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JOHANN ZASIUS, ATTORNEY FOR THE JEWISH
COMMUNITY OF REGENSBURG, 1519 C.E.

By STEVEN ROWAN, University of Missouri (St. Louis)

THE EXPULSION OF THE Jewish community of Regensburg (Ratisbon) and the conversion of its synagogue into a pilgrimage-church in 1519 C.E. has long been seen as a paradigm of the misery of life in the Dispersion. In the last decades of its residence, the Jewish community of that town was subjected to a rising tide of popular violence and political pressure, and it responded by appealing to Emperor Maximilian I for protection. An active campaign of lobbying and litigation before the Imperial Court was conducted by Gentile lawyers in the employ of Regensburg Jewry, and it was only after Maximilian's death in January of 1519 had left the throne temporarily vacant that the city's authorities dared to expel their Jewish neighbors.

The last lawyer to represent the Regensburg community was Dr. Zasius, and the rarity of that name would inevitably lead one to assume that this must have been Dr. Ulrich Zasius (1461-1535), professor of civil law at the University of Freiburg im Breisgau and the leading German humanist lawyer of his day.¹ But if we take a closer look at the documents collected by Raphael Straus on the Regensburg community, the man who emerges as the last lawyer is not the

¹ The identification of the lawyer of the Regensburg Jews with Ulrich Zasius is found in Haim Hillel Ben-Sasson, ed., *Toledot 'am Yiśra'el* (Tel Aviv, 1969); English version, *A History of the Jewish People* (London and Cambridge, Massachusetts, 1976), p. 577; it has been intensified in the German translation, *Geschichte des jüdischen Volkes*, tr. Modeste zur Nedden-Pferdekamp (Munich, 1979), II, 233-34. On Zasius and his significance in jurisprudence see Centre d'Études Supérieures de la Renaissance de Tours, *Pédagogues et juristes, De Pétrarque à Descartes* (Paris, 1963), II, especially pp. 31-47, by Hans Thieme; Erik Wolf, *Grosse Rechtsdenker der deutschen Geistesgeschichte*, 4th ed. (Tübingen, 1963), pp. 59-101; Myron Piper Gilmore, *Humanists and Jurists* (Cambridge, Massachusetts, 1963). The classic biography is Roderich (von) Stintzing, *Ulrich Zasius* (Basel, 1857; reprint, Darmstadt, 1961). Of my several articles on Zasius, the most relevant are "Ulrich Zasius and the Baptism of Jewish Children," *The Sixteenth Century Journal*, 6/2 (1975), 3-25; "Ulrich Zasius and John Eck," *The Sixteenth Century Journal*, 8/2 (supplement, 1977), 79-95; "Ulrich Zasius und die Taufe jüdischer Kinder," *Schau-ins-Land*, 97 (1978), 79-98. Most recently see Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge, 1979), I, 206-7; II: 129-30.

famous jurist but a remarkable man who deserves to be remembered and studied in his own right.

He was Dr. Johann Zasius, whose name appears in various dialectal transmutations in the Straus collection (Johann Zisar, Dr. Zisa, Doctor Züsy, Johannsen Zase, Dr. Johann Zasy, Dr. Zäsy).² His name was standardized by Straus's editors in the Latin form, Zasius, which immediately led readers to identify him with Ulrich Zasius (born Huldreich Zäsi). But despite the fact that the British Library Catalogue still lists him as Johann Ulrich Zasius, he actually never bore any other given name than Ulrich. By the time of the terminal Regensburg litigation (1516-19), Ulrich Zasius had grown virtually immobile with gout and obesity and rarely ventured outside of Freiburg except to take the waters in local spas. Even when he was a young man he traveled only with great reluctance, and it cannot be shown that he ever set foot in towns as close to Freiburg as Basel. It can be stated categorically that he never was in Regensburg in his life, and he may never have seen Innsbruck. During the years in question, Ulrich Zasius was bound to Freiburg and its environs by his teaching duties. In the early months of 1519, when the last scenes of the Regensburg drama were being played out, Ulrich Zasius was particularly busy: early in January he completed his famous course on feudal custom and began a new series of lectures on estate succession; in February he delivered a memorial oration on Emperor Maximilian I, and in March he completed a polemical tract against Johann Eck. Throughout this time he was making final arrangements for the Freiburg Law Code published in 1520.³

Even had he been physically present in Innsbruck in the years after 1516, Ulrich Zasius would have been a highly unlikely candidate for the thankless task of defending a doomed Jewish community. The research of Guido Kisch has underlined the savagery with which Ulrich Zasius assaulted Jewish parental rights in a treatise written in Freiburg in late 1505 and published in Strasbourg in 1508.⁴

² Raphael Straus, ed., *Urkunden und Akten zur Geschichte der Juden in Regensburg, 1453-1738* (Quellen und Erörterungen zur bayerischen Geschichte, new series, 18) (Munich, 1960), nos. 851, 907, 976, 980, 1038, 1049, 1052-54, 1060, 1095-96.

³ See Rowan, "Ulrich Zasius and John Eck," especially p. 92. The memorial oration on Maximilian I was delivered on February 7, 1519; see Udalricus Zasius, *Opera omnia* (ed. Johann Ulrich Zasius and Joachim Mynsinger von Frundeck), (Lyons, 1550; reprinted Aalen, 1964-65), V, 522. The final lecture on feudal custom was given on January 8, 1519, and Zasius moved on at once to lectures *De vulgari et pupillari substitutione* (Digest, 28, 6), see Universitätsbibliothek Basel, Mss. C VI a 61 and C VI b 17, lecture notes by Boniface Amerbach of Basel for 1518-19.

⁴ See Guido Kisch, *Zasius und Reuchlin. Eine rechtsgeschichtliche-vergleichende Studie zum Toleranzproblem im 16. Jahrhundert* (Pforzheimer Reuchlinschriften, I) (Constance and Stuttgart, 1961); idem, "Toleranz und Menschenwürde," in Paul Wilpert, ed., *Judentum im Mittelalter. Beiträge zum christlich-jüdischen*

He regarded the Jewish presence in Western Christendom as an anomaly best resolved by expulsion, or even by the forced baptism of Jewish children against the will of their parents. Further, Ulrich Zasius lived in a community (Freiburg im Breisgau) in which any economic or social contact with Jews was punishable by fine or expulsion. The University of which he was a leading member was even willing to call a truce in its perennial disputes with the municipal government in order to make common cause against the nearby Jewish community of Waldkirch.⁵ Although Ulrich Zasius did not allow the anti-Jewish tract of 1508 to be reprinted in his lifetime, he never came close to repudiating any of its conclusions.

If Ulrich Zasius could not have been the defender of the Regensburg Jews, just who was the mysterious Dr. Johann Zasius? The family name Zäsi was never very common, and in the first decades of the sixteenth century a lawyer with a doctoral degree was still a relatively rare figure in Germany. Further, this Dr. Zasius was obviously a man who knew his way around the Imperial Court at Innsbruck, and when the municipal government of Regensburg took advantage of the confusion which followed the death of Maximilian I to expel the Jews, Dr. Zasius was able to obtain an imperial commission to try and reverse the expulsion.⁶ In short, he was a man who enjoyed the trust of Habsburg officials as well as that of his Jewish clients.

It seems to me that the only person who could have been the defender of the Jews was Dr. Johann Zasius of Bregenz, a man whose career has become almost hopelessly confused in the literature with that of his more famous namesake. This Johann Zasius came from Bregenz in modern Vorarlberg, Austria, at the opposite end of the Bodensee from Ulrich Zasius' native Constance.⁷ He appears frequently

Gespräch (Miscellanea mediaevalia, 4) (Berlin, 1966), pp. 1-36. Zasius' *Judenschrift* was published in Strasbourg in 1508, but it was not reprinted until 1539, when it was published as part of Zasius' *Intellectus iuris singulares*, printed by Johann Faber Emmeus in Freiburg. It thus became a part of the *Opera omnia*. The only further independent publication of the work was in a rare German translation by Wendelin Fischer, Erfurt, 1604, a copy of which is in the Herzog-August-Bibliothek, Wolfenbüttel. New details on the reception of Zasius' *Judenschrift* by his contemporaries will appear in an article I have written with Gerhild Scholz Williams entitled, "Jacob Spiegel on Gianfrancesco Pico and Reuchlin," to appear in *Bibliothèque d'humanisme et Renaissance*.

⁵ See Rowan, "Ulrich Zasius and John Eck," pp. 82-83 and 86, n. 21; the alliance of the burghers and scholars of Freiburg to expel the Jews of Waldkirch was dated April 2, 1502 (Universitätsarchiv Freiburg i. B., Senatsprotokolle, 1: 397).

⁶ Straus, *Urkunden und Aktenstücke*, no. 1053, pp. 393-94.

⁷ Stintzing, *Ulrich Zasius*, pp. 4-5. Johann Zasius is often mentioned as an attorney in the records of the cathedral chapter of Constance in the years around 1510; see Manfred Krebs, ed., "Die Protokolle des Konstanzer Domkapitels," parts 4-7, nos. 3702, 4187, 4517, 4791, 5036, 8100, in *Zeitschrift für die Geschichte*

in the records of litigation in the Bodensee region in the 1510s. If this identification is correct, his exertions on behalf of the Regensburg Jews earned him high honor with the Innsbruck Court, since he was the first imperial assessor named to the Imperial Chamber Court by Charles V when it was reconstituted in 1521. He was still with the court in 1525, when he wrote a series of informative letters to the Bishop of Trent. He is known to have died while the court was still sitting at Esslingen (1524-26).⁸ The only indication that he might have been related to Ulrich Zasius of Constance and Freiburg is the fact that they both named their sons Johann Ulrich Zasius. To add to the confusion, Johann Ulrich Zasius of Bregenz not only studied at Freiburg under Ulrich Zasius' successor Sebastian Derrer, but he even published a work of legal scholarship which is usually falsely attributed to Ulrich Zasius or his son Johann Ulrich Zasius. Johann Ulrich Zasius of Bregenz died while still a young man, and his compilation of Roman laws was published by Johann Sturm in Strasbourg in 1551. Sturm's preface is one of the few clear statements on the Zasius family of Bregenz.⁹ His identity has tended to be mixed up by inattentive bibliographers with that of Ulrich Zasius' son Johann Ulrich Zasius zum Rabenstein, later imperial vice-chancellor (died 1570), and both of them are often absorbed into the persona of Ulrich Zasius of Constance, who then becomes Johann Ulrich Zasius!

The purpose of this investigation is to show that the advocate for the Jews of Regensburg in the years 1516-19 was a certain Dr. Johann Zasius of Bregenz. From the documents gathered by Raphael Straus this man emerges as a resourceful and even brave defender of a lost cause. He deserves to be remembered in his own right, and he should not continue to be confused with a man who was actually an enemy of Jewish human rights.

des Oberrheins, 103 (1955), 104 (1956), 106 (1958), 107 (1959), supplementary volumes.

⁸ Archivio di Stato di Trento, Correspondenza Clesiana, Mazzo 13, no. 23, letter of Johann Zasius to Bernhard Clesius, Bishop of Trent, Esslingen, 30 May 1525, is a remarkable description of the political situation in Germany at the height of the Peasants' War; the last of Johann Zasius' letters to Clesius is dated September 22, 1525. See Johann Heinrich Harpprecht, *Des Kayserlichen und des Heiligen Römischen Reichs Cammer-Gerichts Staats-Archiv*, (Frankfurt a. M., 1767), V, 22, where Dr. Johann Zasius is incorrectly identified as a son of Ulrich Zasius. This is disproved by the preface of Johann Sturm to *Catalogus legum antiquarum una cum adiuncta summaria interpretatione per Ioannem Vlicum Zasium Brigantinum diligenter collecta* (Paris, 1554), a2r-a3v.

⁹ The editions known to me are the original one of Strasbourg, 1551, two of Paris (the one cited in n. 8, above, and the one of 1555), and the one in the first volume of *Tractatus universi iuris* (Venice, 1584). On Johann Ulrich Zasius of Bregenz see also Joseph Anton Stephan Ritter von Riegger, ed., *Vdalrici Zasii IC. Friburg. quondam celeberrimi Epistolae ad viros aetatis suae doctissimos* (Ulm, 1774), 83'-85', note.