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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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Von des vorgeantanten meines ampts wegen
The *Judenrichter*—A Search for Clues*

Birgit Wiedl

In September 1406, a number of ecclesiastical and secular dignitaries attempted to mediate between the Austrian Dukes Leopold IV, Frederick, and Ernst, who, following the recent death of their older brother Wilhelm, were fighting over their inheritance and the guardianship of their cousin's son, the underage Duke Albrecht V (later King Albrecht II).¹ They tried not only to achieve a guardianship agreement limited to a period of four years, but also to regulate a series of constitutional, administrative, and fiscal details. The contractual concept stipulated the organization of a council by the (future) guardian, which was to be “for the benefit of the rule and the land and the people” (*der herschaft und land und leuten zu nucz und ze frommen*), a council that was not only to include “noble” dignitaries such as chancellor, land marshal, and *Hofrichter* (judge of the manorial court), but also offices that were usually held by the elite of the citizenry, such as the municipal judge (presumably of Vienna) and the municipal attorney. Among these offices, also the *Judenrichter* is listed, and the serving *Judenrichter*—the Justice of the Jews—of Vienna, Hans Röckh, is one of the issuing dignitaries. However, the paragraphs that deal with the authority over the Austrian Jew did not specifically include the *Judenrichter*: they were in general put under the sovereignty of the guardian, and it seems that the *Hubmeister* was to be the guardian's main representative, whom one or two of the council members were to help “to bring in the cases of Christians and Jews” (*ainem huebmaister die*

* Research for this article was funded by the Austrian Science Fund (FWF), project no. P 28610 and preceding projects P 24405, P 21237, P 18453, and P 15638. Translated from German by Tim Corbett.

¹ See for an overview over the struggles Alois NIEDERSTÄTTER: *Das Jahrhundert der Mitte. An der Wende vom Mittelalter zur Neuzeit*, Vienna 1996 (*Österreichische Geschichte 1400–1522*), pp. 197–99.

vell von kristen und von juden helfen inzebringen), if this should prove too difficult (*zewer*) for him—although the *Judenrichter* is among those council members, his (presumed) experience in “Jewish” matters is clearly of no relevance here.²

1 Tasks and Responsibilities

Of great significance for the legal status of Jews in the Austrian lands was the privilege decreed in 1244 by Duke Frederick II. Although it did not explicitly subordinate the Austrian Jews to the ducal chamber, it did clearly mirror the territorial prince’s conception of protection and, thus, of sovereignty, while its numerous economic stipulations evinced the duke’s financial interest in the Jews.³ A few paragraphs were dedicated to matters of jurisdiction: The duke, as sovereign of the Jews, claimed the highest jurisdiction and therefore revoked the authority of the respective municipal judge to adjudicate in conflicts between Jews, henceforth according jurisdiction to himself and/or to the chamberlain.⁴ Simultaneously, the privilege for the first time also named the *Judenrichter* (in Latin *iudex iudeorum*); it remains unclear however if the office had already existed before or was being newly established in 1244. The responsibilities of the *Judenrichter* encompassed both judicial and economic powers. So, for example, he was authorized to adjudicate in conflicts between Jews, a task that otherwise fell in the remit of the rabbinical courts. The ducal privilege however

² 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 Richard MATTIS, Vienna 1937, no. 18295, paragraphs 1/l, 1/n, 1/r, 1/t, pp. 162–63. Hans Röckh was also included in Duke Leopold’s public peace treaty of 1407, but on 11 July 1408 he was executed on Leopold’s order, together with the Viennese mayor Konrad Vorlauf and an alderman, because of their partisanship for Duke Ernst.

³ 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, vol. 5: 1405–1418, Innsbruck, Vienna, Bolzano 2005, 2010, 2015, 2018 [vol. 5 forthcoming], at vol. 1, no. 25, pp. 35–38. See 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. 138–46. For Hungary see Nora BEREND: At the Gate of Christendom. Jews, Muslims and ‘Pagans’ in Medieval Hungary, c.1000–c.1300, Cambridge 2001, pp. 74–84, particularly pp. 80–81; Katalin SZENDE: Laws, Loans, Literates: Trust in Writing in the Context of Jewish-Christian Contacts in Medieval Hungary, in: Religious Cohabitation in European Towns (10th–15th centuries), ed. by John TOLAN and Stéphane BOISSELLIER, Turnhout 2014 (Religion and Law in Medieval Christian and Muslim Societies 3), pp. 243–271; for Poland see Jürgen HEYDE, Transkulturelle Kommunikation und Verflechtung. Die jüdischen Wirtschaftseliten in Polen vom 14. bis zum 16. Jahrhundert, Wiesbaden 2014 (Deutsches Historisches Institut Warschau, Quellen und Studien 29), pp. 24–33.

⁴ See on this topic the contribution by Eveline Brugger in the present collection.

allowed the *Judenrichter* to render judgement if the plaintiff had brought the case before him. The synagogue (or rather the square in front of the synagogue) was to serve as the court venue, with the exception of cases that were to be tried before the ducal court. In addition to these judicial powers, the *Judenrichter* was also authorized to collect fines from both Jews and Christians: Jews had to pay fines for example when they did not respond to court summons, in which case they also had to pay a so-called (*Gerichts-*)*Wandel* (a court fine, presumably imposed by a Christian court) in the form of 12 pence to the *Judenrichter*. The *Judenrichter* was also authorized to collect fines for smaller violent crimes from both Jews and Christians: If a Jew injured another Jew, the culprit had to pay a *Wandel* to the *Judenrichter*, while “disturbances” of the synagogue by Christians were punishable by fines of two talents. Greater fiscal and all corporal punishments fell in the remit of the ducal court. The *Judenrichter* was moreover granted a certain amount of control over Jewish economic activities, primarily those related to the pawning business: Jewish debtors were entitled within one year to submit a request to the *Judenrichter* for permission to sell the collateral, provided that the capital and interest had not yet exceeded the value of the collateral. After a year had passed, the Jewish creditor received the general right of disposal over the collateral.⁵ These stipulations were to define, at least in legal theory, the responsibilities of the *Judenrichter* for the remainder of the medieval period. No clearer definitions of the office, or details regarding investiture, were provided in later ducal privileges for the Jews.

References in charters suggest that the office of the *Judenrichter* probably established itself fairly quickly in the Duchy of Austria, at least in towns with larger Jewish settlements, unless this really did constitute an already existing office that was only mentioned in writing for the first time in the 1244 privilege. The first *Judenrichter* were referred to by name from the mid-thirteenth century onwards: in Krems in 1264 and in Vienna in 1295.⁶ Numerous cities in the Duchy of Austria had a *Judenrichter* from the early fourteenth century onwards, with this position moreover being established in Judenburg (1305), Wiener Neustadt (1328), and Marburg (today

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. 290–92. The office of the *Judenrichter* in Austria and Styria differs greatly to the Regensburg office, see Christoph CLUSE: *Stadt und Judengemeinde in Regensburg im späten Mittelalter: Das “Judengericht” und sein Ende*, in: *Jüdische Gemeinden und ihr christlicher Kontext in kulturräumlich vergleichender Betrachtung von der Spätantike bis zum 18. Jahrhundert*, ed. by ID., Alfred HAVERKAMP und Israel J. YUVAL, Hannover 2003 (FGJ A 13), pp. 365–38; Veronika NICKEL: *Widerstand durch Recht. Der Weg der Regensburger Juden bis zu ihrer Vertreibung (1519) und der Innsbrucker Prozess (1516–1522)*, Wiesbaden 2018 (FGJ A 28), pp. 87–97.

⁶ BRUGGER/WIEDL, *Regesten I* (as in n. 3), no. 42, pp. 56–57, no. 84, p. 91.

Maribor, Slovenia, 1333) in the Duchy of Styria.⁷ Over the course of the fourteenth century, ever more *Judenrichter* also established themselves in towns with smaller Jewish settlements as well as in neighboring lands whose rulers had adopted and/or adapted the 1244 privilege, albeit that their functions and duties may have developed differently in some aspects.⁸ By contrast, there is hardly any evidence of *Judenrichter* in the Duchy of Carinthia, which was ruled by the Habsburgs from 1335 onwards—however, the largest Jewish settlements in this territory were in the towns of Friesach, Villach, and Wolfsberg, which were ruled by the archbishop of Salzburg (Friesach) and the bishop of Bamberg respectively. The few references to *Judenrichter* in Carinthia, namely in Friesach in 1368 and in the ducal town of Völkermarkt in 1382, all arose in the context of business transactions between Carinthian Jews and Styrian nobility, which suggests that the Jews (as well as the two sealers who called themselves *Judenrichter*) were familiar with Styrian customs and therefore used the appropriate ‘official’ title for the sealing of deeds issued by Jews.⁹ The hypothesis that the office was adopted according to ‘geographic’ criteria is supported by regular references to a *Judenrichter* in Pettau (today Ptuj, Slovenia) from 1333 onwards, a town in Lower Styria but ruled by Salzburg.¹⁰

Can the practical application of the responsibilities and revenues stipulated in the privilege be reconstructed from the sources? No clear answer can be given to this question, at least not for the period before 1400.

The surviving source materials alone suggest that the main responsibility of the *Judenrichter* was to corroborate and especially to seal the business deeds involving Jews, especially those issued by Jews.¹¹ Jewish seal bearers were rather rare in the lands

⁷ Ibid., no. 132, pp. 124–25 („unser Richter“), no. 294, pp. 250–51 (Wiener Neustadt), no. 363, p. 292 (Marburg). On the territorial affiliation of Wiener Neustadt to Austria/Styria see Reinhard HÄRTEL: Die Zugehörigkeit des Pittener Gebietes zu Österreich oder Steier im späten Mittelalter, in: Jahrbuch für Landeskunde von Niederösterreich NF 50/51 (1985), pp. 53–134.

⁸ SZENDE, Laws (as in n. 3), pp. 254–57.

⁹ Wilhelm WADL: Geschichte der Juden in Kärnten im Mittelalter. Mit einem Ausblick bis zum Jahre 1867, 3rd edn, Klagenfurt 2009 (Das Kärntner Landesarchiv 9), pp. 101–02 (Friesach, Völkermarkt), pp. 142–43 (Völkermarkt), pp. 211–12 (Friesach); Birgit WIEDL: Der Salzburger Erzbischof und seine Juden im 13. und 14. Jahrhundert, in: Bishops and Jews in the Middle Ages, ed. by Christoph CLUSE, Alfred HAVERKAMP and Jörg R. MÜLLER, Wiesbaden 2020 (FGJ A 29, forthcoming).

¹⁰ BRUGGER/WIEDL, Regesten 1 (as in n. 3), no. 358, p. 289.

¹¹ Birgit WIEDL: ...und kam der jud vor mich ze offens gericht. Juden und (städtische) Gerichtsobrigkeiten im Spätmittelalter, in: Mediaevistik 28 (2015), pp. 243–68, at p. 247; CLUSE, Stadt (as in n. 5), pp. 368–69.

of Austria and Styria lands.¹² Thus, Jews needed to turn to Christian sealers to corroborate their documents, which from the fourteenth century onwards was done almost exclusively through seals.¹³ This activity of the *Judenrichter* was not restricted to resident Jews, but could also be made use of by Jews from outside, demonstrating that the Jews themselves were also informed about the remit of “their” judge and could utilize and call upon him.¹⁴ This specific activity – the corroboration of the *Jewish* portion of the business transaction – was also occasionally reflected in the wording of the document. For example, a charter issued by a citizen of Marburg and the Jew Chatschim from Marburg (concerning the sale of a rent by both individuals to the town scribe) was sealed by the municipal judge and the *Judenrichter*, since neither of the issuers had their own seal. The division of responsibility in the act of sealing was clearly stated: The municipal judge sealed on behalf of the citizen and the *Judenrichter* on behalf of Chatschim.¹⁵ At least for the period up to 1404, which has been studied in detail to date, this relatively clear division appears to have been specific to the Duchy of Styria, whose *Judenrichter* almost exclusively sealed documents issued by Jews, while their Austrian colleagues acted as witnesses and sealers for documents issued by both Christians and Jews.

The judicial authority of the *Judenrichter*, which was only vaguely outlined in the 1244 privilege, was reflected in everyday documentation but nevertheless remains difficult to define more precisely. For example, a conflict between the Jew Nekele and Leserl Hering relating to a debt owed by the Christian and a pawned item not returned by the Jew, which was settled by a verdict of the Viennese *Judenrichter* in 1379, may not in fact have been tried in court but may merely have been settled ‘personally’ by the *Judenrichter*.¹⁶ The role of the *Judenrichter* in court cases was thus

¹² On Jewish seals see Andreas LEHNERTZ: Judensiegel im spätmittelalterlichen Reichsgebiet. Beglaubigungstätigkeit und Selbstrepräsentation von Jüdinnen und Juden, Wiesbaden 2020 (FGJ A 30); on the seal of a Salzburg Jew, cf. vol. 2, pp. 534–38, 547, and ID.: Judensiegel in Aschkenas (1273–1347), in: Corpus der Quellen zur Geschichte der Juden im spätmittelalterlichen Reich, ed. by Alfred HAVERKAMP and Jörg R. MÜLLER, Trier, Mainz 2014 (online at <www.medieval-ashkenaz.org/quellen/1273-1347/js01.html>), nos 31, 32 and 35.

¹³ Roman ZEHETMAYER: Urkunde und Adel. Ein Beitrag zur Geschichte der Schriftlichkeit im Südosten des Reichs vom 11. bis zum frühen 14. Jahrhundert, Vienna, Munich 2010 (Veröffentlichungen des Instituts für Österreichische Geschichtsforschung 53), pp. 268–69.

¹⁴ The compromise between the Marburg Jew Mosche and his brother Chatschim, residing in Cilli (today Celje, Slovenia) was sealed by the Viennese *Judenrichter*, since Mosche was in Vienna at that time; the Radkerburger Jew Judel turned to the *Judenrichter* of Marburg when he sold a vineyard, presumably in Marburg, that had been pawned to him by a Marburg citizen (BRUGGER/WIEDL, Regesten 3 [as in n. 3], no. 1310, pp. 103–04 and no. 1798, pp. 388–89).

¹⁵ BRUGGER/WIEDL, Regesten 2 (as in n. 3), no. 867, pp. 199–200.

¹⁶ Ibid., no. 1604, pp. 278–80. See WIEDL, *Jud* (as in n. II), p. 243.

as diverse as the courts themselves, for example municipal courts and other *Schran-nengerichte*, courts of vineyards, or manorial courts, at which Jews may have appeared as either plaintiffs or defendants.¹⁷ *Judenrichter* might sometimes act as judges and at other times as arbiters, but also as assessors or simply as sealers. Just as often there were conflicts involving Jews at which the respective *Judenrichter* does not appear to have been present at all. This raises the question of whether his involvement was simply not documented in the sources or whether his presence was not necessarily required.

Specific cases in which one might have expected the *Judenrichter* to be involved—at least as a sealer—elucidate this. So, for example, when the Jewish women Hansüß und Rifka¹⁸ went to court in 1404 to have their claim to the house and property of an indebted craftsman affirmed by the municipal judge, who granted them precedence over the claims of three Christian creditors, the *Judenrichter* was not present. Neither did he act as a sealer two months later when their representative, Hansüß's stepson Salman, issued the sales contract for the house, the contract instead being sealed by the municipal seal (*Grundsiegel*) of Vienna and a member of the municipal council.¹⁹ The Jew Schwärzel from Krems submitted his complaint concerning a house to the *Widemgericht*—the *Widem* judge was responsible both for the estates

¹⁷ On the variety of court before which Jews appeared see also Christian SCHOLL: Die Judengemeinde der Reichsstadt Ulm im späten Mittelalter. Innerjüdische Verhältnisse und christlich-jüdische Beziehungen in süddeutschen Zusammenhängen, Hannover 2012 (FGJ A 23), pp. 292–97, on Christians as witnesses before the Jewish *beit din*, see Martha KEIL: Christliche Zeugen vor jüdischen Gerichten. Ein unbeachteter Aspekt christlich-jüdischer Begegnung im spätmittelalterlichen Aschkenas, in: Mitteilungen des Instituts für Österreichische Geschichtsforschung 117 (2009), pp. 272–83.

¹⁸ On Hansüß, daughter of the prestigious moneylender David Steuss and second wife of Rabbi Meyer of Erfurt (since 1397 Rabbi in Vienna) and Rifka, wife of Rabbi Abraham Klausner, see Martha KEIL: “Maistrin” und Geschäftsfrau. Jüdische Oberschichtfrauen im spätmittelalterlichen Österreich, in: Die jüdische Familie in Geschichte und Gegenwart, ed. by Sabine HÖDL and EAD., Berlin, Bodenheim bei Mainz 1999, pp. 27–50, at pp. 39–43.

¹⁹ BRUGGER/WIEDL, Regesten 4 (as in n. 3), nos. 2318, 2319, and 2327, pp. 297–99 and 302–03. According to the charters, the pawning of the house to Hansüß and Rifka had also been recorded in the *Judenbuch*, presumably referring to the lost *Judenbuch* of Vienna, see Arthur GOLDMANN: Das verschollene Wiener *Judenbuch* (1372–1420), in: Nachträge zu den zehn bisher erschienenen Bänden der Quellen und Forschungen zur Geschichte der Juden in Österreich, Vienna 1936 (Quellen und Forschungen zur Geschichte der Juden in Österreich 11), pp. 1–14, at pp. 9–10; see also WIEDL, *Jud* (as in n. 11), p. 248. The last appearance of a Viennese *Judenrichter* before this dates to december 1402 (BRUGGER/WIEDL, Regesten 4 [as in n. 3], no. 2261, pp. 260–61, Stephan Radaundlein), the next one is Hans Rockh 1405 (Richard PERGER: Die Wiener Ratsbürger 1396–1526. Ein Handbuch, Vienna 1988, p. 235); it is however unlikely that there was no Viennese *Judenrichter* in 1404.

gifted to a parish and its tenants and, as a bailiff of the minister, exercised the manorial jurisdiction over the parish estates – under whose jurisdiction the house was located. The case was discussed and adjudicated without the incumbent *Judenrichter* ever making an appearance.²⁰

The following case would support the hypothesis that in some cases the involvement of the *Judenrichter* is simply not demonstrable on account of the poor source basis: In 1354, Jakob Poll, the chaplain of the Viennese city hall chapel, sued his neighbour, the Jew Merchlein,²¹ in the Viennese municipal court due to an unpaid *Grund- und Burgrecht* (rent charges) that was owed to the chapel for a house “among the Jews of Vienna” (*under den juden ze Wiene*), which Merchlein had inherited from his grandfather. The verdict of the Viennese municipal judge evidently only constituted the final say in a long argument and, since a *Zwispilt* (a fine of twice the amount originally owed) had already been imposed by the court in addition to the claims being made on the rights to the house, the case had already become subject to judicial disputation. Assessors were then sent to appraise the house and, as they judged the debts to exceed the value of the house, the municipal judge awarded the house to Jakob Poll.²²

Up to this point, the procedure (as well as the documentation) in no way differed from how a conflict between two Christians would have been handled and, had only this verdict from the court survived, would not have indicated any involvement on behalf of the *Judenrichter*. However, as a second document issued by the *Judenrichter* Heinrich Streicher²³ reveals, Jakob Poll visited Streicher to present him with the document from the municipal judge on the very day that it was issued. Heinrich Streicher, who in his charter mostly repeated what had been stated by the court, affirmed the transfer of ownership of the house, adding a revealing sentence: “because of my aforementioned office” (*von des vorgenanten meines ampts wegen*).²⁴ Admittedly, this is the only such statement that has been found to date, at least in the source materials

²⁰ BRUGGER/WIEDL, Regesten 4 (as in n. 3), no. 2314, pp. 295–296. See further WIEDL, *Jud* (as in n. 11), p. 247.

²¹ Merchlein (also Merchel) came from a family of prestigious moneylenders: both his grandfather Höschel, mainly residing in Judenburg (Styria) and his father Nachman, who lived mainly in Friesach were businessmen with far-reaching connections, see WADL, *Geschichte* (as in n. 9), pp. 209–222.

²² BRUGGER/WIEDL, Regesten 2 (as in n. 3), no. 771, pp. 155–56; see also WADL, *Geschichte* (as in n. 9), p. 217 and 220. Merchlein’s son Hetschel sold the house in 1391 which means that Merchlein managed to keep it in his possession (later it was integrated into the adjacent town hall), see Ignaz SCHWARZ: *Das Wiener Ghetto, seine Häuser und seine Bewohner*, Vienna, Leipzig 1909 (*Quellen und Forschungen zur Geschichte der Juden in Deutsch-Österreich* 2), p. 91.

²³ Heinrich Streicher is traceable as Viennese *Judenrichter* between 1350 and 1355, see BRUGGER/WIEDL, Regesten 2 (as in n. 3), nos. 653 (1350) and 798 (1355), pp. 102 and 167.

²⁴ *Ibid.*, no. 772, p. 156.

analysed thus far, yet it clearly suggests that the *Judenrichter* was involved in (judicial) conflicts between Jews and Christians at least in an corroborative role—though whether this involvement was compulsory or whether it was sought in this case by Jakob Poll (for whatever reason) remains unclear. In any case, Heinrich Streicher was already involved in the conflict before he affirmed this judicial document—a subordinate clause in the above-cited document, “as I have given him my letter also prior to this” (*als ich im auch vormals meinen brief gegeben han*), indicates that Jakob Poll had already paid a visit to Streicher previously and had probably sought a (lost) affirmation of a judicial verdict then, too, probably for the *Zwispilt*.

Perhaps this earlier charter Streicher’s for Poll actually dates back to 1351—Merchlein and Jakob Poll did not bring a dispute before the *Bürgerschranne* (municipal court) for the first time in 1354, or indeed for the last time. The dispute in 1351, which also related to unpaid dues by Merchlein, offers further insights into the role of the *Judenrichter*. The settlement of this conflict, whereby Merchlein pledged himself to an additional payment of a further *Burgrecht* (rent charge) in exchange for the remission of debts already accrued up to this point as well as the *Zwispilt*, had also taken place at least partially before the *Bürgerschranne*, and in the presence of both the municipal judge and the *Judenrichter* Heinrich Streicher. Aside from his presence in court, the *Judenrichter* also fulfilled further functions: Should Merchlein still not make his payments, Poll had the right from the very day that the debts were due “that an envoy from the *Judenrichter*, whoever is in office, should, with our [Merchlein’s] consent, give him sufficient pledges from all the mobile property in our house” (*daz in der judenrichter poten swer judenrichter ist mit unserm guetleichen willen [...] von alle dem varundenguet das in unserm haus ist phant genuege antwurten*). Merchlein moreover had to bear all the arising costs, including not only payment for the envoy of the *Judenrichter*, but also “the justified *Wandel*” to the *Judenrichter* himself—the only evidence to date of an actual payment, at least in theory, of a fine to the *Judenrichter* as mentioned in the 1244 privilege. A glance at the seal on the document issued by Merchlein and outlining the course of the conflict and the resulting compromise also contains a surprise: On Merchlein’s request, the compromise was sealed by the municipal judge, yet the second sealer was not the *Judenrichter*, as might have been expected, but the ducal forest custodian (*Forstmeister*), who otherwise makes no appearance: he was “my judge on behalf of the duke” (*von des hertzogen wegen mein richter*), as the Jewish issuer noted.²⁵ Duke Friedrich II had already distinguished between the *Judenrichter* and a ducal representative responsible for Jewish affairs in 1244 and numerous examples demonstrate that the duke or his representative often intervened on behalf of Jews and that Jews actively turned to people close to the

²⁵ Vienna, Stadt- und Landesarchiv, Hauptarchiv-Urkunden no. 381, BRUGGER/WIEDL, Regesten 2 (as in n. 3), no. 687, p. 117; WIEDL, *Jud* (as in n. 11), pp. 246–47.

court for assistance.²⁶ Both the (sealing) presence of the ducal forest custodian and the urgent requests (*vleizziger pet*) of “honourable people and gentlemen, Christians and Jews” (*erber leut und herren christen und juden*) which had made Poll agree to the compromise, evince the intervention and influence of the duke himself on the judicial verdict that moved the chaplain to “voluntarily” renounce his—judicially recognized—claims. Merchlein’s pledge—formulaically phrased, yet nevertheless unusual for a judicial settlement in the municipal context—not to seek the assistance of the ducal court in this matter²⁷ also indicates such a prior intervention.

Older literature on the subject mostly assumed that a *Judengericht* (a court for the Jews)—consisting of an equal number of Jewish and Christian assessors and headed by the *Judenrichter*—was established to adjudicate in conflicts between Jews and Christians.²⁸ Not only is there a lack of documentary evidence attesting to the activities of such a court: The fact that numerous conflicts were settled in other courts, with the *Judenrichter* only occasionally becoming involved, moreover indicates that such a *Judengericht* would not necessarily have been a comprehensive entity. The existence of such a *Judengericht* in the Duchy of Austria is only evinced through its exemption from the suspension of all secular and religious courts (with the exception of the *Judengericht*, the ducal court, the municipal court, and the mint court) by Duke Rudolph IV between 1361 and 1364; it is unclear whether this paragraph refers to the *Judengericht* or to the internal Jewish court (*beit din*).²⁹ The first irrefutable evidence of a *Judengericht* and the related role of the *Judenrichter* dates to 1404 in the Duchy of Styria: Andreas Kregel, the county judge (*Landrichter*) and *Judenrichter* in Graz, certified that the Jews Friedel and Neglein from Graz had laid claim to collateral and assets belonging to Erasmus of Jauring on account of the financial debt he

²⁶ See the contribution by Eveline Brugger in the present collection.

²⁷ This pledge strongly resembles in its wording the Christian formula with which they promise to not turn to the (ducal) court to gain a diminution or annulment of their debt; see Eveline BRUGGER: “So sollen die brief ab und tod sein.” Landesfürstliche Judenschuldentilgungen im Österreich des 14. Jahrhunderts, in: Jüdisches Geldgeschäft im Mittelalter, ed. by EAD. and Birgit WIEDL, Berlin, Boston 2012 (Aschkenas 20/2), pp. 329–34, at pp. 339–40.

²⁸ E. g., Markus GANSER in his (otherwise excellent) Master’s thesis, *Judenrecht und Judengerichtsbarkeit in der Steiermark im Mittelalter*, Univ. Graz 1996, extrapolates the existence of a *Judengericht* from every mention of a *Judenrichter*; also not all of the numerous documents which Artur ROSENBERG: *Beiträge zur Geschichte der Juden in Steiermark*, Vienna, Leipzig 1914 (Quellen und Forschungen zur Geschichte der Juden in Deutsch-Österreich 6), pp. 14–30 lists as evidence for an encompassing *Judengericht* are conclusive; the document referred to in *Germania Judaica*, vol. 3: 1350–1519, part 2: *Ortschaftsartikel Mährisch-Budwitz – Zwolle*, ed. by Arye MAIMON s. A., Mordechai BREUER and Yacov GUGGENHEIM, Tübingen 1995, p. 1165 (1499, Radkersburg) mentions neither a *Judenrichter* nor a *Judengericht*.

²⁹ BRUGGER/WIEDL, *Regesten 2* (as in n. 3), no. 992, p. 263 (Vienna), no. 1006, p. 269 (Wiener Neustadt), no. 1047, pp. 288–89 (Bruck an der Leitha) and no. 1072, pp. 301–02 (Tulln).

owed to the children of the Jew Saulein. After Friedel and Neglein had publicly offered the collateral and assets for redemption, as was customary in the law of the land, the judge awarded them the collateral and assets “before me in Graz before the *Judengericht* of honourable Christians and Jews” (*vor mir zu Grätz vor dem Juden rechten von erbern christen und juden*). The source material as evaluated up to date suggests that the *Judengericht* was mainly a Styrian institution. References to such courts stem from records issued by *Judenrichter* of Styrian towns, who in their charters document judgements they rendered together with assessors from both parties. In Austria, such matters—mostly suits over forfeit pledges—were still handled by either a municipal courts or by a *Judenrichter*, without a *Judengericht* being mentioned, or—even more commonly—by the local manorial courts.³⁰ In 1408 Duke Leopold IV ordered the town of Krems, to “hand over our *Judengericht* thereat” to Veit Pucher.³¹ Whether his words actually indicate the existence of a *Judengericht*, or whether they merely refer to the office of the *Judenrichter*, remains unclear. The next incumbent of this office in Krems known in scholarship to date can only be traced to 1419 and moreover only appears as a sealer of documents unrelated to Jews.³²

2 The *Judenrichter* as an Intermediary between Jews and Christians

Aside from adjudicating in legal conflicts, the *Judenrichter* was also involved in legal matters related to Jews in their Christian environment. Jewish properties and real estate, whether they had been won through forfeited collateral or purchased, were like Christian property registered in the cadaster or *Gewerbücher* (a form of cadaster in which the right of usage over the property was registered) of the respective town or manor. Although many of these entries (presumably also due to their brevity and formulaic character) do not refer to any involvement of the *Judenrichter*, at least in some cases his involvement may fairly be assumed. For example, the registry and *Gewerbuch* of the cathedral deanery in Vienna recorded the receipt of the right of usage (*Nutz und Gewer*) over half a house in the Jewish quarter by the Jew Mierl in January 1420 (just a few months before the Vienna *Gesera*), which she had inherited

³⁰ For Graz, see the documents from St. Lambrecht, Stiftsarchiv, Uk. no. I 625a, (cf. BRUGGER/WIEDL, Regesten 4 [as in n. 3], no. 2325, pp. 301–02. On the debts of Erasmus of Jaurings with Saulein see *ibid.*, nos. 2033–34, p. 122, and no. 2036, pp. 123–24. See also St. Lambrecht, Stiftsarchiv, Uk. no. I 680 (1411), Uk. no. I 719a (1416), Uk. no. I 723a (1416).—For Judenburg, see *ibid.*, Uk. no. I 691a (1412) and Uk. no. I 692a (1413).—For Wiener Neustadt, cf. Hungarian National Archives, Győr-Moson-Sopron County Sopron Archives, XV.76, Uk. no. 509 (forthcoming in BRUGGER/WIEDL, Regesten 5 [1405–1418]).

³¹ Krems, Stadtarchiv, Urk. 1408 I 22; see also below.

³² *Ibid.*, Urk. 1419 VI 16 and 1419 X 7.

from her mother Rifka. To assert her claim, Mierl appeared before the *Judenrichter* with evidence (presumably of a documentary and/or cadastral nature) and accompanied by the two *shammashim* (referred to as *Judenmesner*, “Jewish sexton/sacristian”, in the Christian sources) who confirmed her claim in writing: “the slip from the *Judenrichter* is enclosed to the cadaster” (*item zedel von dem judenrichtter leit bey dem gruntpuch*) is noted next to the entry in the cadaster.³³

Both Christians and Jews had to appear before court to assert or refute claims. Repeated failure to appear before court resulted in the immediate victory of one’s counterpart. According to the 1244 privilege, the *Judenrichter* was responsible for informing the Jewish party of the court date. However, the performance of this duty is only rarely documented. The respective court would usually send bailiffs, sometimes accompanied by the *shammash*, to notify the relevant parties³⁴, and sometimes the *Judenrichter* was also used in this capacity. In 1378, for example, the castellan of Dürnstein and judge of the Wachau, who had been tasked by the duke with adjudicating in a conflict between the Cistercian nuns of Ybbs and the Jew Smerlein from Krems regarding a vineyard, sent two of his own envoys to summon the respective parties but explicitly instructed the *Judenrichter* of Krems “to order the Jew to show up” (*daz er den juden hiez fürhömen*).³⁵

The role of the *Judenrichter* as an intermediary between Christians and Jews was generally accepted among the Christian population, allowing the *Judenrichter* not only to mediate between Jews and the judiciary, but also to assist in “private” cases if the Jewish community as a whole or individual members were to be approached by Christians, also collectively or individually.³⁶ Such an incident is recorded in unusual detail in a short document dated 4 November 1354: Envoys of the Styrian Count of Pfannberg proceeded to the Lower Styrian city of Marburg to inquire into any outstanding debts owed to the family. A couple of weeks previously, on 23 October, the Austrian marshal of many years and Captain of Carinthia Ulrich of Pfannberg had died, but had demonstrably still owed debts to several Jews in Marburg. In 1350, he

³³ GOLDMANN, *Judenbuch* (as in n. 19).

³⁴ WIEDL, *Jud* (as in n. 11), pp. 244–45.

³⁵ Vienna, Haus-, Hof- und Staatsarchiv, AUR Urk. 1378 VIII 23, BRUGGER/WIEDL, *Regesten* 3 (as in n 3), p. 268, no. 1590.

³⁶ Martha KEIL: Raum und Ordnung. Die mittelalterliche Synagoge als Konstruktionsraum von Öffentlichkeit, in: *Jewish Spaces. Die Kategorie Raum im Kontext kultureller Identitäten*, ed. by Petra ERNST and Gerald LAMPRECHT, Innsbruck, Vienna, Bolzano 2010, pp. 33–50, at pp. 45–46; Birgit WIEDL: *Do hiezen si der Juden mesner rufen*. Jüdisch-christliche Geschäftsurkunden als Quellen zur Alltagsgeschichte, in: *Abrahams Erbe. Konkurrenz, Konflikt und Koexistenz der Religionen im europäischen Mittelalter*, ed. by Ludger LIEB, Klaus OSCEMA and Johannes HEIL, Berlin, Munich, Boston 2015 (Das Mittelalter, Beiheft 2), pp. 437–53, at pp. 437–38 and pp. 441–42.

had taken over a debt of 400 marks of Agleier pence on behalf of his brother-in-law Henry of Montpreis that was owed to the Jews Isserlein in Marburg as well as to Mosche und Chatschim, the sons of the Jew Scheblein from Cilli (today Celje, Slovenia), who also lived in Marburg. This debt had remained unpaid for at least a year and had accrued interest.³⁷ Ulrich's heirs were obviously unsure whether this (and/or other) debts to the Jews in Marburg were still outstanding, yet for our purposes the actual course of events in Marburg itself is of more interest. The envoys first contacted the municipal judge Nikolaus Petzolt, the *Judenrichter* Wilhelm, and another citizen of Marburg called Paltram and asked them to accompany them to the synagogue. Upon arrival, the envoys asked the shamash to ask around "whether anyone among the Jews had any letters" (*ob yemand unter den Juden daselbest priefe hiett*) that they could present at the synagogue for the envoys to settle. When the Jews responded that none of them was in possession of any promissory notes from the Pfannbergers, the envoys declared, once again through the shamash, all promissory notes submitted after that day to be invalid. This was not only affirmed by attestation of the municipal judge, the *Judenrichter*, and the citizen Paltram, but the three moreover confirmed that they as well as "other honourable people" had been present during the proceedings and had heard the various statements made.³⁸ This very detailed account, despite the brevity of the document, is interesting for two reasons: On the one hand, the *Judenrichter* was here perceived as an "essential component" in the establishment of contact with the Jewish community, while on the other hand it was deemed necessary or at least desirable to have a further dignitary as well as a third party present to corroborate the proceedings. The physical presence of the Christians in (or presumably actually in front of) the synagogue evinces the degree to which the synagogue square was not only recognized in its function as a court venue, as stipulated in the 1244 privilege, but was moreover accepted by the Christian population as a public space within the city.

³⁷ BRUGGER/WIEDL, *Regesten 2* (as in n. 3), no. 669, p. 109, and no. 688, p. 118. 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, Innsbruck, Vienna, Bolzano 2010, pp. 241–60, at p. 249.

³⁸ Vienna, Haus-, Hof- und Staatsarchiv, AUR Uk. 1354 XI 4; BRUGGER/WIEDL, *Regesten 2* (as in n. 3), no. 782, pp. 159–60; see 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. 285–86; KEIL, *Raum* (as in n. 24), pp. 45–46; WIEDL, *Do hiezen sie* (as in n. 36), pp. 237–442.

3 The *Judenrichter*—an Office between Ducal and Municipal Affiliation

To what degree should the *Judenrichter* then be regarded as a ducal office and to what degree did individual cities and towns manage – or to what degree was it in their interest – to turn this into a municipal office? While other offices that dealt with Jewish matters by ducal decree were occupied by members of noble families, this only applied to the office of the *Judenrichter* in certain cases. Only a few of the documented *Judenrichter*, so for example the Viennese *Judenrichter* Hagen of Spielberg, who is mentioned in a document from 1329 that is otherwise unrelated to Jews³⁹, hailed from the class of citizen-knights (*Ritterbürger*) of their respective towns; Hagen of Spielberg's close connection to the court is evident from his later activity as *Hofmeister* to Duchess Johanna.⁴⁰ The overwhelming majority of *Judenrichter* documented in the Duchies of Austria and Styria hailed from the (upper) citizenry of their respective cities, with many of the incumbents also fulfilling other functions typical of this social class, such as municipal judges, hospital masters, keepers of keys, or *Ungeltes* (collectors of the alcohol tax). The *Judenrichter* can thus be regarded as part of the municipal *cursus honorum*. Klaus Lohrmann even postulated that the office of the *Judenrichter* can be regarded as a kind of sinecure on account of the income associated with it.⁴¹ The office was also often performed in personal union, so for example the *Judenrichter* of Graz also acted (at least until 1404) as county judge (*Verweser* and *Landrichter*), while in the town of Neunkirchen in the Pitten area, Nikolaus am Holzmarkt acted both as market judge and *Judenrichter*. While in smaller towns, this might have been due to a lack of eligible families, even in large(r) towns such as Vienna and Krems, the offices of municipal judge and *Judenrichter* (as well as other offices) could be performed in personal union.⁴²

But who was responsible for appointing the *Judenrichter*? The settlement of the conflict between the Austrian estates mentioned at the outset stipulated that a number of offices, including that of the *Judenrichter*, were to be appointed by the guardians of Albrecht V, in other words to be ducal appointments. Yet an actual appointment by the duke or his representative in every individual case would have been an administrative impossibility in day-to-day practice. It is therefore more reasonable to

³⁹ BRUGGER/WIEDL, Regesten 1 (as in n. 3), no. 305, pp. 258–59.

⁴⁰ Herwig WEIGL, *Materialien zur Geschichte des rittermäßigen Adels im südwestlichen Österreich unter der Enns im 13. und 14. Jahrhundert*, Vienna 1991 (Forschungen zur Landeskunde von Niederösterreich 26), pp. 318–19.

⁴¹ *Germania Judaica*, vol. 3: 1350–1519, part 3: Gebietsartikel, Einleitungsartikel und Indices, ed. by Arye MAIMON, Mordechai BREUER and Yacov GUGGENHEIM, Tübingen 2003, p. 1985.

⁴² For the *Judenrichter* of Graz, who acted as county judges simultaneously, Wulfing Wolf and Andreas Kregel, see the indices at BRUGGER/WIEDL, Regesten 3 and 4 (as in n. 3), for Nikolaus am Holzmarkt see the index at Regesten 3; see also WIEDL, *Jud* (as in n. 11), p. 245.

assume that, in most cases, the appointments were made by each respective municipal administration from amongst the citizenry. Only in special cases did the duke intervene, as happened for example during the (further) conflicts between Leopold IV and Ernst over Albrecht's guardianship. In Krems, home to the second-largest Jewish community in the Duchy of Austria after Vienna, one (Stephan) Zebinger had evidently been appointed to the office of *Judenrichter* without ducal approval.⁴³ However, on 22 January 1408, just a few days after the (provisional) conclusion of peace between Duke Leopold IV and his brother Ernst, Leopold ordered the city to pass "our *Judengericht* thereat" over to his stalwart Veit Pucher, which he was to administer according to "the charters he has from us in said matter". Since Zebinger had taken over (*sich underzogen*) the office, the city was instructed to not only ensure that he transferred the office immediately to Pucher (*desselben gerichts ane verziehen abtrette*), but also handed over all the revenues and income he had gained from it (*im auch alle beut und gulte so er dieweil von unserm gericht daselbs ingenommen und empfangen hat widergeben und keren*)—another reference to the income generated by fines and similar sources to which the *Judenrichter* was entitled.⁴⁴ Veit Pucher, who was documented in 1401 as judge of Krems and Stein⁴⁵, was obviously already in the service of the duke at this point: In late 1407, he traveled to Krems at the behest of the two *Hofmeister* of the quarreling dukes to convey information to the citizens there.⁴⁶ His appointment as *Judenrichter* in Krems—presumably a lucrative position considering the size of the Jewish community there—was possibly intended as a reward or remuneration for his services.

Other aspects also suggest that the duke resorted to the *Judenrichter* as 'his' official if need be. While no general regulation concerning the collection of the ducal Jewish tax can be reconstructed (if such a regulation ever existed), this evidently fell partly in the *Judenrichter's* remit, or at least under special circumstances. When in late 1395 and early 1396 the various participants in the hostilities that erupted repeatedly along the Bohemian border made their respective claims, these were paid out directly by the Viennese *Judenrichter* Ortolf Schuchler from the Jewish tax (presumably also from Vienna), which the *Judenrichter* "now collects on behalf of my lord [Duke Wilhelm]" (*die er yetz von desselben meines herren wegen innimpt*), as one of the beneficiaries remarked on his note of acquittance.⁴⁷ Whether this constituted a general duty of

⁴³ He appears only as *der Cebinger*, but is town councillor in 1411; see Krems, Stadtarchiv, Urk. 1410 VIII 24 and 1411 IX 9.

⁴⁴ *Ibid.*, Urk. 1408 I 22.

⁴⁵ *Ibid.*, Urk. 1401 XII 3.

⁴⁶ *Ibid.*, Urk. 1407 XII 29 and 1408 I 3.

⁴⁷ Vienna, Stadt- und Landesarchiv, Hauptarchiv-Urkunden no. 1322, quittance of Lienhart of Stubai; see Birgit WIEDL: "Den Panzer von den Juden gekauft und empfangen." Juden zwischen Krieg und Katastrophe – Gefahren und Möglichkeiten, in: Krisen, Kriege, Katastrophen. Zum

the *Judenrichter* or—as the word “now” (*yetz*) strongly implies—he only did so on this special occasion, possibly because the party actually responsible according to a 1392 regulation, the *Hofmeister*⁴⁸, was absent, remains open to speculation.

Despite the ducal sovereignty over the *Judenrichter*, which may have only been seldom exercised but was always in effect, municipalities could also instrumentalize the office of the *Judenrichter*, particularly when it came to expanding their general supervisory measures over the economic activity of the municipal Jews. In their respective municipal laws, numerous municipalities defined and limited the property that Jewish creditors could accept as collateral and tried to supervise the extent to which their citizens indebted themselves, especially with regard to the mortgaging of houses and real estate.⁴⁹ The *Judenrichter* may have played an important role in these supervisory measures, but he would often have to share this role with the municipal judge. The municipal laws of St. Pölten, decreed in September 1338⁵⁰ by the ruler of the city, the bishop of Passau, aimed both at the regulation of the Jewish pawning business and a general supervision of Jewish business activities.⁵¹ The fact that the Jews had to submit their business correspondence and pledges three times per annum for approval by the municipal judge was probably a consequence of the fact that there does not appear to have been a *Judenrichter* in St. Pölten (and the fact that there is also no more evidence of a Jewish settlement in St. Pölten after 1338).⁵² In the

Umgang mit Angst und Bedrohung im Mittelalter, ed. by Christian ROHR, Ursula BIEBER and Katharina ZEPPEZAUER-WACHAUER, Heidelberg 2018 (Interdisziplinäre Beiträge zu Mittelalter und Früher Neuzeit 3), pp. 199–232, at pp. 207–08.

⁴⁸ See for the (unclear) regulations on the collection of Jewish taxes the contribution of Eveline Brugger in this volume.

⁴⁹ See for an overview Christine MAGIN: “Wie es umb der iuden recht stet”. Der Status der Juden in spätmittelalterlichen deutschen Rechtsbüchern, Göttingen 1999 (Göttinger philosophische Dissertation D 7), for a list of examples of both towns and banned items, see *Germania Judaica* 3.3 (as in n. 41), p. 2184, for (today’s) Austria Birgit WIEDL: Codifying Jews. Jews in Austrian Town Charters of the 13th and 14th Centuries, in: *Slay Them Not: Jews in Medieval Christendom*, ed. by Merrall PRICE and Kristine UTTERBACK, Leiden 2013 (Etudes sur le Judaïsme medieval), pp. 201–22, at 211–12.

⁵⁰ These municipal laws were decreed shortly after the wide-ranging persecutions that had started in spring 1338 with a host desecration accusation in Pulkau and also affected the Jewish community of St. Pölten, see BRUGGER, Ansiedlung (as in n. 3), pp. 216–219; Birgit WIEDL: Die angebliche Hostienschändung in Pulkau 1338 und ihre Rezeption in der christlichen und jüdischen Geschichtsschreibung, in: *Medaon* 4, 6 (2010), online <www.medaon.de/en/ausgabe/issue-4-2010-6/>.

⁵¹ BRUGGER/WIEDL, *Regesten* 1 (as in n. 3.), no. 444, p. 341.

⁵² Klaus LOHRMANN: *Judenrecht und Judenpolitik im mittelalterlichen Österreich*, Vienna, Cologne 1990 (Handbuch zur Geschichte der Juden in Österreich B 1), pp. 156–157, who assumes that the paragraphs were transferred from an older version.

town of Pettau, where a *Judenrichter* was documented by name since the early fourteenth century, records created in 1376 chronicling the procedures stipulated by the municipal laws reveal a division of responsibility: The Jews of Pettau had to submit their promissory notes annually to the court of the municipal judge. Their *Schreinpfünder* (moveable pledges), meanwhile, had to be submitted to the *Judenrichter* every week. A range of largely identically worded privileges issued by Duke Wilhelm to the municipalities of Styria in 1396 stipulated that every certificate of debt owed by citizens of the respective municipality to Jews needed to be sealed by both the municipal judge and the *Judenrichter*. Due to the fact that the source materials from the fifteenth century have not yet been comprehensively identified and examined, it cannot be ascertained at this point to what degree this regulation was put into practice on an everyday level—only four of the nine privileged cities (Graz, Bruck an der Mur, Voitsberg, and Judenburg) moreover had a demonstrable Jewish presence at the time. This double-sealing has only been evident in certain cases in the materials analysed to date (and was not uncommon 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 actually concerned only the sale of her forfeited pledges to a third party and not a bond as such.⁵³ Meanwhile, a document sealed by the issuer of the bond to Gutel's (step-) son Hedlein and the municipal judge probably did not fall under this regulation anyhow as the debtor was not a citizen of Graz.⁵⁴

One of the most important supervisory measures not only of the municipal but also the ducal and manorial administrations was the keeping of so-called *Judenbücher*—registers of debts and pledges relating to Jewish business activities that began to be compiled from the late fourteenth century onward. Unfortunately, only few of them have survived from the territory of modern Austria. Many more *Judenbücher* were lost (so for example those of the Duchy of Austria, Vienna, Krems, Klosterneuburg, Wiener Neustadt, possibly Bruck an der Leitha, and possibly others whose existence is unknown⁵⁵) than have been preserved (those from the Scheffstraße near

⁵³ BRUGGER/WIEDL, Regesten 4 (as in n. 3), no. 2170, p. 203. The town judge, Martin Unkel, is documented as *Judenrichter* in 1409 (Vienna, Haus-, Hof- und Staatsarchiv, AUR Uk. 1409 VIII 16).

⁵⁴ BRUGGER/WIEDL, Regesten 4 (as in n. 3), no. 2279, p. 271

⁵⁵ For the *Judenbuch* of the Duchy of Austria, see Alfred HAVERKAMP: Verschriftlichung und die Überlieferung von Quellen zur Geschichte des aschkenasischen Judentums während des späten Mittelalters: Überblick und Einsichten, in: Verschriftlichung und Quellenüberlieferung. Beiträge zur Geschichte der Juden und der jüdisch-christlichen Beziehungen im spätmittelalterlichen Reich (13./14. Jahrhundert), ed. by ID. and Jörg R. MÜLLER, Peine 2014 (FGJ A 25), pp. 1–64, at pp. 13–36; on its strong anti-Jewish introduction (the only part that has survived, albeit in an 18th-century copy) see Birgit WIEDL: Anti-Jewish Polemics in Business Charters from Late Medieval Austria, in: Verging on the Polemical: Exploring the Boundaries of Medieval Religious Polemic

Vienna and the Styrian monastery of Rein).⁵⁶ Not only the quantity, but also the extent of the lost registers exceeds that of those that have been preserved. For example, the preserved *Liber Judeorum* from Wiener Neustadt, by contrast to the city's lost *Judenbuch*, constitutes merely a *Gewerbuch*, a register of Jewish real estate property in the city.⁵⁷ Although the compilation of municipal *Judenbücher* also signified municipal supervision over Jewish business affairs, they were also at least partially tied to ducal approval: So for example in 1388 Duke Albrecht III allowed the town of Bruck an der Leitha to create a *Judenbuch*.⁵⁸ Being registered in the *Judenbuch* also ensured a level of protection for Jewish businesspeople as, just like their Christian business partners, they could present this in court as evidence.⁵⁹

The label *judenrichter puech* that appears in the cadasters for the lost Viennese *Judenbuch* up until 1385⁶⁰ implies that the *Judenbuch* was kept by the *Judenrichter*, who—at least in cities with large communities like Vienna—was supported (even if this was only rarely documented) by a *Judenschreiber*, a scribe for Jewish affairs.⁶¹ By contrast, the *Judenbuch* from the Scheffstraße, a settlement located then outside the city by the Stubentor which was subject to the Duchess of Austria and administered by her district magistrate, was probably kept by this magistrate, who also kept the two other public records that were bound in the same manuscript, namely the *Christenbuch* and the cadaster.

What, to conclude, to make of this somewhat elusive office? The fact that no clear definition of duties was ever given does not surprise but ties in with findings regarding other Austrian and Styrian offices that engaged in Jewish matters, sketching a

across Genres and Research Cultures = medieval worlds. comparative & interdisciplinary studies 7 (2018), pp. 61–79 (online <www.medievalworlds.net/oxc1aa5576_ox00390b23.pdf>), pp. 68–69. For the lost Viennese *Judenbuch* see GOLDMANN, *Judenbuch* (as in n. 19); references to the lost *Judenbücher* of Klosterneuburg, Krems and Bruck an der Leitha in BRUGGER/WIEDL, *Regesten 4* (as in n. 3), no. 1924, p. 50, no. 2314, pp. 295–96, and no. 1886, p. 26, respectively.

⁵⁶ Arthur GOLDMANN: *Das Judenbuch der Scheffstraße zu Wien (1389–1420)*, Vienna, Leipzig 1908 (*Quellen und Forschungen zur Geschichte der Juden in Deutsch-Österreich 1*); Birgit WIEDL: *Juden in österreichischen seriellen Quellen in der ersten Hälfte des 14. Jahrhunderts*, in: *Verschriftlichung* (as in n. 55), pp. 123–46, at pp. 140–42; David HERZOG: *Das "Juden-Puech" des Stiftes Rein*, in: *Zeitschrift des historischen Vereins für Steiermark 28* (1934), pp. 76–146.

⁵⁷ Martha KEIL: *Der Liber Judeorum von Wiener Neustadt 1453–1500*. Edition, in: *Studien zur Geschichte der Juden in Österreich*, ed. by EAD. and Klaus LOHRMANN, Vienna 1994, pp. 41–99.

⁵⁸ BRUGGER/WIEDL, *Regesten 4* (as in n. 3), no. 1886, p. 26, it is however unclear whether the *Judenbuch* was actually created, no references to it have (until now) been found in other source material.

⁵⁹ WIEDL, *Jud* (as in n. 11), p. 252.

⁶⁰ GOLDMANN, *Judenbuch* (as in n. 19), pp. 6–9

⁶¹ *Ibid.*, pp. 5–6.

general vagueness in that concern. There seems to be no definite answer to the question whether the *Judenrichter* is to be addressed as a ducal office or develops over time into a more municipal office, or even sinecure, and the question might even miss the point. Regional and temporal differences seem bigger than previously presumed and certainly exceed the somewhat basic assessment that the Viennese *Judenrichter* Ortolf Schuchler of 1396, obviously involved in the ducal financial management, and his colleague Hans Parater of the small Lower Austrian town of Tulln from around the same time, who is only documented as sealing charters without any Jewish participation,⁶² might not have had that much in common office-wise. The ongoing project *Regesten zur Geschichte der Juden in Österreich im Mittelalter* aims at providing an essential part of the necessary groundwork, particularly for the fifteenth century.

⁶² BRUGGER/WIEDL, *Regesten 4* (as in n. 3), index.