

AN "ABSENT PRESENCE": AN INTERNAL HISTORY OF INSULAR
JEWISH COMMUNITIES PRIOR TO EXPULSION IN 1290

by

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Provide for yourself a teacher and get yourself a friend.

– Pirkei Avot 1:6

To Dr. James R. King, whose quick wit introduced me to medieval studies, I owe especial thanks because it was his off-hand comment, delivered in a stairwell as we rushed from one class to another, that formed the germ of an idea that has blossomed forth into this present work.

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I cannot leave out my grandmother, M. Ann Pustejovsky. My earliest memories are of her reading stories to me, historic, religious, and fantasy, asking

questions, and always being curious about the world around her and seeing the beauty in all that G-d's world had to offer. To her final day, she insisted on knowing what new wonder Creation had revealed. I pray the light she kindled in those she loved, which was every person she knew – and many that she did not – will never go out in me or in the world.

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ABSTRACT

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This thesis, based on a study based on the legal and popular documents regarding Jews and Judaism in thirteenth-century England, argues that the Expulsion of the Insular Jews in 1290 was not just a financial decision as has been argued in the past by other historians. Most historians focus on one or two aspects of the Insular experience or Expulsion, with fiscal reasons always in the forefront. This work covers and analyzes excerpts from various poems, chronicles, and martyrologies from popular literature and art to show the feelings and beliefs of the populace on Jews and Judaism in that time and place, an unprecedented use of available sources. The study makes use of methodologies such as economic analysis,

oral tradition, and others in a synthetic schema that might otherwise be ignored in a more traditional survey of Insular Judaic history. Insular Judaic history is itself a branch seldom studied, with these or any methods.

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CHAPTER 1

INTRODUCTION

Look not at the pitcher but at that which is in it.

– Pirkei Avot 4:27

The Expulsion of Jews from England in 1290 might first appear to have been simply a financial decision. Indeed many historians have painted the Expulsion in exactly, and only, those terms. That is, per normative presentations of the era under examination, to Edward I and his advisors the Jews had ceased to be economically useful or certainly as useful as they often had been since William the Conqueror invited them to serve the Crown, and this was the reason for the Expulsion. It is true that, by the end of the thirteenth century, the Jewish community had been fleeced so thoroughly that the sheep were sheared to the bone, but that is only part of the story. This research argues that the Expulsion occurred not only because of economic expediency. The Jews' forcible exclusion from England also was based on centuries of myths about and misunderstandings of them within England's Christian society in ways that closely paralleled beliefs and experiences on the Continent.

The myths and stories surrounding Jews had real world consequences for actual people, therefore they need to be studied despite not fitting into normative categories

used for the Continental Jewish experience. This thesis describes the legal and social reality surrounding the myths and tales. The present author investigates the reality of insular Jews' situation based on a variety of evidence: financial records, of course, which are for many historians the sole useful source of information, but also poems, monastic chronicles, and various works of art to show the social position of Jews in an attempt to demonstrate how the popular and official cultures so widely diverged in their understanding of the Jews in their midst. Things are not always as they seem, especially if they seem simple.

1.1 Overview

Open ye the gates, that the righteous nations
which keepeth the truth may enter in.

– Isaiah 26:2

The Jew of the medieval period, much like his modern descendants, is largely the creation of popular myth. His image and even his name, but seldom his reality, is alternately reviled or beloved, depending on the religious, social, or political motivations of the speaker. Few at any point in time have been ambivalent on what came to be called the “Jewish Question” in the twentieth century. To mythologize Jewish life in medieval England, this work sets out to discover the reality of the Jews' station in Insular life. In considering this topic, it is relevant to cover areas of study as diverse as blood libel, the selling of false relics, representations in art and sculpture, and caricatures in the theatre. In doing so, one

must ask and attempt to answer the question, “Why is the Jew so cordially hated – and feared?” in this and later time periods.¹ Indeed, that is the larger, more ambitious purpose of the present thesis. Man’s inhumanity to man can never be ignored, past or present, and as such this is in part an examination of the darkness that lurks in the hearts of men.

The sources of these myths are not the object of this work. Rather, the author seeks to show the myths’ and stories’ legal and social consequences for real people in history who were both subject and object of timeless myth. With this in mind, the author aims at presenting a viewpoint internal to the Judaic condition of thirteenth-century England using contemporary sources, Jewish and Gentile, legal and literary, to demonstrate his position, and he will do so with a mixture of textual analysis juxtaposed against historical actions. First the legal situation and second its concomitant violence will be examined. The work will begin with a look at the history and development of the Jewish community in England and how it evolved, in response to both internal and external stimuli. Then an exposition on some of the literary or unofficial works that embodied the courtly and popular opinions behind the violence will be used to further demonstrate and support the view that it was most dangerous for Jews in the thirteenth century when myth collided with reality. These works are considered as a reflection of cultural substrates which,

¹ Joshua Trachtenberg, *The Devil and the Jews: The Medieval Conception of the Jew and Its Relation to Modern Anti-Semitism*, fwd. by Marc Saperstein (Philadelphia: JPS, 1943), 1.

while not revealed in formal culture, still existed and affected beliefs and opinions of people living in the real world. All sources are considered for their representations of violence and sometimes in their roles as instigators of violence, official or popular, to define, to contain, and eventually to expel the Jewish population from thirteenth-century England as the Othering process evolved from a philosophical exclusion to a physical one.² The final stage will be a brief comment on the modern consequences of medieval anti-Judaism.

This group of Jews is neither English in the Christian sense nor Jewish in the Continental sense. They are, therefore, their own unique group of people, living and believing as they saw fit, regardless of outside definitions. New categories must be invented for such a purpose, and, rather than refer to “Anglo-Jewish” study, a term that subsumes Englishness into Jewishness, the present author prefers the term Insular Judaism. This term is both descriptive of their living condition as well as the unique nature of their contribution to Judaism and its literary tradition, as will be shown below.

This thesis begins with a presentation of an overview of the present project, relevant historiography, and an exposition on the sources and methods used. The second chapter is about the position of Jews in thirteenth-century English society and how their situation evolved over time up to the Expulsion in 1290. The third

² See the section Theories of Violence for further information on Othering and attendant theory.

chapter is a brief discourse on the theories of violence which led to and were affected by real world violence against the Jew as embodiment of the outsider. In chapter four, the author presents various works which bear on the situation of Jews in the time period under consideration and how they both shaped and reflected popular opinion on an early form of the “Jewish question.” Finally, with a brief recounting of the thesis’ main points, the conclusion comments on certain modern consequences of medieval practice and belief.

While some think it normal and healthy to fear what one does not understand, the Jewish population was not even accorded the status of shared humanity in many cases, so possibilities for human compassion and empathy for the community, despite individual friendships or partnerships, were largely nonexistent. Existing as a scapegoat in many times and places, the Jew was a constant companion of Azazel.³ The Jew’s place or usefulness to the Christian society of the High Middle Ages was the Christian construction of what that place or identity should be based on exclusively Christian needs, wants, desires, and fears. As such, when he looked at an actual Jew in his presence, the Christian found something rather different, and so construed this as the Jew’s abandonment of “his” own Judaism. In truth, this was the result, not so much of Jewish refusal to credit or adhere to an external definition, but rather an unconcern with what Gentiles expected of Jewish

³ Lev. 16:8.

faith.

This presentation will include prevalent myths about Jews and Judaism from the medieval period and the historic consequences both of the myths directly and of the aftermath of what happened when the Christian believers of these myths encountered reality. To this end, certain methods of both Leopold von Ranke and Herodotus have been included. Ranke insisted on *wie es wirklich gewesen war*, while Herodotus included some things in his *History* that he did not necessarily believe to be true but that his sources did. Myth, emotion, personal interest: all these things can influence what people believe and how they react at the perceived-perception-perceiver nexus, much as water, ice, and steam may all mutually exist at a given pressure and temperature. This synthetic approach combines elements from previous approaches in a novel way and, as such, deserves special comment. It pays special attention to divergent views held about events by opposing sides. Interstitial existence was the norm for Jews of the period in question and so they cannot be called a fringe group, though they were undoubtedly the Other with whom most of Western Christendom believed itself to be most familiar. Since both myth and fact, and their cognitive conflicts, were involved, these too must be taken into account. Laws, customs, art, religion, superstition, trade, warfare and many other factors must be considered for a truly holistic presentation, with a brief exposition on the types of sources and how they have been used in the past.

1.2 Historiography

This is the book of the generations of Adam.

– Genesis 5:1

Thus far, Insular Judaic study has rather lagged behind other areas of Jewish historical inquiry due largely to its ambiguous nature. It has baffled social scientists for years because it does not fall neatly into categories applicable to the Continental experience, thus confusing efforts to use traditional historiographic methods on the relevant documents and artifacts. This area of study lacks any semblance of a coherent historiographic tradition. Most researchers have thus far confined themselves to presenting the bare facts derived from their research while declining to theorize on the meaning or formalize their methodologies.

Much is already known about the myths believed about Jews in the thirteenth century, but few studies outside specialist Jewish journals have been attempted. Most study has been conducted by Jews themselves, using Jewish sources. Christian sources have been considered, but warily, as if they are somehow suspect.⁴ Even though they may be suspect, and often present plain impossibilities in their accounts, no source says so explicitly. Such uncertainty about the reliability or partisan nature of questionable sources within the Jewish scholastic community

⁴ Todd M. Endelman, “Writing English Jewish History,” *Albion: A Quarterly Journal Concerned with British Studies* 27, no. 4 (Winter 1995): 623 – 636, 627; Ellis Rivkin, “The Utilization of Non-Jewish Sources for the Reconstruction of Jewish History,” *Jewish Quarterly Review*, n.s., 48, no. 2 (October 1957): 183 – 203, 184.

cannot help but encourage the same stance when Christian scholars study Insular Jews. All sources can, and should be considered, regardless of the bias of the author. If the position of the writer is kept in mind, the literary product can be used to present ideas, if not necessarily facts.

It is known that Jews traded in the British Isles in wine, slaves, and other goods for several centuries before the Norman Conquest. It is also known that a group was transplanted from Rouen to London almost immediately after William I's coronation. Only recently has their eventual spread across Great Britain has been recognized. Evidence has been found as far north as York of permanent establishment, and even a few artifacts have been found showing business transactions in Edinburgh. Archaeologists have found remnants of synagogues in small towns on the Welsh marches and in Cornwall. They owned land and stone houses in many cases. They were active in financial ventures and were sometimes tax collectors. They could also function as notaries in the case of contentious business dealings. They were doctors, lawyers, teachers, vintners, rabbis, scoundrels, traitors, and confidants of kings. In short, they were human beings in all the vast panoply this suggests. They were given special protections and limitations in Magna Carta in 1215, and placed as special subjects of taxation according to the "severe ordinance" of 1253. Eventually their ability to engage in trades was all but destroyed, and usury became their sole source of income rather

than merely one possible source of income which had been permitted, and even encouraged, from the Conquest onward. Though admitted to the trades and banned from engaging in usury by statute in 1275, they were not given effective means to own land or operate businesses. In the following fifteen years, they were fleeced for what little they had left, and finally forced out in 1290 (see Appendix D). In all periods they were fiscal tools, used and reused until there was nothing left.

In terms of narrative method, the present author has rejected the two major prevailing methods, liminal and lachrymose, as well as one theory less widely held known as the psychohistorical view. The triumphalist point of view must also be considered and similarly rejected. It posits a special place and an eventual ascension of the Jewish people after a time of tribulation. While this school of thought closely matches certain messianic expectations inherent to Judaism, it insists on a special place for the Jewish people rather than admitting them to the general concourse of human existence which furthers the Othering process which leads only to mistrust and violence. The present author has no desire to impugn any of these interpretational lenses, which all have their strengths and their place in the historiography of Judaism and Western culture in general, none entirely fits the observations made during research for the current project. A synthesis of divergent ideas seems to be the best answer.

While the Jews were not strictly necessary to the Christian population of

Europe for cultural interaction between different areas, the Jews, with their quasi-universal presence, could act on a scale – both geographic and economic – that far outstripped their more provincial contemporaries. At first merely convenient, long custom of use translated into a perceived community need; that is, those who were once seen as interlopers now performed a service. This in turn made for resentment from their neighbors. The more powerful one is and the more a society needs one's services, the more one is hated. Gratitude can sometimes be thought of as a mask for resentment.

Lacking the ability to engage in *levitas* meant that they could not free themselves from this resentment by seeming ridiculous after the ancient pattern. This meant that Jews were a presence betwixt and between cultures, alternately exiled and reviled. Their extra-legal status intimately involved them in everyday affairs while simultaneously excluding them from the community. In England especially, the linguistic difference alone was a major definition of the Judaic Other. Although they lived down the street, the Jews might as well have resided in the mythic Orient from whence it was imagined they came. The presence of the Judaic Other was seen as an incursion and unnatural because “the space of culture is *here* and the space of the uncultured (barbarians, the unsaved) is over there.”⁵

⁵ Rolena Adorno, “Todorov y de Certeau: La alteridad y la contemplación del sujeto,” *Revista de Crítica Literaria Latinoamericana* 17, no. 33 (1991): 51 – 58, 55. El espacio de la cultura es ‘aquí;’ el espacio de la no-cultura (barbarie, el salvajismo) es más allá.

With this in mind, liminal theory does not strictly apply because it assumes that society can have a fringe at which subcultural groups may exist. Medieval Christendom was in many ways a homogenous, totalizing culture, at least in the Occident, and so can be considered as a series of local variations on a universal theme, with the term *medieval* applicable more as a mindset than as a time period.⁶ As such, Jews filled the social niches that existed between and within various social loci. They were the “Other within.” Much like leaven in bread, Jews were a necessary ingredient in the fermentation of medieval society, but were usually destroyed, like yeast in the baking process.

As for the lachrymose school of thought, the author acknowledges that Jewish history has been one of tragedy, loss, warfare, and extermination. This, however, is no cause to endorse a pessimistic view of history, whether of Jews or of any other cultural group. Historical optimists are wrong just as often as are their pessimistic counterparts, but they sleep better at night. Narrative strategies can inject whatever the writer chooses to assign to the past; nonetheless, the reader is the ultimate arbiter of meaning because all documents, written or pictorial or iconographic, ultimately are viewed through the eye of the beholder who constructs his own meaning out of all the possibilities presented by a polysemic text. This teleological presence can be seen as early as the various *Memor Bücher* written

⁶ Trachtenberg, 5.

by the survivors of the tragedies experienced during and re-imagined after the First Crusade. Written with a touch of remorse and envy at the supposed moral strength of those who ended their own lives rather than wait to be slaughtered or accept conversion, the authors assign their own interpretation to events, and they were writing less than fifty years after the fact. With this in mind, the author moves with caution in this area and attempts to avoid projecting his own views onto events seven centuries and more in the past. Like all attempts at true objectivity, the author must acknowledge some level of failure in this endeavor, but the effort has been made.

The third school, psychohistory, is predicated on the idea that “the inability to mourn is the most important psychological issue in Jewish history.”⁷ Avner Falk posits that Jews assign their seemingly eternal mourning rituals to mythic objects taken out of context and put into the Jewish mind, medieval or modern. This, he argues, is more a sign of their separation anxiety involving a mythic mother figure than of any tangible loss. Moreover, he asserts that this mythic mother figure is a displacement and legitimization of psychic trauma suffered at the point of infantile individuation from the physical mother. This school posits father figures as alternately benevolent and filicidal, and mother figures as nurturing and demonic in turns. It sees sons’ motivations as inherently patricidal and oedipal in nature. It

⁷ Avner Falk, *A Psychoanalytical History of the Jews* (Cranbury, NJ: Assoc. Univ. Presses, 1996), 17.

further posits that these images of father and mother figures can be transferred from physical parents to cultic figures, personifications of ideas, places, or deities. The school at large has yet to come to any universally held opinions on the matter. Falk's presentation seems to be a rather moderate view, but should not be taken as typical in any sense. His own alienation from Judaism as a faith group and his tendency to debase or uplift tradition and history as it impugns or bolsters his argument, leaves this author in some doubt about his work and about the school in general. While the viewpoint and method of psychohistory are interesting, they can hardly be seen as healthy vehicles for the study of history.

One further work has been excluded entirely from the present thesis. Davis' edition of the *Shetaroth* presents many difficulties. The nature of the editorial comments leads the researcher to believe that Davis has unfairly and with great prejudice presented translations that do not match up with the general opinion held by current scholars of the medieval period, or even to that of scholars in his own day. Additional internal inconsistencies in his comments and evidence of intentional distortion of the Hebrew original that cannot be supported by the actual manuscripts in the Public Records Office make this work unreliable. The compilation is Davis' only known work, in this field or any other, and it seems that he was more of a librarian or archivist than a Hebrew scholar. While such an endeavor would be difficult under any circumstances, this compilation would have

required a far more assiduous editor before being considered for use in the proposed thesis.

One must ask why the present study is important as an adjunct to more mainstream areas of interest. Ellis Rivkin's words may best represent the rationale for this present inquiry when he writes:

The history of the Jews is a history of involvement. It cannot be separated from the larger context of which it is part. It is by its very nature simultaneously a history of an entity linked lineally through time and a history of diverse civilizations, cultures, and societies. It is the history of the Ancient Near East, the Hellenistic and Roman worlds, the Sassanian Empire, the Moslem and Christian epochs. Wherever we turn in Jewish history we are confronted with involvement – an involvement so interwoven with the texture of the total pattern that to abstract the so-called Jewish element is to do violence not only to Jewish history but to the history of the larger complex as well.⁸

Salo Wittmayer Baron writes of the importance of this study as well, but in a more particularist vein as he presents the value specifically for Jewish studies because

The meteoric rise, and even more rapid decline, of English Jewry in the brief span of two and a quarter centuries (1066 – 1290) brought into sharp relief the fundamental factors shaping the destinies of all Western Jewries in the crucial first half of the second millennium.⁹

⁸ Rivkin, 183.

⁹ Salo Wittmayer Baron, *A Social and Religious History of the Jews*, 19 vols. (New York: Columbia Univ. Press for the JPS, 1957 – 1993), 4:76.

Insular Jewish history also lacks the normal landmarks of Jewish history in other nations because of the long absence, and because the post-resettlement period was largely tranquil for Jews, some go so far as to say it is not worthy of scholarly attention.¹⁰ Because of this, historians of Insular Jews tend to avoid descriptive concepts and categories more common to Continental studies, and they end up in a quandary: are Jews immigrants or are they better thought of as successful religious dissenters like the Quakers or Unitarians? Neither category applies because Jews have never thought of themselves in that way and never will and any attempt at using a standard classification system will be an artifact of historiographic structures. Virtually all classifications can conceivably be used to describe the Jews of thirteenth-century England, and so none truly applies.¹¹ Simultaneously, though, such difficulties force one to ask: is this an English question or a Jewish one?¹² The present author intentionally rejects both categories because neither has meaning without the other.

While many scholars have presented the dominant social view, and even the cold legalisms of court records written from that point of view, so far the present research has found that none in recent times has attempted an internal history of the Jewish communities in that time and place. With a mix of resignation and

¹⁰ Endelman, 624.

¹¹ *Ibid.*, 630.

¹² *Ibid.*, 634.

misunderstanding it has been pointed out “that no part of Jewish history has been so neglected as this one, namely the legal history of the Jews in medieval and modern times.”¹³ Any brief survey of the available studies done on this period and subject of English history would show that,

In this sense, historians, regardless of their political sympathies, have shared mainstream English values. For most of them, the Jewish presence has been absent – or it has been an awkward presence, difficult to fit into conventional models and frameworks, seemingly outside the dominant ways of thinking about English history.¹⁴

One attempt was made by Dr. Joseph Jacobs in 1893, and what survives is self-described as “preliminary work.” He focused on the patterns of contact and story diffusion between different cultural centers, and the written or printed material so cherished by von Ranke and all historians after him were, to Jacobs, mere artifacts of these transmission paths.¹⁵ Some of his items were traced from the *Canterbury Tales* as far back as the *Pancatantra* and the crux thereof was the international and highly mobile nature of the Jewish people throughout their history.¹⁶ There is no such thing as an isolated culture, but rather various circles of influence overlapping and sharing so that “so far as the European nations share their

¹³ Guido Kisch, “Research in Medieval Legal History of the Jews,” *Proceedings of the American Academy for Jewish Research* 6 (1934): 229 – 276, 234.

¹⁴ Endelman, 628.

¹⁵ Gary Alan Fine, “Joseph Jacobs: A Sociological Folklorist,” *Folklore* 98, no. 2 (1987): 183 – 193, 186.

¹⁶ Joseph Jacobs, “Jewish Diffusion of Folk-Tales,” *Jewish Chronicle*, 8 June 1888, 14.

folk-tales with one another, they owe this fact to Jewish diffusion.”¹⁷ In his theory, the lore and the people are interdependent constructions, neither truly existing without the other, and this perspective informs the present research. Jacobs’ work was universalist and humanist in nature, and his own thoughts on it deserve to be presented in full because he knew

... no more humanising thought than all the workers of the world laughing at the same jokes and of little children all over the world repeating the same stories.... It is one of those touches of nature which makes the whole world kin. These folk-tales form not alone between the ages, but between many races who think they have nothing in common. We have the highest authority that “out of the mouths of babes and sucklings has the Lord established strength,” and surely of all the influences for good in the world none is comparable to the lily souls of little children. That Jews, by their diffusion of folk-tales, have furnished so large an amount of material to the childish imagination of the civilised world is to my mind no slight thing for Jews to be proud of. It is one of the conceptions that make real to us the idea of the Brotherhood of Man which, in Jewish minds, is forever associated with the Fatherhood of G-d.¹⁸

He saw, or at least reported, only the good in the world of his time and earlier. The following work looks at the darker side of human inventiveness as a sort of complement to and completion of Jacobs’ work. Jacobs died before it could be finished. The author believes it is time for another attempt to be made.

¹⁷ Ibid., 22 June 1888, 15.

¹⁸ Ibid.

1.3 Sources and Methods

Neither is it far off....
It is not in heaven....
Neither is it beyond the sea....
But the word is very nigh unto thee,
in thy mouth, and in thy heart,
that thou mayest do it.

– Deuteronomy 30:11-14

The primary sources come in several varieties: contemporary literature, art and sculpture, personal documents, monastic chronicles, financial and court records, and exegetical works. The contemporary literature is mostly English or French, with brief references to Dante being the only notable exception. The Navarrese used in the *Cántigas de Santa María* is an interesting mixture of French and Spanish influences, but is, strictly speaking, a dialect of Basque. All items but two were available either in the UTA Central Library or were procured for the present author by that institution's Interlibrary Loan Office. The exceptions are the "Praier to St. Robert," a document in the Bodleian Library, and the *Statutum de Judæis* document, found in the British Museum, which were sent to the author by Dr. Helen McCarthy, of Christ Church, Oxford, by fax. These are all intended to demonstrate not merely scholastic and upper-echelon society's opinion of Jews in the twelfth through fourteenth centuries, but also evidence of the social realities behind those opinions. These opinions can be divided into four basic groups, along

a two-fold dichotomy: upper- vs. lower-class, and ecclesiastical vs. lay. If not exactly favorably disposed toward the Jews, the upper and ecclesiastical classes were seldom actively hostile. The reverse is generally true for the lower and lay classes. Thus, a modified Cartesian coordinate system would be necessary for any kind of useful diagram to demonstrate the idea that, “actually there were two Churches: the hierarchy which laid down and defined general principles, and the lesser clergy and the laity who translated principle into practice. The two were not always in agreement.... The result was that practice and principle were often at opposite poles.”¹⁹

The second class of primary sources, personal documents, is necessarily small in number due to the great temporal remove between the period in question and the present. Very few exist, and fewer still are relevant to the topic at hand. These have been used sparingly, but with attention to the great personal emphasis on the part of their authors. Similarly, images such as those in sculpture or Biblical allegorical works are sparing of use but have a great deal of information to impart to the researcher.

Monastic chronicles also make up a relatively small portion of the sources, but they vastly outdo themselves in terms of their effects. Several secondary authors consider the chronicle by Thomas of Monmouth to be the single source and

¹⁹ Trachtenberg, 7.

original justification for some of the most heinous and despicable crimes against Jews of the last seven centuries. Not the least of these detractors of Thomas was the editorial team of the volume of Thomas' writings consulted for the present work. Thomas, who would otherwise be obscure and unimportant, has shaped the history of Western Jewry according to the editors, Augustus Jessopp and Montague Rhodes James. With such a charge against Thomas, justified or not, he could scarcely be ignored by any author.

The financial and court records under consideration are varied in type, importance, and applicability. Some refer to land transactions or dowries, and others still to tallages paid by the Jews to their various overlords (see Table 3). If a researcher were not careful, he might be led to think that the only documentary sources left behind by the Jews of thirteenth-century England and France were their balance sheets. While these and their associated court records are the bulk of direct literary evidence, comprising 122 rolls made up of 720 membranes in the Public Records Office, they are not the whole, and touch on a very small part of day-to-day life of the average person.²⁰ In all the time between the Conquest and the Expulsion in 1290, only thirty-seven names are recorded in these documents more than twice as being parties to suits or litigants at law. These documents are not considered here for their social value, which is dubious at best, but rather for

²⁰ Charles Gross, *The Exchequer of the Jews in England in the Middle Ages* (London: Jewish Chronicle, 1887), 45.

their testimony about the only means of earning a living into which the Jews were forced by their Christian lords: usury. Even the *De Iudeismo* statute of 1275, which provided for the purchase of land by Jews and their entry into farming and professions, but not into any guilds or burghal positions, was a farce, and some have theorized that failure on their part to comply with the conditions of the 1275 statute was the pretext for the eventual Expulsion (see Document 1). This research points to factors that make one inclined to agree, but with the reservation that it was only a pretext and had little to do with the facts of the case. Before this, though, usurers

were not punished or interfered with during their lifetime, so that they could quietly accumulate the pennies. However, on their death the king's just hand came down and... all the pennies were forfeited to the Crown. It reminds one of the treatment of the Jews who were protected in many ways so that they could be exploited by the Crown all the better.²¹

The final class is made up of exegetical works. These can be scriptural commentary, super-commentaries on those which came before, polemical texts, or even bowdlerized versions of rival scriptural traditions. While technically a subset of contemporary literature, the author believes they should be considered in their own right. Some of these were available through Interlibrary Loan and others from online sources.

Procuring most of these documents was rather simple, as they were readily

²¹ R. C. van Caenegam, ed., *Royal Writs in England from the Conquest to Glanvill* (London: Bernard Quaritch for the Selden Society, 1959), 176, n. 2.

available at the UTA Central Library or via Interlibrary Loan. The two documents for which this was not the case have already been noted. The primary difficulty in dealing with these texts has been that they are seldom in English. The records from the King's Bench and the Exchequer of the Jews, along with Thomas's chronicle, were presented with English and Latin versions on facing pages. Most others were still in the original languages with only editorial commentary in modern English. In general, the Latin, Italian, and Middle English sources have presented no difficulty. Where the original document is cited, it will be treated as a primary source; if the commentary is used, it will be as a secondary source.

Some items in this group have themselves been the sources for extensive secondary research, in particular Thomas' chronicle and Tovey's work. The latter, while not strictly a primary source in itself, represents the real beginning of Judaic historiography of the period under examination, and so has been included in this category. Chaucer, Dante, the various monastic chronicles, and the King's Bench records are all familiar to scholars of the period. What may not be so readily known are the *Cántigas* and the records from the Exchequer of the Jews. These would seem to be far removed from the average inquiry into the lives of thirteenth-century Englishmen. This objection is only appropriate, as the Jews of that period were still almost entirely Francophone, and the Castilian works likely had little influence on the thought of the average person in England. They are included,

however, because they stemmed from the impetus of a shared Christian culture; in addition their patron and putative author, Alfonso X, was Edward I's brother-in-law.²² By including the *Cántigas*, it is hoped to give a rough comparison between the English and various Continental experiences with, and social representations of, the Jews. With the Exchequer records, the intent is to show how a separate legal system, with its own rights, privileges and immunities, could benefit the Jewish community while earning them the ire of their neighbors. In all cases, documents are included in an attempt to show social reality, both how it really was and how it was perceived.

It cannot be emphasized enough: subjective perceptions are frequently more important than objective reality and so must be examined in their own right. The medieval nousphere had no place for the non-Christian in its midst. The idea of giants and monsters was readily acceptable so long as they were at the edges of the world, but the concept of a group of people who could reject the putative savior of mankind at one point in time, much less continue to be oblivious to his salvific message, confused and disoriented virtually everyone who came into contact with this concept, or rather negation of a concept, and led to questions and doubts. At least this was the priestly fear and the reason why commoners and many of the secular clergy were banned from disputations.

²² Sir James H. Ramsay, *A History of the Revenues of the Kings of England, 1066 – 1399*, 2 vols. (Oxford: Clarendon Press, 1925), 2:26.

The secondary sources come in three types. First to be considered are historiographic works that consider the interpretive methods used by the original authors and promulgators of laws, and which comment on the meaning and structure of various laws, social situations, and the arts from the thirteenth century. The second group will be used to bolster the theory of the Other as based on interstitial existence and Christian nousphere misidentification of the Judaic populace. A text can tell the reader more than just the author's public thoughts. This is important to keep in mind when reading any text, but most especially those that affected and were affected by the everyday realities of people in a precarious or untenable position. Thus the present author has included information on and analysis of literary sources as typifications of the Other as expressed in written format, with items both verse and prose.

As mentioned above, the present thesis has several stylistic difficulties and obscurities which deserve attention. Further, there are some problems involved in accessing and using the primary sources. These two considerations are the impetus for the following section.

Believing that religious opinion should be respected, and finding the proposed thesis impossible without reference to such, the term "Old Testament" will only be used when presenting a direct quotation. The idea that the Hebrew Scriptures are in any way old, out-dated, superseded, replaced, or supplanted is

considered inappropriate by many, and offensive to some.²³ Thus, the term “Old Testament” will be avoided whenever possible. The refiguring, reconstruction, and even rewriting of the Tanakh as the “Old Testament” makes a vibrant and self-defining text into a captive one, or at the very least a textual serf. The Angevin truism that “every man has his master” means that in the serflike guise of the “Old Testament” the Tanakh lacks the capacity to define itself or its purpose, or to make its own truth outside the controlling agency of the “master” that the Christian Testament is purported to be. Rather than changing the texts, as Christians early and late accused Jews of doing, Christians changed the meanings of the plain words on the page.²⁴ Rufinus in about 1160 went further and claimed that the text of the New Testament had also become corrupted in its Septuagint form, and that the only version thus worthy of use was the Latin Vulgate.²⁵ Such a mix of uncertainty and presumption is problematic because the New Testament also claims to be the heir of a covenant represented by, and reported in, the Tanakh. Ergo, the New Testament is not a true heir but a usurper and subjugator in its attempt to appropriate sole scriptural claims to authority, and the New Testament admits to

²³ Gen. 17:7, 13, 19; Lev. 24:8; Num. 25:13; 2nd Sam. 23:5; 1st Chron. 16:17; Ps. 105:10; Isa. 55:3; Jer. 32:40; Ezek. 16:60, 37:26.

²⁴ 2nd Tim. 4:3 – 4.

²⁵ Aryeh Grabois, “The *Hebraica Veritas* and Jewish-Christian Intellectual Relations in the Twelfth Century,” *Speculum* 50, no. 4 (October 1975): 613 – 634, 626.

this love-hate relationship.²⁶ One is reminded of the stories of Jove as he took the throne of Cronus by force. As an example, Paul refers to himself as a “Jew’s Jew” and recites the list of his Jewish credentials in order to refute them as unimportant in light of his Christian belief.²⁷ This sort of presentation is necessary for Christianity because the New Testament lacks context without the “Old,” but cannot let the Tanakh exist independently as that would undermine Christian claims to the fulfillment of prophecy. Thus the New Testament must “tame” the beast of the Tanakh lest it be trampled by the bull it seeks to master. Titus minted coins inscribed with *Judea capta*. Christianity similarly holds the Tanakh captive as the *Vetus Testamentum*, thus believing itself to have appropriated the document, leaving the Jews with only the Talmud, an item suspect at best and heretical at worst in Christian eyes. This is an important distinction because,

By a Jew of the past, or an orthodox Jew, or even an orthodox Christian of the present, the possibility of a Judaism without thorough belief in the Bible would have been scouted as a contradiction in terms. The peoples by whom this marvelous Book was received in translations have been at one on this point with the people who received it in the original. Mohammedans, as the *Kuzari* already points out, may lose faith in the Koran, Christians in the Gospels, but the Old Testament is not affected by the discrediting of these derivative documents. The tree stands though the branches be lopped. Once sap the belief in the Old Testament, and with orthodox Judaism, orthodox

²⁶ Cf. Rom. 11:28.

²⁷ Phil. 3:5. Εβραίος ἐξ Εβραίων.

Christianity and orthodox Mohammedanism must share in the general crash.²⁸

As a further item of style, when referencing the deity, even in a direct quote, the usage of “G-d” and similar styles will be universal. This is done in an attempt to avoid profanation or defamation of that which some consider sacred. In adopting these and related stylistic conventions, the author aims for both clarity of presentation and respect of religious sentiment, while hoping that these goals will not conflict.

Youthful love of and reverence for a good story instilled in the author at an early age the idea of a sacralization and reification of history which is endemic to all Judaic experience. A lack of ready access to the Hebrew language has been the major hindrance to scholars of this topic to date. It is hoped that the present thesis will remedy this. Art and sculpture are the exception to the rule of the author relying on his own skills of presentation and analysis. Lacking training in art history, and art in general, the author has had to rely upon the opinions of others in this matter, but still believes visual materials should be included as they could readily affect the views of a largely illiterate populace, and patristic sources concur.²⁹

A modern-day continuance of the status of Other for Jews in a Christian

²⁸ Israel Zangwill, “English Judaism: A Criticism and Classification,” *Jewish Quarterly Review*, 1, no. 4 (July 1889): 376 – 407, 385.

²⁹ John of Damascus, *Three Treatises on the Divine Images*, trans. and intro. Andrew Louth, ed. John Behr (Crestwood, NY: St. Vladimir’s Seminary Press, 2003), 31, Treatise 1 § 17.

society also informs the author of how it can feel to be surrounded by those who would encourage apostasy and entry into the dominant faith, whether by great promised rewards or not-so-subtle threats, and then not trust one because he had broken faith with his fathers and his G-d. Once a man has abandoned his traditional faith or allegiance, he is forever suspect, and rightly so, among his new group. Traitors are not to be trusted. Those quondam Jews who left their faith voluntarily, as opposed to doing so under the sword, were reviled by their former brethren and held in contemptuous suspicion by their new coreligionists. Though nominally accepting all converts, the Church of the era under examination kept a close eye on all of them in order to prevent a lapse into heresy or a return to their former faith. Conversely, “the rabbis succeeded in removing ancient disabilities and exclusions and made the [successful] proselyte the complete equal of the Jew.”³⁰ Even among those who were converts to Christianity, or the children of converts, the ambiguity of their position was rife for confusion, self-doubt, and vehement reaction against the convert’s former group. The actions of Hermannus Quondam Judeus and his advocacy for Talmud burning, Tomás de Torquemada and his inquisitorial zeal, and Teresa de Avila with her distinctly Zoharic visions are only a few such instances. Some converts, in order to assert the reality of their conversion, became ardent opponents of their former faith. Others lost themselves in visions of

³⁰ Karl W. Deutsch, “Anti-Semitic Ideas in the Middle Ages: International Civilizations in Expansion and Conflict,” *Journal of the History of Ideas* 6, no. 2 (April 1945): 239 – 251, 239.

the divine, alternating between not knowing what to think and being so absorbed in the deity as to be unable to assert any identity, with or without contact with the Almighty.³¹

³¹ While this exclusionary and prejudicial opinion is less vehement and violent than in the thirteenth century, it is no less real in the twenty-first. Present-day examples of this range from college roommates seeking to move out of a shared apartment to avoid evangelism, to actual beatings in dorm rooms in an attempt to “drive out the demons” that prevented a Jew from “seeing the light.” It is not proposed that a majority, or even a significant minority, are taking such actions, but rather that what they lack in numbers they more than make up for in virulence and ability to get their message out to the public, especially with internet proliferation and lack of fact-checking or peer review. Though never having feared for his own life as did his forebears in the thirteenth century, or even men and women of the twentieth and twenty-first centuries with whom he has spoken, the author knows what it is to be a social outcast, however politely, based solely on a profession of faith.

CHAPTER 2

LEGAL STANDING

2.1 Origin & Development of the Insular Community

One law and one ordinance shall be for
you, and for the stranger that
sojourneth with you.

– Numbers 15:16

The legal standing of the Jews in pre-Conquest England is somewhat ambiguous, as can be said for their place in all Germanic lands. Whereas Roman law had seen them as a distinct class and recognized their settlements as an organic growth, canon law placed nothing but restrictions on Jewish activity, and Germanic custom claimed no cognizance in the matter, thus deferring to the canons.³² Pagan Germanic law, having been revealed in the past by the gods, could not be modified to suit these newcomers. The only precedent anyone had to work with was the law merchant, a body of customary law regarding itinerant merchants, which was then only embryonic in nature, but especially applicable to Jews because

³² J. E. A. Jolliffe, *The Constitutional History of Medieval England from the English Settlement to 1485*, 4th ed. (New York: W. W. Norton & Co., Inc., 1961), 25; James Parkes, *The Jew in the Medieval Community: A Study of his Political and Economic Situation*, 2nd ed. (New York: Sepher-Hermon Press, Inc., 1976), 104.

of their heavy involvement with what little international trade existed at this time and with their heavy use of hard currency as opposed to real estate or payments in kind.³³ The Jewish families were seen as interlopers and permitted only at the whim of a local magnate, despite generations of residence in some areas. A further danger was perceived as merchants realized their profits and began to purchase lands, thus assuming feudal privileges and power attendant upon given estates.³⁴ As such, a king's options were limited to interpreting preexisting law to meet the needs of the present in a way that was oddly similar to the methods used in mishnaic exegesis by the very rabbis who so thoroughly confused their sensibilities, or to declare the meaning of existing law in a way that clarified precedent or claimed legitimation from its basis in natural or divine law in both form and function.³⁵ The characteristic of revealed law, as opposed to created law, continued even after the Germanic conversions, first to Arian Christianity and then to more orthodox belief, and so possessed the kernel of the common law which was to be so important in English development. The gods gave the law to the whole nation; the king's job was merely to interpret and enforce it. Similarly, the *coram rege* grew out of the *Witanagemot* tradition wherein the king would assemble his magnates, those who

³³ T. F. T. Plucknett, *A Concise History of the Common Law* (Rochester, NY: Lawyers Co-operation Pub. Co., 1929), 68.

³⁴ Deutsch, 242.

³⁵ John A. Alford, "Literature and Law in Medieval England," *PMLA* 92, no. 5 (October 1977): 941 – 951, 942.

were descended from the gods like the king, and would deliberate on the issues. These advisors had the same *heil* quality that the king did, and all were at least in theory electable to the kingship, thus securing their status as *athelingen*. The last known in England was Edgar the Atheling, a great-nephew from Edward the Confessor's half-brother, Edmund II Ironside. Edgar by all reports not only survived the Conquest, but did so in grand fashion, in and out of favor with the Conqueror and his various sons, and eventually became the father-in-law of Henry I Beauclerc.³⁶

Though there are few known documents dating from such early periods, R. Joseph ha-Kohen related how Jewish refugees from Germany and Spain found safe haven in England as early as 810, and that in 833, Croyland Abby was confirmed by King Witglaff of Mercia in "all gifts, whether by Christians or by Jews."³⁷ There are no known charters relating specifically to the Jews from the Norman era, all later documents merely referencing them but not reproducing them, but the presence of such documents is attested to by forensic evidence as early as the reign of William I.³⁸ A seal has been found at Arthur's Seat, in Edinburgh, has been found depicting R. Solomon b. Isaac dating from ca. 1050, but there is no evidence of

³⁶ Jolliffe, 1 – 40, *passim*.

³⁷ D'Blossiers Tovey, *Anglia Judaica; or, The History and Antiquities of the Jews in England, Collected from all our Historians, both Printed and Manuscript, and also from the Records of the Tower, and Other Public Repositories* (Oxford: Theatre, 1738; Repr. New York: Burt Franklin, 1967, refs. to repr.), 3; Elkan Nathan Adler, *London* (Philadelphia: JPS, 1930), 3.

³⁸ T. F. Tout, *Edward the First* (New York: MacMillan and Co., 1893), 160.

actual residence in that area, merely that he conducted business there from time to time.³⁹ A community transplanted from Rouen is seen in charters by 1067, but the only references to Jews in Anglo-Saxon lay or religious law seem to be direct copies from canon law or ancient councils rather than attempts at dealing with an actual situation *in vivo*.⁴⁰ However, there are contemporary statements made by Norman chroniclers that the Jewry, not yet called a ghetto at this early stage, was exempt from the common law and often compared to the royal forests in terms of authority and privilege.⁴¹ Even the two best known examples of charters are suspect. The laws of Edward the Confessor were actually drawn up under the auspices of the Conqueror to help validate his rule, and the Jewish clauses are suspected as additions from the reign of Henry II. Similarly, the *Pœnitentialis* of Theodore merely copies old canon law verbatim, and refers to the rites of Pesach rather than specifically to Jews, *per se*. However, *judaismus* is a recurring concern from apostles to prelates and popes as late as 1286.⁴² The one other reference is found in Domesday Book, and that is only a name: Manasses of Oxford. There is no mention of his Jewishness or any sort of identifying information other than his name and his property value,

³⁹ Joseph Jacobs, trans. and ed, *The Jews of Angevin England: Documents and Records* (New York: G. P. Putnam's Sons, 1893), 26.

⁴⁰ Frank I. Schechter, "The Rightlessness of Medieval English Jewry," *Jewish Quarterly Review*, n.s., 4, no. 2 (October 1913): 123.

⁴¹ E. N. Adler, 4.

⁴² Cf. Acts 15; Shlomo Simonsohn, *The Apostolic See and the Jews, Documents: 492 – 1404* (Toronto: Pontifical Institute of Medieval Studies, 1988), 262, Doc. 255.

and even this mild inference may be erroneous.⁴³ There is some indication that Welsh and Saxon clergy in the pre-Norman period were of the habit of adopting new names upon ordination and that the Tanakh was a primary source for such names, as can be seen in the name of Asser, the writer of the *Vita* of King Alfred the Great. Specifically, Manasses of Oxford purchased a manor at Blecesdone (or Blicestone) without royal license to do so.⁴⁴ Another early reference comes from the Pipe Rolls and records that a Jewish physician's patient died, with the consequence that the London community at large was assessed a penalty of £ 2000 (see Tables 1 and 2).⁴⁵ Though Jewish sources are few in this period and place, they do exist. Ibn Ezra's commentary on the Plague of Darkness in Exodus compared it to a London fog as early as 1166.⁴⁶ England-born commentators such as Yomtob of London, and his son, R. Moses ben-Yomtob, are known to have flourished ca. 1175, where they were recognized as binding legal authorities for the Jewish community by first the magistrates of London and then of Oxford, and the writings of Moses' sons and grandsons are extant all the way to 1290.⁴⁷ Their work is considered, to this day, authoritative on vowel and diacritical marks in the

⁴³ Joseph Jacobs, "When Did the First Jews Settle in England?" *Jewish Quarterly Review* 1, no. 3 (April 1889): 286 – 288, 287.

⁴⁴ J. Jacobs, *Docs and Records*, 5. *Domesday* 154, 160b.

⁴⁵ *Ibid.*, 14 – 15. Pipe Roll 31 Hen III, 15a (1238).

⁴⁶ E. N. Adler, 13.

⁴⁷ Joseph Jacobs, "Three Centuries of the Hagin Family," *Jewish Quarterly Review* 3, no. 4 (July 1891): 776 – 780, 777; Joseph Jacobs, "A Mediæval School of Massorites among the Jews of England." *Jewish Quarterly Review* 1, no. 2 (January 1889): 182 – 183, 182.

cantillation of Hebrew text. One of their contemporaries, R. Moses of Bristol, was an internationally known slave trader whose business increased greatly after the Irish conquest in 1171. Many of the documents later found in the Hebrew Genizah in Cairo had their start in England at this stage, and were only later transported, including one document from Oldfield that was the deed to the Monastery of St. Mary and the Holy Angels in that parish.⁴⁸ Further, at Guildford, a synagogue has recently been excavated that dates approximately to 1180, and shows signs of use as late as 1270. The room in question used for this purpose is in the basement of a clothing shop near the castle on High Street, and is at the back of the building, per halakhic law. Further evidence of its use as a synagogue can be found in the traces of the then-rare indigo dye in some of the decorations.⁴⁹ This in particular is telling because it is the same sort of dye used in coloring the corners of talliyot, the prayer shawls, as per Biblical command, and found only in the shells of certain mollusks from the eastern Mediterranean; further evidence of international trade networks in a time when few people traveled beyond a neighboring village.⁵⁰ Literary works

⁴⁸ E. N. Adler, 64.

⁴⁹ Boris Weintraub, "Did Medieval English Jews Worship Here?" *National Geographic* 190, no. 5 (November 1996): preceding 1.

⁵⁰ Num. 15:38.

are known as late as 1287, three years before the Expulsion, such as the work done by the chazzan of London, Jacob b. Jehudah, entitled *Tree of Life*.⁵¹

The first known charter which deals with Jews as people rather than absentee abstractions is from the reign of Henry II, which merely confirms the “liberties and free customs” enjoyed under Henry I, which included free movement, immunity from tolls, recourse to royal justice, protection of the Crown, and other such privileges.⁵² Henry II confirmed this privilege despite the Jewish involvement in funding Thomas Becket with 10 *m* for his flight to France in 1164.⁵³ This charter is only known in turn from references made to it in charters dating from the reigns of Richard I and John, who, along with other monarchs, renewed these at a price (see Table 6 and Document 2).⁵⁴ Richard’s charter was addressed specifically to R. Isaac b. R. Josce and ordered the archbishops and bishops in all his territories, Insular and Continental, to “ward and protect” any Jew in his realm. It is uncertain whether this applied specifically to R. Isaac or if it was more general in its use, as the language is somewhat vague. Another from Richard’s reign conferred the office of

⁵¹ David Kaufman, “The Prayer-Book According to the Ritual of England before 1290,” *Jewish Quarterly Review* 4, no. 1 (October 1891): 20 – 63, 25. This article contains the entirety of the prayer book in question, עין חיים.

⁵² Prior physical separation of the king from his courts of justice and equity are seen as early as Henry II. The Crown and the person of the monarch were indistinguishable in law at this point, but the orthographic usage is here maintained because this thesis extends to the reign of Edward I, the period in which the separation began in theory as well as in fact.

⁵³ Baron, 4:82.

⁵⁴ Shalom A. Singer, “The Expulsion of the Jews from England in 1290,” *Jewish Quarterly Review*, n.s., 55, no. 2 (October 1964): 117 – 136, 128.

Archpresbyter to Jacob of London for his natural life.⁵⁵ The earliest charters of this type referred to both England and Normandy without distinction, but later editions refer only to England after John lost the Norman provinces.⁵⁶

John's first charter to Jacob the Archpresbyter confirmed him in the position and privileges conferred to him by his brother Richard.⁵⁷ A later charter under John conferred jurisdictional autonomy to the Jews for internecine matters and lesser crimes, all of which are specifically enumerated (see Document 3). The first canon guarantees that the Jewish community will hold the same rights and privileges as those under Henry I. Suits required witnesses of both faiths, and all inheritances were to be passed on as per natural law. Barring the claims of escheat and relief, these provisions were maintained until Edward I's reign. Unlike the earlier charter, which regarded only one man and his dependents, John's new charter was sent to all bailiffs, sheriffs and other officials and covered all Jews in his realms, both English and Norman. Further, these same officials were ordered to help Jews in time of need and make sure that they had free passage.⁵⁸ Richard's charter was given freely to one individual and interpreted by his agents as applying to the entire

⁵⁵ E. N. Adler, 26; J. Jacobs, *Docs and Records*, 202.

⁵⁶ Paul Brand, "Jews and the Law in England, 1275 – 90," *English Historical Review* 115, no. 464 (November 2000): 1138 – 1158, 1138.

⁵⁷ J. Jacobs, *Docs and Records*, 203.

⁵⁸ Parkes, 393.

community. John, however, only confirmed it for a fee of 4000 *m*.⁵⁹ John also instituted one other major change in the ways in which Jews interacted with the Crown: his first regnal year was also the last year in which the Justices of the Jews were Jewish.⁶⁰

This system of *privilegium* is unusual because under every king, from William to Edward, the rule was to regularize the practice of justice regardless of to which social category a person belonged. The seeming paradox is avoided if one remembers that before this point there was no regular administration of Jewish-Crown affairs. Some would go so far as to characterize the entire pre-Expulsion history of Judaism as a problem in economic history.⁶¹ This ignores the artwork, prayer books, architecture, folklore, and social interactions which were so vital to the vibrancy and viability of medieval English life. As with so many other things, it is dangerous to generalize vast social phenomena into a few words. In fact, the separate jurisdictions were a natural consequence of the basic principle that, “Every man is to be judged by his peers and those of the same administration,” which dates from the reign of Henry I.⁶² How, after all, could a believer in Christ be, in any way, called a peer of a “perfidious Jew”? It was eminently reasonable to separate people into distinct categories according to medieval logic, and so the Jews were

⁵⁹ E. N. Adler, 30.

⁶⁰ Gross, 8.

⁶¹ S. Singer, 117.

⁶² Jolliffe, 151, n. 1. Unusquisque per pares suos indicandus est et eiusdem provincie.

given their own system of interaction with the Crown, which always helped the monarch and sometimes the Jewish community as well (see Document 3).

The apparent oddity of dichotomous legal systems is further explained and justified in the regulatory efforts enacted by Henry I and Richard I to keep track of all the legal proceedings, financial and otherwise, of Jewish subjects. The systems acted in almost perfect parallel over their respective jurisdictions. In 1194, partly in response to the coronation riots in London and York three years prior, Richard I established six chirograph bureaus across the land in which all business and legal pleadings involving Jews must be recorded, per *Capitula de Judeis*, the twenty-fourth article of *Capitula Placitorum coronæ Regis*, and reaffirmed by a statute of Henry III in 1233.⁶³ Since the establishment of the bureaus made the abrogation of an agreement an automatic plea of the Crown, this aided Jews in their collections, but also left the sites open to direct attack by disgruntled townspeople, especially against those charged with keeping the chests and their records, the chirographers.⁶⁴ A further source of ease of collection, as well as frustration, was the “cheek by jowl” nature of the living situation. There were no specialized ghettos in England at this

⁶³ *Archae* in Latin, ארון in Hebrew, the same word used for the ark in every synagogue which houses the Torah scrolls. Don C. Skemer, “King Edward I’s Articles of Inquest on the Jews and Coin-Clipping, 1279,” *Historical Research* 72, no. 177 (February 1999): 1 – 26, 5; David C. Douglas, ed., *English Historical Documents, 1189 – 1327*, series ed. Harry Rothwell (New York: Oxford Univ. Press, 1975), 350, Doc. 28.

⁶⁴ Shomri ha-tovah. שומרי התבה.

time, so intermingling was common.⁶⁵ Seemingly a further irregularity in the system, the chirograph records were used by Jewish litigants to legitimate and enforce their charging of usury, which was neither allowed nor recognized in Christian claimants by any court in the land, common or canon, because of Gospel prohibition: Lend, hoping for nothing again.⁶⁶ By one reading, even simple capitalist profit counted as usury.⁶⁷ Jews were however permitted to loan at interest to Gentiles per Biblical injunction.⁶⁸ There were a few restrictions placed on the accrual of interest. If a man died and his heir had not yet reached his majority, interest did not accrue until that time, though that built up beforehand was still valid. The second case was if a man died leaving a widow. The restriction guaranteed her dowry would be assured as free from debt claims, as would all those monies and services due to the Crown and other relevant lords.⁶⁹ In all other cases, “[t]he debts due to Israelites were by the King’s license freely bought and sold when as yet there was no other traffic in obligations.”⁷⁰

The prohibition against Christian usury was so strong that it was a matter of course that the estate of a usurer would automatically escheat to the Crown upon

⁶⁵ Robert C. Stacey, “The Conversion of Jews to Christianity in Thirteenth-Century England,” *Speculum* 67, no. 2 (April 1992): 92 – 110, 264.

⁶⁶ Luke: 6:35. *Mutuum date, nihil inde sperantes.*

⁶⁷ J. Jacobs, *Docs and Records*, xiv.

⁶⁸ Lev. 25:36.

⁶⁹ Douglas, 318-318. No. 18: The “Unknown” Charter of Liberties, before 15 June 1215, cl. 11; No. 19: The articles of the barons, 15 June 1215, cl. 34, 35.

⁷⁰ T. F. T. Plucknett, *Concise History*, 394.

death, at least in theory, and could only be bought back by the heirs with one-third of its value; triple the normal rate for relief, or inheritance taxation. A tithing of this third went to the Queen's Wardrobe.⁷¹ However, in the rare circumstance that a Jew converted to Christianity, his ability to make money, for himself or for the Crown, was thus limited by the prohibitions of his new faith. Despite the decree of the Third Lateran Council that "converts ought to be in better circumstances than they had been before accepting the faith," and his act was "to enrich the Church with a new child," it was quite common for the property of one such to escheat to the Crown automatically as if he were dead.⁷² Then his natural heirs would have no recourse other than buying it back at whatever terms the king might offer.⁷³ Gregory IX and Innocent IV, in the 1230s and 1240s, both reiterated the canon prohibition of this practice during their pontificates, but no one listened. Gregory in particular believed that Jews in his era represented a middle ground between the elect nature of the Israelite nation of old and the promise of future salvation.

⁷¹ Margaret Howell, "The Resources of Eleanor of Provence as Queen Consort," *English Historical Review* 102, no. 403 (April 1987): 372 – 393, 375.

⁷² Tovey, 87. *Melioris conditionis ad Fidem converses esse oportet, quam, antequam Fidem susceperint, habebantur.* Rev. Michael Adler, *Jews of Medieval England* (London: Edward Goldston, Ltd., 1939), 280; Tovey, 126. *Quas acquisiverunt Judæi in regno nostro succedere debeamus ipsis Judæis etc.* Close rolls, 34 Hen. III (1231), dorso.

⁷³ Edward A. Synan, *The Popes and Jews in the Middle Ages* (New York: MacMillan Co., 1965), 111.

Therefore, “[t]hat brand of kindness ought to be shown the Jews by Christians which we wish shown to Christians who live in heathendom.”⁷⁴

The process of escheat meant that at times the Crown would be in possession of debts which it either could not collect or on which the monarch could not make a profit. The expedient of selling such to Jews who could do both while giving the Crown a little ready cash readily became the norm. Two prominent bankers, Isaac and Aaron, both of Lincoln, collected handsomely in this system. They accrued £ 100 and £ 316, respectively in 1165, and £ 677 and £ 286 in 1166.⁷⁵ Isaac collected £ 500 of such debts in 1168.⁷⁶ In his own right, Aaron lent money for the building of nine Cistercian monasteries which produced the juxtaposition of his greatest beneficiaries also being his greatest persecutors.⁷⁷ Similarly, in 1188, the parliament that met that year granted a “Saladin Tithe” for the financing of the Crusade. The Jews were assessed at £ 60,000 but made up about 0.13% of the population. The entire rest of the realm was assigned a burden of £ 70,000.⁷⁸

⁷⁴ Ibid., 110.

⁷⁵ Hilary Jenkinson “William Cade, a Financier of the Twelfth Century,” *English Historical Review* 28, no. 110 (April 1913): 209 – 227, 219.

⁷⁶ Ibid., 220. There is no known 1168 data for Aaron of Lincoln. Tallage information in general may be found in a table in the Appendix.

⁷⁷ S. Singer, 118.

⁷⁸ The use of *parliament* versus *Parliament* is intentional. Prior to the reign of Edward I, these meetings were always occasional, called at the pleasure of the Crown, and almost purely consultative. The few cases where they were not called by the Crown are either representative of times of uncertain succession or of open rebellion. After 1307, they became a regular social institution, and so the capital is used. During Edward’s reign, however, the institution was evolving in a “two steps forward, one step back” pattern. Thus the usage for his reign will reflect the nature and purpose of the assembly in question and not an overall pattern. If it was purely consultative, as in this case, the

The normal course of relief for usurers had a major exception in the treatment of the estate of Aaron of Lincoln. At his 1186 death, 1187 in some sources, his holdings were valued at £ 120,000 and held over £ 15,000 in bonded debts (roughly half the Crown's annual income) including liens on over forty manors across the realm.⁷⁹ These items came in three major categories: *super cartas* (bond debts), *per placita* (judgment debts), and *super terram* (land mortgages).⁸⁰ In the year of his death alone, Aaron contracted for over £ 6700, with a total projected revenue of £ 13967 18 s 11½ d.⁸¹ The man had known agents in London, Norwich, Winchester, Colchester, Rutland, Oxford, Cambridge, York, and Buckingham.⁸² The Crown kept this escheat to itself, but the problem of collection was so great that an entire wing of government had to be created to deal with the burden, the Scaccarium Aaronis, which later evolved into the general Exchequer of the Jews, the only known example of a separation in royal finances of this sort.⁸³ The nine Cistercian abbeys, not the least of which was St. Albans, were still in debt

lower-case *p* will be used. When using *Parliament*, it is intended to signify a full assembly, frequently with knights of the shire and representatives of boroughs as well, that attended to both consultative and legislative business, such as that held at Whitsuntide 1290 during which the Expulsion was declared, even if the knights and burghers were not admitted until after the legislation and plan of taxation had been decided upon. S. Singer, 122; Joseph Jacobs, "Further Notes on the Jews of Angevin England (Continued)," *Jewish Quarterly Review* 5, no. 1 (October 1892): 51 – 77, 64.

⁷⁹ Joseph Jacobs, "Notes on the Jews of England under the Angevin Kings," *Jewish Quarterly Review* 4, no. 4 (July 1892): 182 – 655, 633; Joseph Jacobs, "Further Notes on the Jews of Angevin England (Continued)," *Jewish Quarterly Review* 5, no. 1 (October 1892): 51 – 77, 53.

⁸⁰ Ramsay, 1:205.

⁸¹ *Ibid.*, 206.

⁸² Joseph Jacobs, "Aaron of Lincoln," *Jewish Quarterly Review* 10, no. 4 (July 1898): 629 – 648, 631.

⁸³ S. Singer, 119; Gross, 5.

to Aaron at his death, and paid £ 1000 to the Crown to be quit of their debt which, had their creditor lived, would have been £ 6400.⁸⁴ This sort of discount quit-claim was common. The system gave royal auditors an immediate gauge of what the Jewish populace could pay in the way of forced loans, tallages, or other ameracements. Indeed, Richard de Clare's Irish expedition of 1169 was financed entirely by one such tallage, issued the previous year, which totaled 5000 *m*. Earl Richard forced the community to render this money even though Henry II was opposed to it. For their trouble, Josce, as head of the community in Richard's demesne, was fined 100 *s*. The fact that he was forced into collecting the money was held to be no defense.⁸⁵ As is true of most English law and practice, custom ruled: twice makes a custom.⁸⁶ The earliest such "gifts" are recorded under Henry II when the Jews began to be considered *creditors repetendos*.⁸⁷ Tallages were the most profitable sort of taxation. They sometimes took the form of a poll tax, and at other times it was a discrete amount apportioned to each community by population and charged to the local elders to collect. These proceedings were not entirely one-sided, and there is at least one case of something very like a *wergild*, albeit a very late example, or possibly a very early instance of a wrongful death suit (though no

⁸⁴ J. Jacobs, *Docs and Records*, 79. *Gesta St. Albani*; J. Jacobs, "Notes," 634.

⁸⁵ J. Jacobs, *Docs and Records*, 51. Pipe Roll 16 Hen II 5b (1170).

⁸⁶ T. F. T. Plucknett, *Legislation of Edward I* (Oxford: Clarendon Press, 1949; Repr. 1962, refs. to repr.), 8. *Binus actus inducit consuetudinem*.

⁸⁷ Jenkinson, 218.

such tort is found in English common law then or now), of 20 s being paid by one Richard fil William for a slain Jewish man in 1156, though the money was paid to the Crown and not to the deceased's family.⁸⁸

The development of a separate administration was almost inevitable after the massacres of Jews that followed Richard I's coronation 3 September 1189, and which spread across the country culminating in the tragedy at York the following March.⁸⁹ Winchester seems to be the only town that avoided the madness. Hundreds of rioters went through the streets of London, believing that the new king had ordered the rounding up of Jews and that they should be given the choice of conversion or death. The first victims were the rabbis of the realm who had gathered to witness the ceremony, but were denied entrance. As they waited patiently outside in the rain, a tussle of some sort began and an all-out brawl ensued. The exact cause of the dispute is unknown, but the result is infamous: seventy-three men and boys were killed in the square, and an estimated eight hundred people were killed all across the city. Even less is known about the actual spark of the York riots, because "epidemics of insanity occur only among healthy people, and they are produced by [perceptions of] moral contagion," but the

⁸⁸ J. Jacobs, *Docs and Records*, 28. Pipe Rolls 2 Hen II (1209), r. 2, m. 2.

⁸⁹ Richard of Devizes, *Cronicon Ricardi Divisensis de Tempore Regis Ricardi Primi* (*The Chronicle of Richard of Devizes of the Time of King Richard I*), ed. John T. Appleby, series eds. V. H. Galbraith, Sir Roger Mynors, and C. N. L. Brooke (New York: Thomas Nelson and Sons, 1963), 3.

outcome was worse than that seen in London.⁹⁰ Every last Jew, old and young, man and woman, rich and poor, was killed. Many were burnt alive in their own houses, a very literal application of the term *holocaust*. A few of the wealthier ones, having the resources to have built stone houses in the previous years, lasted a few days, but eventually succumbed either to hunger or engaged in *Kiddush ha-Shem*. Literally, it means “sanctification of the Name.” In reality, it is self-martyrdom. When faced with a choice of conversion or death, time and again they chose death. Heaven was their only place of refuge.⁹¹ Even in this there was some small victory, because they robbed their would-be murderers of the satisfaction. For the Jews of the twelfth and thirteenth centuries, it was the ultimate act of faith. Despite the egregious losses of that year, a pipe roll for 1192 (3 Ric. I) records Jewish teachers, doctors, servants of the Crown, ironmongers, grocers, fullers, and even a chancellor’s marshal as residing and working all across the country.⁹²

As Jewish blood made Gentile hands unclean, these mass murders and uprisings were the direct causes of a massive loss in royal revenue. The riots were made possible, in part, by the separate legal and economic states of the Jewish population. “The vulnerability accompanying isolation could help render Christian

⁹⁰ George Rosen, “Psychopathology in the Social Process: I. A Study of the Persecution of Witches in Europe as a Contribution to the Understanding of Mass Delusions and Psychic Epidemics,” *Journal of Health and Human Behavior* 1, no. 3 (Autumn 1960): 200 – 211, 201.

⁹¹ Abelard, *Dialogue of a Philosopher with a Jew and a Christian*, PL 178:1617.

⁹² E. N. Adler, 53.

contempt effective, but it did not create that contempt.”⁹³ The danger of difference was already there and just needed an excuse to explode. The theology that allowed and encouraged these tragedies did not necessarily have to exist. Abelard, equally famous for his affair with Héloïse as for philosophy, simply refused to “believe that G-d was cruel.” He saw the pendant nature of Jewish existence in Europe and the double binds that kept Jews in their accustomed place, needed but reviled, and observed that Jews were limited and forced into “the business of moneylending, and this in turn brings the hatred of Christians upon them.”⁹⁴ Jews were held in such little regard that their very resting places were disturbed. In 1215, as the barons took London from John, they strengthened the city walls in part by pilfering the grave markers from the Jewyn Garden, a cemetery in the parish of Cripplegate, just outside the city walls. During a renovation of the walls in the reign of Elizabeth I, one such stone was found bearing the inscription: Matzovot R. Moshe ben Yitzakh ha-Nassiah (Here lies R. Moses, son of Isaac the Prince).⁹⁵ All this happened despite repeated papal pronouncements; most notably that of Innocent III in 1199, which stipulated that Jews were under pontifical protection, provided they did not plot against Christianity.⁹⁶

⁹³ Christopher Ocker, “Ritual Murder and the Subjectivity of Christ: A Choice in Medieval Christianity,” *Harvard Theological Review* 91, no. 2 (April 1998): 153 – 192, 157.

⁹⁴ Abelard, PL 178:1617 – 1618.

⁹⁵ J. Jacobs, “Mediæval School,” 182. מצבב[ת]ר' משהבן הרב יצחק ה'ני'.

⁹⁶ Simonsohn, 74, Doc. 71.

Exchequer agents were sent out to York, Lincoln, Colchester, Bury St. Edmunds, Thetford, and Ospringe to investigate the extent of the damage.⁹⁷ Investigation showed that all the ringleaders in these events were massively indebted to Jewish lenders and their object was to settle their accounts by killing their debtors and destroying records. The ringleader at York, Richard of Malebyse, was held quit of his debt for the payment of 100 *s* and never charged for murder or breach of the peace.⁹⁸ Fortunately for King Richard, the Exchequer officers had copies of many of the enrolled debts and so they were prosecuted in the name of the Crown as if the natural escheator at the death of a usurer.⁹⁹ The order to the investigators instructed them to find “the slayers of the Jews, who they are, and of the pledges of the Jews and their chattels and lands and debts and deeds, and who has them and who owed them... and all the pledges of the slain Jews are to be taken into the king’s hands.”¹⁰⁰ Another item in the writ gave the same order for usurers that had been slain; the distinction is important because by this point there were a few Christian moneylenders on the scene with papal indulgence.

The chirographs, mentioned above, were the direct result of these inquests and the realization that if the central London records had gone up in flame along with the provincial ones, all might have been lost. From then on, the rule was that

⁹⁷ S. Singer, 120.

⁹⁸ J. Jacobs, *Docs and Records*, 56.

⁹⁹ S. Singer, 120.

¹⁰⁰ Schechter, 130.

all “Jewish contracts must be held in the castle.”¹⁰¹ Thus, what on the face seems to be an interest in Jewish welfare was really an interest in royal financial affairs. These contracts, called *shetaroth* in Hebrew, were kept in the provinces with copies sent to Westminster.¹⁰² Specifically, they lent their name to the room housing them which was ever after known as the Star Chamber. Rather than being cancelled, debts were thus transferred to a more powerful creditor.

The business thus enrolled eventually grew so great that a separate department, the Exchequer of the Jews, had to be established. At first it existed solely as the *Scaccarium Aaronis*, but grew to fit the new needs of the Crown. This exchequer, like the regular one, had immediate authority over all Jewish escheats in the king's name. The treasury only took in ancient, traditional revenue defined as *firma comitatus*, which is why the Exchequer of the Jews was outside the purview of baronial oversight, and so was of distinct advantage to the Crown.¹⁰³ Some sources place its formation as early as 1194, and it was definitely in operation by 1199.¹⁰⁴ The initial Barons of the Exchequer, *Custodes Judæorum* but sometimes called Justices of the Jews because they also functioned as a court of law as well as of equity, were appointed in 1198 and took office the following year (see Appendix B). They were barons in the same sense that the officials of the regular Exchequer

¹⁰¹ Ibid., 129. *Judeis foenitoribus regiis ibidem reposita.*

¹⁰² Singer, 120. *Shetar* or *shtar* is the singular form, which is closer still to the English word *star*.

¹⁰³ Jolliffe, 187.

¹⁰⁴ J. Jacobs, *Docs and Records*, 192 – 196. 1 Jo (1199 – 1200).

were barons, and wielded similar powers, prerogatives, and authority in the name of the Crown. The intervening period, 1194 to 1199, is one of some ambiguity because records still refer to the Scaccarium Aaronis and its functions.¹⁰⁵ Normally, all Jewish-derived revenue went into this special Exchequer. The only major exception is the tallage of 1225, which went entirely into the Wardrobe.¹⁰⁶ In time this new office handled all taxations, tallages, daily administration at the kingdom level, and the judicial work of all cases involving Jews in either civil or criminal matters which would normally come before one of the royal courts. Henry III confirmed these privileges in 1249 and again in 1271 via writs of *inspeximus*. Operation continued until well after the Expulsion as it was still necessary, read: profitable, for the Crown to enforce those debts. What Henry did not confirm was tenure of ownership. In 1231 the Jews of London built a synagogue in Threadneedle Street that was reputedly more magnificent than the parish church, much to the disgrace of the parishioners according to Matthew Paris. Upon complaint, Henry took possession of the building in 1263 with no compensation and gifted it to the Brethren of St. Anthony of Vienna to become St. Anthony's Hospital.¹⁰⁷

¹⁰⁵ Singer, 121.

¹⁰⁶ Jolliffe, 271.

¹⁰⁷ E. N. Adler, 51.

Under Henry III, a tallage was levied on 4 April 1233, at the Easter parliament at Canterbury, which included an order to pay the unremitted portions of payments still due from the reigns of Richard I and John. This order also limited loan rates to two pence in the pound per week, an annual rate of about 43%, and exiled every Jew who could not render some service and token of loyalty to the Crown.¹⁰⁸ This was justified, at least on paper, because “the Jew can have nothing that is his own, for what he acquires, he acquires not for himself, but for the king.”¹⁰⁹ In this, Bracton concurs in the more general sense when he wrote that “the effect of this seigniorial power is that whatever is rightfully acquired by the bondsman is acquired by his lord, or his quasi-lord, a *bona fide* possessor, a usuary [Jew] or a fructuary.”¹¹⁰ By contrast, in France the Jews themselves, rather than their property, were declared to be the chattels of the king or local baron.¹¹¹ One example may suffice. In 1240 a Jewish merchant died and his property was escheated to the local baron, Gimbaud of St. Veranus. Contrary to custom, he declined to sell the estate back to the man’s heirs. The family disputed the findings, and had their case heard by the archbishop of Sens. This worthy decided that not

¹⁰⁸ F. M. Powicke, *King Henry III and the Lord Edward: The Community of the Realm in the Thirteenth Century*, 3rd ed. (Oxford: Clarendon Press, 1966), 125.

¹⁰⁹ Schechter, 123–4. Cal. Pat. Rolls 14 Hen III (1221), 387.

¹¹⁰ Henry de Bracton, *De legibus et consuetudinibus Angliæ (On the Laws and Customs of England)*, 4 vols., trans. Samuel E. Thorne, ed. George E. Woodbine (Cambridge, MA: Belknap Press of Harvard Univ. for the Selden Society, 1968 – 1967), 2:34. Est autem effectus huius dominicæ potestatis quod quidquid per servum iuste acquiritur id domino acquiritur, vel quasi domino, sicut bonæ fidei possessori, vel usuario, vel fructuario.

¹¹¹ Schechter, 124.

only did the goods and chattels belong to the baron, but that the man himself had been property, and so Gimbaud could claim all rights and titles held by the decedent.¹¹²

To expedite business, as well as to give a face to royal administration of the Jews, a Justiciar of the Jews was instituted in 1238 (see Table 7). In the same year the Crown empanelled two Barons of the Exchequer of the Jews and several other officers to be elected by the *coram rege*.¹¹³ Shortly thereafter, in 1240, Henry III ordered a census of Jews and all their holdings. This was the basis for the exactions over the following five years, of which the nation's rabbis were informed at a shadow parliament held at Worcester on 11 February 1241.¹¹⁴ Each town's representative was charged with a given sum, based upon population in his district, and was personally responsible for the total. Those who did not meet their "obligations" were ordered to the Tower, along with their wives and minor children, to be imprisoned until the sum was paid.¹¹⁵ The separation of the Exchequer offices was somewhat confused when in April 1241 the Barons of the Exchequer were ordered to place all income from Jewish tallages, demesne, towns, crops sold, vacant bishoprics, wardships, the king's exchange, and Ireland in the

¹¹² Parkes, 106.

¹¹³ Powicke, 292.

¹¹⁴ *Ibid.*, 311.

¹¹⁵ *Ibid.*, 312.

Tower, and that they were not to be touched “without the consent of the majority of our council.”¹¹⁶

Similarly, at the Michaelmas parliament of 1241, a tallage of 20,000 *m* was levied on Jewish chattels in order to finance a military expedition in Gascony. This turned out to be one-third of the total projected outlay.¹¹⁷ In the following years, as arrears came in, Aaron of York recorded that Henry’s agents “extracted” 30,000 *m* of silver and 200 *m* in gold.¹¹⁸ The overall community was again tallaged in 1244 for 600,000 *m*, and again a year later for another 60,000 *m*.¹¹⁹ Collections for these tallages continued until 1250, and even then fell short by one-third.¹²⁰ Some were threatened with imprisonment in Ireland if they did not tender the funds, and the Justices of the Jews were ordered to seize and sell Hebrew books, vestments, and other items to make up the difference. Many of the so-called buyers were the original owners, a situation infinitely better than that in France where the books were indiscriminately burnt.¹²¹ The barons were watching closely; they were curious as to the exact depths of Jewish wealth that Henry III could access because no one denied that the Angevin kings were ingenious when it came to filling their

¹¹⁶ *Ibid.*, 303. *Sine testimonio majorum de consilio nostro.*

¹¹⁷ *Ibid.*, 190.

¹¹⁸ *Ibid.*, 310.

¹¹⁹ Barnett D. Ovrutt, “Edward I and the Expulsion of the Jews,” *Jewish Quarterly Review*, n.s., 67, no. 4 (April 1977): 224 – 235, 225; Powicke, 311.

¹²⁰ Ovrutt, 226.

¹²¹ Powicke, 313. *Libros Judeismi de veteri testamento.*

treasury.¹²² Their petition to be allowed to appoint one of the Justices of the Jews was summarily denied.¹²³ The barons rightly believed it was this coffer that allowed Henry to continue Continental campaigns and to support foreign favorites. The barons saw these attempted exactions, on Jew and Gentile alike, as a sign of irresponsible use of royal power, and thus a violation of the customs of the realm. Ancient custom and personal interest held that “the power of a king who acts as a tyrant is illegitimate,” and this “almost exhausts contemporary theorizing about monarchy, and to us seems to be an ineffectual truism, was thus in the twelfth and thirteenth centuries the cornerstone of legal security.”¹²⁴ There were serious and potentially damning questions as to whether Henry could continue in both his perceived usurpations of ancient right and in his place as the king. The barons were not rebelling against the Crown, per se, but rather against the man who wore it. They had no intention of changing the governmental system, but rather to restore it to a perceived purity and bring back ancient custom.

Henry ordered the investigation of all sources of Crown revenue in 1253-5, partly as a way of resuming regular business after Simon de Montfort’s efforts stymied royal attempts to gain funds from the parliament that met the previous year, and this panel of six judges included two Jews because they were the direct

¹²² van Caenegam, 176.

¹²³ B. Lionel Abrahams, “The Expulsion of the Jews from England in 1290,” *Jewish Quarterly Review* 7, no. 1 (October 1894): 75 – 100, 92.

¹²⁴ Jolliffe, 158.

dependants, as *servi camaræ*, of the Crown.¹²⁵ The tallage assessed in the wake of this fiscal census was so exorbitant that one-third was unpaid, and Elias of London, acting as Arch-Presbyter, asked leave for his people to emigrate.¹²⁶ Earl Richard of Cornwall received the entire Jewish population for a year in mortgage; as if they were chattel property along the French model rather than merely Crown servants as had previously been the case, when he made good the balance. Richard, in what may be taken as an act of mercy, insisted on only the normal revenues that would be procured from Jewish business rather than any special exaction.¹²⁷ Other sources dispute this claim by reporting that the Earl Richard gave his brother 5000 *m* with authority to extract £ 5333 6 *s* 8 *d* from the Jews of the realm, approximately a one-third profit.¹²⁸

This tallage project was also an attempt to fund the invasion of Sicily that Henry III had promised to Alexander IV as an aid to depose Frederick II Hohenstaufen, the former Holy Roman Emperor. Sicily was to be given to Henry's second son, Edmund, and Earl Richard was to become the new emperor. In addition, the Crown took on a papal debt of 135,541 *m* to be paid in full, upon pain

¹²⁵ Powicke, 113.

¹²⁶ Rev. W. H. Hutton, ed., *Simon de Montfort and his Cause, 1251 – 1266*. vol. 4, *English History by Contemporary Authors*, series ed. F. York Powell (New York: G. P. Putnam's Sons, 1888), 46.

¹²⁷ Hutton, 47.

¹²⁸ Ramsay, 1:317.

of personal excommunication and national interdict, by Michaelmas 1256.¹²⁹ Both efforts were unsuccessful and expensive, and they only added fuel to the fire of baronial unrest. Their sense of mistrust was heightened by the favoritism shown to Henry's Lusignan half-brothers in the campaign against Llywelyn ap Gruffydd in Wales. Henry's own son, Edward, was among the aggrieved party, though Edward's exact loyalties seem to have vacillated somewhat as the crisis developed.¹³⁰ Elias of London put it best, and his argument was used by Jew and Gentile alike in attempting to cope with the exactions of the Crown as he lamented,

How should he [Henry III] love us wretched Jews or spare us, who destroys his own natural born English? He has the papal, nay, his own traffickers, I do not call them money-lenders, who, from their exalted positions, pile up infinite masses of money. On them let the king depend, and let him gape after his own gain. Us they have verily supplanted and impoverished. Surely the king conceals his knowledge of this, when he demands of us that which we cannot supply, though he were to pluck out our eyes and flay us alive.¹³¹

The tallages assessed throughout the reign of Henry III crippled the entire Insular Jewish community. Those affecting specific persons, as a sort of fiscal bill of attainder, were more disastrous still. Aaron of York, quondam richest Jew in

¹²⁹ Ann Lyon, *Constitutional History of the UK* (Portland, OR: Cavendish Pub., 2003), 55.

¹³⁰ *Ibid.*, 56.

¹³¹ Hutton, 46 – 47.

England, was so far mired in this system that the community at large assumed his personal tallage burden in 1256.¹³²

Of all debts enrolled in that year, over 70% were from small landowners.¹³³ Since the only thing they had to offer up as assurance was their land, the Jews came into possession of large tracts which law allowed them to own but they could not work, whether for lack of interest or lack of ability. However, these had to turn some sort of profit to have any meaning as collateral for the various loans. These in turn were handed over to wealthy landowners, monasteries, and barons, but most especially the Crown. The common folk who owed these debts saw their creditors as agents of royal predation, and the barons saw them as agents helping the Crown in gaining lands and their concomitant revenues.¹³⁴ To this end, the records were especially the object of wrath and destruction, with the records of the Exchequer of the Jews being destroyed sometime in the night of 5 May 1260.¹³⁵ These were only copies of the originals, but the sign of ire is no less real.

This period also saw the resurrection of the blood libel that ignored papal statements about the fallaciousness of all such claims.¹³⁶ It was claimed that Hugh of Lincoln, a boy of eight years, was stolen from his family and taken away to be

¹³² S. Singer, 124.

¹³³ *Ibid.*, 125.

¹³⁴ *Ibid.*, 126.

¹³⁵ 44 Hen. III (1251), LTR Memoranda Roll, no. 35.

¹³⁶ Simonsohn, 192, Doc. 183; 194, Doc. 185; 197, Doc. 188; 245, Doc. 237.

crucified in January 1255. This charge was largely believed, despite the impossibility of it: crucifixion is not a permitted form of execution in Judaism. Hanging was the worst that a Jewish court could hand down at any point in time, and in England they did not have the power of life and death. Even the hanged man was accorded some respect in Judaism and was cut down before dusk, as his death expiated his crime and no further action could be taken against him.¹³⁷ With this in mind, crucifixion cannot be considered a permissible punishment for any crime under halakhic law, much less for an innocent boy. The claims that this was in annual reenactment of the original event at Golgotha were similarly meaningless, as the event itself had no meaning, then or now, in the theology of the Jews.¹³⁸ And yet, the record claims that the event was replayed in virtually every detail as reported in the gospels with the addition of disembowelment for the purposes of some necromantic augury though later it is said the bowels of an innocent were useless for such a purpose.¹³⁹ Confessions were subsequently extracted by a mixture of lies, false promises, and torture. The body was found at the bottom of a well in the house of a Jewish man, one Copin, because allegedly the Earth refused to accept the corpse of an innocent, much as such stories are told of the body of Abel. The timing is similarly impossible as it was claimed that the boy was intended as a

¹³⁷ Deut. 21:23.

¹³⁸ Even Christians admit to the idea that Jesus may have been hanged rather than crucified, a similar impossibility in that time and place, but at least one that makes sense. Cf. Acts 5:30, 10:39.

¹³⁹ Hutton, 55.

Paschal offering, though the absolute earliest that feast can occur is 22 March, and in that year was 25 March.¹⁴⁰

The Barons' War of the 1260's was an absolute tragedy for the Jewish populace. Baronial opposition to Jewish privilege and to Jews in general was but a symptom of their antagonism to the Crown since they were the direct serfs of the king, especially as they began to enter into landed estates and claim various feudal rights, but more open to assault as perceived blatant interlopers cooperating with a tyrant.¹⁴¹ This servile status, in theory direct vassalage to the king, did the Jews of England no good, as is evinced by the assignment of burgesses in Wilton and other places to protect the Jewish populace from further depredations by the townspeople.¹⁴² Upon combatants entering a newly conquered community or territory, the Jews were the first "civilian" victims. They were routinely imprisoned, their records destroyed, houses of worship burnt, and property confiscated.¹⁴³ One chronicler reports that the Christian raiders, "enticed not by the zeal of the law, but by the lust of temporal good, most cruelly slew as many as they could find in the city [Worcester], forgetful at once of humanity and religion,

¹⁴⁰ Ibid., 57.

¹⁴¹ J. M. Rigg, ed., *Select Pleas, Starrs, and Other Records from the Rolls of the Exchequer of the Jews, A.D. 1220 – 1284* (London: Bernard Quaritch for the Selden Society, 1902), li. All such claims were annulled in 1271; Tout, 161.

¹⁴² Powicke, 516. Cal. Pat. Rolls, 1258 – 66, p. 521.

¹⁴³ 52 Hen. III (1268), m. 5, suit brought against a debtor, citing chirograph theft at Worcester. The debt was affirmed and ordered to be paid; S. Singer, 130.

sparing neither age nor sex.”¹⁴⁴ The entry, however, ends on a pragmatic fiscal note, pointing out that neither could the loss of life be properly counted “nor can it be estimated how great was the loss to the exchequer, more especially since the Jews used in many ways to augment the royal treasure, not merely by tallages, but by pleas, gifts, escheats, and purveyances.”¹⁴⁵

This did little good because the decree said only that the Jews were to be restored to their conditions “in the same state as they were on the day of the conflict of Lewes [14 May 1264], so far as the recovery of their goods and possessions was concerned.”¹⁴⁶ This did few people any good, London Jews in particular, because they had lost their houses before that date, and most had lost contact with their debtors and many of their records had been destroyed by rioting mobs. “The failure of the English Church *ever* to condemn either the excesses of rioters or the exactions of the state against the Jews should be stressed, as this dereliction lays bare the moral ambivalence of the Roman Church’s attitude towards the Jews.”¹⁴⁷ In these riots, over four hundred men, and an uncounted number of women and children, were slaughtered. The remains of these murdered people today lie

¹⁴⁴ Hutton, 117.

¹⁴⁵ *Ibid.*, 118.

¹⁴⁶ Powicke, 516. *Cal. Pat. Rolls*, 1264 – 68, p. 77 and 147.

¹⁴⁷ Colin Richmond, “Englishness and Medieval Anglo-Jewry,” in *Chaucer and the Jews: Sources, Contexts, Meanings*, ed. Sheila Delany (New York: Routledge, 2002), 213 – 227, 220.

beneath a supermarket parking lot, unmarked and unhonored.¹⁴⁸ The pious hand-wringing of one monk led him to write that, “although they were not signed by the mark of our faith, it seemed an inhuman and impious deed to slay them without cause.”¹⁴⁹ This ambiguous state was untenable as can be seen because

custom protected him [the Jew] in times of peace but could give him no security; it was not generally known and had none of the prestige which maintained the Common Law. It was merely the body of practice, including recognized practices of Jewish Law, observed by the Justices of the Jews, who in their turn were merely the agents of the Crown. The Jew had no standing under the Common Law.¹⁵⁰

If one had no standing in the law, then one did not exist in the law. Factual existence must always be distinguished from legal existence.¹⁵¹ An example by converse would be the use of the legal fiction of the corporate person, endowed with rights, responsibilities, tax obligations, and the ability to enter into a contract. Without existence in the law, one was effectively an outlaw in the most literal sense of being outside the law, and the principle of “no wrong without a remedy” could not apply. While not as severe as a writ of outlawry, and there were some few legal protections to which a Jew could appeal, there was no effective way to keep him safe from mobs and riots, which were common enough expressions of social unrest

¹⁴⁸ *Ibid.*, 220.

¹⁴⁹ A. F. Scott, *Every One a Witness: The Plantagenet Age; Commentaries of an Era* (New York: Thomas Y. Crowell Co., 1975), 29.

¹⁵⁰ Powicke, 517.

¹⁵¹ Kisch, 239.

and dissent, despite a papal order in 1199 that such violence was to be punished by excommunication.¹⁵² What law that existed was made up of “forms and restrictions without reference to any fixed principle.”¹⁵³ Innocent III's *constitutio* was honored more in the breach than in the observance, and had to be reissued by Calixtus II, Eugene III, Alexander III, Clement III, and Celestine III. Even assisting a Jew in the collection of a usurious debt without royal writ or warrant to do so was akin to aiding and abetting a normal outlaw, and thus the perpetrator could be subject to penalties accordingly. By “declining” to join mainstream civil society, the Jew was effectively turning down normal protections of that society and, when push came to shove, he came to tears if not the grave. “It was as if, in so doing [adhering to Judaism], they released their neighbors from the constraints of compassion and decency and ceased to be protected by the moral code governing conduct between man and man in human society.”¹⁵⁴ In all cases, the Jew was subject to the Crown's law, even if the legal abrogation was one of halakhic consideration. With but one exception, the King's Bench upheld every decision of a Beit Din. The exception was that of Hagin b. Moses, fifth Chief Rabbi of England. He lost a case in the Beit

¹⁵² Solomon Grayzel, *The Church and the Jews in the XIIIth Century: A Study of Their Relations During the Years 1198 – 1254 Based on the Papal Letters and the Conciliar Decrees of the Period* (New York: Hermon Press, 1933; Rev. ed. 1966, refs. to rev. ed.), 92, Doc. 5.

¹⁵³ Kisch, 241.

¹⁵⁴ Gloria Cigman, *The Jew as an Absent-Presence in Late Medieval England* (Oxford: Oxford Centre for Postgraduate Hebrew Studies, 1994), 1.

Din and used his influence to have the verdict overturned to his advantage.¹⁵⁵ The tradition of placing a chief rabbi as an officer of the Crown could have been backed by citing the existence of the Exarch, who was a royal official in Babylon first appointed by the Persian monarch and later by the Caliph. Though it is likely the Jewish community knew of this tradition, and thus accepted it in England, it is unlikely that the English Crown knew anything about it and merely considered it an expedient for control and routing of both authority and funds.¹⁵⁶

A more typical example is that of one Cok Hagin, convicted of a purely Jewish crime in a Jewish court, who was treated as if a felon in the common law system and had all his goods, chattels, and debts confiscated which were in turn given to the Queen.¹⁵⁷ Thus one clearly sees that, after a fashion, the common law system respected the differences and powers of halakhic law, while still insisting that it took precedence, much as has been recently advocated by Rowan, ABp. Williams, in regard to sharia.¹⁵⁸ The vagaries of human nature being what they were and still are, in 1281, a scarce six years after his conviction, Hagin was created sixth Chief

¹⁵⁵ M. Adler, 30.

¹⁵⁶ Irving A. Agus, "Preconceptions and Stereotypes in Jewish Historiography." *Jewish Quarterly Review*, n.s., 51, no. 3 (January 1961): 242 – 253, 245.

¹⁵⁷ M. D. Davis, "A Writ of Edward I," *Jewish Quarterly Review* 5, no. 1 (October 1892), 165. Exchequer Plea Rolls, no. 20, m. 3, anno 1275; 3 Ed I (1275), Rot. 20, m. 3, Lond. Pro Regina.

¹⁵⁸ Jake Morris, "Archbishop of Canterbury Dr Rowan Williams Repeats Call for Islamic Law," *Daily Mirror* 12 February 2008 <<http://www.mirror.co.uk/news/topstories/2008/02/12/archbishop-of-canterbury-dr-rowan-williams-repeats-call-for-islamic-law-89520-20316893/>> (19 April 2008).

Rabbi of England at Queen Eleanor's behest.¹⁵⁹ He was to hold that post until the Expulsion nine years later. The back and forth nature of such a system could not but create unease in the minds of its supposed charges. The system also granted schemes to the minds of those who would be free from the imagined wrongs perpetrated by the outcasts who had funded so much progress over the centuries. The historian therefore is forced to come to the conclusion that the Jew did not suffer disabilities in the law so much as nonexistence save his role as animate financial agency for the Crown.¹⁶⁰

This ambivalent nature of the Jew dates back to Magna Carta. Though his debt collection efforts are mentioned in Clause 10, the protection of the Jew's rights are not the point, rather the aim is to protect the inheritance of minors who would otherwise owe money to usurers from their parents' debts.¹⁶¹ Clause 39, the one important to legal history, begins "No freeman..." and continues with what shall not be done to free men without their consent, because the consent of a free people is always above the will of a prince.¹⁶² Were the Jews free? They had privileges, separate court systems, royal enforcement of business arrangements, but was all this the right of a free people, or a special act of grace by the Crown acting in its own

¹⁵⁹ Davis, 166.

¹⁶⁰ Schechter, 148.

¹⁶¹ Cl. 10: If any one has taken anything, whether much or little, by way of loan from Jews, and if he dies before that debt is paid, the debt shall not carry usury so long as the heir is under age.

¹⁶² Cl. 39: No freeman shall be captured or imprisoned or disseised or outlawed or exiled or in any way destroyed, nor will we go against him or send against him, except by the lawful judgment of his peers or by the law of the land. Cf. Aquinas, *Summa*, Ia-IIae, q. 97.3 ad 3.

self-interest as it pursued financial and prerogative gain? The supposed rights of the Jew were nonexistent and this can be shown by the simple expedient that the Jew never sued in his own right, but rather as a medium of right for the Crown.¹⁶³ This same clause of Magna Carta guarantees that all judgments rendered will be by “the lawful judgment of his peers or by the law of the land,” a principle that dates at least as far back as Henry I. The Jew did not exist in the common law, so the point is moot. In this sense, the Jew was the serf of the king, his *servus camaræ*, his chattel according to some. Though Tovey takes the Laws of Edward the Confessor as authentic, their principle of “the Jews and all that is theirs is the king’s” was considered binding in Angevin England.¹⁶⁴

Henry III was no hero, or even moral example, to the men of his generation and after. Many contemporaries saw the poor management of his kingdom as a sin in itself, and the indulgence of the Jews was but one symptom which aroused the ire of his subjects and provided fodder for poets across Christendom. Dante places Henry in the Purgatory section reserved for rulers who were lax in their duties, because, as Ciardi points out, “Henry attended so many masses daily that he never got around to governing his kingdom. His sin, therefore, could not have been

¹⁶³ Schechter, 149.

¹⁶⁴ Tovey, 2. *Judæi et omnia sua, Regia sunt.*

neglect of G-d, but rather neglect of his divinely imposed duties to rule his kingdom well.”¹⁶⁵

What originally was an attempt to protect Jewish lending interests, and thus the king’s ability to tax Jews under Richard I, evolved into a system of constraint and special restriction whereby it was impossible to conduct business without them which, perforce, made the entire Jewish populace move to the chirograph towns in order to be able to earn any sort of living.¹⁶⁶ Such moves were further encouraged as various counties, towns, and feudal lords purchased the right of exclusion which allowed them to evict all Jews in their territories. Business was restricted, at least on paper, in the 1275 Statute of Jewry, which prohibited the lending of money at interest.¹⁶⁷ Any profit on a loan, as per canon law, was prohibited. Old loans were grandfathered in if they were active before the effective date of 13 October 1275, but no new interest could be accrued to these accounts.¹⁶⁸ Edward regranted the King’s peace to Jews, but insisted that they live only in chirograph cities.¹⁶⁹ One stated goal of this measure was to regularize Jewish-Christian relations and, in theory, give Jews the ability to enter regular commerce and the trades. A secondary, if non-explicit, goal was to prevent the loss of feudal dues when bonded

¹⁶⁵ Dante Alighieri, *The Divine Comedy (Divina Commedia)*, trans. and ed. John Ciardi (New York: New American Library, 2003), 346, note to *Purg.* 7.130-132.

¹⁶⁶ Brand, 1139.

¹⁶⁷ Douglas, 411 – 312, Doc. 49.

¹⁶⁸ Brand, 1140.

¹⁶⁹ Parkes, 395.

lands were purchased by monasteries or transferred to baronial families.¹⁷⁰ Though canon law required the maintenance of feudal and monastic dues on property bought by Jews or Moslems, this nicety was usually ignored.¹⁷¹ The idea of losing any sort of power, even that which was held by usurious mediators, was anathema to any medieval king, Edward most of all.

An unintentional consequence of the anti-usury policy was a drastic loss of income from Jewish legal business. As an offset, Edward obtained a permanent levy of a half-mark on each bag of wool that left the country. This quickly rose to a yearly average of £ 8,800.¹⁷² The King's Peace to Jews was reconfirmed, "saving Royal and Church rights," but, unlike a Christian to whom it was extended as a natural right, this was specifically couched in terms of an act of special grace in part because "Holy Church wishes and suffers that they [the Jews] live and be looked after."¹⁷³ Even so, the administration of justice was still bifurcated for Christians and Jews, who had to approach the King's Bench and other royal courts because they were at a disability in normal courts due to their inability to swear oaths or be empanelled in a jury. This appeal to papal mandate for the justification of the change was hollow, as any student of Henry II's *præmunire* controversy will be aware, but it was not uncommon for popes and councils to issue edicts for the

¹⁷⁰ Ovrutt, 231.

¹⁷¹ Synan, 104.

¹⁷² Lyon, 68.

¹⁷³ Parkes, 395; Brand, 1142.

governance of Jews and Moslems living in Christian lands that could not, or would not, be enforced.¹⁷⁴

There is a parallel example to be found in a German law code from the mid-thirteenth century. Imperial theory of being successors to the Caesars led to the idea that since Vespasian had conquered Judea, the Jews of the world were automatically imperial servants by default: *kammerknechtshaft* in German, or *servi camaræ* in Latin.¹⁷⁵ The story below adds authority to the claims made by the Holy Roman Emperor to extend grace to the Jews of his realm based on a precedent supposedly set in the time of Vespasian:

If a Christian slays a Jew or wrongs him, he shall be judged because of the King's peace which he has broken in him. It was Josephus who acquired this peace for them [i.e. the Jews] from King Vespasian [*sic*] after having cured his son Titus of gout.¹⁷⁶

The tradition is supposedly derived from a tale related in Talmud, but the story there actually involves R. Johanan b. Zakkai acting as doctor for Vespasian, making no mention of Josephus at all.¹⁷⁷ The important point is that in Germany, like in England, the King's peace given to Jews was an act of grace and that the breach of said peace was an act against the Crown, not against the actual person

¹⁷⁴ F. W. Maitland, "Canon Law in England: A Reply to Dr. Maccoll," *English Historical Review* 16, no. 61 (January 1901): 35 – 45, 36.

¹⁷⁵ Maurice H. Harris, *History of the Mediæval Jews from the Moslem Conquest of Spain to the Discovery of America* (New York: Pub. by the author, 1907), 87.

¹⁷⁶ Hans Lewy, "Josephus the Physician: A Mediæval Legend of the Destruction of Jerusalem," *Journal of the Warburg Institute* 1, no. 3 (January 1938): 221 – 242, 221.

¹⁷⁷ Tal. Bav. Git. 56a.

harmed. In no case did the Jew have the right to sue in his own person, but rather as a medium of right for the Crown. They did not exist in law and so were not fully, truly people. One does not have to dehumanize those considered to be non-human, and one does not have to demonize those considered to be the children of the devil.¹⁷⁸ Considered to be demonic or animal in nature, due to their perceived literal application of the Law, and thus as spiritually ungifted as cattle, they were not given basic protections of the law save by special grace of the Crown.

The apparent position of power, that of direct access to royal justice and the wealth attendant on that nearness, was real only in a sense of dependence on the royal prerogative and thus had no substance in and of itself.¹⁷⁹ The Crown, as patron, could extend power over the Jewish client by expanding both the terms and the nature of the relationship to include ever larger areas of life. This was true whether the *servus* was treated as chattel as in France or as a retainer in Spain; the dependent nature of the relationship involved an imagined delegation of power that really remained with the Crown, thus abnegating any possibility of real freedom of action and existence as independent human beings. German efforts in this direction were not met without resistance. R. Hayyim b. Jehiel of Cologne, compared the emperor with the pharaoh of Egypt, describing him in the worst possible terms,

¹⁷⁸ Baron, 4:139; John 8:44. Vos ex patre diabolo.

¹⁷⁹ Walter Zenner, "Jewish Retainers as Power Brokers," *Jewish Quarterly Review*, n.s., 81, nos. 1 – 2 (July 1990): 127 – 149, 128.

labeling him as a sodomite: grossly inhospitable and abusive of guests.¹⁸⁰ The term has different meanings in Judaism and Christianity, but both hold it equally as a term of approbation and alacrity, to be avoided at all costs by civilized men and women.

Edward did not let papal decree stop him from getting needed funds from loans, however usurious they might be, so long as the loans were from those who had papal warrants to engage in such business. He began his reign already in debt from the expenses of his father, Henry III, as well as from his own exploits in the Holy Land, and so had little choice but to gather extra funds from Lombard financiers who had been gradually pushing Jews out of this role for years. This debt never left Edward and was passed on to his own son in turn.¹⁸¹

Part of the problem was a money supply issue. Though not exclusive to the Jews, many English Jews were accused of coin-clipping to the extent that foreign merchants refused English specie.¹⁸² In 1278, three hundred Jewish merchants were arrested on suspicion of coin-clipping, an act of *lèse majesté* since the coin held the king's profile and one of sacrilege because the reverse side held the image of the cross. The damage was notable because the coinage had been re-minted in 1247 to the "long cross" variety with a design that reached the edge. This was

¹⁸⁰ Agus, 246.

¹⁸¹ Tout, 66.

¹⁸² Ibid., 161.

counterproductive and actually made clipping and counterfeiting simpler.¹⁸³ More than two hundred were hanged and their goods made forfeit to the Crown. In short order ABp. Peckham of Canterbury ordered the closure of all synagogues in his province.¹⁸⁴ In the aftermath, the 1279 *Capitula de tonsure monete* was introduced, making coin-clipping a capital offense, retroactively justifying judicial murder.¹⁸⁵ By contrast, Christian perpetrators were usually ignored.¹⁸⁶

Previously, only towns or small districts had received permission to expel their Jews.¹⁸⁷ They were effectively expelled from London proper in 1272 when the main synagogue was given to the Brothers of Penitence and converted into a church as an act of royal grace shortly after Edward's coronation.¹⁸⁸ Another such instance occurred when "the Jews of Cambridge were expelled by the order of the queen [Eleanor of Provence], mother of the king [Edward I]."¹⁸⁹ Relations in Northampton were strained in 1279 when a group of Jews were drawn and

¹⁸³ Skemer, 6.

¹⁸⁴ Tout, 162.

¹⁸⁵ Skemer, 2.

¹⁸⁶ B. Lionel Abrahams, "The Expulsion of the Jews from England in 1290 (Continued)," *Jewish Quarterly Review* 7, no. 2 (January 1895): 236 – 258, 257.

¹⁸⁷ S. Singer, 129. Bury St. Edmunds, 1190; Leicester, 1231; Newcastle, 1234; Wycomb, 1235; Southampton, 1236; Beckhampstead, 1242; Newbury, 1244.

¹⁸⁸ Antonia Gransden, trans. and ed., *Chronica Buriensis, 1212 – 1301* (London: Thomas Nelson (Printers), Ltd., 1964), entry for 1272: Red die Sancti Calixti synagogum Iudeorum in uilla Londoniensis fratribus de Penitencia contuliet Iesu Christi. Qui quidem locus ad maiorum Iudeorum confusionem a quodam ad hoc uocato dedicatus est episcopo.

¹⁸⁹ *Ibid.*, entry for 1275: Eiecti sunt Iudei a Canterbrigia per reginam matrem regis.

quartered for allegedly crucifying a young boy.¹⁹⁰ Opportunities for business and trade diminished, and in 1282 the sale of meat to Christians was even prohibited. Though it is most likely the meat intended was *trief* (non-kosher) but otherwise consumable and healthy, it was taken as an affront and insult to Christians that what was not good enough for the Jews was good enough for them. Additionally, this same writ forbade the employment of Christian servants in Jewish households, and affirmed the use of the badge.¹⁹¹ While mediating between his feudatories on the Continent in 1288, Edward ordered the arrest of all Jews in his French territories. They were released upon paying huge fines but it did not help them. The exactions totaled to more than their actual ability to pay. Without any sort of liquid capital at hand, their normal business of loans and mortgages was impossible. Thus, with no means of income, they were unable to survive on their own or act as financial sponges for the ducal fisc (see Table 4). Later that same year, they were expelled

¹⁹⁰ Ibid., entry for 1279: Apud Norhamt' die Crucis Adorate puer quidam a Iudeis crucifixus est, ipso tamen puero non tunc penitus interfeito. Cuius quidem rei pretextu multi de Iudeis statem post Pascha London' equis distracti et suspensi sunt.

¹⁹¹ B. Lionel Abrahams, "A Document Illustrative of Early Anglo-Jewish History," *Jewish Quarterly Review* 8, no. 2 (January 1896): 360 – 361. Rex Justiciariis suis ad custodiam Judeorum assignatis salute. Cum nuper preceperimus et publice proclamari fecerimus, quod omnes Judei regni nostri tabulas deferant in indumentis suis exterioribus, ut sic a cultoribus Catholice fidei evidencius discernantur, volentes hoc idem de Judeabus ejusdem regni generaliter et firmiter observari; vobis mandamus, quod tam in civitate nostra Londonia, quam in aliis civitatibus, burgis, villis, et alibi infra regnum predictum ubi Judei conversantur, publice proclamari faciatis, sub gravi forisfactura nostra, ut omnes et singule Judee ejusdem tabulas hujusmodi publice deferant in forma que proviso est de Judeis predictis; faciatis insuper inhiberi et publice proclamari per totum regnum predictum, ne aliquis Judeus quascumque carnes quoquo modo presumat vendere Christianis set (seu?) Christianum aut Christianam secum in hospicio suo seu alibi in servicio suo audeat decetero retinere. Teste Rege apud Westmonasterium primo die Decembris (10 Ed. I (1282), m. 8d).

entirely from Guienne, the dismembered remnant of Aquitaine, though it was initially credited as an act of piety upon resuming the cross.¹⁹² This was far from a new trend, though it was novel in its comprehensiveness. Their English cousins suffered a similar fate when they were rounded up, arrested, and only released upon promise of collective payment of 20,000 *m*. The clergy and barons were so elated by the prospect of eventual full expulsion that they granted a fifteenth that year to the sum of £ 116,603.¹⁹³

The 1290 Expulsion was the first such action across the board, for either England or the Continent. By the time of the English Expulsion, only nineteen communities still existed on the island.¹⁹⁴ The date was itself an insult. The timing on the Christian calendar for the deadline was 18 July 1290. On the Hebrew calendar, this was 9 Av, the anniversary of the destruction of the First Temple. Edward knew well what he was doing in choosing this date, as a sign both reminding the Jews of their previous misfortunes and their current powerlessness. The Jewish population at the Expulsion was only 16, 511 souls.¹⁹⁵

The Expulsion was not uniform in application or meaning. Monastic chroniclers tended to react according to their financial interests. Some Jewish

¹⁹² Tout, 162; Ramsay, 2:33.

¹⁹³ Ibid., 2:34. A fifteenth means a tax that amounted to one-fifteenth of the value of all goods and lands.

¹⁹⁴ S. Singer, 131.

¹⁹⁵ Sophia Menache, "Faith, Myth, and Politics: The Stereotype of the Jews and Their Expulsion from England and France," *Jewish Quarterly Review*, n.s., 75, no. 4 (April 1985): 351 – 374, 358.

families were granted extensions or even stays of the order. One, Bonamiens b. Josce of Canterbury, chose to stay in his residence at York. Edward I, by writ, ordered the sheriffs and bailiffs to leave him and his family in peace so long as they should choose to reside there.¹⁹⁶ A. M. Samuel, a Jewish MP from Norwich in the 1920s, claimed that his family had been resident in the area since before the Expulsion.¹⁹⁷

Other evidence can be seen in the dispersal of documents. Rabbinic works originally penned in England have been found as far afield as Cairo, Lithuania, Rome, Leipzig, Crete, Bologna, Salamanca, and Damascus. Though their provenance is of some question, Henry IV is known to have had three Jewish physicians in succession. Others stayed behind in the Domus Conversorum, an institution dating back to its initial establishment by Robert Fitzharding, Mayor of Bristol, in 1154, with residents being listed as late as 1500 after it moved to London under Henry III. All residents were officially clients of the Crown and godchildren of the king, and many of the poorer residents eventually either joined monasteries or were given over to them for their fiscal maintenance.¹⁹⁸ Edward Brandon, quondam resident thereof, was hanged along with the Earl of Warwick in the conflicts following the death of Edward IV. He was a known confidant of that

¹⁹⁶ E. N. Adler, 62.

¹⁹⁷ *Ibid.*, 63.

¹⁹⁸ M. Adler, 281.

king and made governor of the Isle of Guernsey. He is known in chronicles as the Jew who primed Perkin Warbeck, who pretended to be Richard, Duke of York, younger son of Edward, in an attempt to wrest the throne away from Henry VII.¹⁹⁹ Of particular note in this institution is its formal dedication to the Holy Trinity with the Virgin Mary as its patroness saint. This is noteworthy because in the entire history of the foundation, only one female occupant ever assumed that name on conversion, though this may reflect the period's tendency to reserve Mary as an object of special male veneration rather than female.²⁰⁰ She was valorized as the Queen of Peace even as her devotees engaged in rape and slaughter. Though religion could not protect the Jews, an attempt was made to protect them in custom.

2.2 A Protected Minority

And Joseph dwelt in Egypt,
he and his father's house

– Genesis 50:22

In two documents (see Documents 2 and 3) King John reconfirmed the rights and privileges had from previous reigns. Jews could not be impleaded if the suit did not have both Christian and Jewish witnesses or claimants. The greatest privilege granted to them was free movement through all his domain without toll,

¹⁹⁹ E. N. Adler, 75-6.

²⁰⁰ Stacey, "Conversion," 273.

tax, or impediment. This is not because of any special status of the Jew, but rather the continued theory that anything the Jew owns is not his own but that of his master the Crown. Of a more personal nature, no one could hold a Jew's body for ransom or prevent his family from engaging in proper burial procedures. Further, their own courts held jurisdiction for any and all matters save a very few "of heinous character and notorious" which directly affected the Crown or its Justice. Those exceptions were homicide, riot, assault, breaking and entering, rape, larceny, arson, and treasure troving. These may be divided into two classes: breach of peace and breach of trust. The former involved breaking the social contract in terms of not harming other human beings, despite the fact that they were themselves not given similar protections under the law. The second grouping was, in many ways, more heinous in nature as violence could be done by animals, but only mankind could break faith with one another, a position held in Continental law as well and most poignantly reflected in Dante's presentation of Hell.²⁰¹ In all, these two documents, *Carte Libertatum Concessarum et Confirmatarum Judeis Anglie* and *Nos Concessire*, are largely a maintenance and definition of prior custom. It was left to Edward and his Expulsion order to begin the process of creating new law and ending the two centuries of Jewish residence in England.

²⁰¹ Alighieri, *Inferno*, *passim*.

2.3 Expulsion by Fiat

Now there arose a new King over Egypt
who knew not Joseph.

– Exodus 1:8

The document enacting the expulsion, *Statutum de Judæis Exiundis Regnum Angliæ* (see Document 1), is a clear example of the brevity of legal language as used in the late thirteenth century. In a scant 226 words, an entire population was uprooted, impoverished, and expelled. It is not addressed to officials in general, but rather to the “Treasurer and Barons of the Exchequer.” Edward I and his court saw any law involving Jews as almost entirely fiscal matters. This was a product of almost a century of precedent wherein the Crown treated with the Jews and matters concerning them via the Exchequer of the Jews as established under Richard I.

The justification for the Expulsion was a violation, both in letter and spirit, of the provisions of the 1275 *De Iudeismo* statute. Denied any real ability to enter the trades or own land in a profitable sense, and explicitly prohibited from continuing usury, Jewish lenders took what action they could, and began a practice known as *curialitas*. This began a practice whereby a Jewish lender took legal possession, but not physical, of a bill of goods and then later sold them back to the original owner at a profit after a period of time. The rates of profit were

approximately equal to the old rates of interest on a given loan.²⁰² This seemingly underhanded practice was one of the very few methods of earning a living for Jews in the last fifteen years before the Expulsion. Admittedly a “contrivance” as *Exiundis* calls it, the other choice was starvation or emigration, permission for which was repeatedly denied. So, claiming an interest in the commonwealth of the people and justifying the act as a consequence of flouting *De Iudeismo*, Edward ordered the Expulsion in 1290, pretending that his previous actions had not precipitated the situation. The statute went on to declare null and void any sort of usury or penalty deriving from such practices, and took the debts into the Crown’s hands as under normal usury escheat procedure, but insisted on payment of the principal.

Edward claims that the new offense against his people, “twice as heinous as the first,” is a form of treason and therefore banishes all the Jews from his realm. This is treated as a sort of royal grace given to his subjects regardless of the real consequences to real people. Half of the text describes the “crime” committed by Jewish lenders and the other half is devoted to how the item is to be promulgated and enforced. A scarce 24 words are devoted to the actual banishment. Human considerations, if indeed Jews were seen as fellow humans at all, simply did not enter the matter. The population had served its purpose and was discarded.

²⁰² Robin R. Mundill, *England’s Jewish Solution: Experiment and Expulsion, 1262 – 1290* (Cambridge: Press Syndicate of the Univ. of Cambridge, 1998), 138.

CHAPTER 3

THEORIES OF VIOLENCE

The L-rd is a man of war;
the L-rd is His name.
– Exodus 15:3

Every culture defines itself by first defining what it is not and then projecting all the negative aspects of the not-Self onto the Other and all admirable traits onto the Self. The English had no readily available groups against which to compare themselves, save possibly the Welsh or the Scots, and those were only met in war. Jews could be seen on the streets engaging in peaceful business or be heard at their Sabbath prayers.

Despite the tradition of exploiting the Jewish population, Edward was the exception to many rules about Jewish-Crown interactions. He simply no longer had a use for his human chattel. He made what final profit he could, and then sold the houses and other non-movable goods that were left behind, though this did not end the legal disputes surrounding such real property.²⁰³ This is no less a violent act than were the riots and murders, because this negated any potential residual claim to

²⁰³ G. O. Sayles, ed. *Select Cases in the Court of King's Bench under Edward I*, 7 vols. (London: Selden Society, 1938 – 1971), 2:30 – 34. 19 Ed I (Hilary 1291), no. 126, m. 13.

property, landed rights, or other sense of belonging at least physically to a community if not socially. Even their children were not safe from abduction and forced baptism, effectively ripping apart the weave of Jewish history while simultaneously adulterating the Christian one, despite repeated papal and royal proscriptions of the practice.²⁰⁴ Rather than destroying mere bodies, this act was one that destroyed a people. Uprooting an entire populace and forcing a mass exodus, leaving them to the whims of chance and perfidious sea captains, destroyed a whole social structure in an act that was interpreted by those scholars who survived the Expulsion and the Channel crossing as one of Biblical proportions, paralleled in the Jewish mind only in the Assyrian destruction of the Kingdom of Israel. “The inevitability of conflict, or perhaps the mere threat thereof, meant that the conflict needed to be asserted. In the emotions of the people and in the places ordinary human encounter, on the street and in the markets, the conceptual struggle had to be made real.”²⁰⁵ The anonymity of the crowd, the subsumation of the individual ego into the group or herd mentality allows for the retroactive conscious negation of personal responsibility for one’s actions, even if they were premeditated. “The fact that groups perform the deeds should not surprise anyone, since violence in general was most often collectively performed.”²⁰⁶

²⁰⁴ Simonsohn, 188, Doc. 178.

²⁰⁵ Ocker, 170.

²⁰⁶ *Ibid.*, 156.

All the above actions, whether murder or expulsion, were examples of group self-definition through violence. Transgressive violence reinforces boundaries and returns the social milieu to an imagined starting point from which it degraded over time. “Even wars, unless they are wars of obliteration, are forms of interaction that seek to establish relations, not destroy them.”²⁰⁷ These transgressions were meant to restore balance. By crossing the lines of normal behavior, the very existence of the bound is made tangible. What good is a marker-stone if no one ever tries to move it? To define the Self is to define the Other, even if it is only in terms of not-Self. This exclusionary tactic is a simple either/or situation: us and them. The Self in this case was the Christian identity, which was seen in many ways as a corrective for the division of languages and cultures that had occurred at the Tower of Babel.²⁰⁸ It is only when the dominant group believes itself to be in danger of losing cohesion or, worse, being polluted, that it rises up and reasserts its right of self-definition and expels all undesirable elements, thus totalizing the sense of belonging and enforcing cultural norms. The danger to the Self found in the Other is infinitely more dangerous than that found in subsuming Self into We, which is the intent and tool

²⁰⁷ David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton, NJ: Princeton Univ. Press, 1996), 10.

²⁰⁸ Denise Kimber Buell and Caroline Johnson Hodge, “The Politics of Interpretation: The Rhetoric of Race and Ethnicity in Paul,” *Journal of Biblical Literature* 123, no. 2 (Summer 2004): 235 – 251, 237.

of totalizing social institutions.²⁰⁹ The question then is whether the attacks and expulsions were a simple literal one against the Jews, which must be taken into account in any case, or a figurative one against the power which supported them and which they tacitly represented. The people and the barons believed the Jews were agents of the Crown. The Crown believed they were mere chattel or fiscal sponges. The Jews believed they were a people, and insisted on maintaining this distinction regardless of the price. Edward forgot the old problem of defense: What happens when the wall you seek to build is higher than the width of the kingdom you seek to guard? Writing and story-telling construct a reality: walls to exclude, bridges to join, or gallows to hang.²¹⁰ By removing Jews, or any population, from a nation, the polity is diminished, and a great nation may be made petty.

Evidence from diverse sources, from visual sources to more traditional textual ones, points to the Jew being forever an outsider, no matter how long his family had been resident in a town, or how helpful he was to his neighbors. He was an enigma, the quintessential Other. His place was guaranteed as the Self requires the Other for the purposes of self-definition.²¹¹ The writings about Jews in this time were an artifact of the social landscape, the perception of which was itself a

²⁰⁹ Adorno, 53.

²¹⁰ Michel de Certeau, *The Writing of History*, trans Tom Conley (New York: Columbia Univ. Press, 1988), 6.

²¹¹ Johnathan Elukin, "The Discovery of the Self: Jews and Conversion in the Twelfth Century," in *Jews and Christians in Twelfth-Century Europe*, eds. Michael A. Singer and John van Engen (Notre Dame, IN: Univ. of Notre Dame, 2001): 1 – 8, 6.

hegemonic belief written on the “blank page” of the dominated group or region.²¹² Conversation on the dominated subject thus reduces itself to silence.²¹³ Writers and speakers thus say what a given actor ought to do in a given situation, as if they were in the character’s place, thus reifying their own versions of how reality should look.²¹⁴ Much work has been done on whether Chaucer believed the same things as his characters, most especially the character version of himself, or if he used them as literary constructs to present divergent social points of view without actually giving them any credence. In either case, his works are a perfect example of an ethnology in that it puts down on paper what many in his culture group assumed to be true and rarely, if ever, thought about.²¹⁵ Other writers were blinded by their perceptions and predilections and so never presented the possibilities inherent in Chaucer. Dante is similar in his examination of the status quo as if it was not a natural order but rather a constructed one, and possibly not even the best one available. These two, unlike their contemporaries, invited criticism, debate, discussion, and the possibility of alterity, albeit while trying to remain within orthodoxy themselves.²¹⁶

It is the nexus of interaction between these two states of existence, Self and

²¹² de Certeau, xxv.

²¹³ Adorno, 54. El discurso del sujeto dominado se reduce al silencio.

²¹⁴ de Certeau, 8.

²¹⁵ Ibid., 210.

²¹⁶ Adorno, 54.

Other, which allows for individuation and self-awareness both as a person and as a society.²¹⁷ The Jew could have no proper lord or vassal, could not swear oaths in court, offered no visible or honorable service to society, and frequently spoke a foreign tongue. Jews in the High Middle Ages existed as a loosely connected culture spanning the length and breadth of Europe, North Africa, and the Near East in a way that no Christian or Moslem society could. These ties were a mixture of business, extended families, shared educational experiences, an international language, and an eternal faith. The differences can plainly be seen in Abelard's words as he differentiates between Jewish and Christian view when he writes, "If the Christians educate their sons, they do so not for G-d, but for gain, in order that the one brother, if he be a cleric, may help his father and his mother and his other brothers.... The Jews, however, by zeal for G-d and love of the Law, turn whatever sons they have to letters, so that each may understand the Law of G-d."²¹⁸ The Jew existed in the interstices between cultures and amidst a given culture's social groupings.²¹⁹ No matter how crucial he might have been to a culture's well-being, he was forever the "stranger in a strange land."²²⁰ Conversely, no matter how broadly or specifically framed, the few cases of philo-Semitism to be found are

²¹⁷ Caroline Walker Bynum, "Wonder," *American Historical Review* 102, no. 1 (February 1997): 1 – 26, 13.

²¹⁸ Marc Saperstein, "Christians and Jews: Some Positive Images," *Harvard Theological Review* 79, no. 1/3 (January 1986): 236 – 246, 239.

²¹⁹ Deutsch, 242.

²²⁰ Ex. 2:22.

about an “equally fictitious entity as that which anti-Semitism slanders.”²²¹

Thus were Jews seen as an impurity, an imperfection countering the idea of a Christian population as inherently Christian, as in a Lamarckian sense of inheritance where once a trait is acquired by an individual, it becomes inherent in the subsequent generations.²²² Paul’s writings elevated Christian identity above that of nationality or even family, and presents itself as the universalist message against the particularism of Judaism.²²³ He goes so far as to interpret genealogies, representations of actual physical kinship, as flexible and able to be interpreted in more than one way. Paul wishes us to remember certain ideas and to forget others, but to do so in a particular way, such that it “promotes a selection between what can be *understood* and what must be *forgotten* in order to obtain the representation of a present intelligibility.”²²⁴

Paul saw the diversity of pagan cultic groups as evidence of the abandonment of G-d that was preserved by the Judeans of his own day. Medieval theory reversed this and posited instead that Christianity was the true faith and Judaism a perversion or abandonment.²²⁵ Jews are thus heretics in this mindset, and have literally chosen to leave the sheepfold and embrace a false ideology. Those

²²¹ Anthony Bale, *The Jew in the Medieval English Book: English Antisemitisms, 1350 – 1500* (New York: Cambridge Univ. Press, 2006), 20.

²²² Buell and Hodge, 240.

²²³ Gal. 3:28.

²²⁴ de Certeau, 4.

²²⁵ Buell and Hodge, 245.

that would intentionally leave the perceived group of the faithful are thus the quintessential Other, and no group could be more clearly identified as apostate in the medieval Christian mind than the Jews. The attempted universality of Christian fraternity used this in a way that defined the out-group as personally responsible for its own position because “in the West, the group is legitimized by what it excludes, and it discovers its faith in the confession that it extracts from a dominated being.”²²⁶ Those who either left the community of the faithful or never joined in the first place were, by definition, against the universalism Christianity offered. However, universality as a concept cannot exist without a particularism against which it can be compared, much as a Self cannot exist without the Other.²²⁷

The constructs of belonging were similarly opposed. Judaism traces its lineage through the male line. Christianity positions itself rather differently, emphasizing the feminine. The baptismal ceremony was a ritual return to the womb and coming forth a rebirth, thus conflating blood and water. Both flow and take the shape of their containers, and this is exactly what Paul and all exegetes after him did when they reshaped Judaic thoughts and images to their needs. Believers were seen as of a single generation, all brothers and sisters in Christ, equally children of the Church as Jesus was of Mary, who eventually came to be identified with Ecclesia in a manner at once incestuous and liberating. This may also explain

²²⁶ de Certeau, 5.

²²⁷ Buell and Hodge, 249.

the intense Marian devotion of Christian men in this period, but that is a topic for another paper. What matters here is that the identification existed, and the stern Father of Judaism was intimately contrasted with the loving Mother of Christianity. The image was, however, reversed in the myth of the Jewish male menses, which feminized the Jewish body. The Christian faith was feminized as its believers were masculinized. Images, and the words that went along with them, were no help to a community that insisted on self-definition despite the attempts of an outside society to define them for their own cultural and social valorizations and reifications.

CHAPTER 4

ART & LITERATURE

Behold, they are written in the story
of the book of the kings.

— 2nd Chronicles 24:27

The inclusion of an examination of literature is important because it is a source for both oral and visual images for the largely illiterate populace; the need for such images was recognized at least as far back as Augustine. In addition “society in itself is in large measure a legal concept.”²²⁸ There is also a sort of necessity in presenting literary sources in a work on medieval legal situations because “writers and lawyers both live by words, and pleading a case or drafting a judicial decision requires no less art than writing a narrative poem.”²²⁹ Though in many cases intended for a literate upper class, many of the original sources were public domain in a literal sense. They retold the stories current in princely and pauperish circles. Many works would be read or recited aloud in town squares or chapel halls. Indeed, some works, such as the *Divine Comedy*, were read aloud less than fifty years after their publication. This is all the more astounding because Dante’s

²²⁸ Alford, 941.

²²⁹ Ibid.

masterwork was written in the Tuscan vernacular rather than scholastic Latin.²³⁰ Though there are no Jews, per se, in the text, “the medieval Jew is always filtered through textuality, articulated within a web of textual precedents” even if he is not present.²³¹ He can speak volumes by his absence or in this case by his silent comparison to the patriarchs and prophets of old. These precedents evolve over centuries into literary stereotypes which:

Can exert a coercive power because their vitality is that of literature and is not dependent upon empirical verification or coincidence with the world outside of books. Since the effect of literary representations is often to promote confusion between art and life, a more informed awareness of the ways in which literary constructs work may make us less vulnerable to the potential tyranny they exercise over our imaginations.... From ritual murderer to bloodthirsty usurer, to murderous fence, to almost cannibalistic devourer of widows and orphans – each permutation reflects the author’s often barely conscious memory of its submerged origin.²³²

Here, these stereotypes are presented in roughly chronological order, as any grouping by themes would be inappropriate. Their tropes, images, and trains of thought are so interwoven with the twelfth and thirteenth century world views that a separation would effectively be a dismemberment; trying to study the tornado’s wreckage in order to understand the storm.

²³⁰ Dante, intro. by Ciardi, 5.

²³¹ Bale, 30.

²³² Derek Cohen and Deborah Heller, “Introduction,” in *Jewish Presences in English Literature*, eds. Derek Cohen and Deborah Heller (Montreal: McGill-Queen’s Univ. Press, 1990), 3 – 9, 3 – 4.

William Langland, though somewhat later than our period, went so far as to posit sin in purely legal terminology in his *Piers Plowman*, seeing Adam's fall as a breach of contract thus disseising him from his natural inheritance of Eden. Satan thus claims the souls of the dead for over "seuene þousand wynters" with claims on "boþe goode and ille."²³³ This is an unnatural claim for Grosseteste because it was not the natural inheritance of salvation promised to mankind at the beginning. Long possession of right was a convincing argument, but only if no better right existed, because "lawe nyl nozt lete hym þe leeste."²³⁴ Jesus, in his act of self-sacrifice on the cross, effectively issued a quo warranto writ, and Satan's aid recognizes this when he says, "We have no newe title to hem, for þoruȝ treson were þei dampned."²³⁵ Indeed, the estate of bliss could only be entered into with the rent payment of love and fidelity to Jesus, with his own body seen as the charter with the Eucharist as an indenture or facsimile renewing the contract at each Elevation of the Host. This intimate weaving of law and literature into one tapestry provides for a deeper understanding of both formal and popular culture of the twelfth and thirteen centuries, even as sculpture provides a visual image for those who could not read.

²³³ William Langland, *Piers Ploughman (Visio Willelmi de Petro Ploughman)*, Cambridge MS B.15.17(W), *Passus* 18, fol. 12v, line 290; *Ibid.*, *Passus* 18, fol. 112v, line 285.

²³⁴ *Ibid.*, *Passus* 18, fol. 112v, line 291.

²³⁵ *Ibid.*, *Passus* 18, fol. 113r, line 300.

4.1 Sculpture

Thou shalt not make unto thee
any graven image...

— Exodus 20:4

Sculpture is the place to begin because it was accessible to all. Every person who could see the item, whether new-sculpted or ancient, could see the symbols and make the proper identifications and ideations provided the proper religious upbringing. In the high middle ages, a period known for low rates of literacy, sculpted images represented an important adjunct to the training of the faithful.

Information on art and sculpture of the period is rather lovely if repetitive.²³⁶ A few cases to illustrate the class will suffice. Church and synagogue, as personified by Ecclesia and Synagoga, were common artistic motifs in the medieval period. Draped females, they represent the transition from the Mosaic Law to the Christian Dispensation. Ecclesia typically wears a crown or halo, carries a cross or banner, and looks proudly and lovingly at the redeemer figure that is almost universally placed between her and her Jewish counterpart. The depiction of Jesus, whether enthroned in heaven or suffering on the cross, is in the middle and faces Ecclesia,

²³⁶ Walter Cahn, "The Expulsion of the Jews as History and Allegory in Painting and Sculpture of the Twelfth and Thirteenth Centuries," in *Jews and Christians in Twelfth-Century Europe*, eds. Michael A. Singer and John van Engen (Notre Dame, IN: Univ. of Notre Dame, 2001): 94 – 109, *passim*.

which is to his right and the viewer's left, typical of all representations in this period, from sculpture to heraldry. In all cases, it is the perspective of the figures in the piece that matters. Synagoga is to his left. She is defeated, downcast, and frequently holds a broken staff or scepter while a Law tablet dangles from her hands or is seen shattered at her feet. Most telling are her eyes. They are always blinded in some way. They are closed, veiled, gouged out, or simply turned away from the central figure. The conveyed image of blindness is sometimes due to some natural defect of Synagoga, but as time went on, she became more and more a willful participant in depictions. Natural blindness evolved into intentional turning away.²³⁷

This tropic evolution can be best typified by the sculpture in the South Transept Portal of the cathedral in Strasbourg, France (ca. 1230 CE). Other sources show Ecclesia as the Bride of Christ and the defeated Synagoga as his mother, thus making Judaism the mother-in-law of the Church, a distinctly Biblical theme.²³⁸ This sort of appropriative imagery, in both plastic and literary arts, is a constant refrain for this period. The idea that Jesus, and the truth he represented for Christians, could leave his father and mother, the Law and Synagoga, and cleave to his bride, Ecclesia, was one of the main justifications for the Church's assertions that

²³⁷ Bernhard Blumenkranz, *Juden und Judentum in der mittelalterlichen Kunst (Jews and Judaism in Medieval Art)*, (Stuttgart: W. Kohlhammer Verlag GmbH, 1965), 5-7.

²³⁸ Gen. 2:23 – 24, Ruth 1.

it was the “New Israel” and as such,

The Church, with wide-flowing mantel, the crown on her head, her right hand holding the standard of the cross, her left bearing the communion chalice, stands erect and dignified at the left side of the portal [the right side from the scene’s perspective], looking with pride and disdain at her adversary on the opposite side. The Synagogue wears neither crown nor mantel; in her left hand she holds the table of the Mosaic law turned downward, in the right a standard, the shaft of which is broken in many places; her eyes are bandaged [to indicate that she cannot see the light], and her face is turned away from the Church and is bent slightly down. In spite of her humiliation, she appears more human and loveable than her victorious rival.²³⁹

The new queen regnant, Ecclesia, has displaced her dowager mother-in-law and seeks to be the bride of Christ and mother to the faithful, even as she is both Mary the *theotokos*, thus existing in the gray area between incest and maternal love.

4.2 Monastic Chronicles

This is the book of the generations of Adam

-- Genesis 5:1

Monastic chronicles were largely diachronic in nature. That is, they recorded a particular date and what happened on it. There was rarely any introspection or analysis of the events recorded, but sometimes a moral lesson was drawn. Their value, then, is in a plain statement of events in a given time and

²³⁹ Kuno Franke, “Mediæval German Sculpture in the Germanic Museum of Harvard University,” *Proceedings of the American Philosophical Society* 47, no. 190 (September 1908): 636 – 643, 642.

place, avoiding the fabulism and miracle stories of other sorts of records.

A singular example can demonstrate the class. In 1187, a dispute arose between ABp. Baldwin of Canterbury and the canons of Christ Church over succession to the office of abbot. Local Jews supported the canons by smuggling in food and water after the archbishop ordered the site sequestered and surrounded by soldiers. The local synagogue and many Jewish homes stood on land owned by Christ Church, though the homes themselves were owned by their Jewish residents, so one might think there was a mix of coercion and self-interest, but all records indicate a genuine desire to help their neighbors as opposed to the encroachments of outside authority.²⁴⁰ One contemporary chronicler went so far as to observe that, “The Archbishop did not cease to take away, nor the Jews to give. The Archbishop excommunicated, the Jews prayed. A wonderful contrast indeed!”²⁴¹ The local laity merely supported the monks with prayer, and responded to the Jews of their community as if they had been shown up and thus insulted. Such a contrast could not help foster belief in libelous accusations and made Jewish neighbors all the more likely to be persecuted.

²⁴⁰ M. Adler, 68. One such deed’s confirmation is dated for 6 Elul 1230. This must be interpreted as 1230 CE. If it referred to 1230 AM, that would correspond to 2530 BCE, a plain impossibility.

²⁴¹ Ibid., 52. Archiepiscopus non cessavit auferre et Judaeis non distalit confere. Archiepiscopus excommunicavit et Judaeus oravit. Mira rerum commutatio!

4.3 Blood Libel Literature

Only flesh with the life thereof,
which is the blood thereof,
shall ye not eat.

– Genesis 9:3

The presentation of this literature presents some difficulties, historic, textual, and emotional. Some latter-day instances are evidenced in a later section, but the main discourse will be here. Many such claims were based on finding blood red bread or wafers in synagogues or in places frequented by Jews. Upon finding one such wafer, Urban IV instituted the Feast of Corpus Christi in 1264 to commemorate it. Gregory of Tours called such events “the corroboration of the Catholic faith.”²⁴² Later science would discover *Micrococcus prodigiosus*, a microorganism that produces a red stain on damp bread when left in a dark place.²⁴³ Stories and accusations of blood gathering, specifically from children, are known as early as the records of Thomas of Monmouth. They became so common that the term *kindermörderische Juden* was a common term in medieval German literature, though few Christians at that time knew that their religious forebears were themselves the target of similar accusations during the early years of the Common Era.²⁴⁴ In the twelfth century, Western Europe saw only eight accusations. That

²⁴² Trachtenberg, 119. Ad corroborandem fidem Catholicam.

²⁴³ Ibid., 117.

²⁴⁴ Baron, 5:131.

number tripled in the thirteenth.²⁴⁵ The accusation would gradually spread across the globe as Western culture expanded and interacted with other social groups, and it exists in various forms to this day. Reasons for collecting Christian blood ranged from anointing new rabbis, the preparation of matzah, circumcision rites, curing eye ailments, stopping male menstrual bleeding, and the making of charms and amulets.²⁴⁶ Repeated statements by bishops and pontiffs condemning the libel were ignored by the lower clergy and laity and so the rumor spread despite the best efforts of Pope Innocent IV's bull of 1247 to show the claims to be both false and libelous (see Document 4).

Though in later years, converts would be some of the most infamous accusers and informants, a convert working in the court of Frederick II Hohenstaufen, when asked about the practice, told his lord that,

Neither the Old nor the New Testament states that the Jews lust for human blood: on the contrary, it is expressly stated in the Bible, in the laws of Moses, and in the Jewish ordinances designated in Hebrew as the 'Talmud,' that they should not defile themselves with blood. These to whom even the tasting of animal blood is prohibited surely cannot thirst for that of human beings, because of the horror of the thing; because it is forbidden by nature; because of the human tie that also binds the Jews to Christians; and because

²⁴⁵ R. Po-Chia Hsia, *The Myth of Ritual Murder: Jews and Magic in Reformation Germany* (New Haven, CT: Yale Univ. Press, 1988), 3.

²⁴⁶ *Ibid.*, 2.

they would not willfully imperil their lives and property.²⁴⁷

Any study of the myth and its effects must include Thomas of Monmouth. His presentation was central to the justification and later embellishment of the accusation. The *Life and Passion of St. William of Norwich* is also the first known example of a peculiarly English genre of literature: that of the unofficial investigator solving a mystery beyond the capacity of normal administrative channels. Though Conan Doyle would likely disapprove of the content, the first two books are solid detective story in both form and language.²⁴⁸ The only item that most sources agree upon is that William, the nephew of a priest named Godwin Stuart, disappeared sometime before Easter 1144, and was later found dead.²⁴⁹ The Anglo-Saxon Chronicle dates the boy's death in 1137.²⁵⁰ From there, the story gets interesting. Thomas began his investigations after a series of visions led him to translate the relics of the boy into the chapter house, and many regarded him as the unofficial sacristan in charge of maintaining the tomb and collecting stories for the hagiography.²⁵¹

²⁴⁷ Trachtenberg, 132-3.

²⁴⁸ Gavin I. Langmuir, "Thomas of Monmouth: Detector of Ritual Murder," *Speculum* 59, no. 4 (October 1984): 820 – 846, 820.

²⁴⁹ Thomas of Monmouth, *The Life and Miracles of St. William of Norwich*, trans. and eds. Augustus Jessopp and Montague Rhodes James (Cambridge: University Press, 1896), lxxii.

²⁵⁰ John M. McCulloh, "Jewish Ritual Murder: William of Norwich, Thomas of Monmouth, and the Early Dissemination of the Myth," *Speculum* 72, no. 3 (July 1997): 698 – 740, 717.

²⁵¹ *Ibid.*, 701.

Various theories abound about the reason for the accusation. Some believe that the claims were based on internal guilt for child abandonment or infant exposure that had been externalized and projected onto Jews as a misunderstood outside influence. Other doubts center on the idea of a literal transubstantiation, common in the laity as early as the fourth century but not formalized until 1215, and how it could be cannibalism, a practice abhorrent to most sensibilities.²⁵² The rationalization for the accusation is speculative, but the effects overall are not. What also undeniably happened was the social friction inherent in a situation where misunderstandings were unavoidable, in particular due to the linguistic differences between Jews and other residents as the former were mostly francophone and the latter speaking various Saxon dialects.

As in all trials, the character of the witnesses must be taken into account. Thomas seems neither to have been liked nor trusted by his fellow monks at Norwich, and his books seems not to have enjoyed contemporary favor or agreement anywhere outside East Anglia.²⁵³ His fame is thus almost entirely posthumous, and his life and career would be otherwise entirely unremarkable. Further, Thomas did not arrive at Norwich until 1148 and he did not begin his investigations until 1155. Thomas does not present his would-be defender with internal consistency, and has the added fault of contriving testimony and evidence,

²⁵² Ocker, 158.

²⁵³ Thomas of Monmouth, xiv.

which he admits to doing within the text. He goes so far as to reference a great comet as a marker in time for his chronology, but dates events too late for this to have been the case. Comet Halley, visible in the summer of 1155, could not have been viewed by Thomas or anyone else in the summer of 1144, the date he reports in his chronicle. Moreover, evidence from the Hebrew calendars and the other monastic chronicles, that limit themselves to reporting events rather than speculating on things without witnesses or evidence further discredits Thomas of Monmouth based purely on the disputed chronology of events reported, both within Thomas' work and in comparison to the work of others. Thomas insists the event took place on 22 March 1144, but other sources, which only report the death of a boy and make no mention of any Jewish plot, date the death at 24 March. Evidence for the later date includes festal instructions in the chronicle's pages, and Thomas himself says that the body was discovered on 24 April or thirty-two days after the death, which again points to 24 March.²⁵⁴ Nevertheless, Thomas' work must be considered because his testimony was so vital in later ages. Even if a modern reader would dismiss his claims, this does not necessarily mean that a pre-modern forbear would do the same thing. Sometimes the things people believed to be true are more important in shaping social and historical reality than are the actual facts. The other chronicles, from Bury St. Edmunds and Waverly, corroborate only

²⁵⁴ McCulloh, 716.

the events reported and the aftermath of the accusations and mockery of a trial. The anonymous monastic authors generally do not seem to lend credence to the miraculous or to indulge in undue credulity in this or any other matter, which leads one to believe that Thomas' case was one of a singular monomania rather than evidence of an overall trend. One must also keep in mind the time-frame in which Thomas was investigating and reporting: the troubled reign of King Stephen. Many disturbing and ill-recorded events took place in this period, and several of them are still without satisfactory explanation.

Jessopp and James consider several possibilities as they present their theories in the introduction. The first possibility, that the boy was killed by a Jew for some ritual or out of anti-Christian spite, is brought up merely to dismiss it. The second option is that a Christian killed William and tried to avoid blame by framing the Jewish community. Though there is some evidence of such actions taking place in later times, there is none here. The third possibility is that the child's death was an accident and the responsible party panicked and did not report the event. The rest then is fabrication. The editors of the edition used for this research consider this the most likely possibility.²⁵⁵

Thomas, as any good witness would, claims at first that everything in his report was either found out by him via investigation or was common knowledge,

²⁵⁵ Thomas of Monmouth, lxxvii – lxxviii.

and then invokes the “scorpion of stinging words,” a symbol of Jewish obstinacy in medieval art, as something he wishes to avoid.²⁵⁶ William is first noted as a skilled, if rather young, skinner’s apprentice. He is then hired by a Jewish merchant and subsequently disappears.²⁵⁷ What is not stated is why anyone would wish to harm a skilled employee, especially after paying for the privilege of his services and breaking the contract with his former master. His mother was allegedly hesitant about the arrangement, but allowed her only son to go with a complete stranger. Indeed, the exact offer is for thirty pieces of silver, in direct imitation of the fee paid to Judas.²⁵⁸

The following sections of Thomas’ work involve invented events and conversations, as is common in medieval drama, and Thomas admits to the fictitious nature of much of the ensuing material in books one and two. One man, Ælward Ded, allegedly came across the corpse as he was walking down the road, but did nothing until much later when the accusations were made; still, he advocated the theory that the local Jews had bribed the sheriff with 100 *m* to keep them safe from prosecution.²⁵⁹ So as a perfectly mundane experience is ignored, finding a body along the roadside, a nun reportedly saw a heavenly light and followed it to the

²⁵⁶ Ibid., 5, I.

²⁵⁷ Ibid., 15, I.iii.

²⁵⁸ Ibid., 18, I.iv.

²⁵⁹ Ibid., 28, I.vii; Ibid., 29, I.viii.

body, and she in turn did nothing and reported it to no one.²⁶⁰ Further testimony was given by Godwin Stuart, a priest and the boy's uncle, who allegedly left the corpse in an unmarked, unconsecrated grave for over a month.²⁶¹ It is possible that he did so in order to use the time to incite opinion against the Jews of Norwich and to convince Bp. Everard to assert jurisdiction because of invented insults to Christianity, thus avoiding the normal course of King's Bench which would have otherwise automatically applied to criminally accused Jews. Such an idea would be easy to concoct due to the proximity of Purim that year; a festival wherein effigies of Haman are sometimes burnt.²⁶²

Thomas' entire tone here is one of defensiveness, as if he is much accustomed to being disbelieved, and he points out that he has been accused of too much unquestioning credulity. The text reads as if he is attempting to justify and reify something he knows full well is both nonsensical and impossible. He goes so far as to acknowledge that the church at large has declined to take note of any of the miracles associated either with the passion of the child martyr or with any of the events that allegedly took place at his tomb afterward. He further admits that no one saw the death or its manner, despite insisting that it was some form of crucifixion, and that he is essentially telling tales, and continues to do so as he

²⁶⁰ Ibid., 34, I.x.

²⁶¹ McCulloh, 731.

²⁶² Esther, *passim*.

presents “an imaginary sketch of the trial.”²⁶³ The narrative consists of conjecture, supposition, libel, and plain anti-Judaism. That anyone would believe a story that clearly posits itself as an invention leaves the modern reader bewildered. Thomas’ real motives are uncertain, but his effects are not. His work has been used to embellish ritual murder and blood libel accusations for centuries afterward, and the hoary age of his report has lent credence to the idea that the alleged actions are, in some sense, ancient tradition. That it might be what it reports itself to be, a fabrication, seems never to have been seriously considered by latter-day readers and users of his text. Richard of Devizes, a chronicler of the reign of Richard I, similarly commented on a story of a boy-martyr at Winchester, but does so only to make fun of the story and its believers, and does not finish the tale thus showing further contempt.²⁶⁴

The document itself gives the researcher some trouble. The only known edition is a late twelfth-century copy, that has neither date nor autograph, and the provenance remains unknown. Edward Coleman willed it to Brent Eleigh parish, Suffolk, along with his other papers, and it was held there until the Cambridge University Library bought it in 1891. There are no other known copies, and all references or citations can be traced back to this one document, which was rendered by Jessopp and James in the present edition. The limited concurrent

²⁶³ Thomas of Monmouth, 86, II.viii; *Ibid.*, 99 – 110, II.xiv. *In iudiciali generi coniecturalis causa.*

²⁶⁴ Richard of Devizes, 65 – 69.

circulation of the document is also evidence of contemporary disbelief both in the story and in the miracles supposedly surrounding it.²⁶⁵ Unfortunately, later readers did not share in the incredulity of the twelfth-century Norwich community. This leads us to question if the author of the later “Praier to St. Robert” believed the tales told about a boy murdered at Bury St. Edmunds in 1181. One must also wonder if Chaucer believed the overall tales as he wrote his various *Canterbury Tales* or if they were believed only by his fictional creations.²⁶⁶ Chaucer’s work engaged in conscious fiction: he knew he was telling tales. The question is whether or not his characters knew them to be fictions. Other authors had no such luxury and had to confront the issues head on with non-fiction writing. Much as was done by Joseph Kimḥi, realities had to be confronted and engaged if they were to be understood and coped with.

²⁶⁵ McCulloh, 710.

²⁶⁶ John Lydgate, “Praier to St. Robert,” Oxford, Bodleian Lib., MS Laud misc. 683, et seq., 22v – 23r; Geoffrey Chaucer, *The Canterbury Tales*, 5th ed., trans. and ed. Neville Coghill (New York: Penguin Books USA, Inc., 1977).

4.4 The Book of the Covenant

But if from thence thou shalt seek the L-rd
thy G-d, thou shalt find Him, if thou seek
Him with all thy heart and with all thy soul.

– Deuteronomy 4:29

The work of Joseph Kimḥi (c. 1105 – c. 1170) is, in a sense, a critique by an outsider focused on the scholastic complacency of the Western European Jewish community in addition to his refutation of Christian argumentation. He grew up in the Levant, but through the vicissitudes of life, found himself a slave in Narbonne. This location had a massoretic school as early as the eleventh century, and Ermengarde of Narbonne took it under his official sponsorship in the 1140s. This academy also was home to the developments of the now disused languages known as Zarphatic, a form of Judeo-French, and Shuadit, Judeo-Provençal.²⁶⁷

Kimḥi's work was an essentially apologetic presentation that sought to counter Christian arguments against Jewish maintenance of their customs and beliefs. It was among the first Jewish works to do so.²⁶⁸ In so doing, he also criticized his Judaic contemporaries for their lack of non-Talmudic knowledge. For Kimḥi both groups were the subject of vitriol for their complete lack of regard for

²⁶⁷ Robert C. Stacey, "Jews and Christians in Twelfth-Century England: Some Dynamics of a Changing Relationship," in *Jews and Christians in Twelfth-Century Europe*, eds. Michael A. Singer and John van Engen (Notre Dame: Univ. of Notre Dame, 2001): 340 – 354, 350.

²⁶⁸ Grabois, 620 – 623.

scientific inquiry, as was common in Andalusia.²⁶⁹ Christianity, by contrast, had an apologetic tradition stemming almost from its first days and reaching the greatest heights during the controversies of the fourth and fifth centuries.²⁷⁰ Though Kimḥi's argument was much more subtle and complex, it began with what might be called a maxim: Both sides of the Tablets [of the Law] were inscribed so that no one could claim they were incomplete.²⁷¹ He knew this critique would be especially biting because of the intense focus on Talmudic study he found in Jewish communities in Narbonne and the West generally. With a sense of dramatic irony, he lauded Christian scholars in a fashion as he applauded their study of the *Hebraica veritas* in order to get a better sense of Jerome's rendering of the Tanakh.²⁷² Comparing the results of both Jewish and Christian exegesis in this time period clearly shows the parallels that one finds between the St. Victor and Rashi schools of thought, with the former giving evidence of some dependence upon the latter.²⁷³ Such work went on despite the objections of Rufinus who maintained that both the Hebrew and Greek versions had become corrupt, the one intentionally and the

²⁶⁹ Joseph Kimḥi, *The Book of the Covenant (Sefer ha-Berit)*, trans. and ed. Frank Talmage (Toronto: The Pontifical Institute of Medieval Studies, 1972), 11.

²⁷⁰ Baron, 5:109.

²⁷¹ Kimḥi, 70; Tal. Yer. Sheq. 6:1.

²⁷² Kimḥi, 615.

²⁷³ *Ibid.*, 620.

other through carelessness, and that no academic relations between Jewish and Christian groups was necessary or desirable.²⁷⁴

Presented with a completely new social setting, he saw immediately that the primary function of Jews in Latin Christendom was that of usurer. Kimḥi admits that the profession is permitted when its practices are limited to Gentiles, but that it was also an affront against G-d in an argument not unlike those used by Christian theorists.²⁷⁵ On this and other difficult topics, he wrote that “it is true that all this is found in Scripture, but Scripture speaks to those who are intelligent and are capable of understanding it.”²⁷⁶

Even so, the choice of cover art for this particular edition, a contemporary engraving showing a disputation, shows the futility of such an endeavor, as surely Kimḥi knew. The scene shows a small crowd surrounding a Jewish and a Christian disputant. Each holds a book. The Jew’s book is marked with *emet* and is held close to the body with the pages inward. The Christians book is marked with *veritas* and is held out from the body with the pages outward. This is an interesting juxtaposition of the standard Christian tradition which held that Christianity was an inward belief while Judaism was nothing but outward acts. It is also indicative of the Christian’s commandment to go out into the world and the Jewish necessity of

²⁷⁴ Ibid., 627.

²⁷⁵ Deut. 23:21; Ps. 15:5.

²⁷⁶ Kimḥi, 42.

maintaining the closeness of his community.²⁷⁷ It forces the viewer to consider which is truly the more spiritual tradition. Which has stayed closer to its own roots as it naturally evolved over time? The frontispiece, like the text within, seldom gives answers of any definite nature, as is true of most iconography: a picture is what one makes of it. Some symbols, however, became universally identified with certain ideas, and thus an iconography of morality was developed.

4.5 *Bible moralisée*

It stood still, but I could not discern the form thereof:
an image was before mine eyes

— Job 4:16

The next section, on the *Bible moralisée*, fits into the above-mentioned category of art history, specifically that of illuminated manuscripts. The *Bible moralisée* is a collection of texts that have parallel incidents from the Tanakh and the New Testament illustrated in similar fashion, with similar symbols, and with an accompanying moralization or retelling of the story shown in the pictures, or rondels. Lacking first-hand knowledge of the field, the present author has had to rely on the expertise and opinions of others. Lipton was chosen over other scholars as the key secondary expert on this subject because she covers the widest amount of

²⁷⁷ Mk. 16:15; Gen. 24:4.

material in terms of both iconography and literary elements in both French and Latin.

Lipton's work on the *Bible moralisée* can be treated either as a lengthy monograph or a grouping of monographs on similar topics deriving from shared material and grouped thematically. As such, all the groupings focus on one particular subject of representation or one typology of representation. In other words, her schematic for presentation is one of overlapped spheres of portrayal that provide a certain continuity while demarcating definite boundaries of the topics under consideration. The objection may be raised that Lipton never considers the Jewish point of view or the Jewish reality reflected or parodied in the images. That is not the point of her work, though it is the point of the present project. She examines only the likely Christian influences that went into the work, and considers Jewish opinion, that of Maimonides in particular, only insofar as it is filtered through monastic reading and interpretation. The present author seeks to remedy this.

Lipton herself provides the best summary of the scope and purpose of her work when she writes,

The actions of humans and governments are rarely, if ever, dictated by pure ideology, much less by exegetically filtered theology; they arise, rather, out of a complex web of social, economic, political, intellectual, cultural, and personal considerations.

However, the innovative nature of the *Bibles moralisées* makes them uniquely valuable sources: as systematic and comprehensive juxtapositions of authoritative texts and original images they express seemingly familiar ideas in, or rather translate these ideas into, a new language, a visual language of sign.²⁷⁸

Lipton proposes to explicate all these things as she proceeds through the texts, not diachronically or even linearly, but in terms of shared symbols and the concatenation of meaning behind those symbols. She does so with no conception of what such symbols might mean to a Jewish audience. This work is not for the faint of heart or for those unversed in medieval religious controversy. In particular, it will be of best benefit to one who has studied both Christianity and Judaism, from both sides of the aisle if possible, with a bent toward art history. The only serious problem with her method of presentation is that all the figures are in black and white.²⁷⁹

The dating of the examined texts is also of great value. Both codices under Lipton's consideration, Vienna ÖNB 1179 and 2554, date from 1215 to 1230. Though somewhat early for the period under consideration, they are archetypal of the visual tropes used throughout Europe. Similarly, they present essentially the same material, one with Latin commentary and the other with a French gloss. This

²⁷⁸ Sara Lipton, *Images of Intolerance: The Representation of Jews and Judaism in the Bible moralisée* (Berkeley, CA: Univ. of California Press, 1999), 3.

²⁷⁹ Those interested in color versions should visit the Österreichischen Nationalbibliothek online at <http://www.onb.ac.at>.

juxtaposition of related, but slightly different, visual ideas allows the scholar to see both sides of the coin of interpretation as one is intended for the higher clergy and the other for the common monks and parish priests. However, the dedicatory preface of each says that they are intended for the “most Christian king” of France.²⁸⁰ This further positioning of what is eternal truth being dedicated to a secular monarch informs both the overall style of the works Lipton analyzes and gives their open and close a certain circularity not often found in a Christianity that posits a definite beginning and end of things, never their recurrence in cycles.

If there is a common theme throughout the *Bibles moralisées* as examined by Lipton it is the “conceptual anomaly presented by diametrically opposed spiritual groups displaying similar outward appearances [that] posed a threat to proper order and hierarchy.”²⁸¹ Time after time, Lipton points out the polarity involved in the roundels as they show images from imagined past and interpreted present. This elision of time frames, the prefiguring past shown in parallel with the present, is the method both works use in order to keep the reader’s mind focused on the eternal now of religious truth even if the events in question actually took place centuries prior either to the reading or promulgation of the text. Past evils are shown as contemporary events. Most scholars assume that Jewish typification as evil incarnate was enough to explain their depiction as such, but this is not so according

²⁸⁰ Lipton, 1.

²⁸¹ *Ibid.*, 17.

to Lipton. First, Jews as personification of evil are rare before the thirteenth century. Second, this is a circular argument. Jew hatred leads to anti-Jewish art which leads to Jew hatred. Few accounts, from either Jewish or Christian sources, of anti-Jewish violence lack examples of brave or well-bribed Christians trying to help their friends and neighbors.²⁸²

Indeed, following Augustine's principle that Jews should be tolerated, if not exactly permitted to thrive, the authors of the *Bibles moralisées* see a possibility for their conversion, which is to be desired in itself for the individual and as a precondition of the second coming for the Jews at large.²⁸³ Boundary crossing has both positive and negative aspects, and the roundel artists were well aware of both.

The path goes both ways because:

[j]ust as Jews are regarded as potential Christians in the myriad texts and roundels imagining or forecasting their conversion, so Christians are represented as equally – or rather more – liable to evolve (or devolve) into “Jews.” Fluidity between Judaism and Christianity is thus simultaneously courted (in calls for conversion) and repudiated (in condemnations of “Judaizing”)... it is acknowledged and denied.... The image of the Jew presented in the *Bibles moralisées*, then, in a very real way mirrors (in the sense of reflects, but also reverses, distorts, and distances) this corner of medieval Christendom's image of itself.²⁸⁴

²⁸² Ibid., 27.

²⁸³ Cf. *De Civitate Dei* 18.46.

²⁸⁴ Lipton, 29.

Thus, the flow could only go in one direction, along the positive arrow of time from Judaic past to Christian present and future. The danger is not so much where Judaism is its most Jewish, but where it overlaps and can be seen as eliding into Christian belief and practice.²⁸⁵ The linkage between Judaism and heresy is thus a close one, at least in Catholic minds of the period, because so many of the extant heresies were called either Judaizing or were blamed on Jews outright.²⁸⁶ Just as circumcision was the root of the Galatian heresy, Judaic belief and practice in general were seen as the root of all current Christian schism.²⁸⁷ In particular, the supposed Jewish tendency toward greed and profit were seen as evils in themselves and thus the text *radix malorum cupiditas est* was especially brought to mind with images of Jewish greed.²⁸⁸ The other end of the wealth spectrum was the extreme asceticism, theoretically in imitation of the poverty of the early Church, was seen as equally evil in itself.²⁸⁹ In a state of flux, society was tending to the extremes, or to it seemed to ecclesiastical chroniclers and artists. This mixed expectation and fear of change signified an uncertainty in identity, for Lipton, in that the scribes could see in their own day the problems had when boundaries were non-fluid and non-static at the same time. How, then, can an artist justify this conflation of issues? The

²⁸⁵ Ibid., 75.

²⁸⁶ Cf. Acts 15, Gal. 2.

²⁸⁷ Lipton, 83.

²⁸⁸ Chaucer, "The Pardoner's Prologue," 241 – 244.

²⁸⁹ Lipton, 87.

technique is as old as Christianity itself: prefiguring.²⁹⁰ Each incident catalogued in the *Bibles moralisées* is paralleled by a comparison image and text giving examples of current behavior. Timeless truth is made to serve temporal political and intellectual ends.

One major fear in the artists' milieu would be that of the growing money economy. Previously, most payments and contracts, if any, were done in terms of services rendered or payment in kind. The rise of monetary commerce gave certain fears to landed interests, and so the most common symbol associated with Jews is the moneybag in over fifty roundels.²⁹¹ This can be seen as either fears about a specie economy or simple envy at the perceived success of what was supposed to be a group of barely tolerated social outcasts. Similarly, this shift in economic activity moved the locus of economic power from the landed estates to the newly wealthy towns. Examples of explicit rhetorical connections between the new system and Jews can be seen in violent outbursts as early as 1010 in Limoges and 1049 in Lyon.²⁹² The association of Jews with money is not necessarily to demonstrate its Jewishness but rather its un-Christianness.²⁹³ In effect, just as Jews were the first to reject the message of Jesus, so too are they shown as the archetypal rejecters of the

²⁹⁰ Robert Chazan, *Fashioning Jewish Identity in Medieval Western Christendom* (Cambridge: Cambridge Univ. Press, 2004), 17.

²⁹¹ Lipton, 31.

²⁹² Deutsch, 245.

²⁹³ Lipton, 45.

principle of *nihil inde sperantes* (hoping for nothing again), one reading of which precluded even simple profit as we understand it today.²⁹⁴ In this, as in so much else, the Christian commentators made a singular error: they assumed that Judaism and its symbols had remained static since the time of Jesus and the apostles.²⁹⁵ The idea of social change, even over centuries, did not enter their minds. It was as if Jews lived in a timeless realm now divorced from sociological development. But the Christian authors made the same incorrect assumption about their own culture's behavior over time.

When confronted with the facts of a Judaism that had evolved over time, the Christian prelate began to feel that the Jew had violated "his" Judaism and so was no longer worthy of the Augustinian protection. This conclusion was arrived at by a series of Benedictine and Franciscan studies of the Talmud, a document Christians imagined to be privileged over the Torah. The reality is that the Talmud was nothing more than the same sort of gloss, exegesis, and parable retelling of scripture and how to apply it in the real world that Christians were then doing to their own texts. The Talmud tradition was simply older by several centuries and was outside the bounds of a hypostatized, imagined Judaism that was not supposed to change. To that end, Gregory IX ordered the confiscation of all copies of the Talmud in

²⁹⁴ Luke 6:35.

²⁹⁵ Lipton, 50.

1239 and the burning of those which were objectionable.²⁹⁶ It is odd that Christians believed that the Talmud had replaced the Torah as the Jewish scripture, and could not believe that the Jews would read it allegorically or spiritually. The very thing they argued made them superior to Jews in terms of reading the Tanakh they refused to believe the Jews capable of doing in regards to the Talmud.²⁹⁷ Figurative readings by Jews were interpreted as heresy by Christian observers because that conflicted with the common notion that Judaic scholars only used literal readings. Thus did Christian authorities either gloss over Judaic figurative readings, using the same methods as Gentile scholars but coming to different conclusions, or insist that this was heresy and worthy of condemnation.²⁹⁸ All this happened despite the fact that, had Christian scholars simply read the text they claimed to appropriate and understand better than their Jewish counterparts, they would have seen that simile, metaphor, parable, and figurative interpretations were quite common both in the sacred texts themselves and in the various commentaries upon them.²⁹⁹

²⁹⁶ Simonsohn, 174, Doc. 165.

²⁹⁷ Jeremy Cohen, "Scholarship and Intolerance in the Medieval Academy: The Study and Evaluation of Judaism in European Christendom," *American Historical Review* 91, no. 3 (October 1892): 592 – 166, 593.

²⁹⁸ *Ibid.*, 598.

²⁹⁹ Ezek. 17:2, 21:5; Hos. 12:10; Prov. 1:6, 7:6–26, 25:11. Cf. Maimonides, "Introduction," in *Guide for the Perplexed*, 2nd ed., trans. M. Friedländer (New York: Routledge and Keegan Paul, Ltd., 1904; 2nd rev. ed. Mineola, NY: Dover Publications, Inc., 1956, refs. to 2nd rev. ed.).

If the Jews no longer guarded the original form of the scriptures, then there was no longer any reason to protect them.³⁰⁰ Synagoga, the personification of Judaism at large, is thus, to them, best represented with eyes downcast or afflicted in some way, and her crown falling to the ground.³⁰¹ Over time, this inability to see “truth” as defined by the monks evolved into an active refusal. Lipton goes to great lengths, sometimes too great, to bring home the point that Jews simply did not see the light as defined by Christendom. The only ambiguity in the text, which is also repeatedly highlighted by Lipton, is whether Jews made a choice or suffered some natural deficiency. A further consideration was whether the continued “obstinacy” of the Jews was whether they were weakened in the observance of the Law or if the Law itself was somehow misleading them.³⁰² True, there were a few rabbis who began to prefer literal (*peshat*) readings over the figurative (*derash*), but they remained in the minority and continue to be so today.³⁰³ Belief in a static, literalist Judaism led Christian scholars, with papal blessing and impetus, to seek rabbinic wisdom, but this wisdom was elastic and figurative, which removed one buttress of Christianity’s claim to supersede Judaism’s claim to authoritativeness, a claim which caused Gentile scholars to seek out rabbis in the first place.³⁰⁴

³⁰⁰ Lipton, 58.

³⁰¹ *Ibid.*, 59.

³⁰² *Ibid.*, 69.

³⁰³ J. Cohen, “Scholarship and Intolerance,” 596.

³⁰⁴ *Ibid.*, 598.

In this area, as in the general problem of the rejection of Jesus as the messiah, carnality, or association with the physical in general, and literality, an imagined literal adherence to the text, are seen as alternately source and cause of the problem. While pointing all this out, Lipton shows how the images and texts can be taken as introspective analysis from within the Church. Neither self-criticism nor anti-Judaism is unique, but the consistent juxtaposition is unusual in the *Bibles moralisées*.³⁰⁵ Lipton never tries to resolve any of these ambiguities and ambivalences because the original artists did not. One is tempted to ask if these dichotomies are the product of the medieval milieu or of a post-modern mind, but that is another problem which is irresolvable. In virtually all medieval cases, an appeal was made to a higher power for greater understanding and thus greater power.

4.6 *Las Cántigas de Santa María*

The L-rd is my strength and song,...

– Exodus 15:2

The *cántigas* examined below are part of a collection that numbers over four hundred. All of them are addressed to Mary, the mother of Jesus, as if she were a present audience member or recipient of the honor in being thus addressed. The apostrophic and dedicatory nature of the works in question would make them

³⁰⁵ Lipton, 138.

worthy of examination in themselves, but the selected items specifically use Jews and their associated symbols as a distinct mode of expressing an idea. In particular for this group, synecdoche is used wherein one cultural feature is used to stand for the whole Jewish experience, or one Jew is used to stand for the whole community. Rarely, the reverse is true. This double-tiered use of rhetorical devices is the source of inquiry for these poems and provides the impetus for analysis,

In spite of the presence of individualized settings, the characters themselves tend to lack dimension, their individuality being less important than their textual function. When a literary character needed to be identified rapidly with a particular good or bad trait, a simple, one-sided image was all that was needed. When a character made fairly frequent appearances in different texts, then a mere mention of him/her was sufficient to evoke certain images and emotions associated with that character. This means that a person who was exposed to numerous miracle stories and church sermons might have known and recognized the literary Jew more readily than the historic Jew.³⁰⁶

A brief historic background is necessary to understand the importance of the collection at large and of the selected items in particular. Alfonso X's (1221 – 1284) reign was putatively the only era in Iberian history universally recognized as

³⁰⁶ Susan Helaine Brody, "The Construction of the Literary Jew in Texts from Thirteenth-Century Castile," PhD. Diss., Univ. of Kentucky, 2002, 53.

generally benevolent to members of all three Western monotheisms.³⁰⁷ In particular, favor was given to those persons, including Jews, who could make intellectual, financial, or professional contributions to the culture of the *cortes* provided that no Jew was in a position of authority over any Christian.³⁰⁸ We also know from Arabic sources that many of the larger cities in Iberia up to this point were comprised largely of Jewish populations, including Granada which was called Iḡranāṭat al-Yahū, Granada of the Jews. According to Al-Ḥimyari and others, Jews could additionally claim to have founded the city when a group of exiles arrived there shortly after the destruction of the Temple. Arabs even called the northern Aragonese parts of the peninsula Medinat al-Yahūd, Medina of the Jews.³⁰⁹

The *cántigas* represent a mixture of court and popular poetry that was collected, edited, and presented under the aegis of Alfonso X. Some later commentators even believe that he contributed a few items of his own work to the group. Indeed, these hymns to the *theotokos* can be seen as very personal statements of faith and so show Alfonso's real feelings on the matters of faith in general, and of the Jews in his kingdom in particular, despite his pragmatic actions

³⁰⁷ Albert I. Bagby, Jr., "The Jew in the *Cántigas* of Alfonso X, El Sabio," *Speculum* 46, no. 4 (October 1971): 670 – 688, 671. El Rey Sabio concedió amplia libertad religiosa en la población judía de los reinos de Castilla.

³⁰⁸ *Ibid.*, 670; David Romano, "Los judíos y Alfonso X," *Revista de Occidente* 43, no. 11 (December 1984): 203 – 217, 213. Que ningunt judío non puede haber ningunt oficio nin dignidad para poder apremiar a los cristianos.

³⁰⁹ Deutsch, 241.

at court. Similar patterns can be seen in the behavior of his son-in-law, Edward I of England, as the two conferred on mutual concerns where their lands met in the Pyrenees. There is also a textual connection. A few of the stories have immediate parallels to be found in Chaucer's work, which may reflect either borrowing, as Chaucer is known to have spent time on the Continent, or it may simply be representative of a shared cultural source of tropes, beliefs, and rhetorical devices.

The Jewish *cántigas* comprise some eighteen out of the four hundred twenty-seven in the collection. They present basically five typologies of the Jew as understood in thirteenth-century Castile. The Jew is (1) the archenemy of Christ, (2) the devil's disciple, (3) a symbol of avarice, (4) a traitor, whether to king or to deity, or (5) a potential Christian convert. Each of these roles can only be played by a Jew. No Christian can take on the first four roles if he or she is a true Christian, because he is a believer and is faithful in every sense of the word by definition. The last category, the convert, assumes that only a non-member can join the group. This also assumes that the native population of Iberia is somehow inherently Christian, with adherence to another faith an aberration, and that any permissible change must be toward the perceived perfected state of Christianity. Any change for a Christian would be away from this state, and so cannot be allowed or even thought about. One early example was that of Deacon Bodo, father confessor to

King Louis the Pious, who converted to Judaism in the 890s.³¹⁰ Two cases, reported by Gerald of Wales, are posited not so much as a desire to profess Judaism but rather to make an attempt to leave the rigor of holy orders.³¹¹ Robert, deacon of Reading, converted because of love and was ordered burnt at the stake by ABp. Langton as a heretic, the first recorded instance of that punishment for heresy in England, though the only extant contemporary source for the story is the *Chronica Buriensis*.³¹²

Categories 1 and 5 combined in many ways to provide the duality of medieval thought represented by Stephanaton the last tormentor of Christ on the one hand, and Joseph, his earthly father, on the other. Stephanaton was literally positioned on the opposite side of Jesus while he was on the cross with respect to Longinus, the famous soldier with the spear. Though he began as a mix of farcical and demonic influence, by the middle ages the Passion play was seen as no place for either of those influences, and he was entirely absent by the sixteenth century.³¹³ Joseph, however, made a more enduring figure even as he evolved to better suit the spiritual needs of the English community. He was seen by many as the last convert to Christianity while Jesus still lived. As a paternal figure,

³¹⁰ Deutsch, 242.

³¹¹ J. Jacobs, *Docs and Records*, 283 – 285.

³¹² M. Adler, 12; Gransden, xxii.

³¹³ William Chester Jordan, “Erosion of the Stereotype of the Last Tormentor of Christ,” *Jewish Quarterly Review* 2nd ser., 81, nos. 1 – 2 (July – October 1990): 13 – 44, 14.

Joseph... was cleaned up in late medieval English plays and art. From a 'peevisish and complaining, corpulent, lazy, alternately timid and boastful figure' he became a model father and husband. The depiction of the holy family, with Joseph its earthly head, became the ideal during the Counter-Reformation for all firmly guided and loving Catholic families.³¹⁴

Things were slightly different for those who converted from Judaism to Christianity, always a suspect group due to the possibility of crypto-belief, and relapsed, at least in the perceptions of their Christian fellows. One source goes so far as to say that there is a rite of re-Judaization to readmit a lapsed Jew to the synagogue that resembles the *mikvah* ritual undertaken once, and only once, by a convert to Judaism before his initial entry into the community, or monthly by a woman following her menstrual period.³¹⁵ No such readmission rite has ever existed. R. Solomon b. Abraham ibn-Adreth of Barcelona categorically denied the existence of any such rite, with or without immersion, and cites Gaonic authority to back his claim.³¹⁶ In this, as in so many other areas, there is no Jewish voice of protest given within the Christian source to posit even the possibility that Judaism might be justified in itself as an independent faith with meaning and spiritual content for its adherents.

³¹⁴ Ibid., 16.

³¹⁵ Rytus rejudaisitionis.

³¹⁶ Joseph Shatzmiller, "Converts and Judaizers in the Early Fourteenth Century," *Harvard Theological Review* 74, 1 (January 1981): 63 – 77, 63 – 65.

There is some amount of crossover between the five categories, especially the latter one as it represents the hypothetical best case scenario by bringing in a faithful new member of the Christian flock, but they all represent interwoven themes of fidelity, perfidy, and unrestrained self-interest. Fidelity is of particular interest because the ultimate goal of any Christian society is putatively to convert the non-believer in general, and the Jew in particular. And yet, in order to bring a new convert into the faith, he must first be convinced of breaking faith with his own social group and his sense of tradition. “True” faith can only be had by breaking away from “false” faith, as defined by the Christian writers. The irony of the situation is not lost on the collectors of the *cántigas*, and even occasions a few puns. Of the grouping, *cántigas* 4 and 6 are frequently considered to be later additions to the canon, but opinion is divided on the matter. This author treats them as if they are native or original to the corpus.

Before a full consideration of the *cántigas* is undertaken, a brief survey of a few other medieval Iberian sources that speak of Jews would be profitable. In *Los Milagros de Nuestra Señora*, miracle stories 16 and 18 are of interest. In 16, a boy converts to Christianity and upon discovery his Jewish father throws him into a furnace in imitation of Abraham in the Ur of the Chaldees, a word that can indicate either a city by that name in ancient Mesopotamia, or the pottery and record-slab

kilns for which that city was famous.³¹⁷ The boy is preserved from harm in much in the manner of Shadrach, Meshach, and Abednego.³¹⁸ The father's action is discovered by the local Christian populace and as they rescue the boy they throw the father into the furnace in his place.³¹⁹ This sort of myth is repeated in many places, and even has a parallel in the *cántigas*. Fire is a common method used to cleanse the community of impurity and heresy, as would later be seen in the various witchcraft trials across Europe, as it burns away the taint of sin, much as in the popular conception of infernal punishment.

Also in *Los Milagros*, story number 18 recounts how at the Elevation of the Host at Easter, the Virgin's voice cried out to a congregation that her son was being crucified again. Upon investigation, it was found that a local rabbi had stolen a wax image of Jesus and was torturing it in his house. The crowd immediately visited the same tortures on the rabbi that he had given to the image, thus avenging his actions, and the townsfolk return to their church with the image, clean it, and return it to its place of honor as they resume Easter services.³²⁰ The fact that no such figure could have any meaning for a Jew, save possibly as an exemplum of an idol, is but one piece of internal inconsistency which shows that the story, informed

³¹⁷ Gen. 15:7.

³¹⁸ Dan. 3:28.

³¹⁹ Seymour Resnick, "The Jew as Portrayed in Early Spanish Literature," *Hispania* 34, no. 1 (February 1951): 54 – 58, 54.

³²⁰ *Ibid.*, 54.

wholly by Christian beliefs and preconceptions, could not represent a real world action on the part of any Jewish person, much less a rabbi. This is not important, however, as the audience was the Christian laity. This trope is present in all the collections under consideration, and should be understood as a substrate for the construction of the dialogues the writers are having with their intended audiences. The Jewish voice is either not given a chance to speak or it is usurped by those who interpret Judaic belief and practice in a Christian light, effectively translating the religious life statements of Jews into a Christian medium that is ill-equipped to handle the concepts involved.

Another item, *Auto de los Reyes Magos*, a one hundred fifty line fragment that tells the story of the magi, is also instructive. Herod asked two rabbis their opinions on prophecy and the first says he finds no reference to Jesus in his books. The second disputes this, saying that his associate is willfully misinterpreting the passages, a common theme in Christian polemic since at least the gospel writers' day.³²¹ One counter-charge levied over the centuries is that Christians themselves have not taken the "spiritual" route in interpreting their own scriptures, and have thus rendered a literalism in the same manner they accuse Jews of using to deny the "truth" of Christianity. To this author's knowledge, there has yet to be any Christian commentary on the juxtaposition of methods where the very

³²¹ Andrew S. Jacobs, "A Jew's Jew: Paul and the Early Christian Problem of Jewish Origins," *Journal of Religion* 86, no. 2 (April 2006): 258 – 286, *passim*; Matt. 13:14.

interpretational method decried in one case is considered canonical in another. Peter the Venerable said of the Jewish ability to understand Christian arguments: I do not know if he is human.³²² Jacob b. Reuven, however, turned the tables and said of a friend who was a Christian priest, “the Creator, may He be blessed, blinded his eyes from seeing and his heart from reasoning” and that his friend had “explained the prophecies senselessly.”³²³

The question remained of “how would it be possible to maintain the continuity of Jewish communal identity grounded in G-d’s freely chosen election of the Jewish people in love? The experience of violence and the assertions of Christian triumph might plant doubt in the hearts of many in the Jewish community.”³²⁴ One affirmational answer can be found in the work of an early disputational writer. Joseph Kimḥi gave the would-be contestant some ammunition should he find himself in a controversy of words. The first principle is to insist on a direct, grammatical usage of the original Hebrew script. This remains true to the present day. The second is that all text should be considered in its immediate context, both historically and textually, not minced in with words and

³²² Daniel L. Lasker, “Jewish-Christian Polemics at the Turning Point: Jewish Evidence from the Twelfth Century,” *Harvard Theological Review* 89, 2 (April 1996): 161 – 173, 170. Nescio utrum homo sit.

³²³ *Ibid.*, 169.

³²⁴ Michael A. Singer, “G-d’s Love for Israel: Apologetic and Hermeneutical Strategies in Twelfth-Century Biblical Exegesis,” in *Jews and Christians in Twelfth-Century Europe*, eds. Michael A. Singer and John van Engen (Notre Dame, IN: Univ. of Notre Dame, 2001), 340 – 354, 343 – 344.

events far sundered in space and time. The third, and possibly most important, is to ignore temporal powerlessness of Jewry and work from the assumption of the inevitability of the redemption of Israel.³²⁵ This posits everything from maintaining hope and faith to denying Christian presumptions to inheritance of the mantle of election.

Another story is a bit more even-handed. The *Rimado de Palacio* makes fun of Jews as royal tax collectors, but points out that the people do not care what their faith is. They only care that the interlopers are taking away their hard-earned money.³²⁶ This trope was repeated in many collections the length and breadth of Europe, and can be found in stories from the Ukraine when they were under Polish-Lithuanian domination in the sixteenth century. Similar stories abound in Dar al-Islam, Spain, Sicily, Germany, and Poland. Jews were explicitly sent out by William II Rufus to collect the income from the bishoprics he intentionally left vacant.³²⁷ They were hated universally along with other “retainer classes” because they were the media for transferal of monetary wealth from the society’s periphery to the center.³²⁸ They had the luxury roles of retainer, philosopher, doctor, magistrate, mistress, or personal servants that were denied to the common people,

³²⁵ Robert Chazan, “Joseph Kimḥi’s *Sefer ha-Berit*: Pathbreaking Medieval Jewish Apologetics,” *Harvard Theological Review* 85, no. 4 (October 1992): 417 – 432, 426.

³²⁶ Resnick, 56.

³²⁷ Tovey, 9.

³²⁸ Zenner, 133.

and so were an object of scorn and derision, whatever their religious identification. An unrecognized consequence of this role was the ability of minority group retainers to help their respective groups outgrow and expand beyond the traditional social and economic roles traditionally ascribed to them. This presented a dangerous incursion to established interests, and was a further site of hatred in the societal discourse going on the length and breadth of Europe.

These texts have one thing in common: the use, and abuse, of the Jew for their own social purposes in defining what is and is not permissible belief and behavior in the audience: those who, if not ideal Christians in act and faith already, can aspire to that condition. This refiguring and reconstruction of a vibrant and self-defining people into a captive textual creation turns an entire people into a group of literary serfs. In the same way that the Tanakh was tamed and refashioned into the Old Testament, so too the Israelite of old became the Jew down the street. The Jew provides context, acting as a living witness, for the Christian present and gives it meaning. By subsuming the imagined Israelite past into the Christian present, the Christian community thus deprives the contemporary Jewish community of validity and purpose in the present. In this, the Jewish community is dehumanized and made into a caricature of itself. Then, when a real Jew is encountered, the Christian perceives that person as violating or abandoning “his”

own Judaism and thus that person becomes a heretic.³²⁹ The desire on the part of the Castilians to define themselves as different from, indeed free of, that which was Jewish, operated not only on an individual level but on a national one as well. Gradual growth of animosity led up to the eventual expulsion of 1492, the Crown profits from which were used to help finance Columbus' mission to the New World. Like all literatures of racial or religious exclusion, medieval anti-Judaic narratives reveal inconsistencies, anxieties and ambivalences that are elucidated by the historical documentation of actual attempts to impose separation, whether in the physical or narrative space.

Medieval anti-Semitism in many ways was closely related to anti-Muslimism. To medieval Christians, Jews and Muslims were only subsets of a larger genus of hermeneutically constructed infidels who undermined the unity, geographic and philosophic, of the Christian faith and of Christendom at large. "It is clear that artists [in this period] have not based their representations on archaeological research in the Holy Land, but on contemporary images of the Muslim world."³³⁰ Defining orthodoxy and orthopraxy are not the primary purposes of the collection under examination, but that is exactly what they

³²⁹ Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley, CA: Univ. of California Press, 1999), 35-40.

³³⁰ Ivan Davidson Kalmar, "Jesus Did Not Wear a Turban: Orientalism, the Jews, and Christian Art," in *Orientalism and the Jews*, eds. Ivan Davidson Kalmar and Derek J. Penslar (Lebanon, NH: Univ. Press of New England for Brandeis Univ. Press, 2005), 3 – 31, 3.

accomplish. The reason Jews were more readily targeted than were Muslims in the thirteenth century was because the Muslim community was located outside, on the outer borders of the Christian community, and therefore is repudiated, as it were, at a distance. The Jewish community, by contrast, is located both outside and inside, within the Christian community itself physically but outside religiously, and must therefore be repudiated by being ejected from within. The Jewish community is defined as internal to the Christian community based not only on the actual presence of Jewish communities within the cities of Western Europe, at least until the expulsions of the later Middle Ages, but also on the virtual presence of Judaism as a shadowy presence prior to Christianity.³³¹ Christianity needed Judaism in order to inherit its historic and religious legitimacy, but it had to repudiate and destroy the older faith in order to remove another potential claimant to the divine covenant. Representing Jesus in art and literature as a member of their own social group was a way of appropriating to Western Christendom both the image and the legitimacy of the claims made by the New Testament texts.

Another major image examined in the *cántigas* is that of the Jew as the embodiment of avarice or unrestrained greed that leads him to worshipping or serving the devil. Images of Jews as worshippers or devotees of Mammon, the

³³¹ Suzanne Conklin Akbari, "Placing the Jews in Late Medieval Literature," in *Orientalism and the Jews*, eds. Ivan Davidson Kalmar and Derek J. Pensler (Lebanon, NH: Univ. Press of New England, 2005), 32 – 50, 44.

personification of wealth and greed, functioned as a scapegoat for Christian failure to adapt successfully to the profit economy that was emerging in the later middle ages. It could also be said that they functioned as a scapegoat for Christian concern about adapting to an expanding economy of images, which allowed greater access by more segments of the Christian community to a whole gamut of representations, private and public, iconic and literary, pious and profane. Thus, Christians used Jews as archetypes of iconophilic worshippers, an intentional inversion of a people famous for destroying images. They played on the occasional lapses experienced with the Golden Calf while Moses was on Sinai and other reminders and repetitions of the sin. This was a way of testing the waters as the popular understanding of images evolved to serve the changing needs and understandings of an illiterate community that simultaneously reasserted traditional understandings while bringing ever more people into the fold of correct interpretations.³³²

The following analysis will divide the *cántigas* according to the above-mentioned categories. It is recognized that these categories contain large possibilities for overlap, but the determination is made according to the primary theme or motif of the text. Modern English prose translations are used for this work. Each is preceded by an individual prologue, made in two parts. The first is a direct address to Mary, thanking her for her past beneficence. The second part is an

³³² Ex. 32, Deut. 9, Neh. 9, Ps. 106, Hos. 8; Michael Camille, *The Gothic Idol: Ideology and Image-Making*, series ed. Norman Bryson (Cambridge, UK: Cambridge Univ. Press, 1989), 185.

address to both Mary and the audience, reminding both of Mary's past aid and the lessons to be drawn from it. This prologue then functions as a chorus for the sing-song nature of the *cántiga*. Three in this selection, *cántigas* 133, 312, and 425, mention Jews only incidentally as comparisons for avarice or faithlessness rather than including them as characters. This leaves fifteen to consider, but only those of particular interest or historical significance will be included in this study. All references made will be to the Mettman edition.³³³ The items will be considered in categorical rather than strict chronological order.

Cántiga 2 is an apt place to start, as it contains many of the tropes discussed above, as well as having the distinction of mentioning an actual historic personage by name other than Alfonso X.

He [St. Ildefonso] employed his sermons well, as we find to be true, and also his excellent writings of the virginity of that saintly Lady, whereby its praise was restored in Spain despite all that the Jews and heretics had said against it.

This has the added trope of conflation of Jews with heretics. The Jews, in a further conflation of mythic past and historic present, engaged in the arch-heresy of denying the divinity of Jesus, almost a synecdoche taking one reported event of history, the crucifixion, as the sum total of all Judaic life. Denying Jesus meant the concomitant sin of denying his mother, thus impugning her saintliness and

³³³ Alfonso X, El Sabio, *Las Cántigas de Santa María*, 3 vols., ed. Walter Mettman (Madrid: Castalia, 1986 – 1989).

virginity. In the period in question, there were great debates about the nature of Mary's relationship to her son and how she could maintain her virginity while Jesus had brothers and sisters.³³⁴

As we proceed to *cántiga* 6, we can see a universal story that parallels that told in the Prioress' Tale, from the distant location of action to the hymn mentioned that is sung by the murdered boy. An interesting addition to the tale, however, is that the boy is split open with an axe and his voice springs forth from the cleft, much in the manner that Athena sprang full-formed from the skull of Zeus. In *cántiga* 12, during the Feast of the Assumption, Mary cries out to the congregation of Toledo that her son is being abused by a Jew who is striking and spitting upon a wax image. Sure enough, the congregation finds just such an event occurring, and in societal synecdoche, they take the crime of one Jew to be the crime of all, and the entire population of Toledo is killed. "For this deed they were all to die, and their pleasure was turned to grief." Again this shows a conflation of the mythic past with the narrative present, as if the one and only defining moment of Jewish history was the purported crime of deicide.

Cántiga 108 invokes the image of Merlin of Arthurian fame in a story set in Scotland. The Jewish protagonist is named Cayphas, a clear reference to the high

³³⁴ Mark 6:3; Mary Jane Kelley, "Spinning Virgin Yarns: Narrative, Miracles, and Salvation in Gonzalo de Berceo's *Milagros de Nuestra Señora*," *Hispania* 74, no. 4 (December 1991): 814 – 823, 817.

priest who sent Jesus to Herod.³³⁵ Cayphas spoke to Merlin, who is frequently posited as Satan's son in answer to the claims of Jesus being the son of G-d, saying that it was impossible for the Creator who contains all creation to be contained within any part or even the whole of creation. Merlin, who already represents a defeat for the devil because rather than serving his father he serves the Father, responds by praying to Mary that the man's pregnant wife give birth to a son with his head turned backward. This physical symbolism is intended to mirror the theological symbolism of Judaism as a backward looking religion that, per Christian reformulations of history, cannot look forward. In due time, the boy is born with his head turned backward. Merlin takes the boy with him, raises him as a Christian, and then proceeds to use him as evidence to convert others to Christianity. Other versions of the story have the father and mother converting at the time of birth and praying for Mary to restore their son to normalcy, but the *cántiga* version insists on the graphic, gross imagery of a boy being punished, through no fault of his own but rather by the actions and beliefs of his father, and thus brings to mind the doctrine of Original Sin as well as the consequences of false belief. It seems that the Christian authors have emphasized the Levitical pronouncements while ignoring

³³⁵ Matt. 26, John 18.

those found in Kings.³³⁶ A Jewish writer would keep both in mind, while the Christian author seems only to pay attention to the one that is convenient.

The analysis now proceeds to the second category. In *cántiga* 3, an unnamed Jew acts as an intermediary for a man who wishes to sell his soul to Satan. The man, a real person in history named Theophilus (d. 536), a deacon in the congregation of Adana, sought power and prestige. With the aid of Mary, he redeems his soul, keeps his ill-gotten gains, and returns to the fold of the faithful. There are certain parallels to stories of Hanuman and jataka tales of the Buddha to be found in India. *Cántiga* 27 has a similar plot, and may be considered a local variant along the same lines.

Cántiga 109 tells a story of a group of Christians traveling with a Jewish companion and all but the Jew are molested or possessed by demonic beings in a group attack. Some of the men were kidnapped. The Jew was the only one not molested and so, with what the reader may take as great courage but the writer of the story sees merely as lack of proper understanding of the danger of demons, a knowledge which can only be had by true Christian believers, travels to the demons' hiding place. He asks them why they did not molest or kidnap him. The demons laugh uproariously and tell him that he is already their servant, even if he

³³⁶ Lev. 26:39-41; 2nd Chron. 25:4.

does not know it, and so they have no cause to molest him. The man's reaction is not recorded.

Category three is somewhat more nuanced. It insists on social assumptions that only make sense to a Christian in a Christian context. Some of the details simply do not make an impression on a Jewish reader and may even leave him confused as to certain aspects of the theology involved. This set involves several miracles, which are seldom trusted by Jewish observers. To a Jew, a miracle implies either that man was so incompetent as to require a reordering of the universe for his benefit, or that G-d somehow made a mistake and must change the rules in the middle of the course. Either is unthinkable. To the Christian audience of that time and place, miracles are taken as a matter of course and are frequently believed in even without any sort of evidence or corroborating testimony.

Cántiga 25 is a clear example of the difficulty of understanding between the two camps as to the validity and usefulness of the miraculous. A pious Christian man seemingly wastes his wealth, but it is revealed that he has in truth quietly given it all away to the poor with no thought to his own substance, a sin equal to hoarding according to Dante, but that will be commented on more fully later.³³⁷ To attempt to remedy the situation, he goes to a Jew as the archetypal moneylender. He has literally nothing left to leave in pledge. The man thus proposes that he give his

³³⁷ Alighieri, 60 – 65, Inf. VII

word and honor as pledge, and that it should be given in front of statues of Jesus and Mary for witnesses. The Jew loudly and vehemently states that he does not believe in either of those people, but he will, strangely to the modern reader, accept them as witnesses to the pledge “because I know that She was a saintly woman and He a saintly man and prophet.” This is merely the most graphic example of the thirteenth-century Christian inability to understand that no Jewish person would accept an image in any capacity, sacred or secular, or that either of those persons could have any meaning for a Jew. Elision super-positions Christian beliefs atop those of Judaism and even replaces them in this text. The man, as any Christian would in the constructed textual universe, attempts to make good on his pledge. He is at the far end of the Mediterranean and sets a chest into the waters, praying to Mary to deliver it, and she does. The Jew finds the chest, which was carried as flotsam all the way to the Iberian coast, recognizes the contents for what they are, but hides the money away so as to claim he had never received it. The merchant returns home and the moneylender demands payment. The man knows full well that Mary would not abandon him, so he goes with his creditor and the populace to the same statues of Mary and Jesus and asks if he has made good his pledge. The statue speaks, rebukes the lender for his dishonesty, and the shocked and remorseful man then converts to Christianity. No one ever sees the money in the creditor’s house or in his possession, and there are no Christian witnesses to the trunk’s

retrieval from the sea near Byzantium. Again, the miraculous is taken over the commonsense understanding of what is and is not likely. The miracle story is a common trope in Christian literature, but has little place outside certain mystic traditions in Judaism. The insistence of using divine testimony over plain human observation recurs throughout the rest of this category, especially in *cántigas* 286, 312, and 348, where miraculous actions take place due to the intercession of Mary. Jews may not be active or even passive characters in some of these tales, but they are ever present as symbols for comparison.

As we move to category four, the Jew as traitor, we first consider *cántiga* 51. This one is an example of comparison by role reversal. This example conflates the political enemies of the speaker, once they are surrounded and helpless, with Jews in a noble's powers. The Jew is only free to act because he is constrained. This was seen earlier in the sense that in England, a Jew could not bring suit in his own right, but could only do so as a medium of right for the Crown and his special relationship to it. So too a noble's enemies are only free to act because he knows they are dependent up on his good will and continued sufferance. At a moment's notice, with or without cause, either may be destroyed. So, those who seem to be acting most freely are, in reality, those most bound. The Jew is kept in this state because, viewed as the arch-traitor against G-d and carrying that blame down through generations and centuries, he is expected to be a traitor to lord just as he

was to the L-rd.³³⁸ He is convicted of this crime from birth and is merely treated as if given a brief reprieve from punishment. Though many of the other *cántigas* have this theme as a substrate of understanding, this is the only example of it as a dominant ideational structure of the dialogue.

The final category to be considered is that of Jew as convert. *Cántiga* 4, mentioned briefly earlier, parallels the story told in Daniel of Shadrach, Meshach, and Abednego. A Jewish boy attends a church service at Eastertide and receives a vision as the Host is elevated. It appears to the boy that Jesus and Mary are personally acting as the celebrants and handing out the Host, of which he partakes. The standard trope of being thrown into the furnace and communal reaction ensues. This one is an unusual example of the story trope in that the child has actual dialogue, saying, “I saw the Mother that Lives in the chapel.” Mary is normally attributed as acting on behalf of her supplicants, but only rarely is she seen in any human capacity, save in the form of a statue or icon. This tendency, to see Mary in person, is unique to the conversion narratives. Only a very few other examples are to be found elsewhere in the *cántigas* or other documents considered for comparison purposes. A more gruesome, literal presentation of the transubstantiation in this type of example comes from Germany with the words of Berthold of Regensburg who asked a group of Jews forced to listen to his sermon,

³³⁸ Matt. 27:25.

“Who would like to bite off the little head or the little hands or the little feet of a little child?”³³⁹ Though not formally defined until the Fourth Lateran Council, many of the common faithful had believed in the literal nature of the transubstantiation as early as the fourth century and visions of seeing a child cut up as the Host was distributed were not uncommon in miracle tales, especially those involving conversion narratives.

In *cántiga* 85, we see a similar example. A Jewish traveler is accosted and beaten by Christian thieves, never mind that such an act, highway robbery, is a most un-Christian method of earning a livelihood. While unconscious, Mary appears to the injured man and proceeds to heal and free him. Upon waking, he finds that his vision has come to pass and Mary makes an actual appearance to him in the waking world. In an inversion of the Temptation of Christ, Mary then takes the man to a mountaintop to show him the afterlife punishment waiting Jews. In consequence, the man converts and takes the further step of forswearing the eating of goat meat and says he will eat only pork, the acme of non-kosher meat, from that point forward. Traitors, the inversion of proper fidelity, are worthy only of being shown an inversion of heaven until they convert. The change in meat preference is also a sign of inversion, but takes one epistle’s words quite literally while ignoring

³³⁹ Trachtenberg, 110. Wer möchte einem kindelin sin houbetlin oder sinin hendelin oder sinin füezelin abgebizen?

the words of another.³⁴⁰ It is never posited by the Christian writers that a Jew abandoning his community and the faith of his fathers for an antagonistic group could, in joining Christianity, be committing treachery of another sort entirely. It is uncertain whether the authors were unaware of this thought entirely or if they simply did not include a nuanced position in a work intended to bolster and reinforce faith. In either case, it seems that perfidy against the perfidious is permissible.

A similar impossibility is presented in *cántiga* 89, wherein a Jewess is near death in childbirth and calls to Mary for aid. This is appropriate in a Christian woman, as Mary is the patroness saint of mothers and her own mother, Anne, is patroness saint of expectant mothers. It is not appropriate in a Jewish woman, who, if calling on anyone, would be more likely to call on Rivkah, who gave birth through travail to the twins Jacob and Esau. The woman in the *cántiga*, after surviving the birthing, converts to Christianity taking her children with her. No mention is made of her husband, if she ever had one. This example of a traitoress is interesting in that a woman leaves her family and community, taking her children with her, thus betraying the norms of connubial fidelity and of social cohesion. Children were considered as belonging to the father's family if he was known, and

³⁴⁰ Cf. Rom. 14:20, contra Tit. 1:15.

given over to him if he had taken baptism even if the mother had not.³⁴¹ The opposite situation also seems to be the case. Or, if the woman had no husband, by being pregnant at all she was already a traitor to her father, and thus to all the fathers before him and to their faith by implication, so leaving the faith formally and embracing Christianity was the only way for her to negate the taint of that betrayal. Christianity thus absolved one treachery by encouraging another. A further situation seems to have been possible, wherein a Jewish woman was a Christian man's concubine, "though forbidden as a legitimate partner, [she] is attractive as an object of desire – a sex object – and awareness that when Christian men seduce minority women, they help weaken and dominate the outgroup. That is why... there is no civil penalty in the law codes for Christian men who choose to fornicate with an outgroup woman."³⁴²

A final example to consider is the case of a woman who was explicitly convicted of the crime of prostitution in *cántiga* 107. She was thrown over a cliff of some great height, but landed safely in a fig tree, which, according to some, was the Tree of Knowledge of Good and Evil found in the Garden of Eden. Though never mentioned explicitly as such in Genesis, Talmudic scholars believe it was the tree in question because its leaves were used as initial coverings for Adam and Eve's

³⁴¹ Simonsohn, 128, Doc. 124.

³⁴² Edna Aizenberg, "*Una judía muy hermosa*: The Jewess as Sex Object in Medieval Spanish Literature," *La Corónica* 12, no. 2 (Spring 1984): 187 – 194, 188.

nakedness. The woman prayed to Mary on her way down, yet another case of religious impossibility, and was subsequently spared. In an unexpected juxtaposition, Mary Magdalene is the patroness saint of prostitutes but in this text she is elided conceptually with the Virgin in both the prologue and in the prostitute's plea for help. Elision of concepts is no surprise in medieval religious texts, but the confluence of a whore, even a reformed one, and the perpetual virgin is unexpected. This might be a small joke by the author at the religious establishment's expense, or it may be a simple unintentional conflation of ideas about two women who were very different but shared the same name. In any case, the woman in such a story ends in only one of two ways, tragic heroine or happy convert.³⁴³

In all, the *cántigas* present a view of Jews and Judaism that was consistent not with reality but with the religious and social needs of Christendom in thirteenth-century Spain. They reflect certain weaknesses, doubts, and inconsistencies that the authors see and are an attempt to answer or prevent those problems from coming to the attention of the average citizen who might read the stories or hear them recited. Mixed patronage, from the Crown and the Church, gave an added air of appropriateness to the collection so that it could be used in both reverent and ridiculous settings with equal applicability. Treated as the refined

³⁴³ Ibid., 189.

form of common folk tales and anecdotes, with some of them being touted as actual creations of Alfonso X himself, these works had an added dimension of reality that could not have otherwise affected the populace in such a manner. The conflation of ideas, times, places, and even sacred people allowed a connection of spheres of interest that would otherwise have been impossible in that day or in this. Reality is not the issue. Religious sensibility is. Reading the poems should be divorced from post-modern considerations of political correctness or social equality and seen instead as a social product of a different era that cannot necessarily be judged by our standards. As such, even allowing for the gross impossibilities, absurdities, and misrepresentations involved in the works, they provide an intimate look into the cultural matrix of the minds that created them with the words as a guide in the wilderness.

4.7 Words in Context

A fool's voice is known by a multitude of words.

– Ecclesiastes 5:3

The word is the conveyor of civilization. Long after cities crumble and languages die, words live on in the stories they tell. It is a truism that if one wishes to learn about a society, that one should study their fiction to get an idea of the hopes, fears, dreams, and hatreds of the people. The above cases, one from a Jewish author and the rest from Gentile sources, show the contexts in which they were

writing. Just as no man is an island, no author can ever be completely divorced from his cultural milieu. Kimḥi, though he spent time in the Near East, Iberia, and Narbonne, is no exception. As mentioned in the prologue to this chapter, all literary products in the thirteenth century, whether written or oral, reflected a certain awareness of legal niceties, as was demonstrated briefly with the work of Bp. Grosseteste. Words have the power that society gives to them, thus negating the childhood refrain of “sticks and stones can break my bones, but words can never hurt me.” Words, spread over the course of centuries as with Thomas of Monmouth, or flaring up in a conflagration of rumor which led to the riots at the coronation of Richard I, can do great harm.

As Joseph Jacobs posited, Jews were a primary conduit for folklore diffusion across medieval Europe.³⁴⁴ Among those tales were stories about themselves. Though no conscious action was taken on the Jews’ part to disseminate such obvious falsehoods, their existence as outsiders prompted the creation of stories about them. That which is external becomes the subject of story-telling in an effort to explain the unknown, a human habit at least as old as the savannah and the basis of all religions. Christian faith required an explanation not only of what Jews were, but of why they continued to exist, and what role they would play in the drama of salvation. Individual elements of anti-Jewish myths may have started in unique

³⁴⁴ J. Jacobs, “Jewish Diffusion of Folktales,” *passim*.

locales, but quickly spread to others as Gentile merchants became more common in the High Middle Ages with the advent of towns and local fairs. Thus words from far-sundered areas came together along the trade routes of Europe to combine into an image of the Jew.

The denotation and connotation of a word are often at great variance. The same can be said of more traditional, visual symbols. Similarly, they can change over time, oscillating back and forth or evolving an entirely new relationship. No word is entirely innocuous, and when used in concert with others and to a particular purpose, the effects cannot be divorced from the origin. Some words are so loaded with meaning they take on a life of their own, becoming symbols in their own right no less visceral than the rondels examined by Lipton. One lesser monk, in complaining to his bishop of the loan collection efforts of local moneylenders compared his experience to crucifixion. No one ever commented on the audacity of such a statement. However, the incendiary nature of the choice of words prompted action by the bishop and the loan was declared null and void. Words then have a power, whether to expel as in 1290, or to grant a level of “tolerance” as in the 1275 statute more akin to divine grace than any real feeling of mutual humanity. Writing and story-telling construct a reality: walls to exclude, bridges to

join, or gallows to hang.³⁴⁵ Violence occurs, physically or conceptually, when the constructed reality collides with objective reality. Buddhism sees this as what leads to a return to saṃsāra, a natural consequence of ignoring the differences between the two categories. Medieval Christian thought had no place for such dichotomous thought. Judaism, with its kabbalistic history, had ample room for both its visions of election and the realities of subjugation.

Dreams, like words, continue to exist long after the initial dreamer has expired. The dream continues of a day when the lion shall lie down with the lamb, men will no longer study war, and all mankind will realize and embrace what really matters: the human family. That dream, which will one day become a reality, will never die.

³⁴⁵ de Certeau, 6.

CHAPTER 5

CONCLUSION

Shall vain words have an end?

– Job 16:3

This thesis argues that the Expulsion in 1290 was not merely a financial decision, as is commonly asserted by historians of the era. It was a decision based on myth and misunderstanding. Most historians focus on only one or two aspects, with the fiscal always taking the fore, but the reality was much more complex as human stories in the real world tend to be. The principal difficulty faced by Insular Jews of the thirteenth century was that their legal and social positions were based on Christian needs, wants, and fears, which had little resemblance to the facts of Jewish life. The source of this conflict between the imagined and the real is the need to define the Other, that which is the not-Self, in order to justify and typify a group's understand of itself and its world. Defining what a group is not is often far easier, though in this case far more destructive, than is determining what it really is.

This thesis further argues that no one causative factor can be given precedence when examining the Jewish experience. It further argues that this is a story that is not subject to periodization. The entire history of Insular Jews must be told from the Conquest in 1066 to the Expulsion in 1290. Though perhaps not a single chapter of Jewish history, this entire span of time must be considered *in toto* in order to present and understand the realities as they began and evolved over time in response to a corpus of myth and a growing legal tradition. From start to finish, the Jews' position was based on their ability to serve the Crown and how the Crown viewed their ability to be of use; another example of how perception conflicted with reality.

The reality was that as time went on, the Jewish community ascended in position and prosperity from the Conquest to the reigns of Richard I and John with liberties confirmed or expanded with each new monarch, and then proceeded to fall to the depths through the disastrous reigns of Henry III and Edward I. Though the reign of Stephen presents difficulties for any chronicler, the overall trend was a definite arc that must be presented as a whole story. Though patterns of smaller eras can be discerned, the non-periodic nature of Jewish existence in England, much as on the Continent, cannot be periodized in the normal sense. Just as Continental Jewish scholars largely ignore the changes of royal or republican administrations in their attempts to convey the overall story, Insular historians must

go beyond the periodization norms of English history and expand their thinking beyond the confines of the reigns of individual kings as is normally done.

The above thesis has examined the legal and popular cultures which first created the image of the Jew in the English mind, used that image to its own benefit, and then expelled the Jewish population when they no longer served a need or fit the imposed mental image. Edward I was, at all times, a pragmatist. He never had any personal liking for Jews, and may have actively disliked them, though the sources are unclear on the matter. What is certain is that he used the Jewish populace like a sponge for money and when they were no longer able to soak up funds or filter them to his benefit, they were discarded. This thesis has shown how the Jew was constructed as it suited the whims or needs of the surrounding Gentile culture. In short, though initially brought in as facilitators and only later treated as purely fiscal agents, the Insular Jews existed almost entirely as monetary agents, whether of use to the Crown or object of hatred for the people and the barons.

Such word parsing is the point of the present study, or of any venture into the human past, at least in part. History may not determine the present entirely, but it does limit the available options in the following ages. The past canalizes itself in such a way as to preclude some possibilities in the future and make others more likely. A reinterpretation of that past can only change so much in the mental landscape. Events and actions cannot be denied. It is the scope of their

consequences that leads one to study history in order to understand the present. No one can ever truly escape it. One may shape his own future, but he must work with the tools and materials left to him by the past.

For those living in the High Middle Ages, their past left them only a mixture of contempt and misunderstanding for their Jewish neighbors. The understanding was a Christian one, as were the goals pursued in various policies enacted toward the Jews. This was their version of “tolerance” as it vacillated between the protection one would give to any other sort of property to the “humane” expulsion of an unwanted group. The very concept is hegemonic and derogatory, arrogating both real power and supposed clemency to the “tolerant” group. Tolerance of this sort can easily be offered by a group with no doubts as to its position; it is only when the dominant group begins to fear the loss of its place that intolerance, and all the social strife this implies, raises its head. Between the two, intolerance at least has the benefit of being honest. Tolerance, by any definition, is a chauvinistic “act of grace” by the powerful group that denigrates any hope the outsider might have of establishing truly human interaction.

Thus was begun the hyphenated American movement. Hyphenated Americans, by their existence as a category or group of categories, is evidence of a perceived difference, a status of Other, sometimes appropriated and self-defined by the group intentionally adopting difference, thus maintaining their status as second-

class citizens thereby. To have a hyphenation or modifier on the term “American” is to denote inferiority, as if one is not truly American. What many interpret as a celebration of difference in reality maintains a system of demarcation which disempowers the very celebrants who embrace it. Unhyphenated Americans go along with this for various reasons, many genuinely believing that they are helping diversity, or righting some ancestral wrong. Realized or not, unhyphenated Americans continue to arrogate to themselves the power and prestige implicit in being the “real” Americans since there are no qualifiers or admixtures in their claim. Minority groups today self-define as such, a technique formerly employed by the socially empowered group, and still accomplish the same effect; thereby disenfranchising the self-defined group. If one may be blunt, the slaver is even more at ease because the slave is now whipping himself! The continuing battle to define what does and does not constitute the American way of life is being lost by the “minority” groups because they define themselves as outsiders, which is exactly what “mainstream” society wants and needs. This internal celebration of difference maintains a system of demarcation which disempowers the very celebrants. A better construction would be to emphasize the overall matrix of American, or even overall human, society with the main focus as a center with each culture group interweaving and interacting as strands about a maypole.

Hyphenation in the term Judeo-Christian, much like in any other hyphenated term, subsumes the Judaic past into the Christian present. The latter term in the hyphenation supersedes and adopts into itself all the validity of the former term without entirely erasing it.³⁴⁶ The joining of these terms implies that they are somehow different, but must be put together in order to bolster the validity and meaningful nature of the latter. This degradation of the former term by contradiction and subsumation is always an attempt by one group, frequently a splinter movement or one that perceives itself as the “true” successor to the former group, to assert hegemony and power over the former, asserting “the difference that matters here is the difference between the enforced contradictions encountered in a historical existence and some set of elective cultural identifications, ... By looking closely at the Judeo-Christian hyphen, I [Grossman] believe that we can catch sight of the formal exigency that conditions this discursive return of the repressed logic of difference.”³⁴⁷ This functions as a superimposition of Christianity onto the Judaic matrix. Jews are thus sublated into the Christian body, and the persistence of their rejection is thus an embarrassment that must be corrected via cultural usurpation. In brief, the former term in the hyphenation is made invalid by the latter’s assertion of supremacy. It is the “destabilizing persistence of the past into a present that has

³⁴⁶ Marshall Grossman, “The Violence of the Hyphen in Judeo-Christian,” *Social Text*, no. 22 (Spring 1989): 155 – 122, 116.

³⁴⁷ *Ibid.*, 119.

declared the sublation of history itself by an always already resolved *and revealed* Providence.”³⁴⁸

For the thirteenth century, however, forced assimilation, both implicit and explicit, was standard operating procedure. One cannot act as a dilettante and use current morality or philosophy to defend or defame the acts of those who came so long before us. What one can do, indeed what one must do, is shake off the trappings of medieval particularism and see the underlying unity of the human family today. Each cultural facet of the diamond in the extreme rough that is humanity must be shined and cherished for what it is, not forced into some mold because it is convenient for the power structure to do so.

It cannot be emphasized strongly enough that the socially dominant group defines the “true” nature of the other groups, as an accessory to the arrogation of power, and so defines their uses and limits. When the reality of those groups steps beyond their “assigned” places, they may be charged with crime, treason, blasphemy, or any number of “crimes against society.” In truth, the disempowered group has only acted against an external imposition which it neither invited nor accepted in the first place, and, asserting the right of cultural expression and evolution, which the dominant group would otherwise limit to itself, these social groups are seen as somehow defective or dangerous to the status quo. The

³⁴⁸ Ibid., 121. Italics original.

dominant group, in maintaining its definitions of others, is actually attempting a reassertion of the status quo ante from which their definitions derive. In denying a cultural group the right to define itself and to grow as an organic social construct matrix, it is the dominant group that actually commits the crime. Today, this is seen as a heinous violation of human rights and would violate the United Nations Charter, but it is quietly done every day as subcultural groups unwittingly suborn themselves to the “greater good” of American society. The grossest example is that of Chanukkah, the most Westernized and assimilated holiday of the Jewish calendar. The word means “rededication” and refers to the cleansing and restored use of the Temple. It also meant a concomitant insistence on shunning Gentile ways and beliefs, and staying true to the Faith of Abraham, of Isaac, and of Jacob. Today, it is called the “Jewish Christmas.”

APPENDIX A

MONETARY INFORMATION

Monetary unit equivalencies.³⁴⁹

Sum	Equivalent
1 mark	13 <i>s</i> 4 <i>d</i>
100 <i>m</i>	£ 67
1000 <i>m</i>	£ 670
10000 <i>m</i>	£ 6700
1 gold <i>m</i>	10 <i>m</i> silver
1 bezant	2 <i>s</i>
1 gold bezant	10 <i>s</i>

Conversion between standard units.³⁵⁰

£ 1	20 <i>s</i>	240 <i>d</i>
£ 1/20	1 <i>s</i>	12 <i>d</i>
£ 1/240	1/12 <i>s</i>	1 <i>d</i>

Known tallage payments received during the reign of Edward I.³⁵¹

Date	Pounds (£)	Shillings (<i>s</i>)	Pence (<i>d</i>)
1272	1289	10	0
1274	1434	6	7
1274-5	1225	4	7
1275	284	3	6.5
1275 to Feb 1276	32	1	4
1276	49	2	2
Sept 1276 to 1277	976	14	11
Sept 1276 to 1277	10	5	7
Sept 1277 to Dec 1287	3100	0	0
Jan to Feb 1288	872	8	9
Total	9271	17	5.5

³⁴⁹ M. Adler, 12.

³⁵⁰ *Ibid.*, 16.

³⁵¹ Mundill, 90.

Miscellaneous sums received from the Jews on the Receipt Rolls, 1271 – 1291.³⁵²

Date	Pounds (£)	Shillings (<i>s</i>)	Pence (<i>d</i>)
1277-8	84	7	7.5
1281-2	181	18	6
1285-6	248	16	8
1286-7	306	0	1
1287-8	1059	2	8
1289	60	12	2.5
1290-1	384	14	6
Total	2325	12	3

³⁵² *Ibid.*, 96.

Gifts of the Jews to the King, Easter Term, 5 Ric 1 (1194).³⁵³

Location	Pounds (£)	Shillings (<i>s</i>)	Pence (<i>d</i>)
Bedfordshire	1	8	0
Bristol	43	4	8
Cambridge	190	10	8
Canterbury	483	4	8
Chichester	26	0	0
Colchester	41	7	0
Coventry	0	16	1
Exeter	1	3	8
Gloucester	237	15	4
Hereford	31	3	10
Lincoln	574	9	10
London	973	19	2
Northampton	328	7	10
Norwich	88	9	4
Nottinghamshire	5	7	4
Oxford	88	9	0
South Hampshire	48	6	0
Undetermined Location	3	6	0
Wallingford	1	0	0
Warwick	121	12	4
Winchester	87	1	0
Worcester	4	8	0
Total	3381	12	9

³⁵³ Public Records Office, Misc. Q. R., 556-2. The PRO text cites a total of £1803 7s 7d. This is clearly incorrect, but may indicate totals paid as of the compilation date rather than the total amount promised. The PRO text is unclear on this matter.

Domus Conversorum income and chevage, 1278 – 1284.³⁵⁴

Year	Pounds (£)	Shillings (<i>s</i>)	Pence (<i>d</i>)	Jewish Tax- payers
1278	11	3	9	895
1280	64	33	14	1179
1281	160	13	11	1154
1282	14	5	0.5	1135
1283	13	19	11	1151
Total	265	13	9.5	

³⁵⁴ Mundill, 103.

APPENDIX B

JUSTICES OF THE JEWS

Justices of the Jews ³⁵⁵		
10 Ric I -- 31 Ed I (1199 -- 1303).		
Name of Justice	Reign	Years
Aaron, Joseph	Ric I	10
Albini, William de	Jo	1
Ascell, Philip de	Hen III	21
Bassett, Philip	Hen III	41
Bath, Henry de	Hen III	37,41
Bath, Hugh de	Hen III	18
Bigod, Hugh	Hen III	42
Bray, Henry de	Ed I	15
Breton, William le	Hen III	18, 21, 37
Carlton, William de	Ed I	15, 18, 31
Crepping, Robert de	Hen III	49
Doli, Richard de	Hen III	2, 5
Dorset, Alexander de	Hen III	2, 5
Fulham, Robert de	Hen III	50, 52, 56
Greinvill, Adam de	Hen III	40, 42
Haselbech, William de	Hen III	49
Hauteyn, Hamo	Ed I	1-14
Ho, Robert de la	Hen III	36
Leicester, Peter de	Ed I	18, 31
Lovell, Philip	Hen III	35, 37, 40, 41, 56
Ludham, Robert de	Ed I	1-14
Moyne, John le	Hen III	50
Neville, Thomas de	Jo	1, 5, 6, 7, 9, 16
Orlaveston, William de	Hen III	50, 52
Passelewe, Robert de	Hen III	18
Passelewe, Simon de	Hen III	37, 41, 42, 56
Pateshull, Simon de	Ric I	10
Peyforer, Fulk	Hen III	56
Peyforer, Fulk	Ed I	1
Pynkesden, John de	Hen III	46
Rivallis, Peter de	Hen III	18

³⁵⁵ Gross, 49 – 52.

St. Edmund, Walter de	Hen III	29
St. Ositha, Ralph de	Hen III	56
St. Ositha, Ralph de	Ed I	1
Segrave, Stephen de	Hen III	18
Sperun, Thomas	Hen III	42
Sunninge, Elias de	Hen III	1, 18, 21
Talemunt, Benjamin de	Ric I	10
Talemunt, Benjamin de	Jo	1
Thurlaeston, William de	Hen III	56
Turkeby, Roger de	Hen III	37
Warren, William de	Jo	1, 3, 5, 6, 7, 9
Watford, William de	Hen III	54, 56
Weston, John de	Hen III	46
Winchenton, Henry de	Ric I	10
Winton, Adam de	Hen III	49
Wyvill, John de	Hen III	35, 37

APPENDIX C

DOCUMENTS PERTAINING TO THE INSULAR JEWS

Statutum de Judæis Exiundis Regnum Angliæ.³⁵⁶

Edwardus, etc. Thesaurario ed Baronibus de scaccario salutem. Cum dudum in parlamento nostro apud Westmonasterium in quindena Sancti Michaelis anno regni nostri tertio, ad honorem dei et populi regni nostri utilitatem, ordinaverimus et statuerimus quod nullus Judæus ejusdem regni extunc aliquid sub usura Christiano alicui mutuaret super terris, redditibus seu rebus aliis, set per negotiationes et labores suos ducerent vitam suam; ac iidem Judæi postmodum maliciose inter se deliberantes, usuræ fenus indeterius quod curialitatem numcuparunt mutantes, populum nostrum prædictum sub colore hujusmodi circumquaque depresserint, errore ultimo priorem dupplicante, per quos nos ob sclelera sua et honorem Crucifixi Judæos illos tamquam perfidos exire fecimus regnum nostrum; -- Nos priori optioni nostræ fieri volentes inconformes set potius eam mutantes, penas omnimodas et usuras et quodlibet genus earundem quæ actionibus ratione Judaismi a Christianis aliquibus regni nostri exigere poterint de temporibus quiquod aliquid a Christianis prædictis ratione debitorum prædictorum quantitates volumus quot Christiani præquidem debitorum quantitates volumus quod Christiani prædicti per sacramentum proborum et legalium hominum, per quos rei veritas melius sciri poterit, verificent coram vobis, et eas extunc nobis solvant terminis competentibus, eis per vos statuendis. Et ideo vobis mandamus

³⁵⁶ Additional MS., Mus. Brit., 32085, f. 122; 18 Ed I (1290).

quot gratiam nostram predictam sic pie factam in scaccario predicto legi et in rotulis ejusdem scaccarii irrotulari et firmiter teneri faciatis, juxta formam superius annotatam. Teste me ipso apud Kyngescliptoniam v. die Novembris anno regno nostri xviii^{mo}. Explicit.

Edward, etc. To the Treasurer and Barons of the Exchequer, greeting. Whereas in our Parliament held at Westminster on the quindene of St. Michael in the third year of our reign, We, moved by solicitude for the honor of G-d and the wellbeing of the people of Our realm, did ordain and decree that no Jew should thenceforth lend to any Christian at usury upon security of lands, rents, or aught else, but that they should live by their own commerce and labor; and whereas the said Jews did thereafter wickedly conspire and contrive a new species of usury more pernicious than the old, which contrivance they have termed *curialitas*, and have made use of the specious device to the abasement of Our said people on every side, thereby making their last offence twice as heinous as the first; for which cause We, in requital of their crimes and for the honor of the Crucified, have banished them from Our realm as traitors: Now We, being minded in no manner to swerve from our former intent, but rather to follow it, do hereby make totally null and void all penalties and usuries, and whatsoever else in those kinds may be claimed on account of the Jewry by actions at what time whatsoever arising against any subjects of Our realm. Being minded that nothing may in any way be claimed from the said

Christians on account of the said debts except only the principal sums which they have received from the said Jews; of which debts We decree that the said Christians do verify the amount before you by the oath of three true and lawful men, by whom the truth of the matter may the better be known, and thereafter pay the amount to Us at such convenient times as may be determined by you. And to that intent We command you that you cause this Our grace so benevolently granted to be read, and to be enrolled in the said Exchequer, and strictly observed, according to the form above indicated. Witness Myself at King's Clipstone, 5 November, in the 18th year of Our reign. Explicit.

Carte Libertatum Concessarum et Confirmatarum Judeis Anglie,

Anno Regni Regis Johannis Secundo.³⁵⁷

Johannes, De gratia, etc. Sciatis Nos concessisse omnibus Judeis Anglie et Normannie libere et honorifice habere residenciam in terra nostra, et omnia illa de Nobis tenenda que tenuerunt de Rege Henrico, avo patris nostri, et omnia illa que modo racionabiliter tenent in terries et feodis et vadiis et akatis suis, et quod habeant omnes libertates et consuetudines suas, sicut eas habuerunt tempore predicti Regis Henrici, avi patris nostri, melius et quocius et honorabilius.

Et si querela orta fuerit inter Christianum et Judeum, ille qui alium appellaverit ad querelam suam diracionandam habeat testes, scilicet, legitimum Christianum et legitimum Judeum. Et si Judeus de querela sua breve habuerit, breve suum erit ei testis; et si Christianus habuerit querelam adversus Judeum, sit iudicata per pares Judei.

Et cum Judeus obierit, non detineatur corpus suum super terram, set habeat heres suus pecuniam suam et debita sua; ita quod inde non disturbetur si habuerit heredem, qui pro ipso respondeat et rectum faciat de debitis suis et de forisfacto suo.

Et liceat Judeis omnia que eis apportata fuerint sine occasione accipere et emere, exceptis illis que de Ecclesia sunt et panno sanguinolento.

³⁵⁷ William Stubbs, ed., *Select Charters and other Illustrations of English Constitutional History from the Earliest Times to the Reign of Edward the First*, 9th ed., series ed. H. W. C. Davis (Oxford: Clarendon Press, 1966). 2 Jo. (1201), m. 3.

Et si Judeus ab aliquo appellatus fuerit sine teste, de illo appellatu erit quietus solo sacramento suo super Librum suum. Et de appellatu illarum rerum que ad Coronam nostram pertinent similiter quietus erit solo sacramento suo super Rotulum suum.

Et si inter Christianum et Judeum fuerit dissensio de accommodatione alicujus pecunie, Judeus probabit catallum suum et Christianus lucrum.

Et Licheat Judeo quiete vender vadium suum postquam certum erit eum illud unum annum integrum et unum diem tenuisse.

Et Judei non intrabunt in placitum nisi coram Nobis, vel coram illis qui turres nostras custodierint, in quoram ballivis Judei manserint.

Et uibcunque Judei fuerint, liceat eis ire quocunque voluerint cum omnibus catallis eorum, cicut res nostre proprie, et nulli liceat eos retinere neque hoc eis prohibere.

Et preipimus, quot ipsi quieti sint per totam Angliam et Normanniam de omnibus consuetudinibus et theloneis et modatione vini, sicut nostrum proprium catallum. Et mandamus vobis et precipimus, quod eos custodiatis et defendatis et manuteneatis.

Et prohibemus, ne quis contra Cartam istam de his supradictis eos in pacitum ponat super forisfacturam nostrum, sicut Carta Regis Henrici, patris nostri, racionabiliter testator. Testibus: Gaufrido filio Petri, Comite Essex; Willelmo

Marescallo, Comite de Penbroc; Henrico de Bohum, Comite de Herefordia; Roberto de Turnham, Willelmo Briwerr', etc. Data per manum Simonis, Wellensis Archidiaconi, apud Merleberge, decimo die Aprilis anno regno nostri secundo.

John, by the grace of G-d, etc. Know that We have granted to all Jews of England and Normandy that they reside in freedom and honor in our land, and hold of Us all that they held of King Henry, our father's grandfather, and all that they now rightfully hold in lands, fees, gages, and purchases, and that they have all their franchises and customs, as they had them in the time of the said King Henry, our father's grandfather, in better and more peaceful and honorable enjoyment.

And as often as cause of action shall have arisen between Christian and Jew, let him who shall have appealed the other for the deraignment of his cause have witnesses, to wit, a lawful Christian and a lawful Jew. And if the Jew shall have a writ touching his cause, his writ shall be to him for witness; and if a Christian shall have cause of action against a Jew, let it be tried by the Jew's peers.

And when a Jew has died, let not his body be detained above ground, but let his heir have his money and his debts; so that thereof he may have peace if he has an heir to answer for him and to do right touching his debts and his forfeiture.

And let it be lawful for Jews without let to receive and buy all things brought to them, except those which pertain to the Church and blood-stained cloth.³⁵⁸

And if a Jew is appealed by anyone without witness, he shall be quit of that appeal by his bare oath upon his Book [of the Law]. And in like manner he shall be quit of an appeal touching those things that pertain unto Our Crown by his bare oath upon his [Torah] Scroll.

And as often as there shall be dispute between Christian and Jew touching a loan of money, the Jew shall prove his principal [loaned out] and the Christian the interest [he has repaid].

And it shall be lawful for the Jew quietly to sell his gage when it shall be certain that he has held it for a full year and a day.

And Jews shall not enter into plea save before Us, or before those who have ward of Our castles, in whose bailiwicks the Jews might live.

And wherever Jews are, it shall be lawful for them to go wherever they will with all their chattels, as Our property goods, and it is unlawful for any to delay or forbid them.

³⁵⁸ Some sources take this prohibition literally, as a means to prevent using items obtained by murder as security on a loan. Others insist that it is a euphemism for red-dyed cloth, as one finds in certain priestly vestments. The present author has no opinion.

And We ordain, that throughout the whole of England and Normandy they be quit of all customs and tolls and presage of wine as our proper chattel. And We command you and ordain, that you have them in ward and guard and countenance.

And We forbid any to implead them of the said matters against this Charter, on pain of forfeiture, as the Charter of our Father, King Henry, rightfully witnesses.

Witness: Geoffrey FitzPeter, Earl of Essex; William Marshall, Earl of Pembroke; Henry de Bohun, Earl of Hereford; Robert de Turnham; William Briwere, etc.

Given by the hand of Simon, Archdeacon of Wells, as Marlborough, on the tenth day of April in the second year of Our reign.

Nos Concessire.³⁵⁹

Johannes, Dei gratia etc. Sciatis Nos concessisse et presenti Carta nostra confirmasse Judeis nostris in Anglia ut excessus qui inter eos emeruerint, exceptis hiis qui ad Coronam et Justiciam nostram pertinent, ut de morte hominis et mahemio, et de assaltu peditato, et de fractura domus, et de raptu, et de latrocinio, et de combustione, et de thesauro, inter eos deducantur secundum Legem suam et emendtur, et justiciam suam inter se inde faciant. Conedimus etiam eis quod, si quis eorum alium appellaverit de querela que ad eos pertineat, Nos neminem compellemus ad testimonium cuique eorum contra alium exhibendum; set si appellator rationabilem et idoneum testem haber poterit, eum secum adducat. Siquidem vero opus scelerosum et apertum inter eos emeruerit, quod ad Cornam vel Justiciam nostram pertineat, sicut de predictis Placitis Corone, licet nullus eorum inde appelator fuerit, Nos ipsam querelam faciemus per legales Judeos nostros Anglie inquiri, sicut Carta Regis Henrici, patris nostri, rationabiliter testatur. Testibus: Gaufrido filio Petri, Comite Essex; Willelmo Marescallo, Comite de Penbroc; Henrico de Bohum, Comite de Herefordia; Petro de Pratellis; Roberto de Turnham; Willelmo de Warrenn'; Hugone de Nevill'; Roberto de Veteri Ponte. Data per manum Simonis, Wellensis Archidiaconi, apud Merleberge, decimo die Aprilis, anno regni nostri secundo.

³⁵⁹ Stubbs, 2 Jo (1201), m. 4.

John, by the grace of G-d, etc. Know that We have granted and by Our present Charter confirmed to Our Jews of England that the breaches of law that shall occur among them, except such as pertain to Our Crown and Justice, as touching homicide, mayhem, deliberate assault, housebreaking, rape, larceny, arson, and [the finding of illicit] treasure, be examined and amended among themselves according to their Law, that so they may administer their own justice among themselves. We also grant to them that, as often as any of them shall have appealed another touching a cause of action which pertains to them, We will compel none to give evidence in favor of one against another; but if the appellor shall have a lawful and fit witness, let him bring such witness with him. But if there shall have occurred among them some matter of a heinous character and notorious, pertaining to Our Crown and Justice, as one of the said Pleas of the Crown, though appellor thereof there be none among them, We will make inquest to be had touching that cause by Our lawful Jews of England, as the Charter of Our father, King Henry, rightfully witnesses. Witness: Geoffrey FitzPeter, Earl of Wessex; William Marshall, Earl of Pembroke; Henry de Bohun, Earl of Hereford; Peter de Préaux; Robert de Turnham; William de Warrenne; Hugh de Neville; Robert de Vipont. Given by the hand of Simon, Archdeacon of Wells, at Marlborough, on the tenth day of April in the second year of our reign.

Encyclical of Pope Innocent IV Against the Blood Accusation.³⁶⁰

To the Archbishops and Bishops of Germany

We have received a mournful complaint from the Jews of Germany, telling how some princes, both ecclesiastical and lay, together with other nobles and powerful persons in your cities and dioceses, devise evil plans against them and invent various pretexts in order to rob them unjustly of their goods, and gain possession thereof. This they do without stopping to consider prudently that it is from the archives of the Jews, so to speak, that the testimonies of the Christian faith came forth. Holy Scripture pronounces among other injunctions of the Law, ‘*Thou shalt not kill*’, forbidding them when they celebrate the Passover even to touch any dead body. Nevertheless, they are falsely accused that, in that same solemnity, they make communion with the heart of a slain child. This is alleged to be enjoined by the Law, whereas in fact such an act is manifestly contrary to it. Moreover, if the body of a dead man is by chance found anywhere, they maliciously ascribe the cause of death to the action of the Jews.

On this, and many other fictitious pretexts, they rage against the Jews and despoil them of their possessions, against God and Justice and the privileges mercifully granted to them by the Holy See; notwithstanding that they have never

³⁶⁰ Lorenzo Cd. Ganganelli (Pope Clement XIV), “Encyclical of Pope Innocent IV Against the Blood Accusation,” in *The Ritual Murder Libel and the Jew*, ed. Cecil Roth (London: The Woburn Press, 1934), 97 – 98.

been tried for these crimes and have never confessed them and have never been convicted of them. By starvation, imprisonment and many heavy persecutions and oppressions they harass them, inflicting upon them divers kinds of punishment, and condemning large numbers to a most shameful death. Hence the Jews, who are under the power of the aforesaid nobles, lords and princes, are in a worse condition than were their fathers in Egypt, and are compelled to go into exile from localities where they and their ancestors have dwelt from time immemorial. Wherefore, fearing that they would be utterly exterminated, they have thought well to have recourse to the wisdom of the Apostolic See. We, therefore, being unwilling that the aforesaid Jews should be unjustly harassed (seeing that the compassionate G-d expects their conversion, and that we believe, according to the testimony of the prophet, that the remnant of them shall be saved), do ordain that you show yourselves favourable and benign towards them. Duly redress all that has been wrought against the Jews in the aforesaid matter by the said prelates, nobles, and potentates; and do not allow them in future to be unjustly molested by anybody on this or other similar charge.

Given in Lyons on July 5th, in the fifth year of our Pontificate (1247).

Praier to St. Robert.³⁶¹

Here begynneth a praier to seynt Robert.

O blyssed Rober, Innocent and vergyne,
Glorious marter, gracious & riht good,
To our prayer thyn eris doun enclyne,
Wich on to crist offredyst thy chast blood,
Ageyns the Iewys were so wood,
Lyk as they story makyth mencyoun,
Pray for all tho, to crist that starff on rood,
That do reuerence on to thy passioun.
Slayn in childhood by mortal violence,
Allas it was a pitous thing to see
A sowkyng child, tender of innocence,
So to be scourged, and naylled to a tre;
Thou myghtyst crie, thou spak no word parde,
With-oute language making a pitous soun,
Pray for alle tho, knelyng on they kne,
That do reuerence on to thy passioun.
Fostrid with mylk and tender pap þi foode

³⁶¹ Lydgate.

Was it nat routhe to se þi veynes bleede
Only for crist, crucified for our goode,
In whos despite al sangweyn was thy weede,
Slayn in erthe, in hevene is now thy meede,
Among marteris, vp on thy hed a crown,
O gracious Robert to pray for hem take heede
That do reuerence on to thy passioun.
Suffredist deth or thou koudist pleyne,
They purpil blood allayed with mylk whiht,
Oppresid with torment koudest no word seyne,
Ffer ffro thy norice, founde no respight;
Be grace enspired, Ihesu was thy delight,
Thy sowle vpborn to the hevenly mansioun,
Pray for alle folk that haue an apetyght
To do reuerence on to thy passioun.
Haue vpon Bury þi gracious remembraunce
That has among hem a chapel & a shryne,
With helpe of Edmund, preserve hem fro grevaunce,
Kyng of Estynglond, martir and virgyne,
With whos briht sonne lat thy sterre shyne,

Strecchyng your stremys thorough al þis regioun,
Pray for alle tho, and kepe hem fro ruyne,
That do reuerence to both your passioun. Explicit.

APPENDIX D

TIMELINE

T I M E L I N E

	810	Jewish refugees from Germany and Spain find refuge in Mercia
Croyland Abbey confirmed in “all gifts, whether by Christians or by Jews”	833	
	1050	Known business transactions at Edinburgh
Norman conquest of England	1066	
	1067	Existence of a community transplanted from Rouen to England
William of Norwich found missing according to the Anglo-Saxon Chronicle	1137	
	1144	William of Norwich found missing according to Thomas of Monmouth
Thomas of Monmouth arrives at Norwich	1148	
	1150	Approximate date of Joseph Kimḥi’s <i>Sefer ha-Berit</i>
First Domus Conversorum founded by the Mayor of Bristol	1154	
	1155	Thomas of Monmouth begins his investigations
Rufinus claims Septuagint text corrupt along with the Jewish Massoretic text	1160	
	1164	Thomas Becket flees to France using Jewish funds
London fog compared to Plague of Darkness in Exodus	1166	
	1169	Richard de Clare’s Irish expedition, financed by Jewish tallage
Irish conquest; profited Jewish slave traders	1171	
	1175	Insular usage of vowel and diacritical marks begins; eventually becomes world-wide standard
Robert, allegedly a boy martyr, interred at Bury St. Edmunds	1181	
	1181	Synagogue built at Guildford
Death of Aaron of Lincoln; Scaccarium Aaronis created to cope with his escheated estate	1186	
	1187	Jews aid the canons of Christ Church in their dispute with the Archbishop of Canterbury
Saladin Tithe proclaimed in parliament, Jews assessed at £ 60,000 but made up about 0.13% of the population	1188	
	1189	Coronation of King Richard I
Coronation riots in London	1189	
	1190	Riots at York during visit by Richard I

	1194	<i>Capitula de Judeis</i> , Richard I establishes six chirograph offices
Scaccarium Aaronis reformed into the Exchequer of the Jews	1194	
	1198	Appointment of Custodes Judæorum
Coronation of King John	1199	
	1199	Pope Innocent III proclaims all Jews under his protection, and all violence against them subject to excommunication
John begins his fight with Philip II Augustus, eventually losing his Norman possessions	1201	
	1215	Fouth Lateran declares the literal nature of transubstantiation
Jewyn Garden desecrated by invading Barons	1215	
	1215	Magna Carta. Debts to Jews mentioned
Coronation of King Henry III	1216	
	1216	Magna Carta reissued. Debts to Jews omitted. Reinserted in all following editions.
Coming of age and re-coronation of King Henry III	1220	
	1230	Approximate end date for the <i>Bibles moralisées</i>
South Transept Portal, Strasbourg Cathedral	1230	
	1231	Threadneedle Street synagogue built in London
<i>Capitula de Judeis</i> , reconfirmed by Henry III	1233	
	1238	Justiciar of the Jews initiated
Gregory IX orders confiscation and burning of Talmud	1239	
	1240	Henry III orders a census of all Jews and their holdings
Tallage of 20,000 <i>m</i> on all Jewish chattels to finance a Gascon expedition	1241	
	1244	Tallage of 600,000 <i>m</i>
Encyclical of Pope Innocent IV denounces the blood accusation as false and libelous	1247	
	1249	Henry III reconfirms privileges and immunities of Jews under royal protection
Henry III orders audit of all Crown revenues, including Jewish holdings	1253	
	1253	Earl Richard of Cornwall receives Jewish community's revenues in mortgage for a year

	1255	Hugh of Lincoln disappeared
Records destroyed in the Exchequer of the Jews	1260	
	1263	Threadneedle Street synagogue confiscated by Henry III and given to the Brethren of St. Anthony
Battle of Lewes	1264	
	1264	Institution of the Feast of Corpus Christi by Pope Urban IV
Henry III reconfirms privileges and immunities of Jews under royal protection	1271	
	1272	Coronation of King Edward I
Jews expelled from London upon confiscation of their synagogue; it was given to the Brothers of Penitence	1272	
	1275	<i>De Iudeismo</i> prohibits usury and allows Jews to enter trades but not own land
Over 300 Jewish merchants arrested and executed for coin-clipping	1278	
	1279	<i>Capitula de tonsura monete</i> introduced, retroactively validating capital punishment for the accused in 1278
Group of Northampton Jews drawn and quartered for alleged crucifixion of a young boy	1279	
	1280	Earliest known copy of <i>Las Cántigas de Santa María</i>
Jews prohibited from selling meat to Christians	1282	
	1287	Jacob b. Yehudah's <i>Tree of Life</i>
Edward I orders the arrest of all Jews in his Continental territories	1288	
	1290	Expulsion due to <i>Statutum de Judæis Exiundis Regnum Angliæ</i>
<i>Quia Emptores</i> reinforces the Statute of Mortmain and forbids subinfeudation	1290	
	1303	Custodes Judæorum discontinued
Expulsion of the Jews of Spain, proceeds used to finance Columbus	1492	

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BIOGRAPHICAL INFORMATION

J. Holder Bennett grew up in a small town in North Texas and, after a varied career in and out of school, joined Phi Alpha Theta in 2004 and attained a Bachelor of Arts in History from Midwestern State University in 2005. He proceeded to graduate studies at the University of Texas at Arlington. Despite numerous health difficulties through his years at UTA, he persevered and thrived. He was accepted as a Kele Scholar for the Southern Historical Association and accepted an invitation to Golden Key International. He has over one dozen articles in publication at this time on topics ranging from anime to medieval history to immigration policy, and has worked as a research assistant for the Presidential Campaign of Barack Obama. His immediate plans are to pursue doctoral work at the University of North Texas and he will be working on immigration reform with a private foundation.