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The political and economic relevance of Jewish loans for the dukes of Austria during the late Middle Ages¹

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Abstract: From the mid-thirteenth century onwards, the dukes of Austria actively promoted Jewish moneylending in their territory by establishing the credit business as the only occupation for Jews they considered desirable, and the only occupation that was profitable enough to enable the Austrian Jews to pay the taxes the dukes demanded from them in return for their protection. This article aims at analysing the role which Jewish moneylenders played for the dukes by comparing the various ways through which the dukes instrumentalised their control of Jewish credit business, and by tracing the gradual change in the dukes' attitude toward the Jews, whose position deteriorated from a group under special ducal protection to a mere financial commodity to be exploited at the duke's discretion in the course of the fourteenth century. At the same time, measures like the pawning of Jewish taxes or the annulment of Jewish loans contrast with ducal efforts not to lose the Jewish population as a source of income altogether, which mostly kept the Austrian Jewry physically safe until the early fifteenth century – longer than in many other territories of the late medieval Empire.

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Introduction

The *Judenregal* (right to the Jews), originally defined as an exclusive regal right, was a much-coveted prerogative among the territorial princes of the Empire for both political and financial reasons during the late Middle Ages (Toch, 2013, pp. 48–49). The dukes of Austria, officially enfeoffed with the *Judenregal* in 1331 (Brugger and Wiedl, 2005, p. 278, no. 338), actually managed to establish almost exclusive sovereignty over the Jewish population of their lands in the first half of the 13th century. The close attachment of the Jewish subjects to their duke was cemented with Duke Friedrich II's privilege for the Austrian Jews in 1244 (Brugger and Wiedl, 2005, pp. 35–37, no. 25). This ducal privilege accommodated the immigration of Jews into the duchy and created a valid legal basis for this group

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that was to last until medieval Jewish settlement in Austria came to a violent end in the early 15th century.

The privilege was issued with the clear intention of promoting and legally safeguarding Jewish settlement in Austria, with economic utility – unsurprisingly – being the duke's first priority. The numerous provisions concerning Jewish pawnbroking and moneylending leave no doubt that as far as the duke was concerned, the only desirable occupation for Jews in Austria was the money business – other occupations were not mentioned at all, indicating that while they were not forbidden, they were of no interest to the duke (Chazan, 2010, p. 124). The privilege simultaneously established a direct attachment of the Austrian Jews to their duke by subordinating them to his chamber, that is the ducal treasure, going so far as to establish that financial penalties levied for attacks against the Austrian Jews were to go largely to the duke. Based on this charter, the Austrian dukes granted their Jews protection and favours; in exchange, the Jews had to pay them substantial taxes and accept ducal control of their business (Brugger, 2016, pp. 268–269).

Jewish moneylenders between duke and nobility

The dukes of Austria were not the only territorial princes who encouraged Jews to go into the credit business. At a time of intense debate on the general $[p. 76 \rightarrow]$ morality of interest-taking, the disapprobative stance of most ecclesiastical authorities (Gilomen, 2018) could not diminish the demand for credit which was part and parcel of the general development towards a more money-based economy. Jewish moneylenders were often seen as one (albeit no the only) way to resolve that problem, even though the majority of loans were at all times granted between Christian parties (Lohrmann, pp. 249–250). The well-established stereotype of a Jewish "monopoly" on moneylending on interest has been thoroughly debunked (Brugger et. al., 2013, pp. 156–158); a study of the Austrian source material that focuses on the credit business in general (as opposed to studying Jewish loans exclusively) shows that Christian creditors found various ways to circumvent ecclesiastical prohibitions on interest-taking or ignored them altogether (Brugger, 2004, pp. 23, 107–109).

At first, these sources mostly resulted from contacts between the Christian and Jewish social elites; written sources concerning lower-class business transactions only became more numerous in the course of the fourteenth century. This should not be seen as an indication that Jewish-Christian business relations were restricted to the upper social classes of both groups in this period. On the contrary, the aforementioned first ducal privilege for the Austrian Jews indicates that the 'smaller' pawnbroking business was the norm, not the exception: ten of the 31 paragraphs dealt with pawnbroking, while only one touched upon bigger credit transactions between Jews and Christian noblemen. However, the smaller business transactions (pawnbroking and short-term loans for small sums of money) were not yet considered important enough to warrant a written record, which is illustrated by the fact that debt inventories and similar sources which shed light on smaller Jewish business transactions in other parts of Europe did not exist in Austria at the time (Brugger, 2016, p. 269).

For that reason, the bulk of the surviving source material on Jewish business from the thirteenth and first half of the fourteenth centuries consists of charters documenting financial dealings between the elite of Jewish financiers and noble debtors. The economic changes of the period caused financial

struggles for many noble families, although some also proved remarkably apt at working the new, more money-based system in their favor. However, Jewish moneylenders were hardly ever the first choice of Austrian noblemen who needed to raise money. The nobility was well aware that failure to settle their debts could lead to the loss of pawned goods, which usually meant land: fields, vineyards, and houses were the most common pledges. Noble families tried to avoid losing landed estates that way and often preferred to borrow from their family members so that unredeemed pledges would remain part of the family property. With a few exceptions, members of the nobility regarded the services of Jewish moneylenders as a last resort if no other solution was available (Brugger, 2004, pp. 107–108). Another factor in this reluctance was the close connection between the Austrian Jews and the [p. $77 \rightarrow$] duke – since the Jews were direct subordinates of the ducal chamber, indebtedness to them could render a debtor more dependant on the duke's benevolence than many nobles were comfortable with.

Those misgivings were hardly baseless since the Austrian dukes repeatedly interfered in loan transactions on behalf of their Jewish subjects. By putting pressure on noble debtors to repay their Jewish loans, the dukes tried to prevent economic damage to their Jews which, in turn, would have affected their own profits from the Jewish tax (Brugger, 2004, pp. 39–41). During the early period of Habsburg rule in Austria, which was a time of power struggles between the new ruling family and the nobility of the land, Duke Albrecht I even went a step further: Leutold of Kuenring, instigator of a rebellion of the Austrian nobility against the duke, had to submit to Albrecht I in 1295 and to promise (among other things) to compensate the duke's Jews for everything 'he had taken from them or owed them'. If the Jews should put too much financial pressure on Leutold, the duke promised to appoint an arbiter (Brugger and Wiedl, 2005, pp. 94–95, no. 89) – a clear threat to the influential nobleman that it was entirely up to the duke to decide how much access to Leutold's property his Jewish creditors were getting, thus making sure that Leutold would not risk opposing Albrecht I any more (Lohrmann, 1990, p. 117).

It is therefore not surprising that it was mostly families from the lower ranks of the Austrian nobility, risen to a position of power in the duke's service, who were willing to use the financial services of the duke's Jewish subjects. The most spectacular example in this regard was the Lower Austrian ministerialis Kalhoch of Ebersdorf: in 1298, Kalhoch purchased the ducal office of chief chamberlain – an office whose holder exercised vicarious jurisdiction over the Austrian Jews since 1244. Kalhoch had raised the required sum in part through a loan from his Jewish lender of many years, Lebman from Vienna. However, he subsequently found himself having trouble paying the money back; in late 1305, he resorted to the drastic measure of pawning the office of chief chamberlain including all income arising therefrom (explicitly including all revenue coming from the Jews) for seven years to his creditor Lebman to cover a debt of 800 pounds of Viennese pence. However, Lebman could only claim the income from the office, while the corresponding authority of the chamberlain was transferred to another ducal official, the Hofmarschall Dietrich of Pillichsdorf, until such a time that the office was redeemed – presumably a condition imposed by the duke, whose approval was required for this arrangement (Brugger, 2004, pp. 69–81). Kalhoch, who managed to establish his family among the elite of the Austrian nobility, could only take such financial risks because his loyalty to the dukes ensured that the dukes would not use his debts to a Jewish creditor against him.

Considering how keen the dukes of Austria were on Jewish moneylenders doing business in their territory, there is surprisingly little evidence of the [p. 78 \rightarrow] dukes themselves taking out loans with

their Jewish subjects. In 1225, the Jew Teka stood surety for Duke Leopold VI of Austria for 2000 marks which the duke had to pay the king of Hungary as part of a peace treaty, but even though Teka owned a house in Vienna, he was mostly active in the service of the Hungarian king and can hardly be considered an Austrian Jew (Wiedl, 2010, p. 242). In the course of the fourteenth century, some Austrian dukes seem to have used nobles as middlemen, who would take out loans with Jewish creditors for which the duke ostensibly stood surety, while the wording of the debt instruments suggests that the real debtor was in fact the duke himself (e.g. Brugger and Wiedl, 2005, p. 253, no. 298). It is not entirely clear why the Habsburg dukes were so coy about being indebted to Jewish moneylenders, given that such debts were hardly an unusual occurrence for territorial princes during that timeframe. Reversely, there is frequent evidence of the dukes repaying their own debts to Austrian nobles by amortizing the Jewish loans of the nobleman in question, although not always by redeeming them outright. Since Jewish creditors had no way to enforce repayment from the duke himself, debt instruments from the middle of the fourteenth century onwards often contained the debtor's formulaic promise not to transfer the debt to the duke - a provision that was very likely demanded by the Jewish creditors, although there was little they could do if the duke still decided to take over the debt (Brugger, 2012, pp. 339–340).

While the Habsburg dukes hesitated to take out direct loans with their Jewish subjects, they readily pledged their revenues from the Austrian Jewry to their Christian creditors. The Jewish tax in particular could be pawned to ducal retainers and allies alike, especially during times of war. In 1320, the Austrian duke Friedrich the Fair, who was fighting against Ludwig the Bavarian for the German crown, affirmed a debt of 1200 marks in silver owed to his ally, the archbishop of Salzburg. Duke Friedrich promised to ensure that the chamberlain would settle two thirds of the sum from the Viennese Jewish tax (Wiedl, 2012a, pp. 375–377). From then on, the dukes frequently used mortgages on the Jewish tax as a comparatively safe way to raise money, especially since the holder of the Judenregal not only had the right to collect the regular annual Jewish tax, but also to levy special taxes as an extraordinary measure. When Dukes Albrecht III and Leopold III found themselves in massive financial difficulties during the 1370s, they signed the entire financial administration of their lands, including the Jewish tax, over to a consortium of three ducal officials and two citizens of Vienna for the duration of four years (Lackner, 2002, pp. 45–49). In such a context, the Austrian Jews became a source of ducal income among many that could be pledged at will – a concept that could be reconciled with the ducal promise of protection for the Jews because of their special status as subordinates of the duke's chamber (Toch, 2013, pp. 104-106).

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Ducal protection of Jewish credit business

The privilege of 1244 had granted the ducal chief chamberlain vicarious jurisdiction over the Austrian Jews. However, the chamberlain rarely appears as a judge in documentary sources relating to Jewish affairs; much more commonly, he corroborated credit transactions between members of the nobility and of the Jewish economic elite with his seal (Brugger, 2004, pp. 85–86). The consultation of the chief chamberlain was supposed to ensure that the documented agreement was binding for both sides, which was fundamentally in the interest of all involved parties.

The chamberlain also occasionally supported Jewish creditors in their efforts to collect their receivables from noble debtors, sometimes in collaboration with the *iudex ludeorum*² (justice of the Jews): for example, Duke Friedrich the Fair tasked the acting chamberlain Reinprecht of Ebersdorf and the Viennese *iudex ludeorum* During Piber to assist all Jews resident in Austria in collecting their receivables in 1317 (Brugger and Wiedl, 2005, p. 198, no. 209). From the perspective of the territorial prince, it was important to ensure that the income of his Jewish subjects – especially of the economic elite of Jewish financiers – was not diminished as a result of their financial dealings with Christians since that would have reduced the revenues the duke could expect from the Jewish tax.

Their close connection to the Austrian duke, and his financial interest in furthering their profits from credit transactions, was an important factor in the prospering of Jewish communities in Austria during the thirteenth century. However, their dependency on ducal protection left the Austrian Jewry in a precarious situation during the first half of the fourteenth century, which brought about the first major persecutions of Jews in the Duchy of Austria (Brugger et. al., 2013, pp. 208–219). Unlike most German cities, Austrian towns had little power over the Jewish community in their midst, which also meant no financial profit and therefore no reason to value or protect them, while Jewish credit business was often seen as unwelcome competition and Jewish privileges were considered an unfair economic advantage over Christians (Wiedl, 2013, pp. 201–208). It is therefore no coincidence that the first persecutions were carried out by the citizenry of the towns where the Jews lived, not by any secular or ecclesiastical authority.

An assault on a group who was under the protection of the duke and so closely linked to him that it technically belonged to his treasure constituted a direct challenge to the duke's authority which he could not tolerate. While ducal protection usually proved too slow or ineffective to prevent outbreaks of anti-Jewish violence, the dukes often attempted to punish the attackers afterwards, although the severity of their reaction depended on a number of political and economic factors that had little to do with the Jews themselves (Brugger, 2016, pp. 270–278). Still, by learning from the experiences [p. $80 \rightarrow$] of previous persecutions, Duke Albrecht II was able to keep the Jews of Austria mostly safe during the period of the Black Death (Brugger and Wiedl, 2010, pp. 94–98, no. 645–647), which was accompanied by massive outbreaks of anti-Jewish violence (usually instigated by municipal authorities or even territorial rulers) in many other territories of the Holy Roman Empire in the middle of the fourteenth century (Müller, 2004, pp. 256–257).

The general willingness of the Austrian dukes to protect their Jews and to punish their attackers earned them harsh criticism from the clergy. Duke Albrecht II. was reproachfully dubbed 'patron of the Jews' (*fautor Iudeorum*) (Brugger and Wiedl, 2010, p. 98, no. 647), an epithet which had already been used for his older brother and predecessor Duke Rudolf III (Brugger and Wiedl, 2005, pp. 156–157, no. 147). In the latter text, the Cistercian author Ambrose of Heiligenkreuz also turned the commonplace stigmatization of Jewish moneylenders as usurers into a vehicle for polemical criticism of the ruler's policies by explicitly accusing the duke of protecting 'his most beloved Jews' in order to profit from their usury (Wiedl, 2012b, pp. 319–320).

Not only the clergy was aware of the fact that the Jews played a mostly financial role for the duke – municipal authorities repeatedly tried to use the Jewish population of their city as a bargaining chip

² On the office of the *iudex ludeorum* see the article by Birgit Wiedl in this volume.

when they were quarrelling with the duke over legal or financial matters. During the widespread persecutions that followed an alleged Jewish host desecration in the Lower Austrian town of Pulkau in 1338, the city of Vienna forced the Viennese Jewish community to agree to a severe reduction of interest rates on Jewish loans in return for protection. The privilege of 1244 had allowed the Austrian Jews a weekly interest rate of eight pence per pound, but in 1338, the Jewish community had to 'voluntarily' lower the maximum weekly interest rate on loans taken out by Viennese citizens to three pence per pound. In spite of the financial losses they were bound to suffer from the lower profit margins of Jewish moneylenders, Dukes Albrecht II and Otto had to agree to the reduction in order to keep the Viennese Jewry safe (Brugger, 2013, pp. 194–195). Although both the Hebrew and the ducal charters (Brugger and Wiedl, 2005, pp. 336–338, no. 439–440) were addressed to the citizens of Vienna only, the interest rate of eight pence subsequently disappeared almost completely – albeit as part of a larger-scale development that was limited neither to Jewish loans nor to Austria, since interest rates were generally declining during the fourteenth century (Wenninger, 1991, p. 290).

Ducal encroachment on Jewish credit business and its limits

While there is no evidence that Jews in the Duchy of Austria fell victim to violent persecution during the second half of the fourteenth century, ducal protection of Jewish business was weakening. The persecutions had demonstrated to the Christian population that the Jews were vulnerable and that the protection [*p.* 81 \rightarrow] they received from the dukes had its limitations – but more importantly, the dukes themselves were beginning to lose interest in protecting Jewish business as the economic relevance of Jewish moneylenders waned (Wiedl, 2009, p. 301). The Jews became one source of ducal income among many, while their status as a group under the direct protection of the duke lost significance. An early indicator of the gradual loosening of ducal protection was a ducal charter, issued in 1330 for the chamberlain Reinprecht of Ebersdorf. The charter gave the chamberlain permission to take the money which Dukes Albrecht II and Otto owed him from the Jewish tax and, in case he shouldn't get his money, to hold the wealthiest Jews captive until they had paid Reinprecht the sum he was owed (Brugger and Wiedl, 2005, pp. 316–317, no. 407).

Social markers of the Jewish loan clientele were shifting as well: the surviving sources indicate that a growing number of Christian clients now came from lower classes, no longer from the nobility and the urban elites (Toch, 2008, pp. 197–199). This might partly be due to the fact that financial transactions between Jews and lower-class Christians were now more likely to be recorded because of the emergence of *Judenbücher* (*libri Iudeorum*), which documented Jewish loans, during the second half of the fourteenth century (Wiedl, 2013, pp. 218–219). However, it may also indicate a gradual decline in the social status of the majority of the Jewish population, especially since Christian credit business was growing steadily at the same time, which diminished the importance of Jewish moneylenders (Brugger, 2016, pp. 278–279).

At the time, more and more rulers throughout the Empire were considering the option of alleviating their financial problems by seizing Jewish property (Toch, 2013, p. 64). In Austria, Dukes Albrecht III and Leopold III started to extort money from rich Jewish subjects by holding them captive until they paid huge sums as ransom (Brugger et. al., 2013, p. 220). Another indication that Jewish business interests were no longer the dukes' main concern after the middle of the fourteenth century was the growing number of *Tötbriefe* ('killing letters'), ducal decrees which cancelled the debts of persons or

institutions without any compensation for the Jewish moneylender in question (Brugger, 2012, pp. 331–333). They were most often issued to the benefit of Austrian nobles – usually because the duke owed the nobleman in question money for his services. Sometimes, they were also used as a means of punishing Jews who left the duke's territory without explicit permission (Lohrmann, 1990, pp. 217–220). Duke Rudolf IV (1358–1365), who placed great importance on stressing his sole right to rule over 'his' Jews (up to the point of including it in his famous falsification of imperial privileges for Austria known as the *Privilegium maius*), was especially quick to issue 'killing letters' for the purpose of punishing the 'flight' of a Jew from his lands – an accusation that was facilitated by the general mobility of the Jewish economic elite. Rudolf often chose to take over outstanding Jewish loans instead of simply [*p.* 82 \rightarrow] annulling them; in some cases, he acted so aggressively that his brothers and successors Albrecht III and Leopold III considered it necessary to rescind their late brother's decrees in order to encourage a wealthy Jewish financier to return to their territory (Brugger, 2012, pp. 335–337).

The severe ducal extortion policies generally seem to have been abrogated in the mid-1380s because they had brought the Jewish population to the limits of their economic capabilities (Lohrmann, 1990, pp. 291–292). New ducal privileges for the Jews, granted by Dukes Wilhelm and Albrecht IV in 1397 and 1401, can thus be regarded as attempts at damage limitation, as the dukes realised that they had to enact countermeasures if they did not wish to lose the Jewish population as a source of income altogether. The aforementioned privileges confirmed the old rights of the Jews in Austria, offering the Jewish population protection from violence and plunder and promising Jewish creditors the eschewal of ducal debt cancellations as well as the assistance of the Austrian *Landmarschall* in the collection of their receivables (Brugger and Wiedl, 2018, pp. 191–192, no. 2147, pp. 233–235, no. 2220).

Ducal mandates tasking the *Landmarschall* with the support of Jewish creditors were indeed issued both in 1397 and in 1401 (Brugger and Wiedl, 2018, p. 186, no. 2141, pp. 239–240, no. 2227). The *Landmarschall* had already been deployed on occasion as a ducal representative in Jewish tax issues in the last third of the fourteenth century. The collection of debts owed to Jews by the nobility may have been a particular responsibility in his remit; it would explain why *Landmarschall* Rudolf of Wallsee-Enns was already instructed to assist Jewish moneylenders in the early 1380s (Brugger and Wiedl, 2015, p. 373, no. 1771). In a privilege issued in 1402, Dukes Wilhelm and Albrecht IV not only aimed to regulate the stagnating collection of the Jewish tax, but also tasked the Austrian *Landmarschall* above all other officials with the protection of the rights of the Jews – a task which remained his responsibility until the end of Jewish settlement in medieval Austria (Brugger and Wiedl, 2018, pp. 256–257, no. 2255).

Matters of authority relating to Jews also became a factor in the conflicts concerning the guardianship of the underage Duke Albrecht V that arose between representatives of the other Habsburg lines after Duke Albrecht IV's death in 1404 (Niederstätter, 1996, p. 239). Of particular interest in this context is a statement by the Austrian territorial estates dated September 1406 which prescribed that the guardian should uphold the old rights of the Jews in Austria, including assisting them in the collection of debts (Lampel, 1927, p. 163, no. 18295). At a time when a growing number of territorial rulers or municipal authorities throughout the Empire decided to expel their Jewish population altogether (Wenninger, 1981), there was still (some) interest in preserving the economic capability of the Austrian Jewry in general, and of Jewish moneylenders in particular, during the early years of the fifteenth century.

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Conclusion

Even though the Austrian dukes set great store by their role as protectors of all Jews living in the Duchy of Austria, their efforts to coax their Jewish subjects into the credit business left no doubt that other Jewish occupations were of little interest to them, and that the Jews could only expect concrete ducal support in their function as moneylenders. Regular Jewish taxes and the growing number of extraordinary levies were another factor that made it necessary for the Jewish communities to make profits from moneylending in order to remain able to satisfy the dukes' financial demands and therefore keep the territorial princes interested in their continued protection.

Ducal interest in Jewish moneylending proved to be a mixed blessing for many Jewish businessmen and –women in Austria: on the one hand, the economic elite of wealthy Jewish financiers were often granted generous privileges, in some cases even a special legal status, in return for even higher taxation (Lohrmann, 1990, pp. 294–296); on the other hand, the dukes regarded their Jewish subjects mostly as a financial commodity and often did not hesitate to exploit them accordingly with little regard to the impact that measures like the pawning of Jewish levies or the annulment of Jewish loans had on individual Jewish businesspeople or communities as a whole. Only when the growing financial burdens began to endanger the 'usefulness' of the Austrian Jews as a source of ducal income on the whole did the dukes start to reconsider their previous policies to a certain degree, albeit without deviating from their basic view of the Jews as a financial resource until Duke Albrecht V brought Jewish life in Austria to a violent end through the persecution campaign known as the 'Vienna Gesera' which he initiated in 1420 (Brugger et. al., 2013, pp. 221–224).

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