

## **The continuous presence of Jews in Cologne after 321/330: conflicting hypotheses**

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### **Abstract**

After the decree of Constantine the Great in 321, ordering the Jews to send representatives to the *curia*, there is no historical information about the Jewish community during the Merovingian period until the Carolingian period. The author evaluates the different views on a Jewish presence in Cologne during this period according to Jewish historians. German-Jewish historians mention a possible continuity during the Merovingian period, East European Jewish historians deny a continuity. The denial of continuity during the Merovingian period is based on a wrong evaluation of the attacks by the Franks to replace Roman rule, and the lack of historical information during this period that is due to Gregory of Tours who only wrote about the Franks and Jews living in Gaul. In addition, the archives of Cologne were destroyed in 881. The author points to the thorough historical and archaeological research that shows that there was a continuous Jewish presence in Cologne during the Merovingian period.

**Keywords:** history, Cologne, decrees 321/330, Jewish continuous presence

## Introduction

Jews have been living in Germany for almost 2000 years. The oldest known historical information comes from a decree in 321 of Constantine the Great. The decree orders the Jews to send representatives to the *curia*, the town council. This was not exactly a favour. It cost the council members time and money, and by ordering also Jews to be members of the town council, the non-Jewish population was somewhat relieved.

In view of the decree, Ernst Baltrusch (2002, 4) writes "There is not a shred of doubt that at the beginning of the fourth century, the city of Cologne had a Jewish community, not only that, this community must have been important"

In 331, the decree was more specified, those who were in the service of the synagogue were exempt. After all, the latter were already involved in work for the (Jewish) community.

It should be noted that we have no written sources about this Jewish community before 321, and only a few archaeological findings indicate an earlier existence. It may even have existed for more than hundred years; a large community does not come about overnight. It is unknown where the Jews came from but it is plausible that they arrived together with the Roman soldiers who founded the city or shortly after. They may have had all kinds of professions such merchants, craftsmen and soldiers. Because members of the *curia* in those days were well-to-do landowners, it may be assumed that this also held true for Jews (Schipper 1907, 11; Rosenthal 1927, 2; Kober 1931, 12). There may also have been Jewish communities in other cities in the Rhine and Meuse region with large Roman garrisons or in cities like Augsburg and Regensburg.

What happened to the community after 331? Until the Carolingian period, 800 CE, there is no written information about the Jewish community in Cologne. Why does there have to be historical information for hundreds of years after 331 when there was no information before 321? It seems that many historians consider information only reliable when it is written information. It must be clear though that what an historian writes, is not always reliable either. We find the following hypotheses about the situation after 321.

Caro (1908, v. 1., 159) is of the opinion that Jews remained in the Roman cities continuously after 331. According to Kober (1934, 70), it is not possible to prove that the Jewish community of Cologne continued to exist after 331. Fuks (1965, 5, note 1; 1987, 25) mentions the undisturbed continuity of Jewish life in the Rhineland based on archaeological research. Mordechai Breuer and Michael Graetz (1996, 19) write (from German): "Although the sources [...] do not mention these settlements [Cologne and Trier] in the following centuries, their continuity cannot be excluded." In striking contrast to the nuanced opinion of the historians mentioned above, we find the opinion of Ankori (1979), Weinreich (1980), and Toch (1997), who maintain that there was no continuity after the 4<sup>th</sup> century. Ashkenazic Jewry appeared in the Rhineland only during the 9<sup>th</sup> to 10<sup>th</sup> centuries. The latter are decisive for the prevailing view.

Their opinion is best worded by Max Weinreich, a Lithuanian linguist. He maintains that the transition from Roman to the Frankish rule was so violent that the Jews left Cologne (Weinreich 1980, 329–330) and returned only in the 9<sup>th</sup> century. Weinreich must be referring to the year 355 and somewhat later. He bases his ideas on two pieces of evidence: a historical one, nothing is known about Jews in Cologne during the period

between 331 and the 9<sup>th</sup> century (the Merovingian period), and a linguistic one, the Hebrew name of the river Rhine, ריניס, transcribed as *rinus*. The first half on the word, the Middle High German *rin*, refers to the time when the Jews were still in Cologne, the second half, the Romance part, *us*, refers to the time when they were in Gaul. It should be noted that during the Merovingian period, hardly anything is known about the non-Jewish population of Cologne either.

The purpose of this paper is to try to find out which of the two views is more convincing. This will be done using both historical and archaeological data.

### Historical data

What happened in Cologne?

Cologne had been repeatedly attacked by the Franks since 353. At that time, Claudius Silvanus was a Roman army commander and, despite numerous smaller but persistent attacks, was able to maintain control over Cologne due to the strength of his troops. The Roman emperor had entrusted Silvanus with the task of repelling the Germanic threat. The events leading to Silvanus seizing power and declaring himself emperor in late summer 355 are unclear. The chronicler Ammianus Marcellinus was personally involved in the events and therefore is not an objective source. He reports that the rightful emperor in Milan, Constantius II, dispatched ten military personnel under the leadership of a certain Ursicinus, who was commissioned to kill Silvanus (Eck 2004, 626). The murder led to the Franks appearing once again with an army before Cologne after Silvanus' death and besieging the city. Not much happened so far, and even the sturdy fortress of Deutz on the other side of the Rhine was not destroyed, as excavations clearly indicated. The Frankish besiegers did not give up, and in November 355, the city was conquered by the Franks. These events are not entirely clear, as the account of Marcellinus is not only tinted with propaganda but also not precise. According to archaeological findings, the extent of the destruction was limited. It must be assumed that Marcellinus exaggerated the destruction significantly to portray the subsequent reconstruction efforts in a more favourable light (Marcellinus XV 8, 19; Eck 2004, 655). The "recapture" of Cologne in 356 was likely achieved under Emperor Julianus through negotiations as well. Reports regarding the condition and inhabitants of Cologne after the Roman request are scant and allow for only a few conclusions to be drawn (Marcellinus XVI 3, 19).

In 358 the city was more or less rebuilt. The city walls remained intact since then. This means that both fights had not involved too destructive attacks (Schütte and Gechter 2000, 102). The damage was limited to plundering and some burnt down houses (Eck 2004, 655). By 388 the city is almost Frankish, in 428 it is reconquered by the Franks, and around 457 there is no more Roman rule at all (Eck 2004, 691). As the city had a mixed population for more than 300 years, the Franks who took over the city rule, had no interest in launching heavy attacks on the city, neither in 355, nor in 428. The old city walls, dating from this period show no signs of heavy fighting such as signs of fire. Therefore, it is clear that Marcellinus exaggerated the severity of the Frankish attacks. More important, it seems that the Christian church organisation remained intact.

In addition, there is reason to believe that the transition from Roman to Frankish rule took place rather smoothly (Schütte 1995, 163):

1. The process of transition started about 100 years before the last Roman official had left (Ibid., 164).
2. Roman law was gradually replaced (Ibid., 165).
3. There was a continuous production or issue of coins (Ibid., 166).
4. The Roman walls were left intact and not used as a quarry (Ibid., 166).

This means that there was no reason for the Jews to have to leave the city because of the fighting.

The Franks who took over the city were pagans, and probably didn't even know the difference between Jews and non-Jews, if they cared at all. If the Christians didn't have to leave because of the fighting, why then did the Jews have to leave? Does Weinreich extrapolate his traumatic experience with World War II to the take-over by the Franks in 355? Weinreich's historical assessment of the situation in Cologne is only based on the continuity issue, which is based on theoretical reasoning rather than archaeological evidence. It must be said that the evidence in favour of the question of continuity is based on publications after 1980, the date his book on Yiddish was published. Nevertheless, postulating events without solid evidence is no historiography.

Finally, the fact that we have no information about the period after 330 is due to the historian who wrote about the Merovingian period, Gregory of Tours (ca. 540–594), author of History of the Franks. While discussing the historical sources in his book about the Franks, Edward James (1988, 16) writes that Gregory of Tours mainly dealt with the doings of the Frankish kings. Further on James writes: "And although Gregory is well-informed about affairs in his part of Gaul, he knows very little about the lands beyond the Alps, Pyrenees, Rhine or the Channel" (Ibid., 92). In addition, around 500 C.E., the Franks in the Rhineland probably already had their own kingdom, and they felt different from the other Franks. Therefore, it is not surprising that with Gregory of Tours, who limited himself largely to the Franks and Jews in Gaul, nothing can be found about Jews or Franks in the Rhineland. On the other hand, he reports about the Basilica extra muros where the martyrs of the Theban Legion were venerated. St. Gereon, an imperial church existed since the 4<sup>th</sup> century, used also by the Frankish kings what clearly indicates a continuity in Cologne. And when there was continuity for the Christians, why should there not be continuity for the Jews?

Also, Weinreich's so-called linguistic evidence, *rinus*, for the River Rhine (in chapter "The Historical- Determinants: Loter, the Cradle of Yiddish", pp. 328–347), a construct of half Middle-High German, *rin*, half Romance, *us*, is an unnecessarily complicated explanation. There is no need for such a construct because the word רינוס can also be transcribed as *renus*, and then we have the Latin name of the River. Jews spoke the vernacular (Moshe Taube Hebrew University, Jerusalem, personal communication) Latin in this case, and not Judeo-Latin as Weinreich maintains. This does not only hold for Germany but also for Gaul where Jews spoke Old-French (Kiwitt, 2003) and not Judeo-Old French. Despite the fact that the ideas of Weinreich are outdated, there are still linguists who follow him, and his view on what happened in Cologne has become *the* view on the matter. The problem with continuity is that it clashes with their opinion about when the Jews arrived in the Rhineland, namely the 9<sup>th</sup> century. It is questionable whether this opinion is a rightful approach to the issue of continuity in view of what is known about Cologne.

### Archaeological research

In 1945, Kober (1945, 3–14) wrote an article in the Proceedings of the American Academy for Jewish Research about the archaeological research in Cologne carried out by the City of Cologne in 1922. Kraus, a civil engineer from Cologne, watched and reported the excavations. His report was in the form of a manuscript and had not been published. According to Kober, Kraus was well acquainted with the field of Roman antiquities. We will follow Kober's discussion of the article rather extensively, as it is relevant for the discussion of an early Jewish presence in Cologne.

The site of excavation was the Judenbüchel, the "height of the Jews". The Judenbüchel in Cologne consisted of an elevation rising a few feet above the land surrounding it. It is identical with the old Jewish cemetery. In 1922 the mount was used to enlarge the freight yard at the Bonn Gate. During the necessary groundwork, human bones in Roman graves and old stone walls were found. The Jewish community requested to have the bones removed. According to Kraus, the oldest Jewish cemetery in Cologne had been uncovered: "The cemetery tract apparently embraced 29,200 square meters; 6,800 were dug up by the contractors of the railroad; 11,400 were uncovered by the archaeological excavations [...] the cemetery had been in use since Roman times". This ancient Jewish cemetery is identical with the medieval Jewish cemetery as far as the location is concerned. It was not a pagan cemetery, nor a Roman-Christian cemetery, and also not a medieval Christian graveyard: "[...] the orientation of the skeletons in an east-west direction, the position of the hands at the sides and the occurrence of Hebrew tombstones, when considered in connection with the documentary evidence from the twelfth century, left no doubt that this was actually the most ancient Jewish cemetery in Cologne" (Ibid., 9).

Kraus concluded that the graves are from after 270 CE. Not everybody agreed with the conclusion of Kraus, for example Fritz Fremersdorf who became director of the Roman and Germanic Division of the Wallraf-Richartz Museum in 1923 (Ibid., 12–14). In the State Archive, file BA R 58/9002, Bl. 336 (see Simon 2006, <http://homepages.uni-tuebingen.de/gerd.simon/VorgeschDossiers.pdf>) is an evaluation of Fremersdorf by the SD in 1937. The SD was the intelligence agency of the SS and the Nazi party. The evaluation says (translated from German): "Fremersdorf [...] although he is an archaeologist, he is very concerned about emphasizing the German elements in the Roman culture in the Rhineland. However, he is ambitious." In view of his positive evaluation by the SD, it becomes questionable how reliable Fremersdorf's critique of Kraus is when it comes to describing Jewish graves in Cologne.

After Kraus had checked his material once more, he stuck to his conclusion that the graves belonged to the Roman and subsequent periods up to and including the sixteenth century (Kober 1945, 11), thereby proving a continuous Jewish settlement in Cologne. I sincerely doubt if Kraus was acquainted with the continuity controversy. When viewed critically, there is no conclusive reason for rejecting the interpretation of Kraus. Without going into the whole discussion, Kober (ibid. 14) concludes that:

"it is possible to assume that the vaulted and stone-covered graves come from the late Roman period or, in view of the fact that the Roman occupation ended about 400, from the fifth or sixth century at the latest [...] Although we cannot determine the exact period from which the stone-covered graves of the Jewish cemetery come, we may



at least assume with Otto Kraus that, in general, the Jewish cemetery outside the Bonn Gate dates back to late Roman times”.

The discovery reported by Kraus is also mentioned by Schuler (2004, 469) and Harck (2014, 522–523). The conclusions by Kraus do make a continuous Jewish presence in Cologne likely.

If a Jewish cemetery existed in late Antiquity, which is what Kraus and Kober already suggested as early as 1922, then the presence of a larger community is obvious. If there had been a discontinuity in Cologne, it would be unlikely that the medieval and post-medieval Jewish cemetery would have been in the identical place of the Roman Jewish burial-place. Even more important, a continuity until the late Middle Ages must then be mandatory (in addition to the evidence resulting from the Carolingian synagogue, as we will see further on). However, modern research presents a contradictory image, namely of discontinuous development.

The late Roman period did not conclude with the end of the occupation in 400 (Dopsch, 1923, vol. 1, 159). It is known that Roman customs were cherished for a long time after 400. The information by Kraus via Kober means that a continuous Jewish presence in Cologne is a serious possibility. As mentioned before, the lack of information about a Jewish presence after 330 does not prove anything, especially when the city archives were destroyed and the historiography for that period is only concerning the Franks in Gaul, as mentioned before. The finding of the Jewish graves and the lack of a good reason for the departure of only the Jews from Cologne make Toch's denial of a continuous Jewish presence questionable. It also puts Toch's negative remark that Constantine's decree of 330 does not apply to Cologne, in another light because if it was a general decree, it may have applied to Cologne as well. After all, there is no reason to assume that a big Jewish community all of a sudden had disappeared after 321.

At the beginning of the 21<sup>st</sup> century, archaeologist Sven Schütte did a spectacular discovery (Schütte 2011), showing that the oldest, 11<sup>th</sup> century, synagogue was actually Carolingian (as Otto Doppelfeld (1959) had already suggested), built on top of an older building, possibly an antique synagogue (Gechter and Schütte 2000, 113). The construction of this phase of the synagogue was begun close to the end of the eighth century and ended around 881 (Schütte and Gechter 2012). Below this phase, a completely uninterrupted, continuous architectural development could be traced back to the fourth century. The city of Cologne must have had a reasonably developed Jewish community at the beginning of the ninth century, otherwise it could not have started to build such a big synagogue.

At first the discovery of a Carolingian synagogue was received with enthusiasm, even the two highest ranked rabbis from Israel came to visit the archaeological site (Fig. 1).



Figure 1. The archaeological site (fisheye).

One would think that the finding that Jews lived for almost 1000 years in harmony with the non-Jewish inhabitants would be something that would be appreciated by both Jews and non-Jews, but it turned out differently. The attitude of the local press had been hostile all along, in contrast to the views presented in the national and international press. The attitude of the local press led to the premature departure of one of the archaeologists. If such an uninterrupted sequence of construction had been uncovered during the excavation of a church, no one would have questioned that the structures beneath served the same purpose. Here however, the opinion of historians who deny continuity proved to be more influential, and today, the Jewish history of Cologne is once again considered to begin in the 11<sup>th</sup> century.

The situation escalated, and Schütte was “removed” from the project, the project was “reduced” by two thirds and the excavation was continued with small machines (instead of by hand – the way archaeology should be carried out). As a result of his dismissal, much of what could constitute evidence was destroyed, especially 90 percent of the evidence of the early period. The hostile situation in Cologne is best shown in the following examples. A member of the scientific advisory committee of the archaeological zone, Gundolf Precht, falsely accused Schütte of falsification (Fälschung) and sloppy (unsauber) work. An independent committee of German archaeologists and archaeologists from Switzerland was appointed to review the accusations. They confirmed, in two separate published assessments, the high standard of research according to international norms (Eggenberger 2012; Meller and Schunke 2012). On 18-01-2013, the chief editor of the Kölner Stadt-Anzeiger writes “Einen Aussenentwurf gibt es, aber kein Konzept für das Innere des Museums ausser dem wirren Wunsch, sich aus 250,000 ausgegrabenen Artefakten bis hin zu Exkrementen zu bedienen.” (There is an exterior design, but no concept for the interior of the museum other than the confused desire to make use of 250,000 excavated artifacts and even feces.). The Neue Rheinische Zeitung (January 16, 2013) writes “Von Anfang an hat der Stadt-Anzeiger die Berufung Schüttes als Grabungsleiter wiederholt kritisiert” (from the

beginning, the Stadt-Anzeiger repeatedly criticized the appointment of Schütte as leader of the excavation). The newspaper criticizes the view of the Kölner Stadt-Anzeiger very strongly. The article by the Neue Rheinische Zeitung was a reaction to the attitude of the Stadt-Anzeiger concerning the whole period of the excavation.

There is also opposition to the costs, especially the costs of the Jewish museum that should arise on top of the dig. Three citizens started an appeal for a pause of thought (Denkpause) because there is not even enough money to pay for a leak in the Museum of applied Art.

But what were the underlying reasons for the opposition of scholars like the aforementioned Ankori, Weinreich and Toch to the archaeological results that strongly suggested a continuous presence of the Jewish population in Cologne after 321? There are two possible reasons,

a. the historians at issue believe that only written information can be used as evidence, but probably more important,

b. a continuous Jewish presence in Cologne does not agree with their view that the Jews arrived in the Rhineland in the 9<sup>th</sup> or 10<sup>th</sup> centuries.

The dominating view of the abovementioned scholars leaves little room for different opinions about the situation in Merovingian Cologne. As far as the archaeological results of Schütte are concerned, to the best of my knowledge, his conclusions have not been refuted.

## Conclusion

Historical and archaeological evidence show that the attacks by the Franks on Cologne were not as severe as Marcellinus reports. There is no evidence to the claim that Jews or any other group had to leave the city. The Franks who attacked the city were pagans, so why did specifically the Jews have to leave?

The lack of historical information about the presence of Jews and Franks in Merovingian times in Cologne is due to the historian Gregory of Tours who only reported about the Franks in Gaul.

After careful consideration of the publications, particularly taking into account the ones by Kraus, Schütte and the careful conclusions by for example, Breuer and Graetz, it seems that their view, namely that the Jewish community most likely remained in Cologne after 355, is the most convincing. The present investigation shows that the accepted statement "Ashkenazic Jews arrived in the Rhineland in the 9<sup>th</sup>/10<sup>th</sup> century" which is only based on the lack of written information about a Jewish presence before that period, should not be used without additional evidence. A well developed, integrated Jewish community does not just disappear for no good reason.

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