

JEWS AND CHRISTIANS IN  
MEDIEVAL EUROPE:  
THE HISTORIOGRAPHICAL LEGACY  
OF BERNHARD BLUMENKRANZ

Edited by  
Philippe Buc, Martha Keil and John Tolan

BREPOLS

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# SACRED OBJECTS IN JEWISH HANDS TWO CASE STUDIES\*

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In 1331, a rumour spread through the small town of Klosterneuburg. A year earlier, a fire that had started in the town and had spread to the monastery towering above the town on a steep hill, had in its wake destroyed a vast part of the church and the adjacent building.<sup>1</sup> While the monastery's most valued treasure, forty-five twelfth-century fire-gilded, coloured and enamelled panels, had most likely remained unharmed – allegedly, wine had been poured over them to prevent damage – the otherwise extensive damage prompted the provost of the monastery, Stephen of Sierndorf, to commissioned major, and presumably rather costly, reconstruction works. In that course, Provost Stephen had *die schön daffl* ('the beautiful panels') brought to the goldsmiths of Vienna. They not only redid the gilding, but also redesigned the panels according to the provost's wishes: the panels which had until then been used as the casing for the pulpit, were reworked into a winged altar.<sup>2</sup> Perhaps it was the long absence of the masterpiece from the church, and most likely the high costs of this endeavour that set the citizens' tongues wagging: To finance his ambitious reconstruction work, the provost had pawned the panels to the Jews, so the vintners in and around Klosterneuburg gossiped. *Die hauer clafften*, 'the vintners were yapping,' wrote the chronicle's author, creating a strong connotation with slanderous talk; 'and they yapped on in that manner,' the chronicle continues.<sup>3</sup> Although the chronicle

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<sup>1</sup> The *Kleine Klosterneuburger Chronik* ('Small Chronicle of Klosterneuburg') gives 1322 as the year of the fire, 1330 (and thus 1331 for the reconstruction works) is however more likely, see Floridus Röhrig, *Der Verduner Altar*, 8th ed. (Wien: Herold, 2004), pp. 19–20.

<sup>2</sup> Röhrig, *Verduner Altar*, pp. 19–21.

<sup>3</sup> Eveline Brugger and Birgit Wiedl, *Regesten zur Geschichte der Juden in Österreich im Mittelalter*, vols. I–III (Innsbruck-Wien-Bozen: StudienVerlag, 2005–2015), vol. I (2005), pp. 284–85, nr. 351; see also Klaus Lohrmann, 'Die Juden im mittelalterlichen Klosterneuburg', in *Klosterneuburg – Geschichte und Kultur* (Klosterneuburg: Stadtgemeinde Klosterneuburg Eigenverlag, 1992), pp. 209–23 (p. 213); and Joseph Shatzmiller, *Cultural Exchange. Jews, Christians, and Art in the Medieval Marketplace* (Princeton: Princeton University Press, 2013), pp. 5–58 (chapter two, 'Securities for Loans: Church Liturgical Objects', pp. 22–44), p. 34. Little is known about the author(s) of the chronicle, and its poor manuscript tradition – the first recordings stem from the 16th century – adds to the problem of dating. Alphons Lhotsky, *Quellenkunde zur mittelalterlichen Geschichte Österreichs* (Graz-Köln: Hermann Böhlau Nachfolger,

is anything but dependable, Jewish involvement in the financing of the reconstruction works is not entirely impossible. Apart from the already flourishing Viennese community not far away, one of the most prestigious Jewish moneylenders in early fourteenth-century Austria, the Jewess Plume, had settled down in Klosterneuburg around 1320.<sup>4</sup> Therefore, even the local Jewish community definitely had the financial capacity to (co-)finance such an endeavour.<sup>5</sup> Yet there is no hint as to any loan having been taken out, or any pawn having been given, or any other involvement having taken place. Furthermore, unlike other monasteries, Klosterneuburg had at that time rather scarce contacts with Jewish moneylenders.<sup>6</sup> Most likely, no actual pawning had ever taken place. Whether the vintners of Klosterneuburg did gossip about it or whether these rumours had been made up by the chronicle's author(s) is of secondary importance for the topic at hand: it seems that the mere knowledge of high costs, of a considerable amount of money being involved, had caused *someone* to bring Jews into the equation. At the core of this gossip stood one message: Giving away precious church objects to Jews is bad.

It is unlikely that the writer(s) of the chronicle were referring to – or, rather, making a mockery of – one of the exceptions that officially allowed medieval clergy to resort to pawning liturgical objects: hardship and dire need. The twelfth-century *Decretum Gratiani* states that only ecclesiastical institutions so debt-ridden that they could otherwise not alleviate their financial burden were permitted to sell surplus church articles, and this on condition that they obtain approval of the relevant ecclesiastical authority. If these articles were not sold to another ecclesiastical institution, they had to be melted down before being handed over to laypersons.<sup>7</sup> What, however, is missing from the regulations of the *Decretum* as it

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1963), pp. 305–06, argues for a fourteenth-century original that would have been written by one or more citizens of Klosterneuburg, but this presumes considerable corruption of large parts of the text.

4 Lohrmann, 'Juden im mittelalterlichen Klosterneuburg', pp. 210–12; Birgit Wiedl, 'Die Kriegskassen voll jüdischen Geldes? Der Beitrag der österreichischen Juden zur Kriegsfinanzierung im 14. Jahrhundert', in *Krieg und Wirtschaft von der Antike bis ins 21. Jahrhundert*, ed. by Wolfram Dornig, Walter Iber and Johannes Gießauf (Innsbruck-Wien-Bozen: Studienverlag 2010), pp. 241–60 (pp. 248–49).

5 Jewish settlement in Klosterneuburg can first be traced in the late thirteenth century. Apart from Dreslinna, (below, n. 6) see Brugger and Wiedl, *Regesten*, I, p. 90, nr. 83 (1295); the first *iudex iudeorum*, a Christian responsible for Jewish-Christian relations, appears in 1330 (ibid., pp. 269–70, nr. 323). For this office, see Birgit Wiedl, 'Codifying Jews. Jews in Austrian Town Charters of the Thirteenth and Fourteenth Centuries', in: *'Slay Them Not.' Jews in Medieval Christendom*, ed. by Kristin T. Utterback and Merrall Llenwellyn Price (Leiden-Boston: Brill, 2013), 201–22 (pp. 207–08).

6 Brugger and Wiedl, *Regesten*, I, p. 69, nr. 53 (1275, the monastery had pawned a vineyard to the Jewess Dreslinna who possibly lived in Klosterneuburg). Mostly, the monastery profited by buying vineyards and plots of land that were forfeited pledges, see, e.g., Brugger and Wiedl, *Regesten*, I, p. 157, nr. 148, p. 192, nr. 199, p. 214, nr. 235, pp. 226–27, nr. 257.

7 Jörg R. Müller, 'Zur Verpfändung sakraler Kultgegenstände im mittelalterlichen Reich: Norm und Praxis', in: *Pro multis beneficiis. Festschrift für Friedhelm Burgard. Forschungen zur Geschichte der Juden und des Trierer Raumes*, ed. by Sigrid Hirbodian, Christian Jörg, Sabine Klapp, Jörg R. Müller (= Trierer Historische

is from most of the earlier and later collections of canon law, are the Jews. Neither the *Decretum* (which in addition to the aforementioned dire circumstances listed the liberation of prisoners by means of ransom<sup>8</sup> as a legitimate reason for selling liturgical objects)<sup>9</sup> nor, to mention another important instance, the *Liber extra* (which also allowed the alienation of Church property only in times of distress) list Jews among the potential buyers or pawn-takers. While the *Decretum* speaks generally of 'anyone' (*cui libet*) to whom the (melted) objects may be sold, the *Liber extra* goes into detail: innkeepers, merchants or other laymen, and women are listed as potential business partners.<sup>10</sup> While Jews, however, were missing from official ecclesiastical regulations of the high middle ages, Jörg Müller has pointed out that papal reservations regarding the pledging of church articles to Jews not only existed but were linked to anti-Jewish sentiment in general.<sup>11</sup> Already in the sixth century, Pope Gregory the Great had explicitly raged against sacred articles being sold to Jews, demanding that the Jew in question returned the articles and the clerics be punished.<sup>12</sup> In the early twelfth century, Petrus Venerabilis cautioned against Jews holding sacred vessels, since, if these vessels suffered horrible

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Forschungen 68). (Trier: Kliemedea, 2012), pp. 179–204 (pp. 182–83), which was, for example, not obeyed by the monastery of St. Egyd (Scottish Monastery) at Nurnberg, who in 1403 pawned mitre, ostensory, crozier and chalice to Jews, and for the decades to follow (1441) had to resort to borrowing those items from other religious communities on high days and holidays to be able to perform their services (p. 200).

8 See *Gefangenensloskauf im Mittelmeerraum. Ein interreligiöser Vergleich. Akten der Tagung vom 19. bis 21. September 2013 an der Universität Paderborn*. Sklaverei – Knechtschaft – Zwangsarbeit, 13, ed. by Heike Grieser and Nicole Priesching (Hildesheim-Zürich-New York: Olms-Weidmann, 2015).

9 For an example, see Müller, 'Verpfändung sakraler Kultgegenstände', pp. 193–94 (Bishop Hermann of Prague gives five *pallia* in pawn to the Jews of Regensburg to add to the ransom for the Bohemian duke Svatopluk, who was held captive by King Henry V in 1107).

10 Lists of potential pawn-takers that include Jews appear, e.g., in the mid-thirteenth century town statutes of Iglau/Jihlava (Moravia). These state that 'no merchant, grocer, innkeeper or Jew nor anyone else' should accept church articles in pawn, nor take them in for safe-keeping, unless 'with good testimony' (*nisi sub certo testimonio*). This clause most likely refers to clear knowledge about the object's provenance. The punishment meted out for those contravening this regulation was equal for all perpetrators; when more regulations regarding Jews were added later, these focussed entirely on Jewish-Christian encounters of the sexual kind. Hermenegild Jireček, *Codex iuris Bohemici [CIB]*, vol. 1: *Aetatem Přemyslidarum continens* (Prague: Kober, 1867), p. 100, § XXXIII (de rebus ecclesiae); Johann Adolph Tomaschek, *Deutsches Recht in Österreich im dreizehnten Jahrhundert. Auf Grundlage des Stadtrechtes von Iglau* (Wien: Tendler, 1859), p. 172, who, interestingly and tellingly, interprets the quite unbiased list of the source (*nullus mercator, institor, tabernator vel iudeus*, edition pp. 245 and 314) as 'these pawnings might have mostly taken place with merchants, grocers, innkeepers and *preferably* [my emphasis] with Jews'. The paragraph on the punishment was added in the late thirteenth/early fourteenth centuries, see Tomaschek, *Deutsches Recht in Österreich*, pp. 31 and 245. The additions: Jireček, *CIB*, p. 112; Tomaschek, *Deutsches Recht in Österreich*, pp. 296–97, with a compilation of similar regulations. See also Müller, 'Gestolen' (see note 15), p. 443 fn. 9 (with the additional example of Nördlingen).

11 Müller, 'Verpfändung sakraler Kultgegenstände', pp. 184–85.

12 Joseph Shatzmiller, 'Church Articles: Pawns in the Hands of Jewish Moneylenders', in *Wirtschaftsgeschichte der mittelalterlichen Juden*, ed. by Michael Toch, Schriften des Historischen Kollegs, Kolloquien 71 (Munich: R. Oldenbourg, 2008), pp. 93–102 (p. 95).

treatment at the hand of the Jews, Christ himself would suffer.<sup>13</sup> Peter, among others,<sup>14</sup> also linked theological worries about sacred objects with critique of Jewish business in his reproach that the Jews would strive to enrich themselves by buying stolen church objects, an offence for which Christians were hanged, whereas Jews would, on grounds of a 'very old but truly diabolic law' [i.e. the Statute of the Market],<sup>15</sup> not only go unpunished but 'would be fattened and could revel in luxury'.<sup>16</sup> About a hundred years later, when Jewish business activities had spread significantly in Western Europe and many regions of the Holy Roman Empire, Pope Alexander IV again connected these two sensitive subjects in his letter to the archbishops and bishops of the Kingdom of France. Not mincing matters, he complained bitterly about clerics who, unable to make a distinction between sacred and profane, dared to pledge these items to Jews. These, as enemies to the Christian faith, would commit horrendous crimes against these pawned objects. He therefore urged the bishops of France to forbid their clerics to pledge any ecclesiastical treasures to Jews – a stance that, as can be safely presumed, he took up not only in regard to the clergy and the Jews of France.<sup>17</sup>

While early secular legislation occasionally cautioned Jews against accepting items of ecclesiastical provenance,<sup>18</sup> the secular legislation from the thirteenth

13 Robert Chazan, *Medieval Stereotypes and Modern Antisemitism* (Berkeley et al.: University of California Press, 1997), p. 51; Shatzmiller, 'Church Articles', p. 95.

14 Shatzmiller, 'Church Articles', pp. 95–97 with examples from France; Müller, 'Verpfändung sakraler Kultgegenstände', pp. 190–93.

15 For the ample discussion on that topic see Friedrich Lotter, 'Talmudisches Recht in den Judenprivilegien Heinrichs IV.: Zu Ausbildung und Entwicklung des Marktschutzrechts im frühen und hohen Mittelalter', in *Archiv für Kulturgeschichte* 72 (1990), 23–61; Jörg Müller, "'Gestolen und ainem juden versetzt" Jüdische Pfandleiher zwischen legaler Geschäftspraxis und Hehlereivorwurf', in *Jüdisches Geldgeschäft im Mittelalter*, ed. by Eveline Brugger and Birgit Wiedl, = *Aschkenas. Zeitschrift für Geschichte und Kultur der Juden* 20, Heft 2 (Berlin and Boston: deGruyter, 2012), pp. 439–78; Magin, *Status der Juden*, pp. 352–400; Toch, *Juden im mittelalterlichen Reich*, pp. 109–10. On the Statute of the Market, see Michael Toch, *The Economic History of European Jews. Late Antiquity and Early Middle Ages*, *Études sur le Judaïsme Médiéval* 56 (Leiden-Boston: Brill, 2013), p. 211.

16 Heinz Schreckenberg, *Die christlichen Adversus-Judaeos-Texte (11.-13. Jahrhundert). Mit einer Ikonographie des Judenthemas bis zum 4. Laterankonzil*, Europäische Hochschulschriften XXIII Theologie, vol. 335 (Frankfurt/Main et al.: Peter Lang, second edition 1991), pp. 180–96; Lotter, 'Talmudisches Recht', pp. 47–50; in the context of the pawning of church objects, see Magin, *Status der Juden*, pp. 361–62.

17 Salomon Grayzel, *The Church and the Jews in the XIIIth Century*, II: 1254–1314, ed. by Kenneth R. Stow (Detroit: Wayne State University Press, 1989), pp. 62–64; Shlomo Simonsohn, *The Apostolic See and the Jews*, I: *Documents 492–1404*, Studies and Texts 94 (Toronto: Pontifical Institute of Medieval Studies, 1988), pp. 214–15; Heinz Schreckenberg, *Die christlichen Adversus-Judaeos-Texte und ihr literarisches und historisches Umfeld (13.-20. Jahrhundert)* Europäische Hochschulschriften XXIII Theologie, vol. 497 (Frankfurt/Main et al.: Peter Lang, 1994), p. 205, on Alexander's other regulations, pp. 204–07. See also Müller, 'Verpfändung sakraler Kultgegenstände', p. 185; Shatzmiller, 'Church Articles', p. 95; Shatzmiller, *Cultural Exchange*, p. 30.

18 See Müller, 'Verpfändung sakraler Kultgegenstände', p. 187; Müller, 'Gestolen', p. 465; Magin, *Status der Juden*, pp. 355–67, with fn. 807.



century onwards reflected the secular rulers' main interest in 'their' Jews whom they, as their *servi camerae*, counted among their treasure:<sup>19</sup> 'The rulers' sole purpose is money', Rabbi Jacob bar Jechiel put it quite blatantly in the mid-thirteenth century.<sup>20</sup> Particularly with the ongoing transition of Imperial rights, among them the right to the Jews (*Judenregal*), to the territorial rulers,<sup>21</sup> these rulers focussed on economic gain through the use of their Jewish subjects, with financial business being their core interest. Secular legislation therefore preoccupied itself mainly with regulating the economic aspects of Jewish-Christian interaction, particularly moneylending and pawn-taking. While the first encompassing imperial privilege for the German Jewry, issued in 1236 by Emperor Frederic II, followed the model of earlier privileges and predominantly stressed the Emperor's claim to and protection of his *servi camere nostre*,<sup>22</sup> the privilege his Austrian namesake, Duke Frederic II, granted to the Austrian Jews in 1244, dealt in twelve of altogether 31 articles solely with Jewish moneylending and pawn-taking.<sup>23</sup> Among these regulations that not only defined the legal basis for the Austrian Jewry but also served as a model for many neighbouring countries,<sup>24</sup> *vestibus sanguinolentis et madefacti*

19 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. by Ludwig Weiland, *Monumenta Germaniae Historica Leges IV, Constitutiones*, 2 (1896; Hannover: Hahnsche Buchhandlung, 1963), p. 274, no. 204. On the vast discussion on the Jews as *servi camere* ('servants of the treasure'), see the summary by Toch, *Juden im mittelalterlichen Reich*, p. 48 and pp. 102–10; David Abulafia, 'The King and the Jews – the Jews in the Ruler's Service', in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20–25 October 2002*, ed. by Christoph Cluse, *Cultural Encounters in Late Antiquity and the Middle Ages 4* (Turnhout: Brepols, 2004), pp. 43–54; and Anna Sapir Abulafia, *Christian–Jewish relations, 1000–1300. Jews in the service of medieval Christendom* (Harlow: Pearson, 2011), pp. 51–55.

20 Martha Keil, 'Nähe und Abgrenzung. Die mittelalterliche Stadt als Raum der Begegnung', in *Nicht in einem Bett: Juden und Christen in Mittelalter und Frühneuzeit*, ed. by the Institute for Jewish History in Austria (St. Pölten: Eigenverlag des Instituts, 2005), pp. 2–8 (pp. 4–5).

21 Generally see *Germania Judaica [GJ]*, III: 1350–1519, part 3: *Gebietsartikel, Einleitungsartikel, Indices*, ed. by Arye Maimon, Mordechai Breuer, and Yacov Guggenheim (Tübingen: J. C. B. Mohr, 2003), pp. 2173–74; Michael Toch, *Die Juden im mittelalterlichen Reich*. Enzyklopädie deutscher Geschichte, 44 (München: Oldenburg, 3rd ed. 2013), pp. 48–49.

22 *Monumenta Germaniae Historica Leges 4. Constitutiones et acta publica imperatorum et regum*, II: 1198–1272, ed. by Ludwig Weiland (Hannover: Hahnsche Buchhandlung, 1896; repr. 1963), pp. 274–76; for a summary on the vast discussion see Toch, *Juden im mittelalterlichen Reich*, pp. 105–06; on the economic issues and particularly pawn-taking Müller, 'Gestolen', pp. 443–47.

23 Brugger and Wiedl, *Regesten*, I, pp. 35–38, nr. 25. For an overview of its content, see Eveline Brugger, 'Von der Ansiedlung bis zur Vertreibung. Juden in Österreich im Mittelalter', in Eveline Brugger, Martha Keil, Albert Lichtblau, Christoph Lind, and Barbara Staudinger, *Geschichte der Juden in Österreich*, (Wien: Ueberreuter, 2nd ed. 2013), pp. 123–227 (pp. 137–41 and 154–58); Robert Chazan, *The Jews of Medieval Western Christendom 1000–1500* (Cambridge et al.: Cambridge University Press, 2006), pp. 188–90; specifically on the pawn-taking, see Müller, 'Gestolen', pp. 447–51.

24 Hungary: Bela IV, 1251, *Monumenta Hungariae Judaica*, vol. 1: 1092–1539, ed. by Ármín Friss and Mór Weisz (Budapest: Wodianer F. és Fia bizománya, 1903), pp. 23–30, nr. 22; Poland: Duke Boleslaw, 1264, Julius Schoeps and Hiltrud Wallenborn, *Juden in Europa. Ihre Geschichte in Quellen*, vol. 1: *Von den*

(‘bloodied and soaked garments’), regardless of their secular or sacred function, were listed as items forbidden to take in pledge. Under King Přemysl Otakar II,<sup>25</sup> three significant words – *et sacris vestibus*, ‘and sacred vestments’ – were added to the list, but did not enter the ducal legislation on a permanent basis, rather for reasons of dynastic than economic and/or ecclesiastical policy.<sup>26</sup> They do, however, reappear in the territory of today’s Austria in a privilege the bishops of Bamberg granted to the Jews living in their Carinthian possessions.<sup>27</sup> A rather similar, that is, predominantly economic approach is displayed by the various *Landrechte* of the German-speaking areas.<sup>28</sup> The *Sachsenspiegel* – perhaps the most influential ‘German’ legal code (*Rechtsbuch*) – states that ‘if a Jew buys or accepts as a pledge chalices, books, or vestments of a cleric without a warrantor, and if the items are found on him, he shall be punished as a thief.’ Thus in Eike von Repgow’s view,

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*Anfängen bis zum späten Mittelalter* (Darmstadt: Primus, 2001), pp. 139–43, nr. 65 (German translation). On Hungary, see Katalin Szende, ‘Laws, Loans, Literates. Trust in Writing in the Context of Jewish-Christian Contacts in Medieval Hungary’, in: *Religious Cohabitation in European Towns (10<sup>th</sup> to 15<sup>th</sup> Centuries)*, Religion and Law in Medieval Christian and Muslim Societies, 3, ed. by Stéphane Boissellier and John Tolan (Turnhout: Brepols, 2014), pp. 243–271 (pp. 248–50); on Poland, see Jürgen Heyde, *Transkulturelle Kommunikation und Verflechtung. Die jüdischen Wirtschaftseliten in Polen vom 14. bis zum 16. Jahrhundert*. Deutsches Historisches Institut Warschau, Quellen und Studien, 29 (Wiesbaden: Harrassowitz, 2014), pp. 24–33.

25 In his reconfirmation and extension to Bohemia and Moravia of 1255, Otakar II adopted the article in question as it stood, see Brugger and Wiedl, *Regesten*, I, pp. 45–48, nr. 34 (1255); Jindřich Šebánek and Sáša Dušková, *Codex diplomaticus et epistolaris regni Bohemiae [CDB]*, vol. 5, part 1: *Inde ab a. MCCLIII usque ad a. MCCLXVI* (Olomouc: Univ. Palackiana Olomucensis, 1974), pp. 85–91, nrr. 41+ and 41+\* (Latin and German); the three words were added in the 1262 reconfirmation (and extension to Styria) in 1262, see Brugger and Wiedl, *Regesten*, I, pp. 51–54, nr. 39 (1262), pp. 62–65, nr. 47 (1268); Šebánek and Dušková, *CDB* 5/1, pp. 471–75, nr. 316, pp. 137, nr. 566. Brugger, ‘Von der Ansiedlung’, pp. 141–42; Magin, *Status der Juden*, pp. 355–56. This addition that catered more to the clergy can perhaps be seen in connection with Otakar’s attempts to ‘upgrade’ the Bohemian Bishopric of Olomouc to an archbishopric, see Peter Johaneck, ‘Das Wiener Konzil von 1267, der Kardinallegat Guido und die Politik Ottokars II. Přemysl’, in *Ottokar-Forschungen = Jahrbuch für Landeskunde von Niederösterreich*, N. F. 44/45 (1978/79), pp. 312–40 (p. 322). Interestingly, the otherwise very strict regulations of the synod of Vienna from 1267, mostly following and partly exacerbating the regulations of the Lateran IV Council, make no mention of it – it seems to have been considered a mere economic issue.

26 The privilege was reissued in 1277 by King Rudolph I (Brugger and Wiedl, *Regesten*, I, pp. 71–73, nr. 56), but although he acted as Holy Roman King, he did so with the clear political intent of acquiring the duchies of Austria and Styria for his family. Thus, the privilege was issued in its version of 1244, in explicit memory of the late Babenberg duke, and without any reference to Otakar with whom Rudolph was already in conflict. This reconfirmation of the 1244 version also meant that the sacred vestments were again missing from the list of banned objects.

27 Brugger and Wiedl, *Regesten*, I, pp. 255–57, nr. 302 (*an aufpluotiges, nasses und durchstochne pfant und an aufkelych und mezzgewant*, ‘apart from bloodied, soaked, and transpierced pledges, and chalices and sacred vestments’). The privilege was issued for the Jews of Villach but was inserted in a reconfirmation issued at Wolfsberg, the second Bamberg possession that housed a considerably large Jewish community; most likely, the privilege was extended to all of their Carinthian possessions, see Wilhelm Wadl, *Geschichte der Juden in Kärnten im Mittelalter. Mit einem Ausblick bis zum Jahre 1867*. Das Kärntner Landesarchiv 9 (Klagenfurt: Verlag des Kärntner Landesarchivs, 3rd. ed. 2009), pp. 159–60.

28 See Magin, *Status der Juden*, pp. 366–72.

only items that were acquired under dubious circumstances are cause for prosecution, regardless of their potential ecclesiastical function.<sup>29</sup> Other legal codes, for instance the *Schwabenspiegel*, also specifically mentioned these items – *kelich oder pucher oder garbe oder icht das zu der mess gehort*, ‘chalices or books or vestments or whatever belongs to mass’ – with a tad more to the detriment of the Jews: If the items were proven stolen, the Jew had to return them; if he refused to do so and could not present a warrantor, he would be hanged as a thief.<sup>30</sup> The overall legitimacy of buying of, or lending money against sacred objects was not questioned; a legally sound transaction between a churchman and a Jew was, if the rules were obeyed, still possible, even if the pawns included sacred objects.<sup>31</sup> Yet, there are qualifiers. Some authors took a clear anti-Jewish stance: The *Schwabenspiegel* blamed the Jews for the preferential rights which the kings had, quite against the law (*wider recht*), granted to them,<sup>32</sup> while the *Wiener Stadtrechtbuch*, a private collection of municipal legal customs from the late fourteenth century, stated among its extensive regulations on Jewish pawnbroking that ‘the accursed Jews’ enjoyed much better rights towards the Christians than the Christians towards them, directly referring to the 1244 regulations.<sup>33</sup> Markus Wenninger and Joseph Shatzmiller have also stressed the importance of the illustrations that accompany

29 III 7 § 4, Furthermore, goods that were proven stolen afterwards were declared legitimate if the Jew had bought them in daylight and outdoors and could prove this with two witnesses. There are several editions of the various versions of the *Sachsenspiegel*; for the most comprehensive (yet somewhat outdated), see *Sachsenspiegel Landrecht*, ed. by Karl August Eckhardt. *Monumenta Germaniae Historica, Fontes iuris Germanici antiqui. Nova Series Tom. I Pars 1* (Göttingen and Frankfurt/Main: Muster-Schmidt Verlag, 3rd. ed. 1973) (citation: p. 199, § 115); over the last years, facsimile and/or online editions of the four surviving manuscripts have been done: Heidelberg: <http://digi.ub.uni-heidelberg.de/diglit/cpg1644>; Wolfenbüttel: <http://www.sachsenspiegel-online.de/cms/>, both with further literature. The Dresden and Oldenbourg manuscripts have been published as facsimile, see Heiner Kück, *Eike von Repgow: Sachsenspiegel. Die Dresdner Bilderhandschrift Mscr. Dresd. M 32* (Graz: Akademische Druck- und Verlagsanstalt, 2002 [facsimile] and 2006 [comments]); and Ruth Schmidt-Wiegand, *Der Oldenburger Sachsenspiegel. Vollständige Faksimileausgabe im Originalformat des Codes picturatus Oldenburgensis CIM 410 der Landesbibliothek Oldenburg* (Graz: Akademische Druck- und Verlagsanstalt, 1995/96 and 2006 [two volumes, smaller version]). On the articles pertaining to the Jews, see Klaus Lohrmann, ‘Die Rechtsstellung der Juden im Schwabenspiegel’, in *Die Legende vom Ritualmord. Zur Geschichte der Blutbeschuldigung gegen Juden*, ed. by Rainer Erb, Zentrum für Antisemitismusforschung der TU Berlin, Reihe Dokumente, Texte, Materialien 6 (Berlin: Metropol, 1993), pp. 73–94 (p. 88); Magin, *Status der Juden*, pp. 366–67; Müller, ‘Gestolen’, pp. 453–54; Markus Wenninger, ‘Die Juden in den Bilderhandschriften des Sachsenspiegels’, in *Integration und Ausgrenzung. Studien zur deutsch-jüdischen Literatur- und Kulturgeschichte von der Frühen Neuzeit bis zur Gegenwart. Festschrift für Hans Otto Horch*, ed. by Mark H. Gelber, Jakob Hensing, and Robert Jütte (Tübingen: Max Niemeyer Verlag, 2009), pp. 2–18 (p. 12 and 14).

30 *Schwabenspiegel Kurzform – I. Landrecht, II. Lehnrecht*, ed. by Karl August Eckhardt. *Monumenta Germaniae Historica, Fontes iuris Germanici antiqui. Nova Series Tom. IV Pars 1 et 2* (Hannover: Hahn, sec. ed. 1981), p. 351.

31 Lohrmann, ‘Rechtsstellung der Juden’, pp. 88–89.

32 Müller, ‘Gestolen’, p. 453; Abulafia, *Christian–Jewish Relations*, p. 55.

33 Eveline Brugger and Birgit Wiedl, *Regesten*, II (2010), pp. 229–32, no. 929; Magin, *Status der Juden*, pp. 102–05, 371–72; Wiedl, ‘Codifying Jews’, p. 208; Müller, ‘Gestolen’, p. 453.

the paragraph in several copies of the *Sachsenspiegel*: They show a Jew being hanged (or, in another version, with his hand being chopped off) with a chalice standing next to him. These illustrations lack the verbal qualifier – the possibility to present a warrantor – and merely show a Jew being punished for his crime.<sup>34</sup> The ban on sacred objects as pledges also entered the legal codes of cities, which, in their efforts to gain an extended legal and economic control over the Jews living within their respective ambits, introduced regulations regarding Jewish pawnbroking into their municipal legislation.<sup>35</sup> Although it is perhaps too small a sample to deduce a general proclivity on the part of ecclesiastically-ruled domains, it is worth noting that in Austrian town statutes, the ban on sacred objects as pawns for Jews appear, with one exception, only in towns that were under the rule of an ecclesiastical prince.<sup>36</sup>

It was after the death of a Carinthian bishop, John III of Gurk,<sup>37</sup> that in 1379 a commission, assigned by the papal chancellor, reported on the financial plight of the late bishop. John's legacy amounted to a meagre 400 florins. John's steward (*procurator generalis*), Hans Payer, blamed John's predecessors who had left debts so high that the annual revenues of the bishopric would not even suffice to cover the interest, and particularly, those who demanded interest rates that were deemed too high – the Jews.<sup>38</sup> Only with the aid of the Austrian dukes who had alleviated the burden of the interest rates had bankruptcy been averted.<sup>39</sup>

Jewish moneylenders, on whom Hans Payer so glibly laid the blame, had indeed been frequented on a quite regular basis by John III's predecessors, Paul and

34 Shatzmiller, *Cultural Exchange*, pp. 37–38; Wenninger, 'Juden in den Bilderhandschriften', p. 12.

35 See Magin, *Status der Juden*, particularly (but not exclusively) the chapter on the Statute of the Market, pp. 352–99, for banned items, pp. 391–99; for a list of examples of both towns and banned items, see *GJ III/3*, p. 2184.

36 Villach, Bishop of Bamberg, see fn. above. St. Pölten, Bishop of Passau: tunicles, unground corn, houses, bloodstained clothes (1338, Brugger and Wiedl, *Regesten*, I, p. 341, nr. 444); Pettau/Ptuj, Archbishop of Salzburg: ecclesiastical treasures, bloodstained clothes, unprocessed yarn and cloth, unground corn (1376, Dušan Kos, 'Abschrift und Übersetzung' in *Statut mesta Ptuj 1376/Das Stadtrecht von Ptuj aus dem Jahre 1376*, ed. by Marija Hernja Masten. Publikacije Zgodovinskega arhiva Ptuj, Viri 2 [Maribor: Umetniški kabinet Primož Premzl, 1998], pp. 103–200 [p. 151]). The only exception to this in today's Austria is Feldkirch that was under the rule of the Counts of Montfort: broken chalices, bloodstained clothes, soaked hides (between 1344 and 1359, Brugger and Wiedl, *Regesten*, II, pp. 228–29, nr. 928), while, e.g., the ducal town of St. Veit in Carinthia only listed *underchantez phant*, 'unrecognized pledge', i.e., any potentially stolen goods. See Wiedl, 'Codifying Jews', pp. 210–13.

37 Jakob Obersteiner, *Die Bischöfe von Gurk, 1072–1822*, Aus Forschung und Kunst 5 (Klagenfurt: Verlag des Geschichtsvereins für Kärnten, 1969), pp. 174–80.

38 Kärntner Landesarchiv [County Archives of Carinthia, further: KLA], AUR C 819; edition: Lang, *Acta Salzburgo-Aquilejensia*, pp. 743–50, Nr. 1031. See also Wadl, *Juden in Kärnten*, pp. 43–44.

39 The Austrian dukes had indeed come to the rescue, albeit at a price: already in 1365, Duke Rudolph IV had acquitted John III of the 2,400 florins (capital and interest) that John and his church owed the Jew Mosche of Maribor, grandson of Isserlein. The Duke did so as a recognition of John's loyal service, but also against the 'donation' of 2,000 florins for Rudolph's construction plans to Saint Stephen's cathedral. Brugger and Wiedl, *Regesten*, II (2010), p. 323, nr. 1117.

John II. Paul of Jägerndorf<sup>40</sup> had ascended to the bishopric of Gurk in 1351 in a quite controversial and extremely costly appointment.<sup>41</sup> In the following years, his need of money did for sure not decrease: as a papal nuncio, particularly for the ecclesiastical province of Salzburg, he was frequently sent on costly missions, and also acted as an emissary for the Austrian dukes on several occasions.<sup>42</sup> These offices and missions, as well as Paul's rather lavish lifestyle, came with a price, and in 1355, Paul took out a loan of 2613 florins with two of the most prestigious Jewish moneylenders of the time, Mosche of Maribor and his brother Chatschim of Celje.<sup>43</sup> In return, the Bishop pledged – in a rather common formula – all of the church's possessions.<sup>44</sup> While this is the only diplomatic evidence for Paul's Jewish credits, his financial situation could not have improved during his eight-year rule: *conflavit plurimum aeris alieni*, the episcopal catalogue sums up his reign.<sup>45</sup> In

40 Paul of Jägerndorf had likely had enjoyed a higher education since he was referred to as a *iuris peritus* during his service for King Louis of Hungary; he appears as *vicecomes capellae*, as protonotarius and as a royal envoy at the curia at Avignon. His income was guaranteed by a plurality of benefices: in 1350, Louis requested a canonry at Esztergom and the Archdeaconry of Nyitra for him, in addition to that, a canonry at Wrocław, and, possibly, parishes in Bavaria, increased his revenues. For basic biographic details, see Manfred Heim, 'Paul von Jägerndorf', in *Die Bischöfe des Heiligen Römischen Reiches. 1198 bis 1448. Ein biographisches Lexikon*, ed. by Erwin Gatz (Berlin: Duncker & Humblot, 2001), p. 200; *Neue Deutsche Biographie*, 20 (Berlin: Duncker & Humblot, 2001), p. 107 (Manfred Heim, [http://daten.digital-sammlungen.de/bsb00016338/image\\_123](http://daten.digital-sammlungen.de/bsb00016338/image_123)); Obersteiner, *Bischöfe von Gurk*, pp. 155–63.

41 Paul's appointment mainly resulted from a dispute between Pope Clement VI and the Archbishop of Salzburg over the succession to the bishopric. The latter had appointed his brother, Ulrich, without the approval of the pope. During Paul's stay at the papal court at Avignon (where he negotiated the release of King Louis from excommunication), the Pope then 'rewarded' Paul with the Bishopric of Gurk, after he had managed to convince King Louis to abandon his claim to Sicily. He had to pay 1,166 florins, excluding additional fees, for the papal provision. On this see Obersteiner, *Bischöfe von Gurk*, pp. 155–57; Wadl, *Juden in Kärnten*, pp. 41–43. The canons and bondsmen of the Gurk church rebelled against Paul, but Paul's rival for the bishopric, Ulrich, gave up his claim to the see in 1352. In 1351, Paul confirmed the privileges that the Provost, the Dean and the chapter of Gurk had granted two Jewish families. For this, see Brugger and Wiedl, *Regesten*, II, pp. 122–23, nr. 697.

42 Obersteiner, *Bischöfe von Gurk*, pp. 159–60; Wadl, *Juden in Kärnten*, pp. 41–42.

43 See for the two brothers, sons of Scheblein, who resided in Maribor and Cilli/Celje, Markus Wenninger, 'Die Bedeutung jüdischer Financiers für die Grafen von Cilli und vice versa', in *Celjski grofje, stara tema – nova spoznanja/Die Grafen von Cilli, altes Thema – neue Erkenntnisse, Celje, 27. – 29. Mai 1998*, ed. by Rolanda Fugger Germadnik (Celje: Pokrajinski muzej, 1999), pp. 143–64, particularly 150–64; and 'Jüdische und jüdisch-christliche Netzwerke im spätmittelalterlichen Ostalpenraum', in *Beziehungsnetze aschkenasischer Juden während des Mittelalters und der frühen Neuzeit*, ed. by Jörg R. Müller, *Forschungen zur Geschichte der Juden. Schriftenreihe der Gesellschaft zur Erforschung der Geschichte der Juden e. V. und des Arye Maimon-Instituts für Geschichte der Juden A/20* (Hannover: Hahnsche Buchhandlung, 2008), pp. 163–76 (particularly Chatschim). Mosche should not be confused with his namesake, Mosche, son of Isserlein, who also lived in Maribor.

44 Brugger and Wiedl, *Regesten*, II, p. 170, nr. 804; Wadl, *Juden Kärnten*, pp. 42 and 87. See also Wadl, *Juden in Kärnten*, pp. 41–42. It is not clear whether Paul had taken out the loaned sum all at once, or whether his debts had accumulated over a period of time until the Jews demanded suretors, although the common use was to appoint suretors when taking out the loan.

45 Obersteiner, *Bischöfe von Gurk*, p. 160, fn. 44.

1359, Paul transferred to the Bishopric of Freising; in his stead, the chancellor of duke Rudolph IV, John Ribi of Platzheim-Lenzburg,<sup>46</sup> was made bishop of Gurk – and found the bishopric in total financial disarray.<sup>47</sup> Together with the Provost and canons of Gurk, he proceeded to accuse Paul of severe wrongdoings at the papal court. Paul had sold and mortgaged property that belonged to the bishopric's mensal revenues, and despite Paul's claim that he had used the proceeds to the benefit of the Church of Gurk, Pope Innocent VI ordered the Patriarch of Aquileia, Ludovico della Torre, to inquire into this.<sup>48</sup> Innocent's reaction to the second charge John brought in against his predecessor was not so accommodating. During his tenure, Paul has also pawned a mitre and a crozier *ad ipsam ecclesiam spectantes* ('pertaining to this church, expected to be at this church') to 'certain Jews' *sub usurarum voragine*, 'against voracious interest rates'. After the interest owed had accrued drastically, Paul had refused – and still continued to do so – to redeem the two items and return them to their rightful owner. Innocent showed no leniency here: Ludovico should make sure that Paul, who had openly (*coram nobis*) admitted to the pawning of both mitre and crozier, was to immediately fulfil his obligations and restore the church's sacred objects.<sup>49</sup> Despite the (seemingly inevitable) dig against the usurious Jewish moneylenders, it appears to have been the questionable legitimacy of Paul's pawning of objects which were not only sacred but belonged to the church's (and not Paul's) treasury, as well as Paul's flat-out refusal to make good for this, that had angered the Pope and had caused him to issue his strict command.<sup>50</sup>

46 Alfred A. Strnad, 'Johann Ribi, von Lenzburg', in *Neue Deutsche Biographie*, 10 (1974), p. 483 (online version; <http://www.deutsche-biographie.de/pnd136293131.htm>); Christian Lackner, *Hof und Herrschaft. Rat, Kanzlei und Regierung der österreichischen Herzöge* (Wien-München: R. Oldenbourg, 2002), pp. 278–92.

47 Initially, Rudolph had planned to secure the Bishopric of Freising for his Chancellor, but the Hungarian king Louis had intervened in the favour of Paul of Jägerndorf, who transferred from Gurk to Freising (after failing to acquire the See of Aquileia). For this, see Lackner, *Hof und Herrschaft*, p. 283; Obersteiner, *Bischöfen von Gurk*, p. 162.

48 Alois Lang, *Acta Salzburgo-Aquilejensia*, vol. 1: *Die Urkunden über die Beziehungen der päpstlichen Kurie zur Provinz und Diözese Salzburg (mit Gurk, Chiemsee, Seckau und Lavant) in der Avignonischen Zeit: 1316–1378*, Quellen und Forschungen zur österreichischen Kirchengeschichte, vol. 1 (Graz: Styria 1903), p. 498, nr. 686. Ludovico della Torre (being Pope Innocent's favourite candidate) had been successful against Paul of Jägerndorf in their competition over the patriarchy of Aquileia.

49 Archiv der Diözese Gurk, Klagenfurt (Archives of the Diocese of Gurk), Domkapitelarchiv T-37. The editions of Lang, *Acta Salzburgo-Aquilejensia*, pp. 498–99, nr. 687 and Simonsohn, *Apostolic See*, p. 413, nr. 387, base on the papal registers (Reg. Aven. 144, fol. 340r) and read *spectantia* instead of *spectantes*. Brugger and Wiedl, *Regesten*, II, pp. 245–46, nr. 957; Wadl, *Juden in Kärnten*, p. 42; Birgit Wiedl, 'Do biezzen si der Juden mesner rufen. Jüdisch-christliche Geschäftsurkunden als Quellen zur Alltagsgeschichte', in *Abrahams Erbe. Konkurrenz, Konflikt und Koexistenz der Religionen im europäischen Mittelalter*, ed. by Ludger Lieb, Klaus Oschema, and Johannes Heil, Das Mittelalter. Perspektiven mediävistischer Forschung, Beihefte 2 (Berlin-Munich-Boston: deGruyter, 2015), pp. 437–53 (pp. 450–51).

50 The choice of the Patriarch of Aquileia – and not the Archbishop of Salzburg, who was the Bishop of Gurk's superior – was most likely a political choice: Ludovico della Torre had vied against Paul for the



Despite the promising papal orders though, John II seemed to have relied more on Duke Rudolph IV than on Ludovico della Torre; and not quite a year later, in July 1361, Rudolph acknowledged and confirmed the verdict proposed by ten arbitrators. The list of property and items Paul had to either return or make good for was impressive.<sup>51</sup> As to the only Jewish involvement in this long list of financial transactions, Duke Rudolph ordered John to immediately return the mitre and crozier he had pawned to the Jews. All the money necessary for these recompenses had to come from his private assets.<sup>52</sup> At first, Paul seemed to have succeeded in resisting the execution of the verdict: two years later, he had to promise to Duke Rudolph that he would immediately fulfil the obligations;<sup>53</sup> and another two years later, after Rudolph's death, his brothers, Dukes Albrecht III and Leopold III, reached a new compromise with the bishop, probably in recognition of his still troubled financial situation. With the help of six noble arbitrators, four of whom had already been involved in 1361, the dukes decided, among many other issues,<sup>54</sup> how to proceed in the matter of Paul's obligations to Jewish moneylenders. It is from this arbitration that we learn the extent of his encumbrance: Paul owed the staggering amount of 12,451 florins, in capital alone, to several Jewish moneylenders. Albrecht and Leopold demanded that Paul pay 3,500 florins to Chatschim of Celje while they agreed to pay the accrued interest; they promised to assume both capital and interest with Mosche of Maribor, grandson of Isserlein. As for Abrech, who as an inhabitant of Friesach was a subject of the archbishop of Salzburg, the dukes promised Paul to help him get either an extension of payment or a payment in instalments, in addition to moderate (*beschaidenleich*) interest rates<sup>55</sup> – part of the 'help from the Austrian dukes' the

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Patriarchy of Aquileia only a few months prior, and had gained the seat through Pope Innocent's support.

51 He had to redeem three castles, several villages as well as houses and fortifications from their respective mortgages; repay provost, canons, and subjects of Gurk for the money he had loaned from them and recompense them for any losses they suffered as his guarantors *hintz kristen oder juden*, 'towards Christians and Jews'; recompense the episcopal treasury for the revenues he had collected but used for himself; and return the silverware he had borrowed.

52 KLA, AUR C 580 F, Brugger and Wiedl, *Regesten*, II, pp. 262–63, nr. 991. This would not be the last time Paul would be at odds with Duke Rudolph: in 1364, he thanked pope Urban V for his intervention in his dispute with the Austrian duke who had, presumably because of Paul's refusal to side with the duke in his war against Bavaria, sequestered property of Freising, see Lang, *Acta Salzburgo-Aquilejensia*, p. 558, nr. 790b (1364).

53 Brugger and Wiedl, *Regesten*, II, p. 289, nr. 1048.

54 The better part of the arbitration deals with the various properties Paul had pawned to Christians, mostly other noblemen, but also decides how to proceed with silverware, household items, and garment as well as manuscripts, ledgers, and charters that had been found by the pawntakers in the various castles and housings and that belonged to the bishopric.

55 Haus-, Hof- und Staatsarchiv Wien (Austrian State Archives, Vienna), AUR 1365 X 28 (Paul) and Bayerisches Hauptstaatsarchiv München (Bavarian State Archives, Munich), HU Freising nr. 293/1, nr. 293/2 (Albrecht, 2 copies). Albrecht's charter is edited by Joseph Zahn, *Codex Diplomaticus Austriaco-Frisingensis* Fontes Rerum Austriacarum II/35 (Wien: Kaiserliche Akademie der Wissenschaften,

Bishop's steward was referring to in 1379<sup>56</sup> Of the mitre and the crozier, however, there is no mention in the arbitration, which might allow one to speculate that Paul had, in the meantime, actually succeeded in returning it. Around the same time, the papal investigation came to a conclusion too: Four jurists of the papal chapel decided in a legal opinion that a bishop who takes out monetary loans and pawns immovable property belonging to the mensal revenues without the sanction of his superior and without the consent of his canons, would bear every financial responsibility even if he has transferred to another bishopric in the meantime; his successor may not be held accountable.<sup>57</sup> Although the opinion is anonymized, naming the two main protagonists as P. and J., and avoids any mention of the name of the bishopric, it is evident who and what is being referred to. Interestingly and tellingly, what is missing from the list of Paul's misdoings are his Jewish business partners. Thus the point of contention was neither the Jewish loans (these are not mentioned), nor the sacred objects (these are not mentioned either), but that Paul had pawned and/or given away the church's property without any prior agreement, either from his superior or from his canons. The legitimacy itself however of giving away mitre and crozier in pawn – which the jurists must have known about since it was one of the main charges brought in against Paul by John – seems not to have been questioned. It would have been fine, it seems, had it but been executed properly, meaning with prior consent.

Like Paul, his successor John II of Platzheim was in permanent need of money, particularly due to his many political, diplomatic, and military duties and offices in the service of the Austrian dukes.<sup>58</sup> Among other income sources, he too took out loans with most of the prosperous Jewish moneylenders of the time. Yet, he approached the matter with more caution, perhaps having learned from Paul's

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1870–71), II (1871), pp. 342–47, nr. 748; Brugger and Wiedl, *Regesten*, II, pp. 334–35, nrr. 1140 (Paul) and nr. 1141 (Albrecht).

56 The Austrian dukes interfered with the nobility's debts on occasion: on the one hand, they could thus assert and demonstrate their sovereignty over the Jews, and the abovementioned example shows the different level of influence they were able to exert: Only Mosche of Maribor was an immediate subject of the dukes, while Chatschim of Celje had been given as a fief to the Counts of Celje in 1362 (Brugger and Wiedl, *Regesten*, II, pp. 278–79, nr. 1027, see also Wenninger, 'Cilli', pp. 151–52, Wadl, *Juden in Kärnten*, p. 122, p. 226); Abrech, as a Jew of Friesach, was a subject of the Archbishop of Salzburg, lord of Friesach. On the other hand, the Austrian dukes used their influence on Jewish loans and interest rates to the benefit (or detriment) of their nobility, see Eveline Brugger, *Adel und Juden im mittelalterlichen Niederösterreich. Die Beziehungen niederösterreichischer Adelsfamilien zur jüdischen Führungsschicht von den Anfängen bis zur Pulkauer Verfolgung*, Studien und Forschungen aus dem Niederösterreichischen Institut für Landeskunde 38 (St. Pölten: Selbstverlag des NÖ Instituts für Landeskunde, 2004); and Wiedl, 'Kriegskassen voll jüdischen Geldes', pp. 241–60.

57 KLA, AUR C 4831; Lang, *Acta Salzburch-Aquilejensia*, p. 500, nr. 687.2 (brief summary).

58 He was Austrian chancellor, Steward of Anterior Austria, and Captain (*Hauptmann*; Latin: *Capitaneus*) of Carinthia, see Lackner, *Hof und Herrschaft*, pp. 283–84. In addition to the financial burdens these offices came with, John had to pay 1,060 florins appointment tax to the papal court, see Wadl, *Juden in Kärnten*, p. 42.



disastrous conduct. His closest business partner was *der erber und weiser, unser lieber freunt David der Steuzze*, 'the honourable and wise, our dear friend David Steuss', to whom he pawned houses and jewellery (and whose claims he had annulled by ducal order in 1370, see Figure 1).<sup>59</sup> However, when John, in his support of Rudolph IV's war against Ludovico della Torre, had to raise 6,000 florins and therefore pawned some of the bishopric's mensal revenues, he took several precautions. Not only did he secure the Provost, Dean, and chapter's *willen und gunst* ('knowledge and grace') beforehand and had them confirm it in writing, but actually pawned part of the revenues to them. The Jewish moneylender, Häslein of Friesach, was only involved through two middlemen: two citizens of Straßburg<sup>60</sup> had obtained (*gewunnen*) the loan of 500 florins for John, and it was to them, and not to Häslein, that he pawned the corresponding part of the revenues.<sup>61</sup> At least to one of his middleman, the procedures of a Jewish loan must have been familiar: Hans Payer, the same who had in 1355 stood bailman for bishop Paul on his loan with Mosche and Chatschim, and who in 1379 accused the Jews of being pivotal to the bishopric's financial disaster.

59 Brugger and Wiedl, *Regesten*, II, p. 240, nr. 946 (house), pp. 305–06, no. 1081 (jewellery, quote). Diözesanarchiv Brixen (Archives of the Diocese of Brixen), Oberes Archiv 447 (annulment); Christian Lackner, with Claudia Feller and Stefan Seitschek, *Regesta Habsburgica. Regesten der Grafen von Habsburg und der Herzoge von Österreich aus dem Hause Habsburg*, part V: *Die Regesten der Herzoge von Österreich (1365–1395)*, vols I–II (Wien-München: R. Oldenbourg, 2007, 2010), I: 1365–1370 (2007), pp. 274–75, Nr. 657; Brugger and Wiedl, *Regesten*, III (2015), p. 106, nr. 1315. On David Steuss, see Eveline Brugger, 'Loans of the Father: Business Succession in Families of Jewish Moneylenders in Late Medieval Austria', in *Generations in Towns. Succession and Success in Pre-Industrial Urban Societies*, ed. by Finn-Einar Eliassen and Katalin Szende (Newcastle upon Tyne: Cambridge Scholars Publishing, 2009), pp. 112–29 (pp. 117–18); Christian Lackner, 'Juden im Rahmen der habsburgischen Finanzverwaltung im 14. Jahrhundert', in *Jüdisches Geldgeschäft im Mittelalter. Aschkenas. Zeitschrift für Geschichte und Kultur der Juden* 20/2, ed. by Eveline Brugger and Birgit Wiedl (Berlin-Boston: De Gruyter, 2012), pp. 357–69 (pp. 365–67); Lohrmann, 'Juden im mittelalterlichen Klosterneuburg', pp. 216–18; Wiedl, 'Jüdisch-christliche Geschäftsurkunden', 451–52.

60 Straßburg in Carinthia, about 40 kilometres north of Klagenfurt; the Straßburg castle was the seat of the bishops of Gurk until 1787.

61 Archiv der Diözese Gurk, Klagenfurt (Archives of the Diocese of Gurk, Klagenfurt), Domkapitelarchiv 71–1-2. Brugger and Wiedl, *Regesten*, II, p. 265, nr. 996. See also Wadl, *Juden in Kärnten*, p. 42 and 200; Wiedl, 'Kriegsfinanzierung', pp. 249–50.

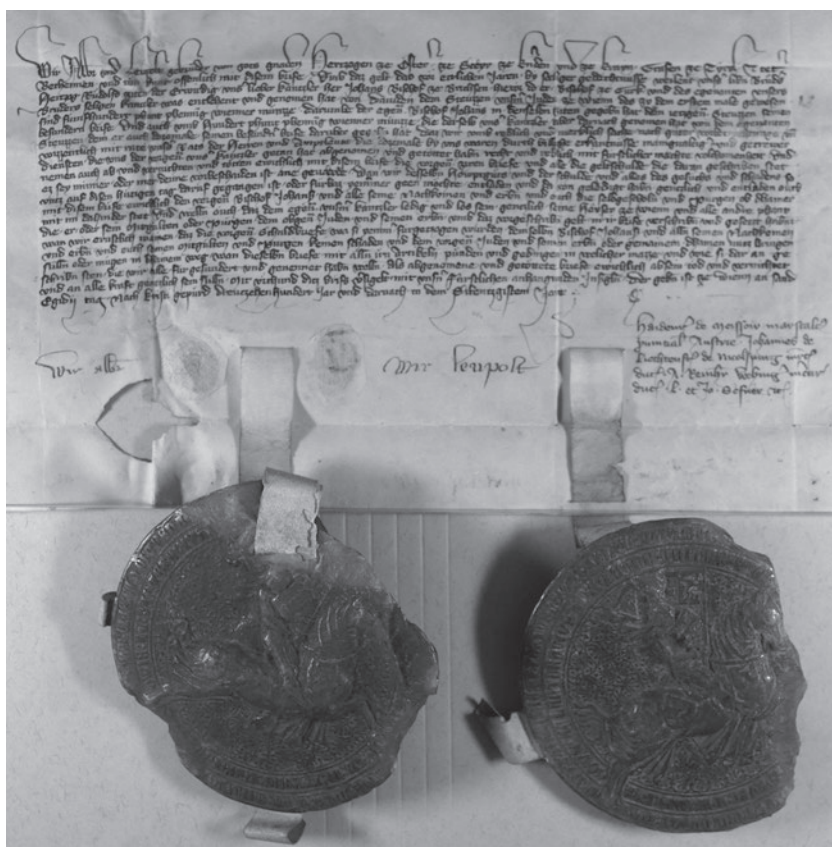


Fig. 1 Dukes Albrecht III and Leopold III annul the debt of their chancellor, Bishop Johann of Brixen (Bressanone) with the Viennese Jew David Steuss (1370 IX 1, Archives of the Diocese of Brixen, Oberes Archiv 447).

The accounting of these transactions proved to be quite complicated: in 1367, John of Platzheim had already transferred to the bishopric of Brixen, yet his obligations remained, at least partly. Before leaving for Brixen, he had paid 160 florins to Häslein, and for the rest, Häslein had received a new debt instrument, albeit not from John himself, but from the Provost, Dean and chapter of Gurk, and the two Straßburg citizens who had acted as middlemen six years earlier. Yet the rest of the obligations had remained with the Bishopric of Gurk and its new sovereign, John III, *der die vorgenant geltschuld als ein nachkom des obgenant unsers kanzler gelten sol* ('who should, as a successor to our aforementioned chancellor [John of Platzheim], pay the aforementioned debts'). Since Albrecht III himself was indebted with John III, he struck a deal with the new bishop: the accumulated

interest for the six-year-old loan (the amount of which is not stated) was offset by Duke Albrecht against John III's claims of 400 florins he had spent on his mission to Avignon in ducal service. While Albrecht would settle the interest, though, John III was committed to the payment of the remaining 340 florins, which he should clear within a year's time. The initial pawning of the mensal revenues was not mentioned, neither was the legitimacy of Häslein's claims questioned: Should John fail to meet his obligations, Häslein had the right to demand interest again and hold both John III and the Church of Gurk accountable.<sup>62</sup>

Is it possible to identify the Jews Paul had pawned the sacred objects to?<sup>63</sup> There were several Jewish moneylenders active in the duchy of Carinthia and its neighbouring countries in mid-fourteenth century; and with many of them, Paul had had (documented) business contact: Abrech of Friesach, Mosche and Chatschim of Maribor/Celje, Mosche of Maribor, grandson of Isserlein, and Isserlein of Friesach (albeit the latter being no prestigious moneylender himself, but a brother to Häslein who was second to none at the height of his activities). We know of his loan of 2,613 florins, a sum that would for sure have merited a truly valuable collateral (or two),<sup>64</sup> yet the charter only cites the standard formula 'all of his [i.e., Bishop Paul's] and his church's possessions'. Some time before 1360, Count Frederic of Cilli had stood bail for 780 florins that Paul had borrowed, obviously at one stroke, from a group of Jewish businessmen (Chatschim of Celje, Mosche, grandson of Isserlein, and Isserlein of Friesach).<sup>65</sup> This was yet another sum that would have called for a precious pawn. It is tempting to identify the 'certain Jews' who, according to John's complaint, held mitre and crozier in pawn, with two or more of these Jews; however, such an identification would stand on more than shaky ground.

Equally questionable is, however, whether the Jewish moneylenders actually, literally, held mitre and crozier; whether these objects were de facto handed over to them; or whether they were deposited with Christians. Private laypersons handed over jewellery with religious connotation, such as cross pendants or rosaries, without qualms, at least none of the spiritual sort,<sup>66</sup> and it is beyond

62. KLA, AUR C 629, 1367 November 5. Brugger and Wiedl, *Regesten*, III, p. 53, nr. 1221. See also Wadl, *Juden in Kärnten*, pp. 43 and 202.

63. Martha Keil, 'Christliche Zeugen vor jüdischen Gerichten. Ein unbeachteter Aspekt christlich-jüdischer Begegnung im spätmittelalterlichen Aschkenas', in *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 117/3–4 (2009), pp. 272–83 (p. 278), and following her, Müller, 'Zur Verpfändung sakraler Kultgegenstände', p. 181, fn. 7, mistake Häslein of Friesach, John's creditor, as the one who took the objects in pawn.

64. See for examples Müller, 'Zur Verpfändung sakraler Kultgegenstände', pp. 194–97.

65. Arhiv Republike Slovenije, Ljubljana (Slovenian State Archives), SI AS 1063, Zbirka listin 4222. Brugger and Wiedl, *Regesten*, III, p. 17, nr. 1156.

66. Wiedl, 'Jüdisch-christliche Geschäftsurkunden', pp. 449–50.

doubt that Jews did take pledges of all kinds home into their dwellings.<sup>67</sup> Yet in addition to (and quite certainly in connection with) to the aforementioned reservations of ecclesiastical authors who suspected the Jews of maltreating sacred objects handed over to them, a mandatory deposition of pawned sacred objects, particularly books, with Christians appears in several legal regulations: The fourteenth-century Meißener *Rechtsbuch* as well as the statutes of Augsburg and Goslar demand that Jews who accept sacred objects in pledge deposit them with Christians, and even hand them over in public.<sup>68</sup> Jörg Müller has provided several examples of books that had indeed been placed with Christians, such as the books that the Dominicans of Bern had pawned to Jews but deposited with the aldermen of the city.<sup>69</sup> In a perhaps related context, the town statutes of Jihlava caution not only those who take sacred objects in pawn against accepting objects of dubious provenance, but apply the same regulations to those who take them in for safe-keeping (*ad servandum recipiat; czu halden nemen*), suggesting a responsibility of the depositary for both the legitimacy of the preceding transaction and the 'safety' of the objects.<sup>70</sup>

Books were frequently listed among items that could, or should not, be given in pawn. Precious manuscripts were offered as a potential collateral for a loan in everyday business reality, and despite reservations from the rabbinical authorities, Jews did quite frequently accept them.<sup>71</sup> Some time before the year 1263, a singularly precious bible, which is today referred to as the Admonter Riesenbibel ('Giant Bible of Admont', see Figures 2 and 3), or Gutkeled-Bible (after the presumed donator),<sup>72</sup> had been pledged to a Jewish moneylender. The bible was in

67 Shatzmiller, *Cultural Exchange*, p. 55, sees these pledges as an essential contribution 'to the shaping of their [i.e. the Jews'] aesthetic sensitivity'.

68 Magin, *Status der Juden*, pp. 383–85, 391, 393–94, 396–98.

69 Müller, 'Zur Verpfändung sakraler Kultgegenstände', pp. 199–200.

70 Jireček, *CIB*, p. 100; Tomaschek, *Deutsches Recht in Österreich*, p. 245 and 314, with further examples.

71 Shatzmiller, *Cultural Exchange*, pp. 22–28, with examples from France, England, and Italy, and on the rabbinical reservations pp. 30–33; Müller, 'Zur Verpfändung sakraler Kultgegenstände', lists several examples from Germany throughout the article, e.g., pp. 194–96, and for the rabbinical stance, pp. 201–02; on the rabbinical reservations see also Martha Keil, 'Heilige Worte, Schriften des Abscheus – der Umgang mit Büchern als Paradigma des jüdisch-christlichen Spannungsverhältnisses', in *Text als Realie*, ed. by Karl Brunner and Gerhard Jaritz, Veröffentlichungen des Instituts für Realienkunde des Mittelalters und der Frühen Neuzeit 18; Sitzungsberichte Österreichische Akademie der Wissenschaften, Philosophisch-Historische Klasse 704 (Wien: Austrian Academy of Sciences Press, 2003), pp. 49–61 (p. 52).

72 The bible (today: Austrian National Library, Vienna, Cod. ser. nov. 2701) can be traced as being in use at the monastery of Csátár shortly after it had been written in Salzburg in the mid-twelfth century and had quite probably been given to the monastery by its founder, Martin, a member of the Gutkeled family; on fol. 3r, relics of the altar of Saint Peter at Csátár are listed. See Andreas Fingernagel, *Die Admonter Riesenbibel* (Wien, ÖNB, Cod. Ser. n. 2701 und 2702), Codices Illuminati, I, Österreichische Nationalbibliothek: Reihe A, Die Handschriften, Autographen- und Nachlass-Sammlung, I (Graz: Akademische Druck- u. Verlagsanstalt, 2001), particularly pp. 9–11 and 14–16; Wiedl, 'Jüdisch-christliche Geschäftsurkunden', pp. 449–50.

possession of the Hungarian monastery of St. Peter at Csátár, a small institution founded by the influential and prominent family of Gutkeled. The family, which still was the monastery's patron at that time, obviously had easy access to the monastery's valuables, and one of their members, Vitus, had in agreement with his relatives given in pawn the two tomes of the bible to the Jew Farkas of Eisenburg/Vasvár.

Unlike in the case of the mitre and crozier, the Jewish pawntaker is not only mentioned by name but can quite safely be further identified. Appearing from 1255 onward under the Latin (*Lublin*), Hungarian (*Farkas*) and German (*Wölfel*) version of the same name, *Wolf*,<sup>73</sup> the Jew Lublin was one of, if not the most prestigious Jew within the Kingdom of Hungary and the Duchies of Austria and Styria. Lublin's family had strong ties to the Hungarian court: His father Henel had been *comes camere* of King Bela IV; Lublin as well as his brothers Nekelo and Oltmann remained closely connected with the royal financial administration, acting as tax farmers of the 'Thirtieth'<sup>74</sup> and owners of estates.<sup>75</sup> Unlike Henel and Oltmann (who only appear in Hungary), Lublin and Nekelo also had ties to the Duchy of Austria: in 1257, they appear as *comites camere* of the Austrian Duke (and Bohemian King) Přemysl Otakar.<sup>76</sup> The high status of the two brothers can also be illustrated by their use of a seal.<sup>77</sup>

73 Alexander Beider, *Ashkenazic Given Names: Their Origins, Structure, Pronunciation, and Migrations* (Bergenfield, NJ: Avotaynu Inc., 2001), pp. 437–40, where Lublin/Wölfel/Farkas is given as an example p. 438; see also Brugger and Wiedl, *Regesten*, I, pp. 57–58, nr. 43, pp. 65–66, nr. 48 (Wölfel) and pp. 50–51, nr. 38 (Lublin), all three times with his brother Nekelo.

74 Brugger and Wiedl, *Regesten*, I, pp. 65–66, no. 48; Nora Berend, *At the Gate of Christendom. Jews, Muslims and 'Pagans' in Medieval Hungary, c. 1000–c. 1300* (Cambridge: Cambridge University Press, 2001), pp. 124, 126–27 and 130–32. The Thirtieth (*tricesima*) was a customs duty paid to the Hungarian queen; the collection of this revenue was frequently farmed out.

75 They owned several estates in Hungary such as the castle of Komárom and adjacent properties which they had inherited from their father Henel and had later handed over to the king in lieu of debts they had accumulated during their (or their father's) involvement in the royal fisc. The transaction is somewhat unclear: the three brothers signed over the castle to King Bela IV in 1265 (because of their debts to the royal fisc *ex administracione camere*), and signed it over a second time (?) in 1268 to Queen Mary (because of 800 marks they owed her for their lease of the Thirtieth), see Berend, *Gate of Christendom*, p. 131, fn. 105; Brugger and Wiedl, *Regesten*, I, pp. 57–58, no. 43, pp. 65–66, no. 48 and pp. 67–68, no. 51.

76 Brugger and Wiedl, *Regesten*, I, pp. 50–51, no. 38.

77 Lublin and Nekelo corroborated the charter of 1257, which settled their dispute with the Bishop of Freising over fiefs around Vienna to which both parties laid claim, with their shared seal; unfortunately, the seal is missing today; Haus-, Hof- und Staatsarchiv Wien (Austrian State Archives, Vienna), AUR 1357 II 18. Daniel M. Friedenberg, *Medieval Jewish Seals from Europe* (Detroit: Wayne State University Press, 1987), pp. 290–92 and 323–24, misinterprets, among other grave errors, Lublin's office as *comes camere* as a noble title ('Count Lublin'). The common means of corroboration for charters issued by Jews were the Jews' respective signatures, often accompanied with the seal of the Jewish Judge, a Christian responsible for Jewish-Christian legal interaction; Jewish seals are rarely documented in the ashkenazic region and were only used in interaction with Christian business partners, see Eveline Brugger and Birgit Wiedl, '... und ander frume leute genuch, paide christen und juden. Quellen zur christlich-jüdischen Interaktion im





*Fig. 2 Admonter Riesenbibel (Giant Bible of Admont), 12th century, Austrian National Library, Cod. series nova Cod. 2701, fol. 206r: Vision of the Prophet Ezekiel.*

The sum for which the bible had been pawned is unclear: Vitus, after failing to redeem the bible, had to assign several properties to Csatár to recompense the monks for their loss, and the charter that confirmed the transfer of several properties to the monastery speaks of seventy marks for which Vitus had pawned the bible to Lublin. A note on the inner cover of the first of the two volumes, however, mentions the sum of twentyfour and a half marks (see Figure 3). The note gives detail about the terms of repayment: Vitus had to pay back the loan in three rates on three fixed dates. Furthermore, if Vitus did not repay within the agreed time, Lubin had the right to claim the bible back and dispose of it as he wished.<sup>78</sup>

But had Lublin really been handed over the two precious (and heavy) volumes? The wording of the note, *reddentur*, 'give back', suggests the bible had not been surrendered to Lublin himself; the aforementioned charter gives a hint as to where it might have been brought to. The abbot of another Hungarian monastery, Zalavár, confirmed the transfer of Vitus' property but was otherwise uninvolved in the transaction. This suggests that despite Lublin's unchallenged rights to either repayment or the collateral, the bible had not actually been handed over to him but had been deposited at Zalavar.

What had raised the problem was, quite similar to the Gurk case, not so much the pawning itself but the failure (or unwillingness) of the debtor to redeem the pawn. By losing a part of the monastery's property, Vitus had as clearly overstepped his authority as a patron of Csatár as Paul had his as a bishop, and had to pay for it – and it is highly likely that he would have had to recompense the monastery likewise had he lost the bible to a Christian creditor, or had he failed to redeem another pledge. Two things were never questioned: the legitimacy of the bible being pledged to a Jew, and Lublin's claim to it. The note in the inner cover matter-of-factly lists the conditions and arrangements, without any hints at reservations or misgivings. Notes concerning, or even by Jewish pawntakers have been discovered in quite a number of Christian 'sacred' books.<sup>79</sup> Yet the case seemed to have been remarkable enough to be commemorated: Nora Berend has brought attention to a little-known text that has the Hungarian King Andreas III intervene on behalf of the monastery.<sup>80</sup> Unfortunately, all but a few fragments have survived of the

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Spätmittelalter', in *Räume und Wege. Jüdische Geschichte im Alten Reich 1300–1800*, Colloquia Augustana 25, ed. by Rolf Kießling, Stefan Rohrbacher, Peter Rauscher, and Barbara Staudinger (Berlin: Akademie Verlag, 2007), pp. 285–305 (p. 294); Martha Keil, '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), pp. 135–50, particularly pp. 135–40. At the University of Trier, Andreas Lehnertz is currently working on a dissertation on the topic of Jewish seals in late medieval Ashkenaz.

78 Brugger and Wiedl, *Regesten*, I, p. 55, no. 40. Berend, *Gate of Christendom*, p. 118, presumes either accrued interest (since it is unknown for how long the bible had been pawned) or additional loans.

79 Shatzmiller, *Cultural Exchange*, pp. 25–26.

80 Berend, *Gate of Christendom*, pp. 118–19.

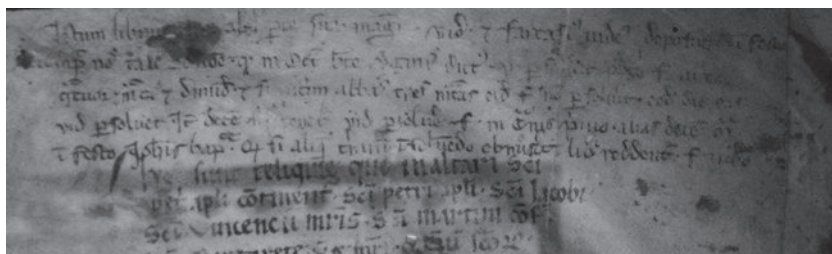
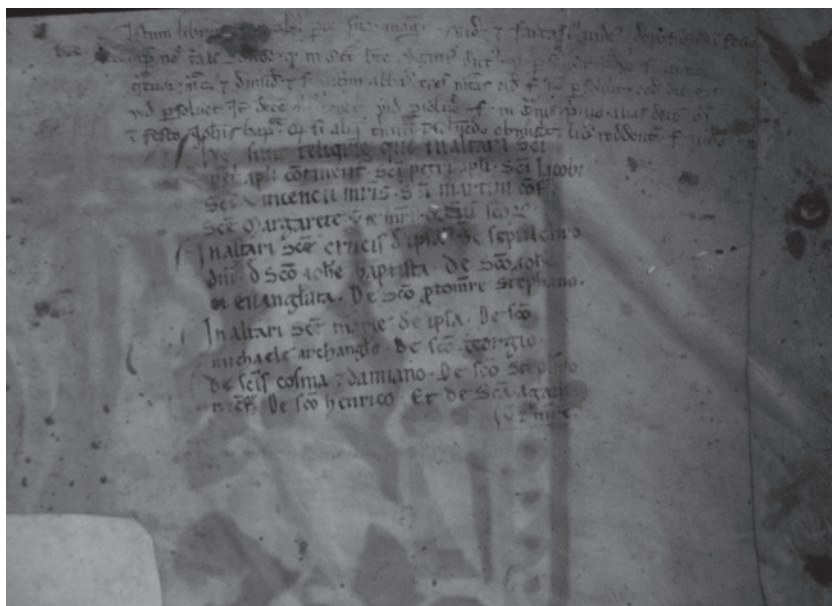


Fig. 3a-b Admonter Riesenbibel (Giant Bible of Admont), 12th century, Austrian National Library, Cod. series nova Cod. 2701, fol. 3r: The (faded) note on the inner cover recording the pawning of the volumes to Lublin.

former manuscript, which in its original form had been a compilation for teaching purposes.<sup>81</sup> This means that the context in which the case of the pawned bible was

<sup>81</sup> All that is left is a double page and a few strips of parchment, which were used as the cover and folds of a manuscript from 1421, from which they were removed in 1971. The fragments are now Österreichische Nationalbibliothek Wien (Austrian National Library, Vienna), Cod. Ser. n. 14458. Hermann Menhardt, *Verzeichnis der altdutschen literarischen Handschriften der österreichischen Nationalbibliothek*, vols I-III, Deutsche Akademie der Wissenschaften zu Berlin, Veröffentlichungen des Instituts für deutsche Sprache und Literatur, 13: 1-3 (Berlin: Akademie Verlag, 1960-1961), I (1960), pp. 325-26 (on the 1421 manuscript Cod. 2815, on the fragments p. 326).



presented is now lost to us. In the relevant fragment, it is however the Abbot of the monastery himself who pawns the (single) book, and there is no suggestion of either illegitimacy of this transaction, or of the Jew not receiving the book in person.<sup>82</sup>

These had been times of extreme poverty, violence and pillaging, and so it had been for the sake of mere survival, so the Bohemian abbot Peter of Zittau explained in his *Chronicon Aulae Regiae*, that the monks of Sedlec had sold their mobile goods and pawned their treasure to the Jews, accepting out of need voracious interest rates.<sup>83</sup> Since the monks were, according to Peter, acting out of sheer necessity, out of the need to subsist and buy aliments, they were acting on the only permissible ground to give in pawn the most precious of their valuables. The Jews however, even if they were not at the core of the monks' hardship, were at least an essential contributor to their plight. They had, literally, cashed in on the brothers' situation, demanding their (customary) rapaciously high interest rates: *sub usurarum voragine*, these same 'voracious interest rates' that both Bishop John in his quest to get mitre and crozier back, and steward Hans Payer in his effort to shift the blame had referred to. Yet had they in fact? We may wonder. Both of these accounts stem from papal diction. Bishop John's charges are only recorded in the papal mandate, and Hans Payer's statement was rendered in the report to the papal chancellor. The Bishop's wrongdoings, which had provoked the inquest to begin with, had, at least in the papal reports, successfully been projected on the Jews: By demanding their usual rapacious interest rates, they had caused the affair to spiral out of control.

82. *Intellexim[us], quod abbas de Chatar unum librum Biblia vocatam cuidam Iudeo pignori obligasse*; see Géza Érszegi and László Szelestei, 'Fogalmazámintákat tartalmazó tankönyv töredékei a 14. század első feléből', in *Tanulmányok a középkori magyarországi könyvkultúráról*, ed. by László Szelestei (Budapest: Országos Széchényi Könyvtár, 1989), p. 318.

83. Josef Emler et al., *Fontes Rerum Bohemicarum*, vols I–VIII (Prague: Nákl. N. F. Palackého et al., 1871–1932), IV (1884), p. 18.