

Urban Space in the Middle Ages and the Early Modern Age

Fundamentals of Medieval and Early Modern Culture

Edited by
Albrecht Classen and Marilyn Sandidge

4



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Table of Contents

Introduction

Albrecht Classen

Urban Space in the Middle Ages and the Early Modern Age:
Historical, Mental, Cultural, and Social-Economic Investigations 1

C. David Benson

The Dead and the Living: Some Medieval Descriptions of the
Ruins and Relics of Rome Known to the English 147

Kisha G. Tracy

Defining the Medieval City through Death:
A Case Study 183

Alan V. Murray

The Demographics of Urban Space in Crusade-Period
Jerusalem (1099–1187) 205

Andreas Meyer

Hereditary Laws and City Topography: On the Development
of the Italian Notarial Archives in the Late Middle Ages 225

Britt C. L. Rothausser

“A reuer . . . brighter þen boþe the sunne and mone”:
The Use of Water in the Medieval Consideration of Urban Space 245

Birgit Wiedl

Jews and the City: Parameters of Jewish Urban Life
in Late Medieval Austria 273

Rosa Alvarez Perez	
Next-Door Neighbors: Aspects of Judeo-Christian Cohabitation in Medieval France	309
Jeanette S. Zissell	
Universal Salvation in the Earthly City: <i>De Civitate Dei</i> and the Significance of the Hazelnut in Julian of Norwich's <i>Showings</i>	331
Patricia Turning	
"With Teeth Clenched and an Angry Face:" Vengeance, Visitors and Judicial Power in Fourteenth-Century France	353
Jean E. Jost	
Urban and Liminal Space in Chaucer's <i>Knight's Tale</i> : Perilous or Protective?	373
Daniel F. Pigg	
Imagining Urban Life and Its Discontents: Chaucer's <i>Cook's Tale</i> and Masculine Identity	395
Shennan Hutton	
Women, Men, and Markets: The Gendering of Market Space in Late Medieval Ghent	409
Lia B. Ross	
Anger and the City: Who Was in Charge of the Paris <i>cabochien</i> Revolt of 1413?	433
Fabian Alfie	
"The Merchants of My Florence": A Socio-Political Complaint from 1457	463
Jan Hirschbiegel and Gabriel Zeilinger	
Urban Space Divided? The Encounter of Civic and Courtly Spheres in Late-Medieval Towns	481

Klaus Amann and Max Siller	
Urban Literary Entertainment in the Middle Ages and the Early Modern Age: The Example of Tyrol	505
Connie Scarborough	
Urban Spaces in the <i>Tragicomedia de Calisto y Melibea</i>	537
Albrecht Classen	
Hans Sachs and his Encomia Songs on German Cities: Zooming Into and Out of Urban Space from a Poetic Perspective. With a Consideration of Hartmann Schedel's <i>Liber Chronicarum</i> (1493)	567
Marilyn Sandidge	
Urban Space as Social Conscience in Isabella Whitney's "Wyll and Testament"	595
Michael E. Bonine	
<i>Waqf</i> and its Influence on the Built Environment in the <i>Medina</i> of the Islamic Middle Eastern City	615
Pınar Kayaalp	
The Role of Imperial Mosque Complexes (1543-1583) in the Urbanization of Üsküdar	645
Martha Moffitt Peacock	
Early Modern Dutch Women in the City: The Imaging of Economic Agency and Power	667
Allison P. Coudert	
Sewers, Cesspools, and Privies: Waste as Reality and Metaphor in Pre-modern European Cities	713
List of Illustrations	735
Contributors	741
Index	751

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Jews and the City: Parameters of Jewish Urban Life in Late Medieval Austria¹

In 1391, the municipal court of the Swiss town of Zurich was confronted with a series of charges brought in by several attendees of a wedding that had been hosted by the family of Vifli, one of the wealthiest and most prominent Jews of the town.² During the wedding, a long-pending quarrel between members of his and

¹ This article does not aim at providing an encompassing coverage of medieval Jewish urban life but rather at pointing out various aspects of Jewish existence in (Late) Medieval Austrian towns that may either correspond with general developments of Jewish urban life or differ from those due to circumstances particular to the countries that make up today's Austria. For a general overview over Austrian Jewish History, see *Geschichte der Juden in Österreich*, ed. Eveline Brugger, Christoph Lind, Albert Lichtblau, and Barbara Staudinger. *Österreichische Geschichte*, 15 (Vienna: Ueberreuter, 2006); on Jewish-Christian cohabitation, see now Jonathan Elukin, *Living Together, Living Apart: Rethinking Jewish-Christian Relations in the Middle Ages. Jews, Christians, and Muslims from the Ancient to the Modern World* (Princeton: Princeton University Press, 2007). For valuable comments and corrections, I would like to thank Albrecht Classen and Marilyn Sandidge. Furthermore, I would like to express my gratitude to Martha Keil, Hans-Jörg Gilomen, Gerd Mentgen, and Markus Wenninger for granting me access to galley proofs of their newest research publications.

² See Markus Wenninger, "Jüdische und jüdisch-christliche Netzwerke im spätmittelalterlichen Ostalpenraum," *Beziehungsnetze aschkenasischer Juden während des Mittelalters und der frühen Neuzeit*, ed. Jörg R. Müller. *Forschungen zur Geschichte der Juden, Abteilung A*, 20 (Hanover: Hahnsche Buchhandlung, 2008), 163–76; here 167; Markus Wenninger, "Nicht in einem Bett – aber doch auf einer Hochzeit. Zur Teilnahme von Christen an jüdischen Festen im Mittelalter," *Nicht in einem Bett: Juden und Christen in Mittelalter und Frühneuzeit*, ed. Institute for Jewish History in Austria (St. Pölten: Eigenverlag des Instituts, 2005); 10–17, here 13–14 (downloadable as pdf file here: http://www.injoest.ac.at/upload/JudeninME05_2_9-17.pdf; last accessed on April 8, 2009). Markus Wenninger is planning an extensive publication on the subject; id., "Von jüdischen Rittern und anderen waffentragenden Juden im mittelalterlichen Deutschland," *Aschkenas: Zeitschrift für Geschichte und Kultur der Juden* 13.1 (2003): 35–83; here 72–75. The incident has first been recounted by Augusta Weldler-Steinberg, *Intérieurs aus dem Leben der Zürcher Juden im 14. und 15. Jahrhundert*

other prominent Jewish families had obviously reached a crisis and had erupted in first a vociferous argument, then in a brawl and had ended in several members of the respective families facing each other with their swords drawn. The quite detailed court records reveal astonishing facts: Not only did the Jews turn to the Christian municipal court to settle their dispute, they were bearing arms and were obviously accustomed to using them;³ yet the probably most remarkable fact, as Markus Wenninger has pointed out, was the quite high number of Christian witnesses who gave testimony at court. Apart from those who had been hired as servants or musicians, twelve Christians—hence about a third of the witnesses—had clearly been present as guests, most of them being members of the Zurich upper class: a knight, the former mayor, the town scribe; and at least five of them lived in close vicinity, some even within the same lane, the Brunngasse, which housed the majority of the Zurich Jewish population in the Middle Ages.⁴ Under penalty of excommunication, the synods at Wrocław (for the archbishopric of Gniezno) and Vienna (for the ecclesiastical province of Salzburg, and city and bishopric of Prague) had stated in 1267, Christians shall not invite Jews and Jewesses as their dinner guests, or drink or eat with them, neither shall they dance at their weddings or feasts.⁵ This article was, in fact, an elaboration of the

(Zurich: Verlags- und Versandbuchhandlung 'Der Scheideweg', 1959), 22–24; for a focus on the jurisdictional issues see the works by Susanna Burghartz, *Leib, Ehre und Gut: Delinquenz in Zürich Ende des 14. Jahrhunderts* (Zurich: Chronos, 1990), and "Juden – eine Minderheit vor Gericht (Zürich 1378–1436)," *Spannungen und Widersprüche. Gedenkschrift für František Graus*, ed. Susanna Burghartz (Sigmaringen: Jan Thorbecke 1992), 229–44. On prominent Jews in Zurich, see *Germania Judaica*, vol. III: 1350–1519, part 2: *Mährisch Budwitz – Zwolle*, ed. Arye Maimon, Mordechai Breuer, and Yacov Guggenheim (Tübingen: J. C. B. Mohr, 1995), 1733–34.

³ On the prohibition for Jews to bear arms and its 'reality,' see the articles by Wenninger, "Von jüdischen Rittern," and Christine Magin, "'Waffenrecht' und 'Waffenverbot' für Juden im Mittelalter – zu einem Mythos der Forschungsgeschichte," *Aschkenas: Zeitschrift für Geschichte und Kultur der Juden* 13.1 (2003): 17–33; Markus Wenninger, "Bearing and Use of Weapons by Jews in the (Late) Middle Ages," *Jewish Studies* 41 (2002, appeared in 2003): 83–92.

⁴ Wenninger, "Hochzeit," 13–14. On the location of Jewish households in Zurich in general, see *Germania Judaica*, vol. II: *Von 1238 bis zur Mitte des 14. Jahrhunderts*, part 2: *Maastricht – Zwolle*, ed. Zwi Avneri (Tübingen: J. C. B. Mohr 1968), 946 (up until 1350) and *Germania Judaica*, vol. III/2, 1726–27. A contrasting example, where Christians were punished for partaking in a Jewish wedding feast, is given by Hans-Jörg Gilomen, "Kooperation und Konfrontation: Juden und Christen in den spätmittelalterlichen Städten im Gebiet der heutigen Schweiz," *Juden in ihrer Umwelt: Akkulturation des Judentums in Antike und Mittelalter*, ed. Matthias Konradt and Rainer Christoph Schwinges (Basel: Schwabe, 2009), 157–227; here 176–77 (Zurich 1404).

⁵ See "Continuatio Vindobonensis a. 1267–1302, 1313–1327," ed. Wilhelm Wattenbach. *Monumenta Germaniae Historica Scriptores*, vol. 9 (1851; Stuttgart: Anton Hiersemann, 1983), 698–722; here 699–702 (Vienna), the 1851 original ed. online (applies to all the MGH volumes quoted) here: www.dmgh.de (last accessed on April 8, 2009). With respect to the articles concerning Jews, see Heinz Schreckenberg, *Die christlichen Adversus-Judaeos-Texte und ihr literarisches und historisches Umfeld (13.–20. Jh.)*. Europäische Hochschulschriften. Series XXIII: Theologie, 497 (Frankfurt a. M.,

regulations of the Fourth Lateran Council that had generally aimed at limiting the possibilities for Jews to take part in the everyday lives of their Christian neighbours, and vice versa.⁶ The church authorities were, however, not oblivious to the impossibility of transferring these regulations into the reality of (inevitable) daily interaction between Jews and their next-door Christian neighbors; the lamentations and complaints of the Bishop of Olomouc and the provincial synod at Salzburg as early as 1273 and 1274 respectively about the ‘persistent violation’ of these regulations speak for themselves.⁷ Tellingly, it was the breach of the ‘safe conduct and peace’ (*freies geleit und fried*) that the town of Zurich had promised the out-of-town visitors on Vifli’s request that required an examination before the aldermen, the fisticuffs, the verbal and bodily assaults, and particularly the drawn

Bern, New York, and Paris: Peter Lang, 1994), 224 (Wrocław) and 228 (Vienna, both German translation of the relevant articles); Solomon Grayzel, *The Church and the Jews*, vol. 2: 1254–1314, ed. and completed Kenneth R. Stow (New York and Detroit: Wayne State University Press, 1989), 244–46, no. 6 (Wrocław), 247–48, 277, 290, no. 7 (Vienna); Eveline Brugger and Birgit Wiedl, *Regesten zur Geschichte der Juden in Österreich im Mittelalter*, vol. 1: *Von den Anfängen bis 1338* (Innsbruck, Vienna, and Bolzano: StudienVerlag, 2005), 59–61, no. 45 (Vienna); the whole book is downloadable as pdf-files in 3 parts here:

http://www.injoest.ac.at/projekte/laufend/mittelalterliche_judenurkunden/index.php?lang=EN; last accessed on April 8, 2009). The second volume, forthcoming in 2009, will cover the time period from 1339 to 1365.

⁶ Fourth Lateran Council, Canon 67 *Quanto amplius*, quoted after the German rpt. of Giuseppe Alberigo, *Conciliorum oecumenicorum decreta* (Bologna 1973) by Josef Wolmuth (ed.), *Dekrete der ökumenischen Konzilien: Konzilien des Mittelalters vom ersten Laterankonzil (1123) bis zum fünften Laterankonzil (1512 – 1517)*, vol. 2 (Paderborn and Vienna: Ferdinand Schöningh, 2000), 265–66. With respect to the Jews, see Solomon Grayzel, *The Church and the Jews*, vol. 1: 1198–1254 (Philadelphia: Dropsie College, 1933; Sec. ed. New York: Hermon Press, 1966), 312–13, no. 13. Many of these regulations were adapted by legal codes like the Schwabenspiegel or Sachsenspiegel, which then in turn, due to their quick and wide circulation, had an impact on further secular and ecclesiastical legislation, see Klaus Lohrmann, “Die Rechtsstellung der Juden im Schwabenspiegel,” *Die Legende vom Ritualmord: Zur Geschichte der Blutbeschuldigung gegen Juden*, ed. Rainer Erb (Berlin: Metropol-Verlag, 1993), 73–94. On the topic of Jews and Christians using the same baths, a particularly widely discussed issue which can be found in the 1267 ecclesiastical regulation as well as the Schwabenspiegel (among others), see latest Hans-Jörg Gilomen, “Jüdische Nutzung öffentlicher und privater Brunnen im Spätmittelalter,” . . . zum allgemeinen statt nutzen. *Brunnen in der europäischen Stadtgeschichte*, ed. Dorothee Rippmann, Wolfgang Schmid, and Katharina Simon-Muscheid (Trier: Kliomedien, 2008), 133–45.

⁷ Olomouc: *Constitutiones et acta publica imperatorum et regum*, vol. 3: 1273–1298, ed. Jakob Schwalm. *Monumenta Germaniae Historica Leges IV*, Constitutiones, 3 (1904–1906; rpt. Hanover and Leipzig: Hahnsche Buchhandlung, 1980), 594, no. 620; Salzburg: Joannes Dominicus Mansi, *Sacrorum conciliorum nova et amplissima collectio*, vol. 24: 1269–1299 (1903 rpt.; Graz: Akademische Druck- und Verlagsanstalt, 1961), 136. In 1254, Pope Innocent IV had already complained that the Jews of the town and bishopric of Constance did not wear the mandatory attributes, see Shlomo Simonsohn, *The Apostolic See and the Jews: Documents 492–1404*. Studies and Texts (1988; Toronto: Pontifical Institute of Medieval Studies, 1991), 209, no. 203; Gilomen, “Kooperation und Konfrontation,” 172–73, also on the (partial) enforcement of this regulation.

swords,⁸ whereas the presence of Christians at what was clearly a 'Jewish feast' merely meant the interrogation of additional witnesses.

In whichever house the wedding took place, it must have been close to the house which once had belonged to the money-lender Minna,⁹ widow of Menachem, who had lived in the same street in the first half of the fourteenth century with her sons Mordechai and Moshe.¹⁰ She had the representative parts of her house decorated with what is today regarded as one of the most striking examples of cultural translation, having commissioned wall paintings the iconographic program of which were accessible to both Christians and Jews alike.¹¹ Some of the scenes,

⁸ Wenninger, "Von jüdischen Rittern," 73.

⁹ The role of Jewish women in the money-lending business is not to be underestimated, see the article of Rosa Alvarez Perez in this volume. Further, with particular but not exclusive regard to Austria, see the works of Martha Keil, latest "Business Success and Tax Debts: Jewish Women in Late Medieval Austrian Towns," *Jewish Studies at the Central European University*, vol. II (1999–2001), ed. András Kovács and Eszter Andor (Budapest: Central European University, 2002) 103–23; "Public Roles of Jewish Women in Fourteenth and Fifteenth-Century Ashkenaz: Business, Community, and Ritual," *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries)*, ed. Christoph Cluse. *Cultural Encounters in Late Antiquity and the Middle Ages*, 4 (Turnhout: Brepols, 2004), 317–30; "Jüdinnen als Kategorie? *Judinne* in obrigkeitlichen Urkunden des deutschen Spätmittelalters," *Räume und Wege: Jüdische Geschichte im Alten Reich 1300–1800*, ed. Rolf Kießling, Peter Rauscher, Stefan Rohrbacher, and Barbara Staudinger. *Colloquia Augustana*, 25 (Berlin: Akademie Verlag, 2007), 335–61; "Mobilität und Sittsamkeit: Jüdische Frauen im Wirtschaftsleben des spätmittelalterlichen Aschkenas," *Wirtschaftsgeschichte der mittelalterlichen Juden: Fragen und Einschätzungen*, ed. Michael Toch. *Schriften des Historischen Kollegs München, Kolloquien*, 71 (Munich: Oldenbourg, 2008), 153–80.

¹⁰ Moshe was an acknowledged scholar, thus the family was "by far not at the brink of the baptismal font," as put by Martha Keil, "Lebensstil und Repräsentation. Jüdische Oberschicht im spätmittelalterlichen Aschkenas," *Tres Culturas: Die drei Kulturen Europas zwischen Mittelalter und Neuzeit. Transkulturalität in der Ausgrenzung. Proceedings of the Conference in Vienna 2005*, ed. Rudolf Karl and Hartmut Krones (Madrid [in print]), chapter 2; further Michael Toch, "Selbstdarstellung von mittelalterlichen Juden," *Bild und Abbild des mittelalterlichen Menschen*, ed. Elisabeth Vavra. *Schriftenreihe der Akademie Friesach*, 6 (Klagenfurt: Wieser, 1999), 178–83; here 181–82.

¹¹ Frescoes in Zurich, Brunnngasse 8. See Toch, "Selbstdarstellung," illustrations 185–91. Dölf Wild, "Bedeutende Zeugnisse jüdischer Wohnkultur in der Zürcher Altstadt entdeckt," *Aschkenas: Zeitschrift für Geschichte und Kultur der Juden* 7 (1997): 267–99; with a particular focus on the iconography, see Rudolf Böhmer, "Bogenschütze, Bauertanz und Falkenjagd: Zur Ikonographie der Wandmalereien im Haus "Zum Brunnenhof" in Zürich," *Literatur und Wandmalerei* vol. I: *Erscheinungsformen höfischer Kultur und ihre Träger im Mittelalter*, ed. Eckart Conrad Lutz, Johanna Thali, and René Wetzel. *Freiburger Colloquium 1998* (Tübingen: Niemeyer, 2002), 329–63; see further Edith Wenzel, "Ein neuer Fund: Mittelalterliche Wandmalereien in Zürich," *Zeitschrift für deutsche Philologie* 116 (1997): 417–26; Gilomen, "Kooperation und Konfrontation," 164–66; Harald Wolter-von dem Knesebeck, "Profane Wandmalerei in jüdischen Häusern des Mittelalters," *Abstract of the third conference "Interdisziplinäres Forum Jüdische Geschichte und Kultur in der Frühen Neuzeit"*, online here: <http://www.forum-juedische-geschichte.de/2002Wolter.html> (last accessed on April 8, 2009); Keil, "Lebensstil und Repräsentation," chapter 2; Wenninger, "Von jüdischen Rittern," 43–44; Edith Wenzel, "Alt-Jiddisch oder Mittelhochdeutsch?" *Grenzen und Grenzüberschreitungen: Kulturelle Beziehungen zwischen Juden und Christen im Mittelalter*, ed. id. Part

particularly the rural and somewhat rude dance scenes, greatly resemble the scenes described in the lyrics of the thirteenth-century Austrian poet Neidhart and could as well have been the decoration of a Christian household—like the ‘Neidhart-frescoes’ from around 1398 in the house of a wealthy Viennese citizen,¹² or the fourteenth century dance scenes a citizen of Regensburg had one of his representational rooms decorated with.¹³ And like the Vienna (Christian) example, the decoration of the Zurich Jewish house also bears scenes that cater to a more noble audience—hunting scenes, particularly falconry, and as a special ‘bonus’ the coats of arms of Minna’s noble guests (and quite probably debtors)¹⁴ on a frieze running above the paintings and provided with an inscription of their names in Hebrew letters. The conclusion that intense cultural translation took place between the Jews and Christians of medieval Ashkenas and Sepharad in the areas of their lives they shared as well as those they lived separately, is most widely recognized by now.¹⁵ However, it does not translate as assimilation but rather as transferring

of *Ashkenas*: *Zeitschrift für Geschichte und Kultur der Juden* 14.1 (2004): 31–50, 47–48, on the question of a Jewish-Christian audience.

- ¹² Frescoes in Vienna, Tuchlauben 19. Eva-Maria Höhle, *The Neidhart Frescoes, the oldest secular mural paintings in Vienna* (Vienna: Museums of the City of Vienna, 1984); Gertrud Blaschitz and Barbara Schedl, “Die Ausstattung eines Festsaaes im mittelalterlichen Wien: Eine ikonologische und textkritische Untersuchung der Wandmalereien des Hauses ‘Tuchlauben 19’,” *Neidhartrezeption in Wort und Bild*, ed. Gertrud Blaschitz. *Medium Aevum Quotidianum*, Sonderband X (Krems: *Medium Aevum Quotidianum*, 2000), 84–111.
- ¹³ Nikolaus Henkel, “Ein Neidharttanz des 14. Jahrhunderts in einem Regensburger Bürgerhaus,” *Neidhartrezeption*, 53–70; for further examples on Neidhart motifs in wall paintings, see the other articles in this volume (Lake Constance, Matriei).
- ¹⁴ Wenninger, “Jüdische und jüdisch-christliche Netzwerke,” 166–67, calls the frieze a “reference list” of Minna’s business partners.
- ¹⁵ Thus explicitly put by Keil, “Lebensstil und Repräsentation,” chapter 1. Just as explicit is Israel Jacob Yuval, *Two Nations in Your Womb: Perceptions of Jews and Christians in Late Antiquity and the Middle Ages*, trans. from the Hebrew by Barbara Harshav and Jonathan Chipman (2000; Berkeley, Los Angeles, and London: University of California Press, 2006), 206, on the question to what extent Jews were aware of Christian rituals. The phenomenon of cultural translation has been the central topic of many studies, most of which, however, focus on the Early Modern Period. For the specific topic of Jewish-Christian cultural translation in the Middle Ages, see the anthology by Wenzel, “Grenzen und Grenzüberschreitungen”; further, albeit with a focus on the nineteenth and twentieth centuries, *Kulturtransfer in der jüdischen Geschichte*, ed. Wolfgang Schmale and Martina Steer (Frankfurt a. M. and New York: Campus, 2006). For a methodological concept of cross-cultural translation in the European Middle Ages, see *Mittelalter im Labor: Die Mediävistik testet Wege zu einer transkulturellen Europawissenschaft*, ed. Michael Borgolte, Juliane Schiel, Bernd Schneidmüller, and Annette Seitz. *Europa im Mittelalter*, 10. *Abhandlungen und Beiträge zur historischen Komparatistik* (Berlin: Akademie Verlag, 2008), 195–209; part III: *Arbeitsforum B: Kontakt und Austausch zwischen Kulturen im europäischen Mittelalter*, followed by two case studies on Christian-Jewish cultural translation (Frederek Musall on Moshe ben Maimon, 209–28, and Rainer Barzen and Lennart Günstel on the expulsion of the Jews in France and England and the perception of crisis, 228–51).

one's own culture into a new context,¹⁶ as adapting personal tastes as well as general concepts of aesthetics that are shared by people of a comparable social status.¹⁷ This shared taste extends to areas of life that remain more private, or at least representational within a smaller group of people. When, for example, Israel Isserl, *magister iudeorum* and one of the most prominent Jews of Vienna, commissioned a *Sefer Mordechai*, a collection of Rabbinical responsae by Mordechai bar Hillel from the late thirteenth century, to be written for him in 1371/1372, he had the manuscript decorated in what is known as *Niederösterreichischer Randleistenstil*, a particular style of book illumination that was quite widely used at that time; it was, for example, the style a missal of the Lower Austrian monastery of Klosterneuburg that originated from about the same time was adorned in (see Figure 5).¹⁸ Despite the fact that Isserl's Hebrew codex would rather not, or at least not mainly, be used in the presence of Christians, he nevertheless had it decorated in what can be called the 'in-fashion' style of the time and region, Isserl's codex being but one example of Hebrew manuscripts the margins of which were decorated in that particular style.¹⁹ Both Jews and Christian monks had acquired the same taste as far as book illumination was concerned, regarded the same style as beautiful and prestigious, and, probably, knew how to impress visitors with their gems.

However close though the cultural and social contacts to their Christian neighbors were, Jews remained in many respects a separate, if not homogenous, group within (or rather outside) the Christian society.²⁰ As far as the Christian

¹⁶ Raingard Eßer, "Migrationsgeschichte und Kulturtransferforschung," *Das eine Europa und die Vielfalt der Kulturen: Kulturtransfer in Europa 1500–1850*, ed. Thomas Fuchs and Sven Trakulhun (Berlin: Berliner Wissenschafts-Verlag, 2003), 69–82; here 73–74. On the medieval Ashkenasic Jews and their cultural and social identity in general, see Michael Toch, *Die Juden im mittelalterlichen Reich*. Sec. ed. Enzyklopädie deutscher Geschichte, 44 (1998; Munich: Oldenbourg, 2003), 33–34, on the intensified contacts to Christians in the Late Middle Ages as born out of necessity due to the (violently) reduced Jewish population, 38.

¹⁷ Keil, "Lebensstil und Repräsentation," on the example of luxury garments.

¹⁸ Andreas Fingernagel and Alois Haidinger, "Neue Zeugen des Niederösterreichischen Randleistenstils in hebräischen, deutschen und lateinischen Handschriften," *Codices Manuscripti* 39.40 (2002): 15–41; here 15–29. Martha Keil, "Gemeinde und Kultur – Die mittelalterlichen Grundlagen jüdischen Lebens in Österreich," *Geschichte der Juden in Österreich*, 15–122; here 28–29, illustration (*Sefer Mordechai* and missal from Klosterneuburg), 28.

¹⁹ Keil, "Gemeinde und Kultur," 29. See also Robert Suckale, "Über den Anteil christlicher Maler an der Ausmalung hebräischer Handschriften der Gotik in Bayern," *Geschichte und Kultur der Juden in Bayern (Aufsätze)*, ed. Manfred Treml and Josef Kirmeier. Veröffentlichungen zur Bayerischen Geschichte und Kultur 17.88, ed. Claus Grimm (Munich, New York, London, and Paris: K. G. Saur, 1988), 123–34.

²⁰ On the highly problematic and widely discussed 'label' of Jews as a fringe group, see Frantisek Graus, "Randgruppen der städtischen Gesellschaft im Spätmittelalter," *Zeitschrift für historische Forschung* 8 (1981): 385–437; here particularly 396 on the definition of 'fringe group'; Gerd

secular authorities were concerned, the legal as well as the economic position of Jews, both as a group and as individuals, was generally defined by the ruler, in particular the Holy Roman Emperor who held the general sovereignty over all the Jews of the empire, counting them as a part of his treasure:²¹ “the rulers’ sole purpose is money,” as Rabbi Jacob bar Jechiel phrased it clearly in mid-thirteenth century.²² As early as the beginning of the thirteenth century, however, this sovereignty was reduced to a mere claim, the Imperial lordship weakening in the course of the transition of Imperial rights to the regional rulers, the right to the Jews (*Judenregal*) being but one among them.²³ In quite a number of German cities, their grip on the Jews dwelling within their realm tightened along with their rise to economical as well as political importance,²⁴ whereas in the region of modern-day Austria, both towns and Jews remained under the strong grip of the respective regional ruler, be he the Habsburg duke, the Archbishop of Salzburg, the Bishop of Bamberg, or a local nobleman.

Mentgen, “Die Juden waren stets eine Randgruppe.’ Über eine fragwürdige Prämisse der aktuellen Judenforschung,” *Liber amicorum necnon et amicorum für Alfred Heit: Beiträge zur mittelalterlichen und geschichtlichen Landeskunde*, ed. Friedhelm Burgard, Christoph Cluse, and Alfred Haverkamp. Trierer Historische Forschungen, 28 (Trier: Verlag Trierer Historische Forschungen, 1996), 393–411; Anna Foa, “The Witch and the Jew. Two Alikes that Were Not the Same,” *From Witness to Witchcraft. Jews and Judaism in Medieval Christian Thought*, ed. Jeremy Cohen. Wolfenbüttler Mittelalter-Studien, 11 (Wiesbaden: Harrassowitz, 1997), 361–74.

²¹ First explicitly stated in the general Imperial privilege by Emperor Frederic II in 1236, *Constitutiones et acta publica imperatorum et regum*, vol. 2: 1198–1272, ed. Ludwig Weiland. *Monumenta Germaniae Historica Leges IV, Constitutiones*, 2 (1896; Hanover: Hahnsche Buchhandlung, 1963), 274, no. 204. On the vast discussion on the Jews as *servites camere* (“servants of the treasure”), see the summary by Toch, “Juden im mittelalterlichen Reich,” 48 and 102–10. For a similar development in France, see the contribution of Rosa Perez Alvarez in this volume.

²² Martha Keil, “Nähe und Abgrenzung. Die mittelalterliche Stadt als Raum der Begegnung,” *Nicht in einem Bett*, 2–8; here 4–5. The whole article is downloadable as a pdf file here: http://www.injoest.ac.at/upload/JudeninME05_1_1-8.pdf (last accessed on April 8, 2009).

²³ Generally see *Germania Judaica*, vol. III: 1350–1519, part 3: *Gebietsartikel, Einleitungsartikel, Indices*, ed. Arye Maimon, Mordechai Breuer, and Yacov Guggenheim (Tübingen: J. C. B. Mohr, 2003), 2173–74; Toch, “Juden im mittelalterlichen Reich,” 48–49.

²⁴ Still essential is Herbert Fischer (later Arye Maimon), *Die verfassungsrechtliche Stellung der Juden in den deutschen Städte während des dreizehnten Jahrhunderts*. Untersuchungen zur Deutschen Staats- und Rechtsgeschichte, 140 (1931; Aalen: Scientia-Verlag, 1969). Further see Toch, “Juden im mittelalterlichen Reich,” 106–07; for a general summary of Jews and towns, see Alfred Haverkamp, “Jews and Urban Life: Bonds and Relationships,” *Jews of Europe*, 55–69; on Imperial/regal rights and their relation to the Imperial cities, see *Germania Judaica*, vol. III/3, 2167, on cities and Jews, 2169–70, on Jews as citizens, 2181–87, on jurisdictional matters 2188–91; for regional examples, see Alfred Haverkamp, “Die Juden im Erzstift Trier,” *Die Juden in ihrer mittelalterlichen Umwelt*, ed. Alfred Ebenbauer and Klaus Zatlouk (Vienna, Cologne, and Weimar: Böhlau, 1991), 67–89; Klaus Lohrmann, *Judenrecht und Judenpolitik im mittelalterlichen Österreich* (Vienna and Cologne: Böhlau, 1990), especially 146–66.

The first encompassing definition of the legal standing of the Austrian Jews was the quite comprehensive regulation which the Babenberg Duke Frederic II issued in 1244,²⁵ which remained the basis for further legislation within the duchy of Austria²⁶ and also served as a model for other rulers.²⁷ The rather detailed economic issues, mostly in favor of the Jews, and the quite wide-ranging protection suggest that Duke Frederic aimed at providing an incentive for Jews to settle down in Austria²⁸—as part of his, and no longer the Emperor's, treasure. With regard to the towns, this also means that the ruler was determined not to lose his control over what he had just acquired²⁹ and regarded as his immediate property, a part of his treasure that he protected and/or exploited and utilized as he saw fit. It remained the rulers' sole prerogative to grant Jews the right to take their abode on his realm, their favorite financiers were given wide-ranging economic and legal privileges without as much as informing the cities. Only during the last decades of the fourteenth century, some Austrian cities were able

²⁵ Most recent edition by Brugger and Wiedl, *Regesten*, vol. 1, 35–38, no. 25. For an English translation, see <http://www.fordham.edu/halsall/jewish/1244-jews-austria.html> (last accessed on April 8, 2009), which is based on the (somewhat problematic) translation by Jacob Marcus, *The Jew in the Medieval World: A Sourcebook, 315–1791* (New York: JPS, 1938), 28–33.

²⁶ Re-issued *ad imitationem clare memorie quondam Friderici ducis Austrie et Stirie* by King Rudolf I in 1277 (Brugger and Wiedl, *Regesten*, vol. 1, 71–73, no. 56). The explicit reference to Duke Frederic II conveys a clear meaning—on the one hand, Rudolf's rival Přemysl Otakar, the (outlawed) duke of Austria, was being blatantly ignored, and on the other hand, by reverting to the ducal privilege of 1244, and not the Imperial one, Rudolf stressed his family's claim on the duchies of Austria and Styria (Eveline Brugger, "Von der Ansiedlung bis zur Vertreibung – Juden in Österreich im Mittelalter," *Geschichte der Juden in Österreich*, 123–228; here 142).

²⁷ Hungary: Bela IV, 1251 (*Monumenta Hungariae Judaica*, vol. 1: 1092–1539, ed. Ármin Friss and Mór Weisz [Budapest: Magyar Izraeliták Országos, 1903], 23–30, no. 22); Bohemia and Moravia: Přemysl Otakar II, 1255, 1262, and 1268 (Brugger and Wiedl, *Regesten*, vol. 1, 45–48, no. 34, 51–54, no. 39, and 62–65, no. 47, the first including Austria, the latter two Austria and Styria); Poland: Duke Boleslav, 1264 (*Juden in Europa: Ihre Geschichte in Quellen*, vol. 1: *Von den Anfängen bis zum späten Mittelalter*, ed. Julius Schoeps and Hiltrud Wallenborn [Darmstadt: Wissenschaftliche Buchgesellschaft, 2001], 139–43, no. 65); Bamberg: Bishops Henry II and Wulfing, between 1304 to 1328 (Brugger and Wiedl, *Regesten*, vol. 1, 255–57, no. 302). No privileges for the Styrian and Carinthian Jews have been transmitted, the later Habsburg privileges of the second half of the fourteenth century however include both these territories, referring to an 'older existing legislation' (see Lohrmann, *Judenrecht*, 182–89 [Carinthia], 200–06 [Styria], late Habsburg privileges 230–35).

²⁸ The Jewish immigration into the middle Danube area had already increased during the first half of the thirteenth century; at least for Vienna, an existing community can be proven for around 1200 (first mention of the Vienna Synagogue in 1204; see Brugger and Wiedl, *Regesten*, vol. 1, 18–19, no. 5), thus Frederic might also have reacted to the newly arisen need of regulating the Jewish life that had begun to flourish.

²⁹ In 1331, Emperor Louis IV officially enfeoffed the Austrian dukes with the right to the Jews (*Judenregal*), Brugger, "Ansiedlung," 143–44.

to gain at least partial control over the Jews, mainly focusing on jurisdictional and economic matters.³⁰

Yet the seemingly undue preference accorded the Jews rankled with the citizens, causing the author of the Viennese *Stadtrechtbuch* (a compendium of legal regulations from the end of the fourteenth century) to complain polemically about the “cursed Jews” having a better legal position against the Christians than the Christians against the Jews, directly referring to the 1244 regulations and blatantly ignoring the everyday reality that had by then long changed to the clear disadvantage of the Jews.³¹

Their increasing influence notwithstanding, Austrian cities remained for the most part powerless should the respective ruler, in whose official possession the Jews remained until the end of Jewish medieval settlement, decide to interfere. The Austrian dukes gave their Jews as fiefs to noblemen they wanted to particularly honor, reward, or bribe,³² without as much as notifying the government of those cities where the Jews dwelled; should a Jew flee from a ruler’s territory, the cities were neither involved in the ensuing trial nor did they participate in the sharing of the Jew’s confiscated property.³³ This applies not only to towns that were under the rule of a powerful lord, like (partially) the Duke of Austria, but also to noblemen whose immediate rule extended to a considerably limited area managed to maintain a close grip on the Jews as an outstanding group. In 1350, the nobleman and chancellor of Styria, Rudolf Otto of Liechtenstein, granted the Jew Häslein, the wealthiest and most prominent Jew in the Carinthian/Styrian area at that time, the right to settle in his town of Murau, placing him and his family in a

³⁰ See Birgit Wiedl, “Codifying Jews. Jews in Austrian Town Charters of the Late Middle Ages,” *The Constructed Jew: Jews and Judaism through Medieval Christian Eyes*, ed. Kristine T. Utterback and Merrall L. Price (Turnhout: Brepols, forthcoming 2009).

³¹ Christine Magin, “Wie es umb der iuden recht stet:” *Der Status der Juden in spätmittelalterlichen deutschen Rechtsbüchern* (Göttingen: Wallenstein-Verlag, 1999), 103; Heinrich Maria Schuster, *Das Wiener Stadtrechts- und Weichbildbuch* (Vienna: Manz, 1973), 130–31; Lohrmann, *Judenrecht*, 161; id., *Die Wiener Juden im Mittelalter* (Berlin and Vienna: Philo, 2000), 36–37.

³² The most famous of these was the enfeoffment of the Counts of Cilli (today’s Celje, Slovenia) with the Jew Chatschim and his family by duke Rudolf IV. Despite the fact that the towns Chatschim lived in were quite prosperous (Ljubljana, Celje, Trieste), there is no notion of any involvement of either of these towns. See *Germania Judaica*, vol. III/3, 209; Brugger, “Ansiedlung,” 184–85; Lohrmann, *Judenrecht*, 206–07; Markus Wenninger, “Die Bedeutung jüdischer Financiers für die Grafen von Cilli und vice versa,” *Celjski grofje, stara tema – nova spoznanja*, ed. Rolanda Fugger Germadnik (Celje: Pokrajinski Muzej, 1999), 143–64; here 151–52. On Jews between ruler and (Lower Austrian) nobility, see Eveline Brugger, *Adel und Juden im mittelalterlichen Niederösterreich*. Studien und Forschungen aus dem Niederösterreichischen Institut für Landeskunde, 38 (St. Pölten: Selbstverlag des Niederösterreichischen Instituts für Landeskunde, 2004).

³³ For ‘famous flights’ of Jews see below; further Brugger, “Ansiedlung,” 181–82 (Häslein) and 184–85 (Chatschim and Mosche); Lohrmann, *Judenrecht*, 218–20 (Häslein) and 225–30 (Chatschim and Mosche).

very privileged position with respect to both the Jewish community of Murau and the town itself.³⁴

Although it is very likely that Rudolf Otto of Liechtenstein issued the privilege with ducal approval, there is no mention of any involvement whatsoever of the town of Murau – which, if nothing else, had to renounce any jurisdictional rights over Häslein who fell under the sole competence of Rudolf Otto himself. This example concurs with a general increase of personalized privileges in the second half of the fourteenth century,³⁵ privileges that granted a special status to an individual Jew or Jewess (usually including the entire family) and exempted them from the legal requirements of the town they lived in. When several years later, Häslein left his new abode in the ducal town of Judenburg without seeking permission beforehand and Duke Rudolph IV confiscated all his property and outstanding debts, neither of the towns he had lived in or had business contacts with was given a share.

The Austrian rulers' control even extended to Jewish geographical spaces within a city. The permission to erect or rebuild a synagogue, to establish or to enlarge a cemetery remained the right of the respective lord of the town,³⁶ leaving the town's administration with no say in the matter.³⁷ To the contrary, a ruler like the Bishop of Bamberg who owned the Carinthian town of Villach could even, after having granted the Jew Aschrok the right to erect a synagogue (in return for a payment of 200 pounds)³⁸, coerce his Christian subjects, in this case the mayor and council of Villach, into promising to protect the Jews should any "uprise" against them occur.³⁹ But even if reduced to the mere geographical space, to the public and

³⁴ Brugger, "Ansiedlung," 181–82; Wilhelm Wadl, *Geschichte der Juden in Kärnten im Mittelalter: Mit einem Ausblick bis zum Jahre 1867*. Revised second ed. Das Kärntner Landesarchiv, 9 (Klagenfurt: Verlag des Kärntner Landesarchivs, 1992), 196–98.

³⁵ Eveline Brugger and Birgit Wiedl, "'... und ander frume leute genuch, paide christen und juden.' Quellen zur christlich-jüdischen Interaktion im Spätmittelalter am Beispiel Österreichs," *Räume und Wege*, 286–305; here 288–89.

³⁶ See for the similar French legislation the contribution of Rosa Alvarez Perez in this volume.

³⁷ The Church, however, tried to gain control over the erection of new and the alteration of already existing synagogues. The provincial synagogue of Vienna in 1267 forbade the erection of new synagogues, while (re-)used existing ones were not to be made wider, higher nor more precious (latest print Brugger and Wiedl, *Regesten*, vol. 1, 59–61, no. 45; here 60).

³⁸ State Archives of Bavaria, Bamberg, A 78 Lade 403 Nr. 4 (1510 May 4). Joseph Babad, "The Jews in Medieval Carinthia," *Historia Judaica* 7 (1945): 13–28 and 193–204; here 27; *Germania Judaica*, vol. III: 1350–1519, part 1: *Aach - Lychen*, ed. Arye Maimon and Yacov Guggenheim (Tübingen: J. C. B. Mohr, 1987), 415; *Germania Judaica*, vol. III/2, 1533–34; *Germania Judaica*, vol. III/3, 1759; Wilhelm Neumann, "Die Juden in Villach," *Carinthia* 1155 (1965), 327–66; here 349–50; Wadl, *Juden Kärnten*, 166, 223.

³⁹ Austrian State Archives Vienna, Haus-, Hof-, und Staatsarchiv, AUR Uk. 1359 IV 1. *Germania Judaica*, vol. III/2, 1534, *Germania Judaica*, vol. III/3, 1759; Lohrmann, *Judenrecht*, 163; Neumann, "Juden Villach," 342, 350; Johann Egid Scherer, *Die Rechtsverhältnisse der Juden in den deutsch-*

private places, a medieval town was a space of meeting for Jews and Christians.⁴⁰ They were living next door, and not only in these two streets in Zurich—in Vienna and Krems, in Wiener Neustadt and Graz, in the episcopal towns of Friesach, Villach and Wolfsberg in Carinthia and the then South-Styrian, now Slovenian Maribor and Ptuj, to name but the biggest of the Jewish communities, Jewish settlement might have been concentrated around central locations, in particular the synagogue(s), yet many members lived outside these parts of the city where Christians lived, as (not only) the Viennese sources call it, *under den Juden*, “among the Jews”: thus, encounter was inevitable. Jews employed the services of Christian craftsmen as much as Christians called on Jewish services;⁴¹ and, although frowned upon by the Church,⁴² Christian servants to Jewish households were common, even essential: “he had servants and maids, non-Jewish and Jewish too,” Ephraim bar Jacob wrote in his memorial book about the Jew Schlom, master of the ducal mint in Vienna around 1192, not finding this in the least peculiar.⁴³ On both sides, religious authorities were up in arms about Christian women engaging Jewish, and Jewesses engaging Christian wet nurses;⁴⁴ and the story told by the Carinthian Abbot and historiographer Johann of Viktring about a Christian wet nurse, who in 1343 abducted the daughter of her Jewish employers to have her baptized, may on the one hand confirm that the worries, at least on the Jewish side, weren’t completely unfounded, but on the other hand gives evidence of the

österreichischen Ländern. Mit einer Einleitung über die Principien der Judengesetzgebung in Europa während des Mittelalters. Beiträge zur Geschichte des Judenrechtes im Mittelalter, 1 (Leipzig: Duncker & Humblot, 1901), 509; Wadl, *Juden Kärnten*, 162.

⁴⁰ Keil, “Nähe und Abgrenzung,” 2–4; Haverkamp, “Jews and Urban Life,” 62 and 65–66.

⁴¹ Keil, “Nähe und Abgrenzung,” 2.

⁴² Whereas the synod at Wroclaw, where the matter is addressed directly for the first time, does not forbid Christians to work as servants in Jewish households, but merely declares that they were not to stay there day and night (*die noctuque*), it is debated whether the wording of the Viennese synod (*die nocteve*) aims at prohibiting Christian servants at all. Grayzel, *Church and Jews*, vol. 2, 244–46, no. 6 (Wroclaw); Brugger and Wiedl, *Regesten*, vol. 1, “59–61, no. 45 (Vienna), see above for further editions; Schreckenberg, *Adversus-Judaeos-Texte und ihr literarisches und historisches Umfeld (13–20. Jh.)*, 230. For the *schabbesgoj*, the ritually essential Christian servant, see Keil, “Gemeinde und Kultur,” 76.

⁴³ Brugger and Wiedl, *Regesten*, vol. 1, 17–18, no. 4 (full text in Hebrew and German translation); Brugger, “Ansiedlung,” 126.

⁴⁴ Martha Keil, “Lilith und Hollekreisch: Schwangerschaft, Geburt und Wochenbett im Judentum des deutschen Spätmittelalters,” *Aller Anfang: Geburt, Birth, Naissance*. Tagungsband der 5. Wiener Gespräche zur Sozialgeschichte der Medizin, ed. Gabriele Dorffner and Sonia Horn (Vienna: Verlagshaus der Ärzte, 2004), 145–160; eadem, “Gemeinde und Kultur,” 107; eadem, “Nähe und Abgrenzung,” 7–8. On the topic of female interaction Elisheva Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe* (Princeton: Princeton University Press, 2004), 119–53, particularly 135–44 on Christian wet nurses in Jewish households and vice versa. Baumgarten emphasizes the close relationship that must have existed between a Jewish and a Christian woman if one was to breast-feed the child of the other.

commonness of this practice (since Johann of Viktring interprets the abduction as remarkable, but not the employment itself).⁴⁵ There has been, and still is, a vast and vivid discussion on the topic of Jewish quarters, and whether their settlement was scattered or close-together within the city, and the most prominent public building within, the synagogue.⁴⁶

In addition to being the center of Jewish life on many levels—the primary worship institution, the social center, a place of identification,⁴⁷ but also a place of

⁴⁵ Fedor Schneider (ed.), *Iohannis abbatis Victoriensis Liber certarum historiarum*. Monumenta Germaniae Historica Scriptores rerum Germanicarum in usum scholarum, 36.2 (Hanover and Leipzig: Hahnsche Buchhandlung, 1910); Keil, "Lilith und Hollekreisch," 151–52; *Germania Judaica*, vol. II: *Von 1238 bis zur Mitte des 14. Jahrhunderts*, part 1: *Aachen – Luzern*, ed. Zvi Avneri (Tübingen: J. C. B. Mohr, 1968), 265; *Germania Judaica*, vol. II/2, 786; Wadl, *Juden Kärnten*, 185.

⁴⁶ From the extensive literature on this subject, see the latest summary in *Germania Judaica*, vol. III/3, 2082–89. Further see *Jüdische Gemeinden und ihr christlicher Kontext in kulturräumlicher vergleichender Betrachtung: Von der Spätantike bis zum 18. Jahrhundert*, ed. Christoph Cluse, Alfred Haverkamp and Israel Jacob Yuval. Forschungen zur Geschichte der Juden, A 13 (Hanover: Hahnsche Buchhandlung, 2003); *In and Out of the Ghetto: Jewish-Gentile Relations in Late Medieval and Early Modern Germany*, ed. Hartmut Lehmann, R. Po-Chia Hsia, and David Lazar (Washington, DC: German Historical Institute, 1995), particularly the article by Alfred Haverkamp, "The Jewish Quarters in German Towns during the Late Middle Ages," 13–28; Simha Goldin, "The Synagogue in Medieval Jewish Communities as an Integral Institution," *Journal of Ritual Studies* 9.1 (1995): 15–39; Keil, "Lebensstil und Repräsentation," chapter 1; eadem, "Orte der Öffentlichkeit: Judenviertel, Synagoge, Friedhof," *Ein Thema – zwei Perspektiven: Juden und Christen in Mittelalter und Frühneuzeit*, ed. Eveline Brugger and Birgit Wiedl (Innsbruck, Vienna, and Bolzano: StudienVerlag, 2007), 170–86; eadem, "Bet ha Knesset, Judenschul: Die Synagoge als Gotteshaus, Amtsraum und Brennpunkt sozialen Lebens," *Wiener Jahrbuch für jüdische Geschichte, Kultur und Museumswesen* 4 (1999/2000): 71–90; Silvia Codreanu-Windauer, "Stadtviertel oder Ghetto? Das mittelalterliche Judenviertel Regensburgs," *Centre—Region—Periphery. Medieval Europe*, Pre printed Papers, 2 (Hertingen 2002), 316–21; id., "Regensburg: The Archaeology of the Medieval Jewish Quarter," and Pam Manix, "Oxford: Mapping the Medieval Jewry," both in *Jews of Europe*, 391–403, and 405–20, respectively; Paul Mitchell, "Synagoge und Jüdisches Viertel im mittelalterlichen Wien," *Synagogen, Mikwen, Siedlungen: Jüdisches Alltagsleben im Lichte neuer archäologischer Funde*, ed. Fritz Backhaus and Egon Wamers. Schriften des Archäologischen Museums Frankfurt, 19 (Frankfurt a. M.: Archäologisches Museum Frankfurt, 2004): 139–50; Markus Wenninger, "Grenzen in der Stadt? Zur Lage und Abgrenzung mittelalterlicher deutscher Judenviertel," *Aschkenas: Zeitschrift für Geschichte und Kultur der Juden* 14.1 (2004): 9–30; id., "Zur Topographie der Judenviertel in den mittelalterlichen deutschen Städten anhand österreichischer Beispiele," *Juden in der Stadt*, ed. Fritz Mayrhofer and Ferdinand Opll. Beiträge zur Geschichte der Städte Mitteleuropas, 15 (Linz: Österreichischer Arbeitskreis für Stadtgeschichtsforschung, 1999), 81–117. On the confined space of the *eruv chazerot* (the 'mixing, putting together of courtyards' to facilitate carrying objects from one domain to another on Sabbath, symbolized by a loaf of bread, see *Encyclopaedia Judaica*, sec. ed., vol. 6 [Detroit, New York, San Francisco, et al: Thomson Gale, 2007], 484–85), within a city, see Keil, "Gemeinde und Kultur," 75–76, further Yuval, *Two Nations*, 236–39 with particular, and intriguing, reference to the alleged host wafer accusations; also Gilomen, "Brunnen," 133–35. For a continuously updated bibliography on Jewish archeology in Europe see <http://www.project-yesod.org/bibliography.html> (last accessed on April 8, 2009).

⁴⁷ Mordechai Breuer, "Ausdrucksweisen aschkenasischer Frömmigkeit in Synagoge und Lehrhaus,"

flaunting one's social status⁴⁸ and the stage where sanctions of the internal Jewish jurisdiction were imposed publicly⁴⁹—the synagogue was also perceived by Christians not as an “exclusively” Jewish space but as a public one they too had access to. In some towns, the Jews had to take their oaths in front of the synagogue,⁵⁰ and according to Austrian ducal legislation, the synagogue was the place to hold a court sitting if a Jew was somehow involved in the process.⁵¹ Thus, the synagogue held a semi-legal function for Jews and Christians alike, in addition to providing a convenient and therefore common meeting place where business transactions were negotiated and concluded, goods delivered and the newest gossip discussed while its acoustic signals permeated into Christian space as much (if not as manifold) as church bells.⁵²

Christians therefore showed no sign of hesitation, or repulsion, to use the synagogue as a meeting point and accept it as a place of public significance. In early November 1354, Nikolaus Petzolt, the town judge of the prospering southern Styrian (today's Slovenian) town of Maribor, which housed one of the largest Jewish communities of that region, was called on by messengers of the Counts of Pfannberg, a local noble family with considerable business contact to the Jews. They asked him to accompany them to the *shul*, the synagogue. Petzolt, the *iudex iudeorum* Wilhelm, and another citizens of Maribor, obliged, and having arrived at the synagogue, the messengers sent for the *shulklapper*⁵³ to ask around whether

Judentum im deutschen Sprachraum, ed. Karl E. Grözinger (Frankfurt/Main: Suhrkamp, 1991), 103–16; here 105; Goldin, “Synagogue,” 15–16; Keil, “Lebensstil und Repräsentation,” chapter 1.

⁴⁸ *Germania Judaica*, vol. III/3, 2085; Goldin, “Synagogue,” 22–23; Keil, “Lebensstil und Repräsentation,” chapter 1.

⁴⁹ Michael Toch, “Mit der Hand auf der Thora: Disziplinierung als internes und externes Problem in den jüdischen Gemeinden des Spätmittelalters,” *Disziplinierung und Sachkultur in Mittelalter und Früher Neuzeit*, ed. Gerhard Jaritz. Veröffentlichungen des Instituts für Realienkunde des Mittelalters und der Frühen Neuzeit, 17. Österreichische Akademie der Wissenschaften. Philosophisch-Historische Klasse, Sitzungsberichte, 669 (Vienna: Verlag der österreichischen Akademie der Wissenschaften, 1999), 155–68; here 161; Keil, “Orte der Öffentlichkeit,” 175–77; *Germania Judaica*, vol. III/3, 2105–08; Goldin, “Synagogue,” 23–24.

⁵⁰ The ‘minor oath’ of the Jews of the Lower Austrian town of Krems had to be taken in front of the synagogue, with the oath-taker's hand on the doorknob; see Brugger, “Ansiedlung,” 151. According to ducal legislation, the Jews had to take their oath solely in front of the duke, which proved highly inexecutable, whereas humiliating rituals accompanying the oath (self-execration, standing on a sow's skin), as described in the Schwabenspiegel, are not recorded for Austria; see Hans Voltelini, “Der Wiener und Kremser Judeneid,” *Mitteilungen des Vereins für Geschichte der Stadt Wien* 12 (1932): 64–70; here 69–70; Toch, “Hand auf der Thora,” 162–67.

⁵¹ Brugger and Wiedl, *Regesten*, vol. 1, 36, no. 25, § 30.

⁵² On ‘Jewish’ sounds within a town, see Keil, “Orte der Öffentlichkeit,” 172.

⁵³ The *shulklapper* (German *Schulklopfer*, in Christian documents—like in the charter quoted above—often called ‘sacristan of the Jews’, *judenmesner*) was responsible for calling the Jews to prayer; he served as a crier, and was involved in the collection of taxes, the taking of oaths, and in handling jurisdiction, see *Germania Judaica*, vol. III/3, 2092–93; *Encyclopaedia Judaica*, sec. ed., vol.

any of the Jews still held some debenture bonds of the Pfannberg family, and if so, to produce them at the synagogue in order that they could repay the debts. The Jews answered that none of them held any obligations; thus the messengers had the *shulkclapper* declare that any bonds presented later on were to be considered null and void. The three citizens corroborated the charter issued on that occasion with their seals, declaring that they had been present at the synagogue along with 'other respectable people.'⁵⁴

One of the main opportunities of contact and interaction remained the contact via business—and the close everyday contact and the interaction can easily be detected in items and activities of the daily business life. Business documents are one of the most extensively transmitted type of sources in Austria as far as Jewish-Christian interaction is concerned.⁵⁵

From the financier of noblemen and rulers to the lowly pawn broker, their clientele was predominantly Christian and often recruited from their immediate surroundings, especially when it comes to small-scale pawning and loaning; whereas the noble clients, both secular and ecclesiastical, of financially stronger Jews usually came from a greater geographical area.⁵⁶ Jewish-Christian business interaction might evoke ideas of credit transactions and pawn-broking only, yet these are by far not the sole form of business that took place between Jews and their Christian neighbors. 'Classical' contracts like debenture bonds, pawn certificates, and charters for safeguarding the guarantor (*Schadlosbriefe*) are but a part of the vast amount of Jewish appearances in business documents. Jews appear in both ducal and municipal account books,⁵⁷ they were registered in rentals not only as pawn keepers but as regular land- and/or house-owners and appear in charters as such; when, e.g., the Styrian nobelman Poppo of Peggau bequeathed several of his estates to the Upper Austrian monastery of Reichersberg in 1235, he did so *apud Winnam in domo Techani iudei*, in Vienna, in the house of Teka the Jew, to whom, along with several Viennese citizens,⁵⁸ the estates had been pledged.

18 (Detroit, New York, San Francisco, et al.: Thomson Gale, 2007), 531.

⁵⁴ Austrian State Archives Vienna, Haus-, Hof- und Staatsarchiv, AUR Uk. 1354 XI 4.

⁵⁵ Brugger and Wiedl, "Christlich-jüdische Interaktion," 285.

⁵⁶ See the survey by Eveline Brugger, "'Do musten da hin zue den iuden varn' – die Rolle(n) jüdischer Geldgeber im spätmittelalterlichen Österreich," *Ein Thema – zwei Perspektiven*, 122–38; for in-depth studies for Lower Austria and Carinthia, see Brugger, *Adel und Juden*, and Wadl, *Juden Kärnten*, 193–225, respectively.

⁵⁷ Brugger and Wiedl, "Christlich-jüdische Interaktion," 292.

⁵⁸ Apart from the aforementioned broad variety of other occupations Jews pursued, it is of great importance to stress that money-lending was at no time exclusively a 'Jewish trade'; see with respect to Jews the newest summary by Michael Toch, "Economic Activities of German Jews in the Middle Ages," *Wirtschaftsgeschichte der mittelalterlichen Juden*, 181–210; here 184–87 and 194–95; generally Joseph Shatzmiller, *Shylock Reconsidered. Jews, Moneylending, and Medieval Society* (Berkeley and Los Angeles: University of California Press, 1990); for a comparison of the different

Even more so, Teka did not only act as a host but was named as the intermediary of the entire transaction (*quo mediante et procurante hoc omnia facta sunt*).⁵⁹ Although Teka is to be considered a rather exceptional figure with close connections to the Hungarian king and the Austrian duke⁶⁰, quite casual references to Jews owning houses or plots of land are not exceptional, and often merely given to identify another—Christian-owned—house.⁶¹

However, it would most definitely be short-sighted to dismiss those business contracts as yielding merely information on matters of economy,⁶² as objects of

forms of credit, see Hans-Jörg Gilomen, "Die ökonomischen Grundlagen des Kredits und die christlich-jüdische Konkurrenz im Spätmittelalter," *Ein Thema – zwei Perspektiven*, 139–69; further id., "Wucher und Wirtschaft im Mittelalter," *Historische Zeitschrift* 250 (1990): 265–301; id., "Kooperation und Konfrontation," 216–22, with statistics on Jewish and Lombard credits in fifteenth-century Zurich. As early as the thirteenth century, Lombards and Cahorsins appear in the Austrian region; Duke Rudolf IV bestowed himself with the right to "hold Jews and Cahorsins" (*tenere judeos et usurarios publicos, quos vulgus vocat gawertschin*) in the forged Privilegium Maius of around 1358. Particularly in the south of Austria, the Carinthian dukes and the nobility resorted to business companies from the Veneto-Friulian area that included both Jews and Christians; see now the two articles by Wenninger, "Jüdische Netzwerke," and Gerd Mentgen, "Netzwerkbeziehungen bedeutender Cividaler Juden in der ersten Hälfte des 14. Jahrhunderts," *Beziehungsnetze aschkenasischer Juden*, 163–76 and 197–246 respectively, with further literature. See also Gerd Mentgen, *Studien zur Geschichte der Juden im mittelalterlichen Elsaß*. Forschungen zur Geschichte der Juden, Abteilung A, Abhandlungen, 2 (Hanover: Hahnsche Buchhandlung, 1995), 574–789, on the 'Jewish' Alsace vs. the 'Lombard' Lorraine as far as money-lending is concerned, with further literature. However, Christian participation in all kinds of money-based business is not reduced to these specific groups. Apart from (rather rare) open money-lending and pawn-broking, which was severely criticised by the contemporaries, Christians usually engaged themselves in more 'clandestine' transactions, like masking the pawning of a pledge, usually a plot of land, as selling and subsequently repurchasing it after a predetermined time span, where only the final total was stated in the documents, usually already including the interest to be paid at the end; for Austrian examples, see Brugger, "Ansiedlung," 157.

⁵⁹ Brugger and Wiedl, *Regesten*, vol. 1, 24–25, no. 11.

⁶⁰ Probably the best example for this is the peace treaty of 1225 between King Andrew II and Duke Leopold VI, where Teka stands bail for the Austrian duke; a few years later, he is the *comes camere* (tax farmer) of the Hungarian king (Brugger and Wiedl, *Regesten*, vol. 1, 20–21, no. 7, 23, no. 10, with further literature).

⁶¹ From the vast amount of charters, see the arbitrament that settled a dispute between citizens of the Lower Austrian town of Klosterneuburg over several vineyards and houses, one of which was located *an dem nidern markt ze nachst Steuzzen haus dez juden* ("at the lower market, next to the house of [David] Steuss the Jew," Archives of the Monastery of Klosterneuburg, Uk. 1364 X 31, facsimile online at: <http://www.monasterium.net>, sub archivio; last accessed on April 8, 2009).

⁶² On the broad variety of using charters as sources, see Paul Herold, "Schrift als Möglichkeit – Möglichkeiten von Schrift. Genese, Wirkungsweise und Verwendung von Schrift am Beispiel österreichischer Privaturkunden des 12. und 13. Jahrhunderts," *Text als Realie*, ed. Karl Brunner and Gerhard Jaritz. Veröffentlichungen des Instituts für Realienkunde des Mittelalters und der Frühen Neuzeit, 18. Österreichische Akademie der Wissenschaften. Philosophisch-historische Klasse, Sitzungsberichte, 704 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften,

daily life, they give as much clear evidence of the mutual impact of the overlapping living spaces of Jews and Christians as any building, piece of cloth, or object of art. In everyday transactions, Jewish businessmen adjusted to the needs of their Christian clientele: documents they issued for their Christian partners were not only in either German⁶³ or (very rarely) in Latin,⁶⁴ they differ in no point to those issued by Christians—the formula commonly used by Christians is adopted word-for-word. Crucial dates like the due date of the debt or the date of issuance are rendered in the same way as in Christian charters, by usage of commonly known days of saints or feasts. As much as this is due to the fact that the Christian business partner had to understand the document as well, this also provides evidence of a firm knowledge (and usage) of the Christian calendar and certain ‘key days’ like the ever-popular pay days of St. Michael (September 29), St. Martin (November 11), and St. George (April 23/24).

Following the standard formulae, however, was not limited to documents issued by Jews for Christians; in the (rare) charters in Hebrew⁶⁵, which were either, in the majority of cases, issued as an additional confirmation of the transaction dealt with in the German one (see Figure 6)⁶⁶ or kept by the Jewish business partner, most of the common phrases (e.g., “of our own accord and with the approval of our heirs,” the *Schadlosformel* that protects the business partner should a third party raise claims) were literally translated into Hebrew. In contrast, all the dates are stated according to the Jewish calendar, and the corroboration is exclusively given by signature. Quite telling is the only modification to one of the standard formulae—whereas the Christian version reads “all who see this letter or hear it being read” (*allen die diesen brief sehen oder hören lesen*), the Hebrew version is adapted as merely “all who see this letter,” proceeding on the assumption that any Jew who sees the letter will be able to read it as well on his own.⁶⁷

2003), 135–52.

⁶³ The question whether medieval Ashkenazic Jews spoke Middle High German or Old Yiddish, or regional dialects, has been a topic of academic literature since the nineteenth century, albeit with a clear focus on literary texts. The still ongoing discussion has been summed up and analyzed lately by Edith Wenzel, “Alt-Jiddisch oder Mittelhochdeutsch?” *Grenzen und Grenzüberschreitungen*, 31–50, with an extensive bibliography in the footnotes.

⁶⁴ The eldest Latin charter in the Austrian region is also the eldest one issued by a Jew altogether in this region: February 18, 1257, the two brothers Lublin and Nekelo, *comites camere* (tax farmers) of the Austrian duke and later Bohemian king Otakar Přemysl II, settled a dispute with Bishop Conrad I of Freising, which they corroborated with their shared (and, unfortunately, missing) seal, see Brugger and Wiedl, *Regesten*, vol. 1, 50–51, no. 38, with further literature.

⁶⁵ Brugger and Wiedl, “Christlich-jüdische Interaktion,” 305, fig. 2.

⁶⁶ These Hebrew charters were often stitched, glued, or somehow else attached to the German document they correspond to (which was partially done centuries later); see the example from the monastery of Kremsmünster from 1305, Figure 6.

⁶⁷ See, e.g., the two eldest Hebrew charters from the Austrian region, both of them issued by the four

Jews do appear in other functions as well: should the need arise, they act as arbitrators together with Christians,⁶⁸ they corroborate Christian charters as witnesses even if they (or any Jews at all) are not involved in the transaction documented in the charter.⁶⁹ Jewish appearance as witnesses declines perceptibly from the last quarter of the thirteenth century onward, which precedes the general decrease in the usage of witnesses in favour of seals as the (almost) only means of authentication by only a few decades. Wealthy and prominent Jews, however, did adapt this custom, this ‘new fashion article,’⁷⁰ and started using seals, albeit only for charters issued for Christian business partners.⁷¹

The common way of corroboration among Jews remained the aforementioned Hebrew signature that was used on both Hebrew and German documents,⁷² partly announced with the same formula that would be used for announcing a seal: with the formula *und umb taz pesser sicherhait bestett ich die obergeschrift mit meiner judischen hantgeschrift unden darunder* (“as an additional corroboration [as an additional insurance] I hereby confirm the above-written [text] with my Jewish

brothers Mosche, Mordechai, Isak and Pessach, sons of Schwärzlein/Asriel, and corroborated by their signatures and those of the Rabbis Chaim and Abraham, Brugger and Wiedl, *Regesten*, vol. 1, 119, no. 124 (April 29, 1305, see Figure 6), 167–68, no. 165 ([1309]), Hebrew and German translation.

⁶⁸ E.g., the ducal cellarer Konrad von Kyburg and the Jew Marusch, who decided a dispute between the monastery of Heiligenkreuz and the Jew Mordechai over the postponed payment of duties (Brugger and Wiedl, *Regesten*, vol. 1, 203–04, no. 219).

⁶⁹ E.g., the Jew Bibas who testified in a deed of suretyship which the (rather high-ranking) nobleman Albero von Kuenring and the citizens of the towns of Krems, Stein, and Linz issued for two other noblemen in 1247, assuring them of their standing surety. Bibas is listed as the last of the altogether 21 witnesses from Krems (Brugger and Wiedl, *Regesten*, vol. 1, 39, no. 28); a further example is the Jew Smoiel who acts as a witness in a sale charter of canon Irnfried of Passau in 1270 (Brugger and Wiedl, *Regesten*, vol. 1, 66–67, no. 49).

⁷⁰ Heinrich Fichtenau, *Das Urkundenwesen in Österreich vom 8. bis zum frühen 13. Jahrhundert*. Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband, 23 (Vienna and Graz: Böhlau, 1971), 238.

⁷¹ The eldest still existing Jewish seal in the German-speaking realm is the seal of Peter bar Mosche haLevi from Regensburg, attached to a charter issued by his sons Hatchim and Jacob in 1297 for Archbishop Conrad IV of Salzburg. It shows a cornuted hat with a bird on top, flanked by a crescent and a eight-pointed star, see Keil, Martha: “Ein Regensburger Judensiegel des 13. Jahrhunderts. Zur Interpretation des Siegels des Peter bar Mosche haLewi,” *Aschkenas: Zeitschrift für Geschichte und Kultur der Juden* 1 (1991): 135–50; Brugger and Wiedl, *Regesten*, vol. 1, 97, no. 93; on seals of Austrian Jews in general, see Brugger, “Ansiedlung,” 123–228. See also Daniel M. Friedenberg, *Medieval Jewish Seals from Europe* (Detroit: Wayne State University Press, 1987), unfortunately with serious mistakes and misunderstandings.

⁷² Keil, “Judensiegel,” 135–36; eadem, “‘Petachja, genannt Zecherl’: Namen und Beinamen von Juden im deutschen Sprachraum des Spätmittelalters,” *Personennamen und Identität. Namengebung und Namengebrauch als Anzeiger individueller Bestimmung und gruppenbezogener Zuordnung*, ed. Reinhard Härtel. Grazer Grundwissenschaftliche Forschungen, 3. Schriftenreihe der Akademie Friesach, 2 (Graz: Akademische Druck- und Verlagsanstalt, 1997), 119–46; here 138–41.

handwriting”) the Jew Mosche from Herzogenburg announced his signature (*Mosche ben haKadosch Rabbi Izchak s.k.l.*, “Mosche, son of the martyr Rabbi Izchak, the memory of the martyr may be honored”), using the same ‘keywords’ of *pesser sicherheit* a Christian would herald their seal with.⁷³ Additional confirmatory signatures, often those of Rabbis, were introduced using of a wording similar to that Christians would introduce additional corroborators with.⁷⁴

Town-dwelling Jews without a seal of their own often turned toward the particular Christian who at that time occupied the office of what was known as *iudex iudeorum*, an office quite unique to the eastern parts of modern-day Austria,⁷⁵ to witness and seal their documents.⁷⁶ Introduced in Duke Frederic II’s 1244 privilege for the Austrian Jews and usually held by a member of a high-ranking family of the town, the principal duty of the *iudex iudeorum* was the settling of disputes between Jews and Christians;⁷⁷ furthermore, he had limited rights of control over the selling of unredeemed pledges and was entitled to a number of fines from both Jews and Christians, thus, participating at least marginally in the revenues of the ducal protection of the Jews. Despite the strong ties to the ruler which the *iudex iudeorum* could enjoy,⁷⁸ the towns were generally interested in

⁷³ Keil, “Namen und Beinamen,” 138, sales deed from May 10, 1445.

⁷⁴ Brugger and Wiedl, “Christlich-jüdische Interaktion,” 294–95.

⁷⁵ The first *iudex iudeorum* is mentioned in the lower Austrian town in 1264 of Krems (Brugger and Wiedl, *Regesten*, vol. 1, 56–57, no. 42.). It was to become a rather common office in both Austria and Styria, partly also in the Styrian and Carinthian enclaves of Salzburg, but was never introduced into other parts of the Holy Roman Empire save Bohemia and Moravia, where the 1244 privilege was introduced by King Přemysl Otakar II. For the few appearances outside these territories see *Germania Judaica*, vol. III/3, 2190.

⁷⁶ Having someone else seal a document was a common practise among Jews and Christians alike; if the issuer had no seal of their own, they asked for someone else to corroborate the charter with their seals (*Siegelbitte*), which was noted down separately in a particular formula together with the announcement of the seals. For the *iudex iudeorum* as corroborator for Jews, see also Keil, “Namen und Beinamen,” 138.

⁷⁷ Little is known about the organization that is referred to as *Judengericht* (despite the literal translation “Jewish court” it is not to be confused with the internal court of the Jewish community, see Keil, “Gemeinde und Kultur,” 40–41, 60–72). Its existence is first documented for the city of Vienna in 1361 (Lohrmann, *Wiener Juden*, 47; Brugger, “Ansiedlung,” 150). In the course of a general court reform, Duke Rudolf IV decreed the continued existence of the Viennese *Judengericht*, yet specified neither its constitution nor its competence in detail. Presided over by the *iudex iudeorum*, its assessors consisted of delegates from the city and the Jewish community in equal representation. Its range of jurisdictional competence, however, can not be inferred from its only mention for Vienna or from the Styrian references of the fifteenth century (see Brugger, “Ansiedlung,” 150), although it is very likely that the extent of empowerment mainly encompassed conflicts between Jews and Christians.

⁷⁸ E.g., all of the *iudicis iudeorum* of today’s Upper Austria’s capital of Linz were also caretakers of the castle of Linz, the residence of the ducal steward (Lohrmann, *Judenrecht*, 159). None of the legal documents refer to how the *iudex iudeorum* was to be appointed/elected; thus, an appointment by the ruler is at least possible, if not likely (at least as far as less influential towns are concerned).

strengthening his position as well as expanding his competences, gradually transforming the office into an at least partly municipal one.

With the growing claim of the towns on a more comprehensive jurisdictional and economic control of 'their' Jews, which, unsurprisingly, started shortly after the wide-ranging persecutions of 1338, the offices of the town judge and the *iudex iudeorum* were utilized to supervise the business activities of the Jews to a greater extent. Jews were obliged to produce their debt instruments to the town judge annually⁷⁹ or even thrice a year,⁸⁰ whereas pledges had to be presented to the *iudex iudeorum* on a regular, sometimes even weekly basis;⁸¹ in some Styrian towns, the municipal control was expanded further by demanding that any debt instrument was to be sealed not by either but by both the town judge and the *iudex iudeorum*.⁸² In the second half of the fourteenth century, cities tried to get organized when it came to keeping an eye on the Jews and their business transactions.

The increasing decline of the ducal protection offered considerable leeway for the towns to shift competences to their favor, allowing them to tighten their grip on the Jews perceptibly. Their aim of controlling and monitoring loans and pledges no longer merely encompassed the aforementioned producing, and certifying, of business documents but was extended to the many transactions concerning smaller amounts, most of which had heretoforth not been documented in writing at all. To establish this control, many towns set up what is known as *Judenbücher* ("codices for the Jews").⁸³ Sometimes included in the general *Satzbuch* of the respective town⁸⁴ and usually administered by the *iudex iudeorum*, the

⁷⁹ E.g., 1376 in the town charter of the Salzburg town of Ptuj, today in Slovenia, see Scherer, *Rechtsverhältnisse*, 549–50, Wadl, *Juden Kärnten*, 176–77.

⁸⁰ E.g., in the town charter of the Lower Austrian town of St. Pölten from 1338, granted by the Bishop of Passau who was the lord of the town; see Brugger and Wiedl, *Regesten*, vol. 1, 341, no. 444.

⁸¹ Ptuj: Inanimate pledges (*Schreinpfind*, as opposed to *essendes Pfand*, "eating pledge," i.e., livestock) had to be presented to the *iudex iudeorum* every Thursday, Lohrmann, *Judenrecht*, 160; *Germania Judaica*, vol. III/2, 1100.

⁸² Meir Wiener, *Regesten zur Geschichte der Juden in Deutschland während des Mittelalters*, vol. 1 (Hanover: Hahn'sche Hofbuchhandlung 1862), 236, no. 144 (Graz, Leoben); Lohrmann, *Judenrecht*, 160, incorrectly applies this regulation to the majority of Styrian towns.

⁸³ The setting up of *Judenbücher* was not exclusive to the cities—rulers as well as noble families and in the fifteenth century, also the Estates of Styria and Carinthia tried to keep track of their debts by establishing *Judenbücher* (Brugger, "Ansiedlung," 161–62). In some cases, it was the ruler who committed the town to set up a *Judenbuch* (e.g., Duke Albrecht III, who obliged the Lower Austrian town of Bruck a. d. Leitha to set up a *Judenbuch*, see Lohrmann, *Judenrecht*, 158). Most of the *Judenbücher* were lost during the persecutions of 1420/1421 that ended Jewish settlement in Lower Austria. As far as the general scholarly discussion on *Judenbücher* is concerned; for a recent discussion see Thomas Peter, "Judenbücher als Quellengattung und die Znaimer *Judenbücher*. Typologie und Forschungsstand," *Räume und Wege*, 307–34.

⁸⁴ The best documented examples within Austria are the "Judenbuch der Scheffstrasse" and the *Liber*

Judenbuch was the place where all the business transactions conducted by and with Jews had to be registered in (which also provided some protection for the Jews since the entry rendered it impossible for debtors to claim that the bonds the Jews presented were forgeries).

With the tightening grip of the cities on their Jews, the demand for them to partake in civic duties grew,⁸⁵ whilst in return, many German cities had taken to granting (partial) citizenships to Jews;⁸⁶ a right that had, for the most part, been transferred to them by the lord of the town.⁸⁷ In the territory of modern-day Austrian territory, both the dominating position of the ruler(s) and the lack of really powerful, important cities is most likely the reason for non-existing Jewish citizenship, the granting of settlement remaining exclusively in the hands of the rulers.⁸⁸ Information on Austrian Jews participating in urban duties is therefore

Judeorum of Wiener Neustadt. The Scheffstrasse, a small community right outside the Vienna city walls that was subject to the duchess of Austria, had its own register, kept by both ducal officers and representatives of the city of Vienna, which was a cadastral register as well as a book of loans. Whereas the second part was dedicated to loans among Christians, the third part is the "Judenbuch," entries of loans granted by Jews (Viennese as well as Lower Austrian and Bohemian Jews) to inhabitants of the Scheffstrasse. Since the majority of the inhabitants were small-scale craftsmen, most of the sums (a considerable number of which were granted by Jewesses) were rather small. Artur Goldmann, *Das Judenbuch der Scheffstrasse zu Wien (1389–1420)*. Quellen und Forschungen zur Geschichte der Juden in Deutsch-Österreich, 1 (Vienna and Leipzig: Wilhelm Braumüller, 1908). An older Judenbuch of the city of Vienna has been lost; see Artur Goldmann, "Das verschollene Wiener Judenbuch (1372–1420)," *Quellen und Forschungen zur Geschichte der Juden in Österreich*, 11: *Nachträge* (Vienna: Selbstverlag der Historischen Kommission, 1936), 1–14. For Wiener Neustadt, see Martha Keil, "Der Liber Judeorum von Wiener Neustadt 1453–1500. Edition," *Studien zur Geschichte der Juden in Österreich*, ed. eadem and Klaus Lohrmann (Vienna, Cologne, and Weimar: Böhlau, 1994), 41–99.

⁸⁵ Wenninger, "Von jüdischen Rittern," 54–67, on Jews partaking in the military duties within a city.

⁸⁶ Alfred Haverkamp, "'Concivilitas' von Christen und Juden in Aschkenas im Mittelalter," *Gemeinden, Gemeinschaften und Kommunikationsformen im hohen und späten Mittelalter*, ed. Friedhelm Burgard, Lukas Clemens and Michael Matheus (Trier: Kliomedien, 2002), 315–44 (rpt. of the article first published in *Jüdische Gemeinden und Organisationsformen von der Antike bis zur Gegenwart*, ed. Robert Jütte and Abraham P. Kustermann. *Aschkenas: Zeitschrift für Geschichte und Kultur der Juden*, Beiheft 3 [Vienna, Cologne, and Weimar: Böhlau, 1996]: 103–36); *Germania Judaica*, vol. III/3, 2181–87; Barbara Türke, "Anmerkungen zum Bürgerbegriff im Mittelalter: Das Beispiel christlicher und jüdischer Bürger der Reichsstadt Nördlingen im 15. Jahrhundert," *Inklusion/Exklusion: Studien zur Fremdheit und Armut von der Antike bis zur Gegenwart*, ed. Andreas Gestrich and Raphael Lutz. Second edition (2004; Frankfurt a. M. and Vienna: Peter Lang, 2008), 135–54; more generally, see Hans-Jörg Gilomen, "Städtische Sondergruppen im Bürgerrecht," *Neubürger im späten Mittelalter: Migration und Austausch in der Städtelandschaft des alten Reiches (1250–1550)*, ed. Rainer Christoph Schwinges. *Zeitschrift für historische Forschung*. Beiheft, 30 (Berlin: Duncker & Humblot, 2002), 125–67.

⁸⁷ There are very few examples of cities (Worms, Prague) where this right to grant citizenship to Jews was independent from the concession of the ruler; see *Germania Judaica*, vol. III/3, 2169, 2181–82.

⁸⁸ Klaus Lohrmann, "Bemerkungen zum Problem 'Jude und Bürger'," *Juden in der Stadt*, 145–66; here

scarce. Since the Jews were generally subjected to taxation to no one but the ruler, the towns strove either to charge additional taxes or at least partially to incorporate the Jews into the tax revenue of the town.⁸⁹ The earliest documented example in Austria, however, is remarkable in two respects: in 1277, King Rudolph I not only confirmed but also expanded the rights of the (small) town of Laa/Thaya (Lower Austria), amongst which he added the right to exclude 'their' Jews from the general Jewish tax and to include them into the citizens' tax revenue,⁹⁰ thus documenting not only the first exception to the general tax the Jews were paying directly into the treasury but the first mention of the 'Jewish tax' on Austrian territory at all.⁹¹

For more than a century, however, the rulers' claim to taxing the Jews remained widely unchallenged; only the late fourteenth century saw Austrian dukes yield to the pressure of both towns and the rising estates. In 1396, a large number of Styrian towns were allowed by the Dukes Albrecht IV and William to coerce the Jews owning houses and/or plots of land within the realm of the town either to sell these premises within a year or to participate henceforward in the tax revenue of the town.⁹² The references to Jews partaking in other civic duties like the city

161–64. There is but one exception: the small town of Feldkirch in the utmost west of today's Austria which was under the rule of a local and not overly powerful noble family. Unlike in Austria, Jewish citizenship was fairly common especially in the area around Lake Constance, to which Feldkirch belonged both politically and culturally; see Karl Heinz Burmeister, *medinat bodase. Zur Geschichte der Juden am Bodensee*, vol. 1: 1200–1349 (CKonstanz: Universitätsverlag Konstanz, 1994), 40–42. However, Jewish citizens are only mentioned 'in theory' in the town charter of Feldkirch from the mid-fourteenth century, and no individuals possessing the status of citizens are known; Gerda Leopold-Schneider, "as mittelalterliche Stadtrecht von Feldkirch: Überlieferung und Edition," Ph.D. dissertation, University of Innsbruck, 2001, 236. See also Brugger, "Ansiedlung," 204.

⁸⁹ On the many 'stages' and compromises of taxation of Jews by cities, see *Germania Judaica*, vol. III/3, 2263–67.

⁹⁰ Brugger and Wiedl, *Regesten*, vol. 1, 74, no. 57. See also Lohrmann, *Judenrecht*, 113–14.

⁹¹ Rudolph I was acting as King of the Romans and not as the duke of Austria (which he never was), preparing, however, the grounds for his sons to take over the duchy and thus trying to coax the—however small—towns into siding with him. Old, but still a work of reference is Thomas Michael Martin, *Die Städtepolitik Rudolfs von Habsburg*. Veröffentlichungen des Max-Planck-Instituts für Geschichte, 44 (Göttingen: Vandenhoeck & Ruprecht, 1976), with particular respect to this charter 75–78.

⁹² Scherer, *Rechtsverhältnisse*, 403. There is a rather similar regulation noted down in the then Hungarian town of Eisenstadt; it is questionable though whether this town charter, which mentions the taxes of Jews living in- and outside the city walls, is authentic; see Harald Prickler, "Beiträge zur Geschichte der burgenländischen Judensiedlungen," *Juden im Grenzraum: Geschichte, Kultur und Lebenswelt der Juden im burgenländisch-westungarischen Raum und in den angrenzenden Regionen vom Mittelalter bis zur Gegenwart*, ed. Rudolf Kropf. Wissenschaftliche Arbeiten aus dem Burgenland, 92 (Eisenstadt: Burgenländisches Landesmuseum, 1993), 65–106; here 68–69.

watch, of which there is evidence in other regions,⁹³ are even rarer; there is but one example of the nowadays Italian town of Gorizia where in 1307, Jews and Christians alike were committed to watch duties.⁹⁴

Faced with similar challenges, Jews and Christians often arrived at quite similar solutions. The organization of the Jewish community (*kehilla*) is in its main features rather uniform;⁹⁵ yet, it bears astonishing analogies to Christian organizations, particularly to those of craft guilds.⁹⁶ The contemporaries were not oblivious to this fact: in the Austrian region,⁹⁷ the Jewish community is quite commonly called *Judenzeche*, "Jewish guild," whereas their *parnass*, the head of the Jewish community, was referred to as *Zechmeister der Juden*, "guild master of the Jews."⁹⁸ The term was partly used as self-denomination by the Jews as well,⁹⁹ whereas the scribe of the Viennese *Eisenbuch*¹⁰⁰ translated the Hebrew expression into *sammung*, a word regularly used to describe conventual communities.¹⁰¹ As diverging as the

⁹³ Wenninger, "Von jüdischen Rittern," 54–67, who gives numerous examples from the late thirteenth century onwards. See also *Germania Judaica*, vol. III/3, 2181–82; Toch, *Juden im mittelalterlichen Reich*, 51–54; Magin, "'Waffenrecht'," 23–24; Haverkamp, "Concivilitas," 125–128; from a 'rabbinical perspective' Israel Jacob Yuval, "Das Thema Waffen aus der rabbinischen Perspektive," *Grenzen und Grenzüberschreitungen*, 13–16; here 15 (Jews participating in the defense of the city of Worms in 1201).

⁹⁴ Brugger and Wiedl, *Regesten*, vol. 1, 160, no. 153. For Swiss examples, see Gilomen, "Kooperation und Konfrontation," 168–70, who discusses the question of Jews actually partaking in watch duties or merely paying their share in the charges and gives examples for both.

⁹⁵ For a latest summary on the Jewish communities and their form of organization, see *Germania Judaica*, vol. III/3, 2080–2138; Yacov Guggenheim, "Jewish Community and Territorial Organization in Medieval Europe," *Jews of Europe*, 71–92, on the striking similarities of Jewish communities throughout medieval Europe 72–73, and with further literature.

⁹⁶ See the two corresponding articles: Rainer Barzen, "'So haben wir verhängt und beschlossen ...' Takkanot im mittelalterlichen Aschkenas," 218–33, and Birgit Wiedl, "'Confraternitas eorum quod in vulgari dicitur zhunft': Wirtschaftliche, religiöse und soziale Aspekte von Handwerkszünften im Spiegel ihrer Ordnungen," 234–52 (both in *Ein Thema – zwei Perspektiven*).

⁹⁷ *Germania Judaica*, vol. III/3, 2080, with the emphasis on this being an Austrian particularity.

⁹⁸ E.g., in Krems: *zecha iudeorum* in a municipal rental from between 1350 and 1370, Leopold Moses, "Aus dem Kremser Stadtarchiv," *Jüdisches Archiv* Neue Folge 1, 3–4 (1928), 3–8; here 5; for further references, see *Germania Judaica*, vol. III/1, 678 (Krems), 1598 (Vienna), 1621 (Wiener Neustadt). See also Keil, "Gemeinde und Kultur," 39.

⁹⁹ E.g., in the *Sefer Terumat haDeschen* (a collection of legal opinions) of the rabbi Israel Isserlein of the (then) Styrian town of Wiener Neustadt (ed. Shemuel Abitan, Jerusalem 1991), who uses the term quite frequently, see *Germania Judaica*, vol. III/2, 1621.

¹⁰⁰ A collection of rights and liberties of the city of Vienna, kept from 1320 to 1819; see Ferdinand Opll, *Das große Wiener Stadtbuch, genannt "Eisenbuch."* *Inhaltliche Erschließung.* Veröffentlichungen des Wiener Stadt- und Landesarchivs. Reihe A: Archivinventar, Serie 3, Heft 4 (Vienna: Eigenverlag des Wiener Stadt- und Landesarchivs, 1999).

¹⁰¹ Brugger and Wiedl, *Regesten*, vol. 1, 33–338, nrr. 439 (Hebrew) and 440 (German), the Jewish community reducing their interest rate in 1338. The scribe who copied the Hebrew text into the *Eisenbuch* also provided a German translation, where he used the abovementioned expression. A depiction of the page can be found here:

‘basic prerequisites’ may have been, the similarities both in the general composition of the community as well as many details are striking: by demand of mandatory membership, the organization could not only offer extensive protection for, but also wield wide-ranging authority over the members, whilst the ban from the community, which posed a genuine threat to insubordinate members, was utilized to exert control. Social concerns like the care for widows, orphans and impoverished members were dealt with by, and through, the community by the institution of *Tzedakah* and the guilds’ welfare system respectively, both of which were financed by regular contributions;¹⁰² members who somehow offended against rules were put on trial at the internal court; premises of religious as well as secular denomination were owned in common; and generally, a code of conduct regulated (at least theoretically) many areas of life both public and private. Feasts that were celebrated together played an important role in creating a sense of identity, an identity that in fact went far beyond the local scope—itinerant craftsmen arriving in the town were taken care of by the guild which provided them with shelter, food and sometimes money, the same way as foreign Jewish students and/or paupers were looked after by the *kehilla*.¹⁰³

Jews were participating in everyday activities at the cities’ market(s), thus entering and sharing both social and economic space with their Christian neighbors.¹⁰⁴ Areas like markets, however, also provided convenient opportunities for exclusion and (physical) division. While thirteenth century towns were busy banning Jews from holding public offices¹⁰⁵, they generally strove to gain control

<http://www.wien.gv.at/kultur/archiv/geschichte/zimelien/images/juden.jpg> (last accessed on April 8, 2009).

¹⁰² For a summary of the academic discussion, see Rainer Barzen, “‘Was der Arme benötigt, bis Du verpflichtet zu geben:’ Forschungsansätze zur Armenfürsorge in Aschenas im hohen und späten Mittelalter,” *Wirtschaftsgeschichte der mittelalterlichen Juden*, 139–52; particularly 142–48.

¹⁰³ On the similarities, see Birgit Wiedl, “Eine zünftige Gemeinde: Handwerkszünfte und jüdische Gemeindeorganisation im Vergleich,” *Nicht in einem Bett*, 44–49, downloadable as pdf here: [http://www.injoest.ac.at/upload/JudeninME05_4_43-49\(1\).pdf](http://www.injoest.ac.at/upload/JudeninME05_4_43-49(1).pdf).

¹⁰⁴ On the importance of markets as ‘crucial elements of the medieval city,’ the aspect of gender, and how market space can be utilized for in- and exclusion see the article by Shennan Hutton in this volume.

¹⁰⁵ The prohibition goes back to canon 69 of the Fourth Lateran Council which in turn referred to canon 14 of the Third *Concilium Toletanum* of 589. It is, however, the only regulation from the Lateran IV that had made its way into secular legislation. From the vast literature on the topic, see Heinz Schreckenberg, *Die christlichen Adversus-Judaeos-Texte (11.-13. Jahrhundert): Mit einer Ikonographie des Judenthemas bis zum 4. Laterankonzil*. Europäische Hochschulschriften. Second edition. Reihe XXIII: Theologie, 335 (1988; Frankfurt a. M., Bern, New York, and Paris: Peter Lang, 1991), 425–26. Emperor Frederick II included this paragraph in the privilege he granted the city of Vienna in 1238 (for the latest edition, see Brugger and Wiedl, *Regesten*, vol. 1, 28–29, no. 17, with additional editions and literature). The ban was reconfirmed for Vienna in 1247 (by Emperor Frederick II) and 1278 (by King Rudolf I) and was also included in the privilege for the Styrian

over the legal status and to restrict, or at least monitor, the economic activities of 'their' Jews during the late thirteenth and fourteenth centuries¹⁰⁶. Neither Jewish landownership nor Jews being involved in wine-growing and -trade¹⁰⁷ were uncommon, yet the range of professions the Jews could make a living with within the towns' realms was being more and more limited. With the craft guilds gaining importance, regulations that excluded Jews from specific professions¹⁰⁸ on behalf of the respective guild appeared in town charters as well as guild articles. In Austria, the Jews of one of the biggest and most important Jewish communities on Habsburg territory, Wiener Neustadt, were prohibited the trading and selling of cloth, presumably at the request of the guild;¹⁰⁹ but it was mainly professions concerned with food that were blacklisted. For instance, professions such as the brewing of beer (St. Veit, Carinthia)¹¹⁰ or the trading as well as serving of wine at a (local) bar (Ptuj, Lower Styria, Slovenia)¹¹¹ was not permitted to Jews, yet overall, the butchering and selling of meat turned out to be the most disputed issue.

town of Wiener Neustadt, which allegedly predates the Viennese charter but is in fact a forgery from the last third of the thirteenth century (Brugger and Wiedl, *Regesten*, vol. 1, 40, no. 29, 76, no. 60, 22–23, no. 9). For the whole complex of the Wiener Neustädter forgeries, see Peter Csendes, "Die Wiener Neustädter Stadtrechtsfälschungen," *Fälschungen im Mittelalter*, vol. 3: *Diplomatische Fälschungen* (part 1). Monumenta Germaniae Historica Schriften, 33.3 (Hanover: Hahnsche Buchhandlung, 1988), 637–52; for this charter 646–47); on the factual validity of forged charters, see Thomas Hildbrand, "Sisyphus und die Urkunden: Mediävistische Überlegungen zur semiotischen Arbeit," *Text als Realie*, 183–92; here 186.

106

Wiedl, "Codifying Jews."

107

Haym Soloveitchik, "Halakhah, Taboo and the Origin of Jewish Moneylending in Germany," *Jews of Europe*, 305–17, who, despite the title, examines Jewish wine growing and trading as well as viticultural credits; further Toch, "Economic Activities," 205–06. For Austrian Jews, see Martha Keil, "'Veltliner, Ausstich, Tribuswinkler': Zum Weingenuss österreichischer Juden im Mittelalter," *'Und wenn schon, dann Bischof oder Abt': Im Gedenken an Günther Hödl (1941–2005)*, ed. Christian Domenig and others (Klagenfurt: Kärntner Druck- und Verlagsgesellschaft, 2006), 53–72, Brugger and Wiedl, "Christlich-jüdische Interaktion," 302–03.

108

For Jews as craftsmen, see Michael Toch, "Jüdische Geldleihe im Mittelalter," *Geschichte und Kultur der Juden in Bayern*, ed. Manfred Tremel and Josef Kirmeier (Munich, New York, London, and Paris: K. G. Saur, 1988), 85–94; here 85–86; id., "Geldleiher und sonst nichts? Zur wirtschaftlichen Tätigkeit der Juden im deutschen Sprachraum des Spätmittelalters," *Tel Aviver Jahrbuch für deutsche Geschichte* 22 (1993): 117–26; id., "Economic Activities," 187, 204–10; Mentgen, *Juden im mittelalterlichen Elsaß*, 579–85; *Germania Judaica*, vol. III/3, 2139–46.

109

Wiener Neustadt 1316, Brugger and Wiedl, *Regesten*, vol. 1, 195–96, no. 205. It is not quite clear whether the regulation refers to cloth trade or tailoring, or both.

110

1297/1308, Brugger and Wiedl, *Regesten*, vol. 1, 99, no. 96, § 13.

111

Ptuj/Pettau 1376. Ferdinand Bischoff, "Das Pettauer Stadtrecht von 1376," *Sitzungsberichte der Akademie der Wissenschaften, philosophisch-historische Klasse* 113 (1886), 695–744. The article (§ 18), however, refers only to the retail trade within the city; the Jews of Pettau were far-distance traders on a big scale, especially with wine and goods from Venetia. Weninger, "Juden Salzburg," 753.

The Christian mistrust toward 'Jewish meat' had been clearly expressed at the provincial synods of Wrocław and Vienna in 1267, where in very clear words, Christians were cautioned against buying any nourishments from Jews lest these, who allegedly regarded the Christians as their enemies, poison them with their food (*nec christiani carnes venales seu alia cibaria a iudeis emant, ne forte per hoc iudei christianos, quos hostes reputant, fraudulentam machinationem venenent*).¹¹² The later adaptations in several town charters, however, hardly ever referred straightforwardly to any threat posed to Christians should they buy, or consume, meat (or, come to that, any other goods) of "Jewish origin." The first attempt at excluding Jews at least partially from that branch of business appeared as early as 1267 (!), when the butchers' guild of the Lower Austrian town of Tulln put additional charges on the fatstock that was bought by Jews. Considering that the Jews were most likely butchering the animals themselves to guarantee kosher slaughter, the sum the Jews had to pay was presumably intended as a kind of fine for the loss of income the craftsmen suffered since they could not charge them for their slaughtering service.¹¹³

Up until the fifteenth century, the main problem however remained that the Jews were not only doing the slaughtering themselves,¹¹⁴ but were also selling meat to Christians; and that by doing so they entered the domain of the craft guilds. The Christian authorities, partially at the instigation of the craft guilds, partially of their own volition, dealt with the issue in different ways, most of which went along with, or were expressed by, a physical separation. The "simplest" solution, chosen by the Carinthian town of St. Veit in the late thirteenth century, was to ban Jews from selling their meat publicly altogether. The Jews of this town were only allowed to butcher and sell their meat at home; according to the town's regulations, they not only remained without a possibility to participate in the public meat market but were also being denied the right to own livestock (most likely for breeding purpose, since they were allowed to slaughter at home) and refused their share in the borough's common.¹¹⁵

¹¹² Brugger and Wiedl, *Regesten*, vol. 1, 59–61 (quote 59), no. 45.

¹¹³ Brugger and Wiedl, *Regesten*, vol. 1, 61, no. 46. English translation (incorrectly dated 1237): <http://www.fordham.edu/halsall/source/1237butchers-tuln.html> (last accessed on April 8, 2009). *Germania Judaica*, vol. I: *Von den ältesten Zeiten bis 1238*, ed. I. Elbogen, A. Freimann, and H. Tykocinski (Tübingen: J. C. B. Mohr, 1963), 388–89.

¹¹⁴ Jews were, however, not the only group of people medieval butchers had to concede the right to carry out slaughter on their own. Butchering within certain limits (*zur hausnotdurft* [for personal needs at home]) was regarded as the right of the citizens in many towns, and particular institutions like inns or taverns sometimes even had their own slaughterhouse and employed journeymen of the butchers' guilds.

¹¹⁵ Brugger and Wiedl, *Regesten*, vol. 1, 99, no. 96, § 13.

This complete ban of Jews from the public (economic) sphere of market activities remained rather unique among the regulations of the thirteenth to fifteenth centuries. Commonly, Jews were allowed to sell their meat at the public market via a specific stall that was either directly administered by the municipal government or at least under their strict control. That stall was usually remote from those of the Christian butchers and quite often located at the fringe of the market place.¹¹⁶ In addition to that, some towns demanded that the meat be presented ‘in an unobtrusive way’: not, as at the butchers’ guild’s booths, hooked-up and dangling from the ceiling or a pole, but placed on a stool.¹¹⁷ That their meat was to be sold solely at this particular type of stall may thus be interpreted as placing the Jews at a mere economic disadvantage, yet in many of the regulations, additional specifications aimed at a segregation of the Jews that went further beyond a mere economic measure.

The municipal stall was usually the place where *pfinnig fleisch* was to be sold,¹¹⁸ which meant foul (trichinous) meat as well as meat from sick or injured animals.¹¹⁹

¹¹⁶ *An den endten* (“at the sides”) and not at the regular butchers’ stalls shall the *judenfleisch* (“Jewish meat”) be sold, where it has been sold *von aller* (“since time immemorial”), states the regulation the town of Judenburg issued for their butcher’s guild in 1467; Fritz Popelka, *Schriftdenkmäler des steirischen Gewerbes*, vol. 1 (Graz: Eigenverlag des Wirtschaftsförderungsinstitutes der Kammer der gewerblichen Wirtschaft für Steiermark, 1950), 137–37, no. 104; *Germania Judaica*, vol. III/1, 594.

¹¹⁷ Liberties of the city of Salzburg, 1420: *Item, das judenfleisch und pfinnigs sol man vor dem schlätorr vaill haben auf einen stull und niet auffhahen*. Adolf Altmann, *Geschichte der Juden in Stadt und Land Salzburg von den frühesten Zeiten bis auf die Gegenwart*. Rpt. of the 1913 ed. and continued until 1988 by Günter Fellner and Helga Embacher (Salzburg: Otto Müller Verlag, 1990), 100–01.

¹¹⁸ Salzburg 1420 (see above), but the regulation dates back to the early fourteenth century: it appears as early as 1307 in the town charter of the Bavarian town Burghausen (1307, Christian Haeutle, “Einige altbayerische Stadtrechte,” *Oberbayerisches Archiv für vaterländische Geschichte* 45 [1888/1889]: 163–262; here 183) and was adopted, often with a quite similar wording, in the town charters of Neuötting (1321, id., “Einige altbayerische Stadtrechte: Fortsetzung und Schluß,” *Oberbayerisches Archiv für vaterländische Geschichte* 47 [1891/1892]: 18–124; here 29), Landshut (1344, *Germania Judaica*, vol. II/1, 467–68), and Schärding (1316, today Upper Austria, Brugger and Wiedl, *Regesten*, vol. 1, 194, no. 202). The inclusion of the article in the town privilege of Schärding, however, is the only indication of a Jewish settlement in this (rather small) town at all; and since the wording of the article in the town charters is rather similar, it might have merely been copied, perhaps as a kind of ‘preventive measure’ against potential future Jewish inhabitants. Further, e.g., *Germania Judaica*, vol. II/2, 557 and *Germania Judaica*, vol. III/2, 902 (Munich), 1500 (Ulm), *Germania Judaica*, vol. II/2, 946 (Zurich); Gilomen, “Kooperation und Konfrontation,” 177.

¹¹⁹ According to the liberties of the town of Mühlendorf (before 1360), *pfinnichs flaischs, wolffpaizzichs flaischs und swaz der jud ersucht* (foul meat, meat that ‘has been bitten by the wolf’ and meat ‘which the Jew desires’), should be sold by the butchers, but in front of and not inside their booths. Karl Theodor Heigel (ed.), “Mühlendorfer Annalen 1313–1428,” *Die Chroniken der bayerischen Städte Regensburg, Landshut, Mühlendorf, München*, ed. Historische Kommission bei der Bayerischen Akademie der Wissenschaften. Second edition. Die Chroniken der deutschen Städte vom 14. bis ins 16. Jahrhundert, 15 (1878; Göttingen: Vandenhoeck & Ruprecht, 1967), 369–410; here 396; Hans-Georg Herrmann, “Das Mühlendorfer Stadtrecht im Spätmittelalter und in der Frühen

The additional association of Jews with the “rotten” and “foul” is therefore quite obvious, a connotation that was stressed even more when the meat had to be clearly tagged and/or the potential Christian customer had to be alerted to the fact that they were about to buy either foul or “Jewish meat.”¹²⁰ In late fourteenth/early fifteenth centuries, the idea of the well-poisoning Jews prevailing, many towns resorted to more drastic and encompassing measures by declaring any meat that had merely been touched by Jews as being in the same category, therefore considering it being of a lesser quality, or even unfit for Christian consumption. This often concurs with, or is included in, regulations which aim at a comprehensive control of the behavior of Jews at the market: instead of touching the goods, Jews were to point at those items, particularly victuals, they intended to buy, and should they happen to touch an item, they had to purchase it, often with a surcharge.¹²¹

Jewish existence within the space of cities was, to conclude, a risky one at all times. Schlom, the master of the ducal mint and the first Austrian Jew known by name, fell prey together with his family to crusaders in 1196;¹²² some 100 years later, the first blood libels and accusations of alleged host wafer desecrations were launched on Austrian territory, claiming their victims among the Jews of Lower Austrian towns. Yet as much as these horrendous incidents are indicative of the at best fragile balance between Jews and their Christian surroundings, details still hint at

Neuzeit,” *Mühldorf am Inn: Salzburg in Bayern 935–1802–2002*. Begleitband zur gleichnamigen Ausstellung vom 8. Juni bis 27. Oktober 2002 (Mühldorf am Inn: Eigenverlag der Stadt, 2002), 36–47; here 36; Altmann, *Juden Salzburg*, 67–69.

¹²⁰ Liberties of the town of Mühldorf: (. . .) *swer daz flaisch von in chauft, ez sei gast oder purger, dem sol er ez sagen, wie ez umb daz flaisch ste, pei 72 den* (whoever buys the meat, be they visitor or citizen, he [the butcher who sells the meat] shall tell them about the condition of the meat, at a penalty of 72 pence), Heigel, “Mühldorfer Annalen,” 396; The *judenfleisch* has been frequently interpreted as “kosher meat” in general, whereas the fact that it was sold at the market to Christians suggests that the term refers to the parts of the kosherly slaughtered animals the Jews were not allowed to eat and thus sold via the municipal stall (which, in fact, might have also heightened the Christian suspicion that the Jews were selling them meat of low quality). The bigger Jewish communities usually owned a slaughterhouse and employed their own kosher butcher, e.g. Vienna; see Lohrmann, *Wiener Juden*, 55, 100, and 102.

¹²¹ Town liberties of Bolzano (late fourteenth century, see *Germania Judaica*, vol. II/1, 99; pertaining to all kinds of goods), adapted the butchers’ regulation; town liberties of Munich (fish), order of the municipal council of Ulm (1421, livestock, fish, meat, poultry, fruits), see Scherer, *Rechtsverhältnisse*, 577–78, with analogies to French legislation; whereas the city of Passau took a different (and quite intriguing) stance by forbidding their butchers to work for them, Municipal Archives of Passau III/22 (*Gemainer Stadt Passau Recht und Freiheiten sambt alten und neuen Verträgen*). The 1424 dating in *Germania Judaica*, vol. III/2, 1089, is questionable: the butchers’ regulation originates from 1432, and the paragraph containing the aforementioned sentence is an undated yet clearly later addition.

¹²² Brugger and Wiedl, *Regesten*, vol. 1, 17–18, no. 4 (Hebrew and German translation).

a in parts functioning Jewish-Christian coexistence. Schlom had his thievish Christian servant imprisoned, and only the strident complaints of the servant's wife in the nearest church alerted the crusaders; and when the accusation of a host wafer desecration was launched in the small Lower Austrian town of Korneuburg in 1305, the Jew Zerklin sought refuge at his Christian neighbor's house, who took him in willingly and tried to protect him from the enraged citizens, albeit in vain.¹²³

The first overall shift to the worse came with the persecutions that followed another alleged host wafer desecration. Starting from Pulkau in 1338, thus almost parallel to the catastrophic "Armleder" persecutions that heavily affected the Jewish communities in Southern Germany,¹²⁴ this soon became the first wave of persecutions that went beyond the local scope, affecting over 30 towns in Austria, Bohemia, and Moravia.¹²⁵ While in Zurich, Minna and her sons fell prey to the pogroms accompanying the Black Plague¹²⁶ during the fatal years of 1348–1350, Duke Albrecht II still managed to hold a protective hand over most of the Austrian Jewish communities; his coming down heavily on the town of Krems that had persecuted their Jews on account of an alleged well poisoning earning him the

¹²³ The whole incident is uniquely documented: a transcript of the interrogation of altogether 21 witnesses by the Cistercian monk Ambrosius of Heiligenkreuz, who carried out the investigation at the order of the Bishop of Passau, is transmitted (Brugger and Wiedl, *Regesten*, vol. 1, 125–42, no. 133), and from a later source we know that the bloodied wafer had been faked by a priest (Brugger and Wiedl, *Regesten*, vol. 1, 339–40, no. 442). See Eveline Brugger, "Korneuburg 1305 – eine blutige Hostie und die Folgen," *Nicht in einem Bett*, 20–26, down-loadable here: http://www.injoest.ac.at/upload/JudeninME05_2_19-26.pdf (last accessed on April 8, 2009); Miri Rubin, *Gentile Tales: The Narrative Assault on Late Medieval Jews* (New Haven and London: Yale University Press, 1999), 57–65; Winfried Stelzer, "Am Beispiel Korneuburg: Der angebliche Hostienfrevl österreichischer Juden von 1305 und seine Quellen," *Österreich im Mittelalter: Bausteine zu einer revidierten Gesamtdarstellung*, ed. Willibald Rosner. Studien und Forschungen aus dem Niederösterreichischen Institut für Landeskunde, 26 (St. Pölten: Selbstverlag des Niederösterreichischen Institut für Landeskunde, 1999), 309–48, on this source, particularly 312–28; Fritz Peter Knapp, *Die Literatur des Spätmittelalters in den Ländern Österreich, Steiermark, Kärnten, Salzburg und Tirol von 1273 bis 1439*. Geschichte der Literatur in Österreich von den Anfängen bis zur Gegenwart, vol. 2, part 1 (Graz: Akademische Druck- und Verlagsanstalt, 1999), 106–07; Brugger, "Ansiedlung," 211–26, all with further literature.

¹²⁴ From the vast literature, see Friedrich Lotter, "Hostienfrevlvorwurf und Blutwunderfälschung bei den Judenverfolgungen von 1298 ('Rintfleisch') und 1336–1338 ('Armleder')," *Fälschungen im Mittelalter*, vol. 5: *Fingierte Briefe. Frömmigkeit und Fälschung. Realienfälschungen*. Monumenta Germaniae Historica Schriften, vol. 33.5 (Hanover: Hahnsche Buchhandlung, 1988), 533–83; Jörg R. Müller, "Erez gezerah – Land of Persecution: Pogroms Against the Jews in the regnum Teutonicorum From c. 1280 to 1350," *Jews of Europe*, 245–60.

¹²⁵ Brugger, "Ansiedlung," 216–19; Rubin, *Gentile Tales*, 66–67.

¹²⁶ Keil, "Lebensstil und Repräsentation," chapter 2; Toch, "Selbstdarstellung," 181–82; Böhmer, "Bogenschütze," 330–34.

insulting epithet of *fautor iudeorum*, “Patron of the Jews,” from the Church.¹²⁷ The traditional stereotype of the ‘Wucherjude,’ the rapacious Jewish usurer, was repeated in and permeated by literature and iconography alike,¹²⁸ posing a deathly threat together with the ideas of Jewish well-poisoning, the blood libel accusations and alleged host wafer desecrations. Although there were fewer persecutions in the second half of the fourteenth century than had been in the first half, the political and economic interests of rulers, estates and municipalities alike led to a considerable worsening of the overall situation of the Jews in the Austrian territories during the last decades. The rulers’, noblemen’s, and cities’ ideas of profiting from prospering Jewish communities had changed from squeezing as much money as possible out of them to not needing them any further at all,¹²⁹ while the ecclesiastical climate had shifted from being at least ambiguous to clearly—and outspokenly—anti-Jewish, further fostering those sentiments within both authority and the populace. From the devastating Viennese Geserah in 1420/1421 that ended Jewish life in the duchy of Austria to the expulsion of the Jews of Salzburg in 1498,¹³⁰ Jewish existence was violently brought to an end in the Austrian territories in the course of the fifteenth century.

In the beautiful illumination of an early fourteenth century Mahzor, a woman and a man during a wedding scene are depicted (see Figure 4). The man, clad in a cloak of an offish white and dark green garments, wears a cornuted hat, and his hand reaches out towards his presumptive bride. It is the figure of the bride that is unusual—not the garments in reversed colors, the cloak brimmed with fur, and the hint at a throne which she is sitting on, but the a crown on her head and the blindfold across her eyes come as a surprise. The connection with the Christian iconography is clear, the reference to the numerous statues and depictions of

¹²⁷ Wilhelm Wattenbach, ed., “Kalendarium Zwetlense a. 1243–1458,” *Monumenta Germaniae Historica Scriptores*, vol. 9, ed. Georg Heinrich Pertz (1851; Stuttgart: Anton Hiersemann, 1983), 689–98; here 692; Brugger, “Ansiedlung,” 173, 219; *Germania Judaica*, vol. II/1, 454; Alfred Haverkamp, “Die Judenverfolgungen zur Zeit des Schwarzen Todes,” *Zur Geschichte der Juden im Deutschland des späten Mittelalters und der frühen Neuzeit*, ed. Alfred Haverkamp. Monographien zur Geschichte des Mittelalters, 24 (Stuttgart: Anton Hiersemann, 1981), 27–93; here 40, 46–47, and 60; Lohrmann, *Judenrecht*, 144.

¹²⁸ See the contribution by Albrecht Classen in this volume, on the example of Hans Sachs; further see Christoph Cluse, “Zum Zusammenhang von Wuchervorwurf und Judenvertreibung im 13. Jahrhundert,” *Judenvertreibungen in Mittelalter und früher Neuzeit*, ed. Friedhelm Burgard, Alfred Haverkamp, and Gerd Mentgen (Hanover: Hahnsche Buchhandlung, 1999), 135–64; see also the overview by Giacomo Todeschini, “Christian Perceptions of Jewish Economic Activity in the Middle Ages,” *Wirtschaftsgeschichte der mittelalterlichen Juden*, 1–16.

¹²⁹ With an emphasis on the financial aspect, see David Nirenberg, “Warum der König die Juden beschützen musste, und warum er sie verfolgen musste,” *Die Macht des Königs: Herrschaft in Europa vom Frühmittelalter bis in die Neuzeit*, ed. Bernhard Jussen (Munich: C. H. Beck, 2005), 225–40 and 390–92.

¹³⁰ Brugger, “Ansiedlung,” 221–27, with reference to further literature.

Synagoga defeated with her blindfold, the broken staff and the crown slipping off her head, Ecclesia triumphant with her crowned head watching her often somewhat warily (see Figures 1, 2, and 3). Here, the roles are reversed, the Christian character sits with her eyes blindfolded and the Jewish one can see, yet both figures reach out for each other. Encounter, contact, and interaction were inevitable, neither Christian nor Jewish authorities being able to hamper Christians and Jews meeting on a daily basis in their shared living space of a medieval city. Neither group being a homogenous one, Jews and Christians also meet on several social levels, the personal meeting level often being more defined by belonging to a comparatively similar social class. The close contact allowed and facilitated the exchange of knowledge, the mutual translation of cultural goods and habits, and the general acquaintance with the respective other; but with changes in the economic, social, and ecclesiastical climate and by the will, or at least lack of interest, of the rulers, these neighborly relationships erupted into violence and expulsion.

While the academic focus has widened as far as Jewish history is concerned during the past decades to encompass broader, and more different, questions, it is, in many regards, still a desideratum for Jewish history to be fully integrated into the history of a region, city, or topic rather than to be treated in a footnote or, at the best, a separate chapter. Jews do play a role in urban history, claiming their spaces within medieval cities and interacting in many ways and on many levels, their history being, in the case dealt with here, as much urban as it is Austrian and Jewish.



Figure 1: Statue of Synagoga, Bamberg cathedral, ca. 1230



Figure 2: Statue of Synagoga, Strasbourg cathedral, ca. 1225



Figure 3: Statue of Ecclesia, Strasbourg cathedral, ca. 1225



Figure 4: Mahzor with a depiction of a bridal couple, the bride, with the typical items of Ecclesia, has her eyes blindfolded, which, in Christian depictions, is the distinctive feature for Synagoga, ca.1330, (Staats- und Universitätsbibliothek Hamburg)

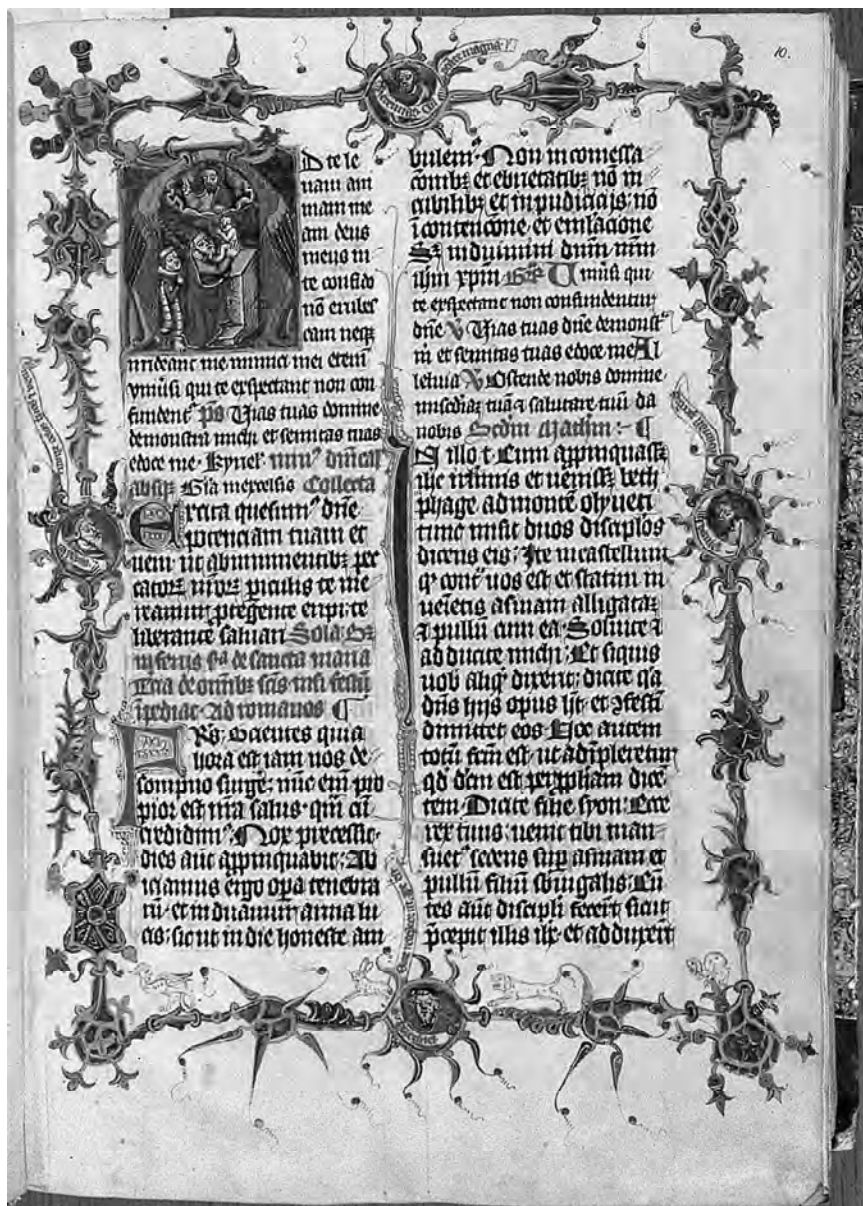


Figure 5: Decoration in the “Niederösterreichischen Randleistenstil,” Missale, second half of fourteenth century (Stiftsbibliothek Klosterneuburg, Cod. 74)

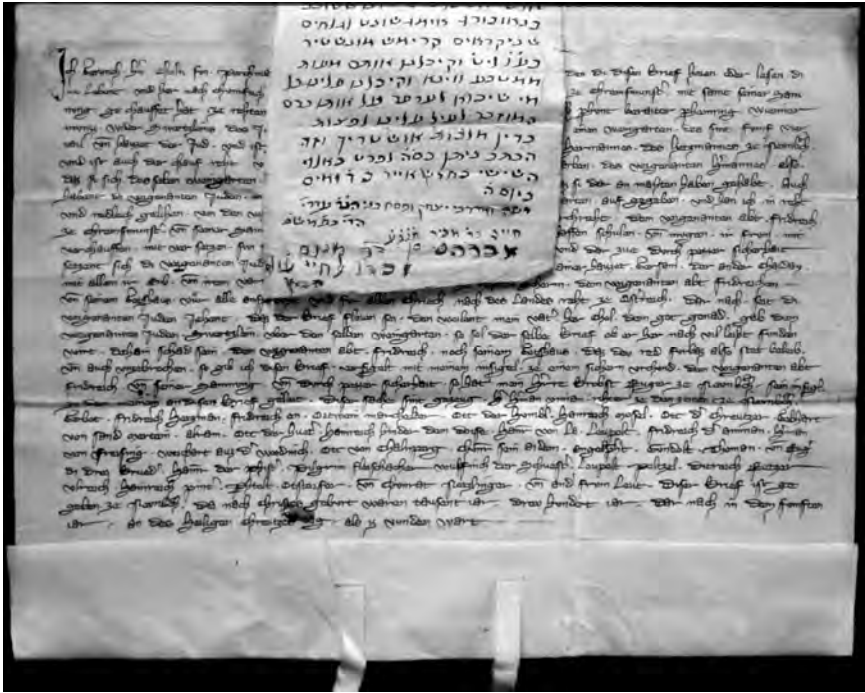


Figure 6: Sales deed of the monastery of Kremsmünster (Upper Austria) with the corresponding Hebrew charter attached to it (Stiftsarchiv Kremsmünster, 1305 April 29, Hebrew, and May 3, German)