I am very grateful to Professor Masanori Aoyagi for the invitation to give this lecture, The Kajima Foundation for the Arts for funding it, and the Japan Academy for the venue.¹ I was intrigued to hear that Professor Aoyagi was a student of Professor Itsuji Yoshikawa who studied before World War II in France under Henri Focillon. I studied in France with Louis Grodecki, another famous student of Focillon, so it seems we share a spiritual grandfather. It is also a pleasure to meet Professor Akira Akiyama, and some of the students at Todai, and I greatly appreciate the lively discussion after my presentation.

I am delighted to be able to talk about a forthcoming book, co-authored with a now deceased colleague Charles Nelson, Professor Emeritus in the German, Russian and Asian Language and Literature Department at Tufts University.² Humanists too rarely work in teams, even when we try to be inter- or multi-disciplinary, but as an art historian I depended a great deal on Charlie’s ability to read medieval German dialects, and his long-standing command of critical theory. Our work is part of a widespread postcolonial revision of previous constructions of Europe’s medieval past; we look at the treatment of people in the margins instead of emphasizing rulers and military heroes.

The topic of the book is the representation of women, Jews and Slavs in four densely illustrated manuscripts of a German law book dating from the 1300s.³ That is, representation under the law as stated in it, and also the visual and textual representations in the manuscripts.

We are particularly concerned with the unstable position of “girls and women, and Jews” to whom Saxon law states that imperial protection accords “immunity of their

¹ October 21, 2017.
³ A list with details for the manuscripts, including basic bibliography and urls to find them online, is in the Appendix below.
person and property”[Ssp Ldr II. 65]. One of the pictures makes manifest the statement that certain groups, namely churchmen, women, and Jews, are set apart from the normal population by receiving special protection from the king or Emperor (Fig. 29, upper register). First in line before the seated ruler is a tonsured monk in a brown cowl, followed by a tonsured secular priest or clerk. Next come two women, the first a devout wife, widow, or even a nun — all wore the veil — followed by an unmarried maiden with loose hair. Last, and somewhat apart from them but almost off the page, is a man wearing the beard and hat that are typically shown in this period to identify Jews. His presence resonates with contemporary references to Jews as “the Emperor’s people.”

The enthroned ruler commands these subjects, and each of them makes a gesture with the right hand, as if taking an oath — these picture-books have an elaborate but very consistent language of hand gestures; and the text is keyed to the pictures by coloured initials (blue A here).

In another place, the order is reversed, placing the Jew directly in front of the judge to demonstrate that he is allowed to hand down judgement on a Christian Saxon (Fig. 1); at the back of the line is a Wend, one of the Slavic people from the eastern part of the realm that had been conquered and Christianized during the previous two centuries, and who did not have full legal rights: they had to recuse themselves from handing down judgement on a Saxon — signified by his crossed arms. Wends are recognizable in the manuscripts by their short striped tunics and very short hair, whereas Jews are with represented wearing tall hats.

The Law Book: A distinctive characteristic of the Sachsenspiegel (Ssp), and one that definitively separates it from democratic legal philosophy, is that it constantly declares different standing for designated groups of people, throughout the book: men vs women; the eldest son vs younger sons, married daughters vs unmarried; Christians vs Jews; Saxons vs foreigners in their midst, and so on. It seems the main thrust of the laws governing inheritance and land holding was to enforce peaceful settlements in areas of po—

4 The Sachsenspiegel text is usually divided into two sections: Landrecht (Ldr), Books I‒III (laws governing peasant land-holders; there is a Japanese edition), and Lehnrecht (Lnr), Book IV (feudal law). The manuscript recensions vary, but I use the chapter numbering in the English translation of the Wolfenbüttel manuscript: Maria Dobozy, The Saxon Mirror: A Sachsenspiegel of the Fourteenth Century [Wolfenbütteler Sachsenspiegel] (Philadelphia: University of Pennsylvania Press, 1999).
tential social conflict. In so doing, the law book constructs hierarchical difference as the mainstay of harmony.

The *Sachsenspiegel* — (or *The Saxon Mirror* as in the translation by Maria Dobozy) — is a law book written in German and completed about 1225 by a man called Eike von Repgow. The title given to the *Sachsenspiegel* comes from a passage in a rhymed preface attributed to Eike that is found in some of the manuscripts:

The Mirror of the Saxons / Shall this book be called.
For from it Saxons will come to know their law /
As well as a woman knows her countenance in a mirror.

In other words, Saxon men study their laws whereas women study their own faces, each thereby establishing their different identity or public face.

Nearly 500 medieval manuscript copies of the text are preserved. Though officially replaced by imperial law in the sixteenth century, it continued to be used sporadically in Germany until modern times, to settle land disputes. The Saxons who are invoked in the text were ruled by one of the Dukes who served under the emperor of Germany; his territory was in the middle and lower reaches of the Rhine. Beyond the Elbe to the east were Slavs (referred to in Eike’s text as Wends). In Eike’s lifetime, the Empire was wealthy and powerful. German Knights of the Red Cross spread Christianity to the north, around the Baltic, and pressed into Silesia (Poland). The Christian kingdom of Bohemia (now the Czech Republic) joined the Empire. The *Sachsenspiegel* also spread further north and east — The Oldenburg manuscript (O) is in plat deutsch (Middle Low German), and there were translations into Latin, Dutch, Czech, Polish and Russian — and recently into Japanese. German mining law migrated with the new wealth from richer seams, from Freiburg-im-Breisgau to Prague and thence to the Slavonic empire (Serbia). To spread civil law into other cultures, oral tradition would not suffice. Thus Eike’s text was highly influential, carrying with it the attitudes to Christians and Jews, men and women, adults and minors, land-owners and peasants, that become all the more significant.

It is not clear what gave the author and his text the authority to declare what is law. Eike von Repgow was scarcely known, and the patron he names in one preface, the Hoyer von Falkenstein, was a minor land-holder living in a remote mountain-top castle. The recent discovery that Eike had access to one of the largest libraries in Germany at the time — probably in a monastery — proves he did not write in Falkenstein. The key to the authority — and popularity — of his text lies decidedly in the way he frames it and
his declarative literary style. In the four picture-books, authority is also bolstered by the visual images.

And the sheer size, weight and luxury of these books of his law, contribute to establishing his authority. In that sense we claim the books themselves are performative, in that they have a role in persuading the reader and viewer of the text’s claim to authority — much as a heavy, nicely bound dictionary today claims a truth-value that a paper-back novel does not.

The manuscript shown open here dates from about 1360 and it is a large folio size, about 25” (65cm) tall and written on heavy parchment (Fig. 2). The rather few colours in the paintings and initials are enlivened by gold and silver. It was not treated as a luxury book, but heavily used, some pages torn, most soiled, more than a dozen missing. I believe these picture law books were available in the court room for consultation and demonstration. In that case, their imposing presence would lend authority to the proceedings of the court (the ultimate way to win an argument in German is to say “Es steht im Büch.”). On the right page here God gives the two swords of justice to the Church — the Pope — and to the Emperor. The courts under the jurisdiction of churchmen are represented above the secular courts where Eike’s law would be used — presided over by the emperor’s representatives, in red hats, with jurors seated on a bench; a village headman at the bottom of the page could hear some cases.

The opening to his preface in W (short for Wolfenbüttel) shows his staging of the law in relation to God and the emperor: two Christian emperors from ancient times, Constantine and Charlemagne, direct Eike to write (Fig. 2, top left). More importantly, as we also see in O (the Oldenburg manuscript, fol. 6r, register 1), he is directly inspired by the dove of the Holy Spirit, the third person of the Christian Trinity: “May the love of the Holy Spirit sharpen my mind so that I may pronounce what is lawful and unlawful among the Saxons for the grace of God and the benefit of the world. I cannot accomplish this project alone.” (first prologue). He also states that God himself is the law; and that the reason that people must have laws is that Adam disobeyed and everyone was punished for that, so now they must obey (Fig. 2, left page, registers 2-4). In fact Eike Christianized a body of German law that had passed down orally and still had some pre-Christian elements.

The thirteenth century, when Eike wrote, has been called the century of the law book because there are so many examples, all across continental Europe, of customary law being written down for the first time — as also Imperial law, town law, mining law, and Jewish law. But this is one of the earliest long prose texts in German, and followed very
closely after the Lateran Council of 1215 when the Roman church extended its authority deep into the lives of ordinary people, including restricting the rights of women and Jews.

The trend to record and thus fix the law is contemporary with many of the burgeoning of Christian material culture such as the great Gothic cathedrals of Europe — including Bamberg, Halberstadt and Naumberg in Germany — and with the first large town halls where trade and law were enacted — by the fourteenth century when the picture-books were made some of these court rooms were as resplendent as a palaces, with painted vaults and stained glass (Fig. 3). Town halls were situated in the main market and almost always next to a church.

After introducing the hierarchy of courts, the pictures usually give sole authority to the secular judges, and these commanding figures literally “back up” the text as cases are presented to them (eg. Figs. 1, 2, 4, 12, 24, 25, 27). The reader encounters the pictures first, in the left column, with the vari-coloured initials that serve to index the corresponding section of the text; in that these initials are repeated to the right, colour invades the dense lines of Gothic script. Authoritative male figures (bishops, kings or counts, and village headmen) administering justice are repeated in many registers, standing or seated, but always positioned adjacent to the text as if they lend it weight.

The protection clause is given emphasis by Eike as an imperial statute, “the old peace ordinance that the imperial power confirmed in Saxony with the agreement of the respected servants of the land. Every day and at all times, priests and religious, girls and women, and Jews shall enjoy immunity of their person and property” (Fig. 29). But what protections did the law provide to women, and Jews? Both groups depend on law-abiding civility, and ultimately on the protection of the emperor because they could not arm themselves. Yet Jews had separate courts, in which the issues of ownership and family — and crimes within the community— were settled. On the other hand, as far as their representation in the Sachsenspiegel, they have no wives or children; they are severely stereotyped — with hat and beard. Women are more varied — but only between married and unmarried: Throughout the book, there is only one female child, since they don’t count in a system in which only male children were potential heirs (Fig. 11).

Women: Violence against women is declared unlawful, yet they are granted few of the legal rights that men had — in many ways they are close to children. Women were generally deprived of leadership roles during the later middle ages, a fundamental change in
their status. Eike introduces some of these changes by citing fictional ancient precedents. For instance, women could not represent themselves in court. Eike explains this is because a certain Calefurnia “misbehaved before the Emperor in a fit of rage”. At first she looks rather tame (like the wild beasts that have been corralled above her) though she wags her finger aggressively (Fig. 4, register 4). The text tells us that Charlemagne had made a mistake, by giving women too much access to the courts to plead their own cases. The illustrator was apparently aware of a gossipy embellishment found in a different text, where it is alleged that “Carfania” scolded the king and exhibited her backside to him (her hindereschamme or “rear pudenda”). The sequence is illustrated here from the earliest and latest of the picture-books; in both she has a bush of pubic hair that looks like a tail (register 4 in Figs. 27 left page, and 4). In W, the large embellished “I” that introduces the woman-problem rather wittily seems to afford the king some protection from her aggressive wagging finger as she dares to challenge his judgment!

The injunction that a woman must have a (male) guardian in court is reasserted throughout the pictures, with very few exceptions. Women also could not testify in court, nor plead innocence on an oath, as men could do. Yet immediately following the Calefurnia clause, Eike declares that a woman who has been raped must present herself before a judge, still disheveled and with torn clothing as proof; her word was useless (register 5 in Figs. 4, and 27, left page). As we will see, nothing is straightforward in Eike’s treatment of rape which is touched on several times with contradictory results — one aspect of the instability of women’s rights.

On the same page in both manuscripts, the stage is set for this wild woman by forest beasts and dogs that run amok and have to be executed or corralled (registers 1–3 in Figs. 4, and 27, left page). The paragraph structure oddly runs together “If a person wants to keep wild animals outside of the preserve, he shall keep them in an enclosure in his custody. No woman may be a pleader, nor may she bring suit without a guardian etc.” so in W the text concerning the woman problem (blue I etc.) is adjacent to the enclosed beasts — it’s all about unruliness and control. The pictures on a page always create their own dialogue which we call intervisuality.

Not only a woman’s word but her eye-witness status was negated. Neither the mother nor the midwives who delivered her baby could testify that it was born alive — a vital fact to establish his rights of inheritance. Notice that the male witnesses are represented as though they are at the bedside, displacing the midwives who stand blindly behind the bed (Fig. 5). The picture supplies the conditions needed for the law to take effect.
Because they were supposedly protected by the “king’s peace” Jews and priests were not allowed to bear arms — yet in the picture they ride jauntily with their swords in the public highways with no indication of a bad outcome (the text specifies they have lost protection; Fig. 6, lowest register, left; also in W, fol. 42v). The proscription is negated. Yet a restriction placed on corporal punishment of a pregnant woman is illustrated by the punishment of “haut und haar” being inflicted — cropping her hair and beating her no more than skin deep; from elsewhere in the text we might assume her crime was petty theft (Fig. 6, lowest register, right). The regulation was to protect the unborn child, not the woman, yet in H (short for Heidelberg) she is severely beaten.

The scene above shows the house in which a rape had occurred being torn down, and all living witnesses being killed (regardless that they are chickens and dogs), as Eike prescribes (Fig. 6, upper register). What nonsense. Yet if you consider further, the victim of rape will not lodge a complaint if it occurs in her home (the humble dwelling is not that of wealthy people). And no witnesses would dare to testify. So the rapist goes free.

A series of condemnations provide a rare case of violence in the book, illustrated by scenes of crime and punishment: In the Oldenburg manuscript of 1336, a rapist is immediately arrested, accused by his victim, and executed (Here the children of the long-time owners of this manuscript seem to have supplied facial expressions and genital detail; Fig. 7); not illustrated are the crimes of theft, beating or abducting a man, robbery, and adultery. At the top of the page in W there is no explicit depiction of rape (fol. 29v). The reason for the execution might be adultery as much as rape, and the male victim in blue is easily confused with the woman being embraced. So the law is obfuscated by the pictures in W.

Below in both, a woman as well as a man are burned (Fig. 7, lower register). The law states that “A Christian man or woman who is without faith and practices magic or mixes potions . . . must be burned.” (Ssp Ldr II. 13-14). The woman with the jar could be practicing herbal medicine, which became increasingly under suspicion as witchcraft. Many women were later burned, leaving the medical profession to men.

Eike is at pains to detail what kinds of ownership a woman may have (remember that her personal property is protected by the king’s peace). As a widow she retains a life interest in the house she and her husband lived in, under certain conditions — she does not own it because it must pass intact to their sons when she dies. The manuscripts however treat her more or less ceremoniously — in O the text brings her to the top of the page but she is even taller than she needs to be, and her house is a castle with servants
in W the text carries her to the bottom of the page, and her home dwindles to a farm house within a wattle fence (W, fol. 15r).

As for real possessions allowed to women, Eike informs us what constitutes her husband’s morning gift, which is retained by a woman on his death but reverts to his heirs on her death: “Livestock, including workhorses and cattle, goats,” and “swine that are herded by a herdsman, and the house with its enclosed yard” (Fig. 8, upper register). In O the horse is given more importance than in W, and may be intended as a riding horse, a status symbol that only a member of the nobility could give his wife (O, fol. 19r).

Next Eike explains “the widow also took possession of her personal belongings, including her dowry: all sheep and geese, chests, domestic linens, wash basins and iron lamps, women’s clothing and jewelry. Also items belonging to the trousseau – cushioned chairs, chests, rugs, curtains, wall hangings.” And, “additional small articles that I cannot list exhaustively, such as brushes, scissors, and mirrors.” (Ssp Ldr I. 24; Fig. 8, lower registers). Yet since there are no witnesses to these gifts, the widow may have to swear as to what was given her — and to do that she would have to enlist the support of male relatives.

The lady in O, in a voluminous robe, seems to have a high material status, juxtaposed with her ring, mirror and book. But the problem is that the vice of Lust was regularly represented with a mirror, and luxury ivory mirror-backs were a place to represent adulterous flirtation, as in scenes of couples playing chess, which was a kind of strip poker. And in his preface Eike distinguished women who habitually gaze into mirrors from men who learn the law. The two books vary subtly in the ordering and importance of the domestic items. In O the large animals are prominent, in W the geese come to the fore. The scissors next to the uncut cloth are oversized in both, though Eike regards them as “an additional small article.” Intervisuality contributes to the resonance of a sign; the shears are also used for her punishment (Fig. 6).

And take the closed book. What are we to make of the fact that a large book is prominently represented in both manuscripts among the household property a widow retained? Oddly enough, in a book that adjudicates inheritance of land and property in some detail, this is the only book-within-the-book other than Eike’s Sachsenspiegel itself (O, fol. 6r). But it cannot privilege the relationship of women to law books. An addition to Eike’s text informs us what kind of books these are: “psalters and all books related to the service of God that women are wont to read.” This is not even a book of midwifery or herbal medicine. Reading a devotional book was much more likely to keep a woman
humbly mindful of her gender role than to empower her to claim more than her due. In fact contemporary manuals of good behavior for young women advocated that they keep the liturgical hours of prayer, especially at night, though one author suggests that only women who were too high-born to spin and weave should be taught to read. We are back to gender difference — all the difference in the world between HIS book and HER book. It became common in this period to represent Saint Anne teaching the Virgin Mary to read, a model for the home education of daughters, but they might learn no more than to mouth Latin without understanding it. Home schooling was meager compensation for the closure of the universities to women and the impoverishment of the monastic houses where women had once received a good education in Latin; even nuns were reduced to the vernacular by 1300.

In any case, thirty days after his death his widow had to surrender a share of all food-stuffs stored on her husband’s land. And “Likewise the lady shall hand over all the military equipment he owned [and used] until he died: her husband’s sword, his best charger or riding horse with saddle, his best coat of mail and tent, and also the field gear, which consists of an army cot, a pillow, linen sheet, tablecloth, to wash basins, and a towel. …” (Ssp Ldr I. 22; Fig. 9, upper register). Eike was actually prescribing new behaviors, in face of the fact that women were still occasionally riding at the head of armies in Germany. His statement is supported by a long series of clauses on the way such military property is to pass in the male line: It was to be held in trust for minors by a guardian, and the widow was under the same guardianship, or even under the heir (Fig. 9, lower register).

Visual symbols for men’s and women’s possessions developed from the gendered division of inheritance — the sword for men, the shears for women (Fig. 10, middle and lower registers). The sword and shears could even be placed horizontally when their owners died (eg. W, fols. 18r, 30r). Women also appeared frequently in the company of farm animals, thus becoming associated with beasts — not horses, which are frequently shown as men’s property — but cattle, goats and geese (Fig. 10, lower register). In O a woman brings her herds to a second marriage, and though grandly positioned at the head of the table, she has as her following a goat and a horned cow (with her shears between its horns), instead of her furniture, fabrics and luxury goods (O, fol. 16r).

In W the hogs and geese are closest to the woman, while her clerical brother gets the gold covered dishes (Fig. 10). The overly large geese are a synecdoche that resonates with stupidity. Pastured beasts are the attributes of shepherdesses, those vulnerable sex-
objects of the “love poems” known as pasturêle. And on the same page in the *Sachsen-
spiegel* is a woman in bed with a low-born traveling minstrel — though the law acknowled-
edges her inheritance rights despite the behavior (Fig. 10, upper register).

Elsewhere, a person in the text “who has forfeited their rights by their own doing” is
quite gratuitously illustrated by a woman with a stolen goose strapped to her back; and
the child born out of wedlock behind her — actually that of the priest and his concubine —
is the only small girl to appear in the book, an innocent whose parents caused her
diminished rights (Fig. 11).

If I were to try to describe the general tenor of the treatment of women under the
law, as represented in the textual and pictorial discourses of the *Sachsenspiegel*
manuscripts, I would say the extent of their protection was literally only “skin
deep” when it came to corporeal punishment (remember the limit to haut und
haar), but they were dominated by their male relatives in their domestic life. Their
legal standing was low, with very limited rights and no autonomy. Mythical ancient
misbehaviors (Calefurnia mooning) legitimized withdrawing court room privileg-
es. On many pages, women were associated visually with dangerous or foolish ani-
mals. The sword and the sheers aptly sum up the gender difference emphasized by
the painters, between the expectations for a mature man’s active role and the lim-
ited domestic work that his wife would have shared with servants. And as a widow
she would occupy a tenuous realm where she competed with her sons.

Yet for men, the recuperation (in real life, and frequently glimpsed in the *Sachsen-
spiegel* manuscripts) was to die violent deaths, often by the sword. In systems of
oppression, the oppressor is also oppressed.

**Wends:** It is time to say something about the legal standing of the minority known as
Wends. We already saw in Fig. 1 that they had less standing in court than Jews. Yet as
peasant farmers they were also economically important to German-speaking rulers: The
local market towns where the Wends sold their produce supplied large tax revenues. In
return, they were allowed to use their own language in the courts, provided they gave
advance notice so an interpreter could be found. We see them here in the earliest and
latest of the picture-books (Figs. 12 and 1). It is notable though that the extreme differ-
ence in dress depicted about 1300 — the leg-bindings or long dagged tunics worn by the
men — had disappeared by 1360, or been modified to less conspicuous striped tunics, as
if they were becoming assimilated.
Women and Minorities in *Sachsenspiegel*

Wend women also wore distinctive dress in the earliest manuscript, in the form of an elaborately wound head scarf, but gradually assimilated to head dress similar to that worn by Saxons (Fig. 13, cf. W, fol. 55r). They continued however to keep their own marriage customs: they were free to leave their husbands — though they were fined in the local court, and a Wend kept his children. But a Saxon woman kept her children, as well as her house and belongings, after legal separation from a German or a Wend (Fig. 13, lower register).

Jews: To begin to understand the place allotted to Jews, as another minority in these picture-books of Eike’s law, it is necessary to understand the extent to which the statute invoking the authority of the Emperor had been undermined by events after Eike’s death and that of Frederick II Hohenstaufen not long after. By the time the manuscripts were made, the requisite conditions no longer existed for this performative utterance to be effective. In the later books, the pictures begin to subvert the text.

The Jew under protection has a thick beard, a hat, and a short tunic, and he seems to hold a fistful of coins — a reference perhaps to the money-lending trade that Jews were forced into by this time (Fig. 29, upper register). That valence is not dismissed by the fact that in order to maintain protection only the Jews had to pay large taxes to the emperor — or to whichever lord bought the rights to tax them.

In light of the twentieth-century holocaust in Germany, we might doubt whether the law ever could or did provide protection for Jews. But there have also been exciting changes and new ways of thinking introduced in humanities studies in this century. Whereas older scholarship had the value of revealing in detail the persecutions of the Jews, more recent work has presented a clearer view of the prosperity, autonomy and inner strength of the urban Jewish communities in the Empire, while not denying the sporadic disasters. In 2010, Robert Chazan challenged the prevailing “vale of tears” Jewish narrative, while recognizing that “group narratives ... constitute coping devices ... [and] once well established, these narratives tend to be resistant to change, because their usefulness convinces group members of their truth”.5 Such usefulness is not necessarily outworn even if additional narratives are constructed from a wider factual base.

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Mythological truth has a powerful role in any society.

The time-span of the picture-books saw rapidly fluctuating fortunes for Jews in fourteenth-century Germany. Protection for Jews had come in a variety of forms over the years since the first Christian emperor, Constantine — whether secular privilege to trade, or incentives to settle in new towns. Yet equally important — and nowhere directly referenced by Eike — were the attitudes of churchmen. Through the twelfth century, Augustine’s precept more or less prevailed, that Jews were Christ’s people and must be allowed to live peaceably until the end of time. I think we see a glimmer of that here, in the patriarchs who mark the first six ages of humankind (Fig. 14): Abraham (upper left figure), wears a “Jewish hat”, like the one worn by the Jew under the peace clause; and Moses (lower right) has a cap like the one worn by ducal judges in this book. The Virgin and Jesus are embedded in their Jewish family.

After the statute recorded by Eike, and the imperial Land Peace of Mainz that is included at the front of W, some local rulers spelled out additional protections: In 1244 Duke Frederick of Austria’s charter to the Jews allowed their practices of lending, exempted Jews from prosecution in any but their own or the ducal court, and named harsh penalties for killing, wounding or striking Jewish men, women or children.

Jewish culture in Rome seems to have experienced relatively undisturbed, productive, and prosperous continuity, from antiquity through the Middle Ages. When Emperor Henry VII came to the throne in 1310 and wished to make public the revival of the empire, he travelled to Rome for his coronation, and immediately took pains to reaffirm the freedom of the Jews of that city to practice their own religion. The event was recorded by his brother, Balduin of Luxemburg, Lord Archbishop of Trier (1285–1354), and represented in a de luxe pictorial recension in one of the manuscripts with his verbal description of the journey. The painter scribbled a mock-Hebrew inscription on the scroll held by the bearded leader of the Jewish community, even though it included several prolific poets who were writing in Hebrew. But it is also notable that the reference is to the LAW of Moses (the old law as Christians called it), not faith.

Many Jewish communities also thrived in German-speaking lands. Individuals and groups were essential in a burgeoning economy, and they were free to buy houses and

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6 *Codex Balduini Treverensis*, German, c. 1330–40, Koblenz, Landeshauptarchiv, LHA Ko Best. 1 C Nr. 1, fol. 24'.
own land; vineyards and even a whole township fell into their hands because of bad debts. They sealed documents with personal emblems — such as a lamb canting for the name; stars and Jewish hats were popular. Astoundingly the Jewish community of Augsburg used a seal in 1298 with the imperial eagle surmounted by a Jewish hat instead of a crown (Fig. 15). Inscriptions were in Latin and Hebrew. In the best of times Jews could be proud to be *Kammerknechten* — servants in the inner chamber of the king, with the same standing as the class of *ministeriales* which included members of the judiciary. They were in most trades in the towns, and often renowned as physicians. They were the predecessors of the Court Jews of later centuries, such as bankers like the Rothschilds and Sassoons.

Many German towns still have their medieval street pattern. Hildesheim is a fairly typical example: The Old Town grew up round the nucleus of the market complex, that included a town hall as a place of jurisdiction as well as trade, a nearby church used by the councilmen (and presumably supplying the reliquary for oaths), and on the opposite side, a *Judenstrasse* — Jewish street — which was not a ghetto, just a place of habitation near a synagogue and with easy access to the market. Susan Hiller’s J. Street project of 2005 presents hundreds of photos of these haunting street names, still there after the holocaust.7

Jews had a central presence in most Germanic towns — even in Brunn, a new silver-mining settlement east of Prague. They often contributed to the town’s fortifications — as indicated by the name of one of the towers in the city wall there. The *Sachsenspiegel* confirms documented incidents when they were called out to defend the walls — one of the times the draftsman has thought this to be a natural role, without mention of Jews in the text (Fig. 16).

Apparently too when Eike describes a case where a man cannot return a loan and so is ordered by the court to sell property (such as a horse) that would cover the loss, it can be assumed that a Jewish pawn broker and/or horse dealer is involved, as represented in W, fol. 27r register 3. The recuperation is that Jews were increasingly forced into being money-lenders because earning interests was forbidden to Christians as the sin of Simony, until the late fourteenth century. And that sometimes made them the hated bankers of their time.

Another case where the draftsman inserted an extra-textual Jew is in the section deal-

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ing with the laws that govern the relationship between the Wends and their German-speaking colonizers. As we saw before, the very distinguished-looking Jew is calling for judgement against a Saxon, but a Wend does not have the standing to do that (Fig. 1). If an oath was administered in the Christian court, a Jewish witness took it on the Torah (scroll with the Hebrew scriptures), while Christians swore on relics of saints. Yet witnesses could be coerced into testifying, with threats of fines or worse, and this became a problem if a Jew was called on to testify against another Jew, since his own law forbade him doing so.

Another difference was that Wends were allowed to keep only some aspects of their own marriage laws, as we just saw. Thinking outside the Sachsenspiegel to the broader context, the absence of Jewish women from the law books is because all family and inheritance matters would be settled in the Jewish courts. The issue of Judenrecht has also been reconsidered in recent scholarship — it is no longer thought to be imposed on the communities, but rather negotiated. Jews elected their own leader — called the bishop of the Jews by Christians — and their own council, to try crimes within the community. We will see later where they intersect with the Saxon legal system.

Contact with Christians changed the attitude of Jewish leaders to representational images, and Jewish patrons ordered richly illuminated prayer books made for private use — although of course they never represented God (Fig. 17). They understood that pictures in these books — Mahzors and Haggadim — need not incite idolatry, though there were disputes in the twelfth century among rabbis about what decorations were appropriate in the synagogue. The community in Cologne was enriched when Jews had to flee from France in 1306, and brought a beautifully illuminated manuscript of Maimonides with them.8 Famous poets wrote in the same dialects of German as their Christian neighbours — Susskind der Jude von Trimberg (near Zurich), takes his place in a collection of famous poets, alongside Reimer von Auwe and Walter von der Vogelweide. He is represented in dialogue (or competition) with a court officer appointed by the Bishop of Trier, and even more sumptuously dressed.9

9 Codex Manesse, Zürich, Switzerland, c. 1305, Heidelberg, UB, cpg 848 fol. 355v (http://digi.
I have tried very briefly to tell the story of the peace and prosperity of the first half of the fourteenth century. Yet there were also ominous signs for Jews. There had been no uncontested emperor on the throne since the death of Frederick II in 1250. The kings and rivals to the throne often let others (even bishops) take over the protection of the Jews — or rather, the collection of their heavy taxes. Burghers were taking over jurisdictions, with their own town law or using the Sachsenspiegel and they resented rival businessmen, so in many towns the trades were increasingly closed to Jews. Worst of all, the church changed its mind about Augustine’s precept, and began to call the Jews Christ-killers.

Suddenly, catastrophically, Jewish culture and civilization in most German cities was over. Many people all over Europe died of the bubonic plague in 1348-49, and Jews became the scapegoat. There were rumors that they had deliberately spread the disease by contaminating the wells — something mentioned in a contemporary illustrated account by an Abbot of St Martin of Tournai — and that mobs rounded them up and burned them — literally a holocaust (Fig. 18). Some say it was instigated by local lords who seized the properties, which is possibly true because in towns controlled by Karl IV, newly crowned in Prague, the Jews were spared these atrocities.

After the Black Death there were scarcely any Jews in many towns; their synagogues were converted — like the one in Cologne — to churches dedicated to the Virgin Mary whom Dominican preachers said was especially blasphemed by Jewish non-believers. Twenty-six such cases have now been revealed in Germany, by excavation and documentation. Cologne was a city where imperial protection of the Jews had been ceded to the bishop. The twelfth-century mikveh (ritual wash place) did not come to light again until World War II bombing. Recent excavation of the synagogue — under the tent — extends into the Jewish quarter, part of which was grabbed into the expanding town hall (with a tower and loggia), and the market place, immediately after 1349 (Fig. 19).

Religious fervor and popular cults cannot be overlooked, but Christian theologians often initiated these movements. The process of demolishing the temples of the ‘old law’ in order to build the new was the surreal enactment of a metaphor used by preachers that had been given pictorial expression two decades before the Plague, a reminder of the

ub.uni-heidelberg.de/diglit/cpg848/0705/image).
power of pictures: Several prayer books demonstrate this action, performed by the Prophets who hand the stones to the Apostles throughout the monthly calendar (Fig. 20). This powerful image, invented by Dominicans in Paris in the 1320s and copied several times into the next century, is a reminder that their teachings could be taken to condone actually dismantling synagogues in order to build churches where the holy blood of Christ was put under the protection of the Virgin. The displacement of synagogues in favor of churches dedicated to the Virgin seems to be a case where art dictates nature, or more specifically where symbols were taken literally and translated into iconoclastic action, though this is phrased in the text as unveiling material meaning. Each calendar page shows the dismantling of a synagogue at the bottom of the page, and in the top a gate of the heavenly Jerusalem appearing like a church, with the Virgin as The Church (Ecclesia) emerging to show a banner with an image, while St. Paul teaches below. This “concordance of the old law and the new” was praised as metaphor by the great French scholar Emile Mâle, who did not consider the implications of real material stones being pulled from a synagogue.

This is where the Sachsenspiegel picture-books stand in relation to the vale of tears narrative that any historian has inevitably to deal with: Eike completed his law book about 1225. In the 1280s a member of the lower aristocracy named Rindfleisch urged armed bands to attack Jews, accusing them of having desecrated the bread and wine that had been blessed for the Eucharist. The massacres occurred in many towns, mainly in central Germany. The earliest of the extant picture-books dates ten or twenty years later (H). The Jew taken under imperial protection may not hold coins, but we might expect signs of these accusations in the pictures, which can do the ideological work of perpetuating violence.

In 1336 the next picture-book was made in a Benedictine Abbey for the Duke of Oldenburg, in the extreme north. Jewish activities in the local township had been restricted by the Burghers, but the Duke insisted on their protection. Then came the Black Death Holocaust. Immediately after that the Dresden picture-book was illuminated for the Margrave of Meissen (we have not seen this one because it is severely damaged); and less than a decade later it was copied for another local lord (now in Wolfenbüttel). The painters by then may have been from a professional shop, but Dominicans in black cowls figure more largely than before. Jews are still represented, but none were left living in Meissen.

During the time-frame of the production of the Sachsenspiegel picture-books, there
was a mounting anti-Judaic rhetoric in popular biblical commentaries, such as the South German “Bible for the Poor” in which the Pharisee bribing Judas is likened to the brothers who sold Joseph — and the Old Testament Joseph was seen as a precursor of Christ.10

The Sachsenspiegel pictures contributed to this anti-Judaic rhetoric. Following the protection clause is an extended sequence that describes the holy days of each week; and then at the end of time everyone will face their maker in the general resurrection. In H, Adam and Eve figure among the suppliants for salvation — Eve and another woman are rather glamorous blonds; Adam is bearded like a Jew; Christ’s ancestors will be saved at the end of time, just as Augustine said (Fig. 21). The group in D & W shows a remarkable correction from those under imperial protection: a cleric is added, and a young clean-shaven man displaces the Jew (Fig. 22). Jews can no longer be saved. Eike’s text is silent on these issues; the artists represent the attitudes of their times, which their images also reinforce.

There is an ominous case where the draftsmen insert a Jew who is not called for in the text: When Eike suggests that an emperor could lose his crown by straying from the Christian faith, he supplies no agent other than the emperor himself: “The pope can only excommunicate him after he is anointed for one of three reasons: if he wavers in the faith, repudiates his legal wife, or destroys churches”. Yet the draftsmen of O and D/W supply an imperious Jew, almost frontal and gesticulating as if arguing (Fig. 23). In O the emperor is taller than the Jew and seems to hold his own; in D/W the Jew is much larger than the ruler, and goes toe to toe — or finger to finger — with him. And he seems to dictate also that the emperor must reject his wife because he pushes her away with his other hand. The possibility of a Christian ruler converting to Judaism and destroying churches is an inversion and displacement of the efforts being made at the time to convert Jews to Christianity, and destroy synagogues.

In theological discourse as well as saints’ lives it had long been accepted that a debate might occur between a churchman and a Jew, with no negative inference for the Christian. In the twelfth century, Thomas Becket’s secretary Herbert of Bosham learned Hebrew to read the Old Testament and to discuss it with the rabbis in Canterbury. Yet in 1241, king Louis IX of France insisted on staging a public interrogation and derision of

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the Talmud that resulted in the burning of the Jewish work. Informal discussions of faith between Jews and Christians were subsequently banned. A probable fear on the part of Sachsenspiegel users was that Jews had privileged access to the rulers who protected them, and they might thus have undue influence over them.

Whereas laws affecting Saxon women are scattered through the law book, the few clauses in the Sachsenspiegel that deal specifically with Jews under the law are presented together (Ssp Ldr III. 7–8). Within the general compensation offered by the peace declaration, there are some palpable benefits to Jews under the law — but they are not illustrated. Nor however is a Jew shown committing a crime. Eike is very selective in the kinds of cases he resolves, but they are ones of vital importance, and increasingly so after his time.

Jews were sometimes tried in the Christian court: Eike states that “If a Jew kills a Christian, or if he commits a crime against him and is seized in the act, he shall be tried the same as a Christian”. This is not illustrated, unless it can be confused with the following crime and punishment that are vividly shown in H and D/W (Figs. 24 and 25, upper register): “In addition, if a Christian kills a Jew, he is to be sentenced for violating the king’s peace against him [apparently executed]. A Jew named Josephus earned this protection from Emperor Vespasian when he cured his son Titus of gout”. Eike’s historical explanation takes away from contemporary rulers the onus for having instated the peace clause, but it is questionable whether the attribution to a Roman emperor would provide a secure argument for the users of the Sachsenspiegel. According to Josephus’s account, as popularized in a legendary life of the disciple James the Less, he converted Vespasian to Christianity, but the only reported interaction between Jews and the emperor’s son Titus was when he destroyed the Temple in Jerusalem and punished the Jews for killing Christ.

In H, a Jew is attacked from behind by a man with a sword, and the perpetrator is beheaded (Fig. 24). To make the sequence clear, the murderer’s leg merges with the identically-dressed body of the executed man (both in striped tunics). Yet it is a recuperation of the artist of H that the Jew is so graphically shown with his right hand cut off, raising the question whether he had been stealing, which is the subject of the next register. It is as if the painter around 1300 wants to say that attacking Jews may seem justified, though he none the less has to warn Christians that they will be punished for it because of the protection clause.

In responding to the same passage concerning breaking the king’s peace, the drafts-
man of W shows a Jew in a long red gown fleeing as he is struck in the face by the sword of a Christian in red, and to the right, a man in blue is beheaded by order of the judge; the change of costume makes this sequence ambiguous, since the Jew could be imagined to be threatened with decapitation for murdering a Christian; the two swords are mirror images of each other, enhancing the intervisuality. The attack on the Jew resonates with earlier depictions of Peter severing the ear of a Jew who was arresting Christ, as on the Naumburg Cathedral choir screen and in some private liturgical books such as a Psalter from Basel (Fig. 26). In that book, the Jew was apparently wearing the sword — his scabbard is empty — which would be seen by Eike’s readers to make it legal to attack him. According to the gospel account, Christ rebuked Pater and healed the centurion’s ear, but his right hand, outstretched to bless, could be taken to condone the attack; and the way his left arm is pulled the other way by the Jew arresting him, seems to presage the crucifixion. The contortion of the Gospel narrative is quite extreme when you consider that it was the Romans who arrested and crucified Christ.

In the real world, violence mandated by the rule of law was supposed to replace vendetta killings or violent reprisals without a trial. Eike must have been aware of events such as had occurred in Boppard on the Rhine in 1179, when the Jews were accused of murdering a Christian woman, and those who refused baptism were thrown into the river. In addition, Frederick I and the archbishop of Cologne both fined the Jews in neighbouring communities for the crime. Yet neither the king’s peace nor the Sachsenspiegel could prevent the large-scale violence against Jews that followed popular accusations of ritual murder and host desecration.

Eike’s laws concerning Jewish-Christian relations continue with another crime and punishment sequence, illustrated in the next row in the picture-books (Figs. 24 and 25):

If a Jew buys or accepts chalices, books or priest’s clothing in pawn for which he has no warrantor, and if it is found in his possession, he shall be tried as a thief. Whatever other items he buys openly in daylight and not behind closed doors that he can prove with two others, he retains the money he paid for it or lent upon his oath even if it has been stolen. Should his warrantor fail him, however, he loses his money (Ssp Ldr III. 7).

“Even if it has been stolen” seems unnecessary, momentarily evoking the severed hand in the register above in H, and the identical green robe and pale yellow hat worn by the Jew as both victim and accused amount to a stereotyping that places their innocence in question as a group. Yet a contextual understanding of the clause allows that it actu-
ally protects the Jewish pawn broker from culpability if he receives stolen goods, as long as they are not sacred Christian objects.

The matter of “chalices, books or priest’s clothing” bought or accepted in pawn by a Jew had very serious implications because of the charges of host desecration, during the Rindfleisch massacres and continuing sporadically. The chalice and book are given greater clarity and visual importance in the Wolfenbüttel Sachsenspiegel than in the earlier ones, with a resultant emphasis on their sacred nature. And the sequel in this, the latest manuscript, is visually more powerful and coherent than in H. In the trial, the way the Jew’s feet turn toward the gallows even as his head inclines to hear the charge suggests he is guilty; and his wrists are not bound as in H, but crossed as a sign of denial, whether of misdeeds or of faith. On the gallows he has none of the pathos of the blindfolded figure in H, instead appearing to remain obdurate, his eyes open.

Harsh as Eike’s text seems at first sight, he is advocating a rule of law that should have protected the Jews from wholesale massacre in the Rindfleisch accusations. Yet he chooses not to spread the blame, even though Gregory the Great had regarded it as sin for a Christian to sell sacred vessels to Jews, ordering them returned immediately. In the twelfth century, Jews likewise were forbidden by their own council to possess Christian chalices or vestments even as a pledge for loans, because of a concern that they might be used in the synagogue. The increasing anti-Jewish polemic of the Sachsenspiegel picture-books undermined the spirit of a law that recognized legitimate possession where a guarantor testified to it, yet asserted the rule of law over mob violence.

Eike was certainly aware of the edicts issued from the Fourth Lateran Council held in 1215, a decade before he completed his writing. It had many important implications for civil law but only one clause directly concerns Jews. Some scholars have wrongly claimed that the Lateran Council decreed that Jews must wear a particular style of hat. Here is my corrected translation of the original clause, with some of the crucial Latin wording:

11 In some provinces, the dress (Latin habitus) of Jews and Saracens [i.e. Muslims] distinguishes them from Christians, but in others a degree of confusion has arisen, so that they cannot be recognized by any distinguishing marks. As a result, in error

Christians have intercourse with Jewish or Saracen women, and Jews or Saracens have sexual intercourse with Christian women. In order that the crime of such an accursed mingling shall not in future have an excuse and an evasion under the pretext of error, we resolve that [Jews and Saracens] of both sexes in all Christian lands shall distinguish themselves publicly from other people by their dress (*qualitate habitus*). According to the testimony of scripture, such a precept was already made by Moses. [in *Leviticus* 19.19; *Deuteronomy* 22.5.11]

Several points of great interest are in this text: Jews and Christians and Moslems apparently did not look different — non-Christians did not have big noses or dark skin, so any of those visual signs invented by Christian artists are false, as we would expect. And Jews did not have to wear hats.

The “Jewish hat” worked as a visual code for Jewish well before the Lateran Council edict; examples that show a tall hat go back long before.\(^\text{12}\) Such representations probably reference actual custom, and changing fashion. It is notable that in the realms where the kings immediately responded to the Lateran Council by mandating and enforcing a mark to be worn on outer clothing — a gold annulet front and back in France, or tablets like the law of Moses on the front in England — Jews were very soon driven out entirely. Frederick II did not provide a ruling, except in Sicily where Jews were to have pale blue outer clothing. Much later, town laws required the usual hat to be worn — or quite exceptionally in fifteenth-century Augsburg, a yellow bezant. They obviously had always worn hats, especially to synagogue worship (Christian men bare their heads just to be opposite), so their hats in pictorial representations can be understood — like the miters on bishops and the hats for different ranks of judges in the *Sachsenspiegel* — as visual signs to identify them.

It is also notable that Jewish communities were equally eager to avoid the miscegenation that could occur when they intermingled with Christians, and they took measures about the same time as the Lateran Council to mandate that men wear beards and cut their hair. A *Takkanot* of a Rhenish synod of 1200‒1220 declared: “That a Jew shall not cut his hair or shave his beard after the fashion of the Gentiles” and “That [a Jew] shall not permit his hair to grow unduly long”; we see these customs in many of the represen-\(^{12}\) Among many twelfth- and thirteenth-century examples: Schreckenberg, *Jews in Christian art*, pp. 164, 168–69, figs. 16, 24–27, Pl. 10.
tations of Jews illustrated here (Figs. 1, 6, 20, 21, 23–25). Yet looking different creates vulnerability for minorities.

Much more dangerous than the ruling on dress code was the Lateran Council’s decision to promulgate the doctrine of transubstantiation that asserts that when the priest elevated the bread and wine and blessed it during the Eucharist, the material substances were transformed into the real body and blood of Christ. Churchmen then had the burden of keeping the actual body and blood of Christ — if any was left over from the Sacrament — in a safe place, as mandated by the Council. Ecclesiastical paranoia is evinced by the proliferation of Eucharistic containers: wall-cabinets, tabernacles, miniature tripptychs with space inside, monstrances, pyxes and the like; transubstantiation was enlisted by a discourse that invigorated this industry. The first wave of persecutions, beginning in the 1280s, involved accusations that Jews had broken into churches and desecrated the host — the popular movement known as Rindfleisch as we saw before. The worst cases in Germany were in Franconia in 1298, where the Rindfleisch pogrom affected some 130–45 Jewish communities, followed by the Armleder movement in Bavaria in 1336–38, with 21 communities implicated. Those accused were summarily burned and their houses destroyed, as later also in Paris. So the issue of a Jew owning a Christian chalice was highly freighted, far beyond the simple legal question of ownership. In H then O then W the book reads like an altar and the attention to the chalice is increasingly shrill (Figs. 24 and 25).

Meanings accrue as we scan the images on a page opening, unconsciously looking for a narrative in the sequence of images (Fig. 27). This sequence opens with a diabolic ape causing animals run amok and a rebellious woman who moons at Charlemagne, and goes on to represent a disheveled rape victim and a murder; then on the facing page, a child taking an axe to someone, a guardian pulling a child’s hair — and suddenly the peace clause as if the emperor/judge is finally fully in charge. The Sachsenspiegel picture-books frequently work their meanings through intervisuality, so I want to examine another case where a chalice becomes prominent, this time juxtaposed with the crucifixion.

Following the groups of people under protection, Eike says “The same holds for churches, each village within its fosse and fence, ploughs, and mills.” Note that the ruler

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Women and Minorities in *Sachsenspiegel*

is over the church, the Jew over the mill (Fig. 27, right page, registers 3-4). The holy days, or peace days follow, when all violence is to cease — Thursday, Friday, Saturday, and Sunday, each with scenes from the passion of Christ, with the addition of the consecration of priests on Saturday. I illustrate this in the earliest manuscript and in O (Figs. 27, right page bottom register; and 28, left page, bottom register, and right page, upper two). The text reads: “On Thursday God dipped bread into the chalice with his disciples. That was when our law was instituted / OR our era began. Also on Thursday, God granted heaven to human-kind and reopened the path for us that had been barred”. The draughtsman of H ignores Eike’s invitation to represent the Last Supper, or the Eucharistic chalice, and instead concentrates on the Ascension (right page, bottom left). The creation of Eve follows under the text, then the crucifixion with a very bloody corpus, Christ entombed, and the consecration of priests squeezed in to the right. The space under the cross in H is empty, but an additional figure appears in O below Christ’s tomb.

After many Rindfleisch events, the draftsmen of O followed the Ascension with a large altar with chalice and host below the text on the left page. It resonates with the chalice for which a Jew is hanged, in this manuscript as well as H and W (Figs. 24 and 25 cf. 28). On the facing page a sleeping figure, in armor and surcoat, is introduced under the cross. Its conical hat speaks to the hat worn by the Jew diagonally above, and the shield has hats too (Fig. 28, right page, second register). Any doubt about the Jewish identity of this figure would be dispelled for medieval viewers by reading the heraldry — the shield mimics several extant Jewish seals, and we have seen the hat used as a crest in the Augsburg seal of 1298 (Fig. 15). The crucifixion is of a new kind known as the *Gabelkreuz*, as seen in a contemporary example in Santa Maria im Kapitol, Cologne; Christ’s arms are stretched up so his emaciated body shows the tension. It dramatically recalls the tortures for which Jews were increasingly blamed at this time, whereas Eike says Christ was martyred by generic mankind. O, which was made in a monastery, gives great importance to the bishop consecrating priests, placing his monumental enthroned figure next to the text (Fig. 28, right page, second register). The Jewish guard at the sepulcher turns away, refusing to acknowledge the Christian church, as blind as Synagogue.

The same sequence in W presents another surprise figure under the cross. Once more we see a mirror of the Jew in the protection line-up — a Jewish hat on a pointing figure that wears chain mail (Fig. 29, bottom register). It immediately calls to mind that the coins in the hand of the Jew who is approaching the ruler (diagonally above) can signify
the ones Judas gave to a judge to betray Christ. In contrast to the sleeping Jew in O, the militant figure in W is actively hostile. The “extra-textual performative dimension” disavows the 1349 massacres by awakening the Jewish Christ-killer in order to keep hatred alive. As structured in W, the immunity and peace clauses are bracketed by a Jew as the least among those under the king’s protection and a Jew as tormentor of Christ, trumped by the Christian bishop blessing Christ’s body. As in the earlier manuscripts, the cycle of disruption and peace had begun at the top left of the opening with a demonic ape driving the wild animals; its reverse-image is in the bishop at the bottom right, but its echo is the pointing Jew. The illustrations, wrapping around the bottom of the text in order to dominate it completely, subvert Eike’s and the law’s compensations. Jews taunting Christ on the cross began to appear a hundred years earlier, but the examples contemporary with the Sachsenspiegel dramatize the gestures, and even add speech, as in the Speculum humanae salvationis in Kremsmünster (Fig. 30); the picture is titled “Synagogue derided Christ the King and Lord”, and among the taunts written on the scrolls is: ‘if you are the Son of God come down from the cross and we will believe it’, attributed to a bystander in Matthew’s Gospel [27:39].

Despite its rhetoric and posturing, Eike’s book that sought to protect Jews and instate a peaceable rule of law, failed utterly within a hundred years. It prevented neither the Rindfleisch nor the Black Death massacres. Perhaps laws are always doomed to fail because they would not be written unless they were being broken. The draftsmen of O vicariously noticed that in 1336 there was no stable imperial power to insist on the rule of law, and it may be that the fate of the Jews depended on that (Fig. 31); OR, that the disasters were an inevitable consequence of the increased vulnerability of groups given special treatment because they caused resentment and jealousy in others. I am more inclined to blame what Eike called “unser e” meaning our Christian law, combined with the church’s blaming Jews for Christ’s suffering.

**In Conclusion:** We are confronted in the images of the Sachsenspiegel with an imperative to define several communities of oppression. A first move to understand this phenomenon is historical or contextual. The Sachsenspiegel was textualized at a watershed moment when women’s rights were in flux. O affords a rare glimpse into an older more dignified position for women, but the dominant view seems to be expressed in H to W, spanning 1300 to 1360 or so. Understanding the working of these hegemonies can help us understand the weight of history, and the naturalization of traditional values that still
operate unconsciously today. The value of history, for a feminist, is to expose the ways in which those values were constructed and maintained in western society, in the hope of liberating ourselves from the burden of the past. This is not the same as blaming the past.

Medieval culture was subject to enormous pressures — as these books were prepared, there occurred the Great Famine of 1314–16, which killed a third of the population in many areas, followed by the Black Death of mid-century. Scape goats were sought, and various groups paid the price — in France the Templars were burned for alleged iconoclasm and idolatry, including homosexual rites, the Jews and Lepers were confined in dungeons accused of colluding in poisoning the wells in the towns, and women were pronounced unfit to rule the realm, and even burned as witches. In Germany as we have seen women were not allowed to represent themselves in court, and they were no longer permitted to bear arms as if they had become a danger to society.

For a while the emperor had benefited from the construction of difference in the law books; a peaceable land produced more taxes, and more able men to serve the emperor’s campaigns. As a means of control, the emperor’s subjects were constructed as male and female, land-holder and labourer, Saxon and Wend, cleric and layman, Jew and Christian, citizen and vagabond. When imperial power was replaced by that of local land owners, including bishops, the situation of women and Jews became more precarious. And especially the changes in Christian doctrine approved by the Lateran Council laid the Jews open to massacres by fellow citizens. As George Orwell famously wrote:

“The law is no protection. Governments make laws, but whether they are carried out, and how the police behave, depends on the general temper in the country. ... if public opinion is sluggish, inconvenient minorities will be persecuted, even if laws exist to protect them”.

Appendix: Handy Reference for the four extant Sachsenspiegel Picture-Books

All four books are conventionally named for the locations of the libraries where they are

now preserved: in chronological order they are H, O, D, and W. We refer to some pictures in D and W that are virtually identical as D/W. The date ranges given here are those traditionally assigned on the basis of heraldry, with those argued in Chapter 2 of our book from stylistic affinities with other works, in parentheses.

Text citations in English are from Maria Dobozy, *The Saxon Mirror: A Sachsenspiegel of the Fourteenth Century* (Philadelphia: University of Pennsylvania Press, 1999). Dobozy used the published normalized transcription of W, and for simplicity I cite only that text version.


Readers will surely want to consult more of the pictures in these manuscripts than can be illustrated here, and fortunately complete print facsimiles are available, as well as images on the web, and both are included in the detailed entries that follow:

**H: Heidelberg Universitätsbibliothek**, Cod.Pal.Germ.164. 30x23.5 cm.

*c. 1295–1304*. Traditionally localized to the Herz Mountains, patronage unknown.

At the Papal see in Rome 1623–1816.


**O: Oldenburg, Landesbibliothek** Ms Cim I 410. 32.8x22.8 cm.

1336. Made in Rastede Abbey for John III, Duke of Oldenburg (colophon), it did not stray far from his descendants until 1991, when it was sold to the Niedersächsische Sparkassenstiftung Hannover and placed on loan to the Landesbibliothek.

Landesbibliothek Oldenburg digital:


**D: Dresden, Sächsische Landesbibliothek — Staats-und Universitätsbibliothek** Ms. M32. 33/33.5x c. 26 cm.

1347-1363 (c. 1350).

Probably made in Meissen for Margrave Friedrich III.


The Dresden manuscript was damaged in storage during and after World War II. The Amira facsimile is from black and white or coloured photographs of the undamaged Ms.; the Lück facsimile is of the restored Ms.


**W: Wolfenbüttel, Herzog August Bibliothek,** Ms. Cod. Guelf. 3.1 Aug. 2°. 35x27cm. Between 1348 and 1365 (c. 1355-60).

A very close copy of Dresden, probably made for Heinrich Burgrave of Leisnig near Meissen.


Abbreviations used in the figure captions:


HAB: Herzog August Bibliothek, Wolfenbüttel.

UB: Universitätsbibliothek.
Fig. 1. A Wend recuses himself from a case against a Saxon [but a Jew does testify]; Wends and Saxons can testify against each other if caught red-handed, Ssp Ldr III. 70, W fol. 54r, register 4-5 (photograph © HAB, reproduced by permission).

Fig. 2. left page, register 1: Eike inspired to write his law book; 2: God gives sword of justice to the emperor; 3-4: instruction and disobedience of Adam, Ssp Prologue, W fol. 9v.

right page, register 1: Pope and emperor receive swords of justice; 2: the emperor assists the pope to mount his horse; 3-6: mandatory attendance at ecclesiastical and secular courts, Ssp Ldr I. 1-2, W fol. 10r (photographs © HAB, reproduced by permission).

左頁 第1段：アイケは、法律書を書くように霊感を受ける。第2段：神は正義の剣を皇帝に授ける。第3段および第4段：アダムの教化と反抗。『ザクセンシュピーゲル』、序文、ヴォルフェンビュッテル写本 fol. 9v。

右頁 第1段：教皇と皇帝が正義の剣を受領する。第2段：皇帝は教皇が馬に乗ることを手伝う。第3段から第4段：教会の法廷および世俗の法廷に出席を義務付けられた人々。『ザクセンシュピーゲル』、ラント法 I. 1-2、ヴォルフェンビュッテル写本 fol. 10r.
Fig. 3 Lüneburg town hall, the interior of the *Gerichtslaube* (*Ratsdörnse*), viewed toward the southeast (Photograph by Rüdiger Becksmann, Freiburg-i-B, Corpus Vitrearum Deutschland (CVD); reproduced by permission CVD).

リューネベルク市庁舎、裁判用の広間 (*Gerichtslaube / Ratsdörnse*) 南東方向の写真。

Fig. 4. registers 1‒3: Unruly animals punished and coralled; 4: a ban; Calefurnia moons at the emperor [Charlemagne]; 5: cases brought by a hue and cry, including rape, Sap Ldr II. 62-64, W fol. 40v. (photograph © HAB, reproduced by permission)

第1段から第3段：手に負えない動物たちが罰を受け欄で囲われる。第4段：禁止：カレフルニアが皇帝シャルルマーニュに臀部を露出する。第5段：凌辱を含む、斃弾される事例。『ザクセンシュピーゲル』、ラント法 II. 62-64、ヴォルフェンビュッテル写本 fol. 40v.
Fig. 5. A woman giving birth after her husband’s death needs two midwives and four male “witnesses” who heard it cry, in order for the child to claim its father’s inheritance, Sp Ldr I. 33, W fol. 18r register 4 (photograph © HAB, reproduced by permission).

Fig. 6. The building in which a rape occurred may be torn down, and all witnesses to a rape, killed; if a priest or a Jew carry arms they lose the king’s protection; a pregnant woman beaten and her hair cut (Haut und Haar), Sp Ldr III. 1, H fol. 12r, register 4-5 (photograph © UB Heidelberg, reproduced by permission CC-BY-SA 3.0).
Fig. 7. A woman resists rape and the rapist is arrested; his execution [apparently ordered by his victim]; a woman who mixes potions and a heretic are burned, Ssp Ldr II. 13, O fol. 44r register 3-5 (photograph © ADV, reproduced by permission).

Fig. 8. The morning gift and Gerade kept by a widow: a “house with its enclosed yard”, herds, and domestic items, Ssp Ldr I. 24, W fol. 17r register 3-5 (photograph © HAB, reproduced by permission).

女性が凌辱に抗い、犯人が逮捕される。犯人の処刑（明らかに被害者が命じている）。薬を調合した女性や異端者は火刑に処される。「ザクセンシュピーゲル」、ランクト法 II. 13、オルデンブルク写本 fol. 44r、第3段から第5段。

寡婦によって保持される嫁資および女性用備品（Gerade）。すなわち「開われた土地を伴う家屋」、家畜、家財道具。「ザクセンシュピーゲル」、ランクト法 I. 24、ヴォルフェンピュッテル写本 fol. 17r、第3段から第5段。
Fig. 9. A widow hands over the *Heergewäte* to male heirs, Ssp Ldr I. 22, W fol. 16\(^{o}\) register 2 (photograph © HAB, reproduced by permission)

Fig. 10. A woman in bed with a low-class minstrel; a priest’s share of his sister’s and brother’s inheritance, Ssp Ldr I. 5, W fol. 12\(^{r}\) register 1-3 (photograph © HAB, reproduced by permission)

Fig. 11. *Rechtelos* people (i.e. with diminished legal rights) before a judge: an illegitimate daughter of a priest and a woman who has stolen a goose, Ssp Ldr I. 48, W fol. 20\(^{r}\) register 4 (photograph © HAB, reproduced by permission)
Fig. 12. Wends testifying in court; Wends and Saxons in court, perhaps with an interpreter, Ssp Ldr III. 76, H fol. 24v, register 1 (photograph © UB Heidelberg, reproduced by permission CC-BY-SA 3.0).

Fig. 13. A Wendish woman can throw out her Wend husband and the son who belongs to his kin; she can remarry but she pays a tax; a German keeps her property and the child of a Wendish husband when the priest grants them a separation, Ssp Ldr III. 73, H fol. 25 register 1-3 (photograph © UB Heidelberg, reproduced by permission CC-BY-SA 3.0).

ヴェンド人女性は、ヴェンド人の夫および近親者に引き取られた息子と離別することが出来る。納税すれば再婚も可能である。

ドイツ人女性は、司祭に離婚を認められた際には、彼女の資産と、ヴェンド人の夫との子供を保持する。ザクセンシュピーゲル、ラント法 III. 76、ハイデルベルク写本 fol. 24v, 第1段から第3段。
Fig. 14. Six ages of the world Ssp Ldr I. 2-3, W fol. 10r register 2-3 (photograph © HAB, reproduced by permission).

Fig. 15. Seal of the Jews in Augsburg with the Imperial eagle surmounted by a Jewish hat, and inscriptions in Hebrew and Latin, 1298; wax cast in the Seal Museum of Hohenhole-Waldenburg, near Stuttgart, made before damage to an original in Augsburg, Stadtische Archiv (photograph after Friedenberg, Medieval Jewish Seals, 1987, entry 79 pp. 171-2, in the public domain).

Fig. 16. Able men, including a Jew, rallying to the armed defence of a town, Ssp Ldr II.71, W fol. 41r register 6 (photograph © HAB, reproduced by permission).
Fig. 17. The beginning of the liturgy for the High Holy Days, Worms Mahzor, German, c. 1310, Leipzig, UB, MS Voller 1102/1 fol. 27v, detail (photograph © Leipzig University Library, reproduced by permission).

Fig. 18. Burning Jews alive in 1349 during the Black Death, Gilles Muisit (abbot of Saint-Martin at Tournai), Annales, Flemish, 1349‒1352, Brussels, Royal Library of Belgium, MS 13076‒77, fol. 12v, detail (photograph © the Bibliothèque royale de Belgique, reproduced by permission).

日本版の説明です。1349年に黒死病で焼かれたユダヤ人。ギレス・ミュイシ（トゥルヌの聖マルタン修道院の第21代院長）の「Annals」、1349-1352年、ブリュッセル、ベルギー王立図書館、MS 13076-77、fol. 12v、部分。
Women and Minorities in Sachsenspiegel

Fig. 19. Excavations in the Jewish quarter of Cologne, 2011 (after Sven Schütte, and Marianne Gechter, Von der Ausgrabung zum Museum — Kölner Archäologie zwischen Rathaus und Praetorium (Copyright: City of Cologne, Christina Kohnen), pl. 2, reproduced by permission).

Fig. 20. Calendar page for December, Hours of Jeanne II de Navarre, French, c. 1330, Paris, Bibliothèque Nationale de France, MS NAL 3145, fol. 9r (photograph © BNF, reproduced by permission).

12月の月曆ページ、『ナヴァールのジャンヌ 2 世の時穂書』、フランス、1330年頃、パリ、フランス国立図書館、MS NAL 3145、fol. 9r.
Fig. 21. Suppliants before God at the end of time, including Adam and Eve, Ssp Ldr II. 66, H fol. 11v register 1 (photograph © UB Heidelberg, reproduced by permission CC-BY-SA 3.0).

アダムとイヴと共に、最後の審判に神の前で祈願する人々、『ザクセンシュピーゲル』、ラント法 II. 66、ハイデルベルク写本 fol. 11v、第 1 段。

Fig. 22. Suppliants before God at the end of time, including clerics and lay men and women, Ssp Ldr II. 66, W fol. 41v register 1 (photograph © HAB, reproduced by permission).

アダムとイヴと共に、最後の審判に神の前で祈願する人々、『ザクセンシュピーゲル』、ラント法 II. 66、ヴォルフェンビュッテル写本 fol. 41v、第 1 段。

Fig. 23. An emperor under papal ban for wavering in his faith [under the influence of a Jew], Ssp Ldr III. 57, W fol. 50v register 5 (photograph © HAB, reproduced by permission).

あるユダヤ人の影響下で信心を揺らした Fallen で教皇庁から破門された皇帝、『ザクセンシュピーゲル』、ラント法 III. 57、ヴォルフェンビュッテル写本 fol. 50v、第 5 段。
Fig. 24. A Christian executed for attacking a Jew; a Jew hanged for having an undocumented chalice and book in his possession Ssp Ldr III. 6–8, H fol. 13v, registers 3–4 (photograph © UB Heidelberg, reproduced by permission CC-BY-SA 3.0).

Fig. 25. A Christian attacking a Jew and (the same?) being executed; a Jew hanged for having an undocumented chalice and a book in his possession, Ssp Ldr III. 6, W fol. 43v register 1–2 (photograph © HAB, reproduced by permission).
Fig. 26. The kiss of Judas and Peter severing Malchus’ ear, Psalter for the diocese of Basel or Constance, c. 1235, Liverpool, National Museums and Galleries on Merseyside, MS 12004 fol. 8v, detail (photograph © National Museums of Liverpool, reproduced by permission).

ユダの接吻とマルコスの耳を切り落とすペテロ、バーゼルあるいはコンスタンツの司教区のための詩篇写本、1235年頃、リヴァプール、マージーサイド国立博物館・絵画館、MS 12004 fol. 8v、部分。

Fig. 27. left page: Disorderly animals and people (including Calfernia). Right page: violence, followed by the king’s peace, and the Holy days, Ssp Ldr II. 66, H fol. 10v-11r. (photograph © UB Heidelberg, reproduced by permission CC-BY-SA 3.0).

左頁：手に負えない動物たちと人々（カレフルニアを含む）
右頁：暴力、続いて「王の平和」、そして聖週間。
ザクセンシュビーゲル、ラント法II. 66、ハイデルベルク写本 fol. 10v-11r.
Women and Minorities in *Sachsenspiegel*

Fig. 28. The same, with a new emphasis on the chalice, and the introduction of a Jew asleep in front of Christ’s tomb, Ssp Ldr II. 66, O fol. 61r and 62r (photograph © ADV, reproduced by permission).

Fig. 29. People and sites protected by the king’s peace, the holy days with a Jew pointing at Christ on the cross, Ssp Ldr II. 66, W fol. 41r register 3-5 (photograph © HAB, reproduced by permission).

同上。聖杯が強調され、キリストの墳墓の前で眠るユダヤ人が新たに挿入されている。『ザクセンシュピーゲル』、ラント法Ⅱ.66、オルデンブルク写本fol.61r-62r.
Fig. 30. Bystanders, including a Jew, mocking Christ on the cross, Speculum Humanae Salvationis Swabia, Germany, c. 1320–30, Kremsmünster, Stiftsbibliothek, Cod. Cremifanensis 243, fol. 30v, detail (photograph Stift Kremsmünster, Austria, reproduced by permission).

Fig. 31. Extra-textual rulers on a wheel of fortune, Ssp Ldr II. 3-4, O fol. 38v register 2 (photograph © ADV, reproduced by permission).