

## CHAPTER 8: THE COMMUNITY OF JEWRY

By the terms of its preamble, the Great Charter of 1215 was granted to 'the community of the whole realm of England'--a phrase with vibrant legal overtones for contemporaries. It conjured up the fabric of a society composed of many self-governing sub-groups or communities, each with its own customs, traditions and laws recognised by other communities and by the royal government. Many had elected officials to administer internal affairs and others to conduct its dealings with the crown. The most notable of these communities, so large and important that it almost matched the power of the crown itself was, of course, the clergy. Borough charters granted the rights of customary and elective self government to privileged towns; the dwellers in the forest lands had as well as their own, draconian body of special law, unique customs and privileges. All feature in the Charter and so too does one which, though numerically insignificant, was as important in the national scheme of things as any--the community of English Jewry.

While it embraced most of the trades and professions, from goldsmiths to physicians, the group which concerned the draughtsmen of the Great Charter the Jewish financiers, for as agents of the royal exchequer, they were the chief contact men with the Christian community.

10] If anyone who has borrowed from the Jews any sum, great or small, dies, before it is repaid, the debt shall not bear

interest while the heir is under age, whosoever tenant he may be; and if the debt falls into our hands we will not take anything except the principal mentioned in the bond.'

11] And if anyone die indebted to the Jews, his wife shall have her dower and pay nothing of that debt; and if any children of the deceased are left under age, necessaries shall be provided for them in keeping with the holding of the deceased; ....

The two clauses may seem hard on the moneylenders but, given the relation between the crown and English Jewry, they in fact represented damaging financial consequences for the royal government. The king was every Jew's heir - at his death King could take not only the man's chattels and cash but also his credit notes. ' Thus the baron after years of paying heavy interest to the Jew might find himself still the king's debtor for the principal.' [WLW] Like other such clauses they were dropped from the 1216 re-issue and never reappear in any subsequent version of the Charter. The financial technicalities of these clauses were the principal concern of contemporaries, for us their interest lies rather in the fact that they open a glimpse onto the conditions of life of Europe's most persecuted minority during the ' Ages of Faith'.

Cultural traditions: cultural divides

Jews had long been subject to severe legal restrictions. In the sixth century the Byzantine Emperor Justinian had prohibited the study of the Talmud and Midrash. Rather than abandon entirely the teaching of their traditional lore, the Jewish community of the Mediterranean world developed tune

ful metrical hymns or piyyutim (from Greek poietes, i.e. poet) to provide popular instruction for the faithful. Soon a class of professional singer-poets grew up so that by the middle of the next century most Mediterranean synagogues appear to have had their own chazzan. These melodic additions to the liturgy, frowned on by orthodox traditionalists, soon spread to the Jewish communities of northern Europe where they attracted admiration from Christians as well as Jews. A ninth century bishop complains that members of his flock are learning religious tunes from their Jewish neighbours and in fact the earliest piyyutim melodies survive in a manuscript written about 1100 by an Italian Norman nobleman converted to Judaism.

Christians may have come to know of the Jewish melodies ~~by~~ hearing Jewish joculatores (traveling musicians) or perhaps by venturesome visits to the synagogue, contacts between Jewish and Christian communities could be both close and friendly. At all events, just eighteen years before Runnymede we find an episcopal prohibition on Christian clergy attempting to study Jewish doctrine or melodies. For their part, the Jewish authorities prohibited the teaching of liturgical elements to non-believers.

Official Christian attitudes to the Jews, whether of church or state were, almost necessarily, ambivalent. Following the Gospel account, the Church held the entire Jewish race to blame for the Crucifixion:--had not the Jerusalem mob shouted, 'His blood be upon us and on our children?' On the

other hand the origins of Christianity lay clearly with Judaism. Christ and his disciples were Jews, and the books of the Jewish 'Old' Testament were almost as important in the theology of the Church as the New Testament of Christ's teaching. A common image of 'synagogue', the emblem of Jewry, was a beautiful woman blindfolded, to symbolize a tradition rich in the beauty of truth which had wilfully closed its eyes to the fulfilment of that truth. For the state the ambivalence was straight paradox. The enemies of Christ were for most kings a necessary part of economic management.

#### Pride and Prejudice

Suspicion and dislike were the ruling sentiments across the religious divide. During the boyhood of King John, the city of Arles in southern France commissioned a stone bridge to cross the River Rhone. By a tradition which may have had its origins in classical times, bridge building was considered a work of piety. The chief priest of the Roman empire was the 'pontifex maximus' or 'principal bridge builder', a title to be adopted by the popes. In ancient times, it would appear, the function of this 'bridge priest' was to placate the naiads--the genii loci ('spirits of the place') or local nature spirits of rivers--when the bridge builders desecrated their domain.

In Christian Europe, the expensive, expert and laborious work of bridge building came to be considered a work of charity to travelers (bridges often had little chapels where

prayers could be said for the soul of the builders). If a single patron was not forthcoming to pay the whole cost of the work, a community had to raise funds as best it could. The Jews of Arles numbered some of the richest citizens but, it seems, their money was considered tainted for the purposes of this semi-sacred public enterprise. To avert the hostility and retain the custom of their Christian fellow citizens, they had to consent to a document which bound them for 100 years of forced building labour to be done on the Sabbath. They then bought themselves out of this impossible obligation with a suitable immediate down payment and agreement to an annual levy. [Gim]

By such fictions, historical, legal, and financial, and at the cost of vicimization in outbreaks of bloody and murderous violence Europe's Jews were bitterly accustomed to collaborating in their status as second class citizens. In times of unrest the underlying context of humiliation was punctuated by mortal terror. However, their value for the royal finances meant that they generally enjoyed royal protection and so could be reasonably assured of the practice of their religion and customs within their own communities. A story from the influential Jewish community of Rouen at the time of William Rufus, may demonstrate the point.

Recorded in his 'New History' by the church chronicler Eadmer not less than fifteen years after the king's death in 1100 to illustrate William's rapacity and blasphemy, it

remained down to the time of Runnymede, a favourite caution among churchmen of the dangers to the church from an 'irreligious king'. It certainly illustrates how, for all the strictures of religion, a king might cosset his Jews for the sake of revenue.

William spent long periods in the Norman capital during the later years of his reign. According to Eadmer, at this time a number of Jews had, to the dismay of the pious and prosperous community, converted to Christianity. Dismayed, its leaders begged the king to use his influence to bring the mostly youthful apostates back to the ancestral faith. One father whose son had been inspired to convert by a vision of St Stephen, the first Christian martyr, offered the royal missionary a fee of 60 marks—enough to keep 50 fully armed mercenaries in the field for a month. Summoning the recalcitrant youth into the royal presence, William urged him to renounce Christianity. 'You must be joking' came the reply. 'Would I joke with you, son of the dung? Do as I say and look sharp about it or by the Our Lady of Lucca I'll have your eyes.' The young convert not only continued to refuse but went on to rebuke the Christian king for his unChristian sentiments. Hoping perhaps for martyrdom after the model of his hero St Stephen he was merely dismissed from the court, while his disappointed father tactfully paid half the reconversion fee. [Brk]

The Jews in England

There had been Jews in Gaul in the late Roman period and the Rouenais may have been a continuous settlement from that time. Rouen merchants were occasional visitors to Anglo-Saxon London and some of them no doubt were Jews, however the first English settlement as such seems to have been a group brought to London from Rouen by William the Conqueror. Fifty years on and they had found their place as an accepted community of the realm and find a mention in the so-called 'Laws of Edward the Confessor' written probably towards the end of the reign of King Henry I in the 1130s. From this it is evident that the London Jews were protected by conventions similar to those governing the relations between the dukes of Normandy and the Jewish community in Rouen--many seem to have had properties there as well as in London.

As the twelfth century advanced we find Jewish businessmen settled in most of the main towns of the kingdom from Bristol in the west to Norwich in the east. Even the troubled reign of Stephen seems to have offered opportunities. The unsettled nature of the times and the competition for the favours of King Stephen and his rival for the crown the Empress Matilda meant that money was in demand as never before. But the opportunities were hazardous and, like other townsmen the Jews can only have been relieved by the stabilization of society that followed the accession of Henry II. According to one contemporary, within two years anarchy had been reduced to order and 'merchants

travelled in safety beyond town and castle wall and the Jews to their ready clients.'

... and the Charter

The 'Laws of Edward the Confessor' purporting to *date* from a time when England as yet had no settled *body* of Jews belong to a class of document not uncommon at the time when society was making the slow transition from custom based on oral tradition to law governed by writ and charter. A forgery ~~is~~ *in* the modern sense ~~they were~~ *it was* designed less to deceive or defraud but more to give the legal force of the now fashionable written document to long accepted customs and practices. While the very mention of the Jews refutes any claim the 'Laws' might have had to authenticity as a document, it does authenticate the status of the Jews themselves among the accepted communities of the realm. They *'Laws'* embody the broad principles which provided the framework of Jewish life in England down to their in the 1290s expulsion by King Edward I. First, they and all their possessions belonged to the king; second, they might put themselves under the protection of a local lord, but only with the king's permission; third, the king could at any time demand the return of such Jews and their money; and fourthly, the king's Christian lieges throughout the country were duty bound to guard and protect all Jews in their districts.

In a charter now lost, Henry II granted the sons of Jews the right to succeed to their fathers' estates on payment of

an estate levy, usually a swingeing 33%. The principle was obviously the same as that of the relief paid by the heir to a barony, but whereas the baron had the absolute right to succeed to his father's estate, the Jew might be refused permission, since at law the king was heir of every Jew in the kingdom. When the famous merchant and financier Aaron of Lincoln died in 1186 not only did the exchequer have to set up a special department to handle his vast estate, neither his sons Vives and Elias, nor his nephew Benedict were granted leave to succeed. (115)

In the last resort, the Jewish community was always at the king's mercy, liable to punitive and arbitrary levies confiscations or fines- John was even accused of torturing rich Jews to learn the whereabouts of their cash. But the king was also their protector against all other men, and more usually it was in his interests to see they got justice. In litigation in civil cases between a Jew and a Christian, oaths and the evidence of witnesses of both religions were to be taken according to Jewish custom [110]. It seemed to Christian plaintiffs that crown officials under John favoured Jews. Whereas a Christian wishing to clear himself on oath in a civil case might, be required to find eleven 'oath helpers' to swear with him, a Jewish defendant was allowed to make his oath 'single-handed' on the book of the Jewish Law. While the courts, apparently, realized that the ever present risk of perjury was higher where men were asked to swear oaths they did not consider binding, the average

Christian plaintiff merely observed that a man whom he regarded as an alien and an enemy of Christ was allowed to clear his name 'contrary to the custom of the realm.'

Moreover by the terms of John's charter to the Jews of April 1201 if a Christian brought a charge against a Jew it was to be adjudged by 'pares Judei'. It is not clear whether this unusual phrase [with its echo of 'per pares suos judicandus' ('by judgement of his peers', i.e. 'equals') found in the Laws of Henry I and pre-echo of the historic words 'per judicium parium' ('by judgement of peers') of clause 39 of the 1215 Charter] means men of their own race or justices or custodians of Jewish affairs, either way we are not dealing with 'positive discrimination' in the interest of human rights but rather with legal precautions in the interests of the king's business where it concerned his most valuable subjects. In addition to access to such special court procedures the Jew was also under the special protection of the royal sheriffs and castellans of their district.

Up to the 1190s a case involving Jews, whether as plaintiffs or defendants involved a jury comprising Jewish as well as Christian members. By the accession of King John Jewish affairs had been handed over to specialist officials of the exchequer headed by the 'keepers of the Jews', or more correctly 'the king's justices at London assigned to have custody of the Jews.' [117] One of the earliest was Hugh of Nonant, bishop of Coventry [119].

'Bishops' and cantors

These royal officials were matched by opposite numbers elected by the Jewish community itself and known as the 'priest' or 'archpriest of the commune of the Jews of England.' One such archpriest not only admitted but boasted his responsibility for the 'great' debts of the English Jewry, the small debts such as individual fines, being the responsibility of the steward of a king's justice of the jews. [121] While the origin of the term 'archipresbyter judeorum' or Presbytero judaeorum is unknown, from the Jewish point of view he was clearly a more important functionary than his royal counter-part, being regarded as the head of the national community.

In June 1199, taking advantage of a truce during the war with France, Jacob of London, the then archpriest crossed the Channel to petition John newly crowned as king to confirm him in office. This the king did in a Charter dated 31 July. Addressed to the king's loyal subjects and saluting all the Jews and the English, it conferred 'the presbyterate of all the Jews of all England' upon Jacob the Jew of London for life 'to enjoy freely, peacefully, honorably and entire-ly,' and ordered 'that noone presume to trouble or molest in any manner .... our royal Jew whom we have chosen for our especial service'. The charter concludes with the ruling that Jacob as presbyter of the Jews could be taken to law only in the royal courts, 'as was confirmed in the charter of our brother King Richard.'

In the Christian church hierarchy the 'archpriest' discharged some of the administrative functions today associated with the title rural dean and in the middle ages the president of the local ecclesiastical court or rural chapter. The Jewish 'archpriest's' duties seem to have been exclusively secular. The terms priest, bishop and even archbishop were also applied by the Jews themselves to officers of the synagogue possibly with to explain such functionaries as the cohen or the chazzanim (i.e. cantors) to Christian officials and neighbours in terms they would understand. We find Jewish 'bishops' at Exeter, Hereford, London, York and elsewhere: occasionally they discharge the functions of bailiffs.

The Jewish community suffered heavily from John's exactions and many emigrated, the turbulent period of the Barons' War precipitated by the struggle over Magna Carta accelerated the trend. After John's death many of the refugees returned only to find that the self-governing communities of the old days had given way to direct rule by the royal sheriffs and castle constables. Jews had always been vulnerable to prejudice and sudden outbursts of violence but as the 13th century advanced conditions of life became increasingly hostile as the royal government, less dependent on the financial services of the Jews with the rapid development of Christian banking, be-came less

concerned <sup>with</sup> protecting 'the king's Jews'.

Not that money lending was the only business of the Jewish community. Aaron of Lincoln, probably the wealthiest commoner of his time, dealt extensively in corn and probably in wool too. Other Jews are known to have been physicians, soldiers, vintners, fishmongers and cheese-mongers and goldsmiths. Pawnbroking, the most widespread trade among Jews, called for the skills of jeweller and metal worker in the repair and refurbishing of plate, armour and jewellery, to make unredeemed pledges saleable. But, automatically excluded from the religious and monopolistic craft guilds, Jews could not hope for a full career in urban business.

From occasional references in government records it seems there was a steady trickle of converts to Christianity. The pressure on the small Jewish communities was constant. Suspicion and hatred and the sense of ostracism from the normal concourse of human society were hard enough to bear, but to these we must add the standing discrimination against Jews in all fields of skilled or professional employment. But there were pressures working the other way. Since at law a Jew's property was reckoned to belong to the king, any wealthy Jew who converted was liable to surrender all his wealth to the king. A churchman complained that the provision was a major obstacle to widespread conversions and it seems likely that most of the converts were poor men liable to expulsion from the kingdom because of no importance to the king.

In the upper orders of society, both religious and lay, individuals and institutions were perfectly prepared to do business with 'the enemies of Christ' if profit beckoned. In the 1180s five prosperous London merchants combined in a property development in Old Jewry near the site of Mansion house, financed by loans from Aaron of Lincoln whose London house was nearby.

Jewish financiers often played a crucial role in the land acquisitions of wealthy religious houses. Although a Jew was outside the feudal network of obligation and homage, land was often pledged to Jewish moneylenders as security for a loan. If the debtor was unable to meet his debt the Jew could not enter into possession of the land but he could arrange for conveyance of the land to a purchaser willing to discharge the debt. Many debt-encumbered properties passed to religious houses in this way. Monastery charter collections or 'cartularies' conceal many an outright land purchase in records which purport to record pious benefactions.

#### Councils and troubles

Four crucial canons of the Fourth Lateran Council held only months later than Magna Carta marked the deterioration of the Jewish position in the thirteenth century. The Council was held against the darkening backdrop of religious passions swirling up from the campaigns against the

Albigensian, 'Cathar' heretics of the Provence. The next decade would see the founding of the Inquisition, meanwhile the Lateran council decreed that converts should break entirely with their old religion. Although not aimed specifically at Jewish converts it heightened popular awareness where many a Sunday Christian would have preferred to keep a low profile. But it was tolerable. So too, one imagines were the injunctions requiring Jews to pay tithes and other ecclesiastical dues: no doubt technically unjust impositions on non-believers they were, after all, merely taxes and ones moreover already paid by their Christian neighbours. In like manner the ban on intermarriage with Christians was hardly arduous - orthodox Jewish law, then as now, was also opposed to mixed marriages. But there were the two measures of outright discrimination: one confined Jews to their houses on Passion Sunday and during Holy week; the other ordered that Jews should wear a badge or some distinguishing item of dress.

The Council decrees presumably reached England in the early weeks of 1216. King John, who had cheerfully endured four years of Interdict against his kingdom and excommunication against himself, may have registered the opportunity for money raising which the decree on dress presented but was preoccupied with the more pressing business of bringing his rebellious baronage to heel. After his death and the departure of Louis of France in September 1217 the civil administration of the country began to return

to its normal rhythms and the Council of Regency regulated, among other things, the position of England's Jews.

Their chief concern was to encourage emigrés to return. Late in 1217 they issued instructions that 'returniks' so to speak, need only register with the Justice of the Jews and that the local authorities were to ensure their protection, especially against Crusaders, who had taken the cross in accordance with another decree of the Lateran council. William Marshall, the regent, personally saw to it that committees of burgesses were set up in various towns-- Lincoln, Bristol and Oxford among them--early in 1218. Memories of 1190 were still vivid and a government wishing to woo the return of valued money men had no desire to see them slaughtered by self-styled soldiers of God.

Given that this was the political environment, the papal order requiring these valued citizens be publicly humiliated and marked out by unmistakable recognition signs was unwelcome. But as the regency council numbered among its members the pope's personal representative, Legate Guala, something had to be done. In March 1218, a decree ordered that all Jews in England should wear a white 'tabula' or badge.

It was reinforced as one of a series of statutes of 1253. Other of these enactments, governing the construction of new synagogues, intermarriage between Christians and Jews, and the employment of Jewish servants and nurses by Christians reveal the gentler side of Christian/Jewish relations. The

two curt clauses of the Charter present the harder facts of these relations.

There were many ways a baron could get into debt to the king. The crown was of course the fountain of honour, more important in the middle ages it was the principal source of revenues and land to ambitious and successful men. Money was to be had by marrying one's son to an heiress and if she was a royal ward the king had to be paid; rich profits could be creamed off the administration of a minor's estate--if a royal wardship the king had to be paid. To win the grant of a fief in the king's gift, the constablenesship of a castle, the wardenship of a forest, even to have justice and above all the king's goodwill, all demanded money. And in an economy based on land money was short, cash flow was the problem and it was necessarily a sellers' market for moneylenders. Payment of reliefs to enter into one's inheritance was a special harassment... 'there is no fixed amount which the heir must pay to the king, he must make what terms he can', a treasury expert had written in the previous century.

To be in debt to the king was to be in the king's power--debts were paid on the instalment plan, terms and payments fixed by the king. John enjoyed the power he held over his debtors and made the point explicit by demanding they put their lands in pledge which of course opened them to the threat of forfeiture. (The vast estates of the earldom of Leicester were impounded between 1207 and 1215). One way out

of the king's debt was to borrow from a Jew. But, as W.L. Warren has pointed out not only was interest heavy but a debt to a Jew was an indirect debt to the king. Who regularly raided Jews profits by taking arbitrary tallages.

It is perhaps not to be wondered if rich and powerful Jews sometimes attracted hostility from the great of the land. Inexhaustibly rich, it seemed, in the one thing the barons were perennially short of -- money -- spared the strictures of moralizing priests; favourites of the king's laws and at the same time heirs to the murderers of Christ; they did not seem ideally placed to win friends and influence people.

As the thirteenth century advanced the position of England's medieval Jewry worsened. Increasingly irrelevant to the requirements of royal finance as other sources of revenue became available, the Jews found themselves without royal protection when they needed it more desperately perhaps than ever before. In the middle decades of the century a group of sensational child murder trials were laid at their door who supposedly killed Christian children in ritual murders for their blood, charges that were still being seriously brought in nineteenth century France.

The public outcry surrounding the cases suited the authorities. In 1290 Edward I ordered the expulsion of all the Jews in England and thus impoverished the national life by reducing the diversity of the communities of the realm.

Check

In 1653 (?) Lord Protector Cromwell opened England once more to Jewish imigrants. Thus the community of Jewry part of the community of England in the year of Magna Carta was welcomed back to the realm in the century which had seen the greatest triumphs of the Charter and to which the Parli-amentarians who approved their return, owed so much.