

Herausgegeben von Elias H. Füllenbach OP
und Gianfranco Miletto

Dominikaner und Juden Dominicans and Jews

Personen, Konflikte und Perspektiven
vom 13. bis zum 20. Jahrhundert

Personalities, Conflicts, and Perspectives
from the 13th to the 20th Century

DE GRUYTER

ISBN 978-3-05-004515-3
e-ISBN (PDF) 978-3-05-008791-7
e-ISBN (PUB) 978-3-11-038019-4
ISSN 0942-4059

Library of Congress Cataloging-in-Publication Data

A CIP catalog record for this book has been applied for at the Library of Congress.

Bibliografische Information der Deutschen Nationalbibliothek

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.dnb.de> abrufbar.

© 2015 Walter de Gruyter GmbH, Berlin/München/Boston

Druck und Bindung: Hubert & Co. GmbH & Co. KG, Göttingen

♻ Gedruckt auf säurefreiem Papier
Printed in Germany

www.degruyter.com

Jewish Moneylending in Dominican Preaching, Confession, and Counselling

Some Examples from Later Medieval Germany

CHRISTOPH M. CLUSE

In the summer of 1438, the council and community of the metropolitan city of Mainz on the Rhine passed a decree to expel the local Jews by not extending their rights of residence. Despite the fact that Jews were able to return to Mainz for brief periods during the fifteenth century, the measure marked the end of the ‘Holy Community of Magenza’, one of the earliest medieval Jewish settlements in Germany and for generations one of the outstanding centres of Ashkenazi Jewry. The Jews were given time until the Feast of St James (25 July) to leave the city. A last-minute attempt to halt the measure was undertaken by King Albrecht’s financial commissioners, but to no avail: On 30 July the council wrote them that the Jews had already left the city, allegedly of their own accord. It was not until five years later that the expulsion again came under attack, this time from the archbishop of Mainz, Dietrich of Erbach (1434–1459). In the course of his feud with the municipal authorities of his archiepiscopal city, the prelate contended that the council had illegally and forcibly expelled the Jews, whom by right he held in fief from the Empire, thereby causing him and his cathedral chapter damages amounting to 100,000 florins, and he demanded that the Jews be readmitted into the city.¹ The pamphlets pertaining to the case include a ‘rescript’ by the council (1444), in which the religious aspect of the issue is underscored, clearly in an attempt to fight the archbishop on his own ground as a prelate of the Church: “We are astonished”, wrote the magistrate, “considering that Archbishop Dietrich is an ecclesiastical prince, that he should demand such a thing from us. For if he should settle the Jews again in our city of Mainz and let them live on the same basis and in the same ways that they used to, that would be, as we understand it, as if we allowed them to pursue their above-mentioned evildoings (*unfur*) against the divine order and the

¹ Cf. Franz-Josef Ziwes, *Studien zur Geschichte der Juden im mittleren Rheingebiet während des hohen und späten Mittelalters*, Hannover 1995 (Forschungen zur Geschichte der Juden, Abteilung A: Abhandlungen, vol. 1), p. 264–265.

law of the Holy Church”.² Indeed, the archbishop’s pastoral duty would have been to keep the citizens of Mainz from doing evil and to instruct them accordingly, such as other pastors and learned men “have often done, especially master Heinrich Kalteisen, a teacher of the Holy Writ, who did so publicly in the cathedral and from the pulpit, in the presence of the said Archbishop Dietrich, of his prelates and learned priests, of whom there was no small but rather a large number present”.³ According to the magistrate’s letter, this was the gist of what Master Kalteisen had preached: The Church tolerated the Jews and other unbelievers in the hope of their salvation (“by their own prophets, law, and books” they will be won). “But that [the Church] should tolerate them in order that they damage Christians by taking usury, this we will not concede them”. It was a sin the magistrates did not want to be burdened with.⁴

The quoted reference to the teachings of a preacher – in this case, the Dominican theologian and inquisitor, Heinrich Kalteisen (ca. 1390–1465) – is no isolated case. As Franz-Josef Ziwes has argued, it would seem that the councillors of Mainz drew on the example set by their peers in the royal borough of Heilbronn, who had expelled the local Jews in 1437. In their defense (of 20 August 1438) the Heilbronn magistrate alleged they had acted in response to the warnings of learned men, delivered “publicly in their sermons and secretly in confession”. According to these warnings, it was a grave sin to knowingly permit the Jews to practice usury.⁵ Similarly, the city of Cologne on the Lower Rhine had expelled its Jews in 1424. Challenged by King Sigismund to justify their measure, the Cologne councillors named various causes for the expulsion in their response of 28 August 1431, but “in particular” (*besunder*) that they lent money at interest in contracts which, “as we have been taught by learned men”, the city could “neither allow, confirm nor seal”.⁶ In Augsburg, too, the expulsion of 1438 was said to have been motivated by

² “Uns nympt wunder Nachdem derselbe Erzbischove Diethrich ein cristlicher furst ist das er solichs an uns gesynnet. In dem das er die Judden widder in uns(er) Stat Mentz zu stellen und die da Inn zu lassen In allen der mass und wise sie vor dar Inn gewset sint das ist als wir v(er)stan das wir Ine, widder gotes ordnu(n)ge und gesez der heiligen kirchen gestate(n) ir obgemelte unfur.” Bayerisches Staatsarchiv Würzburg, Mainzer Urkunden, Geistl. Schrank, Lade 25, Art. 4 (“Nachrede des Rates”), c. 206v, quoted in: Josef Salomon Menzel, *Beiträge zur Geschichte der Juden von Mainz im XV. Jahrhundert: Eine Quellenkritische Untersuchung mit Quellenabdruck*, Berlin 1932, p. 114.

³ *Ibid.*: “Nemlich meister Heinrich Kaltysen, ein lerer der heiligen schrift, der da solichs offenpurlichen zu Mentz in dem dummonster und uf der Cantzeley In bywesen des obgent’ Erzbischoffs Diethrichs siner geistlichen praelaten und gelerten phaffen der da nit eyn cleyn Sunder eyn gros menge was”.

⁴ *Ibid.*, p. 114–115: “aber das sie sie darumb dulde und lide das sie den cristen mit Wucher nemen schaden zufugen sollen gesteen wir Inne nit”.

⁵ Gustav Beckmann (Ed.), *Deutsche Reichstagsakten unter König Albrecht II.*, Abt. 1: 1438, Göttingen 1925 (Deutsche Reichstagsakten, Ältere Reihe. Von König Wenzel bis Kaiser Friedrich III., vol. 13), p. 478–479, quoted in: Sabine Mütschle, *Juden in Augsburg 1220–1440*, doctoral diss., Stuttgart 1995, p. 304; cf. Ziwes, *Studien*, p. 263.

⁶ Historisches Archiv der Stadt Köln, Briefbuch 12, c. 77–78, quoted in: Anna-Dorothee von den Brincken, *Das Rechtfertigungsschreiben der Stadt Köln wegen der Ausweisung der Juden im Jahre 1424*.

what preachers told their audiences from the pulpit.⁷ More examples from fifteenth-century Germany could easily be adduced.⁸ In their sermons and during confession, members of the religious orders, itinerant friars, resident scholars, and secular priests alike cautioned territorial rulers and municipal authorities that it was somehow sinful to tolerate the practice of moneylending and, by extension, the presence of Jewish moneylenders in their dominions, town, or city.

It is important not to isolate the religious and moral motives put forward in justification of the expulsions from their political contexts. Significantly, in two of the three examples given above, these reasons were only named years after the events, in apologies appealing to a common ideology of legitimate Christian rulership. As more detailed analyses by Alfred Haverkamp and his 'school' have shown, authority over the Jews in the later medieval *regnum Teutonicum* (and hence the right to regular taxation) was typically divided among various authorities on different levels. The Jews, on their part, tried to maintain a variety of political ties in an attempt to establish networks of protection.⁹ The King or Emperor, whose "serfs of the chamber" (*Kammerknechte*) the Jews were in theory, were often left with no more than a nominal duty of protection and a right to levy special taxes (such as the "coronation tax" demanded by King Albrecht in 1438/39). The traditional bond between the Jews and the king gained new stability under Emperor Frederick III (1440–1493). These protective relations mainly profited the Jewish communities in the imperial cities or boroughs, while their impact was much weaker where the main authority over the Jews rested with the territorial barons, lay or ecclesiastical. Significantly, the magistrates of Regensburg and Rothenburg, who had long tried to find ways of expelling

Zur Motivierung spätmittelalterlicher Judenvertreibungen in West- und Mitteleuropa, in: *Köln, das Reich und Europa. Abhandlungen über weiträumige Verflechtungen der Stadt Köln in Politik, Recht und Wirtschaft im Mittelalter*, Köln 1971 (Mitteilungen aus dem Stadtarchiv Köln, vol. 60), p. 305–339, cit. p. 316; cf. *ibid.*, p. 330–331, and Matthias Schmandt, *Judei, cives et incole. Studien zur jüdischen Geschichte Kölns im Mittelalter*, Hannover 2002 (Forschungen zur Geschichte der Juden, Abteilung A: Abhandlungen, vol. 11), p. 198–201.

⁷ Cf. Arye Maimon et al. (Ed.), *Germania Judaica III: 1350–1519*, vol. 1: *Ortschaftsartikel Aach – Lychen*, Tübingen 1987, p. 49; Sabine Mütschele, *Juden in Augsburg 1220–1440*, doctoral diss., Stuttgart 1995, p. 304.

⁸ Cf. Christoph Cluse, *Zum Zusammenhang von Wuchervorwurf und Judenvertreibung im 13. Jahrhundert*, in: Friedhelm Burgard/Alfred Haverkamp/Gerd Mentgen (Ed.), *Judenvertreibungen in Mittelalter und früher Neuzeit*, Hannover 1999 (Forschungen zur Geschichte der Juden, Abteilung A: Abhandlungen, vol. 9), p. 135–163; Franz-Josef Ziwes, *Territoriale Judenvertreibungen im Südwesten und Süden Deutschlands im 14. und 15. Jahrhundert*, in: *ibid.*, p. 165–187.

⁹ Cf. Alfred Haverkamp, 'Concivilitas' von Christen und Juden in Aschenas im Mittelalter, in: Robert Jütte/Abraham P. Kustermann (Ed.), *Jüdische Gemeinden und Organisationsformen von der Antike bis zur Gegenwart*, Vienna et al. 1996 (Aschenas, Beiheft, vol. 3), p. 103–136; reprinted in: Id., *Gemeinden, Gemeinschaften und Kommunikationsformen im hohen und späten Mittelalter. Festgabe zur Vollendung des 65. Lebensjahres*, Trier 2002, p. 315–344.

the local Jewish communities, used the brief period of vacancy following Maximilian's death in 1519/20 to carry out their plans without fear of punitive measures by the crown.

Another consequence was that a Jewish community could easily find itself enmeshed in conflicts over political interests that did not concern Jews in the first place.¹⁰ For instance, the municipal elite saw in them a means for external powers to interfere in local affairs, as was indeed often the case.¹¹ On the other hand, the opposing political interests could easily block one another, in such a way that unilateral attempts to banish the Jews were foiled by a lack of consent or co-ordination.¹²

Following a different line of argument, Markus Wenninger some time ago pointed out that Jewish banking dramatically changed at the turn of the fifteenth century, after the Jews' capital stock had suffered severe blows from the so-called "debt cancellations" (in 1384–5 and 1390 respectively) under King Wenceslas (1376–1400). As turnover was shrinking, most Jewish moneylenders had to resort to small-scale credit or pawnbroking at the lower end of the market.¹³ At the same time, as Hans-Jörg Gilomen has recently shown, other forms of credit, such as the buying and selling of goods and services on the forward market, became more widespread among Christians. The nobility also turned to new sources of credit.¹⁴ Tax revenue based on Jewish capital and property declined and became difficult to justify in the face of religious agitation and anti-usury campaigns. At various points during the fifteenth century, towns and cities in the German *regnum* concluded that they could do without their Jews and sought for ways to expel them. Seen in this light, Jewish "usury" was little more than a pretext, since in effect it had become more or less insignificant, even though Wenninger concedes that for contemporaries, it may well have been a real issue.¹⁵

¹⁰ This was indeed Menczel's point, who saw the true reason behind the Mainz expulsion in a conflict between the old civic oligarchy and the guilds: Menczel, *Beiträge*, p. 49.

¹¹ Cf. the example of Cologne described by Schmandt, *Judei*, p. 191–207.

¹² For specific cases cf. Gerold Bönnen, *Jüdische Gemeinde und christliche Stadtgemeinde im spätmittelalterlichen Worms*, in: Christoph Cluse/Alfred Haverkamp/Israel J. Yuval (Ed.), *Jüdische Gemeinden und ihr christlicher Kontext in kulturräumlich vergleichender Betrachtung von der Spätantike bis zum 18. Jahrhundert*, Hanover 2003 (Forschungen zur Geschichte der Juden, Abteilung A: Abhandlungen, vol. 13), p. 309–340; and Arye Maimon, *Der Judenvertreibungsversuch Albrechts II. von Mainz und sein Mißerfolg (1515/16)*, in: Alfred Haverkamp (Ed.), *Zur Geschichte der Juden im Deutschland des späten Mittelalters und der frühen Neuzeit*, Stuttgart 1981 (Monographien zur Geschichte des Mittelalters, vol. 24), p. 205–220.

¹³ Markus J. Wenninger, *Man bedarf keiner Juden mehr. Ursachen und Hintergründe ihrer Vertreibung aus den deutschen Reichsstädten im 15. Jahrhundert*, Vienna et al. 1981 (Beihefte zum Archiv für Kulturgeschichte, vol. 14), p. 227–229.

¹⁴ Hans-Jörg Gilomen, *Die ökonomischen Grundlagen des Kredits und die christlich-jüdische Konkurrenz im Spätmittelalter*, in: Eveline Brugger/Birgit Wiedl (Ed.), *Ein Thema – zwei Perspektiven. Juden und Christen in Mittelalter und Frühneuzeit*, Innsbruck et al. 2007, p. 139–169, cit. p. 155–157, with a critique of Wenninger's suggestion that public shares or rents on real property were responsible for replacing the short-term loans by Jews or Lombards.

¹⁵ Wenninger, *Man bedarf*, p. 146–148.

Both lines of reasoning caution us not to take the rhetoric of “Jewish usury” at face value. However, it would also seem to me that neither could sufficiently explain the prominence of this motif in contemporary discourse and the sheer force with which it fell on the German Jewish Communities in the fifteenth century. The attacks on Jewish moneylending may well have been fuelled by genuine concern, especially among members of the mendicant orders, for the social conditions of the Poor, whom they regarded as ‘victims’ of usurious moneylending. As Christian Jörg has recently shown, people in the 1430s lived through one of the worst economic crises of the later medieval period, with a series of bad harvests leading to large-scale poverty and indeed hunger.¹⁶ Indebtedness – a constant companion to most¹⁷ – must have reached dramatic levels. It is known, for example, that the Jewish moneylenders in the city of Erfurt had to remit, to the benefit of their customers parts of the debt or interest owed them.¹⁸ The Jews of Worms were attacked in the Winter of 1431/32 by an army of peasants from the surrounding countryside. Rumours about an impending cancellation of debts by King Sigismund seem to have aggravated the situation.¹⁹ In Speyer (1435), Zurich (1436), Heilbronn (1437), Augsburg (1438) and Mainz, the Jews were expelled.²⁰ And in all the discussions concerning the various plans to banish the Jews from German towns and territories, their “usuries” formed a constant theme.

The verbal attacks on the Jews – and on those Christian authorities who tolerated them – were fed by a powerful tradition concerning usury in medieval moral theology and canon law, asserting itself with particular force in the German *regnum* around the mid-fifteenth century. It is to this tradition that we must turn now.

¹⁶ Christian Jörg, ‘*Teure, Hunger, großes Sterben*’. *Hungersnöte und Versorgungskrisen in den Städten des Reiches während des 15. Jahrhunderts*, Stuttgart 2007 (Monographien zur Geschichte des Mittelalters, vol. 55).

¹⁷ Joseph Shatzmiller, *Shylock reconsidered. Jews, Moneylending, and Medieval Society*, Berkeley et al. 1990, p. 71–79.

¹⁸ Cf. Reinhold Ruf, *Juden und Christen im spätmittelalterlichen Erfurt. Abhängigkeiten, Handlungsspielräume und Gestaltung in einer mitteleuropäischen Großstadt*, doctoral diss., Trier 2006, p. 333–346.

¹⁹ Hermann Herre (Ed.), *Deutsche Reichstagsakten unter Kaiser Sigmund*, Abteilung 4, vol. 1: 1431–1432, Göttingen 1900 (Deutsche Reichstagsakten, Ältere Reihe. Von König Wenzel bis Kaiser Friedrich III., vol. X, 1), p. 237–245; cf. Friedrich von Bezold, *Der rheinische Bauernaufstand vom Jahre 1431*, in: *Zeitschrift für die Geschichte des Oberrheins* 27 (1875), p. 129–149, and Ziwes, *Studien*, p. 260.

²⁰ For a convenient overview, cf. the table in Ziwes, *Territoriale Judenvertreibungen*, p. 184.

I.

Later medieval Christian attitudes towards moneylending in general, and moneylending by Jews in particular, are notorious for their ambiguities. The twelfth- and thirteenth-century theologians and early canonists found strong words for the moneylending practices of Christian merchants and ‘public usurers’, grouped in one category with thieves and robbers. Jews, however, were still often seen as a different matter. Not until the Fourth Lateran Council (1215) did Jewish moneylending come into the focus of Church legislation, and even then the relevant decree *Quanto amplius*,²¹ which went against “grave and immoderate usuries” exacted by Jews, left some room for interpretation.²² A rigorist stance concerning this issue was developed not so much by the canonists but in moral theology, by the French schools around 1200.²³ The close interaction between a select number of mendicant friars and a medieval king particularly susceptible to their moral teachings, Louis IX (‘Saint Louis’) of France († 1270), around the middle of the century brought it into full force. The influence of the friars on Louis’s Jewry policy is well known.²⁴ The king drew on the help of Dominicans and Franciscans when he organised inquests into the practice of Jewish moneylenders in his realm. Debts owed to Jews were repeatedly (1234, 1247–48, 1256, 1269) confiscated, the interests paid by their “victims” reimbursed, and what was left over was spent on “pious purposes”. As the king’s biographer, Guillaume de Chartres OP, wrote, Louis regarded the economic dealings of his Jewish subjects as a matter of his own personal responsibility, “while Christian usurers fell under the jurisdiction of the church”.²⁵ In 1253, while he was on crusade, the king wrote a mandate to the administrators of the realm demanding that all Jews who refused to live from “the honest labour of their own hands” should be expelled. In 1254, after his return, the decree was repeated as part of the *Grande Ordonnance*.²⁶

²¹ Cf. can. 67 of the Fourth Lateran Council 1215 (= X. 5,19,18) in: Aemilius Friedberg (Ed.), *Corpus Iuris Canonici*, vol. 2: *Decretalium collectiones*, Reprint Graz 1959, col. 816.

²² Cf. Shatzmiller, *Shylock reconsidered*, p. 51–52.

²³ Cluse, *Zusammenhang*, p. 140–144; on the wider context cf. Jörg Oberste, *Predigt und Gesellschaft um 1200. Praktische Moraltheologie und pastorale Neuorientierung im Umfeld der Pariser Universität am Vorabend der Mendikanten*, in: Gert Melville/Jörg Oberste (Ed.), *Die Bettelorden im Aufbau. Beiträge zu Institutionalisierungsprozessen im mittelalterlichen Religiosentum*, Münster 1999 (Vita regularis, vol. 11), p. 245–294, and Jessalynn Bird, *Reform or crusade? Anti-usury and crusade preaching during the pontificate of Innocent III*, in: John C. Moore (Ed.), *Pope Innocent and his World*, Aldershot 1999, p. 165–185.

²⁴ His was the only royal court to follow Pope Gregory IX’s appeal to initiate proceedings against the Talmud, which ended in the Talmud burnings of 1242 and 1244 at Paris: cf. Gilbert Dahan (Ed.), *Le brûlement du Talmud à Paris 1242–1244*, Paris 1999 (Nouvelle Gallia Judaïca).

²⁵ Shatzmiller, *Shylock reconsidered*, p. 52–53; cf. William Chester Jordan, *The French monarchy and the Jews. From Philip Augustus to the last Capetians*, Philadelphia 1989, p. 142–154.

²⁶ Cluse, *Zusammenhang*, p. 146.

Following the advice of his mendicant confessors, duke Henry III of Brabant, in his last will of February 1261, equally demanded the expulsion and “eradication” of all Jewish and “Cahorsin” moneylenders except for those “who want to conduct business like other merchants do and remain without moneylending and usury”.²⁷ As in the French case of 1254, it is doubtful whether an expulsion actually followed. But the ethical problem appears to have been acutely felt, and either Henry’s widow Aleydis or, more probably, his son’s wife Margaret (d. 1271), a daughter of ‘Saint Louis’, put the question before two masters in theology at the University of Paris, Thomas Aquinas OP and John Peckham OFM.²⁸ While Peckham’s answer received little attention, Thomas’s *Epistola ad ducissam Brabantiae* (or *Lotharingiae*) was widely disseminated and echoed in a large number of other writings, as we shall see. Briefly speaking, the *responsum* answers a number of questions pertaining to the morality of receiving taxes, monetary fines, or gifts from the Jews – the problem being that most Jews could only pay from what they had earned through moneylending.²⁹

The rigorist stance advocated by Saint Louis and his advisors had a lasting impact. It was reinforced by Pope Gregory X in 1274, when the Second Council of Lyons passed a canon against those who allowed “foreign usurers” to conduct their business in their lands or cities, under pain of excommunication. While this canon (*Usurarum voraginem*) probably meant Christian usurers (the “Cahorsin”, “Lombard” or “Florentine” moneylenders), the moral pressure on those who harboured Jewish bankers was certainly mounting.³⁰ The rhetoric that went with the expulsions of Jews from Anjou and Maine by Charles of Anjou, and from Gascony by King Edward I of England (1289) clearly echoed the policy of the late king of France. These rulers not only alleged that the Jews undermined the Christian faith but also pointed to their involvement in usury. As Joseph Shatzmiller has demonstrated, there was a considerable amount of hypocrisy involved in these rhetorical

²⁷ “Item expellantur Judei et Cahorsini de terra Brabantiae et extirpentur penitus, ita quod nullus remaneat in eadem, nisi tantummodo qui ut alii mercatores negociari voluerint et esse sine prestatione et usura.” G. Boland, *Le testament d’Henri III duc de Brabant (26 février 1261)*, in: *Revue d’Histoire Ecclésiastique* 38 (1942), p. 59–96, cit. p. 94.

²⁸ This dating and the identification of the unnamed duchess were proposed by Wim Verschooten, *Margaretha van Frankrijk bestemmeling van Thomas van Aquino’s ‘Epistola ad ducissam Brabantiae’*, unpublished Lic. diss., Leuven 1991. I have followed Verschooten’s argument in my *Studien zur Geschichte der Juden in den mittelalterlichen Niederlanden*, Hannover 2000 (Forschungen zur Geschichte der Juden, Abteilung A: Abhandlungen, vol. 10), p. 174–185. Cf. however, Annamaria Emili’s essay in the present volume.

²⁹ Hyacinthe-François Dondaine (Ed.), *Thomas de Aquino, Epistola ad ducissam Brabantiae*, in: *Sancti Thomae de Aquino Opera Omnia iussu Leonis XIII P. M. edita*, vol. 42, Rome 1979, p. 375–378. Cf. the contribution on Thomas Aquinas in the present volume.

³⁰ Cf. can. 26 *Usurarum voraginem* of the Second Council of Lyons (= VI 5, 5,1), in Friedberg (Ed.), *Codex*, vol. 2, col. 1081.

flourishes, and there is no knowing if and to precisely what extent these motives played a part in the expulsions from England in 1290 and from the French crown lands in 1306.³¹

In the German *regnum* these ideas seem to have taken some time to take hold.³² For example, the *Summa confessorum* compiled by John of Freiburg OP at the turn of the century closely followed the pragmatic line developed by Thomas Aquinas, and so did the German adaptation by a certain “Friar Berthold” in the fourteenth century. If anything, these texts appear even more lenient when dealing with the issue of taxing Jews.³³ The decrees *Quanto amplius* and *Usurarum voraginem* were seldom cited and sometimes not even mentioned by the thirteenth and fourteenth-century synods of the German provinces.³⁴ Attacks on the Jewish presence came much more bluntly and from another angle – driven by accusations of ritual murder, host desecration, and well-poisoning. A period of catastrophic regional pogroms reached its horrific climax during the period of the Black Death (1348–50), when the Jews were accused of having caused the plague by a conspiracy to poison the wells. In only a few regions (such as Bohemia and, by and large, Austria) and cities (notably Regensburg) the Jewish communities were spared.³⁵ While indebtedness to the Jews was certainly an important motivation for many of the persecutors, it played no significant role in their anti-Jewish discourse. In fact, some contemporary observers pointed out precisely this: greediness and the wish to rid oneself of debts was hidden *behind* the rhetoric of “Passion and vengeance” (in the ritual murder or host desecration cases) or of danger from a “Jewish conspiracy” (in the plague years).³⁶

³¹ Cf. Shatzmiller, *Shylock reconsidered*, p. 62–67; Gerd Mentgen, *Die Vertreibungen der Juden aus England und Frankreich im Mittelalter*, in: *Aschkenas* 7 (1997), p. 11–53.

³² Cf. Gerhard Rösch, *Wucher in Deutschland 1200–1350. Überlegungen zur Normdidaxe und Normrezeption*, in: *Historische Zeitschrift* 259 (1994), p. 594–636.

³³ Cluse, *Zusammenhang*, p. 159–160. Cf. *infra*, n. 88–90.

³⁴ Cf. Stefanie Unger, *Generali concilio inhaerentes statuimus: Die Rezeption des Vierten Lateranum (1215) und des Zweiten Lugdunense (1274) in den Statuten der Erzbischöfe von Köln und Mainz bis zum Jahr 1310*, Mainz, 2004 (Quellen und Abhandlungen zur mittelhochdeutschen Kirchengeschichte, vol. 114).

³⁵ Cf. Jörg R. Müller, Erez gezerah – ‘Land of Persecution’: *Pogroms against the Jews in the regnum Teutonicum from c. 1280 to 1350*, in: Christoph Cluse (Ed.), *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries). Proceedings of the International Symposium held at Speyer, 20–25 October 2002*, Turnhout 2004 (Cultural Encounters in Late Antiquity and the Middle Ages, vol. 4), p. 245–260. On the Black Death persecutions in particular, cf. the seminal article by Alfred Haverkamp, *Die Judenverfolgungen zur Zeit des Schwarzen Todes im Gesellschaftsgefüge deutscher Städte*, in: Id. (Ed.), *Zur Geschichte der Juden*, p. 27–93; reprinted in: Id., *Verfassung, Kultur, Lebensform. Beiträge zur italienischen, deutschen und jüdischen Geschichte im europäischen Mittelalter*, Mainz/Trier 1997, p. 223–297.

³⁶ The Dominican chronicler Heinrich of Herford may serve to illustrate the point. He wrote: “*Item hoc anno Judei per Theutonium pluresque provincias alias universi cum mulieribus et parvulis ferro vel igne crudeliter et inhumaniter absumuntur, aut propter divitias eorum copiosissimas, quas plerique et nobiles et alii pauperes et indigentes vel etiam eorum debitores usurpare querebant; quod verum esse credo, sicut de templariis dictum est; aut propter aquarum invenenationes per eos, ut*

When in 1377 the citizens of Trier rebelled against their archbishop, their list of grievances included his lenient attitude towards Jewish moneylenders. However, they did not call into question the presence of Jews. Rather, they were opposing the current practice of taking interest upon interest by forcing a debtor to make regular contracts of re-finance.³⁷ It would be interesting to know to what extent anti-usury rhetoric played a role in the mass cancellation of debts decreed against the Jewish creditors by King Wenceslas in 1384/5 and 1390. The available documentation, however, points in quite a different direction: The aim of plundering the Jews was barely covered by any such “pious cause”.

The situation seems to have changed dramatically in the early fifteenth century. The idea of “reform”, epitomized in the ecumenical Councils of Konstanz (1414–1418) and Basel-Ferrara/Florence (1431–1445), was beginning to pervade all aspects of society. It is not surprising that the Council of Konstanz took up the demand that the secular rulers should force their Jews to live “by their own labour”.³⁸ One of the signs of the times was the reception of the methods and contents of *ius commune* (Roman and canon law) in all sectors of society and the increasing importance of learned jurists in the German lands.³⁹ The challenge of the Hussite movement, the upsurge in inquisitorial activity (and its concomitant identification of more and more “heretics”), the rifts between ‘conventual’ and ‘observant’ religious houses – all this was to be felt almost everywhere. On the local level, ‘civic’ communities increasingly strove to fashion themselves as sacral bodies politic. When the councillors of Cologne had to answer to King Sigismund for their prior

asserunt quam plurimi, et fama communis est, nequiter et malitiose factas ubique terrarum; quod verum esse non credo, quamvis illi fame fidem preberet pestilentia, que tunc in mundo sevissime, non tamen ubique continue, sed quandoque quasi in ludo scacorum, subvolvando de loco uno, in quo sevierat, per medium sine contagio ad tertium sevitura pertransiens, et forte post ad medium rediens, quasi eligendo grassaretur. August Potthast (Ed.), *Liber de rebus memorabilioribus sive Chronicon Henrici de Hervordia*, Göttingen 1859, p. 280. On the other hand, Konrad of Halberstadt OP, who plagiarized parts of Heinrich’s work in his own chronicle, believed that the Jews had indeed poisoned the wells, and reworked the passage accordingly: Cf. Rainer Leng (Ed.), *Konrad von Halberstadt O.P., Chronographia Interminata 1277–1355/59*, Wiesbaden 1996 (Wissensliteratur im Mittelalter, vol. 23), p. 205 and 208–209. For more examples cf. Cluse, *Studien*, p. 171, n. 370.

³⁷ Alfred Haverkamp, ‘Zweyungen, Zwist und Missehel’ zwischen Erzbischof und Stadtgemeinde in Trier im Jahre 1377, in: *Kurtrierisches Jahrbuch* 21 (1981), p. 22–54, cit. p. 36.

³⁸ Cf. Heinz Schreckenberger, *Die christlichen Adversus-Judaeos-Texte und ihr literarisch-historisches Umfeld*, vol. 3: (13.–20. Jh.), Frankfurt am Main 1994 (Europäische Hochschulschriften, ser. 23, vol. 497), p. 481–482. Cf. Ivan Hlaváček/Alexander Patschovsky (Ed.), *Reform von Kirche und Reich zur Zeit der Konzilien von Konstanz (1414–1419) und Basel (1431–1449)*, Konstanz 1996.

³⁹ Cf. Roman Schnur (Ed.), *Die Rolle der Juristen bei der Entstehung des modernen Staates*, Berlin 1986; Eberhard Isenmann, *Recht, Verfassung und Politik in Rechtsgutachten spätmittelalterlicher deutscher und italienischer Juristen vornehmlich des 15. Jahrhunderts*, in: Hartmut Boockmann et al. (Ed.), *Recht und Verfassung im Übergang vom Mittelalter zur Neuzeit*, vol. 2: *Bericht über Kolloquien der Kommission zur Erforschung der Kultur des Spätmittelalters 1996 bis 1997*, Göttingen 2001 (Abhandlungen der Akademie der Wissenschaften in Göttingen, phil.-hist. Klasse, ser. 3, vol. 239), p. 47–245.

expulsion of the Jews, they maintained that their city was one of the holiest places in Christendom, where the Jews should no longer tread the holy ground “with their unchristian feet”.⁴⁰ These cultural, mostly religious tendencies were much reinforced by the crisis of the late 1430s, the years of disastrous harvest failure, famine, and pestilence. The unknown author who wrote the *Reformatio Sigismundi* in ca. 1439 regarded these disasters as a consequence of human sin, including what he regarded as usury, speculation, and fraud.⁴¹

As far as Heinrich Kalteisen OP is concerned, no text of his anti-usury preaching has as yet come to light. Kalteisen was born around 1390 in Koblenz and ordained as subdeacon in London in the year 1411. From 1415 he studied at the Dominican house in Vienna. Afterwards he is attested at Cologne (1423). It is assumed that he taught at the cathedral school of Mainz from 1424 until around 1430, and a series of Latin sermons delivered during the years from 1425 to 1429 is preserved in a Koblenz manuscript.⁴² During the early 1430s, we find him travelling extensively: He worked as inquisitor for the dioceses of Liège and Cambrai in 1431. One year later, he was appointed head of the Mainz delegation to the council of Basel, where he acted as member of the commission of the faith. Kalteisen was probably at Mainz on Eastertide 1434, and his inquisitorial powers were extended to the provinces of Mainz, Cologne, and Trier in 1435. In that year he enrolled at Leuven university. But we also find him in Basel from time to time. Following the split of the church council, he enlisted in the papal camp and was appointed “*capellanus sedis apostolicae*” in 1438. Kalteisen attended the election of Frederick III on 2 February 1440 in Frankfurt and the provincial synod for Cologne in October that year. He preached at the Nuremberg diet on 16 April 1441 and before the papal court in 1442. The next year he travelled to France. From 1447, the Dominican inquisitor was in the service of the new Pope, Nicholas V. He was appointed archbishop of Nidaros (Trondheim) on 28 february 1452 but resigned this post one year later. Instead he became titular bishop of Cesarea in January 1455. He preached in the Danube region in 1456 and was present in Mainz at the trial of the “Lollard” Hennes Becker. In 1463 he retreated to his native Koblenz, where he died in 1465.

⁴⁰ Von den Brincken, *Rechtfertigungsschreiben*, p. 316 (“daz die Juetscheit mit yren uncristischen Voessen die heilige Erde daenbynnen billich nit me treiden enseulden”).

⁴¹ Cf. Jörg, ‘*Teure, Hunger, großes Sterben*’, p. 162–173; Clemens Bauer, *Der Wucher-Begriff der Reformatio Sigismundi*, in: *Aus Stadt- und Wirtschaftsgeschichte Südwestdeutschlands. Festschrift für Erich Maschke zum 75. Geburtstag*, Stuttgart 1975 (Veröffentlichungen der Kommission für geschichtliche Landeskunde in Baden-Württemberg, ser. B: Forschungen, vol. 85), p. 110–117.

⁴² Koblenz, Staatsarchiv, ms. 701/182, c. 14r–63v, cf. Christina Mecklenborg, *Mittelalterliche Handschriften im Landeshauptarchiv Koblenz: Die nichtarchivischen Handschriften der Signaturengruppe Best. 701 Nr. 1–190, ergänzt durch die im Görres-Gymnasium Koblenz aufbewahrten Hs. A, B und C*, Koblenz 1998, p. 406–407; Thomas Prügl, *Die Ekklesiologie Heinrich Kalteisens O.P. in der Auseinandersetzung mit dem Basler Konziliarismus. Mit einem Textanhang*, Paderborn 1995 (Veröffentlichungen des Grabmann-Institutes zur Erforschung der Mittelalterlichen Theologie und Philosophie, N.S., vol. 40), p. 8.

Ten sermons by Heinrich Kalteisen are preserved in the German vernacular. As is typically the case with such texts,⁴³ they originated in the context of the mendicants' pastoral care for female monastics. Their spiritual themes and contents bear no relevance whatsoever to our topic.⁴⁴ Of the sermons preached against Jewish moneylending by Heinrich Kalteisen before Archbishop Dietrich "and many other prelates" in Mainz cathedral, no trace has yet come to light except for their mention in the civic magistrate's "rescript" of 1444. What we know is that they contained both a theory of conditional tolerance towards the Jews and an appeal not to accept or condone their moneylending activity. In the remainder of this article I want to demonstrate that these two basic traits of Kalteisen's preaching reflect conventional late medieval teaching, publicised in sermons, brought home on the individual Christian in the confessional, and circulated in theological *quaestiones* or legal *consilia* on matters of public interest.

II.

The preaching activities of the mendicant orders have frequently been held accountable for the rise of later medieval anti-Judaism. While there is little doubt that the peculiar mix of learning, politics, and popular influence gave the mendicant orders a central role in this process, the specific influence of their sermons and preaching has only recently come under closer scrutiny. We know, for example, that the use of certain *exempla* concerning the Sacrament contributed to the dissemination of the host-desecration libel;⁴⁵ some *exempla* collections even helped to spread the belief that Jews killed Christian children for religious purposes.⁴⁶ The mendicant campaigns against the Talmud, too, are reflected in

⁴³ Hans-Jochen Schiewer, *German Sermons in the Middle Ages*, in: Beverly Mayne Kienzle (Ed.), *The Sermon*, Turnhout 2000 (Typologie des sources du moyen âge occidental, fasc. 81–83), p. 861–961.

⁴⁴ They were held in 1434 before the nuns of the Dominican monastery *An den Steinen* in Basel: Bernhard D. Haage/Helga Haage-Naber (Ed.), *Die deutschen Predigten Heinrich Kalteisens OP*, 3 vol., Göppingen 1983–2004 (Göppinger Arbeiten zur Germanistik, vol. 373, 677, 718).

⁴⁵ Cf. Nicole Bériou, *Entre sottises et blasphèmes. Échos de la dénonciation du Talmud dans quelques sermons du XIII^e siècle*, in: Dahan (Ed.), *Le brûlement*, p. 211–237; Christoph Cluse, *Blut ist im Schuh. Ein Exempel zur Judenverfolgung des 'Rex Armleder'*, in: Friedhelm Burgard/Christoph Cluse/Alfred Haverkamp (Ed.), *Liber amicorum necnon et amicarum für Alfred Heit. Beiträge zur mittelalterlichen Geschichte und geschichtlichen Landeskunde*, Trier 1996 (Trierer Historische Forschungen, vol. 28), p. 371–392; Friedrich Lotter, *Das Judenbild im volkstümlichen Erzählgut dominikanischer Exempelliteratur um 1300. Die 'Historiae memorabiles' des Rudolf von Schlettstadt*, in: Georg Jenal (Ed.), *Herrschaft, Kirche, Kultur. Beiträge zur Geschichte des Mittelalters, Festschrift für Friedrich Prinz zu seinem 65. Geburtstag*, Stuttgart 1993 (Monographien zur Geschichte des Mittelalters, vol. 37), p. 431–445; Miri Rubin, *Gentile Tales. The Narrative Assault on Late Medieval Jews*, New Haven/London 1999.

⁴⁶ Cluse, *Studien*, p. 321–339 (on Thomas of Cantimpré's 'theory' of Jewish ritual murder). Cf. also Richardus Tatarzynski (Ed.), *Peregrini de Opole Sermones de tempore et de sanctis, e codicibus manu scriptis*, Warszawa 1997 (Studia Prezgladu Tomistycznego, vol. 1), p. 6 (sermo 1, Dominica

a small number of sermons and in other material used by later medieval preachers.⁴⁷ Scholars have also searched individual sermons and sermon collections of specific preachers for their anti-Jewish content,⁴⁸ but it is by no means clear if these examples were typical of what was communicated from the pulpit. There is certainly much left to be done, especially when it comes to determine the precise relationship between anti-Jewish motifs and ideas in sermon literature and their influence on the fate of individual Jewish communities in medieval Europe. While the activity of Observant Franciscans

prima Adventus): “*O quot infirmos iste Medicus et adhuc sanat, non tantum in corpore, sed etiam in anima! (Dic exemplum de muliere, quae vendidit puerum Iudaeo.)*” Some medieval chronicles written by Dominican authors also reveal a marked interest in cases of ritual murder accusation, e.g. the Chronicle of the Erfurt Dominican house, in Oswald Holder-Egger (Ed.), *Monumenta Erphesfurtensia saec. XII., XIII., XIV.*, Hanover 1899 (MGH SS rer. Germ. [42]), p. 91 (sub anno 1235), 92 (sub anno 1236), and the “*Continuatio Brabantina*” of Martin of Troppau’s chronicle, ed. Ludwig Weiland, in: MGH SS XXIV, Hanover 1879, p. 262 (sub anno 1309). Cf. Lotter, *Judenbild*, p. 434–435, on the ritual murder stories told in the *Historiae memorabiles* ascribed (erroneously) to Rudolf of Schlettstadt OP. The author of this collection has recently been identified as the “Dominican chronicler of Colmar” by Stefan Georges, *Graf Wilhelm Werner von Zimmern als Historiensammler: Die Wundergeschichtensammlung des neuentdeckten, autographen Sigmaringer Codex’ 64*, unpublished M.A. thesis, Freiburg im Breisgau 1998/99, p. 59–61.

⁴⁷ David Behrman, *Volumina vilissima, a Sermon of Eudes of Châteauroux on the Jews and their Talmud*, in: Dahan (Ed.), *Le brûlement*, p. 191–209; Gilbert Dahan, *Les traductions latines de Thibaud de Sézanne*, in: *Ibid.*, p. 95–120. On the spread of Thibaud’s Talmud excerpts, cf. Thomas Kaeppli/Emilio Panella, *Ordinis Praedicatorum Medii Aevi*, vol. 4: *T–Z. Praemissis addendis et corrigendis ad volumina I–III*, Roma 1993, p. 293–295, nr. 3672; on their influence, cf. Manuela Niesner, ‘*Wer mit juden well disputiren*’. *Deutschsprachige Adversus-Judaeos-Literatur des 14. Jahrhunderts*, Tübingen 2005 (Münchener Texte und Untersuchungen zur deutschen Literatur des Mittelalters, vol. 128), p. 27, 58, 308, 410–11; more generally Alexander Patschovsky, *Der ‘Talmudjude’*. *Vom mittelalterlichen Ursprung eines neuzeitlichen Themas*, in: Alfred Haverkamp/Franz-Josef Ziwek (Ed.), *Juden in der christlichen Umwelt während des späten Mittelalters*, Berlin 1992 (Beihefte der Zeitschrift für historische Forschung, vol. 4), p. 13–27.

⁴⁸ Cf. David A. Wells, *Attitudes to the Jews in Early Middle High German Religious Literature and Sermons*, in: *London German Studies* 4 (1992), p. 27–69; Friedrich Lotter, *Die Predigt des Giordano da Pisa am Fest der ‘Passio imaginis Salvatoris’ 1304 in Florenz*, in: *Aschkenas* 6 (1996), p. 55–86. The ‘German’ sermons of Berthold of Regensburg have frequently been accorded a representative status: Winfried Frey, *Das Bild des Judentums in der deutschen Literatur des Mittelalters*, in: Karl E. Grözinger (Ed.), *Judentum im deutschen Sprachraum*, Frankfurt am Main 1991, p. 36–59; Ursula Schulze, *wan ir un hail ... daz ist iwer hail. Predigten zur Judenfrage vom 12. bis 16. Jahrhundert*, in: Ead. (Ed.) *Juden in der deutschen Literatur des Mittelalters. Religiöse Konzepte – Feindbilder – Rechtfertigungen*, Tübingen 2002, p. 109–133.

against Jewish moneylending in fourteenth and fifteenth-century Italy is today much better known,⁴⁹ the dossier concerning the Order of the Preaching Friars still shows some lacunae.⁵⁰

In order to get a more precise idea of what preaching materials the rank-and-file Dominican friar would have had at his disposal, we will look at three model sermons taken from collections written by Dominican authors of the late-thirteenth through early-fifteenth centuries. For the sake of this article, I have chosen collections that were extremely popular in the later Middle Ages, judging from the number of early printed editions in which they were diffused since 1450.⁵¹ These model sermons, all in Latin, were intended to aid the individual preacher in preparing his own sermons, which would of course be adapted to the audience, above all by translation into the vernacular. Model sermons are probably as near as we can get in most cases to the actual tenor of what was delivered.⁵² Their text might constitute an ‘authorized version’ of the author’s actual preaching, reworked from his notes as in the case of the famous Franciscan, Berthold of Regensburg.⁵³ Only seldom do we have at our disposal the notes taken by avid listeners, the so-called *reportationes*, and still fewer medieval sermons are preserved both in the authorized form

⁴⁹ Cf. Ariel Toaff, *Jews, Franciscans, and the First Monti di Pietà in Italy (1462–1500)*, in: Steven J. McMichael/Susan E. Myers (Ed.), *Friars and Jews in the Middle Ages and Renaissance*, Leiden 2004 (The Medieval Franciscans, vol. 2), p. 239–253; Michael Hohlstein, *Soziale Ausgrenzung im Medium der Predigt. Franziskaner gegen die Juden im spätmittelalterlichen Italien. Theologie und Recht im Kontext politischer Kommunikation und Praxis*, doctoral diss., Erfurt 2004. Cf. also Nirit Ben-Aryeh Debby, *Jews and Judaism in the rhetoric of popular preachers: The Florentine sermons of Giovanni Dominici (1356–1419) and Bernardino da Siena (1380–1444)*, in: *Jewish History* 14 (2000), p. 175–200.

⁵⁰ For example, *Sermo IX de tempore (Medius vestrum stetit quem vos nescitis)* composed by Leonardo da Utino OP (d. 1469) contains a long apology of the Christian faith against ‘pagans’, Muslims, and particularly Jews: “*Sermones Floridi de tempore magistri Leonardi de Utino cum duplici tabula eoru[n]dem*” [Lyons, 15. July 1496], s. p., accessible in digitized form (nr. A336/007(1)) from the University of Sevilla (<http://fondotesis.us.es>).

⁵¹ Anne T. Thayer, *Sermon Collections in Print, 1450–1520*, in: *Medieval Sermon Studies* 36 (1995), p. 50–63, cit. p. 60–61.

⁵² Cf. David L. d’Avray, *The Preaching of the Friars. Sermons Diffused from Paris Before 1300*, Oxford 1985, p. 103: “One is always at least one degree removed from the sermon that a congregation would have heard”.

⁵³ Cf. Anton Schönbach, *Studien zur Geschichte der altdeutschen Predigt, IV–VI: Die Überlieferung der Werke Bertholds von Regensburg*, 3 vol., Vienna 1905–1906 (Sitzungsberichte der Kaiserlichen Akademie der Wissenschaften in Wien, philosophisch-historische Klasse 151–153), pars V (= vol. 2), p. 3–4: “*Istos sermones ea necessitate coactus sum notare (cum tamen invitissime hoc fecerim), quod, cum predicarem eos in populo, quidam simplices clerici et religiosi, non intelligentes, in quibus verbis et sentiitiis veritas penderet, voluerunt notare sibi illa, que poterant capere, et sic multa falsa notaverunt, quod cum ego deprehendissem, timui, ne, si talia populo predicarentur, qualia ipsi notaverant, populus in errorem duceretur per falsitates illas, et hac necessitate coactus sum ipse notare, quod predicavi, ut ad istorum sermonum exemplar alia falsa et inordinate notata corrigerentur.*“

and in the *reportatio* mode.⁵⁴ Despite the recent upsurge in medieval sermon studies, later medieval Latin sermons, often diffused in large numbers of manuscripts, mostly lack a modern critical edition. For the purposes of this article, then, we will have to make do with the early prints of the fifteenth and sixteenth centuries, assuming with a certain degree of confidence that the printers, whose learning we should not underestimate, had before them a good manuscript. To some extent we will be able to follow in the footsteps of Hans-Martin Kirn, who has recently drawn our attention to the material relating to Judaism and the Jews contained in these texts.⁵⁵

The tenth Sunday after Trinity was a favourite occasion for reflecting on the situation and status of post-biblical Jewry. The tradition of discussing the destruction of the Temple in the light of the gospel reading from Luke 19:41–44 (“*Videns Iesus civitatem flevit super illam*”) dates back to the Homilies of Gregory the Great, and the association became established in the high medieval period. Amnon Linder has suggested that the liturgical occasion mirrored the Jewish day of remembrance for the destroyed Temple on the Ninth of Av, as both occasions fell in the summer months.⁵⁶ In late medieval Christian sermons, the gospel pericope was supplemented and elucidated with accounts of the siege and destruction of Jerusalem by Titus and Vespasian, taken from Latin derivations of Josephus’s *Jewish War*. The traditional Christian interpretation of these events was that they constituted God’s revenge on the Jews for the Crucifixion and their subsequent inability to repent, and a sign of their repudiation as His chosen people.

A good example of such a sermon was written by the Dominican Giacomo da Varazze (Jacobus de Voragine), archbishop of Genoa († 1298). His second sermon for *Dominica X post festum Trinitatis* provides a twofold exegesis of Jesus’s prophecy of the destruction of Jerusalem, historical (“*ad litteram*”) and spiritual (“*moraliter*”). While the latter section is concerned with the anguish of the sinner in the face of his death and judgement, the first gives a brief reference to the historical events, prompted by the expression “*circumdabunt te inimici tui*”,⁵⁷ and goes on to quote Saint Augustine’s exegesis of Psalm 73,

⁵⁴ Nicole Bériou, *L’avènement des maîtres de la Parole. La prédication à Paris au XIII^e siècle*, 2 vol., Paris 1998 (Études Augustiniennes, Série Moyen Âge et Temps Modernes, vol. 31).

⁵⁵ Hans-Martin Kirn, *Contemptus mundi – contemptus Judaei? Nachfolgeideale und Antijudaismus in der spätmittelalterlichen Predigtliteratur*, in: Berndt Hamm/Thomas Lentz (Ed.), *Spätmittelalterliche Frömmigkeit zwischen Ideal und Praxis*, Tübingen 2001 (Spätmittelalter und Reformation, N.S., vol. 15), p. 147–187; cf. Id., *Maria – Mutter der (Un-)Barmherzigkeit? Zum marianisch-mariologischen Antijudaismus in der spätmittelalterlichen Predigtliteratur*, in: Johannes Heil/Rainer Kampling (Ed.), *Maria – Tochter Zion? Mariologie, Marienfrömmigkeit und Judenfeindschaft*, Paderborn 2001, p. 117–138.

⁵⁶ Amnon Linder, *The Destruction of Jerusalem Sunday*, in: *Sacris Erudiri* 30 (1987/88), p. 253–292; cf., however, Evelina Volkmann, *Vom ‘Judensonntag’ zum ‘Israelsonntag’. Predigtarbeit im Horizont des christlich-jüdischen Gesprächs*, Stuttgart 2002, p. 20–24.

⁵⁷ Rudolphus Clutius OP (Ed.), *Iacobi de Voragine archiepiscopi Ianuensis[is] Ordin[is] Prædicat[orum] Sermones Aurei in Evangelia quæ per annum et quadragesimam tam dominicis et festis solemnibus, quam ferijs in Ecclesia celebrantur ...*, Mainz 1616, p. 261.

in which the demise of (pagan) Rome and the conversion and salvation of a “remnant” of the Jewish people were reflected.⁵⁸ The Augustinian doctrine lends occasion to discuss why the Jewish people was not entirely destroyed but rather exiled:

Noluit enim Deus ut Iudæi pœnitens consumantur, sed ut dispergantur, propter tres causas, propter quas etiam Ecclesia non persequitur Iudæos, quamvis persequatur hæreticos: Primo, quia in fine mundi omnes debent converti, iuxta illud: *convertentur ad vesperam* etc. [Ps 58:7]. Secundo, ut sint nobis memoriale dominicæ passionis. Quotiens enim Iudæos videmus, totiens passionis Domini recordamur. *Nec occidas eos ne quando obliviscantur populi mei* etc. [Ps 58:12]. Tertio, quoniam ipsi sunt librarii nostri; Augustinus super Psalmos: Ne forte pagani dicant nobis, vos Christiani literas istas composuistis, proferimus codices a Iudæis inimicis, ‘ut confundamus alios inimicos’. ‘Codicem portat Iudæus, ut inde credat Christianus, librarii nostri facti sunt, quomodo servi post dominos codicem ferre solent.’⁵⁹

My second example comes from an immensely popular collection entitled *Thesaurus novus*, often ascribed to Pierre de la Palud OP (Petrus de Palude, † 1342). While the Dominican provenance of these sermons appears evident, their ascription to this particular preacher is surely erroneous.⁶⁰ Early manuscripts can be traced from the late-fourteenth century. The destruction of Jerusalem is again the theme of the second sermon for the tenth Sunday after Trinity.

The sermon shows a close resemblance to the one written by Jacobus de Voragine, keeping the twofold historical and moral exegesis, but it is much longer, enriched with a plethora of biblical quotations, and carries an even stronger emphasis on the “blindness” of the Jews (“*defectus Iudaicæ excæcationis*”): Why was Jerusalem destroyed, and how are the surviving Jews to be treated by Christians?⁶¹

The first part of the text enumerates the “miserics” by which the city of Jerusalem was afflicted, according to Christ’s prophecy in the gospel of Luke, with additional detail

⁵⁸ Ibid.: “*Istam autem victoriam, ut dicit Augustinus super Psalmos, Romani a Deo habuerunt, licet ipsi diis suis ascriberent. Et dicit Augustinus ibidem, quod in hoc Romani ‘facti sunt instrumentum irati, non regnum placati. Facti sunt securis Dei’, qua Iudæi sunt excisi, et virga Dei, qua sunt pro meritis flagellati. Et subdit Augustinus, quod pater, quando filium verberat, virgam proiicit in ignem, et filio servat hæreditatem. Sic Romani illi perierunt, et multi ex Iudæis crediderunt, et in fine mundi credituri sunt.*” Cf. Eligius Dekkers/Iohannes Fraipont (Ed.), *Aurelii Augustini Opera*, vol. 10,2: *Enarrationes in Psalmos*, Turnhout 1956 (Corpus Christianorum. Series Latina, vol. 39), c. 73,8, p. 1010–1011.

⁵⁹ Clutius (Ed.), *Iacobi de Voragine ... Sermones aurei*, p. 261; cf. Augustinus, *Enarrationes in Psalmos*, ed. cit., c. 56, 9, p. 699 (different wording).

⁶⁰ Cf. Thomas Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi*, vol. 3: I–S, Roma 1980, p. 248, nr. 3302. On Pierre’s preaching activities, cf. Jean Dunbabin, *A Hound of God. Pierre de la Palud and the Fourteenth-Century Church*, Oxford 1991, p. 139–153.

⁶¹ “*Quas ob causas Ierusalem a Romanis sit eversa multisque calamitatibus, Christo prædicente, quassata. Item quo loco Iudæi superstites sint a Christianis habendi.*” *Sermones de tempore, inscripti Thesaurus novus, docti cuiusdam Theologi ... Pars æstivalis*, Coloniae 1536, c. 151r–157r, cit. c. 151r.

included from the Josephus tradition.⁶² The general reason given in the gospel, “*eo quod non cognovisti tempus visitationis tuae*” (Lk 19,44) is related to Christ’s “visitation” of his people through incarnation, teaching, and Passion. Augustine’s dictum on the role of the Romans is again quoted, omitting, however, the reference to the downfall of Rome and salvation of some Jews. By consequence, the Church’s policy of tolerance towards contemporary Jewry, explained in the next passage, is presented more in juxtaposition than as part of the same divine plan. It is introduced by a fictive question: “*Sed diceris: Quare Christus noluit eos penitus extirpare, sed dispergere? Respondetur: Plures sunt causæ.*” Five reasons are given: reverence for Christ and the apostles, who were Jews “*secundum carnem*”, reverence for the prophets and patriarchs, the prospect of the Jews’ conversion at the end of times, their function as “librarians” (according to Augustine), and finally, as a twofold example (“*exemplum recordationis, scilicet dominicæ passionis*”, and “*exemplum credulitatis, ne simus increduli sicut illi*”).⁶³ At this point, the *Thesaurus novus* text introduces a significant expansion of the earlier model sermon, and provides a short conspectus of the relevant canonical regulations on how Christians should behave towards Jews: “*Sed diceris: Quomodo Christiani se habere debent quoad Iudaeos?*” The following eleven answers are given by reference to Raymond of Peñafort OP:

1. Christians are not to have meals together with Jews because, as Bartolomeo da Brescia said in the *glossa*, “one is easily deceived when feasting”.
2. They must not consult Jewish doctors or accept medicine from them.
3. They must not bathe in the same baths with them.
4. Jews must not be permitted to public office
5. They must not build new synagogues but be content with repairing or rebuilding existing ones, without, however, enlarging them.
6. They must not have Christian servants or wetnurses, as they could easily mislead simple minds into their error.
7. They must not go out in public during the days when Christ’s passion is lamented, and keep their doors closed on Good Friday.
8. They must be forced to wear distinctive clothing.⁶⁴

⁶² It would seem that the account was taken neither from pseudo-Hegesippus nor directly from Rufin’s Latin translation of Eusebius (*Historia ecclesiastica*, III, 6–8) but indirectly from other sources available to later medieval Dominicans, such as Jacobus de Voragine’s own *Legenda Aurea*, c. 63 *De sancto Iacobo apostolo* (ed. critica a cura di Giovanni Paolo Maggioni, Florence 1998, vol. 1, p. 451–452, where Sicard of Cremona’s *Cronica*, ed. by Oswald Holder-Egger, in: MGH SS XXXI, Hanover 1903, p. 106, is cited). For another possible Dominican source, cf. Vincent of Beauvais, *Speculum Historiale*, book 10 [= ed. Douai 1624, book 9], c. 5 *De muliere que comedit filium suum*, c. 59: *De causa et signis eversiones Iherusalem*, c. 60: *De Ihesu filio Anani*.

⁶³ *Sermones de tempore, inscripti Thesaurus novus*, c. 154r.

⁶⁴ *Ibid.*, c. 154r–154v. Cf. Raimundus de Pennaforte, *Commentarius pro religiosus*, vol. B: *Summa de Paenitentia*, 1, 4, 3, ed. Xaverio Ochoa / Aloisio Diez, Rome 1976 (Universa Bibliotheca Iuris, vol. 1, B), p. 309–312. It is also possible that the *Liber Extra* is sometimes meant by ‘Raymundus’, as the quotations are not always literal. However, the *Summa* was used by a host of Dominican confessors, as the rich manuscript transmission, including many pocket-size copies (cf. d’Avray, *Preaching*, p. 51), serves to demonstrate. Its influence can also be observed in the sections devoted to Jews, of the ‘Passau Anonymous’ (c. 1278), cf. Niesner, ‘*Wer mit juden well disputiren*’, p. 504–505.

The last three rules were of special interest to the author and hence treated at greater length. They all concern the problems arising from the practice of “usurious” moneylending:

- Nono, Christiani non debent locare domos ad exercendum usuram in eis;⁶⁵ alias rei erunt peccatorum Iudæorum quæ ipsi Iudæi in domibus suis committunt, quia est unum de alienis peccatis hospitare malos et peccata in domibus suis permittere perpetrare, quia dicit Apostolus Roma. 1[:32]: *Non solum qui ea faciunt, sed etiam qui consentiunt facientibus, digni sunt morte*. De quo etiam Isidorus, et habetur in cano. 11, q. 3: ‘Qui consentit peccantibus et defendit alium delinquentem, maledictus erit apud Deum et homines’.⁶⁶
- Decimo, Christiani non debent retinere dona vel munuscula a Iudæis eis data. Sed diceres: An licet recipere dona vel munuscula a Iudæis? Respondetur, quod sic, tali tamen modo, quod ipse recipiens non velit aliquid facere propter talia quod sit contra Deum: et tunc licite potest recipere. Sed non debet sibi retinere, nisi forte essent talia, quæ ab eo vel antecessoribus suis ipsi Iudæi per usuram recepissent. Unde dicit Sanctus Thomas in quadam epistola ad ducissam Lothoringiæ: ‘Cum ea, quæ Iudæi per usuram extorserunt, non possunt licite ab ipsis retineri, consequens est, ut si nos licite ab ipsis recipimus, nec nos licite retinere possumus, nisi forte essent talia, quæ a nobis vel antecessoribus nostris extorserunt. Si qui vero dant quæ extorserunt ab aliis, debent restitui eis, quibus Iudæi restituere tenentur, si sunt; alioquin in pios usus secundum sui diocæsani consilium sunt talia dona et munuscula eroganda’.⁶⁷ O quid ad hæc dicturi sunt, qui recipiunt propinas et dona a Iudæis, qui non habent nisi usurariam pecuniam! Omnia talia sunt eroganda pauperibus et non sunt hæreditanda ad posteros. Nam si unus hæres scienter talia bona possideret, talis damnaretur. Et ex hoc provenit quod tales communiter sunt infortunati in his bonis quæ a Iudæis recipiunt, quia tales raro vel nunquam ditantur.
- Undecimum est, quod Christiani non debeant sententiare nec aliquem cogere ad solvendum usuras sive Iudæis sive Christianis usurariis, nam potestates, rectores, consules, iudices, officiales qui statuta faciunt per quæ compellitur quis solvere usuras vel non repetere iam solutas, aut qui observant talia statuta et secundum ea iudicant, tales ipso facto omnes incurrerunt sententiam maioris excommunicationis, et tales non possunt absolvi, ut habetur de usurariis, causa *Ex gravi* in Clementinis.⁶⁸ Et dico notanter: prius debet absolvi ab excommunicatione, quia absolutio a sententiis debet præcedere absolutionem a peccatis.⁶⁹

It is worth noting that these last three rules all date from after the completion of the *Liber Extra* collection of decretals, compiled by Raymond of Peñaforte for Pope Gregory IX (1234), and after Raymond’s own *Summa*. It is possible that the *Thesaurus novus* author added the later material himself. Rule nine implicitly refers to constitution 26 *Usurarum voraginem* of the second council of Lyons (1274), published in part five of the *Liber Sextus* (1298). However, the canon is not quoted or alleged; instead, the preacher refers to the doctrine of *novem peccata aliena*, using Saint Paul and Isidorus as his authorities.

⁶⁵ Cf. VI. 5, 5, 1 *Usurarum voraginem*, in: Friedberg (Ed.), *Corpus*, vol. 2, col. 1081.

⁶⁶ Cf. *Decretum Gratiani*, pars II, causa 11, q. 3, c. 101, in: Aemilius Friedberg (Ed.), *Corpus Iuris Canonici*, vol. 1: *Decretum Magistri Gratiani*, Reprint Graz 1959, col. 671–672.

⁶⁷ Cf. Dondaine (Ed.), *Thomas de Aquino, Epistola*, p. 375–376 (with slightly different wording).

⁶⁸ Cf. Clem. 5, 5, 1 *Ex gravi*, in Friedberg (Ed.), *Corpus*, vol. 2, col. 1184.

⁶⁹ *Sermones de tempore, inscripti Thesaurus novus*, c. 154v.

The tenth rule quotes Thomas Aquinas's letter to the duchess of Brabant (1270), and the eleventh and last refers to decree 29 *Ex gravi* of the council of Vienne (1311–12), published after some delay in 1317.⁷⁰

Before drawing any conclusions, let us take a brief look at Johannes Herolt's sermon for the same occasion. Herolt († 1468), who adopted the name "Discipulus", was prior of the Dominican convent at Nuremberg from at least 1438 and also acted as confessor and preacher in the convent of Saint Catherine of that city. He wrote four cycles of sermons (1418, 1434, 1435, and 1437). His *Sermones Discipuli de tempore*, from which our example is taken, were composed together with two series of *Sermones comunes* by c. 1418, with later additions (by 1430). They were diffused in a large number of manuscripts (more than 170 of which have been identified) and numerous printed editions.⁷¹

Herolt's sermon number 105 for the tenth Sunday after Trinity is quite similar to the one taken from the *Thesaurus Novus* collection. There is no doubt that the texts are related, either directly or by reference to a common source. However, Herolt dropped the second part with the moral explication entirely and gave a clearer outline of the argument concerning the Jews. In the Strasbourg edition of 1489 I used, the sermon is simply entitled *De iudeis*. It is obvious that this question was of relevance in a city like Nuremberg, with one of the largest and most important Jewish communities in fifteenth-century Germany.

Herolt starts by explaining why Christ, "who had in himself nothing to weep about" (*qui nullam materiam flendi in seipso habuit*),⁷² wept (a) for a city, and (b) for Jerusalem.⁷³ He wept for a city because men tend to lead more sinful lives in cities, and he wept for Jerusalem because he foresaw its destruction at the hands of Titus and Vespasianus. The fall of Jerusalem is described in brief, with particular emphasis on the story, wrought into a short *exemplum*, of how a certain woman named Maria ate her own child to escape starvation during the siege of the city. Herolt then proceeds to outline the sermon's structure:

Sciendum quod in praesenti sermone tria sunt dicenda:

- Primo, quare ecclesia Iudeos permittit vivere.
- Secundo, quomodo Christiani erga Iudeos debent se habere.

⁷⁰ Cf. Shatzmiller, *Shylock reconsidered*, p. 121.

⁷¹ Cf. Thomas Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi*, vol. 2: *G–I*, Roma 1975, p. 451–454, nr. 2387. I have used the edition in Johannes Herolt, *Sermones discipuli de tempore et de sanctis*, Strasbourg 1489, s. p. Sermo 105 *De iudeis* has also been transcribed from a Lyons 1508 edition by Kirn, *Contemptus*, p. 181–187.

⁷² Herolt, *Sermones discipuli*, Sermo 105, § [M]; cf. Kirn, *Contemptus*, p. 181.

⁷³ The opening passage is closely related to, and probably taken from, Konrad of Brundelsheim's collection: *Sermones Socci de tempore cum duplici eorum registro*, [Strasbourg 1484], Pars aestivalis, Sermo LXXXIX: "Videns Iesus civitatem fleuit super illam." *Lu. XIX. Dominus noster Iesus Christus qui nullam materiam flendi habuit in seipso misericordia motus nostras fleuit miserias volens nos commonere vt & nos qui vere miseri sumus nostras miserias defleamus.*" However, Konrad's sermon is not concerned with Jews and Judaism.

– Tertio, moventur alique questiones de pueris Iudeorum.⁷⁴

As for the first point, five reasons are again given why the Jews are to be left alive, albeit in clearer order, reaching from the patriarchs to Judgement Day. The Jews' erroneous interpretation of scripture is illustrated with an *exemplum*, derived from Caesarius of Heisterbach's *Dialogus Miraculorum*, of the student who got a Jewish girl pregnant and deceived her family into believing that she was to give birth to the Messiah, while in the end she gave birth to a baby girl.⁷⁵

The second point again contains a list of regulations on the proper behaviour towards the Jews, taken from canon law. Herolt's ordering hand can be observed in the fact that he rounded off their number to ten, leaving out the injunction against building new synagogues or enlarging existing ones.

1. Christians are not to have meals together with Jews, according to Raymond [of Peñaforte]. 2. They must not consult Jewish doctors or accept medicine from them. 3. They must not bathe in the same baths with them. 4. Jews must not be permitted to public office. 5. The must be forced to wear distinctive clothing. 6. They must not go out in public during the days when Christ's passion is lamented, and keep their doors *and windows* closed on Good Friday. 7. They must not have Christian servants, wetnurses, *or even midwives*.⁷⁶ 8. Christians must not rent out houses to Jewish moneylenders. 9. They must not retain presents received from Jews. 10. They must not sentence anyone to pay interest to a moneylender, Jewish or not.⁷⁷

The point (7) concerning Christians servants deserves special notice. The preacher leaves no doubt about the severity of his injunctions:

Alias ipsi Christiani, si ab eis nolunt recedere, debent excommunicari; Extra eodem, *Iudei et c. Ad hec*.⁷⁸ Et quamdiu tales Christiani sunt in servitio Iudeorum, continue morando cum ipsis, sunt privati perceptione sacramentorum Ecclesie et participatione omnium bonorum, que fiunt in Ecclesia, et si sic morerentur, deberent sepeliri in sterquilinio et in campo et nullo modo in loco sacro, nec etiam aliquid sacramentum Ecclesie eis est administrandum. Et semper talis Christianus inimicus est Dei omnipotentis, beate Marie gloriose virginis et omnium sanctorum et angelorum in celo existentium.⁷⁹

⁷⁴ Herolt, *Sermones discipuli*, Sermo 105, § [N]; cf. Kirn, *Contemptus*, p. 183.

⁷⁵ Herolt, *Sermones discipuli*, Sermo 105, § [O]; cf. Kirn, *Contemptus*, p. 183–184. Josephus Strange (Ed.), *Caesarii Heisterbacensis monachi Ordinis Cisterciensis Dialogus Miraculorum*, 2 vol., Cologne et al. 1851, dist. 2, cap. 24 (= vol. 1, p. 94–95).

⁷⁶ Cf. the decree of the synod of Paris in 1213, published in Solomon Grayzel, *The Church and the Jews in the 13th Century* (New York, 1966), p. 306: “*et ne Christianae obstetrices intersint puerperio Iudaeorum*.” In the later fifteenth century, the magistrate of Regensburg indeed denied Christian midwives access to Jewish women in labour; cf. Arye Maimon et al. (Ed.), *Germania Judaica III: 1350–1519*, vol. 2: *Ortschaftsartikel Mährisch-Budwitz – Zwolle*, p. 1185 with n. 238 on p. 1212.

⁷⁷ Herolt, *Sermones discipuli*, Sermo 105, § [P]; cf. Kirn, *Contemptus*, p. 184–186.

⁷⁸ Cf. X. 5, 6, 8 *Ad haec*, in: Friedberg (Ed.), *Corpus*, vol. 2, col. 773–774.

⁷⁹ Herolt, *Sermones discipuli*, Sermo 105, § [P]; cf. Kirn, *Contemptus*, p. 185.

The three final articles dealing with usury are almost verbatim those we know from the *Thesaurus novus* sermon on the subject. Herolt merely abbreviated point eight by omitting any quotations, and expanded point nine by illustrating the problem of presents received from Jews:

O quid ad hec dicturi sunt, qui recipiunt propinas et dona a Iudeis, qui non habent pecunias nisi quas cum usuris lucrati sunt, *sicut illi, qui recipiunt aucas vel caneros vel ciphos argenteos, et de aliis properinis*, quia omnia illa eroganda sunt pauperibus. Ergo quicumque receperit tali modo aliquid a Iudeis et moritur sine restitutione, ipse et sui heredes, qui detinent illa dona et utuntur scienter, damnabuntur. *Etiam omnes illi qui comederunt de aucis quas Iudei propinaverunt suis dominis circa festum Martini.*⁸⁰

It is quite likely that Herolt added these details from his personal experience. While no specific evidence is available from Nuremberg, the Jewish communities had to present the authorities in various German cities and territories with geese on Saint Martin's day; these geese were then apparently eaten in a festive ritual. According to the sermon, crabs or lobsters and silver vessels were also among the Jews' presents.⁸¹

Comparison with the earlier version preserved in the *Thesaurus novus* collection reveals that the tone of admonition has become sharper. Herolt insists that simple layfolk should abstain from any company with Jews and identifies the area where such company was most intimate, domestic service. And he follows the various ways one could profit from Jewish "usurious gains" down to the act of eating from one of the geese they had to present on Saint Martin's day. A servant loyal to his or her Jewish employer was "forever an enemy of the almighty God, of the glorious Virgin Mary, and of all the saints and angels in heaven", and whoever has done so much as eaten of fowl donated by Jews "will be damned", like any incorrigible usurer.⁸²

Herolt abbreviated the next passage on the baptism of Jewish minors by relegating some of the material (concerning the comparative status of Jewish infants and unbaptised

⁸⁰ Herolt, *Sermones discipuli*, Sermo 105, § [P]; cf. Kirn, *Contemptus*, p. 186.

⁸¹ Geese as "presents" by the Jews, usually on Saint Martin's day are attested in Magdeburg (Maimon et al. (Ed.), *Germania Judaica III*, p. 775), Neuhaus (ibid., p. 945), Neuruppin (p. 954), Pilsen (p. 1109), Pritzwalk (two geese for every Jewish wedding, among other presents, p. 1155), Salzburg (p. 1290), in the duchy of Bavaria-Landshut (nine geese annually on 11 November into the ducal kitchen, plus two geese for the local official and the inner watch at the gate; p. 1791 n. 62). The lords of Hanau demanded that the Jews of Windecken perform services such as herding geese, and the delivery of parchment (p. 1649). In Nuremberg, fish (*Judenvisch*) was regularly provided by the Jews for the solemn meals of the council (p. 983); in 1473 they had to give a crossbows and arrows (*armbrust vnd zilpoltz*; p. 1969). Other gifts in kind include honey (Mainz, p. 793), ginger (Duderstadt, p. 257; Nijmegen, p. 974), pepper (Regensburg, p. 1186), grain (Luxembourg, p. 765), fish (Naumburg, p. 930), wine (also at Naumburg, and in Rappoltsweiler/Ribeauvillé, p. 1170), and parchment (Erfurt, p. 325).

⁸² Cf. n. 79.

children of Christian parents), to a different sermon.⁸³ Instead he took the opportunity of adding, by way of a general admonition, an exemplum that purports to illustrate the Jewish “hatred of Christ and the catholic faith”:

Ultimo, sciendum quod adhuc hodierno die tanta est invidia Iudeorum contra Christum et fidem catholicam, quod si auderent et possent libenter Christum et fidem Christi persequerentur. De quo legitur tale exemplum, quod cum Iudei in quadam civitate in die parasceves fecissent imaginem Christi ceream et eam cruci claveis affixissent et lancea perforassent, apparuit beata virgo conquerens Christianis de hoc, quod sustinerent hoc quod adhuc in urbe illa die Iudei filium suum crucifigerent. Christiani autem Iudeorum domos penetrantes et eos capientes, invenerunt imaginem crucifixi et eius vulnera cruentata. Quo miraculo viso multi Iudei ad christianam fidem sunt conversi.⁸⁴

In the closing passage of the sermon, this twelfth-century Miracle of the Virgin⁸⁵ is isolated from its traditional setting in Toledo and given a more general relevance: The Jews would ‘persecute’ Christ and the Christian faith anywhere any time, if they only could.

If we look back at the three sermons on *Videns Iesus civitatem*, there are a number of changes to be observed: The ‘historical’ exegesis (the fall of Jerusalem and its consequences) is successively given more attention over the ‘moral’ or spiritual, which is completely dropped in the last example. Secondly, the Augustinian idea of (conditional) tolerance towards Judaism is countered by the restrictions found in canon law against close social contacts between Christians and Jews. At some stage during the fourteenth century the material on the problems concerning Jewish ‘usury’ and its proceeds was inserted. Finally, Johannes Herolt made an attempt in the early fifteenth century to bring home the urgency of the problem (as he saw it) to his lay audience. He gave the sermon a clearer outline by abbreviating citations he found superfluous and added illustrative material such as examples from local experience and an exemplum from the Miracles of the Virgin.

It is possible to say that the later examples we looked at show typically “Dominican” traits. Not only do they develop a model sermon written by friar Jacobus de Voragine, they also quote Raymond of Peñaforte and Thomas Aquinas extensively. Indeed, these authorities provide the backbone of their doctrine.

⁸³ Cf. Herolt, *Sermones discipuli*, sermo 77 (in festo Sancte Trinitatis), *Item de Trinitate, et de signis qui ante et post baptismum fiunt*, s. p., § [D].

⁸⁴ Herolt, *Sermones discipuli*, Sermo 105, § [U]; cf. Kirn, *Contemptus*, p. 187.

⁸⁵ José María Canal Sánchez (Ed.), *El Libro de laudibus et miraculis sanctae Mariae de Guillermo de Malmesbury, O.S.B. († c. 1143)*, in: *Claretianum* 8 (1968), p. 71–242, cit. p. 137–138 (nr. 4); cf. Peter Carter, *The Historical Background of William of Malmesbury’s Miracles of the Virgin Mary*, in: Ralph H. C. Davis/John M. Wallace-Hadrill (Ed.), *The Writing of History in the Middle Ages. Essays presented to Richard William Southern*, Oxford 1981, p. 127–164, cit. p. 145–146.

III.

Next to the pulpit, there was one other privileged place for the friars to influence the attitudes and behaviour of individuals and, in some cases, public opinion. It was in the confessional. It is no coincidence that Louis IX of France, a hater of Jews and of their “usuries”, was also, in the words of Georges Minois, an “athlète de la confession”.⁸⁶ Questions of conscience were discussed in penitential handbooks but also in the ‘mirror of princes’ literature, in *quodlibet* questions, in theological *responsa* (such as the famous letter, written by Thomas Aquinas, to the Duchess of Brabant), and in legal *consilia*.

From the beginning of the thirteenth century, penitential handbooks devoted closer attention to the difficult questions arising from usurious gains. Many penitential *summae* also included a section on the proper behaviour towards Jews and “Saracens”, but the two themes – usury and the Jews – were not treated as one. Thus, an early Dominican *Summa confessorum*, written by Conrad of Höxter (de Huxaria) ca. 1221–1226, merely demanded that Jews be restrained by the “secular arm” from taking excessive rates of interest from Christians (*nimias in christianos usuras*). The chapter on usury is concerned almost exclusively with Christian usurers. However, the author took it for granted that converts from Judaism had to give up all they had earned through moneylending.⁸⁷

The legal (rather than theological) tendency of treating the “Jewish question” in the sermons we saw is also apparent in the confessional literature composed by Dominican authors. An influential specimen from the German provinces was the *Summa confessorum*, written by friar John, *lector* of the Dominican convent of Freiburg, between ca. 1280 and 1298. John compiled his material mostly from Peñaforte and other canonists and from Thomas Aquinas. In his chapter (I, 4) on Jews and Saracens the problem of tax revenue from Jews, “who appear to own nothing but usuries” is addressed by reference to Thomas Aquinas.⁸⁸ No prohibition against renting them houses is mentioned. Nor does John here cite the decree *Usurarum voraginem*, passed at Lyons in 1274, against allowing “foreign usurers” into the country. It is quoted verbatim, however, in his chapter on usury

⁸⁶ Georges Minois, *Le Confesseur du roi. Les directeurs de conscience sous la monarchie française*, Paris 1988, p. 178; cf. Cluse, *Zusammenhang*, p. 148–149.

⁸⁷ Jean Pierre Renard (Ed.), *Trois sommes de pénitence de la première moitié du XIII^e siècle. La ‘Summula Magistri Conradi’. Les sommes ‘Quia non pigris’ et ‘Decime dande sunt’*, vol. 2: *Textes inédits*, Louvain-la-Neuve 1991 (Lex spiritus vitae, vol. 6), p. 86 (c. 30 *De iudeis*), p. 107 (c. 38 *De usura*).

⁸⁸ Cf. Marlies Hamm/Helgard Ulmenschneider (Ed.), *Die ‘Rechtssumme’ Bruder Bertholds: Eine deutsche abecedarische Bearbeitung der “Summa Confessorum” des Johannes von Freiburg. Synoptische Edition der Fassungen B, A und C*, vol. 7: *Quellenkommentar, Buchstabenbereich I–Z*, Tübingen 1991, p. 405–412.

(II, 7 q. 71) where, in turn, Jews are not treated as usurers.⁸⁹ On the whole, John of Freiburg's *Summa* follows Thomas Aquinas in allowing "customary" taxes from Jews as long as the money is then spent for the public good (*in communem utilitatem terre*).⁹⁰

As we were able to see above, the late-fourteenth and early-fifteenth sermons by Dominican authors offered their material in very similar arrangements. However, these preachers did forbid renting out houses to Jews, and they did count Jews among the 'foreign usurers' to whom *Usurarum voraginem* was applicable. It would be interesting to find out precisely when the canonists made this connection and started viewing all Jews as 'foreign usurers' in principle. Be that as it may, it is worthwhile pointing out that the situation of Jews living in the German lands had changed in precisely these aspects after the severe persecutions of the mid-fourteenth century: Their houses, as well as other real property in the Jewish quarter, had often gone into the possession of the respective town or city and were now rented out to those Jews willing to return. There was probably also a significant increase in Jewish mobility, reinforced by the expulsions from German cities and territories, starting in 1390 with Strasbourg and the Palatinate. Jewish bankers more frequently, and more conspicuously, came from 'outside' to negotiate for settlement grants and safe-conducts. It was easier now to regard them in the same light as one saw their competitors, the bankers from Tuscany, for example, or the Cahorsin or Lombard moneylenders whose *casane* had spread, since the early thirteenth century, over a wide stretch of regions between Savoy and the Low Countries.⁹¹

By the fifteenth century, the association of moneylending Jews with "foreign usurers" appears to have been established practice, as we observed in the sermons by the *Thesaurus novus* author and by John Herolt. Of course, Dominican authors were by no means the only ones to polemicise against Jewish moneylending. At the turn of the century, the theologians Henry of Langenstein and Henry of Oyta, who both taught at the university of Vienna, demanded measures against Jewish moneylenders, in their discussions of trade contracts.⁹² At about the same time, friars like San Bernardino of Siena began to launch

⁸⁹ Ibid., p. 794.

⁹⁰ Dondaine (Ed.), *Thomas de Aquino, Epistola*, p. 375–376. This holds true also for the German adaptation of John's *Summa* by "friar Berthold"; cf. Georg Steer et al. (Ed.), *Die 'Rechtssumme' Bruder Bertholds: Eine deutsche abecedarische Bearbeitung der "Summa Confessorum" des Johannes von Freiburg. Synoptische Edition der Fassungen B, A und C*, vol. 3: *Buchstabenbereich H–P*, Tübingen 1987, p. 1314–1317.

⁹¹ Cf. the impressive survey by Winfried Reichert, *Lombarden in der Germania-Romania. Atlas und Dokumentation*, 3 vol., Trier 2003 (Beiträge zur Landes- und Kulturgeschichte, vol. 2/1–3).

⁹² Cf. Winfried Trusen, *Spätmittelalterliche Jurisprudenz und Wirtschaftsethik. Dargestellt an Wiener Gutachten des 14. Jahrhunderts*, Wiesbaden 1961 (Beihefte zur Vierteljahrschrift für Sozial- und Wirtschaftsgechichte, vol. 43), p. 99–101, 103, 109. On these authors cf. the recent works by Fritz-Peter Knapp, *Die Literatur des Spätmittelalters in den Ländern Österreich, Steiermark, Kärnten, Salzburg und Tirol von 1273 bis 1439*, vol. 2, 2, Graz 1999, p. 106–132, and Niesner, 'Wer mit juden well disputiren', p. 413–441.

ferocious attacks on the Jews,⁹³ and the popes devoted more attention to the issue of moneylending when dealing with matters concerning the Jews. In the mid-fifteenth century, John of Capistrano went on a preaching tour in the German territories. In Vienna, he lobbied Frederick III with demands for repealing the privileges he and his predecessors had granted to the Jews of the Empire.⁹⁴ In a similar vein the papal legate to Germany, Cardinal Nicholas of Cusa, on 20 March 1451 formally approved of the expulsion of the Jews from the duchy of Bavaria-Munich, decreed by duke Albrecht III in 1442.⁹⁵ On 30 April and on 20 May of the same year the diocesan synods of Bamberg and Würzburg, convened and presided over by Cusanus, decided that all Jews be stopped from lending money on interest within three months, echoing the demands of *Usurarum voraginem* and *Ex gravi*. (Following fierce diplomatic activity by the city of Nuremberg, acting partly on behalf of the local Jewish community, the Bamberg decree was later repealed by Pope Nicholas V.) Much weaker decisions were passed at the legate's request by the metropolitan synods for the archdioceses of Mainz and Cologne in December 1451 and March 1452.⁹⁶

IV.

Returning to the archbishopric of Mainz and to the debates following the expulsion of the Jews from the city in 1438, we will finally look at the writings of another Dominican author. Friar Siegfried (Siffridus) Piscator OP (d. 1473)⁹⁷ was appointed to the titular see of Cyrene in 1446 and acted as suffragan to archbishop Dietrich of Erbach between 1446 and c. 1452. Probably born in or around Mainz, Siegfried had enrolled to study theology at the University of Cologne in 1438 and was promoted to the doctorate at Bologna in 1440. His association with the court of archbishop Dietrich was closest between 1447 and

⁹³ Supra, n. 49.

⁹⁴ Johannes Hofer, *Johannes Kapistran. Ein Leben im Kampf um die Reform der Kirche*, 2 vol., Rome/Heidelberg 1964 (Bibliotheca Franciscana, vol. 1), vol. 1, p. 136–140, vol. 2, p. 5–6. On Capistrano's responsibility for the massacre of the Jews in Breslau (Wrocław) in 1453, following accusations of host desecration, cf. Rubin, *Gentile Tales*, p. 119–128. Hofer's apologetic account is not reliable on this matter.

⁹⁵ This document, which escaped the attention of the *Acta Cusana* editors, is still unpublished: München, Bayerisches Hauptstaatsarchiv, Haus- und Familiensachen U, Juden in Bayern, Fasz. 8. I am indebted to Karl-Heinz Zaußmüller (Trier) for having drawn my attention to this document.

⁹⁶ Karl-Heinz Zaußmüller, *Nikolaus von Cues und die Juden. Zur Stellung der Juden in der christlichen Gesellschaft um die Mitte des 15. Jahrhunderts in den deutschen Landen*, Diss. Trier 2001 (published online in 2005 under <http://ubt.opus.hbz-nrw.de/volltexte/2005/348/>). Zaußmüller failed to see the influence of *Usurarum voraginem* and *Ex gravi* on the legislation passed by Cusanus.

⁹⁷ On the date of his death (16 May 1473) cf. Fritz Schillmann, *Wolfgang Treßler und die Bibliothek des Jakobs Klosters zu Mainz. Ein Beitrag zur Literatur- und Bibliotheksgeschichte des ausgehenden Mittelalters*, Leipzig 1913 (Beihefte zum Zentralblatt für Bibliothekswesen, vol. 43), p. 183–184.

1450, when he acted as vicar general both *in pontificalibus* and *in spiritualibus*. Thereafter, relations appear to have cooled down, and it is uncertain whether his appointment as suffragan continued after 1452 (Piscator did remain bishop of Cyrene). However, he can occasionally be observed in that function again under archbishops Diether of Isenburg (1459–61, 1475–82) and Adolf of Nassau (1461–75). In 1468 he appears as one of the promoters of reform in the local Dominican house.⁹⁸ Incidentally, his legacy includes a Hebrew Bible manuscript, which is today kept in the municipal library of Mainz.⁹⁹

Siegfried composed a treatise, lost today, *De susceptione monialium* for Eberhard of Venlo, abbot of St James in Mainz,¹⁰⁰ and one *De potestate a Christo praelatis ecclesiae collata sine temeraria assertione*, preserved in a mid-fifteenth century manuscript.¹⁰¹ He also wrote a number of legal *determinationes* or *quaestiones*, some of which were addressed to his superior, the archbishop.¹⁰² Six of them were printed, in two small volumes of 52 and 24 pages respectively, by the unknown printer of the Darmstadt prognostication

⁹⁸ Isnard W. Frank, *Das Totenbuch des Mainzer Dominikanerklosters. Kommentar und Edition*, Berlin 1993 (Quellen und Forschungen zur Geschichte des Dominikanerordens, Neue Folge, vol. 3), p. 94, 109, 208, 267–268; Ingrid Heike Ringel, *Studien zum Personal der Kanzlei des Mainzer Erzbischofs Dietrich von Erbach (1434–1459)*, Mainz 1980 (Quellen und Abhandlungen zur mittelhessischen Kirchengeschichte, vol. 34), p. 122–123, 142–143, 242; Wolfgang Voss, *Dietrich von Erbach: Erzbischof von Mainz (1434–1459). Studien zur Reichs-, Kirchen und Landespolitik sowie zu den erzbischöflichen Räten*, Mainz 2004 (Quellen und Abhandlungen zur mittelhessischen Kirchengeschichte 112), p. 362–363. Siegfried (Siffridus Piscator Moguntinus) is erroneously confused with friar Siffridus de Arena teutonicus OP (d. 1421) in Johann Friedrich von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts*, vol. 2: *Von Papst Gregor IX. bis zum Concil von Trient*, Stuttgart 1875, p. 441, and in Kaeppli, *Scriptores*, vol. 3, p. 341. On Siffridus de Arena, cf. Isnard W. Frank, *Hausstudium und Universitätsstudium der Wiener Dominikaner bis 1500*, Vienna 1968 (Archiv für österreichische Geschichte, vol. 127), p. 49–50.

⁹⁹ Mainz, Stadtbibliothek, ms. 378; cf. Bernhard Walde, *Christliche Hebraisten Deutschlands am Ausgang des Mittelalters*, Münster 1916 (Alttestamentliche Abhandlungen, vol. 6/2–3), p. 64–69. I am grateful to Dr Reimund Leicht (Potsdam) for taking a look at this manuscript for me in the Institute of Microfilmed Hebrew Manuscripts (Jerusalem). He generously informed me that the Latin marginalia found in it are based on Reuchlin's *Rudimenta hebraica* (1506). It is therefore by no means certain that Siegfried knew any Hebrew, despite Wolfgang Trefler's assertion that he did ("*vir prudens et doctissimus, Latine ac Hebraice lingue peritus*"; cf. Schillmann, *Wolfgang Trefler*, p. 184).

¹⁰⁰ Schillmann, *Wolfgang Trefler*, p. 184.

¹⁰¹ Mainz, Stadtbibliothek, ms. I 203, c. 192r–253v; cf. Gerhard List, *Die Handschriften der Stadtbibliothek Mainz*, vol. 2: *Hs I 151 – Hs I 250*, Wiesbaden 1998, p. 206–208, who also mentions a fragment in Basel, Universitätsbibliothek, ms. A IX 13. The treatise is not mentioned in Kaeppli, *Scriptores*.

¹⁰² *Ad capitulum et clerum Maguntinum tractatus I.*, listed by Wolfgang Trefler among the books in the old library of St James (Schillmann, *Wolfgang Trefler*, p. 184) probably refers to one of these pamphlets.

at Mainz, “around 1476”.¹⁰³ If this publication date is correct, the pamphlets are among the earliest works of this printing press. One can only speculate as to the printer’s motivation for publishing Siegfried’s arguments at this time. The foundation of a university in Mainz (1476/77) may have suggested a market for such legal material. However, one should also bear in mind that the Jews were expelled from the ecclesiastical territories of Mainz (1470), Bamberg (1478), and Strasbourg (1479)¹⁰⁴. Moreover, these years saw the appearance of various printed books relating to the alleged ritual murder of Simon of Trent (1475) on the German market.¹⁰⁵ The *Consilia contra Iudeos fenerantes*, composed at Padova in 1469 by the famous jurist Alexander de Nevo, first appeared in print in Venice, 1476. They were widely diffused as an appendix to Nicholas de Osimo’s *Supplementum Summae Pisanellae* and Astesano’s *Canones Poenitentiales*. Significantly, the only independent edition of these *Consilia* appeared in Germany, at Nuremberg in 1479.¹⁰⁶ The content of Siegfried’s printed pamphlets is as follows:

- (I.) Siffridus Piscatoris Moguntinus, *Determinatio duarum questionum* [Mainz, c. 1476?]¹⁰⁷
- (I.a) Utrum princeps catholicus, presertim ecclesiasticus, possit iudeos bona conscientia ad excedendum publice usuram protegere et manutenere in terra sua.¹⁰⁸
- (I.b) Secundo, utrum princeps possit ob bonum conservacionemque principatus sui iuste liberum inhibere subiectis contractum matrimonii.¹⁰⁹
- (II.) Siffridus Piscatoris Moguntinus, *Responsio ad quatuor questiones* [Mainz, c. 1476?]

¹⁰³ Siffridus Piscatoris Moguntinus, *Determinatio duarum questionum* [Mainz: printer of the ‘Darmstadt’ prognostication, c. 1476?] 4°, 52 p. (Hain-Coppinger 14723*, GW M42041); Siffridus Piscatoris Moguntinus, *Responsio ad quatuor questiones* [Mainz: printer of the ‘Darmstadt’ prognostication, c. 1476?] 4°, 24 p. (Hain-Coppinger 14724*, GW M42045). Cf. the close descriptions in *Gesamtkatalog der Wiegendrucke*, accessible online (www.gesamtkatalogderwiegendrucke.de).

¹⁰⁴ For the expulsions, cf. Ziwes, *Territoriale Judenvertreibungen*, p. 185.

¹⁰⁵ Wolfgang Treue, *Der Trienter Judenprozeß. Voraussetzungen – Abläufe – Auswirkungen (1475–1588)*, Hannover 1996 (Forschungen zur Geschichte der Juden, Abteilung A: Abhandlungen, 4), p. 285–308.

¹⁰⁶ Hélène Angiolini, *Polemica antiusura e propaganda antiebraica nel Quattrocento*, in: *Il pensiero politico* 19 (1986), p. 311–318; cf. Diego Quaglioni, *Gli ebrei nei consilia del Quattrocento veneto*, in: Ingrid Baumgärtner (Ed.), *Consilia im späten Mittelalter. Zum historischen Aussagewert einer Quellengattung*, Sigmaringen 1995 (Studi del Centro Tedesco di Studi Veneziani, vol. 13), p. 189–204, cit. p. 194–196.

¹⁰⁷ The *Determinatio* printed in (I.) is also preserved in Frankfurt, Stadt- und Universitätsbibliothek, ms. Praed. 138, c. 145r–172r, copied between 1454 and 1464. The manuscript once belonged to Wenzeslaus of Frankenstein OP (d. 1486), prior of the Dominican convent at Frankfurt: cf. Gerhard Powitz, *Die Handschriften der Stadt- und Universitätsbibliothek Frankfurt am Main*, vol. 1: *Die Handschriften des Dominikanerklosters und des Leonhardstifts in Frankfurt am Main*, Wiesbaden 1968, p. 313–320. For the purpose of the present article, I have not been able to consult this manuscript, which may contain further material.

¹⁰⁸ Siffridus, *Determinatio*, p. 3–39.

¹⁰⁹ *Ibid.*, p. 39–52.

- (II.a) An liceat absolucionis beneficium impendere et eucaristie sacramentum ministrare illi, qui iudeo de usura dumtaxat viventi suam locavit domum, etc.¹¹⁰
- (II.b) Secundo, an contractus vendicionis frumentorum speciem fraudis habeat vel pravitatis, et huiusmodi vendentes sint absolvendi et communicandi, etc.¹¹¹.
- (II.c) Tercio, utrum prohibendi sint a communione qui utuntur contractibus empicionis reddituum cum pacto de revendendo, etc.¹¹²
- (II.d) Quarto, utrum in foro conscientie res rapte possint in suos vel in pios usos converti vel ad restitutionem teneantur, etc.¹¹³

These *consilia* do not date all from the same period. For the present purpose, we will only concern ourselves with questions (I.a) and (II.a). As neither of these makes any mention of Nicholas of Cusa's decrees against the Jews, it is very likely that the two were not written after 1451. The first (I.a) may have been composed together with (I.b), as the two have a joint prologue.¹¹⁴ It almost certainly dates from some time after the magistrate of Mainz wrote their "rescript" in 1444,¹¹⁵ and possibly from after 1446, when the author was in a position to be asked for his opinion by Archbishop Dietrich, who is addressed several times over. One could also surmise that *responsio* (I.a) was written earlier than (II.a), in which Siegfried gives a much shorter answer, quoting some of the same material, and where he hints at the possibility that much more could be said on the matter (without explicitly referring to the other, much more elaborate discussion).¹¹⁶ However, there is no certainty to be gained on this point. For all we can say, then, the two *responsa* dealt with current issues: the expulsion of the Jews by the city of Mainz (1438) and the subsequent quarrels, their readmission by a new civic council (1445) as well, of course, as their continuing presence in the other towns subject to the authority of the archbishops.¹¹⁷ Nor were the other questions purely speculative: In (I.b) Siegfried denied a lord the right to

¹¹⁰ Siffridus, *Responsio*, p. 5–11.

¹¹¹ *Ibid.*, p. 11–14.

¹¹² *Ibid.*, p. 14–22.

¹¹³ *Ibid.*, p. 22–24.

¹¹⁴ Siffridus, *Determinatio*, p. 1–3. It is possible that the introductory matter was added at a later stage, for example when the two questions were prepared for the printed publication in the late-1460s. The same applies to the insertion and discussion of Ancharano's earlier *consilium* on the matter, discussed below. However, the wording of the relevant passages, quoted *infra*, n. 120 and n. 127, does not give conclusive support for this assumption. It is therefore more plausible that they both date from the time before the *Determinatio* was first submitted to the Archbishop.

¹¹⁵ Cf. *supra*, n. 1–5.

¹¹⁶ Siffridus, *Responsio*, p. 5: "*Et quamquam plures fieri possint dimembraciones, non tamen videtur utile pro nunc, ne involvamus intellectum querentis.*"

¹¹⁷ In 1469, Johannes Lutrea, preacher at the Cathedral of Mainz, preached against 'the Jews and those who favoured or tolerated them' in Bingen, a town under the rule of the archiepiscopal chapter; cf. Fritz Herrmann (Ed.), *Die Protokolle des Mainzer Domkapitels*, vol. 1: *Die Protokolle aus der Zeit 1450–1484*, Darmstadt 1976, nr. 645, and Maimon et al. (Ed.), *Germania Judaica III*, vol. 1, p. 119 (where the date must be corrected).

forbid his serfs from marrying the serf of another lord.¹¹⁸ In (II.b) he was asked whether the practice of selling grain in advance for the highest price to be obtained within a certain period was usurious or not (Siegfried thought that it was; the discussion must be viewed before the background of widespread hunger in the late-1430s).¹¹⁹ In (II.c) he deals with selling and buying rents, which was an established way of obtaining long-term credit (Siegfried condoned it, even when, as in the case at hand, the price paid for the rent was very low). Question (II.d) is concerned with the practice of contemporary warfare: What were the subjects of one lord to do when they were ordered to despoil those of another lord? (Siegfried told them not to worry, as long as they had an excuse in obeying their lord's demands.)

Concerning the question, then, “whether a ruler, an ecclesiastic in particular, may with a clean conscience protect and maintain Jews in his lands for the public exercise of usury”, Siegfried states that the current practice would indicate an answer in the affirmative, which made it much more difficult to take the opposite side.¹²⁰ He then goes on to prove his own, negative position in six points:

1. Canon law demands that princes and other authorities compel the Jews to remit interest payments to their Christian debtors.¹²¹
2. Usury is prohibited by both the Old and the New Testaments. No prince, and no ecclesiastical lord in particular, may contravene this prohibition under any pretext.¹²²
3. Whoever consents to the sin of another rather than correcting him, is making himself an accomplice to that sin.¹²³
4. There is no forgiveness for sin unless that which has been taken away is restored. Hence, princes are obliged to restitute whatever was taken from their subjects in usuries.¹²⁴
5. The decretals *Usurarum voraginem* and *Ex gravi*, which are both quoted at length, make it plain that no prince may locate or give a home to Jews lending at interest in his lands, even if they do not explicitly name Jewish usurers.¹²⁵

¹¹⁸ Siffridus mainly refers to X. 4, 9, 1 *Dignum est*, in: Friedberg (Ed.), *Corpus*, vol. 2, col. 691–692.

¹¹⁹ Cf. Jörg, ‘*Teure, Hunger, großes Sterben*’, p. 223–234.

¹²⁰ Siffridus, *Determinatio*, p. 1–3: “*Ad has questiones eo magis onerosum extat respondere, quo magis generaliter pars questionum affirmativa practicatur hodie a regibus, principibus spiritualibus et secularibus, a capitulis et civitatum communitatibus, ac ferme pro lege antiquitas introduxit, totque peritissimi divine et humane legis doctores, confessores, consilarii peculiarissimi, etiam predicatorum eloquentissimi divini verbi fuere; principum, capitulorum communitatumque hactenus, tantique in presentiarum sunt, ut presumptuosum possit cuiquam videri pro parte negativa prefatarum questionum aliquid persuadere, dici aut doceri a quoquam.*”

¹²¹ Siffridus, *Determinatio*, p. 3–5; cf. X 5, 19, 12 *Post miserabilem*, in: Friedberg (Ed.), *Corpus*, vol. 2, col. 814–815.

¹²² Siffridus, *Determinatio*, p. 5–10; cf. X 5, 19, 4 *Super eo*, in: Friedberg (Ed.), *Corpus*, vol. 2, col. 812.

¹²³ Siffridus, *Determinatio*, p. 10–15.

¹²⁴ *Ibid.*, p. 16–19.

¹²⁵ *Ibid.*, p. 19–21; cf. VI. 5, 5, 1 *Usurarum voraginem* and Clem. 5, 5, 1 *Ex gravi*, in: Friedberg (Ed.), *Corpus*, vol. 2, col. 1081 and col. 1184.

6. According to Saint Thomas Aquinas, a lord may not keep any money he has taken from the Jews, since these Jews had no rightful title to what they earned through usury in the first place.¹²⁶

In conclusion, Siegfried exhorts all princes, and especially his own lord the Archbishop, to heed the words of the Psalmist (71:14) and liberate the souls of the oppressed poor from usuries and from injustice¹²⁷.

At this juncture, however, the author goes on to relate how he had submitted his first answer to a certain learned friend who had brought to his attention an earlier *consilium* on the matter, written by the canonist Petrus de Ancharano (d. 1416). Petrus had been asked by a certain king (as Siegfried put it, by the “emperor”)¹²⁸ whether a lord might concede to the Jews a judge who could compel Christians to pay them interest owed, provided he had the consent of the people.¹²⁹ Siegfried expresses delight at this reference, saying he had

¹²⁶ Siffridus, *Determinatio*, p. 21–24; Dondaine (Ed.), *Thomas de Aquino, Epistola*, p. 376.

¹²⁷ Siffridus, *Determinatio*, p. 24: “*Nunc quoque pro totius in hac materia dicti conclusionem hortor sincerissime dominos principes, quatenus verbum Psalmiste animadvertant pauperum oppressorum a Deo futuram consolationem promittentis ac petentis, dicentis: ‘Deus iudicium tuum regi da’, hoc est omni potestatem habenti, ‘et iusticiam tuam filio regis’, hoc est consiliariis et ministris regis seu principis. ‘Iudicare populum tuum in iusticia et pauperes tuos in iudicio’ scilicet iusto (Ps 71:2). Et ibidem subdit ‘ex usuris et iniquitate redimet animas eorum’ (Ps 71:14) scilicet iustus et misericors Deus, qui est benedictus. Hec hucusque non ea intentione deduxi ut confunderem aut confusibilem quemquam illustrissimorum principum redderem, sed ut amonerem sicut filius patrem, et servus dominum, instructus doctrina Pauli Thimoteo dicentis, ‘seniorem ne increpaveris, sed obsecra tanquam patrem’ (Tim 5:1). Et seniorem non annorum curriculo intelligit sed dignitate et eminentia qualibet quem prefulgentem. Certus enim sum quod maior dominorum principum pars ex ignorantia circa iudeos peccat, quibus eo magis est compaciendum, imo pro eis sedule orandum, ut Deus eos illuminet in hiis et ceteris que sue sunt voluntatis et pro bono communitatis.*”

¹²⁸ Cf. John Joseph Sawicki, *The Ecclesiological and Political Thought of Petrus de Ancharano 1330 (?) – 1416*, Diss., Cornell University 1977, with a discussion of the present *consilium* on p. 351–352. The text is addressed to one *Christianissime et illustris princeps*, and the *Dictionnaire de Droit canonique*, vol. 6: *Interférences – Pittoni*, Paris 1957, col. 1470, suggests that this meant the King of France. Sawicki (op. cit., p. 351, n. 79), however, argues that this is inconclusive, as Ancharano can be shown to have used the ‘catholicus’ title for princes other than the King of Aragón. If *christianissimus* indeed referred to the King of France, the *consilium* must have been written before the expulsion of the Jews from France in 1394.

¹²⁹ Siffridus, *Determinatio*, p. 25–26: “*Cumque illa iam scripseram ac cuidam iurisperito fido michi amico ad videndum ac consiliandum, quatenus ex me solo non procederet omnino huiusmodi satis dura responsio sine aliorum consilio tradidissem, ille mox obtulit questionem iam dudum ventilatam per dominum Petrum de Ancrano famosissimum doctorem et scriptam imperatori in hac forma: ‘Utrum dominus cum consensu populorum subditorum possit sine peccato iudeis concedere iudicem, qui compellat christianos ad solutionem usurarum de pecuniis mutuatis’. Super quo valde gavisus sum, quia nusquam ad manus meas in specie sic vent[il]atum prius devenit in illa materia quidquam.*”

never seen anything published on the matter before, and goes on to cite Ancharano's *consilium* in full length.¹³⁰ It is understandable that this prior opinion raised Siegfried's interest, as Ancharano was *doctor utriusque iuris* and frequently referred to Roman as well as canon law. What is more, his *consilium* offered a much more systematic list of arguments that could be adduced in favour of the proposition, before setting out to counsel against it:

1. No sin is involved when Christians pay interest to Jews, neither on the part of the Christians who pay nor on the part of the Jews who lend money at interest, since their morality falls outside the concern of canon law.¹³¹
2. Since the common laws published by catholic princes like the emperor Justinian permitted usuries, it follows that any lord or *civitas* may pass statutes on the matter.¹³²
3. Sometimes a good may follow from something bad and justifies tolerating it. For example, Paul advocated matrimony to prevent illicit sexual behaviour, and the Church tolerates prostitutes for similar reasons. Tolerating Jewish moneylenders is a way of preventing Christians from engaging in usury. It is therefore advisable not to be too severe.
4. There is a public benefit involved in that those who have no other means of lending money are able to turn to Jewish moneylenders¹³³. Much of what is normally forbidden by divine law is conceded under necessity. It is therefore possible to modify the common law accordingly.
5. Provided those affected by such legislation consent to it, they can be legally forced to pay those usuries they owe to Jews, as from a self-imposed obligation.¹³⁴

Ancharano conceded that these reasons carried much weight, but said he did not dare to adopt this position, since such a statute would run against canon law, which demands that the secular powers force the Jews to remit usuries owed them by Christians.¹³⁵ It would also be shameful to the Christian faith, thereby failing to meet an essential requirement of laws, decency (*honestas*).¹³⁶ As far as the *rationes* in favour are concerned, it was no matter of the prince to judge the morality of such a statute, which rather pertained to the

¹³⁰ Siffridus, *Determinatio*, p. 26–31. The text is also printed as nr. 243 among the consilia of Petrus de Ancharano. See, for example, *Consilia. d. petri de ancharano J. U. interp(re)titis: Additis qua(m)pluribus utilissimis additionibus ex antiquis et modernioribus docto. excerptis in margine pro concordanti: una cu(m) eleganti repertorio: q(uo)d medulitus o(mn)es principales: & incidentes q(uesti)ones brevissime complectitur* [Venetiis: Pincius, 1513], secunda pars, c. 106vb–107ra: “*Utrum dominus cum consensu populi possit sine peccato iudeis concedere iudicem qui christianos cogat ad solutionem usurarum.*” I am grateful for the staff of the municipal library at Trier for allowing me to consult this edition (Trier, Stadtbibliothek, XY 590 2°), while it was under restoration.

¹³¹ Siffridus, *Determinatio*, p. 26; cf. Petrus de Ancharano, *Consilia*, c. 106vb.

¹³² Siffridus, *Determinatio*, p. 26; cf. Petrus de Ancharano, *Consilia*, c. 106vb.

¹³³ This opinion was frequently voiced in the Italian city-states during the fourteenth and fifteenth centuries; cf. Shatzmiller, *Shylock reconsidered*, p. 83–84.

¹³⁴ Siffridus, *Determinatio*, p. 26–28; cf. Petrus de Ancharano, *Consilia*, c. 106vb–107ra.

¹³⁵ Siffridus, *Determinatio*, p. 29–30; cf. Petrus de Ancharano, *Consilia*, c. 107ra. The reference is to X, 5, 19, 12 *Post miserabilem*, in: Friedberg (Ed.), *Corpus*, vol. 2, col. 814–815.

¹³⁶ Siffridus, *Determinatio*, p. 30; cf. Petrus de Ancharano, *Consilia*, c. 107ra.

Roman pontiff. On the whole it was better to keep on the safe side and abstain from any sin or transgression.¹³⁷

While Siegfried was satisfied with Ancharano's conclusion, he was concerned about the fact that the jurist had not refuted the arguments for the proposition one by one. So he sets out to refute them himself:

- ad 1. It is false to claim that it was no sin for a Jew to practice usury. All men are bound to observe the law of the gospel, outside which there is no salvation. A prince permitting his Jews to extort usury from his subjects acts like Pilate, who consented to Christ's death and cooperated in it.
- ad 2. As far as civil law is concerned, there are, according to Johannes Andreae, various senses to the word 'concession'. Civil law does not permit usury in the sense that it stands in opposition to canon law but merely omitted to legislate on the matter.
- ad 3 and 4. When one evil is to be averted, a greater evil must never be incurred. Sin, however, is a spiritual evil and cannot be offset by some temporal advantage. The authorities adduced for the proposition (Saint Paul on matrimony, the Church's toleration of prostitutes, and the Biblical maxim *noli esse nimis iustus*) are irrelevant to the question.
- ad 5. This is a frivolous proposition, since no prince or community may legislate against the divine mandate.¹³⁸

Generally speaking, then, bishop Siegfried's *Determinatio* adopts a rigorous position with regard to Jewish moneylending. What is more, the author leaves little doubt that his reasoning was affected by anti-Jewish intentions. Siegfried argues, for example, that Jews contributed nothing to the welfare of the community:

Et hoc patet per multa, de quibus pauca percurremus:

Primo, quia communitati nichil deserviunt in defensione patrie per pugnam neque in vigilia urbium et locorum et munitionibus.¹³⁹ Et si dicatur pro hiis: dant pecunias, concedo, sed in pauperum subditorum utilitatem paucum vel parum aut nichil. Et si aliquid emolimenti subditis inde provenire videatur, hoc tamen recto inspecto considerationis oculo non est verum, quia huiusmodi pecunie prius sunt pauperum subditorum, ab eis per usuram extorte.

Secundo, quia in partibus hiis non laborant neque aliquid, quod in utilitatem communitatis cedit, operantur spiritualiter aut temporaliter. Et tamen de melioribus respectu communium vestiuntur et vescuntur.¹⁴⁰

In Siegfried's opinion, the mere access to Jewish credit had negative effects on the morals and welfare of a ruler's subjects, as was apparent in the fact that other kingdoms, where the Jews were not permitted to lend money at interest, were richer. Indeed, the possibility of pawning something with a Jew gave occasion for theft and robbery:

¹³⁷ Siffridus, *Determinatio*, p. 30.

¹³⁸ Siffridus, *Determinatio*, p. 31–39.

¹³⁹ Jews are still known to have participated physically in the defense of their towns and cities in the thirteenth through mid-fourteenth centuries. In later periods they usually paid special taxes in lieu of these tasks; cf. Haverkamp, 'Concivilitas', p. 124–128 (reprint, p. 334–337).

¹⁴⁰ Siffridus, *Determinatio*, p. 8–9.

Tercio, si animadvertere libeat diligenter, plerumque contingit et ut plurimum sicut multiplex et quotidiana docet experientia: Si quis iudeum in prompto ad manum non habeat, se a danda usura refrenet. Sic pari modo, si iudeus inmoderatas petit usuras, resileat pauper, et qui ad usuram daret unum denarium non vult dare duos aut tres. Et tunc hoc commodum reportat, ut reservet etiam unum denarium quem daturus erat, et discit parcius vivere, amplius laborare, minus ludis et scurrilitatibus insistere, ebrietates et superfluas crapulas vitare, vagus discursus rescindere et suis contentari, quorum contraria ad oculum videmus, ubi iudei habentur. Quapropter e contrario sunt opulentissima regna ditissima terre atque potentissimi principes in et sub quibus non permittuntur iudei usuras exercere in christianos.

Quartum gravamen et damnum atque periculum communitatis, ubi iudei habitant in partibus Germanie, constat esse in hoc, quod furta, rapine ac per latrocinia acquisita eis impignorantur, unde apud eos huiusmodi frequentissime reperiuntur. In quo claret quod nisi impii iudei usurarii ad manum haberentur, frequenter talia non committerentur. Sed nunc et ecclesiarum clenodia, bibliothecarum codices, sacristarum deaurate et deargentate reliquie, imo monstrantie et capse venerabilissimi sacramenti eucharistie, alia quidem integra, alia confracta, quedam conflata, quedam etiam consecrata seu benedicta, plerumque apud eos reperiuntur; taceo de rebus communibus hominum. Ecce qualem utilitatem, imo verius dilapidacionem communitati ingerunt principes et domini terrarum locantes et manutenentes iudeos usurarios damnosissimos.¹⁴¹

On top of it all, Siegfried alleges that the Jews were collecting large sums of money in order to offer them to their presumed Messiah, who is Antichrist, thereby financing the persecution of Christ and his Church at the end of times.

Porro nec hoc censeo transeundum silentio, qualiter iudei expectantes [licet vane] Messiam, quem dicunt templum et civitatem Iherusalem restauraturum et archam testamenti etc., congregant divicias maximas per extorsionem usurarum a christianis, ut eas Messie, dum venerit, tradant pro debellacione christianorum et liberacione ipsorum et reedificacione templi et civitatis Hierusalem. Et dum Antechristus veniet, illum recipient et tractabunt tanquam Messiam, illique omnes divicias extortas a christianis tradent, ac cum illis infinita mala infert christianis et Christi ecclesiis. Non igitur immerito ve [= vae] principi qui dat opem contra Dei inhibitionem usure iudeorum possessorum, modo pluries dicto.¹⁴²

Jews, Siegfried writes, were wont to designate Christians as Edom ‘as if we were bound to them in slavery’, and concludes, using a phrase from *Quanto amplius*, that they aimed despoiling them through moneylending:

Iudei autem nominantes et reputantes nos Edom propter malicias Edom, ac si servituti ipsorum addicti essemus, indifferenter ab omnibus christifidelibus secundum sui possibilitatem extorquent usuras ad exhauriendas christianorum facultates.¹⁴³

The fact that Jews were unwilling to do business on the Sabbath and on their religious festivals is occasion for yet another slur: Rather would they see a Christian perish on such a day than come to his or her aid by means of a loan.

¹⁴¹ Siffridus, *Determinatio*, p. 8–9.

¹⁴² *Ibid.*, p. 9–10.

¹⁴³ *Ibid.*, p. 13–14; on the wording cf. X 5, 19, 18 *Quanto amplius* in: Friedberg (Ed.), *Corpus*, vol. 2, col. 816 (“ita, quod brevi tempore Christianorum exhauriunt facultates”).

Rursus, ut Salvator Luce xiii. eis improperat, non est contra legem Moisi azinum aut bovem adaquare etc. in die sabbati [cf. Lc 13:15]. Nunc vero, si die sabbati aut alio iudeorum festo infiniti christiani perire vitamque amittere deberent priusquam sibi mutuando iudeus succurreret, magis periculum tot christianorum sineret fieri, minus revera christianorum millia perire quam unicum bovem, azinum aut pecus reputant.¹⁴⁴ Die autem dominico in contemptum dominice resurrectionis et vilipendium totius christiane religionis sacratissime, sine qua nulli homini potest esse salus, perfidi iudei pronissimi sunt mutuare, impignorata vendere, christianos ut sibi laborent eo die conducere, sicut in brevi experientia non sine cordis merore vidi in metropoli Maguntia.¹⁴⁵

While the issue at hand was whether the protection of Jews engaged in moneylending by a territorial ruler was sinful or not, the Dominican knew that his negative answer affected the position of all Jews living under that ruler. Indeed, Siegfried argues that virtually everything the Jews living in the German lands were owning ultimately came from moneylending, a practice, he claims, that went back for a thousand years:

in partibus Alamanie est generale quod iudei nichil habent preter usuras, quas vel ipsi vel ipsorum parentes et antecessores extorserunt a christianis amplius quam a mille annis. Et si, ut quidem dicunt, verisimile esset, quod aliqui iudeorum aliquid habeant preter quod acquisierunt per usuram, hoc tamen ita in paucis et modico est quod non cadit sub estimatione respectu aliorum bonorum ipsorum per usuram acquisitorum.¹⁴⁶

Referring to Johannes Andreae's teaching that canon law under no circumstances allowed the practice of usury (even if in certain passages it appeared to do so), Siegfried concludes that this was probably the reason why all Jews had been expelled from the neighbouring territory of the archbishops of Trier (by Otto of Ziegenhain in 1418) and from the city of Cologne (in 1424):

Et notandum quod Johannes Andree unum totum articulum ponit probans quod ius canonicum in veritate, licet superficialiter videatur usuram concedere, in nullo tamen casu concedit nec concedere potest, nec usura admissibilis est.¹⁴⁷ Propter quod etiam, ut reor, reverendissimus ille quondam Treverorum archiepiscopus Otto felicis recordationis, peritissimorum iuris divini et humani septus consilio, de terris suis simul omnes eiecit usurarios iudeos, pignora etiam, que apud ipsos reperta fuerant, absque usura christianis mandavit restitui suum unicuique. Preterea nobilis Agrippina Coloniensis civitas fovens almam universitatem, in qua de diversis mundi regionibus et regnis suppositorum habetur copia peritissimorum, iudeorum conventum non parvum abiecit atque expulit, sicut hodie videtur in gloriosa de ipsorum sinagoga effecta beatissime genitricis Dei Marie capella.¹⁴⁸

¹⁴⁴ Jewish law prohibited handling money on the Sabbath; on the problems this could cause with regard to moneylending, cf. Shatzmiller, *Shylock reconsidered*, p. 102.

¹⁴⁵ Siffridus, *Determinatio*, p. 14.

¹⁴⁶ Siffridus, *Determinatio*, p. 21–22.

¹⁴⁷ Cf. Johannes Andreae, *Mercuriales ... Preclarum et nunquam satis laudatum opus, quod mercuriale Jo. andree dicitur, cum additionib[us] Nicolai superancii, novissime correctum: atque emendatum*, Lyons: Joannez de la Place & Jacobus Myt, 1510, c. 77va–vb.

¹⁴⁸ Siffridus, *Determinatio*, p. 38–39.

Siegfried's *Determinatio* provides further evidence for the involvement of 'learned men' and of the later medieval universities in the expulsions of the Jews from the German towns and territories.¹⁴⁹

Before we sum up, let us have a brief look at the shorter *Responsio* (II.a), dealing with the more particular issue of renting houses to usurers. Apparently, the case was that someone had made a contract to rent out a house to a certain Jew for a set number of years for almost twice as much as he would have gained from a Christian lodger. Could he be admitted to the sacrament? And would he be admitted if he received only that sum which a Christian would have paid? Would the owner be excused if no Christian lodger could be found and he would have lost his income from the house and fallen into poverty?

Siegfried's answer mainly consists of a lengthy quote from *Usurarum voraginem*, which explicitly decreed that "*nemo illis ad fenus exercendum domos locet vel sub alio titulo quocumque concedat*" and imposed excommunication on any individual who should act against this injunction.¹⁵⁰ He then adds a few guidelines on how to handle money or other gifts received from Jews, closely following the *Epistola ad Ducissam Brabantie* written by Thomas Aquinas: Jews may be taxed by Christian rulers since they "*merito culpe sunt servituti addicti*." However, as they appear to own nothing which is not gained through usury, their money must not be kept but spent "*in pios usus*" or "*in communem utilitatem terre*." Princes should rather force their Jews to gain a living by manual labour.¹⁵¹ Siegfried adds that canon law also demands compelling them to make restitution. He finally repeats his warning that the Jews might use their riches to support their Antichrist:

Unde Extra de usuris statutum est, quod non debeant iudei permitti usuras exercere sed debent ad restitutionem compelli, quia in brevi tempore christianorum exhauriunt facultates, ut in c. 'Quanto amplius' dicitur, et hodie in Almania satis ad oculum apparet, ut ex neglectu quorum interest et permissione pravitatis usurarie iudei maiorem thesaurum habent. Quamobrem procul dubio districtius iudicabuntur, qui nunc iudeos potentes restringere ab usura vel saltem non admittere in terris et dominiis suis permittunt. Participes enim et tunc erunt persecutionis sevissime contra ecclesiam et Christum, quam, quod phas [= fas] est dicere, ipsi per suam negligentiam procurarunt.¹⁵²

Here, as in the earlier *Determinatio*, we are presented with an apocalyptic scenario that marks a complete reversal from Saint Paul's eschatological vision of Jewish salvation,

¹⁴⁹ Cf. Ziwes, *Territoriale Judenvertreibungen*, p. 168–173, on the cases of Heidelberg and Cologne. In early fifteenth-century Vienna, before the great persecution of 1421, the ducal court had to direct the university "to refrain from insulting Jews"; cf. Rubin, *Gentile Tales*, p. 117. Not much is known about the precise circumstances of the expulsion from the archbishopric of Trier by Otto von Ziegenhain († 1430); but cf. Alfred Haverkamp, *Die Juden im Erzstift Trier während des Mittelalters*, in: Alfred Ebenbauer/Klaus Zatloukal (Ed.), *Die Juden in ihrer mittelalterlichen Umwelt*, Vienna et al. 1991, p. 67–89 (reprint in: Id., *Gemeinden*, p. 183–206), cit. p. 78 (reprint, p. 200).

¹⁵⁰ Siffridus, *Responsio*, p. 7.

¹⁵¹ *Ibid.*, p. 10. Cf. Dondaine (Ed.), *Thomas Aquinas, Epistola*, p. 375.

¹⁵² Siffridus, *Responsio*, p. 10–11.

observable, for example, in Jacobus de Voragine's sermon on Luke 19. Instead of adopting the Augustinian doctrine of (conditional) tolerance, Siegfried followed an apocryphal tradition describing the Jews as followers of Antichrist, and gave it a dramatic turn by insinuating that the Jews were already collecting the funds to finance the wars against Christendom. Rulers who allowed this to happen, by failing to restrain them from usury or by simply allowing them into their lands, would then be held responsible.

V.

In conclusion, we can make the following observations: The sermons against 'Jewish usury' preached by Henry Kalteisen OP in Mainz appear to have contained little that was out of the ordinary. In fact, it is possible to reconstruct a certain Dominican tradition concerning this subject. This tradition is characterized by the heavy reliance on the canonist material accessible through Raymond of Peñafort's *Summa* and *Liber Extra*, and on Thomas Aquinas's *Epistola ad ducissam Brabantiae*. In the course of the fourteenth century, the Dominican preachers and confessors also began to relate the decrees *Usurarum voraginem* against "alien" usurers and the *Ex gravi* to the Jews. These recent additions to the corpus of canon law made it increasingly difficult to defend the toleration of Jews according to the traditional Augustinian doctrine.¹⁵³ Jews were increasingly seen as "aliens", not only because they were now more frequently on the move but also because applying the legal categories to them demanded such a classification. Since the political debates of the time increasingly drew on the expertise of learned jurists, the anti-usury decrees provided most compelling arguments to anyone interested in expelling the Jews.

A second observation relates to the texts originating in fifteenth-century Germany. It is striking that both the *de judeis* sermon by John Herolt and Siegfried Piscator's *Determinatio* and *Responsio* reveal not only a preoccupation with Jewish "usury" but also a further, deeper layer of anti-Jewish sentiment. Thus, Herolt attacked anyone who socialized with the Jews and did not hesitate to threaten them with excommunication. He also insinuated that Jews would gladly persecute Christians if they only could. Piscator alleged that the Jews were amassing riches, "extorted by usury", in order to finance the wars of Antichrist against the Church. The application of *Usurarum voraginem*, originally aimed at non-Jewish usurers, to the issue of Jewish moneylending in itself required a certain degree of rigorism, best explained by assuming a good measure of anti-Jewish sentiment.

These observations suggest that the issue of moneylending for interest, so prevalent in the anti-Jewish discourse of fifteenth-century Germany, was perhaps less urgent than that

¹⁵³ A similar conclusion was reached by Joseph Shatzmiller, describing the changing situation in Marseille, where the municipal statutes were changed on 24 February 1318 in order to bring them in line with *Ex gravi*; cf. Shatzmiller, *Shylock reconsidered*, p. 119–122.

discourse would suggest. This is not to say, however, that it was mere rhetoric. We should not underestimate the seriousness with which contemporaries pondered and discussed problems of conscience in economic matters, especially with regard to interest and usury. The emphasis on universal reform of Church and State “*in capite et membris*” lent additional weight to such moral problems, especially when they related to the public sphere. It is also worth pointing out that the tone became sharper in the wake of the economic hardships of the 1430s. But more detailed research is needed to gain a proper understanding of the relationship between Jewish moneylenders and the poor in fifteenth-century Germany.

The sad conclusion to be drawn from all this is that the Dominican authors we have looked at were not free from deep-rooted animosities against the Jews, even if they refrained from spreading the atrocious tales of Jewish ritual murder and host desecration. These negative attitudes influenced their legal thinking and their choice of material, and led them to aggrandize the issue of Jewish moneylending to such proportions that expelling the Jews appeared to remain the only solution.

Quellen und Forschungen zur
Geschichte des Dominikanerordens.

Neue Folge Band 14

Im Auftrag der Dominikanerprovinz Teutonia

herausgegeben von

Walter Senner OP (Federführender Herausgeber)

Thomas Eggensperger OP

Kaspar Elm

Isnard W. Frank OP †

Paul Dominikus Hellmeier OP

Ulrich Horst OP

Klaus-Bernward Springer



Rylands Haggadah, fol. 29v.
John Rylands University Library in Manchester