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Medieval Ashkenaz

Papers in Honour of Alfred Haverkamp
Presented at the 17th World Congress
of Jewish Studies, Jerusalem 2017

Edited by
Christoph Cluse and Jörg R. Müller

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Soli duci hic casus reservabitur?

The Practicalities of Ducal Rule over the Jews in Medieval Austria*

Eveline Brugger

In contrast to the princes of many other territories in the Empire, the dukes of Austria managed for the most part to retain sovereignty over the Jewish population in their lands. The close attachment of the Jewish subjects to their duke was sealed at the latest with the Jewish privilege of Frederick II in 1244, through which this last Babenberg ruler accommodated the immigration of Jews into his lands and created a valid legal basis for this group that was to last until medieval Jewish settlement in Austria came to an end. The privilege was issued with the clear intention of promoting and legally safeguarding Jewish settlement in Austria, with economic utility—not surprisingly—being the first priority, as demonstrated by the many provisions (including for protection) concerning the Jewish pawning and financial business. The privilege simultaneously established a direct attachment of the Austrian Jews to their duke by subordinating them to the ducal chamber, albeit without explicitly employing the imperially-connoted term *Kammerknechtschaft*—a consideration that was likely indebted to Duke Frederick’s conflict with the Staufen emperor of the same name just a few years previously.¹ Even without explicitly characterizing the Jews as

* Research for this article was funded by the Austrian Science Fund (FWF), P 28609 and preceding projects P 24404, P 21236, P 18453 and P 15638. Translated from German by Tim Corbett.

¹ Eveline BRUGGER: Von der Ansiedlung bis zur Vertreibung – Juden in Österreich im Mittelalter, in: EAD. et al.: Geschichte der Juden in Österreich, 2nd edn, Vienna 2013, pp. 123–228, at pp. 136–38; Klaus LOHRMANN: Judenrecht und Judenpolitik im mittelalterlichen Österreich, Vienna, Cologne 1990, pp. 53–61. On the issue of “chamber serfdom” see David ABULAFIA: The King and the Jews—the Jews in the Ruler’s Service, in: The Jews of Europe in the Middle Ages, ed. by Christoph CLUSE, Turnhout 2004 (Cultural Encounters in Late Antiquity and the Middle Ages 4), pp. 43–54; Anna Sapir ABULAFIA: Christian-Jewish Relations 1000–1300. Jews in the

servi camere, their status was clear enough: The duke decreed that anyone who violently robbed a Jew of his pledges or physically attacked him in his house was to be punished severely as a *dissipator camere nostre*. The financial penalties levied for causing injury to a Jew went for the most part to the duke; the murder of a Jew as well as the desecration of a Jewish cemetery would result in the perpetrator's entire property being confiscated by the ducal chamber and the perpetrator put to death.²

The financial utilization of the protection over the Jews was just one of various aspects of the *Judenregal*³ Frederick II was claiming for himself with this privilege. A concomitant factor was the jurisdiction over the duke's Jewish subjects:

If case the Jews have a discord or feud over a matter amongst themselves, the judge of our city shall by no means vindicate for himself any jurisdiction over them. Rather, the Duke himself or the supreme chamberlain of his realm shall hold judgement. If the misdeed might demand corporal punishment, the case shall be reserved for the Duke's judgement alone.⁴

This stipulation, by which the duke attempted to establish himself as the chief justice in inner-Jewish disputes, was not so much directed against the entitlements of the emperor, which by this time only existed in theory anyhow. Rather, it served the explicit curtailment of the authority of municipal courts and can also be interpreted as an attempt to undercut rabbinical jurisdiction with regard to inner-Jewish matters. However, the limitation of municipal influence was undoubtedly the more decisive factor and was moreover to prove successful in the long term: Despite concerted efforts in this regard, the Austrian municipalities never managed to supplant

Service of Medieval Christendom, Harlow 2011, pp. 51–55; Alfred HAVERKAMP: "Kammerknechtschaft" und "Bürgerstatus" der Juden diesseits und jenseits der Alpen während des späten Mittelalters, in: Die Juden in Schwaben, ed. by Michael BRENNER and Sabine ULLMANN, Munich 2013 (Studien zur jüdischen Geschichte und Kultur in Bayern 6), pp. 11–40, at pp. 11–20, 30–34; Michael TOCH: Die Juden im mittelalterlichen Reich, 3rd ed., Munich 2013 (Enzyklopädie deutscher Geschichte 44), pp. 104–06.

² Eveline BRUGGER and Birgit WIEDL: Regesten zur Geschichte der Juden in Österreich im Mittelalter, vol. 1: Von den Anfängen bis 1338, vol. 2: 1339–1365, vol. 3: 1366–1386, vol. 4: 1387–1404, Innsbruck, Vienna, Bolzano 2005, 2010, 2015, 2018, at vol. 1, no. 25, paragraphs [9]–[11], [14], pp. 35–38.

³ After Frederick II, all Austrian territorial princes *de facto* exercised sole sovereignty over their Jewish subjects, even though the imperial enfeoffment with the *Judenregal* did not occur until 1331, see BRUGGER/WIEDL, Regesten 1 (as in n. 2), no. 338, p. 278.

⁴ *Item si iudei de facto inter se discordiam moverint aut guerram, iudex civitatis nostre nullam sibi iurisdictionem vendicet in eosdem, sed ipse dux aut summus terre sue camerarius iudicium exercebit. Si autem reatus vergit in personam, soli duci hic casus reservabitur iudicandus* (BRUGGER/WIEDL, Regesten 1 [as in n. 2], no. 25, paragraph [8], p. 35).

the duke as the highest authority over Jewish town residents.⁵ Neither in the ducal cities of Austria nor in those under the jurisdiction of other town lords did a *Judenbürgerrecht* (Jewish citizenship) emerge. Thus the Habsburgs as Austrian territorial princes were very successful in instrumentalizing the protection extended over *all* the Jews in their territory as a vehicle to curtail the influence of other town lords.⁶

The duke's prerogative over jurisdiction as formulated in the first Austrian Jewish privilege by no means aimed only at staking a respective claim, as demonstrated by the fact that the appointment of a *summus terre camerarius* representing the duke in this capacity also regulated the practical realization of this stipulation. However, none of the functionaries appearing under the term *camerarius* in thirteenth-century sources held the title of a "chief" Austrian chamberlain; only from the early fourteenth century onwards is there evidence of specific individuals bearing this official title, which by this point was a hereditary title of the Ebersdorf family, a family of *ministeriales*.⁷ The office of a *iudex iudeorum* (Justice of the Jews), which is mentioned repeatedly in Frederick's privilege, also appears there for the first time in an Austrian source, although it remains unclear whether this referred to a deliberately novel cre-

⁵ Birgit WIEDL: Jews and the City. Parameters of Urban Jewish Life in Late Medieval Austria, in: Urban Space in the Middle Ages and the Early Modern Age, ed. by Albrecht CLASSEN, Berlin 2009 (Fundamentals of Medieval and Early Modern Culture 4), pp. 273–308, at pp. 279–81; EAD.: Codifying Jews: Jews in Austrian Town Charters of the Thirteenth and Fourteenth Centuries, in: Jews in Medieval Christendom—"Slay Them Not", ed. by Merrall PRICE and Kristine UTTERBACK, Leiden, Boston 2013 (Études sur le judaïsme médiéval 60), pp. 201–22, at pp. 201–03.

⁶ Eveline BRUGGER: *Minem herren dem hertzen sein juden*—die Beziehung der Habsburger zu "ihren" Juden im spätmittelalterlichen Österreich, in: 25. Österreichischer Historikertag St. Pölten 2008. Tagungsbericht, St. Pölten 2010 (Veröffentlichungen des Verbands Österreichischer Historiker und Geschichtsvereine 34), pp. 742–49, at pp. 745–46.

⁷ The title of *camerarius*, which was often borne by several people at once, potentially designated various functions, including those of the chamber staff in the ducal court, see Christian LACKNER: Hof und Herrschaft. Rat, Kanzlei und Regierung der österreichischen Herzoge (1365–1406), Vienna, Munich 2002 (Mitteilungen des Instituts für österreichische Geschichtsforschung, Ergänzungsband 41), pp. 107–14. On members of the Ebersdorf family as chamberlains and the development of the office of chief chamberlain see Eveline BRUGGER: Adel und Juden in Niederösterreich. Die Beziehungen niederösterreichischer Adelsfamilien zur jüdischen Führungsschicht von den Anfängen bis zur Pulkauer Verfolgung 1338, St. Pölten 2004 (Studien und Forschungen aus dem Niederösterreichischen Institut für Landeskunde 38), pp. 75–78; EAD.: *Daz her Chalhoh von Eberstorfgelten sol Lebmanne dem Juden*. Das Archiv der Herren von Ebersdorf als Fundgrube für die mittelalterliche jüdische Geschichte, in: Quellen zur jüdischen Geschichte Niederösterreichs, ed. by Elisabeth LOINIG and Martha KEIL, St. Pölten 2016 (Studien und Forschungen aus dem Niederösterreichischen Institut für Landeskunde 58), pp. 62–91, at pp. 71–84.

ation or merely to the fixation of an office that had already emerged in practice in previous years.⁸

A central aspect of the *Judenregal*, namely the right to tax Jews, was notably missing altogether from the 1244 privilege. It can safely be assumed that Duke Frederick II levied taxes from his Jewish subjects, even if a Jewish tax in Austria was only explicitly mentioned several decades later: In 1277, Rudolph of Habsburg confirmed the rights of the small town of Laa an der Thaya, adding the stipulation that any Jew who lived in the town should not pay his taxes together with other Jews but as a part of the citizens' tax, as it was their custom (*daz ein jud in der stat gesessen mit anndern juden nicht dien, sundern daz er nach der vordern gewonhait in unserr burger dinst beslossen sey*).⁹ This exemption clause in favour of the citizens of Laa evinces that the Jewish population usually had to pay their taxes separately—a practice that presumably continued to constitute the usual form of taxation of the Austrian Jewry in subsequent years, although concrete sources attesting to this would only appear later on.¹⁰

The Jewish privilege of 1244 surely did not aim altogether at the systematic organization of the Austrian duke's rule over the Jews. The practical exercise of this rule derived from the privilege was therefore characterized by spontaneous changes and/or gradual transformations that depended heavily on adaptation to the current requirements and conditions at any given time—whether economic, political, or both. This flexibility also affected the functionaries involved in the implementation of rule over the Jews. Until the early fourteenth century, the incumbents of the office of chief chamberlain, which as mentioned above was only just emerging in this period, genuinely were involved regularly in Jewish affairs—albeit always in cases involving Christians, too. There is no evidence of any involvement of the chamberlain in inner-Jewish conflicts. Moreover, the judicial function assigned to the chief chamberlain in 1244 obviously related less to the administration of justice itself and rather to legal safeguarding: The chief chamberlain only occasionally appears in documentary sources relating to Jewish affairs as a judge¹¹, much more commonly, though, as a sealer corroborating credit transactions between members of the nobility and of the

⁸ On the *iudex iudeorum* see the article by Birgit Wiedl in the present volume.

⁹ BRUGGER/WIEDL, Regesten I (as in n. 2), no. 57, p. 74.

¹⁰ Cf. BRUGGER, Ansiedlung (as in n. 1), pp. 147–48; LOHRMANN, Judenrecht (as in n. 1), pp. 113–14.

¹¹ In 1321, the chamberlain Rudolph of Ebersdorf adjudicated in a complaint concerning a vineyard, brought by the Augustinian monastery in Vienna against the Jew Lesir, see BRUGGER/WIEDL, Regesten I (as in n. 2), no. 231, p. 211. The *iudex iudeorum* Konrad of Kyburg, who acted as a witness, had shortly before also adjudicated in a similar Christian-Jewish conflict in his function as ducal cellarer together with the Jew Marusch; *ibid.*, no. 219, pp. 203–04; the involvement of the chamberlain had evidently not been regarded as necessary in this case.

Jewish economic elite.¹² In either case, the consultation of the chief chamberlain was supposed to ensure that the documented agreement was binding for both sides. This was fundamentally in the interest of all those involved, although from the perspective of the territorial prince it was especially important to ensure that the income of his financially powerful Jewish subjects was not diminished as a result of these credit transactions, in order in turn to safeguard the duke's income from the Jewish tax. For the chamberlain, the authentication of such legal transactions also constituted a source of income due to the fees arising therefrom, although this was by far not the most significant source of income arising from this office.¹³ This became especially clear when the office was acquired by the Lower Austrian *ministerialis* Kalhoch of Ebersdorf in 1298. Kalhoch had raised the required 2,000 pounds 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, meaning that in late 1305 he had to pawn the office of chief chamberlain including all income arising therefrom (explicitly, *mit allem dem nutz der von den juden chumt*—"including all revenue coming from the Jews") for seven years to his creditor Lebman to cover a debt of 800 pounds of Viennese pennies. However, Lebman could only claim the income from the office, while the corresponding powers of the chamberlain were 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.¹⁴ Klaus Lohrmann suggested that Lebman probably "exercised some influence over Jewish affairs"¹⁵ for the duration of the pawning—this can be safely assumed insofar as Lebman belonged to the elite of the Viennese Jewish community, but there is no evidence of a specific role in relation to the office of the chamberlain in this context.

Aside from his function as a witness to Jewish-Christian business transactions, the Austrian chamberlain also occasionally supported Jewish creditors in their efforts to

¹² That such a remarkably ample range of documents involving the chamberlain survives from this period is mostly due to the fact that the archive of the Ebersdorf family, who held this office since the late thirteenth century, is preserved almost in its entirety; see BRUGGER, Ebersdorf (as in n. 7), pp. 62–63.

¹³ Among other things, the chief chamberlain was in charge of the Viennese mint, see Alphons DOPSCH: Zur Geschichte der Finanzverwaltung Österreichs im 13. Jahrhundert, in: ID.: Gesammelte Aufsätze 1: Verfassungs- und Wirtschaftsgeschichte des Mittelalters, ed. by Erna PATZELT, Vienna 1928, pp. 385–505, at p. 399.

¹⁴ BRUGGER/WIEDL, Regesten 1 (as in n. 2), no. 134, pp. 143–44. On Kalhoch and Lebman see BRUGGER, Adel (as in n. 7), pp. 69–81; EAD., Ebersdorf (as in n. 7), pp. 64–74.

¹⁵ Klaus LOHRMANN: Die Wiener Juden im Mittelalter, Berlin, Vienna 2000, p. 128 ("Lebman konnte deshalb sicher nicht sämtliche Rechte des obersten Kämmerers wahrnehmen, es ist aber sehr wahrscheinlich, daß er einigen Einfluß auf die Angelegenheiten der Juden nahm.")

collect their receivables from noble debtors.¹⁶ Both functions were demonstrably also performed by the *iudex iudeorum*, sometimes even in collaboration with the chamberlain. So, for example, the settlement between Weichsel, the Jewish widow of Lebman, and a debtholder of her late husband was sealed in 1314 by the chamberlain Rudolph of Ebersdorf and the Viennese *iudex iudeorum* Heinrich Chrannest; in 1317, Duke Frederick the Fair tasked Reinprecht of Ebersdorf and During Piber to assist all Jews resident in Austria in collecting their receivables.¹⁷ Duke Frederick's mandate accords no official title to either of the recipients, which was presumably no coincidence as Reinprecht's older brother Rudolph of Ebersdorf technically still held the office of chamberlain at this time.¹⁸ However, the Hebrew dorsal note "for the treasurer and Judge Piber"¹⁹ on the charter does at least demonstrate that, in the eyes of the Jewish parties, Reinprecht was regarded as authorized "ex officio" alongside During Piber, who in turn had just shortly before been named explicitly as the Viennese justice of the Jews²⁰.

The sources generally indicate that the chamberlain's tasks with regard to the Jewish population were in practice primarily financial in nature. The collection of the Jewish tax in the first half of the fourteenth century also demonstrably fell, at least on occasion, within the remit of the chamberlain. In 1320, for example, during his fight for the German crown against Ludwig the Bavarian, Duke Frederick the Fair affirmed a debt of 1,200 marks in silver owed to the archbishop of Salzburg, an ally of the Habsburgs. Frederick promised to ensure that the chamberlain would settle two thirds of the sum from the Viennese Jewish tax, which suggests that the chamberlain was responsible for the collection of said tax.²¹ Sixteen years later, Dukes Albrecht II and Otto permitted the chief chamberlain Reinprecht of Ebersdorf to take from the Jewish tax 500 pounds of Viennese pennies which the dukes owed him for a bond—if necessary even by force, allowing him to arrest ten members of the Jewish elite and to force them to pay up.²² However, according to surviving accounts of

¹⁶ BRUGGER/WIEDL, *Regesten I* (as in n. 2), no. 213–14, pp. 200–01; see BRUGGER, *Adel* (as in n. 7), pp. 85–86.

¹⁷ BRUGGER/WIEDL, *Regesten I* (as in n. 2), nos 193, pp. 188–89, and 209, p. 198.

¹⁸ BRUGGER, *Adel* (as in n. 7), pp. 86–87.

¹⁹ BRUGGER/WIEDL, *Regesten I* (as in n. 2), no. 209, p. 198 (translation of the Hebrew note by Martha Keil).

²⁰ *Ibid.*, no. 208, p. 197.

²¹ *Ibid.*, no. 224, pp. 207–08; see 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, Graz 2010, pp. 241–60, at p. 243.

²² BRUGGER/WIEDL, *Regesten I* (as in n. 2), no. 407, pp. 316–17; see BRUGGER, *Adel* (as in n. 7), pp. 95–96. The assignation of (parts of) the Jewish tax was a measure regularly used by the

Jewish taxes, the chamberlain was not responsible (anymore?) for the collection of the tax at this point: An account from the ducal *Hofmeister* relating to the “great Jewish tax” (*magna stura judeorum*) survives from the year 1329, and there is evidence of the involvement of various ducal functionaries in the collection of Jewish taxes from the following decades²³, while by contrast the chief chamberlain is hardly mentioned anymore in relation to Jewish affairs. The *Hofmeister* may have assumed the main role here, as indicated by a brief regarding the duties of the various court officials from the year 1392. Although the bulk of financial administration in the latter half of the fourteenth century was under the control of the ducal *Hubmeister*²⁴, it was expressly stated in 1392 that the Jewish tax should be collected as before by the *Hofmeister* or his chosen deputy (*denn umb unser juden, die sol auch unser hofmaister auzrichten als er das vor getan hat, oder aber etwem emphelhen der im darczue gevellet, doch also daz derselb all naemlich sach an in bringe*).²⁵ Just a few years later, however, there is evidence of the Jewish tax in Vienna being collected by the *iudex iudeorum* with no indication that he was acting—as envisioned by the brief of 1392—on behalf of the *Hofmeister*.²⁶

In contrast to the role played by the *Hofmeister* in the collection of the Jewish tax, the incumbent of this office was probably involved to a far lesser degree in Jewish legal matters than the chief chamberlain in the thirteenth and fourteenth centuries. Only in isolated cases is there evidence of the *Hofmeister* in the Duchy of Austria becoming involved in a legal matter relating to Jews: In 1356, Wolfhart of Hanau, *Hofmeister* to Albrecht II, adjudicated against Merlein, a Jew from Krems, in a case involving a farmstead in Rannersdorf, and in 1368, Wolfgang of Winden, *Hofmeister* to Albrecht III, stood in for the duke to adjudicate in a dispute concerning estates in

Austrian dukes, who sometimes also granted the recipients permission to reimburse themselves from the assets of the Jews in question if they should refuse to make “advance payments”; e.g. BRUGGER/WIEDL, *Regesten 1* (as in n. 2), no. 335, pp. 276–77; see LOHRMANN, *Judenrecht* (as in n. 1), pp. 282–83; WIEDL, *Kriegskassen* (as in n. 21), pp. 244–45. However, the granting of such extensive authority as in the case of Reinprecht of Ebersdorf is unparalleled in the surviving source material.

²³ Vienna, Haus-, Hof- und Staatsarchiv, Hs. Blau 19, fol. 1r. See Joseph CHMEL: *Zur österreichischen Finanzgeschichte in der ersten Hälfte des vierzehnten Jahrhunderts*, in: *Der österreichische Geschichtsforscher*, vol. 1, ed. by Joseph CHMEL, Vienna 1838, pp. 28–49, at no. 2, p. 30; LOHRMANN, *Judenrecht* (as in n. 1), pp. 281–82.

²⁴ Christian LACKNER: *Das Finanzwesen der Herzoge von Österreich in der zweiten Hälfte des 14. Jahrhunderts*, in: *Unsere Heimat* 63 (1992), pp. 284–300, at pp. 297–98.

²⁵ Vienna, Haus-, Hof- und Staatsarchiv, Hs. Blau 523, fol. 43r (1392 IV 30); see LACKNER, *Hof* (as in n. 7), p. 62.

²⁶ BRUGGER/WIEDL, *Regesten 4* (as in n. 2), nos 2078–84, pp. 149–52; see the article by Birgit Wiedl in the present collection.

Eisenbach and Göttesbrunn between the chief chamberlain Peter of Ebersdorf on the one hand and Jans of Stadeck and the Viennese Jew David Steuss on the other. Both incidents were only recorded for posterity due to the ducal letters of protection which ensured them, and both were decided to the disadvantage of the Jewish parties involved.²⁷ By contrast, a “positive” involvement of the *Hofmeister* in a Jewish matter was documented in 1381, when Albrecht III conferred onto his *Hofmeister* Hans of Liechtenstein-Nikolsburg the protection of the fortress of Ulrichskirchen for the Jews Isserlein from Klosterneuburg and Hetschel from Herzogenburg, to whom the fortress had been pawned by Hans Streun. However, this charter of protection needs to be regarded in the context of the duke’s attempt to gain power of disposal over the property by having it pawned to “his” Jews.²⁸

Other than that, the *Hofmeister* mostly only appears in matters relating to Jewish legal transactions in a personal or at least familial context.²⁹ The same holds true with regard to the few documented instances that the *Hofmeister* became involved in Jewish legal matters as a sealer.³⁰ In some cases, there is even evidence of the *Hofmeister* acting as guarantor for Jewish debts to the duke, albeit always in conjunction with other officials.³¹ Generally speaking, the role of the *Hofmeister* with regard to the Jewish population remained largely limited to the Jewish tax, although other (local) officials—as we have seen—were also involved in collecting this tax alongside the *Hofmeister*.

Sources attesting to the inner organization of tax collection by Jewish communities exist from the Duchy of Austria from the last third of the fourteenth century onwards. These consist of ducal decrees of authorization for Jewish tax collectors

²⁷ BRUGGER/WIEDL, Regesten 2 (as in n. 2), no. 834, p. 183; Regesten 3 (as in n. 2), no. 1234, p. 61. By contrast, the involvement of a ducal official who was otherwise not really “responsible” in a Jewish legal matter is usually an indication that the decision was supposed to be influenced in favour of an economically important Jewish businessman (no corresponding cases relating to Jewish businesswomen have been found to date), see BRUGGER/WIEDL, Regesten 2 (as in n. 2), no. 687, p. 117 (*Forstmeister*); Regesten 3 (as in n. 2), no. 1742, pp. 357–58 (*Hubmeister*).

²⁸ BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1689, pp. 327–28; see Hannelore GRAHAMMER: Hetschel von Herzogenburg und seine Familie, in: Studien zur Geschichte der Juden in Österreich, ed. by Martha KEIL and Klaus LOHRMANN, Vienna, Cologne, Weimar 1994, pp. 100–20, at pp. 106–07 and LOHRMANN, Judenrecht (as in n. 1), pp. 265–66.

²⁹ BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1240, pp. 64–65; no. 1268, p. 80; no. 1371, pp. 140–41; no. 1596, pp. 272–73; no. 1639, pp. 299–00; no. 1860, p. 424; Regesten 4 (as in n. 2), no. 2086, pp. 153–54; no. 2104, pp. 162–63; no. 2109, p. 166; no. 2172, p. 205; no. 2175, p. 207, and no. 2297, p. 283.

³⁰ BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1352, pp. 129–30; no. 1363, pp. 135–36; no. 1465, pp. 198–99.

³¹ *Ibid.*, no. 1507, pp. 221–22; no. 1726, pp. 348–49; Regesten 4 (as in n. 2), no. 2000, pp. 99–100.

(*Absamer*), who were tasked with collecting stipulated tax sums from the Austrian Jews.³² The oldest known record only survives as a copy in a formulary³³ and dates to the period between 1365 and 1379. Here, Dukes Albrecht III and Leopold III tasked five Jews, including Stroyel from Linz and David from Eggenburg, with the collection of 10,000 pounds from the Jews of Austria, with the income declaration of the taxpayers having to be issued under oath.³⁴ The *Absamer*, who had to stipulate the tax payments in each case, were authorized to use a range of coercive means for their collection, from the seizure of assets through to the declaration of banishment. The dukes ordered their subjects—with the *Landmarschall* of Austria, the captain of Upper Austria, and the ducal *Hofmeister* and *Kammermeister* explicitly named—to support the *Absamer* in their activities where need be.³⁵ Judging by the wording of the certificate of appointment, the stipulated total did not constitute the “regular” Jewish tax, but rather a special tax as was repeatedly levied by the dukes when they found themselves in financial straits—and not only from Jews, as the levying of special taxes from other population groups followed a comparable pattern.³⁶ Appointment of the Jewish *Absamer* was conducted, as is evident from the ducal certificates of appointment from the late fourteenth century³⁷, by the Jewish communities themselves; those selected, who then had to be confirmed by the duke, were without exception respected members of the community, but not members of the absolute

³² BRUGGER, *Ansiedlung* (as in n. 1), pp. 147–48; Martha KEIL: *Gemeinde und Kultur. Die mittelalterlichen Grundlagen jüdischen Lebens in Österreich*, in: BRUGGER et al., *Geschichte* (as in n. 1), pp. 15–122, at pp. 44–45; LOHRMANN, *Judenrecht* (as in n. 1), pp. 286–92.

³³ Gießen, Universitätsbibliothek, Hs. 632, fols 29v–30r.

³⁴ Such a tax oath from the early fifteenth century has been preserved not from the Duchy of Austria, but from the neighbouring Duchy of Styria, which was also under Habsburg rule: Vienna, Haus-, Hof- und Staatsarchiv, Hs. Blau 5, fols 77r–78v; see LOHRMANN, *Judenrecht* (as in n. 1), pp. 286–88. It is safe to assume that the Austrian Jews would have had to take similar oaths.

³⁵ BRUGGER/WIEDL, *Regesten 3* (as in n. 2), no. 1628, pp. 293–94; see Christian LACKNER: *Juden im Rahmen der habsburgischen Finanzverwaltung im 14. Jahrhundert*, in: *Jüdisches Geldgeschäft im Mittelalter*, ed. by Eveline BRUGGER and Birgit WIEDL, Berlin, Boston 2012 (Aschenas 20/2), pp. 357–69, at pp. 363–65. The office of *Kammermeister* was assigned *ad personam* and had no connection with the hereditary office of chief chamberlain; see LACKNER, *Hof* (as in n. 7), pp. 88–89.

³⁶ LACKNER, *Finanzwesen* (as in n. 24), pp. 294–95.

³⁷ BRUGGER/WIEDL, *Regesten 4* (as in n. 2), no. 2171, pp. 204–05 (1399 I 16); no. 2216, pp. 229–30 (1400 XII 16). Neither document relates to special levies, but to the collection of the “regular Jewish tax”. However, the sums are not named in the documents. An entry in a finding aid from the sixteenth century concerning the document from 1399 mentions the appraisal of the Jewish tax at 16,000 guilders in 1397; see Otto BRUNNER: *Das Archiv des Landmarschalls Ulrich von Dachsberg. Mit einem Exkurs zur Geschichte der Juden in Wien*, in: *Mitteilungen des Vereins für Geschichte der Stadt Wien 7* (1927), pp. 63–90, at n. 33, p. 69.

highest elite, some of whom in any case did not pay taxes together with the rest of the Jews due to special privileges. In the above-cited earliest Austrian *Absamer* certificate, David Steuss, by far the most financially powerful Jewish businessman of his time, was explicitly exempted from paying the stipulated tax on account of his certificate of protection, while other Jews in possession of such ducal *trostbriefe* were not exempted.³⁸

The collection of a special tax from the Jewish population was no unusual policy in the period to which the oldest appointment of an *Absamer* dates, as Albrecht III and Leopold III found themselves in massive financial difficulties at the time, particularly during the 1370s.³⁹ The dukes consequently signed the entire financial administration of their lands, including the Jewish tax, over to a consortium for the duration of four years. The consortium consisted of the two ducal *Hofmeister* Hans of Liechtenstein-Nikolsburg and Reinhard of Wehingen, the *Hubmeister* and mint master Jans of Tyrna, the Viennese citizens Christoph Syrfeyer and Nikolaus Steiner as well as the Austrian *Landmarschall* Heidenreich of Maissau, who was included a few days later.⁴⁰ However, this did not mean that the dukes ceased directly economically using (or exploiting) their Jewish subjects. On the contrary: The dukes' seizure of Jewish assets increased at an unprecedented rate during this very period. Albrecht III and Leopold III targeted wealthy Jews in their territory, having them arrested and forcing them to pay enormous ransoms, although the exact chronology of these events is not entirely clear: the *Fragmentum historicum de quattuor Albertis Austrie ducibus* mentions a related incident in the year 1370⁴¹, while other historiographic

³⁸ BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1628, pp. 293–94. Special privileges issued by the territorial princes exempting individuals from the Jewish tax have only been preserved in comparatively few cases from the Duchy of Austria, although several individual recipients of such privileges aside from David Steuss are still known—for example the Jew Voglusch from Marburg (Maribor), who received from Duke Albrecht III a three-year residence permit in Austria that exempted him from the general Jewish tax against payment of separate fees: *ibid.*, no. 1629, p. 295. See also LOHRMANN, *Judenrecht* (as in n. 1), pp. 294–95; for examples from the early fifteenth century see KEIL, *Gemeinde* (as in n. 32), pp. 45–46.

³⁹ From the late fourteenth century onwards, the dukes generally levied special taxes at an increased rate by alleging exceptional financial difficulties. These special taxes were levied from the entirety of the population, thus including the Jewish population; e.g., BRUGGER/WIEDL, Regesten 4 (as in n. 2), no. 2244, pp. 249–50; however, they need to be distinguished from the special taxes levied specifically from the Jews; see LACKNER, *Finanzwesen* (as in n. 24), p. 294; *id.*, *Hof* (as in n. 7), pp. 45–49.

⁴⁰ BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1304, pp. 98–99; no. 1308, pp. 101–02; see LACKNER, *Hof* (as in n. 7), p. 46.

⁴¹ BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1330, pp. 116–17. On the *Fragmentum* see Alphons LHOTSKY: *Quellenkunde zur mittelalterlichen Geschichte Österreichs*, Graz, Cologne 1963 (*Mitteilungen des Instituts für österreichische Geschichtsforschung, Ergänzungsband* 19),

sources date the arrest of Jews to the years 1371 or 1377.⁴² In any case, accounts from the *Hofmeister* and *Landmarschall* from the years 1371 to 1373 indicate that the dukes had already begun collecting compulsory levies at this point in time. *Landmarschall* Heidenreich of Maissau accounted for enormous sums from the Jewish tax in Krems on 9 August 1373⁴³, while the accounts of *Hofmeister* Hans of Liechtenstein—which only survive in the form of later registers—suggest that payments made by the Austrian Jews in 1371 and 1372 amounting to 36,000 and 25,000 guilders respectively also constituted a ducal plunder on account of their size.⁴⁴ According to a report of the Viennese Annals from the year 1383, Duke Albrecht III then also extorted 50,000

p. 328; the exact dating of this text remains unclear. Contrary to Lhotsky's hypothesis, certain notable aspects of the content suggest that it probably only dates from the reign of Duke Albrecht V in the early fifteenth century, see BRUGGER/WIEDL, Regesten 3 (as in n. 2), p. 117.

⁴² The Viennese Annals date the events to 1371, the *Kleine Klosteneburger Chronik* to 1377, see BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1368, pp. 138–39; no. 1550, pp. 245–46. The reliability of the *Chronik* as a source with regard to the dating is somewhat questionable, as no copies exist from before the sixteenth century, see LHOTSKY, Quellenkunde (as in n. 41), pp. 305–06. However, a documentary reference to a Jewish house in Vienna that burned down “at the time the Jews were generally attacked” (*ze der zit da man die Juden gemainlich angegriffen hat*) in 1376 (BRUGGER/WIEDL, Regesten 3 [as in n. 2], no. 1493, pp. 213–14) may indicate that there genuinely were attacks on Jews in this period. Joseph ha-Kohen's Hebrew report dated these events to 1371 (5131); see Karin ALMBLADH: Joseph Ha-Kohen, *Sefer 'Emeq ha-Bakha* (The Vale of Tears) with the chronicle of the anonymous Corrector. Introduction, critical edition and comments, Uppsala 1981 (Acta Universitatis Upsaliensis, Studia Semitica Upsaliensia 5), p. 50. However, this text was only written in the second half of the sixteenth century, and parts of the content were moreover mixed with later events—for example, the introductory remark about a prince who was still a child was probably in reference to Albrecht V, who became duke at the age of seven in 1404 and held a significantly more “prominent” place in memory as a persecutor of the Jews on account of the “Gezera of Vienna” he initiated, see BRUGGER/WIEDL, Regesten 3 (as in n. 2), p. 139. On the *Gezera* in general see BRUGGER, Ansiedlung (as in n. 1), pp. 221–24; LOHRMANN, Judenrecht (as in n. 1), pp. 298–309; ID., Wiener Juden (as in n. 15), pp. 155–73; Petr ELBEL and Wolfram ZIEGLER: *Am schwarzen suntag mardert man dieselben juden, all die zaigten vill guets an under der erden...* Die Wiener Gesera: eine Neubetrachtung, in: “Avigdor, Benesch, Gitl.” Juden in Böhmen und Mähren im Mittelalter. Samuel Steinherz zum Gedenken, ed. by Helmut TEUFEL, Pavel KOČMAN and Milan ŘEPA, Brno, Prague, Essen 2016, pp. 201–67 (with a questionable rationale for the persecution; see Eveline BRUGGER: Geschützt, geschätzt, verfolgt. Jüdisches Leben innerhalb der christlichen Gesellschaft im Mittelalter, in: Fremd/Vertraut. Zur Geschichte der Juden in Österreich, ed. by Martha KEIL, Vienna 2017 [Österreich. Geschichte—Literatur—Geographie 61/2], pp. 113–26, at p. 121).

⁴³ BRUGGER/WIEDL, Regesten 3 (as in n. 2), p. 102.

⁴⁴ LACKNER, Finanzverwaltung (as in n. 35), pp. 362–63.

pounds from Austria's wealthiest Jewish businessman, David Steuss, who had to buy himself free from arbitrary imprisonment in the Mödling castle with this vast sum.⁴⁵

David Steuss and his family constitute probably the most drastic case example in the history of Habsburg Jewish policy in the fourteenth century, which was characterized on the one hand by emphasizing to the greatest possible degree the consistent and sole arbitration of Jewish protection by the territorial prince and on the other hand by ruthlessly exploiting Jewish subjects as a source of income and/or as political pawns.⁴⁶ David Steuss held special privileges (which were extremely rare in the Duchy of Austria) that were even taken into account, as we have seen, in the collection of special taxes from the Jewish population.⁴⁷ However, this meant in turn that he was affected all the more by "ransom" extortions. Nevertheless, these obviously did not damage the standing of his family all too greatly, for not long after his death around the turn of 1385/86, his sons received the privilege from Albrecht III that charges against them could only be brought before the duke himself⁴⁸—a unique privilege in the Austrian source materials that clearly illustrates the special status of the family (whose economic significance can be traced back to David's grandmother Plume from Klosterneuburg)⁴⁹.

The severe ducal extortion policies seem to have been abrogated in the mid-1380s, as they had brought the Jewish population ever closer to the limits of their economic capabilities. The surviving records of *Absamer* appointments from around the year 1400 suggest increasing problems in the collection of the regular Jewish tax⁵⁰, which is not surprising considering the extent of the ducal plunder that had occurred hitherto. The ducal privileges granted by Wilhelm and Albrecht IV in 1397⁵¹ and 1401⁵² can thus be regarded as attempts at damage limitation, as the territorial princes recognized that they had gone too far and had to enact countermeasures if they did not wish to lose the Jewish population as a source of income altogether. Both 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

⁴⁵ BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1763, p. 369.

⁴⁶ See BRUGGER, *Beziehung* (as in n. 6), pp. 742–49.

⁴⁷ See n. 38.

⁴⁸ BRUGGER/WIEDL, Regesten 4 (as in n. 2), no. 1894, p. 31.

⁴⁹ 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 2009, pp. 112–29, at pp. 117–18.

⁵⁰ Vienna, Haus-, Hof- und Staatsarchiv, Hs. Weiß 8, no. 93, fols 43v–44r; no. 116, fol. 51r–v; no. 130, fol. 59r; see LOHRMANN, *Judenrecht* (as in n. 1), pp. 290–91.

⁵¹ BRUGGER/WIEDL, Regesten 4 (as in n. 2), no. 2147, pp. 191–92.

⁵² *Ibid.*, no. 2220, pp. 233–35.

ducal annulments of debts⁵³ as well as the assistance of the *Landmarschall* in the collection of their receivables. The privilege of 1397 moreover granted a three-year reprieve from special taxes, which was extended in 1401 for a further four years. Both privileges were granted to the Jews as compensation for their damages (*zu ergezung ir scheden*), which probably related not only to their exploitation by the territorial princes but also to the effects of a campaign of persecution that, according to the Viennese Annals, had broken out in Styria and Carinthia in 1397 and had led numerous Jews to flee to the Duchy of Austria.⁵⁴

Ducal mandates tasking the Austrian *Landmarschall* with the support of Jewish creditors in collecting their receivables were indeed issued both in 1397 and in 1401.⁵⁵ The *Landmarschall* had already been deployed on occasion as a ducal representative in Jewish tax issues in the last third of the fourteenth century.⁵⁶ The collection of debts owed to Jews by the nobility may have been a particular responsibility in his remit.⁵⁷ This would explain why *Landmarschall* Rudolph of Wallsee-Enns was explicitly tasked with supporting Jewish creditors, as first documented in the early 1380s.⁵⁸ The “privilege for the Jews concerning their taxes” (*der juden gnadbrieve von ierr steur wegen*) issued in 1402, in which Wilhelm and Albrecht IV obviously aimed to regulate the stagnating collection of the Jewish tax and confirmed the existing inner-Jewish regulations in this regard, explicitly also tasked the Austrian *Landmarschall* above all other officials with the protection of the rights of the Jews.⁵⁹ In 1403, *Landmarschall* Frederick of Wallsee-Enns sealed, by request of the issuer, the obligation of the Jew Juda Guntzenhauser to no longer practice medicine.⁶⁰ The authority of the *Landmarschall* was thus evidently recognized from the Jewish perspective, too, even if such an authority was of course at no point exclusive to the incumbent of a particular office. The *Landmarschall* also appears as a judge in Jewish-Christian

⁵³ On ducal debt annulments by means of so-called *Tötbriefe* (“killing letters”) see Eveline BRUGGER: “So sollen die brief ab und tod sein.” Landesfürstliche Judenschuldentilgungen im Österreich des 14. Jahrhunderts, in: *Jüdisches Geldgeschäft* (as in n. 35), pp. 329–41.

⁵⁴ BRUGGER/WIEDL, Regesten 4 (as in n. 2), no. 2143, pp. 187–88.

⁵⁵ The mandate granted to *Landmarschall* Ulrich of Dachsberg was already issued in September 1397, before the ducal Jewish privilege was issued in December of that year. After the privilege was renewed in January 1401, another mandate was granted to the same official in May of the same year: BRUGGER/WIEDL, Regesten 4 (as in n. 2), no. 2141, p. 186; no. 2227, pp. 239–40; see BRUNNER, *Archiv* (as in n. 37), pp. 68–71.

⁵⁶ BRUGGER/WIEDL, Regesten 3 (as in n. 2), no. 1628, pp. 293–94; see also n. 43.

⁵⁷ *Ibid.*, no. 1344, p. 125; no. 1534, p. 238; no. 1539, pp. 240–41.

⁵⁸ *Ibid.*, no. 1771, p. 373.

⁵⁹ BRUGGER/WIEDL, Regesten 4 (as in n. 2), no. 2255, pp. 256–57.

⁶⁰ *Ibid.*, no. 2274, pp. 268–69.

conflicts during this period: In 1406, *Landmarschall* John of Maidburg-Hardegg adjudicated in a complaint brought before the ducal court in Vienna by Schwärzel, a Jew from Krems, against the abbot of the Aldersbach abbey relating to the debts of the deceased steward of Aldersbach from Gneixendorf near Krems. However, the *Landmarschall* adjudicated against the Jew, as Schwärzel could not produce any certification of the debt from either the abbot or the abbey. This contradicted a privilege of Duke Albrecht III which decreed that no abbey representative could pawn abbey property without written permission from the abbey.⁶¹

Matters of authority relating to Jews also became evident in 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 1404.⁶² Of particular interest here is a statement by the Austrian territorial estates dated September 1406 that prescribed not only that the guardian should uphold the old rights of the Jews in Austria, including assisting them in the collection of debts and protection from special taxes, but also that the *Hubmeister* should be assisted in the collection of taxes from Christians and Jews by two members of the council. Thus it was assumed that the *Hubmeister* was essentially responsible for the entire administration of taxes; the exception formulated in 1392 that had explicitly reserved the Jewish tax for the *Hofmeister* was not taken into account.⁶³

When Albrecht V assumed sovereign rule in 1411, Jewish policy continued right up until the outbreak of the “*Gezerah* of Vienna” in 1420 to follow the course set by his predecessors of collecting Jewish taxes while simultaneously endeavouring to maintain – to a certain extent – the financial capacities of his Jewish subjects.⁶⁴ The collection of the Jewish tax was presumably assigned altogether to the *Hubmeister*,

⁶¹ Munich, Bayerisches Hauptstaatsarchiv, KU Aldersbach, no. 632.

⁶² NIEDERSTÄTTER, Alois, *Das Jahrhundert der Mitte. An der Wende vom Mittelalter zur Neuzeit*, Vienna 1996 (Österreichische Geschichte 1400–1522), p. 239.

⁶³ *Quellen zur Geschichte der Stadt Wien, Abt. I: Regesten aus in- und ausländischen Archiven mit Ausnahme des Archivs der Stadt Wien*, vol. 10, ed. by Josef LAMPEL, Vienna 1927, no. 18295, paragraphs I/r, I/t, p. 163.

⁶⁴ LOHRMANN, *Judenrecht* (as in n. 1), pp. 291–94. During Albrecht's youth, his guardians tried to maintain the protection over the Jews in such a manner that Jewish wealth would not be affected all too much. This is especially evident in the attempts to curtail the damages incurred after the attacks that broke out in Vienna in 1406; see Eveline BRUGGER: *Hetschel und wer noch? Anmerkungen zur Geschichte der Juden in Herzogenburg im Mittelalter*, in: *900 Jahre Stift Herzogenburg. Aufbrüche, Umbrüche, Kontinuität*, ed. by Günther KATZLER and Gabriele STÖGER-SPEVAK, Innsbruck, Vienna, Bolzano 2013, pp. 118–37, at pp. 136–37.

while the support of Jewish businesspeople remained in the remit of the *Landmarschall*.⁶⁵ By contrast, legal decisions pertaining to Jews are documented almost exclusively in the context of municipal or seigniorial courts.⁶⁶ Ducal officials only appear as judges in Jewish matters in exceptional cases, most of which were moreover embedded in a municipal context, so for example the (successful) complaint of the Viennese Jew Hocz that was adjudicated by the Austrian mint master Paul Würfel in 1413.⁶⁷ In summary, the early years of Albrecht V's reign witnessed an unbroken continuation of developments in Jewish policy of the territorial princes of previous decades, until the duke violently brought these developments to an end with the persecution campaign known as the "*Gezera* of Vienna" which he initiated in 1420/21.⁶⁸

⁶⁵ Vienna, Haus-, Hof- und Staatsarchiv, Allgemeine Urkundenreihe 1417 III 13; see Quellen zur Geschichte der Stadt Wien I/10 (as in n. 63), no. 18542, pp. 275–77; Vienna, Wiener Stadt- und Landesarchiv, Hauptarchiv—Urkunden, no. 1923, see Quellen zur Geschichte der Stadt Wien, Abt. II: Regesten aus dem Archive der Stadt Wien, vol. 2, ed. by Karl UHLIRZ, Vienna 1900, no. 1923, p. 4.

⁶⁶ Birgit WIEDL: ...*und kam der jud vor mich ze offens gericht*. Juden und (städtische) Gerichtsobrigkeiten im Spätmittelalter, in: *Mediaevistik* 28 (2015 [2016]), pp. 243–68, at pp. 252–53.

⁶⁷ Vienna, Wiener Stadt- und Landesarchiv, Hauptarchiv – Urkunden no. 1966; see Quellen zur Geschichte der Stadt Wien II/2 (as in n. 65), no. 1966, pp. 13–14.

⁶⁸ See n. 42.