

**Jewish credit business in the urban context
of late medieval Austria.**

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Chapter 13: Jewish credit business in the urban context of Late Medieval Austria

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Introduction

Medieval Jewish settlement in today's Austria¹ took place rather late compared to other parts of the German-speaking area. In the south, the first Jewish settlement can be traced in Friesach, an enclave of the archbishop of Salzburg in the Duchy of Carinthia, in the 12th century (Wenninger 2015, pp. 341–3); in Austrian and Styrian cities, full-fledged Jewish communities developed from the early 13th century onwards, particularly in Vienna, Krems, Wiener Neustadt, and Maribor (today's Slovenia). Although it was the urban centres that attracted the majority of Jewish settlers, the number of Jews dwelling in the countryside should not be underestimated.

The legal position of the Austrian Jews was for the most part defined and assigned by the ruler. Therefore, legal provisions dealing with Jews and the (urban) Jewish credit market can mainly be found in documents issued by territorial princes: general privileges for the Jews were issued by the ruler and applied to all Jews living under their governance, and also town charters were for the most part issued not by the municipality, but by the lord of the town. A single exception for Austria is Emperor Friedrich II's privilege for the Jews of Vienna, that repeats his imperial privilege from 1236 and emphasises his claim to the *Judenregal* during his power struggle with the Austrian duke (Brugger & Wiedl 2005, pp. 31–32, no. 20). Yet apart from remaining immediate subjects to the ruler throughout the Middle Ages, Jews in Austrian towns were subjected to a variety of legal systems – the town laws and legal systems of manorial lords (and ladies) as well as the common law, be it codified or oral.

The legal basis for Jewish life was the ducal privilege of 1244 that put the Jews of Austria under the sovereign rule of the duke (see the contribution of Eveline Brugger) and was extended to their other territories by the Habsburg dukes, and also adapted in most of the neighbouring countries (Magin 1999, pp. 354–60). The privilege emphasised the duke's interest in Jewish monetary business and laid claim to his judiciary prerogative, which was stressed by an explicit exclusion of the municipal court (Brugger & [p. 164] Wiedl 2005, pp. 35–7, no. 25). Economic control was in part given to the office of the *Judenrichter* (*iudex iudeorum*, Justice for the Jews), usually a member of the respective town's upper-class citizenry, who had limited rights of supervision over the selling of unredeemed pledges. Despite the strong ties to the ruler many of the *Judenrichter* enjoyed, the towns were generally interested in expanding the office's competences, gradually transforming the office into an at least partly municipal one.

Due to the duke's financial interest, the regulations of the privilege focussed mainly on moneylending and pawnbroking and thus laid the basis for both the Jewish credit business and the cities' continuing attempts to modify them to their benefit. While many of these articles were a genuine creation of the ducal chancellery, the central part, the right of the Jews to clear themselves of the suspicion of having accepted stolen goods as pledges by taking an oath (= Statute of the Market, Toch

2013a, p. 211), stood in the tradition of the imperial regulations from the late eleventh century (Toch 2013b, pp. 46–7). Most territorial rulers within the Holy Roman Empire had granted this right to their Jewish inhabitants; over time, it became a major point of contention between the territorial princes and their cities, with the latter seeking to abolish or at least curtail the Statute (Magin 1999, pp. 352–400).

Urban policy regarding Jewish moneylending

The policies of the Austrian cities were aimed at mitigating the regulations of the 1244 privilege or, at least, at benefiting in some way from the Jewish community. Already late-13th-century town charters therefore addressed two concerns that became the main conflict issues between ruler and towns: the questions of jurisdiction and of control over the Jews' economic activities. Due to the cities' limited power base, their 13th-century attempts at modifying the regulations to their benefit remained restricted to altering single articles. Towns strove to weaken the Jews' legal position by changing the place of jurisdiction (the synagogue), by at least partially involving the municipal judge, and by replacing the required Jewish witness with one or more Christians, a development that was by no means unique to Austrian towns (Gilomen 2009, pp. 24–6). Other issues raised in the 1244 privilege such as penalties for hurting and killing Jews, for devastating cemeteries and synagogues, and for rape, were hardly ever touched upon by municipal legislation (Wiedl 2013, 209–11). In economic regards, the main issues that remained predominant throughout the town charters of first half of the fourteenth century were, apart from excluding Jews from specific professions, directly connected with moneylending: the limitation of interest rates, and the regulation of pawnbroking.

Early attempts

In 1308, the citizenry of the Carinthian town of St. Veit, seat of the ducal court, took advantage of the ongoing struggle between the Carinthian [p. 165] Duke Heinrich VI and the Austrian Duke Friedrich the Fair for the Bohemian crown. The latter, having managed to take hold of the Carinthian towns, was willing to acquiesce to the citizens' demands. The articles introduced by the St. Veit citizenry therefore represent a prime example for a town's wishes regarding the regulation of Jewish credit business: in a quasi-negation of the Statute of the Market, Jews were forbidden to accept any potentially stolen goods in pawn at all, and were furthermore forbidden to take anything in pawn from a person unknown to them, a regulation that must have proven extremely harmful to the everyday business of Jewish pawnbrokers who at least partially relied on walk-in customers. Most town charters of the fourteenth century did (or could) not go that far and thus strove at expanding the list of items the 1244 regulation forbade the Jews to accept in pawn: to the bloodstained or soaked (i.e., illegally appropriated) objects, towns added specific items that were mostly of ecclesiastical (chalices, tunics) and economic or agricultural provenance (unprocessed yarn and cloth, unground corn; Wiedl 2013, 211–12). Comparison with other cities shows that defining and limiting the range of pawnable objects was a core interest of towns throughout the Holy Roman Empire, and that the objects chosen were rather similar (Maimon 2003, p. 2184; Müller 2012).

Apart from pawnbroking, the reduction of the Jewish interest rate was the central bone of contention between the towns and their respective rulers. The maximum rate of eight pennies per pound per week that had been set by the 1244 privilege was already being undermined by late-13th-century efforts: the forged town charter of Wiener Neustadt from the late 1270s cut down the interest

rate to three or four pennies and combined this with additional improvements for the debtor such as denying the creditor's right to compound interest during the first month after default of payment. Other towns went along the same lines and tried to at least sneak in small benefits, such as the Carinthian town of Villach: while the privilege issued by the town lord, the bishop of Bamberg, followed the 1244 privilege to a large extent, the loss of compound interest in the first month was added, as was the addition of chalices and tunics to the forbidden pawn objects (Brugger & Wiedl 2005, pp. 255–7, no. 302).

Municipal policies after 1338

Throughout the Holy Roman Empire, the complete dependence on the ruler's protection left the Jews in a precarious situation (Müller 2004, 254–6). In Austria, this first came to pass in the wake of the persecutions that followed an accusation of host desecration in the Lower Austrian town of Pulkau in 1338. The persecutions went far beyond the local scope and affected many Jewish settlement in Austria, Moravia, Bohemia, and Carinthia, whereas the largest Jewish community in Vienna remained safe, albeit at a(n) (economic) price. Recognising the danger the Jews were in, the Viennese citizenry seized the chance to make use of the persecution to their own advantage: in [p. 166] June 1338, with the persecutions only just abating, the Jewish community had to agree to a severe reduction of the interest rate for loans given to Viennese citizens in return for protection. In their charter, the Jewish community of Vienna spoke of the "clemency" the citizens were showing them in times of their distress, and to show their "gratitude", they had promised to lend the pound only against a maximum interest of three pennies per week, a serious decrease from the 1244 interest rate of eight pennies. The Jewish community's consent alone was however not considered sufficient – as sovereigns over all Austrian Jews, the dukes would consider the city's action an interference into their rights as well as a threat to diminish the income of the ducal treasury due to its negative affect on the Jews' fiscal power. Therefore, the city of Vienna sought ducal approval, which the Austrian Dukes Albrecht II and Otto had to grant due to the precarious situation of their Jews (Brugger & Wiedl 2005, pp. 336–8, nos 439 and 440). Business documents from the mid-fourteenth century indicate that the interest rates had indeed decreased notably, yet this is true for transactions in both urban and rural areas, correlating with a general weakening of the ducal protection.

Vienna was not the only town that seized the opportunity to exploit the Jews' precarious situation: in September 1338, the bishop of Passau granted a new municipal law to his Lower Austrian town of St. Pölten that included two articles aimed at limiting Jewish credit and pawnbroking business: no Jew was allowed to accept houses, tunics, unground corn, and bloodied clothing as collateral from citizens or other episcopal subjects living within the city, unless they could produce a concession by the municipal judge. Furthermore, every Jewish moneylender had to present their debenture bonds and moveable pledges thrice annually to the municipal judge, who would in return confirm the submission in writing. Should a Christian debtor die within a year and the Jew not be able to present the judge's corroboration, the debtor's heirs were no longer liable to pay the debt (Brugger & Wiedl 2005, pp. 341–2, no. 444). These articles show for the first time in Austria a more encompassing municipal control exerted by the town judge; it is all the more interesting since no Jewish presence can be traced in St. Pölten after 1338 when the city's Jewish population had most likely been murdered (Wiedl 2013, p. 217).

Attempts at a more encompassing control

From mid-14th century onwards, Austrian towns strove to achieve a more encompassing control over the Jews. The increasing decline of the ducal protection offered considerable leeway for the towns to shift competences to their favour, allowing them to tighten their grip on the Jews perceptibly. In addition to limiting the pawnable objects, particular attention was paid to the extent to which their citizens indebted themselves, especially with regard to the mortgaging of houses and real estate. In this regard, municipalities [p. 167] used the office of the *Judenrichter*: according to the 1244 privilege, Jewish debtors could submit a request to the *Judenrichter* for permission to sell the collateral after one year of the pawning, provided that the capital and interest of the original loan had not exceeded the pledge's value; after a year and a day, the Jewish creditor had the general right of disposal over the collateral (Wiedl 2009, pp. 290–2), a time frame generally common in the pawnbroking business (Shatzmiller 2013, pp. 10–11). While the *Judenrichter* played an important role in the municipal supervisory measures of the late fourteenth century, he often had to share responsibility of the control over Jewish credit and pawn business with the municipal judge. In the Salzburg-ruled town of Ptuj (Lower Styria, today's Slovenia), the task was divided between the municipal judge, to whom the Jews had to submit their promissory notes annually, and the *Judenrichter*, who supervised their moveable pledges on a weekly basis; according to St. Pölten's town law of 1338, it was the exclusive right of the municipal judge to request the town's Jews to submit their debenture bonds and pledges thrice annually for approval. In 1396, several towns in Styria received a privilege by Duke Wilhelm that, among other articles, gave equal control to the municipal judge and the *Judenrichter* by ordering that debenture bonds from citizens of the respective municipality to Jews had to be corroborated by seal by both of them. It is however still unclear to what degree this regulation was put into practice on an everyday level; this double-sealing has only been evident in some cases in the materials analyzed to date (and had not been unheard of before the privilege). For example, a document issued by the Jew Gutel from Graz in 1398 was sealed by both the municipal judge and the *Judenrichter*, but concerned her sale of a forfeited pledges to a third party and not a debenture bond as such (Brugger & Wiedl 2018, p. 203, no. 2170). Furthermore, in only four of the nine privileged cities a Jewish presence can be traced for the time period; it is however not uncommon for ducal privileges and municipal laws to include articles concerning Jews irrespective of an actual Jewish presence (e.g. Brugger & Wiedl 2015, pp. 11–12, no. 1145: municipal law of Kitzbühel that included articles on the selling of meat by Jews, without any trace of Jewish settlement).

Jews as subjects of municipal administration

In the late 14th century, the towns' aim of monitoring Jewish business was extended beyond the producing, and certifying, of documents; municipal administration most notably strove to include the many transactions of small(er)-scale lending and pawnbroking, most of which had not been documented in writing at all until then. Of particular interest to the municipal administration was control over the mortgaging of houses and their potential subsequent forfeiture, whereas registers of moveable pledges, particularly jewellery, as can be found in many cities (Shatzmiller 2013, pp. 45–50), are [p. 168] not transmitted for Austria. To ensure the control over the mortgages, many towns set up a *Judenbuch* (*liber iudeorum*, Peter 2007) as well as registers of Jewish house-ownership. The *Judenbuch*, usually administered by the *Judenrichter*, was the place where all the business transactions conducted by and with Jews had to be registered in, but it also provided some protection for the Jews: the entries rendered it impossible for debtors to claim that bonds presented by Jews were forgeries, and Jews could produce the *Judenbuch* as proof before court. It is important to note that these

tightening municipal control measures were not exclusive to the Jewish inhabitants: some of the *Judenbücher* were included in the general *Satzbuch* (mortgage register), as is the case for the *Judenbuch* of the Scheffstrasse (Goldmann, 1908). The Scheffstrasse, a small community outside the Vienna city walls and subjected to the duchess of Austria, had its own register, kept by both ducal officers and representatives of the city of Vienna. While the manuscript's first part was a cadastral register, the second and third parts are dedicated to loans among Christians and Jews respectively. The entries of the *Judenbuch* registered loans granted by Jews, Viennese as well as Lower Austrian and Bohemian Jews, to inhabitants of the Scheffstrasse, who were mostly small-scale craftsmen, for the years from 1387 to 1421 (Wiedl 2014, pp. 140–2).

The setting up of *Judenbücher* was not exclusive to the cities: rulers and monasteries, as well as the Estates of Styria and Carinthia in the fifteenth century tried to keep track of their debts by means of *Judenbücher* (Brugger et al. 2013, pp. 161–2). The setting up of a *Judenbuch* also seemed to be subjected to ducal approval, (e.g., Duke Albrecht III's permission to Bruck/Leitha, Brugger & Wiedl 2018, p. 26, no. 1886), signifying the duke's sovereignty over the Austrian Jews.

Apart from the *Judenbücher*, most of which were lost during the persecutions of 1420/1421 that ended Jewish settlement in the duchy of Austria, the Jewish credit market within towns can also be traced in the general municipal cadastres and title registers that document the pawning of houses and real estate by Christian debtors to their (not only) Jewish creditors. It is however crucial for an extensive survey of an urban credit market to include the administrative records of manorial lords, particularly monasteries, within a city; e.g. for Vienna, there are over 30 manuscripts to add to the (already extensive) municipal records, stemming from provenances such as the Scottish Monastery, the Teutonic Order, and the Citizens' Hospital (Geyer & Sailer 1908).

Jewish moneylenders and their clientele

The earliest (traceable) business connection of citizens of an Austrian town with a Jewish creditor dates back to the year 1264 when two citizens of Krems that housed the second-largest Jewish community (after Vienna) took out a loan with the Jew Ismael of the same city (Brugger & Wiedl 2005, [p. 169] pp. 56–7, no. 42); the transaction also marks the first actual appearance of a *Judenrichter* in Austria who corroborated the business deal. Up until the mid-fourteenth century, only the urban upper classes appear in the business documents due to a general lack of written source material for the lower strata of the social scale. Usually, the urban debtors take out the credit together with their wives, while widows are commonly accompanied by other relatives but do appear on their own as well (e.g., Geyer & Sailer 1931, pp. 434–5, no. 1449). Jewish women played an important role as moneylenders particularly in the smaller-scale pawnbroking business, as the high number of entries concerning female moneylenders into the *Judenbuch* of the Scheffstrasse indicates, whereas Jewesses from prestigious families counted high-ranking citizens and nobility among their clientele and could grant high credit sums (Keil 1999). The amounts taken out in loan varied greatly and could be as small as a few pound pennies (mostly Viennese pennies, although also Hungarian and Bohemian florins and the Aquileian mark appear), depended not only on the debtor's needs, but also their credit-worthiness which could result in more, or more valuable pledges, and the Jewish moneylender's financial capacities. Sums exceeding 100 pounds were rare among the urban clientele.

The majority of the records do not inform us about the debtor's reason to take out the loan. Credit periods were usually sought to be kept short and varied between a few days and several months; if a

loan was intended to run over a longer time period, the business partners normally agreed upon partial repayments. Otherwise, on the due date that was fixed in the obligation (and usually also noted down in the cadastre and mortgage registers), a pre-agreed-upon amount of money had to be paid back that included not only the capital but also the interest accrued over the initial credit period, meaning that with a few exceptions, the actual interest rate for the original capital cannot be deduced. Only in the event of default, the interest rate mentioned in the document would become effective as of the due date; in addition to this default interest, compound interest could apply in a long-standing loan. To evade these higher interest rates, many debtors sought new agreements shortly before the due date, usually by either a partial payment or, even more commonly, by pawning additional collaterals. In the late fourteenth century, interest rates seem to have been rather fixed at three, sometimes only two pennies per pound, meaning that the interest rate of eight pennies allowed to Austrian Jews in the 1244 privilege had long vanished from everyday business reality. The interest rates of what is referred to as 'daily interest', a (mostly) short-term loan where the debtor was subjected to interest with immediate effect, could go up to five pennies per week; this type of loan was the most unfavourable for the debtor and usually only taken out in dire need.

Municipalities themselves as debtors appear sparingly in the Austrian source material. A few small-scale loans from Sopron (Brugger & Wiedl 2015, pp. 204–5, no. 1477 and p. 220, no. 1506) with Jews from the neighbouring Wiener Neustadt can be traced, the only city that appears (rather) frequently [p. 170] as a debtor to Austrian Jews is Bratislava who had business contacts with Jews from the small Lower Austrian towns of Marchegg, Hainburg, and Weiden that were close by, or with Jews from Vienna who had migrated there from Bratislava (Brugger & Wiedl 2018, index lemma *Pressburg*). When in need of a higher loan however (of over 400 Hungarian florins), the city approached Jews from Vienna (Brugger & Wiedl 2018, pp. 228–9, no. 2215), as did the city of Brno, who, when taking out the considerable loan of 1000 pound pennies, turn to the Steuss family in Vienna, the wealthiest Jewish moneylenders of the duchy (Brugger & Wiedl 2018, p. 82, no. 1973). Brno also appears in a long list of debtors that includes the Moravian Margrave Jobst and the Bohemian marshal who had taken out a loan of over 2000 pounds from an equally long list of Jewish creditors from Vienna, Salzburg, Krems, Wiener Neustadt, and Herzogenburg (Brugger & Wiedl 2015, pp. 410–11, no. 1840).

Jews before court

Disputes over loans and forfeited pledges make up a large part of trials before municipal and manorial courts, where Jews appear both as plaintiffs and as defendants and can be seen exhausting the same legal remedies that were accessible to their Christian counterparts (Wiedl 2016). Jews and Christians sued each other over all sorts of economic issues, from overdue outstanding debts and unredeemed pledges to disputes over duties and levies as well as every-day neighbourhood conflicts. These trials not only show the inclusion of Jews into the municipal system of duties and rents but give evidence of their knowledge of the various judicial systems they were subjected to. Apart from municipal and manorial courts, Jews could appear before what is referred to as the *Judengericht* ('court for the Jews'), a court established to adjudicate in conflicts between Jews and Christians that consisted of an equal number of Jewish and Christian assessors and was headed by the *Judenrichter* (not to be confused with the Bet Din, the internal rabbinical court). Traces of this court are almost non-existent before 1400 and scarce still in the fifteenth century, which indicates that the *Judengericht* might not necessarily have been a comprehensive entity. In the few existing documents, all from the duchy of Styria and concerning the *Judengericht* of the towns of Graz (1404) and Judenburg (1451, 1465, and 1474), the

respective *Judenrichter* settled economic disputes over outstanding debts (Rosenberg 1914, pp. 167–8, no. 20, pp. 170–2, nos 24 and 25), assigning the respective Jews their right to the thus forfeited pledges.

Economy in polemics

The Jewish usurer is a central figure in anti-Jewish polemics. Apart from general fantasies about the rapacious Jewish nature, many polemics also [p. 171] centred on the Statute of the Market. Stigmatised as the "very old but truly diabolic law" that allowed Jews to "be fattened and revel in luxury" by Peter the Venerable, it does not surprise that municipal anti-Jewish expressions, that were often economy-focussed, targeted the Statute. "Since the accursed Jews have much better rights towards the Christians than the Christians towards the Jews", a paragraph in a privately commissioned compendium of legal regulations of Vienna from before 1360, scathingly sums up the right of the Viennese Jews to clear themselves from the suspicion of fencing by oath, and further identifies the Christian pawnbroker as "the poor man [who would] lose his pennies he had borrowed on the pledge" if said pledge turned out stolen beforehand. In contrast, pledges "caught up in the Jew's power" remained in the Jew's possession regardless of (as the compendium suggests) the questionable legitimacy of their acquisition. Half a century later, the chronicle of the monastery of Klosterneuburg draws upon a similar image in its comment on the fire that had ravaged the Jewish quarter of Vienna in 1406: it had impoverished more Christians than Jews, since the Christians had lost their pledges that had been kept in the burnt-down houses of the Jews, while, implicitly, the Jews still could, or would, demand their loans back and benefit from Christian misery (Wiedl 2018, pp. 67–8).

Conclusion

Jewish life in the Duchy of Austria came to a violent end during the Viennese Gesera of 1420/21 instigated by Duke Albrecht V. The citizenries profited from the murder and expulsion of the Austrian Jews by an at least partial annulment of their debts and by donations of the former Jewish houses the duke had confiscated. In the late fifteenth century, it was the Estates of the Duchies of Styria and Carinthia as well as the Archbishopric of Salzburg who were the driving forces behind the expulsion of the Jews from these territories in 1496 and 1498, respectively; the city of Graz requested that the Jewish houses were given to their citizens of Graz even before the expulsion decree had been issued (Brugger et al. 2013, p. 203, pp. 221-7). Similar developments had taken place all over the Holy Roman Empire where territorial princes and municipal authorities had expelled their Jews, with economic reasons being but one of the arguments.

The Austrian cities had never played that much of a defining role in Jewish medieval life. Their citizens however had not only been the Jews' business partners, debtors, and occasionally also creditors, but also their neighbours with whom the Jews had lived door-to-door for centuries. With the rise of the citizenry in the financial sector, Jewish moneylenders were not needed anymore (Wenninger 1981), and it was their neighbours who without hesitation exploited their loss of ducal protection that had, at that time, been reduced to a mere financial exploitation.

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Note

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