heaven and earth, valley and hill, woods, trees, and grass, and so help you the



law which God himself created and wrote with His own hand and gave Moses on Sinai's mount. And so help you the five books of Moses that you may nevermore enjoy a bite without soiling yourself all over as did the King of Babylon.

And may that sulphur and pitch flow down upon your neck that flowed over Sodom and Gomorrah, and the same pitch that flowed over Babylon flow over you, but two hundred times more, and may the earth envelope and swallow you up as it did Dathan and Abiram. And may your dust never join other dust, and your earth never join other earth in the bosom of Master Abraham if what you say is not true and right. [This refers either to a decent burial or to resurrection.] And so help you Adonai you have sworn the truth. If not, may you become as leprous as Naaman and Gehazi, and may the calamity strike you that the Israelite people escaped as they journeyed forth from Egypt's land. And may a bleeding and a flowing come forth from you and never cease, as your people wished upon themselves when they condemned God, Jesus Christ, among themselves, and tortured Him and said [Matthew 27:25]: "His blood be upon us and our children." It is true, so help you God who appeared to Moses in a burning bush which yet remained unconsumed. It is true by the oath that you have sworn, by the soul which you bring on the Day of Judgment before the Court, [before the God of] Abraham, Isaac, and Jacob. It is true, so help you God and the oath you have sworn [Amen].

Source: Jacob Marcus, *The Jew in the Medieval World: A Sourcebook, 315-1791*, (New York: JPS, 1938), 49-50

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