

no doubt about the influence of the attitudes contained in it as reflected in some later local ecclesiastical councils. In Aragón the situation was quite different. The *Fueros*, also the work of a canonist (Vidal de Canellas), became the law of the kingdom, and the same canonist wrote the *Furs* of Valencia and other local ordinances. He was a disciple of Ramón de Peñafort. In Spain there were also many canonists who commented on the collections of canon law, both the *Decretals* and the Spanish codifications. There has to date been no research whatever on the attitude toward Jews in these glosses and commentaries, and such work very much needs to be done.

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BIBLIOGRAPHY

Works of Canon Law

Corpus iuris canonici, ed. Emilio Friedberg and A. L. Richter (Leipzig, 1878–81; rpt. Graz, 1959), vol. I: *Decretum*, vol. II: *Decretals*.

Decretales de Gregorio IX, ed. Jaime M. Mans Puigarnau (Barcelona, 1940–43), 3 vols. in 4 (not a translation, but an independent version).

Mansi, Gian D., ed. *Sacrorum conciliorum nova et amplissima collectio* (Paris, 1857–66), 55 vols.

Works on Canon Law

Cicognani, Amaletto. *Canon Law* (Philadelphia, 1934); more complete than Van Hove.

Czerwinski, Francis Richard. "The Teachings of the Twelfth- and Thirteenth-Century Canonists about the Jews." (Ph.D. dissertation, Cornell University, 1972).

García y García, Antonio. "Valor y proyección de la obra de San Raimundo de Peñafort," *Revista española de derecho canónico* 18 (1963): 233–51.

Grayzel, Solomon. *The Church and the Jews in the XIIIth Century* (Philadelphia, 1933).

Kisch, Guido. *Jews in Medieval Germany* (Chicago, 1949).

Kuttner, Stephan. *The History of Ideas and Doctrines of Canon Law in the Middle Ages* (London, 1980).

Pakter, Walter. *Medieval Canon Law and the Jews* (Ebelsbach, 1988).

Roth, Norman. *Jews, Visigoths & Muslims in Medieval Spain* (Leiden, 1994).

Synan, Edward. *The Popes and the Jews in the Middle Ages* (New York, 1967).

Van Hove, A. *Prolegomena, commentarium Lovaniense in codicem iuris canonici* (Mechlin, 1928; Rome, 1945).

Capital Punishment

Medieval *halakhists* ruled, on the basis of talmudic sources, that the Jewish judiciary (lesser Sanhedrins) could not try capital cases unless the Great Sanhedrin was sitting in its chamber at the Temple. The death penalty was rarely imposed even in the days of the Temple, however, which suggests that capital punishment was considered by Jewish law more as a deterrent than as a viable option. Nonetheless, medieval rabbinic exegetes interpreted and analyzed passages that dealt with capital punishment, and suggested new theories and applications.

Despite the limitations imposed by talmudic law, rabbinic courts in the Middle Ages did occasionally hand down death sentences. Most of these sentences were imposed in cases involving Jews who informed against their brethren. The potential danger that informers posed to Jewish life and livelihood was such that capital punishment might be necessary. In some instances, a death sentence was imposed only after the recommendation or implementation of other punitive measures including corporal punishment.

Medieval Jewish courts did not claim the right to impose capital punishment as part of their usual judicial authority. Rather, an informer was branded with the status of a *rodef*; a pursuer, who could be maimed or even killed according to Jewish law without due process, in order to prevent him from taking or endangering the life of another Jew. Rabbinic courts often proceeded with the approbation and sometimes even at the behest of secular local rulers. External authorization was welcomed in order to ensure that there would be no reprisals from the rulers. In addition, this authorization served to indicate the special circumstances under which the Jewish court functioned. Secular authorities usually carried out the death sentence mandated by the Jewish court, and, on occasion, conducted the trial themselves, after the accused was released to them by the Jewish community. Rulers who granted Jewish courts the right to impose a death sentence did so because they felt that even if the losses caused by Jewish informers might benefit the rulers' cause initially, the inability

of Jewish communities to remove their most destructive members would ultimately have a negative impact on the rest of society.

Evidence for medieval rabbinic figures who tried capital cases comes mostly from Spain and North Africa. R. Joseph Ibn Abitur (ca. 1000) refers to an ancestor who meted out all forms of capital punishment as well as corporal punishment. (A similar claim made in regard to Abū Aharon of Baghdad during his sojourn in southern Italy is far more doubtful.) R. Joseph Ibn Megash (1077–1141) once had an informer stoned at the conclusion of the Day of Atonement. MAIMONIDES (1138–1204) asserts that well-known informers were put to death throughout the western part of the Moslem world. On the other hand, Abraham Ibn Daud (1110–1180) writes that heretical Spanish QARAITES were spared this fate, but were expelled instead. There is nary a reference to capital punishment in geonic literature, nor is there evidence for capital punishment in the documents of the Cairo GENIZAH.

Judah (1270–1349), son of ASHER B. YEḤIEL (ca. 1250–1327), wrote that he and his colleagues in Castile were permitted by the authorities to try capital cases. In Judah's view, this right was beneficial for two reasons. It prevented a non-Jewish court from imposing a death sentence upon a Jew who did not deserve to die for his crime, and it allowed a Jewish court to sentence to death a Jewish informer who might not receive the death penalty in a trial before the authorities. Asher b. Yeḥiel, a native of Germany who was forced to flee to Spain, expressed surprise on finding that rabbinic courts in Spain formally tried capital cases. He noted that rabbinic courts in his homeland did not do so. Responsa of Asher's teacher, Meir of Rothenburg (ca. 1215–1293), confirm that although Jews were justified according to Jewish law in putting an informer to death as a *rodef*, there was no provision in Germany that allowed for the capital trial or punishment of an informer by a Jewish court. Indeed, after authorities in Strasbourg found out that Samuel Schlettstadt (d. 1370) had imposed a death penalty on two informers, he was forced to flee, even though the sentence was carried out by a local Gentile magistrate.

On the other hand, Meir of Rothenburg's younger contemporary Solomon IBN ADRET (ca. 1235–1310) describes the imposition of death sentences on informers in Aragón, with the approbation and involvement of the royal courts. Responsa of ISAAC B.

SHESHET (Spain and Algeria, 1326–1408) and Solomon b. Simeon Duran (Algeria, 1400–1467) also discuss the implementation of capital punishment. An ordinance passed by the Jewish community in Tudela in 1288 required that an informer be delivered to the authorities for a death penalty. A similar measure was included in a Castilian ordinance of 1432.

Spanish sources also indicate that the death penalty was imposed by rabbinic courts for heinous crimes such as murder and public blasphemy, but only rarely. These penalties were imposed based on a provision in talmudic law that allowed rabbinic tribunals, in unusual situations where they perceived that lawlessness or other significant societal deterioration might result from a particular violation, to put to death even those who had not committed capital crimes. This rationale was cited occasionally in cases involving informers as well. For the most part, however, Jews who committed capital crimes were punished by means of lashes and other physical punishments including amputation, monetary fines, excommunication, restrictive bans, or expulsion.

Corporal punishment was employed in Germany not only for crimes against humanity, but also as both a deterrent and as a form of penance for serious violations of ritual law such as Sabbath desecration, which under certain conditions was considered a capital offense. The German Pietists (ca. 1200–1250) developed an elaborate system of penances and penitentials for a range of sins including those that were punishable according to biblical law by death. The extent to which these practices were in vogue among the Jewish community at large is difficult to ascertain. Nonetheless, some of them were reproduced in Ashkenazic rabbinic compendia of the later Middle Ages.

Medieval halakhists also discussed the question of whether death sentences imposed by secular authorities for crimes committed in their realms were valid according to Jewish law, based on the principle of "the law of the land is law." Here too, societal and temporal conditions, in addition to considerations of talmudic law, helped shape the positions that rabbinic scholars adopted.

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BIBLIOGRAPHY

Assaf, Simcha. *Ha-Onshin Aharei Hatimat ha-Talmud* (Jerusalem, 1922).

Bazak, Jacob. "Harigat Nefashot ve-Dinehah be-Sifrut ha-She'elot u-Teshuvot." *Sinai* 68 (1971): 275–87.

Elbaum, Jacob. *Teshuvat ha-Lev ve-Qabbalat Yissurim* (Jerusalem, 1993), 18–30, 44–53.

Hershler, Moshe. "Teshuvot Geonim ve-Qadmonim (Be-Seder Tiqqun ve-Onshim be-Dinei Nefashot ba-Zeman ha-Zeh)," *Genuzot* 1 (1984): 169–74.

Quint, Emanuel, and Neil Hecht. *Jewish Jurisprudence* (London, 1980), 34–37, 154–83.

Schreiber, Aaron. *Jewish Law and Decision-Making* (Philadelphia, 1979), 400–422.

Cartography and Geography

Knowledge of geography and mapmaking, as with so many things, originated with the Greeks. The first map is said to have been made by Anaximander of Miletos (ca. 610–ca. 545 B.C.E.) and the first geography to have been by Hecataeos (ca. 550–ca. 475 B.C.E.). However, it was Ptolemy (second century C.E.), the "father of cartography," whose influence shows most clearly in medieval maps. The Ptolemaic orientation (north above, east to the right) is still used, although it was not always so in Muslim geography. The need for sailing charts was obvious, and it is impossible to imagine that some such charts did not exist also in the ancient world (Phoenician and Jewish ships from the time of Solomon, and also in later Palestine and Babylon). Certainly Muslim navigators pioneered such charts (*portolani*) in the early medieval period, although apparently none prior to the fourteenth century have survived. Medieval maps, particularly those produced in Christian Europe, were absurdly inaccurate, not even correct with regard to local areas (see Sarton 1930, 2.1:40, 2.2: 770 ff.). Muslim maps were only slightly superior, still vague and inaccurate in many details, but their geographical writings were another matter. The outstanding example was the work of "al-Idrīdīsī," written for Roger II of Sicily in the twelfth century. However, there were many earlier works, particularly of North Africa and other Muslim regions, that provide still useful information (an eight-volume edition of *Bibliotheca geographorum arabicorum* was produced by de Goeje [1879–1939; rpt. 1967]; meanwhile the historical-geographical work of "al-Mas'ūdī" [Alī b.Ḥusayn], *Les prairies d'or*, had been published

in nine volumes, 1861–1877 [a revised and corrected edition was made by Charles Pellat in 1962]; see Bibliography for studies about Muslim geography).

Unfortunately, there has been little serious research on Jewish cartographers or geographers, and almost none at all by Jewish scholars. (The article of Anita Lebeson, an enthusiastic dilettante, "Jewish Cartographers," *Historia Judaica* 10 [1940]: 155–74 is worthless, full of mythology and errors derived from uninformed authors.)

In the Middle Ages, while Italy produced some of the earliest maps, the most important place was held by the school of cartographers and nautical charts of Majorca, far superior to anything else produced until the modern era.

The earliest known world map from Majorca was done in 1339 by Angelino Dulceti (Dulcet), a converted Jew. It is an elaborate map, with particular detail in the Scandinavian countries, drawn in various colors. It shows Europe, the Azores, and the Canary Islands, and approximately half of the coast of Africa. It has been conjectured, convincingly, that the famous "Catalan Atlas" was in part copied from this map, with which it shows many similarities (see Llabrés 1888 and 1890). Like the "Catalan Atlas," this map includes legends about various countries and locales, drawn from classical sources, Isidore of Seville, and others.

Abraham Cresques (sometimes called Cresques Abraham) and his son Judah (variously Jehuda, Jaffuda, etc.) were the most important cartographers of Majorca and of the Middle Ages in general. It was only in the nineteenth century that their existence came to light, thanks to the investigation of the now famous "Catalan Atlas," which was kept as a treasured possession in France. Gabriel Llabrés, in a series of articles (1888 and 1890a, b), began to unravel the mystery, and this led to investigation of the archives by others. In 1381, Juan I, son of Pedro IV of Aragón-Catalonia, sent a messenger to Charles VI, the king of France, with a world map made by the Jew Cresques (Llabrés 1890b, 310). In 1382, Pedro IV ordered the treasurer to pay Cresques, "a Jew of our house," 150 gold *florins* for making certain tables with a figure of the moon. The following month, the king ordered the governor of Majorca to see that "Abram Cresches" and "Jaffuda" his son, makers of certain *mapa-*

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