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herausgegeben im Auftrag des Vereins für Reformationsgeschichte und  
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# Maximilian I and Toleration of Judaism

By David H. Price

Early modern historians have rarely attempted to define imperial Jewish policies under Maximilian I across the entire span of his reign (1493–1519), even if, to be sure, the emperor frequently appears in studies of specific events and aspects of Jewish history. Perhaps deeper analysis has seemed unpromising because the few scholars who have characterized his reign comprehensively have depicted Maximilian as just another in a long series of emperors whose Jewish policy was driven overwhelmingly by the fiscal goal of generating as much tax revenue as possible. In her 1971 dissertation, a pioneering review of archival data, Erna Tschech concluded that there was no consistent Jewish policy other than revenue generation,<sup>1</sup> and the most comprehensive study of the emperor, the five-volume biography by Hermann Wiesflecker (1971–86), claimed “Maximilian adhered fundamentally to the Jewish policy of his father (Emperor Friedrich III),” and that “for him the Jews meant exactly as much as he could earn from them.”<sup>2</sup> While Wiesflecker and Tschech offered valuable analysis of imperial fiscalism, they largely dismissed the significance of religiously motivated anti-Semitism. Tschech, for example, bluntly contended that religious animosities were merely a pretext that masked actual financial motives.<sup>3</sup> Given this historiographic perspective, it is not surprising that a recent comprehensive study of Jewish life under the Habsburgs, a book of many important insights, leaps from detailed discussion of Friedrich III (r. 1452–93) directly to analysis of Charles V (r. 1519–1556).<sup>4</sup>

I would like to challenge this view of historical continuity and propose instead that, when Maximilian’s reign is assessed as a whole – an undertaking greatly facilitated by the completion of the third volume of *Germania Judaica*<sup>5</sup> and the

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1. Erna Tschech, “Maximilian und sein Verhältnis zu den Juden (1490–1519)”, PhD diss., University of Graz, 1971.

2. Hermann Wiesflecker, *Kaiser Maximilian I.*, 5 vols., Munich 1971–86, 5, p. 593: “Maximilian hielt zwar grundsätzlich an der Judenpolitik seines Vaters fest”; and 2, p. 412: “Sie bedeuteten ihm genauso viel, wie viel er an ihnen verdienen konnte.”

3. Tschech (n. 1), p. 125: “Immer wieder wird auch das religiöse Moment ins Spiel gebracht, aber das ist eine Art Deckmantel, hinter dem die Finanzpolitik ungeschickt verborgen werden soll.”

4. Klaus Lohrmann, *Zwischen Finanz und Toleranz. Das Haus Habsburg und die Juden*, Graz 2000, pp. 139–144 (“Friedrich III.”) and pp. 144–153 (“Karl V. und Josel von Rosheim”).

5. Arye Maimon, Mordechai Breuer, Yacov Guggenheim (eds.): *Germania Judaica*, vol. 3 in 3 parts, Tübingen 1987–2003.

*Regesten* of the Frankfurt Jewish community<sup>6</sup> – a more nuanced picture of continuity and innovation in his Jewish policies can be discerned. Perhaps most importantly, two turning points can be identified, both of which are of considerable significance for understanding the history of the survival of Judaism in the Holy Roman Empire. Although fiscal exploitation remained an overarching goal, Maximilian launched a starkly different policy at the beginning of his reign, one that actively supported religious and political campaigns designed to end legal toleration of Judaism. He not only promoted territorial expulsions, but also implemented the only known effort to stop the practice of Judaism throughout the empire: the campaign to confiscate Jewish books.

Five months into his reign, in January 1494, Maximilian received a proposal from imperial treasurer Johannes Gessl outlining new strategies for managing the imperial taxing sovereignty over Jewish communities (the “Judenregal”). After noting that imperial Jews were in arrears on their annual head tax assessments (called the “Goldener Opferpfennig”), Gessl urged the emperor to issue a mandate authorizing the treasury to close all synagogues, and even to put communities under imperial ban, if delinquent taxes were not remitted.<sup>7</sup> A vastly better policy, according to Gessl, would be to seize the moment of the onset of a new regime and simply abolish toleration of Judaism altogether, “because the Jews are utterly worthless to Christianity, they scorn and curse the name of our God every day, they are ruining the land and people, exhausting many people’s finances, committing treason every day, and espionage for the heathen (i. e., Turks), so the empire appears to be noticeably weighed down and burdened by them.”<sup>8</sup> While this certainly reflects the sentiment of many European lands from which Jews had

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6. Dietrich Andernacht (ed.): *Regesten zur Geschichte der Juden in der Reichsstadt Frankfurt am Main von 1401 bis 1519*, 3 vols., Hannover 1996, cited hereafter as *Frankfurt Regesten*. Other important sources are in Raphael Straus, *Urkunden und Aktenstücke zur Geschichte der Juden in Regensburg 1453–1738*, Munich 1960, and Österreichische Akademie der Wissenschaften, Deutsche Kommission für die Bearbeitung der *Regesta Imperii* (eds.): *Regesta Imperii*, Vienna 1990-, part XIV.

7. Vienna, Haus- Hof- und Staatsarchiv (HHSA), ma 2a, 72–75 (22 January 1494), fol. 73v: “Beger Ich kunigklich Mandat vber sy zugeben damit Ich den selben Pfenning alenthalben einbringen mug. Vnd (ob) sich ainer des widern wolt dem die schuel zuerbieten oder In allen dye Synagog zuuerschliessen vnd den pan vnder sy all zulegen an den ennden da Sy wonnen.”

8. Vienna, HHSA, ma 2a, 72–75, fol. 74r: “Nachdem die Juden der Cristenhait ganntz Vnnutzlich sind den namen gots vns Auch täglich verspotten vnd verfluechen Lanndt vnd Lewt verderben manigklichen vermugen erschöpfen vnd tägliche verretterej treiben Vnd den vngelawbigen kuntschaft geben bedunckt sich das Reich mit Innen mercklich beschwärt vnd vberladen zesein.”



been expelled in the late Middle Ages (most recently and most disastrously from Spain), it does not sound like good fiscal policy for a Holy Roman emperor since it would compromise important revenue sources from imperial cities and other territories. Therefore, Gessl proposed a key corollary: in return for granting the privilege of ending legal toleration of Judaism (*privilegium de non tolerandis iudeis*),<sup>9</sup> the emperor should negotiate one-time payments to offset lost tax receipts.<sup>10</sup>

Gessl's recommendation and his rationale indicate the dire situation of German Jewry at the time of Maximilian's succession.<sup>11</sup> There is every reason to assume that by the beginning of Maximilian's reign the virulent anti-Semitism of late-medieval Christianity, especially the firm conviction that Jews were murderous and blasphemous enemies, had destabilized the previous imperial rationale for tolerating Judaism in the interest of fiscal utility. During his long reign, Friedrich III faced numerous campaigns against Judaism and frequently had to watch as Jews were expelled from territories where the emperor no longer held the "Judenregal."<sup>12</sup> Nonetheless, wherever his authority remained, Friedrich was so resolute in maintaining legal toleration and also in his opposition to prosecution of alleged cases of ritual murder and host desecration that he earned the derisive moniker of "Rex Judeorum."<sup>13</sup> For example, in the 1450s, against the wishes of the estates, he took great pains, even securing support from Pope Nicholas V, to conduct a readmission of Jews to Austrian territories after the violent persecution of the Vienna Geserah (1420/21).<sup>14</sup> In the 1470s, he defended the Regensburg Jews against two blood libel persecutions, both of which were transparent efforts

9. J. Friedrich Battenberg, "Die *privilegia contra Iudaeos*. Zur Privilegienpraxis der römisch-deutschen Kaiser in der Frühen Neuzeit," in Barbara Dölemeyer, Heinz Monhaupt (eds.): *Das Privileg im europäischen Vergleich*, 2 vols., Frankfurt am Main 1999, 1, pp. 85–115.

10. Vienna, HHSA, ma 2a, 72–75, fol. 74r: "wo sy (i. e., the imperial cities) der Juden abseinn wolten ainn suma Gellts zugeben."

11. For an excellent overview of German Jewish history in this period, see Mordechai Breuer, "The Jewish Middle Ages," 1, pp. 7–78, and "The Early Modern Period," 1, pp. 79–260, in Michael A. Meyer (ed.): *German-Jewish History in Modern Times*, 3 vols., New York 1996.

12. For example, the *Golden Bull* (1356) ceded sovereignty over Jews within their territories to the elector princes.

13. See Johann E. Scherer, *Die Rechtsverhältnisse der Juden in den deutsch-österreichischen Ländern. Mit einer Einleitung über die Principien der Judengesetzgebung in Europa während des Mittelalters*, Leipzig 1901, p. 422, and Tschech (n. 1), p. 11. The fifteenth-century chronicler Matthias Döring wrote of Friedrich: "Vulgo dicebatur rex Iudaeorum pocius quam Romanorum propter familiaritatem, quam ad Iudaeos habere videatur" (Scherer, p. 422).

14. The papal bull, issued 20 September 1451, released Friedrich III from any ecclesiastical censure for allowing resettlement of Jews and permitting them to charge interest on loans. Friedrich was scrupulous about adhering to church teachings on lending at interest, which was a

to initiate an expulsion. On a more personal level, Friedrich was attended by a Jewish physician, Jacob ben Jehiel Loans, who, in turn, nurtured the formation of a Jewish circle at the imperial court. That was a development of unintended historical consequence for Renaissance Christianity, for it was at Friedrich's court in Linz and under Loans that Johannes Reuchlin, the founder of Christian Hebrew studies, learned Hebrew in 1492–93.<sup>15</sup>

Of course, Friedrich's Jewish policy was anything but an expression of philo-Semitism. After all, in 1442 and again in 1458, he pressed the city of Frankfurt to segregate its growing Jewish community in an enclosed ghetto, a measure the city implemented in 1462.<sup>16</sup> His policy of toleration aimed first and foremost at protecting Jews as sources of tax revenue. For example, Friedrich may have stoutly defended the Jews of Regensburg, but he did so in return for a large assessment. He also frequently attempted to impose heavy exactions on the communities,<sup>17</sup> though, as Gessl's petition to Maximilian indicates, collection was not always successful.

Maximilian immediately embarked on a path that seemed diametrically opposed to Friedrich's. In 1494, the new emperor approved a petition from the city of Vienna "not to allow or permit the enemies of Christ and our Mother Mary – the Jews – to reside or conduct business here in our city."<sup>18</sup> It is not known if Maximilian received a financial settlement from Vienna, but this does mark the beginning of an aggressive expulsion policy that would essentially implement Gessl's proposal (in all but name) that cities and territories pay for the imperial privilege *de non tolerandis judeis*. The new policy of expulsion was implemented extensively in the Austrian hereditary territories ("Erblanden") and with significant short-term financial gain. In 1496, Maximilian negotiated expulsions from Styria, Carinthia, and Crain, as well as from the cities of Wiener Neustadt and

reason for his willingness to tolerate Judaism. See Shlomo Simonsohn, *The Apostolic See and the Jews*, 8 vols., Toronto 1988–1991, 2, pp. 966–968 (no. 794).

15. On Reuchlin's Hebrew studies, see David H. Price, *Johannes Reuchlin and the Campaign to Destroy Jewish Books*, Oxford 2011, pp. 59–94, and Ludwig Geiger, *Johann Reuchlin: Sein Leben und seine Werke*, Leipzig 1871, pp. 101–145.

16. Isidor Kracauer, *Die Geschichte der Juden in Frankfurt am Main*, 2 vols., Frankfurt am Main 1911–27, 1, pp. 197–198.

17. Eberhard Isenmann, "Steuern und Abgaben," in: *Germania Judaica* (n. 5), 3/3, pp. 2229–2230.

18. Scherer (n. 13), p. 442: "nicht gestatten noch erlauben geruh, das die veinde Cristi und der mueter Marien, die Juden, ir wonung und händl in der stat hie haben." With this request, the city was demanding restoration of the privileged status *de non tolerandis judeis*, granted to them by Hungarian King Matthias Corvinus during his occupation of Vienna in 1485–90, for, to the great displeasure of the city, Friedrich had decided to permit resettlement.

Neunkirchen. The estates in Styria paid at least 38,000 gulden for the privilege *de non tolerandis judeis*, while Carinthia was assessed 4,000, and it is not known how much more was remitted from the other jurisdictions.<sup>19</sup> The imperial treasury also profited from allowing some of the expelled Jews to resettle in the border towns of Marchegg, Güns, and Eisenstadt, places that had been devastated in the wars with Matthias Corvinus. By 1509, no Jews remained in Austrian lands except in these three border towns and with the additional exception of the Jewish financier Hiersl of Zistersdorf, who held an individual patent of protection.<sup>20</sup>

Expulsions from the imperial cities were also lucrative, though, once again, these gains entailed loss of substantial revenue streams in the future. Between 1494 and 1510, Maximilian authorized expulsions from at least nine imperial cities: Würzburg, 1494; Oppenheim, 1495; Reutlingen, 1495; Nuremberg, 1498/99; Ulm, 1499; Schwäbisch Gmünd, 1501; Nördlingen, 1506/7; Ober-ehnheim, 1507; and Colmar, 1510. Most of these expulsions resulted from lengthy negotiations, in some cases extending back to unsuccessful petitions to Friedrich III, and each required substantial financial concessions. Nuremberg, home to the largest community in the empire, paid at least 12,000 gulden and Ulm at least 5,000.<sup>21</sup> Sums were also realized through hasty sales of Jewish properties, as the real estate of banished communities became imperial property.

As we think about this aspect of Maximilian's Jewish policy, it is obviously important to bear in mind that the strategy of negotiating the end of legal toleration was only feasible because the estates were so determined to eradicate Judaism. It has proven difficult (and the subject is beyond the scope of this essay) for historians to measure the relative importance of fiscal calculations, social tensions, and religious animosities for the many territories that decided to press for an end to Jewish toleration. Nonetheless, it is noteworthy that the German cities and estates were for the most part willing to incur heavy losses in return for permission to banish. In some cases, authorities may have hoped that economic benefits would arise from abolishing Jewish communities, especially through acquisition of Jewish property (usually through purchase from the emperor) and ending commercial competition. One historian, however, has argued that the expulsions occurred as a result of the economic decline of Jewish communities, a development

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19. Werner Watznig, "Die Finanz- und Wirtschaftspolitik in den Erbländern und im Reich unter Maximilian I. in den Jahren 1493 bis 1507", PhD diss., University of Graz, 1983, pp. 33–34, and Tschsch (n. 1), p. 81.

20. Scherer (n. 13), p. 442.

21. Tschsch (n. 1), p. 80, and Watznig (n. 19), p. 68, put the total costs paid by Nuremberg and Ulm to Maximilian in 1498–99 at 21,000 gulden.

that made them dispensable.<sup>22</sup> Expulsions also enabled territories and cities to consolidate sovereignty in so far as banishment of Jews removed an element of imperial sovereignty, as well as a corporate entity, from their domain.<sup>23</sup> Another major factor was that by the end of the Middle Ages the dominant Christian perspective was that Jews posed a serious peril, a dangerous and hostile presence in their midst.<sup>24</sup> Such intense hatred of Jews was the baleful accomplishment of over a century of harsh propaganda campaigns, replete with accusations that Jews blasphemed God, defiled Eucharistic hosts, and ritualistically murdered Christian children.<sup>25</sup> These widely held beliefs enabled anti-Jewish agitators to portray abrogation of the legal toleration of Judaism as a religious obligation, even if this entailed financial sacrifice.

In addition to the high frequency of expulsions between 1494 and 1510, the emperor tried to maximize tax revenues from the Jewish communities that remained intact. As part of the comprehensive reform legislation at the 1495 Diet of Worms, specifically as part of the much-heralded Common Penny, Maximilian reasserted the imperial Jewish “Goldener Opferpfennig.” This was a major assessment of one gulden per Jewish resident over twelve years old, levied with the stipulation that the communities, not individuals, were responsible for remitting the required amounts (thereby mandating that wealthy Jews cover the taxes for the poor). This head tax was reconfirmed at several subsequent diets, and in 1512 it was reduced to one-half gulden, a concession that surely reflected a realistic

22. See Marcus Wenninger, *“Man bedarf keiner Juden mehr.” Ursachen und Hintergründe ihrer Vertreibung aus den deutschen Reichsstädten im 15. Jahrhundert*, Vienna 1981, pp. 135–154, for an economic analysis of the Nuremberg expulsion, including this one-sided argument that the economic decline of the Jewish community made it vulnerable to banishment.

23. For valuable assessments of the motives behind these decisions, see Fritz Backhaus, “Die Vertreibung der Juden aus dem Erzbistum Magdeburg und angrenzenden Territorien im 15. und 16. Jahrhundert,” in Friedhelm Burgard, Alfred Haverkamp, Gerd Mentgen (eds.): *Judenvertreibungen in Mittelalter und früher Neuzeit*, Hannover 1999, p. 240, and Franz-Josef Ziwes, *Studien zur Geschichte der Juden im mittleren Rheingebiet des hohen und späten Mittelalters*, Hannover 1995, p. 270.

24. On the perception of Jews as a peril, see Fritz Backhaus, “Die Hostienschändungsprozesse von Sternberg (1492) und Berlin (1510) und die Ausweisung der Juden,” in: *Jahrbuch für brandenburgische Landesgeschichte* 39 (1988), pp. 12–13, where he cites a typical sentiment that Jews are working toward “the complete destruction of our Christian belief” (from Nicholas Marschalk Thurius, *Mons Stellarum sive Historia de Hostia Sternbergensi a judaeis Anno MCCCCXCII confossa et cruentata*, first published Rostock: Ludwig Dytze, 1512).

25. On the history of blood libel accusations, see R. Po-chia Hsia, *The Myth of Ritual Murder*, New Haven 1988, and Wolfgang Treue, *Der Trienter Judenprozess. Voraussetzungen – Abläufe – Auswirkungen (1475–1588)*, Hannover 1996.

calculation of the capacity to pay rather than benevolence.<sup>26</sup> The emperor levied other types of assessments on imperial Jews as well.<sup>27</sup> For example, a wealth tax called “der dritte Pfennig” was decreed on the occasion of his succession in 1493. (This “Kronsteuer” or “aureum coronarium” was euphemistically called an “Ehrung,” a “gift” presented to honor the emperor.) The treasury also received money for renewing patents of protection for Jewish communities, and Jews were assessed for the costs of maintaining the new (since 1495) Imperial Chamber Court.<sup>28</sup> Despite some downward trends (inevitable, given the demise of so many important communities),<sup>29</sup> tax revenues from Jews in the empire remained significant.<sup>30</sup>

To be sure, financial considerations underlie imperial actions to a great degree, but it is also important to consider the impact of religious factors, especially since some anti-Jewish policies, including the expulsions themselves, compromised fiscal health. We can rarely know these sorts of things with absolute confidence, but some indications suggest that anti-Judaism was an element of Maximilian’s own faith, and, whether or not that was so, the corrosive anti-Semitism of late-medieval Christianity certainly informed many decisions during the first two decades of his reign. In this respect, he departed from the historical office of the emperor as protector of the Jews, projecting instead another traditional role of emperor as defender of the faith, though now construing defense of Christianity as encompassing the end of Jewish toleration. In one telling instance, he stipulated that the city of Ulm endow in perpetuity a memorial Mass for the emperor in celebration of his pious act of expelling Jews from the city in 1499.<sup>31</sup> This event also reminds us of how significant liturgical enactments of anti-Judaism were in late medieval and early modern Christianity. Indeed, the spoliation of Jewish communities was celebrated as a Christian triumph, as synagogues and Jewish properties were rebuilt as churches or bequeathed to parishes.<sup>32</sup>

26. Isenmann (n. 17), 3/3, p. 2246.

27. See *ibid.*, pp. 2208–2281, for an excellent historical survey of the types of taxes and assessments.

28. *Ibid.*, p. 2257. In 1497, the communities of Frankfurt, Nuremberg, Regensburg, and Worms were assessed in a levy to support the Imperial Chamber Court.

29. *Ibid.*, pp. 2218–2219.

30. Wiesflecker (n. 2), 5, p. 594.

31. Tschek (n. 1), p. 15.

32. See Jochen A. Fühner, *Kaiser Maximilian I. und die Juden in den österreichischen Erblanden*, Herne 2007, p. 81, for some examples of this. Jewish property in Völkermarkt was given to the city (13 August 1498) to be used to erect a church. The synagogue of Wiener Neustadt was converted to a church dedicated to All Saints (September 1497).

A distinctive aspect of the campaign against Judaism in Austria was that Maximilian's mandates of expulsion cite host desecration and ritual murder as justification for the actions.<sup>33</sup> The edict for Styria, Wiener Neustadt, and Neunkirchen alleges that Jewish usury had ruined society and, even more emphatically, depicts Jews as murderous enemies of Christianity: "Frequently, our Jews evilly dishonor, abuse, and blaspheme ... the precious sacred sacrament, and they horribly torture, kill, and murder Christian children, take their blood and use it for their perfidious, damnable existence."<sup>34</sup> This imperial affirmation of blood libel and host desecration allegations is a stark departure from the position of Friedrich III, who never wavered in his opposition to these murderous legal masquerades, often orchestrated by local authorities as a pretext for banishment. Again, these banishment edicts portray the emperor as an ardent opponent of Judaism and defender of Christianity against its religious foe. He is the only emperor who adopted the ideology of host desecration and blood libel in official documents.<sup>35</sup>

It did not bode well for Jewish interests that Maximilian venerated the popular blood libel "saint," Simon of Trent.<sup>36</sup> After the show trial and brutal execution of at least eight Jews in Trent, followed by the expulsion of the entire community, the cult of Simon experienced a meteoric rise in popularity across Europe, especially in Germany, Austria, and Italy, in part because promoters of the cult were able to deploy the printing press to great effect.<sup>37</sup> Even before his 1486 election as German King, the emperor donated a valuable chalice to the shrine, emblazoned with his coat of arms. On several occasions in the 1490s, he devoted considerable energy to supporting the cult. When the cathedral chapter in Trent had diverted most of the cult's income to its own coffers, Maximilian tried to restore these monies to San Pietro, the home of the shrine (and also the parish church under control of local Germans) in order to expand the liturgical operation of the cult.

33. Emperors and popes usually tried to stop these prosecutions. As early as 1247, Innocent IV outlawed prosecution of blood libel cases. See Simonsohn (n. 14), 1, pp. 194–195 (no. 185; 5 July 1247). Charles V permanently outlawed blood libel cases in the Speyer Charter of 1544.

34. Inge Wiesflecker-Friedhuber (ed.): *Quellen zur Geschichte Maximilians I. und seiner Zeit*, Darmstadt 1996, pp. 76–77: "so unser judischait, in denselben unsern furstenthumben und landen gesessen, dem heiligen, hochwirdigen sacrament zu vilmalen ertzaigt, daz sy auch junge cristenliche kinder jemerlich gemartert, getödt, vertilgt, ir plut von in genomen und zu irem erstocktem, verdemlichen wesen gebraucht."

35. See below on Maximilian's 1504 intervention in a ritual murder case in Freiburg.

36. Treue (n. 25), p. 475, surmised "dass König Maximilian eine wirkliche Verehrung für Simon von Trent empfand."

37. See Paul Oskar Kristeller, "The Alleged Ritual Murder of Simon of Trent (1475) and its Literary Repercussions: A Bibliographic Study," in: *Proceedings of the Academy for Jewish Research* 59 (1993), pp. 103–135.

Another record from November 1499 documents ongoing concern to alleviate conflicts at the shrine.<sup>38</sup>

The most significant association with the cult occurred at Maximilian's imperial coronation on 8 February 1508. After it proved impossible to negotiate a coronation by Pope Julius II in Rome, Maximilian decided to crown himself in the cathedral in Trent. (Not long after this ecclesiastical usurpation, he also entertained the prospect of being elected pope by the schismatic council of Pisa.<sup>39</sup>) The most extensive accounts, especially a detailed dispatch by Frankfurt emissary Johann Frosch, describe that cult of Simon as the devotional underpinning of the sacred ceremony.<sup>40</sup> For the coronation, the emperor processed with the child's silver casket from the bishop's castle to the cathedral, where the casket was placed on the high altar. The emperor then knelt in devotion before the relics for a period, rose, and went up to the casket for final meditation, viewing the relics up close.<sup>41</sup> At this point, Maximilian turned to face the gathered estates of the empire and proclaimed himself emperor.

The following year, on 19 August 1509, Maximilian decided to launch a new, entirely unprecedented policy for the empire: confiscation and destruction of all Jewish books, with the exception of the Hebrew Bible. The grounds for this stunning initiative were the charges, accepted and articulated by the emperor, that Jewish books were full of intolerable blasphemies of the Christian God and, even more sweepingly, that rabbinic Judaism was a heresy that under imperial law must be eradicated. Not undertaken in order to generate revenues, this major assault was conceived solely as a way to impede the practice of Judaism. Although scholars have been reluctant to acknowledge this (and Wiesflecker ignores it), the simple facts of the persecution indicate Maximilian's deep commitment.<sup>42</sup> The campaign was conducted fully under the authority of the emperor, who explicitly endorsed the anti-Jewish rationale in a series of mandates. Initially, the imperial court attempted to promulgate the policy by empowering Johannes Pfefferkorn to conduct confiscations as "solicitor" and "loyal servant of the emperor" and by putting a series of imperial cities on notice that the confiscations were mandated by the emperor. Each time the confiscations encountered legal challenges, the

38. Treue (n. 25), p. 473.

39. Wiesflecker (n. 2), 4, pp. 90–96.

40. *Quellen zur Geschichte Maximilians I. und seiner Zeit* (n. 34), p. 163. See also Treue (n. 25), p. 474.

41. *Quellen zur Geschichte Maximilians I. und seiner Zeit* (n. 34), p. 164: "darnech zum altare by daß kindlin beathum Symon, so uff dem altare gelegen ist, gangen und daß besichtigt."

42. Wiesflecker (n. 2), 5, p. 597, completely ignored the book controversy, contending that it was "für ihn (i. e. Maximilian) eher ein bücherfreundliches und gelehrtes Anliegen."

emperor undertook immediate measures to strengthen implementation. Indeed, while challenging the first mandate, the Frankfurt community discovered that Maximilian's court was fully and energetically promoting the policy. Jonathan Kostheim, a Jewish emissary, sent a dispatch from the imperial court to disabuse the Frankfurt community of their hope that only a few lords were behind this drastic policy; it included these ominous statements: "It is to be feared, God forbid, that great disaster will arise from this. ... If you had heard and seen what I have heard and seen (i. e., at Maximilian's court), fear and terror would have seized you more than I am able to write down."<sup>43</sup>

Kostheim's fears were fully justified, for the emperor issued a new mandate (10 November 1509) that expanded imperial support of the new policy. Now, Maximilian designated the archbishop of Mainz, Uriel von Gemmingen, to supervise the confiscation. This phase was immediately successful, resulting in the confiscation of Jewish books from the major community of Worms and from five others of note in the Rhineland (Deutz, Bingen, Lahnstein, Lorch, and Mainz). After implementation in these six communities, the policy was proclaimed to the entire empire at the 1510 Diet of Augsburg, in part through distribution of a broadside, *Announcement to All Ecclesiastical and Secular Lords*,<sup>44</sup> and a pamphlet, *In Praise and Honor of Maximilian*,<sup>45</sup> both written by Johannes Pfefferkorn. The pamphlet explains the emperor's formulation of the policy ("What Induced His Majesty to Suppress the Books of the Jews"), publishes the full text of the confiscation mandate, and offers additional rationale for the action (in the form of a scathing anti-Jewish diatribe).<sup>46</sup> An emissary from Frankfurt reported that the pamphlet, which immediately appeared in three printings, had solidified broad support among the estates for the anti-Jewish initiative.<sup>47</sup> At this point, while the diet was still in session, the confiscations were carried out in Frankfurt, netting some 1,500 Hebrew books by 11 April 1510, the largest single success of the persecution.

Yet, from this point forward, events became complicated. In a sudden move, the emperor temporarily halted the campaign in May 1510 because of a fiscal

43. Price (n. 15), p. 117.

44. Edited in M. Spanier, "Pfefferkorns Schreiben von 1510," in: *Monatsschrift für Geschichte und Wissenschaft des Judentums* 78 (1934), pp. 481–487.

45. Johannes Pfefferkorn, *In lob vnd eer dem Allerdurchleuchtigsten Großmechtigsten Fursten vnd heren hern Maximilian* (Cologne: Heinrich von Neuß, 1510). Another edition was *Zu lob vnd Ere* (Augsburg: Erhard Öglein, 1510).

46. Pfefferkorn, *Zu lob vnd Ere*, fol. a 3r: "was die kaiserlichen ma. bewegt die falschen bucher der iuden zu vndertrucken."

47. Frankfurt *Regesten* (n. 6), 1/3, pp. 961–962 (no. 3665).



exigency. Maximilian's most supportive military ally among the princes, Duke Erich of Braunschweig, was heavily in debt to a cartel of Frankfurt Jewish creditors.<sup>48</sup> In return for new terms for that loan, Maximilian agreed to suspend the confiscations and have the books returned for the moment. It is important to note that the suspension itself brought financial benefit only to the Duke of Braunschweig and not to Maximilian.

Moreover, the emperor stipulated that the returned books were to be kept in place, pending a final determination, and, indeed, at this point he issued a new mandate (6 July 1510) to establish a commission, also under supervision of the archbishop of Mainz, that would decide whether or not destruction of Jewish books would benefit Christianity. The goal of this commission, which had, in fact, already been announced in *In Praise and Honor of Maximilian*, was to resume the book pogrom on the basis of authoritative denunciations of Jewish writings from four theology faculties and three individual experts. Even though most of the authorities submitted ringing endorsements (the inquisitor for the Province of Teutonia, Jacob Hoogstraeten, even indicated his intention to convene his own inquisition to destroy the books), the strategy backfired because Johannes Reuchlin, against the expectations of the anti-Jewish campaign, forcefully opposed the mandate in an extensive and carefully argued recommendation (6 October 1510).<sup>49</sup> This was a major setback not only because Reuchlin was one of the most prominent constitutional lawyers of the day, but also because he had been selected as an evaluator on the basis of his own previously published anti-Jewish positions.<sup>50</sup>

Initially, it was the imperial court that worked actively to undermine Reuchlin's defense of Jewish writings. As early as December 1510, the emperor's own confessor, the Carthusian prior Gregor Reisch, issued the first official condemnation of Reuchlin's position. Maximilian also wrote to Archbishop Uriel endorsing the archbishop's summary evaluation, based on all assessments submitted by the universities and scholars, that the books must be condemned.<sup>51</sup> After Reuchlin had the temerity to publish his defense of Jewish books – the event that touched off a series of highly publicized heresy trials – the emperor issued an edict on 7 October

48. See Price (n. 15), pp. 123–124, for details.

49. See *ibid.*, pp. 127–135.

50. See discussion under section entitled 'Reuchlin gegen das Judentum,' in David H. Price, "Johannes Reuchlin und der Judenbücherstreit," in Dieter Mertens (ed.): *Johannes Reuchlin und der Judenbücherstreit*, Ostfildern 2013, pp. 69–75.

51. Ludwig Geiger, "Maximilian I. in seinem Verhältnisse zum Reuchlin'schen Streite," in: *Forschungen zur deutschen Geschichte* 9 (1869), pp. 205–216, esp. p. 213. Maximilian's letter was published in Johannes Pfefferkorn, *Beschrymung* (Cologne: n.p., 1516), fol. F2v.

1512, outlawing the distribution or possession of his *Augenspiegel* (the published form of the defense) on the specific grounds that Reuchlin encouraged Jews in their perfidy.<sup>52</sup> It is also telling that the emperor did not take action on Reuchlin's request for suppression of Pfefferkorn's *Handt Spiegel* (a libelous attack against him and the Jews) until June 1513,<sup>53</sup> some two years later and at a time when, as we will see, the situation was in flux. Also, as late as 9 July 1513, the emperor ordered the confiscation of Reuchlin's *Defensio*, which was a harsh polemic against the theological faculty of the University of Cologne, a major force behind the ongoing campaigns against Judaism and Reuchlin.<sup>54</sup>

The confiscation campaign, arguably the pinnacle of Maximilian's anti-Jewish policies, was motivated primarily by religious zeal and hatred. Of course, it is fundamentally impossible to separate Christian anti-Jewish hostilities into discrete economic, social, or religious categories. While the book campaign was overwhelmingly an attack against Judaism as a religion, it also perpetuated the image of Jews as corrosive usurers bent on destroying Christian society. It drew on the passions created by the unrelenting message of early modern propaganda that it was the Jews, not the Christians, who were obsessed with pathological hatred of the other. The Pfefferkorn publications, moreover, stressed the need for princes and magistrates to transcend the fiscal benefits of tolerating Jewish communities and banish them for the sake of Christianity. That was a common assertion in the confiscation publications, especially pronounced in the pamphlet and broadside prepared to rally the estates at the 1510 Diet of Augsburg.<sup>55</sup> No one, certainly not Maximilian, construed the book campaign as a means of fiscal exploitation: it was presented as a godly action that would benefit Christianity. Moreover, the policy was being promoted as an action incumbent upon Christians now that they were informed about the blasphemous depravity of Jewish writings and the heresy of rabbinic Judaism.

52. Frankfurt *Regesten* (n. 6), 1/3, p. 997 (no. 3784).

53. Johannes Reuchlin, *Briefwechsel*, ed. Matthias Dall'Asta and Gerald Dörner, 4 vols., Stuttgart-Bad Cannstadt 1999–2013, 2, pp. 186–188 (no. 178).

54. Reuchlin, *Briefwechsel* (n. 53), 2, pp. 630–635 (Appendix 5), for Maximilian's condemnation of Reuchlin's book.

55. The insistence that princes and cities sacrifice perceived fiscal benefits from tolerating Jews and, instead, banish them on religious grounds, occurs in other early modern pamphlets. See the pamphlets concerning the 1492 Sternberg host desecration case (which was used to motivate expulsion of Jews from all of Mecklenburg) in Backhaus (n. 24), pp. 11–12. See also the 1510 pamphlet announcing complete expulsion of Jews from Brandenburg after the Berlin host desecration case, this case also including accusations of ritual murder, in Heiko Oberman, *The Roots of Anti-Semitism*, trans. James I. Porter, Philadelphia 1984, pp. 147–149.

Nonetheless, the confiscation campaign and the dynamics of anti-Jewish agitation underwent important shifts in 1510–14, in the context of both the confiscation moratorium and Reuchlin's defense. The key development was the emergence of a new political climate in Frankfurt, as the city council suddenly moved toward adoption of an anti-Jewish policy. After stoutly defending their Jews against the confiscations in 1509–1510,<sup>56</sup> by 1511 the city was openly discussing the desirability of banishing the Jewish community. Opinion became so hostile among city residents that the council felt the need to issue a proclamation to the citizenry pleading for preservation of law and order, explaining that considerable harm would befall the city if mobs rioted against the Jewish community.<sup>57</sup> We know that the atmosphere continued to worsen, for there was an attempt to start a host desecration case in 1515,<sup>58</sup> though it apparently floundered. The city was also the first authority to outlaw distribution of Reuchlin's defense of Judaism, an action it took on 9 September 1511, immediately after the work was printed in August.

With this new threat of banishment from the city looming so imminently, the Jewish community entered into special negotiations with the emperor for an imperial patent of protection, something never previously contemplated. Imperial authority over the Frankfurt Jews had been minimal since 1349 and 1372, when the city of Frankfurt acquired the "Judenregal" from Charles IV (in two transactions).<sup>59</sup> At this time, the city also paid an assessment to the archbishop of Mainz to free the Frankfurt Jews from the jurisdiction of the archbishop in perpetuity. Therefore, Frankfurt was usually able to thwart attempts to raise special levies. In 1493, Maximilian tried in vain to collect 2,000 gulden from the Frankfurt community on the occasion of his accession as emperor (as their share of "der dritte Pfennig"),<sup>60</sup> and as recently as 1510 the Imperial Chamber Court blocked the emperor from implementing the Venetian War levy on Frankfurt Jews.<sup>61</sup>

Thus, it was a sign of the grave peril of the situation that the Jewish community now turned to Maximilian for protection. These negotiations resulted in an

56. See Price (n. 15), pp. 119–21, for a transcription of the Frankfurt council's defense of the Jewish community in April 1510.

57. Frankfurt *Regesten* (n. 6), 1/3, p. 1005 (no. 3822; 6 July 1513). The threats to the Jewish community resulted from "beer riots", a popular uprising in 1513 against an increase in local taxes on beer.

58. *Ibid.*, 1, pp. 1044–1045 (no. 3963; 27 March 1515).

59. Kracauer (n. 16), 1, pp. 47–53.

60. See Isenmann (n. 17), 3/3, p. 2244. The Jews were released from this obligation, but the city assessed the community 1,000 gulden for effort.

61. Frankfurt *Regesten* (n. 6), 1/3, p. 985 (no. 3745; 22 October 1511).

imperial patent, dated 30 July 1513, protecting the community from expulsion at the hands of the city and also from further harassment from “Hans Pfefferkorn”, specifically forbidding Pfefferkorn to publish books or speak against the Jews.<sup>62</sup> In effect, this was the emperor’s definitive repudiation and retraction of his own book confiscation policy. The Jewish community paid 2,000 gulden for this letter, and did so against the express wishes of the city council, which protested the new relationship.<sup>63</sup> During the next year, the emperor and community negotiated an even stronger letter, dated 8 August 1514, this time extending protection to all Jews in the empire.<sup>64</sup> This represented a highly significant development for Maximilian, for he had now succeeded in subjecting the Frankfurt Jewish community to his direct protection in return for a hefty assessment.

It is probable that over time Reuchlin’s intervention and the initial success of his defense against the inquisition had an impact on Maximilian’s policy. In the published dedication of a 1519 book on Athanasius to Archbishop Albrecht of Brandenburg, Reuchlin asserted that “after hearing my advice, the most prudent emperor Maximilian suspended the burning of the Hebrew books.”<sup>65</sup> Although Reuchlin’s claim simplifies history, his defense was nonetheless a powerful legal and theological argument that revived the principles of toleration enshrined in both ecclesiastical and imperial law, an approach that the city of Frankfurt also took in their early protestations against the confiscation from 1509 and 1510. Yet the wide scope of Reuchlin’s defense was so unusual that Josel of Rosheim, the most influential Jewish leader in the Holy Roman Empire, later characterized the intervention as “a miracle within a miracle” because one of “the scholars of the nations” helped restore the Torah to its proper place in Frankfurt.<sup>66</sup> Reuchlin contended that the imperial Jews as “concives” (fellow citizens) enjoyed property rights under imperial law and even more emphatically that canon law, specifically the papal bull *Sicut Judeis*, guaranteed Jews property rights as well as the right to practice their religion without molestation.<sup>67</sup> Even more importantly, Reuchlin’s

62. *Ibid.*, 1, pp. 1007–1008 (no. 3830; 30 July 1513).

63. *Ibid.*, 1, pp. 1008–1009 (no. 3834).

64. *Ibid.*, 1, p. 1026 (no. 3903).

65. Reuchlin, *Briefwechsel* (n. 53), 4, p. 204, ll. 181–183 (no. 354)

66. Chava Fraenkel-Goldschmidt (ed. and trans.): *The Historical Writings of Joseph of Rosheim*, Leiden 2006, p. 312.

67. For analyses of Reuchlin’s jurisprudence, especially his application of both canon law and Roman law, see Markus Raphael Ackermann, *Der Jurist Johannes Reuchlin*, Berlin 1999, and Friedrich Lotter, “Der Rechtsstatus der Juden in den Schriften Reuchlins zum Pfefferkornstreit,” in Arno Herzig, Julius H. Schoeps, Saskia Rohde (eds.): *Reuchlin und die Juden*, Sigmaringen 1993, pp. 65–88.

*Augenspiegel* created a detailed counter-narrative to the hegemonic portrayals of Jews as embittered enemies of Christianity and as practitioners of a godless heresy. Reuchlin emphasized that Jews always had the legal right to reject Christian teachings about Jesus as the messiah, something they did, according to his portrayal, largely without animosity. Surprisingly, the inveterate attacks on Reuchlin and his defense of Jewish writings by the anti-Jewish campaign and by the inquisition turned out to be a strategic miscalculation, for they provoked a tremendous outpouring of support from humanist scholars from all over the empire and beyond, including from Pope Leo X. That Reuchlin became an international cause célèbre and that numerous humanists embraced his case so enthusiastically were crucial factors for Maximilian, who had always promoted himself as the leading patron of humanism in the empire.<sup>68</sup> Moreover, an episcopal court in Speyer ruled on 24 April 1514 that Reuchlin's defense was not impermissibly favorable to the Jews: "We find and declare concerning the said pamphlet (i. e., *Augenspiegel*) ... that it does not contain ... any heresy ... nor is it favorable to the Jews beyond what is appropriate or the law permits, nor is it harmful or disrespectful to the church of God."<sup>69</sup> As a result of these events, suppression of Jewish books could no longer be construed as an univocal Christian imperative.

As of 1514, Maximilian became an open and ardent supporter of Reuchlin against the inquisition. Two letters he wrote in support of Reuchlin, both in the context of the appeal of the Speyer verdict to the papal court (1514–1520), were prominently published, one, addressed to Leo X, in Reuchlin's "Letters of Illustrious Men" (letter dated 23 October 1514; published in 1519)<sup>70</sup> and the other in a Kabbalistic book published by Pietro Galatino in support of Reuchlin's case (letter dated 1 September 1515; published in 1518).<sup>71</sup> An interesting indication of Maximilian's new outlook comes from Paulus Ricius, the emperor's personal physician since 1514. Ricius had converted to Christianity and become a follower of Reuchlin, producing Latin translations of Kabbalistic and Talmudic tracts under Maximilian's sponsorship. His landmark 1516 Latin translation of the foundational Kabbalistic *Gates of Light* by Joseph Gikatilla was published under a dedication to Maximilian, and the emperor also urged Ricius to translate three

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68. On Maximilian's patronage of early German humanism, see Wiesflecker (n. 2), 5, pp. 320–362.

69. Reuchlin printed the Speyer decision in *Acta iudiciorum* (Hagenau: Thomas Anshelm, 1518), fol. F3<sup>v</sup>. For the full text, see Price (n. 15), pp. 161, 284. On the appellate tribunal in Speyer, see Price (n. 15), pp. 157–162.

70. Reuchlin, *Briefwechsel* (n. 53), 3, pp. 487–489 (Appendix 2).

71. Pietro Galatino, *De arcanis catholicae veritatis* (Ortona Mare: Gershom Soncino, 1518), fol. 2r.

tractates from the Talmud into Latin (thus creating the first ever Latin translation of parts of the Mishnah), a work printed in April 1519.<sup>72</sup> Though hardly intended as a defense of Judaism, this nonetheless represented a high-profile embrace of Reuchlin's project to make Jewish writings accessible to Christian scholars.

Maximilian's new perspective on the Jewish books and Reuchlin correlates generally with a shifting political dynamic for imperial Jews, for the dominant tone in the final years of Maximilian's reign was, in fact, supportive of preserving Jewish communities. After 1510, Maximilian would only permit one further expulsion, the 1517/1518 banishment from Donauwörth, this one, too, for a financial settlement.<sup>73</sup> Against the wishes of the Austrian estates, the emperor also chartered an additional resettlement of Jews, this time a community expelled from Laibach, in Eggenburg (mandate of 1 January 1515).<sup>74</sup> He also firmly rejected insistent petitions from the Lower Austrian estates to banish all Jews from the border towns in 1518.<sup>75</sup> Thus, from 1510 forward, the emperor began to incline much more strongly toward policies of generating income by preserving Jewish communities instead of banishing them. This is, of course, not an absolute watershed, for there were a few earlier supportive actions. In addition to the 1496 charters establishing three Jewish communities on the Hungarian border, the imperial court opposed harsh efforts by the city of Freiburg to drive Jews out of neighboring Breisgau territories in 1502–1505, a campaign that soon focused on a ritual murder accusation in the city of Waldkirch. Waldkirch and other places involved were under Habsburg sovereignty, and, among other things, Freiburg's efforts were a brazen encroachment on the emperor's prerogatives.<sup>76</sup>

72. Paulus Ricius, *Talmudica novissime in latinum versa periocunda commentariola* (Augsburg: Sigismund Grimm and Marcus Wirsung, 1519). In the dedication to Leo X, Ricius says he undertook the project under the orders of the emperor (fol. a1v: "Divi MAXIMILIANI CAESARIS nutu") and in the preface that Maximilian had been urging him for some time to translate the tractates (see fol. a2r).

73. *Germania Judaica* (n. 5), 3/1, p. 239. The emperor approved the expulsion, requested by the city council, on 5 November 1517, and it was carried out on 23 July 1518. The synagogue was destroyed the very next day. Charles V renewed the patent *de non tolerandis judeis* in May 1521. As happened elsewhere in the empire, the Donauwörth Jews had also been accused of manipulating the grain market. See Tschsch (n. 1), p. 53, for some of the financial details of the expulsion.

74. Scherer (n. 13), p. 442, and Barbara Staudinger, "*Gantze Dörffer voll Juden*": *Juden in Niederösterreich, 1496–1670*, Vienna 2005, p. 4.

75. Scherer (n. 13), p. 446.

76. Maximilian successfully stopped the 1504 ritual murder trial in Freiburg (persecuting Jews from the nearby city of Waldkirch). See Treue (n. 25), p. 430. Moreover, Freiburg used this event as a pretext for requesting expulsion of all Jews from Breisgau, which Maximilian refused to grant. See Franz Hundsnurscher, "Waldkirch," in: *Germania Judaica* (n. 5), 3/2, pp. 1550–

The new policy direction emerged in the context of the complex developments of the book controversy and its aftermath. A good way to perceive this shift overall is to consider the final phase of Maximilian's reign from the perspective of the Jewish communities in Frankfurt and Regensburg, two of the three most significant Jewish communities in the empire (the third one being Worms).

The abrupt destruction of the Regensburg community in February 1519 was a stunning blow to German Jewish culture. The community had suffered through over a half century of intense persecution from local authorities – the city, the bishop, and the dukes of Bavaria – but had survived owing to repeated imperial interventions. Emperor Friedrich III protected the community from two blood libel prosecutions in 1474 and 1476 mainly on the basis of his ultimate authority over the administration of justice in the empire. Friedrich saved the individual Jewish defendants from execution and the entire community from banishment, but he also directly assessed the community 10,000 gulden for the effort, as well as an additional 8,000 in a complex transaction.<sup>77</sup> In ongoing efforts to stabilize the position of the community as much as possible, Friedrich attempted, as early as 1475, to halt intense anti-Jewish preaching and missionizing campaigns, for Regensburg was being targeted by the most prominent anti-Jewish agitators of the time – John of Capistrano and Peter Schwarz.<sup>78</sup> Moreover, in an exceedingly important development, on 31 December 1492, Friedrich acquired taxing authority over the Regensburg community from Duke Albrecht of Bavaria for 32,000 gulden.<sup>79</sup>

This was the foundation for Maximilian's policies in Regensburg. All details are not known, but Maximilian certainly began collecting annual taxes of 800 gulden from Regensburg upon the death of Duke Albrecht in 1504.<sup>80</sup> Thereafter, the community would be repeatedly protected by Maximilian, with all known cases of intervention coming after he had changed his position on the book confiscations. A blood libel case in 1513 did not proceed to court.<sup>81</sup> The emperor firmly

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1552. Hundsnerscher notes that documentation for this complex, highly publicized event needs further analysis. The city of Freiburg was supported strongly by the university in the effort to drive Jews out of the region.

77. When fining Regensburg 8,000 gulden for fraudulently prosecuting these cases, the emperor allowed the city to assess the Jewish community 8,000 (amortized over a forty year period), provided that the city pay him the full amount up front.

78. On Peter Schwarz's anti-Jewish sermons, see Christopher Ocker, "German Theologians and the Jews in the Fifteenth Century," in Dean Phillip Bell, Stephen G. Burnett (eds.): *Jews, Judaism, and the Reformation in Sixteenth-Century Germany*, Leiden 2006, pp. 46–59.

79. Straus, *Urkunden* (n. 6), p. 209 (no. 615).

80. *Ibid.*, pp. 260–261 (no. 745; 18 August 1504).

81. *Ibid.*, pp. 279–280 (no. 799; 1 June 1513).

rejected requests in 1514 and 1516 from the city magistracy to end toleration of the community with the assertion that “the Jews belong to me.”<sup>82</sup> A legal case brought by the city against the Jews for allegedly illegal commodity trading and usury ultimately failed after a long trial in the emperor’s court. Unfortunately, the emperor’s protection only raised the temperature of local animosities.

A continuous feature of the anti-Jewish fervor in Regensburg was the intensity of preaching against Judaism by the Franciscans, Dominicans, and other local clergy, especially the office of the cathedral preacher.<sup>83</sup> When a vacancy occurred in 1516, the city appointed Balthasar Hubmaier, a determined anti-Jewish agitator, though also a highly educated and skillful cleric. In response to the agitation, Maximilian dispatched his secretary, Dr. Jacob Spiegel, to Regensburg in January 1518 to admonish Hubmaier in the presence of the assembled local clergy to halt his campaign against Judaism.<sup>84</sup> On 24 July 1518, the emperor demanded that the city banish Hubmaier because he had not stopped his anti-Jewish preaching and was now fomenting such animosity among common people that uncontrolled violence was likely to break out.<sup>85</sup> All of this was to little avail. Finally, the city proposed a financial settlement in return for the right to end toleration of Judaism, offering to pay in perpetuity the annual tax assessment of the Jewish community, in this document now put at the lower rate of 485 gulden.<sup>86</sup>

The emperor did not accept this offer. Upon his death on 12 January 1519, the city council took matters into its own hands and illegally banished the Jews, completely destroying one of the most significant Jewish communities in German history. On 21 February 1519, the council decreed that all Jews were to vacate the city within four days, by 25 February.<sup>87</sup> The deed was done with extreme haste in order to avoid imperial intervention. The synagogue was razed on 22 February, and two Jews are known to have been killed in the turmoil. Inspired by the charismatic preaching of Hubmaier (soon to become a leader of the radical Reformation movement), the city celebrated the banishment as a triumph of Christianity, erecting a chapel to the Beautiful Virgin on the ruins of the synagogue, the site of alleged blasphemies against her. Soon, Regensburg reported that miracles were occurring (as was reported in Trent after 1475), claiming divine

82. *Ibid.*, pp. 281–282 (no. 806; 6 June 1514): “dhweyl nu die Judischait in Regensburg uns zugehort.”

83. Raphael Straus, *Die Judengemeinde Regensburg im ausgehenden Mittelalter*, Heidelberg 1932, pp. 28–29.

84. Straus, *Urkunden* (n. 6), pp. 336–337 (no. 950; 11 January 1518).

85. *Ibid.*, pp. 369–70 (no. 999).

86. *Ibid.*, pp. 371–372 (no. 1004; July 1518).

87. *Germania Judaica* (n. 5), 3/2, pp. 1201–1202.



confirmation, as it were, that the commune had acted in accord with God's will. Thus, the anti-Semitic cult of the Beautiful Virgin in Regensburg was born, and it became an overnight sensation, one of the most popular German pilgrimage sites during the 1520s. The emerging Protestant movement would condemn the pilgrimage, not because of its anti-Judaism, but because it epitomized the corruption of lay piety in the Catholic cult of the saints.<sup>88</sup>

At the 1521 Diet of Worms, the new emperor Charles V imposed a lenient penalty on the city for its illicit act: the annual Jewish assessment would now be paid by the city council in return for the retroactive privilege *de non tolerandis judeis*, and the dispossessed and banished Jews would receive compensation totaling only 4,750 gulden.<sup>89</sup> The failure to secure an imperial patent for readmission was a terrible disappointment to the Jewish plaintiffs, who had to accept the harsh reality that the distinguished tradition of Regensburg Jewish culture had truly come to an end.

While the history of the Regensburg community under Maximilian's reign is well documented and well known to historians, an important intervention by the emperor to preserve the Frankfurt community is less familiar, perhaps in part because in this case the emperor's efforts were successful and tragedy was averted. Anti-Jewish agitation in Frankfurt did not stop in response to the two imperial patents of protection from 1513 and 1514. On 13 March 1514, the council appears to have made the final decision to seek a way to banish the Jewish community (and, if that failed, to crush the community by outlawing Jewish money lending).<sup>90</sup> A year later, the council embarked on an ambitious effort to organize a multi-territorial expulsion, an unprecedented act, but one whose scope may have been inspired by the book confiscation campaign. The scope was also important because all parties concerned did not want to banish their own Jewish communities only to see the refugees settle nearby and increase the prosperity of a neighboring territory. As of 4 June 1515, the city's syndic, Dr. Adam Schönwetter, reported that the newly elected archbishop of Mainz, Albrecht von Brandenburg, would support an effort to expel Jews from all territories in the archdiocese of Mainz, an enormously important region that included the Palatinate, Electoral Mainz, and the Landgraviate of Hesse.<sup>91</sup> Frankfurt and Albrecht then convened,

88. See David H. Price, *Albrecht Dürer's Renaissance: Humanism, Reformation and the Art of Faith*, Ann Arbor 2003, pp. 236–238.

89. See *Germania Judaica* (n. 5), 3/2, p. 1202, for the estimate that the overall costs to the city for the illegal banishment totaled 56,000 gulden.

90. Frankfurt *Regesten* (n. 6), 1/3, p. 1018 (no. 3873).

91. See Arye Maimon, "Der Judenvertreibungsversuch Albrechts II. von Mainz und sein Mißerfolg (1515/1516)," in: *Jahrbuch für westdeutsche Landesgeschichte* 4 (1978), pp. 191–220.

under the archbishop's aegis, a meeting of at least nineteen territories in Frankfurt on 8 January 1516 to forge an outline agreement. The major players (the Palatinate, Hesse, Mainz, Fulda, Worms, and Frankfurt) as well as the smaller entities embraced the plan in general terms (with some concern over the possibility that some parties might fail to enact the banishment) and agreed to meet again in Frankfurt on 11 February to work out the details. It is remarkable that Johannes Pfefferkorn also reemerged in this context with the publication of three anti-Jewish (and anti-Reuchlin) tracts in 1516, one of which, the *Beschirmung* ("Defense"),<sup>92</sup> was composed as a letter to Albrecht von Brandenburg to encourage him in the campaign against Judaism.<sup>93</sup> Pfefferkorn also stressed that he had met with the archbishop, who had been involved in the banishment of Jews from Brandenburg in 1510, to promote the campaign to end Judaism.

At this point, Emperor Maximilian acted decisively. The Jewish community of Frankfurt, clearly well aware of this emerging peril, asked the emperor to intervene on the basis of their new patent of protection. Thereupon, the emperor sent a mandate on 29 January 1516 to Albrecht of Brandenburg, Elector Ludwig of the Palatinate, the abbot of Fulda, the cathedral chapter of Mainz, the counts of Wertheim, Hanau, and Nassau, as well as the Ganerben of the castles of Friedberg, Kronberg, Gelnhausen, Lindheim, Rückingen, and Falkenstein, and the cities of Worms, Frankfurt, Gelnhausen, and Wetzlar, informing them to cease and desist from further actions aimed at an expulsion.<sup>94</sup> Although the emperor ordered all parties to continue honoring the terms of their respective charters, the territories were so set on expulsion that they proceeded with a meeting in Frankfurt on 12 February. That meeting concluded with a decision that Archbishop Albrecht would negotiate the emperor's approval, whereupon the territories would reconvene to sign a final agreement.

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Maimon speculates that the expulsion campaign was an intentionally anti-imperial effort, but I would stress that the estates involved clearly planned to negotiate a settlement with Maximilian in return for permission to expel and, moreover, that anti-imperial sentiment does not appear in any documents.

92. The three 1516 works were *Beschyrmung*, *Defensio*, and *Streydt puechlyn*. The *Defensio* was a Latin adaptation and expansion of *Beschyrmung* that Pfefferkorn dedicated to Leo X. Reuchlin countered Pfefferkorn by dedicating his *De arte cabalistica* (1517) to Leo X and his *Liber S. Athanasii de variis questionibus* (1519) to Albrecht of Brandenburg.

93. There are records, somewhat conflicting, that Albrecht von Brandenburg repudiated Pfefferkorn's book because of the fierce attacks against Reuchlin. See Reuchlin, *Briefwechsel* (n. 53), 3, pp. 314–315 (notes 12 and 13).

94. Frankfurt *Regesten* (n. 6), 3/1, p. 1063 (no. 4032). The emperor's mandate does not mention Hesse, an indication perhaps that Hesse had dropped out of the plan.

That assembly never occurred, for the emperor did not acquiesce. The determined Frankfurt city council, however, continued to search for a strategy to achieve a regional expulsion, including undertaking further discussions with Albrecht of Brandenburg on the issue (with negotiations on a multi-territorial expulsion recorded as late as July and August 1517).<sup>95</sup> In addition to blocking these efforts, the emperor strengthened his function as protector of the imperial Jews. Imperial correspondence with the city of Frankfurt reveals that, beginning in January 1516, Maximilian was attempting to secure collection of 2,000 gulden for a new general patent of protection for the Jews throughout the empire. This charter resulted from an agreement between the emperor and an imperial Jewish assembly in Worms (apparently held during the summer of 1515) and was to be paid for by a two percent tax on Jewish wealth in the empire. Two Jewish leaders, Jacob Süssmann (from Upper Alsace) and Knebel of Frankfurt, were charged with the task of collecting this tax.<sup>96</sup> Unfortunately, we do not know many details of the Worms assembly, nor do we know how successfully this tax was collected, although the emperor repeatedly attempted, beginning in early 1516, to enforce the tax in Frankfurt against the wishes of the city council.<sup>97</sup> On 18 November 1518, the Jewish community of Frankfurt requested permission from the city council to publicize the mandate of protection from the emperor.<sup>98</sup> This new relationship is further evidence that the imperial treasury was working more closely with imperial Jews to strengthen the emperor's sway over their communities.

We can conclude that during the years 1493 through 1510 Maximilian usually aligned himself with the powerful movements to abolish toleration of Judaism. This is evident both in his willingness to negotiate the banishment of many important communities and in his endorsement of the exceedingly dangerous allegations of blood libel and host desecration, including his promotion of the anti-semitic cult of Simon of Trent. The greatest assault against Judaism, the mandate to confiscate and destroy Hebrew books, was also motivated by religious fervor, specifically the allegations that Jewish practices and beliefs were blasphemous and heretical abominations that could not be tolerated under imperial or ecclesiastical law. Facing the reality of needing to raise revenues from Jewish communities, Maximilian initially attempted to square the circle of destroying and taxing Jewish communities by negotiating substantial assessments from estates and cities willing to incur fiscal losses in return for the privilege of ending Judaism.

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95. *Ibid.*, 1/3, p. 1082 (no. 4113).

96. *Ibid.*, 1/3, pp. 1061–1062 (no. 4027).

97. *Ibid.*, 1/3, pp. 1061–1064; 1079 (nos. 4027, 4034, and 4096).

98. *Ibid.*, 1/3, p. 1105 (no. 4197).

Especially when we also consider the many expulsions that occurred without the emperor's involvement,<sup>99</sup> the trajectory of Maximilian's policy up to 1510 threatened eradication of Judaism from the empire. Yet, in the years 1510–1514, during the intense controversy over Reuchlin's defense of Jewish writings, some factors emerged that altered political calculations. In addition to reviving a traditional legal defense of toleration, Reuchlin created a religious-political discourse that asserted the integrity of Judaism and portrayed Jews as benign unbelievers who harbored no animosity for Christian society. In his recommendation to the emperor and in his polemics against the anti-Jewish campaigners, Reuchlin not only stressed the strong legal precedents that accorded Judaism immunity to heresy prosecution, but also argued that Jewish devotions and customs were not blasphemous or libelous, and, perhaps most importantly, that Jews were not active enemies of Christianity or Christian society. Although strenuously rejected in most quarters, Reuchlin nonetheless articulated a counter-narrative to the positions of those portraying extirpation of Judaism as a Christian obligation. Moreover, Reuchlin's counter-narrative achieved unusual prominence, especially because many humanists rallied to his side against the inquisition, even if those supporters were concerned about defending Reuchlin rather than the Jews. Indeed, Reuchlin's defense still allowed ample room for opposition to Judaism as a religion, repeatedly asserting the desirability of Jewish conversion, even though it resolutely rejected the contention that Judaism had turned into an abomination that had to be destroyed.

During these years, Maximilian changed sides from being an opponent of Reuchlin's defense of Judaism to being a strong supporter of his causes both in the heresy trials (which persisted until the papal condemnation, handed down a year after the emperor's death) and in the efforts to promote Christian Hebrew studies. This hardly means that the emperor had adopted a new, comprehensively philosemitic position, but it does represent a reversal of the aggressive mandates to confiscate and burn all Jewish writings except the Bible, a policy designed to end the practice of Judaism in the empire. Maximilian also acted decisively to defend communities from anti-Jewish campaigns, ultimately outlawing the agitation of both Johannes Pfefferkorn and Balthasar Hubmaier. Henceforth, he tended strongly toward preserving communities against the determined efforts of cities and estates to eradicate Judaism, a change we can see in his defenses of

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99. The territorial banishments began in 1390 (in the Palatinate) and escalated throughout the fifteenth century to the point that by 1500 a large majority of princely territories had expelled their Jewish communities. See Dietmar Willoweit, "Die Aufhebung des Judenschutzes," in: *Germania Judaica* (n. 5), 3/3, pp. 2203–2204.

the communities of Frankfurt, the archdiocese of Mainz, and Regensburg during the 1510s.

Moreover, something tangible, albeit unintended, emerged from the book controversy. In the volatility of the Frankfurt crisis the emperor was able to establish new authority to collect revenue from Germany's most important Jewish community, even though taxing authority had been in the hands of the city government. This, coupled with other successes in raising levies on imperial Jews, strengthened the rationale for moving away from his previous policy of ending toleration of Judaism and back to a more traditional position of toleration for the sake of fiscal exploitation. The combination of Reuchlin's defense – which argued that Judaism was not an anti-Christian pathogen – and the growing capacity of Maximilian to profit from protecting Jewish communities were complementary developments. They destabilized – though hardly dismantled – the hegemonic discourse of the Jewish enemy and made legal toleration of Judaism once again both politically and religiously tenable.

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## ZUSAMMENFASSUNG

Anstelle von irreführenden Behauptungen, dass die Judenpolitik Maximilians I. rein auf fiskalischen Interessen beruht habe, plädiert der Beitrag mit Blick auf dessen gesamte Herrschaftszeit für ein nuanciertes Bild, das gleichermaßen Faktoren der Kontinuität und Innovation einbezieht – ein Unterfangen, das nun durch die Publikation des dritten Bandes der „Germania Judaica“ und der Regesten der Frankfurter Judengemeinde möglich geworden ist. Dabei werden zwei Wendemarken in der Judenpolitik dieses Kaisers identifiziert und diskutiert, die jeweils einen wichtigen Beitrag zur Frage des Überlebens jüdischer Gemeinden im Heiligen Römischen Reich leisten können: 1) eine neue kaiserliche Politik zu Beginn der Herrschaftszeit Maximilians, die aktiv religiöse und politische Kampagnen zur Beendigung der rechtlichen Tolerierung des Judentums unterstützt hat; 2) eine Rückkehr zur traditionellen rechtlichen Tolerierung zum Zwecke der fiskalischen Ausbeutung nach dem sogenannten ‚Judenbücherstreit‘ (1509–1514).

# Andreas Osiander als Kabbalist

Von Anselm Schubert

## I. OSIANDER UND JUDEN

In der Forschung gilt Andreas Osiander seit Reinhold Lewins Buch von 1911 als eine rühmliche Ausnahme unter den Reformatoren des 16. Jahrhunderts: er habe den Juden gegenüber eine positive Haltung eingenommen und sie vor dem Vorwurf des Ritualmordes verteidigt und sei Luthers späten judenfeindliche Schriften entschieden entgegengetreten.<sup>1</sup> Nachdem die Beziehung Osianders zum Judentum seiner Zeit schon mehrfach Gegenstand ausführlicher Untersuchungen gewesen ist,<sup>2</sup> stellt sich die Situation bei näherem Hinsehen komplizierter dar. Zuletzt hat Joy Kaemmerling sehr gründlich das Osiandrische Gesamtwerk auf Kontakte, Beziehungen und Anspielungen auf Juden und das Judentum durchgesehen und ist zu dem resignativen Schluss gekommen, dass Osiander – weit davon entfernt, eine positive Einstellung zum Judentum zu besitzen – vielmehr in die Reihe jener christlichen Hebraisten wie Reuchlin, Münster, Capito oder

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1. Vgl. *Reinhold Lewin*, Luthers Stellung zu den Juden. Ein Beitrag zur Geschichte der Juden in Deutschland während des Reformationszeitalters, Berlin 1911, S. 99; *Heiko Augustinus Oberman*, Wurzeln des Antisemitismus. Christenangst und Judenplage im Zeitalter von Humanismus und Reformation, Berlin 1981, S. 213; grundsätzlich zu Osiander *Wilhelm Ernst Möller*, Andreas Osiander. Leben und ausgewählte Schriften, Elberfeld 1870; *Emanuel Hirsch*, Die Theologie des Andreas Osiander und ihre geschichtlichen Voraussetzungen, Göttingen 1919; *Gottfried Seebaß*, Das reformatorische Werk des Andreas Osiander, Nürnberg 1967; *Jörg Rainer Fligge*, Herzog Albrecht von Preussen und der Osiandrismus 1522–1568, Diss. phil. masch. Bonn 1972; *Martin Stupperich*, Osiander in Preussen 1549–1552, Berlin 1973; zu seiner Rechtfertigungstheologie im besonderen *Rainer Hauke*, Gott-Haben – um Gottes Willen. Andreas Osianders Theosisgedanke und die Diskussion um die Grundlagen der evangelisch verstandenen Rechtfertigung, Frankfurt a. M. u. a. 1999; wertlos dagegen *Claus Bachmann*, Die Selbstherrlichkeit Gottes. Studien zur Theologie des Nürnberger Reformators Andreas Osiander, Neukirchen-Vluyn 1996; die Gesamtausgabe von Osianders Schriften (*Gerhard Müller* [Hg.], Andreas Osiander d. Ä. Gesamtausgabe, 10 Bde., Gütersloh 1975 ff.) wird abgekürzt zitiert als GA.

2. Einschlägig noch immer *Lewin*, Luthers Stellung (wie Anm. 1); *Gerhard Philipp Wolf*, Osiander und die Juden im Kontext seiner Theologie, in: Zeitschrift für bayrische Kirchengeschichte 53 (1984), S. 49–79; *Brigitte Hägler*, Die Christen und die Judenfrage. Am Beispiel der Schriften Osianders und Ecks zum Ritualmordvorwurf, Erlangen 1992; *Joy Kaemmerling*, Osiander, the Jews, and Judaism, in: *Dean Philipp Bell, Stephen G. Burnett* (Hgg.), Jews, Judaism and the Reformation in Sixteenth Century Germany, Leiden 2006, S. 219–247.

Pellikan gehört, die möglicherweise persönlich nichts gegen Juden hatten, für das Judentum selbst aber keine andere Zukunft sahen, als entweder die Taufe anzunehmen oder Gottes ewigem Zorn zu verfallen.<sup>3</sup>

In seinen wenigen *brieflichen* Äußerungen zum Judentum und zu Juden, die vor allem praktische Angelegenheiten betreffen, erscheint Osianders Stellung bestenfalls ambivalent:<sup>4</sup> Auch für Osiander sind die Juden Christusmörder, denen eine gleichberechtigte Stellung in der Gesellschaft nicht zukommen dürfe, solange sie sich nicht bekehren. Seine Meinung entsprach damit dem Mainstream der frühreformatorischen Flugschriften in der Judenfrage, deren Profil Thomas Kaufmann herausgearbeitet hat.<sup>5</sup> Auch seine *Ritualmordschrift* stellt sich seit Kaemmerlings Studie mitnichten als Eintreten für das Judentum dar, sondern verdankt sich Osianders erbitterter Feindschaft gegen die römische Papstkirche,<sup>6</sup> die diesen Mythos in die Welt gesetzt habe, um mit dem Judentum auch die Kenntnis des Hebräischen zu vernichten, damit nicht „durch die hebraischen sprach die christen wider zum rechten verstand ired glaubens möchten kommen.“<sup>7</sup> Auch wenn man diese kontroverstheologische Spitze nicht für das letzte Wort in der Angelegenheit halten muss,<sup>8</sup> steht doch fest, dass Osianders grundsätzlich negative

3. Wolf, Osiander (wie Anm. 2), S. 64; Kaemmerling, Osiander (wie Anm. 2), S. 247.

4. Kaemmerling, Osiander (wie Anm. 2), S. 224.

5. Vgl. *Thomas Kaufmann*, Die theologische Bewertung des Judentums im Protestantismus des späteren 16. Jahrhunderts (1530–1600), in: *ders.*, Konfession und Kultur. Lutherischer Protestantismus in der zweiten Hälfte des 16. Jahrhunderts, Tübingen 2006, S. 131–156, hier S. 135 ff.

6. Vgl. *Kaufmann*, ebd., S. 246 f.; mit demselben antirömischen Argument hatte auch Luther 1523 seine Hoffnung begründet, etliche der Juden noch zum Christenglauben reizen zu können, und *Thomas Kaufmann*, *Luthers ‚Judenschriften‘*, Tübingen 2011, S. 162 f., hat festgestellt, dass dasselbe kontroverstheologische Muster, den Gegner mit dem Ritualmordvorwurf in Verbindung zu bringen, sich umgekehrt auch bei Ecks Polemik gegen Osiander findet.

7. GA, Bd. 7, 233, 15.

8. Bislang übersehen wurde, dass Osiander an einer Stelle auch explizit über die Motive spricht, die ihn bewegen, die Juden vor dem Ritualmordvorwurf zu verteidigen: „Mich bedunckt, ich sey das als ein Christ zu thun auffß höchst verpflichtet.“ (GA, Bd. 7, S. 224, 26) Wer aufgrund eines unhaltbaren Ritualmordvorwurfs einen Juden töte, der lade schwere Schuld auf sein Haupt, ja dieselbe Schuld treffe jeden, der „wenn ers von andern sicht“ stillschweigt und darein willigt (GA, Bd. 7, 224, 4 ff.) wie „wann ich solches ubel selbs begienge“ (GA, Bd. 7, S. 224, 12). Es ist bemerkenswert, dass auch Luther 1543 mit einem ähnlichen Argument aber mit umgekehrter Richtung begründet, warum er über die „Juden und ihre Lügen“ nicht stillschweigen könne: Luther ging es darum, sich nicht durch Stillschweigen an der öffentlichen Gotteslästerung der Juden mitschuldig zu machen. Vgl. *Anselm Schubert*, *Fremde Sünde. Zur Theologie von Luthers späten Judenschriften*, in: *Dietrich Korsch, Volker Leppin* (Hgg.), *Martin Luther. Biographie und Theologie*, Tübingen 2010, S. 243–263.

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