

The Charter of the Jews of the Duchy of Austria, July 1, 1244 CE

Inasmuch as the Jews, during the Middle Ages, were looked upon as a distinct racial and religious group who could not and should not be subject to the same laws as Christians, they were given special charters by which they were governed. The most famous of these is that granted by Frederick the Belligerent in July, 1244 to the Jews of his duchy of Austria. This document is important because it was soon adopted, with some changes, by most East European countries to which the masses of Jews finally drifted: Hungary, Bohemia, Poland, Silesia, and Lithuania. This charter-a very favorable one-was issued to encourage money-lending among the Austrian Jews and probably also to attract moneyed Jews to migrate to this outlying German state which was in need of ready credit. Every effort is therefore made in this Latin constitution to grant the Jews ample opportunity to sell their wares and, above all, to lend money. They were given adequate protection: they were subject to the direct jurisdiction of the Duke who guaranteed them safety of life and limb. The right of the Jews to govern themselves in communal and religious matters was not specified by the Duke, but this was taken for granted. We may assume, indeed, that the Jews of Austria enjoyed extensive political autonomy under this pact.

Frederick, by the grace of God Duke of Austria and Styria and lord of Carniola, offers greetings at all times to all who will read this letter in the future. Inasmuch as we desire that men of all classes dwelling in our land should share our favor and good will, we do therefore decree that these laws, devised for all Jews found in the land of Austria, shall be observed by them without violation.

I. We decree, therefore, first, that in cases involving money, or immovable property, or a criminal complaint touching the person or property of a Jew, no Christian shall be admitted as a witness against a Jew unless there is a Jewish witness together with the Christian. [The Jewish witness was a guarantee of fair play.]

II. Likewise, if a Christian should bring suit against a Jew, asserting that he had pawned his pledges with him and the Jew should deny this, and then if the Christian should not wish to accord any belief in the mere statement of the Jew, the Jew may prove his contention by taking an oath upon an object equivalent in value to that which was brought to him, and shall then go forth free. [Money-lending on pledges was the leading Jewish business at this time.]

III. Likewise, if a Christian has deposited a pledge with a Jew, stating that he had left it with the Jew for a smaller sum than the Jew admits, the Jew shall then take an oath upon the pledge pawned with him, and the Christian must not refuse to pay the amount that the Jew has proved through his oath.



IV. Likewise, if a Jew says that he returned the Christian's pledge as a loan to the Christian, without, however, the presence of witnesses, and if the Christian deny this, then the Christian is able to clear himself in this matter through the oath of himself alone.

V. Likewise, a Jew is allowed to receive all things as pledges which may be pawned with him-no matter what they are called without making any investigation about them, except bloody and wet clothes which he shall under no circumstances accept. [Such garments presuppose murder and theft.]

VI. Likewise, if a Christian charges that the pledge which a Jew has, was taken from him by theft or robbery, the Jew must swear on that pledge that when he received it he did not know that it had been removed by theft or robbery. In this oath the amount for which the pledge was pawned to him shall also be included. Then, inasmuch as the Jew has brought his proof, the Christian shall pay him the capital and the interest that has accrued in the meantime. [Then the Christian takes back his property.]

VII. Likewise, if a Jew, through the accident of fire or through theft or violence, should lose his [own] goods, together with the pledges pawned with him, and this is established, yet the Christian who has pledged something with him nevertheless brings suit against him, the Jew may free himself merely by his own oath. [The Jew loses the money advanced and the Christian, his pledge.]

VIII. Likewise, if the Jews engage in quarreling or actually fight among themselves, the judge of our city shall claim no jurisdiction over them; only the Duke alone or the chief official of his land shall exercise jurisdiction. If, however, the accusation touches the person, this case shall be reserved for the Duke alone for judgment. [Important criminal cases are to be decided not by the Jewish court, but by the Duke.]

IX. Likewise, if a Christian should inflict any sort of a wound upon a Jew, the accused shall pay to the Duke twelve marks of gold which are to be turned in to the treasury. He must also pay, to the person who has been injured, twelve marks of silver and the expenses incurred for the medicine needed in his cure.

X. Likewise, if a Christian should kill a Jew he shall be punished with the proper sentence, death, and all his movable and immovable property shall pass into the power of the Duke.

XI. Likewise, if a Christian strikes a Jew, without, however, having spilt his blood, he shall pay to the Duke four marks of gold, and to the man lie struck four marks of silver. If he has no money, he shall offer satisfaction for the crime committed by the loss of his hand.

XII. Likewise, wherever a Jew shall pass through our territory no one shall offer any hindrance to him or molest or trouble him. [The Jew is to pay no road-fees in all Austrian lands.] If, however, he should be carrying any goods or other things for which he must



pay duty at all custom offices, he shall pay only the prescribed duty which a citizen of that town, in which the Jew is then dwelling, pays.

XIII. Likewise, if the Jews, as is their custom, should transport any of their dead either from city to city, or from province to province, or from one Austrian land into another, we do not wish anything to be demanded of them by our customs officers. [Heavy road-fees were often imposed on Jewish corpses in transit.] If, however, a customs officer should extort anything, then he is to be punished for *praedatio mortui*, which means, in common language, robbery of the dead.

XIV. Likewise, if a Christian, moved by insolence, shall break into or devastate the cemetery of the Jews, he shall die, as the court determines, and all his property, whatever it may be, shall be forfeited to the treasury of the Duke.

XV. Likewise, if any one wickedly throw something at the synagogues of the Jews we order that he pay two talents to the judge of the Jews. [This judge was a Christian who looked after the interests of the Jews.]

XV1. Likewise, if a Jew be condemned by his judge to a money penalty, which is called *wandel* ("fine"), he shall pay only twelve dinars to him.

XVII. Likewise, if a Jew is summoned to court by order of his judge, but does not come the first or second time, he must pay the judge four dinars for each time. If he does not come at the third summons he shall pay thirty-six dinars to the judge mentioned. [Fines were a source of income to the judge.]

XVIII. Likewise, if a Jew has wounded another Jew he may not refuse to pay a penalty of two talents, which is called *wandel*, to his judge.

XIX. Likewise, we decree that no Jew shall take an oath on the Torah unless he has been summoned to our [the Duke's] presence. [This happened only in important cases.]

XX. Likewise, if a Jew was secretly murdered, and if through the testimony it cannot be determined by his friends who murdered him, yet if after an investigation has been made the Jews begin to suspect some one, we are willing to supply the Jews with a champion against this suspect. [The champion fought the suspect and God gave victory to the right.]

XXI. Likewise, if a Christian raises his hand in violence against a Jewess, we order that the hand of that person be cut off.

XXXII. Likewise, the [Christian] judge of the Jews shall bring no case that has arisen among the Jews before his court, unless he be invited due to a complaint. [Civil suits between Jews were settled by the Jews themselves.]

XXIII. Likewise, if a Christian has redeemed his pledge from a Jew but has not paid the interest, the interest due shall become compounded if it is not paid within a month.

XXIV. Likewise, we do not wish any one to seek quarters in a Jewish house. [Forced entertainment of officials was considered a burden.]

XXV. Likewise, if a Jew has lent money to a magnate of the country on his possessions or on a note and proves this documentarily, we will assign the pledged possessions to the Jew and defend them for him against violence. [In this way Jews acquired estates, which they farmed.]

XXVI. Likewise, if any man or woman should kidnap a Jewish child we wish that he be punished as a thief [by death].

XXVII. Likewise, if a Jew has held in his possession, for a year, a pledge received from a Christian, and if the value of the pledge does not exceed the money lent together with the interest, the Jew may show the pledge to his judge and shall then have the right to sell it. If any pledge shall remain for a "year and a day" [really, a year, six weeks, and three days] with a Jew, he shall not have to account for it afterwards to any one.

XXVIII. Likewise, whatever Christian shall take his pledge away from a Jew by force or shall exercise violence in the Jew's home shall be severely punished as a plunderer of our treasury. [The Duke felt that the wealth of the Jews practically belonged to him.]

XXIX. Likewise, one shall in no place proceed in judgment against a Jew except in front of his synagogues, saving ourselves who have the power to summon them to our presence. [Court was held for the Jews in the yards in front of their synagogues.]

XXX. Likewise, we decree that Jews shall indeed receive only eight dinars a week interest on the talent. . . . [This was 173.33 per cent annual interest. Such a high rate was not unusual because of the insecurity of the times.]

Given at Starkenberg, in the year of the incarnation of the Lord, 1244, on the first of July.

Source: Jacob Marcus, *The Jew in the Medieval World: A Sourcebook, 315-1791*, (New York: JPS, 1938), 28-33

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