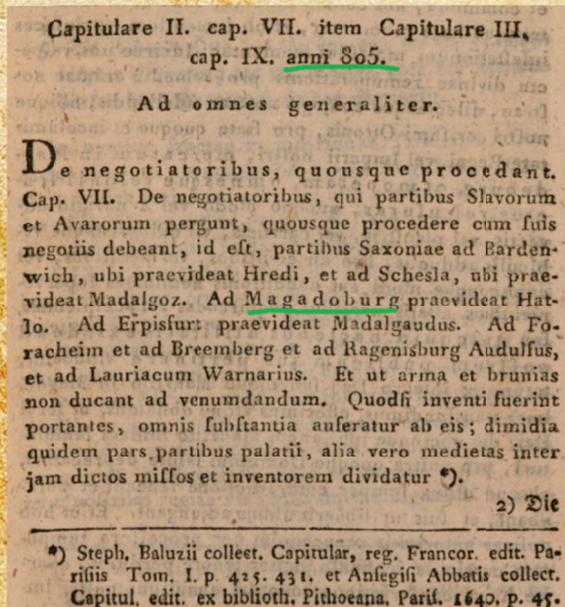


Magdeburg Law and the role of the *Schartau* Family

The city law of Magdeburg was one of the most influential German city laws of the Middle Ages.

By Dr. H. Haase (2025)

The first mention of Magdeburg dates back to 805 in Charlemagne's Capitulary of Diedenhofen as *Magadoburg* (in common parlance, it is still called "*Machteburch*" – meaning "mighty castle"). The name "Magdeburg" is, incidentally, unique worldwide.



/20/ p. 379

In this royal decree, the towns of Bardowick, "Skaesla" (Saxon trading place "Schetzla" near the later Slavic ringfort in Meetschow?), Magdeburg, Erfurt, Hallstadt (near Bamberg), Forchheim, Premberg (today a part of Teublitz near Schwandorf), Regensburg and Lorch, located along the then Slavic border, were permitted to conduct trade (except for arms trade) with the Slavs.

The trading center of Magdeburg was protected by two Frankish forts. The Royal Frankish Annals report that in 789, one such fort was built of wood and earth on each bank of the Elbe. The remains of the first fort are believed to lie between the ditch fortifications beneath Magdeburg Cathedral Square. A second Carolingian fort was archaeologically located on the opposite right bank of the Elbe, north of Magdeburg, on the Weinberg hill near Hohenwarthe, between 2003 and 2010 and dated to 806 AD ^{/6/}.

Under Otto I and Otto II, Magdeburg received numerous trade, customs, and travel privileges in the mid-10th century, paving the way for the development of an urban merchant class. Their legal system differed significantly from the Saxon law that had been in effect until then. In particular, trade, crafts, and property ownership were legally regulated.

Through the lay judges (Schöffen), first documented in 1129 ^{/21/}, who assisted the mayor (Schultheiß) appointed by the territorial burgrave, the emerging urban upper class gained increasing influence over the city's jurisdiction. However, through the sale of offices and rebellion against the archbishop, the lay judge court was gradually subordinated to the council, which could then fill the positions with its own members. Thus, the office of lay judge, and even that of mayor, often marked the end of a councilman's career. The mayor oversaw adherence to procedural rules. Judgments were delivered by lay judges. Trials were held outdoors—usually at a fairground or near a statue of Roland. Magdeburg law developed over the years in several stages from the customary law of the merchants, from the privileges granted to the city by the sovereign and finally from self-determined regulations within the framework of the city's self-government ^{/15/}. At this time, the vast majority of people lived in the countryside: in the Early Middle Ages, over 95 percent, and at the end of the Middle Ages—when cities had grown ever larger—still over 80 percent.

From about 1160, Magdeburg Law began to spread orally in northern and central Germany. Around 1160, *Albrecht the Bear* granted the citizens of Stendal privileges according to Magdeburg Law^{/18/}. They were to live according to the same legal customs as the people of Magdeburg. In case of disagreement about questions of interpretation of the law adopted from Magdeburg, they were to appeal to the Magdeburg aldermen. Based on these rights, a town community organized according to Magdeburg Law subsequently established itself in Stendal, with a council constitution documented in 1215, the evidence of which thus predates Magdeburg itself^{/19/}.

In 1174, Archbishop *Wichmann* granted the town of Jüterbog Magdeburg city rights^{/1/}. The city charter privilege, which was only granted to Magdeburg by Archbishop *Wichmann* in 1188, served to simplify legal proceedings^{/4/}. The lay judges were originally present as witnesses at legal acts and appear by name in the documents. As archiepiscopal ministeriales, they were members of the urban upper class and, in addition to their judicial duties, were also responsible for the interests of the citizens. They enjoyed high esteem in the city and were among the patricians. The privileges granted to the city of Magdeburg in 1188 by Archbishop *Wichmann* and to the town of Goldberg in 1211 by Duke *Henry the Bearded*, documented in nine paragraphs, included the following:

“...Cives quoque Magdeburgenses Ovo. Martinus. Reinbertus. Udo . Heinricus. Reinerus. Oruchtlevus. Giselbertus. *Johannes*. Conradus Magister Monete. Walterus et alii multi. Actum Anno Incarnacionis Domini MCLXXXVIII....”^{/4/}. The lay judge *Johannes*, named as a co-signatory, could have been the knight *Johannes von Schartow* (c. 1155 – c. 1240). During the 13th century, lay judges were elected for life by the citizenry, and the aldermanic bench could itself replace departing members – with the confirmation of the burgrave.

Blood feuds and trial by ordeal prevailed until Magdeburg Law introduced witness testimony. Merchants were liable for their goods and had to keep accounts. Marital law stipulated the husband's guardianship, but also separation of property and the wife's right to independently petition the court. Daughters and sons could inherit equally. Collective punishment was abolished, and the city law guaranteed citizens personal freedom, property rights, and the inviolability of life and limb^{/8/}.

In the mid-13th century, a multi-volume legal code, representing the prevailing law, was compiled privately within the circle of Magdeburg's lay judges. At its core, it comprises the "Magdeburg lay judge's Law" and the "Law Book of Court Organization," also known as Magdeburg's city law. Within the city walls, the city law (city code) applied. The figure of Roland served as a symbol of this. The aforementioned legal codes, together with the "Saxon City Code Chronicle" constitute the City Code Vulgate^{/17/}.

The author(s) of the aforementioned records are to be sought among the lay judges and archiepiscopal ministeriales. The *von Schartau* (*Schartow*) family served in these positions in the Archdiocese of Magdeburg from the 12th century onwards. Rosenstock^{/4/} concludes from this that at least one of the Lords of Schartau – possibly the lay judge *Werner von Schartau* (c. 1180 – c. 1250) – was involved in the constitution.

In 1261, at the request of Duke Henry III of Silesia, the Magdeburg lay judges and councilmen sent the city of Breslau a document written in Upper Saxon dialect outlining its legal rights in 64 paragraphs^{/3/} (see appendix). This legal document mentions a "*Heyno*" among the Magdeburg lay judges. It is now documented that *Heine Heinrich Schartow* (c. 1215 – c. 1294) was an lay judge at the Imperial Court of lay judges in Magdeburg at that time^{/1/}. In the communication of a further 23 legal articles to the city of Breslau on November 8, 1295, the knight *Heinemann von Schartow* (c. 1240 – c. 1305) and his son, councilman *Heydeke Schartow* (c. 1265 - c. 1330), are presumably mentioned as co-signatories^{/3/pp. 30-31}. In 1304, the Magdeburg lay judges communicated the rights of their city to the city of Görlitz^{/22/p. 320}. Here, too, the knight *Heinemann von Schartow* is mentioned as a co-signatory (see appendix).

It is therefore likely that the *von Schartau (Schartow)* family played a significant role in recording and disseminating the legal customs of the time.

The Magdeburg court system was evidently so compelling that it spread rapidly and was adopted by other cities in Eastern Europe, such as Vilnius, Kaunas, Kyiv, and Minsk. In cases of disputed legal questions, cities adhering to Magdeburg law regularly submitted inquiries to the Magdeburg court or to a "daughter city" that, in turn, assumed the function of a superior court (e.g., Krakow, Wroclaw, Olomouc, Opava, etc.). The transmitted Magdeburg law could thus be continuously supplemented by further reported legal cases and court rulings from the 14th and 15th centuries.

During the Reformation, the Magdeburg court system lost importance because Catholic territories were cut off from the legal recourse to Magdeburg. In May 1631 – during the Thirty Years' War – Magdeburg was conquered and devastated by imperial troops of the Catholic League under the general Tilly. The collection of legal proverbs was destroyed in the fire. The court of lay judges was lost.

The map shows the situation at the end of the 15th century. Over 1,000 cities adopted Magdeburg Law as their municipal law upon their founding (Figure 3).

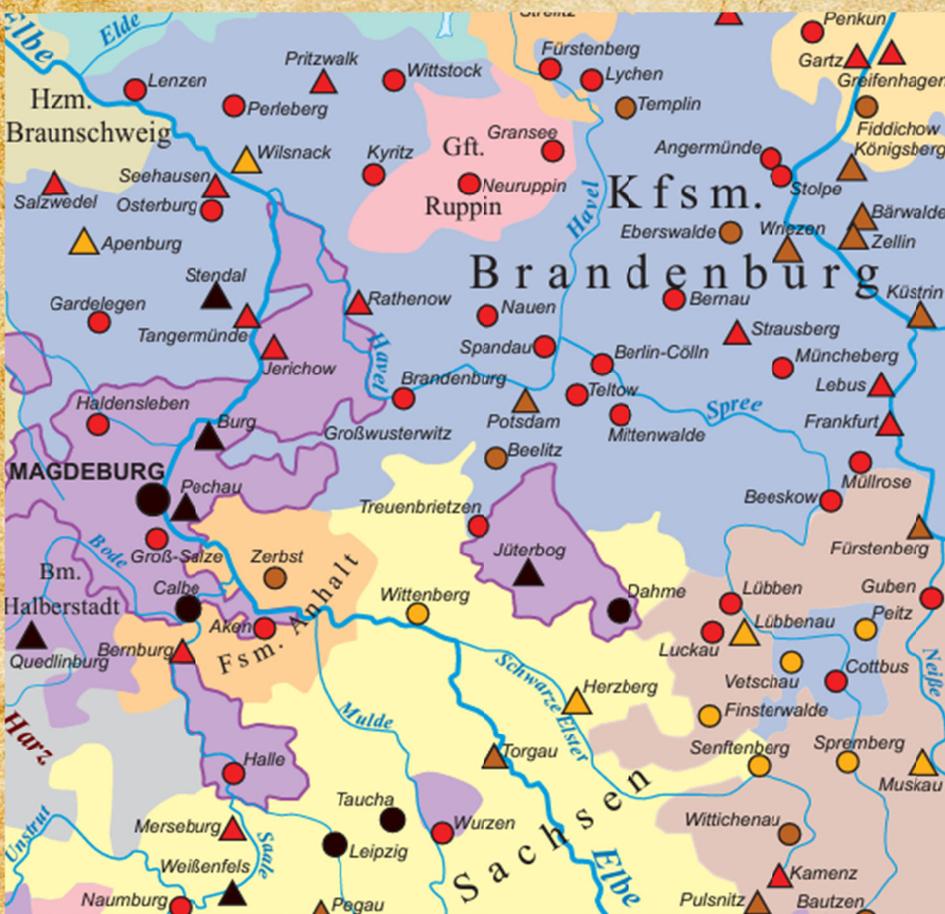


Figure 3: Spread of Magdeburg Law¹⁷¹

Bestätigung des Magdeburger Rechts			
● im 12. Jh.	● im 13. Jh.	● im 14. Jh.	● im 15. Jh.
Bestätigung des ersten Stadtrechts			
▲ im 12. Jh.	▲ im 13. Jh.	▲ im 14. Jh.	▲ im 15. Jh.

Magdeburg, Zentrum für Mittelalterausstellungen, Angaben zur Verbreitung des Magdeburger Rechts: H. Schmidt, S. Bütow, Kartografie: Cyula Pápay.

Magdeburg Law remained in effect in some Eastern European cities well into the 19th century (e.g., in Kyiv until 1834). The "Monument to Magdeburg Law" (Пам'ятник Магдебургському праву) has stood here since 1808 on the banks of the Dnieper in the Podil district ^{/14/} (Image 4).

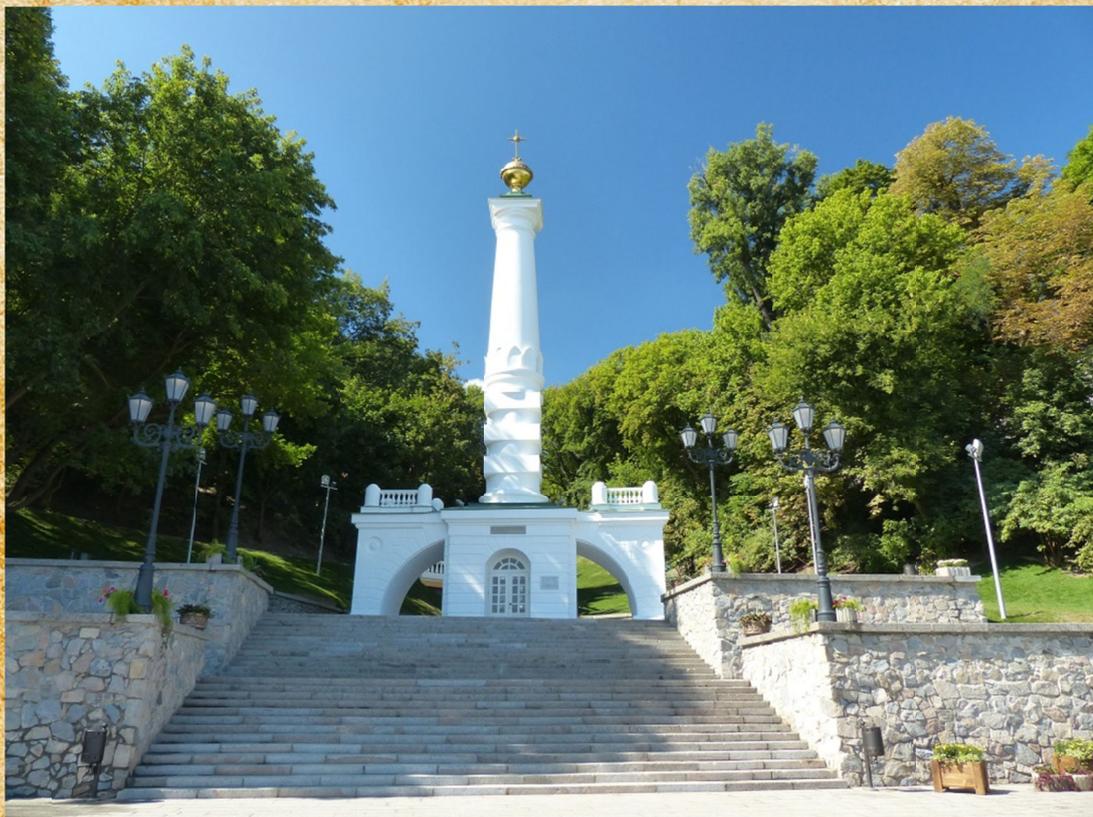


Image 4: Monument to Magdeburg Law in Kyiv (wikipedia.org)

Since 2011, citizens of Magdeburg, through a specially founded association, have been campaigning for a memorial to Magdeburg Law ^{/15/}. The memorial was inaugurated in December 2024 on the Kleiner Werder peninsula. The 13 pillars each represent a city governed by Magdeburg Law.



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Attachment

Magdeburg-Breslauer Recht von 1261.

Von diesem Weisthum befindet sich das Original im Stadtarchiv zu Breslau und es ist aus demselben öfters abgedruckt worden; insbesondere bei Gaupp, Magdeb. R. S. 230 fg., Tzschoppe und Stenzel, Urkundensamml. S. 351 fg., Korn, Urkundenbuch der Stadt Breslau, 1860, S. 18 ff.

Notification of 64 legal articles ^{/3/ p. 14-23}

Daz recht habent gegeben die biderven schephenen unde die rätman van Magdeburch deme edelen vursten, Herzogen Heinriche unde sinen burgeren von Brezlauwe, unde wollen in daz helfen halden, swar so sie is bedurfen, unde havent iz getan durch bete Herzogen Heinriches unde der burgere von Brezlauwe. Unde iz wart gegeben nach Gotes geburt uber duseht jar unde zueihundert jar unde ein unde sestich jar. Bi den geziten was schephene her Brün unde her Goteche unde her Bertolt unde her Alexander, her Nicolaus, her Heine, her Reyneche, her Betheman, unde iz was do rätman, her Burchart, her Jerdach, her Thideman, her Hoger, Heyno, Bertram, Thyde-
man, Ulrich.

“Heyno” could refer to the lay judge *Heine v. Schartow* (ca. 1215 – ca. 1294).

In 1283, §§ 65-79 were added and confirmed by Duke Henry IV of Silesia-Breslau ^{/14/}.

Magdeburg-Breslauer Recht von 1295.

Das im Breslauer Stadtarchiv befindliche Original ist gedruckt bei Gaupp S. 259, Tzschoppe und Stenzel S. 423, Korn S. 60.

Notification of 23 legal articles, 8. Nov. 1295 ^{/3/}

Diz recht haben die schepphen van Meydeburch lazen scriven, mit der ratmanne unde der stat volge unde wilkore unde habenz, durch liebe unde vruntschaft zu rechte gegeben unde gesant iren lieben vrunden, den burgern der stat Wrezlaw unde willen en des gesten, unde mit en halden. Zu denselben ziten waren schepphen zu Meydeburch, her Bartholdt Ronebiz der ritter, Her Reyner bi sente Peter, her Hennig, Hern Jans son, Her Arnolt Horn, Her Brun Loschsche, Her Kone Ridder, Her Jan Vrese die Riddere, Her Kone die Lange, Her Wolther van Slanstede, Her Florin, Her Heyneman Riddere. Iz waren ouch zu den selben ziten zu Meydeburch ratman, Her Heydeke, Hern Ywans, Her Kone van Tundersleve, Her Heine, Hern Hart-

mannes son, Her Tideman van Dodeleghe, He Tile van Egelen, Her Tile Hasart, Her Sivert van Lebechun, Her Bolthe Stockvisch, Her Henning Houwere, Her Rolef Ritter, Her Henning van Korling, Her Busso Wesseken. Die selben ratman haben der stadt ingesegel van Meydeburch dar an tun hangen, uffe rechte steticheit unde recht orkunde. Diz ist geschen in deme iare nach Gotes gebort, duseht iar zueihundert iar unde in deme vumf unde nunzegestem iare, an deme achten tage Allerheiligen.

Knight *Heinemann von Schartow* (juror) and his son *Heydeke Schartow* (councilman) as co-signatories ^{/3/ p. 30-31}

Nov.1, 1304, the Magdeburg lay judges communicated the rights of their city to the city of Görlitz. ^{/22/ p. 320}.

Nach Gotis geburt ubir Tusent jar. vnde dree-
hundert jar. Vnde in dem vierden jare. an Aller-
heiligen tage. so ist diz Megedebürshe recht ge-
geben. von den shepphen zu Megedeburg. den
burgeren zu Gorlitz. mit guten-willen. Des ist
gezüg. Bertolt Ronebiz ein Ritter. Henning Hern
Janes svn. Küne Lange. Betman Koning. Walter
von slonstete. Bertram Brandan. Heineman Ritter.
Bertolt von Randowe. Bruno hern Bernhardis svn.

Knight *Heinemann von Schartow* (juror) as co-signatory