

ABSTRACT

MARGOLIS, ETHAN LEVI. Evidence that the Majority of Medieval English Jews were not Moneylenders, with an Emphasis on Document E. 101/249/4. (Under the direction of Dr. Julie Mell.)

The collective Western mind still today erroneously sees “the Jews” of medieval England as moneylenders. It is generally accepted that the Jews functioned to create a more liquid economy and to provide the crown with much needed financial support. However, while it is true that a select handful of Jews did operate as professional moneylenders, I will argue that the vast majority of Jews could not, and did not, operate as professional financiers. The method I have employed to prove this thesis is to conduct a close economic analysis of the document E. 101/249/4. This document is the result of an *archa* scrutiny (an *archa* was a chest, held in each major town, within which were deposited any and all loans contracted within the town) that King Henry III ordered in preparation for the collection of his 1241-42 tallage of 20,000 marks. It is composed of two sections. The first section is found on membrane one recto. It is a summary of the returns of the aforesaid tallage and is especially valuable because it provides the names of every adult Jew in Lincoln in 1241-42. The second section provides the actual results from Henry III’s *archa* scrutiny. It contains eight hundred and eighty-six loans and takes up the vast majority of the document. The results of this economic study convincingly refute the idea that all Jews lent money and that all moneylenders were Jews.

Of the one hundred and fifteen Jews listed in the first section (membrane one recto) only thirty-eight had loans in the Lincoln *archa*; the remaining seventy-seven Jewish residents of Lincoln simply did not lend money. Further, by carefully analyzing the loans found in the *archa*, one finds that a full seventy-four percent of all loans found in the *archa*

were held by only ten men, and thirty-two percent were held by Aaron of York alone! The remaining seventy-five Jews with loans in the *archa* collectively held only twenty-six percent of the value of all the loans contained in Lincoln's *archa*. These results are significant, for they overturn the nearly ubiquitous assumption that "the Jews" functioned only as moneylenders in medieval England. It is an assumption that is well entrenched in even academia today, and one that I hope to begin to dissolve with this thesis.

Evidence that the Majority of Medieval English Jews were not Moneylenders, with an
Emphasis on Document E. 101/249/4

by
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Historiographic Introduction

The “Pre-Heroic Age”

In this paper I will argue that only a select handful of Jews operated as professional moneylenders in medieval England. The importance of this argument is tied to the historiography surrounding it. For, it is only recently that a select few historians¹ have begun to challenge the idea that the vast majority of medieval English Jews made their living as moneylenders. The Jews of England are still generally believed to be moneylenders by the majority of medieval historians. The reason for this is that there exists a deep-seated presupposition within the historiography that buttresses this belief. What follows is an attempt both to highlight the importance of this historiography and to explain it.

In his excellent article, “Recent Work on Medieval English Jewish History,”² Robert Stacey coined the term “Heroic Age” to describe the time period between the Anglo-Jewish

¹ For Mell see, Julie Mell, *Which is the Merchant and which the Jew: The Myth of the Medieval Jewish Moneylender* (New York: Palgrave Macmillan, 2016 forthcoming). While Mell and I share the same thesis (viz. that only a handful of Jews were professional moneylenders), her study is much broader and more engaged with the origins and effects of the myth that all Jews were moneylenders and all moneylenders, Jews. Toni Oelsner, "The Place of the Jews in Economic History as Viewed by German Scholars: A Critical-Comparative Analysis." *Leo Baeck Institute Yearbook* 7 (1962): 183-212. Oelsner argues that Weber, Sombart, and Roscher elevated many general judgements from the German Historical School (see below) to the position of academic theory. By bringing this process to light, Oelsner, among many other things, calls into question the belief that “the Jews” were medieval England’s moneylenders. Robert Stacey, “Royal Taxation and the Social Structure of Medieval Anglo- Jewry: The Tallages of 1239-42,” *Hebrew Union College Annual* 56 (1985): 175-249. Stacey’s article has shown the great wealth disparity that existed among England’s Jewish population – a disparity that was so great as to preclude the possibility of all but a select few Jews operating as professional usurers.

² Robert Stacey, “Recent Work on Medieval English Jewish History,” *Jewish History* 2 no. 2 (1987): 61.

Historical Exhibition of 1887 and the beginning of the Second World War. Scholars such as Joseph Jacobs, Michael Adler, H. P. Stokes, Hilary Jenkinson, and others concerned themselves primarily, though not only, with publishing transcriptions of extant primary source material with the aim of making them readily available for future scholars. Yet, primary source material and the interpretation of primary source material are two very different things. Because historians of this age concerned themselves mostly with making primary source material available for future scholars, little was done³ to challenge and correct the narrative⁴ about the Jews of medieval England, which they in one sense created and in another sense were heirs. For this reason, it is important to go back in time even further and briefly explore the often neglected historiography prior to 1887.

The tendency to presuppose that research on the subject of medieval Anglo-Jewry began at the now famous Anglo-Jewish Historical Exhibition of 1887⁵ actually presents two dangers: namely, that valuable older sources may be overlooked by future scholars, and that future scholars might assume that the narrative paradigm within which these “heroic”

³ The one glaring exception to this trend was Lionel Abrahams, “The Economic and Financial Position of the Jews in Mediaeval England, Presidential Address” *Transaction of the Jewish Historical Society of England* 8 (1915): 171-188. In this brilliant piece, Abrahams pointed out that scholars of medieval Anglo-Jewish history were unquestioningly operating under the false assumption that all Jews were moneylenders and all moneylenders, Jews. In the above-cited article, he provided a convincing argument to the contrary - this is the first example of which I am aware of the argument that not all Jews were moneylenders.

⁴ This narrative will be explained in detail below.

⁵ This is a common starting point for many historiographies. One example of many is Mitilineos’, “The study of medieval Jews began late in the nineteenth century when Jewish scholars began research in the secular archives of their home countries... In Britain, the earliest study of the topic was initiated by the organizers of the Anglo-Jewish Historical Exhibition of 1887.” Francis Howard Mitilineos, “English *Convivencia*: Aspects of Christian-Jewish Cooperation in Medieval England, 1189-1290” (PhD diss., Loyola University, 2009), 15.

scholars operated was the result of only their own research, written upon a *tabula rasa*. In reality, the historiography of Anglo-Jewish history has largely been subject to an accusatory observation made by Cecil Roth – an observation, ironically, to which he himself fell victim:⁶

The general histories of Anglo-Jewry, produced in a more scientific age and with access to vast new stores of information, have tended to be based upon their remote forerunners with a fidelity which is often noteworthy and sometimes regrettable.⁷

This observation was true for the “heroic age” scholars; it was true of Roth’s 1964 edition of *A History of the Jews in England*;⁸ and, it unfortunately retains more than a grain of truth with respect to modern scholarship.⁹ It is crucial then to define this inherited narrative before proceeding to other elements of medieval Anglo-Jewish historiography.

Before we delve into a more detailed explanation of what exactly this narrative is, I would like to highlight the fact that it, of course, did not, and could not, have come from one source; rather, it was the product of the contemporary biases of its authors as much as it was the product of authors’ labors. Relevant examples of this can be traced at least as far back as 1738, when D’Blossiers Tovey penned his *Anglia Judaica*.¹⁰ Tovey was a largely sympathetic

⁶ “The third edition of his [Cecil Roth’s] *History* therefore remains more of a monument to a historiographical tradition in Anglo-Jewish scholarship dating back to Tovey than a real reflection of what it was possible to know about medieval Anglo-Jewish history by 1964.” Stacey, “Recent Work,” 63.

⁷ Cecil Roth, *A History of the Jews in England* 3rd ed. (Oxford: Clarendon Press, 1964), v-vi.

⁸ *Ibid.*

⁹ I refer especially to the general failure of works written in the last decade to recognize, or even challenge, the inaccurate assumption that “the Jews” as a whole had, for their primary profession, mostly moneylending as a viable option.

¹⁰ D’Blossiers Tovey, *Anglia Judaica: Or the History and Antiquities of the Jews in England, Collected from All Our Historians, Both Printed and Manuscript, as Also from the Records in the Tower, and Other Publick Repositories* (Oxford: Printed at the Theatre, 1738).

author,¹¹ yet he operated under a set of inherited presuppositions, many of which are still alive and well today: 1. “the Jews” were moneylenders, and so skilled at the trade as to afford them staggering wealth; 2. Jews were generally, throughout their stay in England, hated; 3. the Jews belonged to the king; 4. the Jews’ *raison d’être* was to soak up money like a sponge so that it might be squeezed into the king’s coffers; 5. the ritual murder accusations against the Jews of medieval England should be taken as literal truth.

Tovey inherited these beliefs both from the generally antisemitic attitude that his surrounding society held, as well as from the authors who preceded him. For instance, Hughes’ 1656 pamphlet, *Anglo-Judaeus*, contains, in a single page,¹² all five of the abovementioned presuppositions. A side-by-side comparison of Hughes’ vituperatively antisemitic work with the self-styled philo-Semitic work of Tovey is illustrative:

Hughes: (presuppositions one, two, and five):

Being here [in England] thus brought in and settled, they [the Jews] lose no time: by their great extortion they fill their purses for the treasury, and the English treasure up prejudice and heart-burnings against them; both which

¹¹ Tovey states his position at the outset of his book: “*I shall detain him [the reader] no longer by way of Preface than to desire not to mistake my Intention in reviving so many Instances of Persecution against the English Jews in Former Times, as if I propos’d them as a fit Example for the Present... COMPELL THEM TO COME IN, it is true, is a Precept of the... Divine Authority... and is always insisted on by those Enemies to Moderation who know not what Manner of Spirit they are of. But, alas! what Kind of Compulsion was intended by our Saviour in the Parable? Not, surely, Bonds or Imprisonment! Not cruel Mockings or Scourgings! Not Pecuniary Mulcts or Banishment! No: that irresistable Force only of a Godly Conversation. For did we but let our Christian Light so shine before Infidels that they might see our good Works, They wou’d soon be brought to Glorify that Heavenly Master who came down to instruct us.*” Tovey, *Anglia Judaica*, i.- iv.

¹² William Hughes, *Anglo-Judaeus, or the History of the Jews, whilst here in England. Relating their Manners, Carriage, and Usage, from their Admission by William the Conqueror, to their Banishment* (London: Printed by T.N. for Thomas Heath, in Russel Street, near the Piazza’s [sic] in Covent-Garden, 1656), 6. I have chosen to limit the quotations from Hughes and expand the quotations by Tovey because it is only to be expected that Hughes would demonstrate significant prejudices; however, it somewhat more surprising to find the presuppositions inherited from Hughes in Tovey’s ostensibly philosemitic work.

will be shewed in the sequel of our story; when, mixing the blood of innocents with their [the Jews'] sacrifices, they made so great impression on the Englishmens [*sic*] hearts, as scarce ever will be worn out with the strength of time.¹³

Tovey (presupposition one):

Did the forefathers of this miserable People, think you, meet with more rigorous *Taskmasters* in ÆGYPT? *They* were call'd upon to make *Brick*: But nothing less than making GOLD, seems to have been expected from the *Jews* in *England*! And, indeed, one wou'd almost think they were Masters of the secret.¹⁴

Tovey (presupposition two):

These Zealous Men, disdaining that the Enemies of *Christ* should abound in Wealth, while they who were his great Friends, were oblig'd to strip their Wives, and Children of common Necessaries to supply the Charge of the Voyage, perswaded themselves that God would be highly honour'd, if they should first cut all their Throats, and then seize upon their Money. So ready are Men to believe what makes for their Worldly Advantage! Accordingly they flew upon them, with great Vigour, and Resolution; and finding very little Resistance from an oppress'd and spiritless Enemy, quickly made themselves Masters both of their Persons, and Fortunes. The former of which they treated with all kinds of Barbarity.¹⁵

Tovey (presupposition five):

The *Scene* opens again with a most Barbarous *Crucifixion*; said to be committed by them on one *William*, a Boy at *Norwich*. But we have no Particulars of it...The Fact rests wholly upon the Credit of *Brompton*, who was the first Reporter of it. And therefore the Reader will do well to suspend his Judgement, till he comes, hereafter, to read how often this same Crime is objected, and observes that the *Jews* are never said to have practic'd it, but at such Times as the *King* was manifestly in great Want of Money... *Brompton*, tells us that they *Crucified* another Child, at *Glocester*: but still gives us fewer *Particulars* of the Matter, than he did before... Yet notwithstanding such ill Behavior, they obtain'd so much Favour from the King, as in the twenty fourth Year of his reign to have a *Burial Place* allow'd them... But it seems, this Indulgence of the Kings was so far from having that good Effect upon their Understandings, as might have been expected, that within two Years after it, they proceeded to another *Crucifixion*, in such a Publik, and Notorious

¹³ Hughes, *Anglo-Judaeus*, 6.

¹⁴ Tovey, *Anglia Judaica*, 199-200.

¹⁵ Tovey, *Anglia Judaica*, 19-20.

Manner, that we are able to tell not only the Boy's Name who was *Crucified*, but even the Time, and Place; namely at *Easter*, and *St. Edmundsbury*: where he was interr'd with great Funeral Solemnity; his Bones continuing to work sundry Miracles, for divers Years.¹⁶

Hughes (presupposition three):

It is declared that they and all theirs [the Jews'] are the Kings [*sic*]; and if any should detain any of their goods, he might challenge it as his own.¹⁷

Tovey (presupposition three):

But as soon as these Tidings reach'd the *King's* Ears, who had so lately taken the *Jews* into his Protection, (being greatly incens'd, not only at such grievous Contempt of his *Royal Authority*, but also at the great Damage he sustain'd in his *Exchequer*, by the burning of so many Evidences of Money due to the *Jews*, which of Right belong'd to him, after they were dead) He commanded *Geoffry Rydel*, Bishop of *Elye*, and at that time *Chancellor of England*, to repare, forthwith, to *York*, and inflict due Punishment upon the Authors of the Sediton.¹⁸

Hughes (presupposition four):

He [William the Conqueror] and all his Succesiors intended to use them [the Jews] as sponges; suffered them to suck up the English treasure, which they then squeeze out into their own Coffers.¹⁹

Tovey (presupposition four):

Soon after Richard's being set at Liberty, and Arrival in *England* (as *Roger Hoveden* tells us) he took the *Jewish* Affairs under his special Consideration; and appointed *Justices Itinerant* thro' every County, who, amongst other Articles, were to inquire concerning the *Murthers of the Jews*. Who they were that slew them? What Lands and Chattels, were belonging to them, at the time they were slain? Who took possession of them, and were Aiders and Abettors of the Murther? ... And in order to know what were the particular Monies, Goods, Debts, Real and Personal estates, belonging to every *Jew* in the nation, (that he might fleece them at his Pleasure,) he commanded, (something after the manner of the *Conqueror's Domesday*,) *that all Effects, belonging to Jews, should be register'd*.²⁰

¹⁶ *Ibid.*, 11-13.

¹⁷ *Hughes, Anglo-Judaeus*, 6.

¹⁸ *Tovey, Anglia Judaica*, 27.

¹⁹ *Hughes, Anglo-Judaeus*, 6. It is worth mentioning that this 1656 pamphlet may be the origin of the oft-used metaphor of the Jews as sponges.

²⁰ *Tovey, Anglia Judaica*, 29-30.

Of course, not all of the influences that affected Tovey's work came from the beliefs he inherited or from the attitude of the society within which he lived. Tovey also had access to scholarly work, and his *Anglia Judaica*

was itself based on the researches of the Exchequer historian Madox and the anti-Semitic pamphleteer Prynne, the latter having published his findings eighty years earlier as a contribution to the debate under the Commonwealth on the readmission of Jews to England. He [Tovey] freely utilized the numerous documents which Prynne had first published in his 'Short Demurrer to the Jews' long-discontinued Remitter into England' (1655).²¹

Though Roth here emphasizes Prynne, it was likely Madox's²² fantastically in-depth primary source references that must have proven of greatest value to Tovey. Madox dealt generally with the Exchequer, but his work on the Exchequer of the Jews was well ahead of its time, and can (indeed, it should) be profitably consulted even today.

In the years between Tovey and the Anglo-Jewish Historical exhibition of 1887, the old beliefs remained much the same; if anything, they ossified. This can be seen many places, but an example from the 1820 edition of *The Retrospective Review*²³ should provide a representative sample.

Shut out from the learned professions and more elevated walks of life, they [the Jews] have been driven to traffic, and to the most corrupting kind of traffic too, the dealing in money, for their chief support; the natural consequence of which is, a narrowing of the affections, and a chaining down

²¹ Roth, *A History of the Jews in England* 3rd ed., vi.

²² Thomas Madox, *The History and Antiquities of the Exchequer of the Kings of England in Two Periods*, 1st ed., (London: 1711).

²³ *The Retrospective Review* was an explicitly non-partisan periodical focused primarily on reviewing British books. The authors of each review were always anonymous, and were asked to disregard any previous reviews of the works under review. For more information, see "The Retrospective Review," Pickering & Chatto Publishers, accessed March 1, 2015, <http://www.pickeringchatto.com/titles/1172-9781851964949-retrospective-review>.

of the imagination to the grossest considerations of profit and loss...²⁴ These encouragements, it appears, drew great numbers of foreign Jews to settle in this country [England], and consequentially excited loud complaints among the mass of the people. For, independent of usury being held in abhorrence, and of the detestation which always burnt fiercely against the religious tenets Judaism, the Jews understood the secrets of trade much better than the native merchants.²⁵

The genre of *Calendarium* is also a rich source of useful pre-1887 historical source material. These *Calendarium* are collections of primary source material and, though not specifically Jewish, provide valuable primary source information in the same vein as the later, strictly Jewish, calendars published by the JHSE.²⁶ Most notable among these early calendars are the *Calandarium Genealogicum*,²⁷ the *Calandarium Inquisitionum Post Mortem*,²⁸ and the *Calandarium Rotulorum Chartarum*.²⁹ While not intended to be compiled for the investigation of Anglo-Jewish history, they, of course, contain a number of entries mentioning Jews.

The articles that deal exclusively with facets of the history of medieval English Jews published before the Anglo-Jewish Historical Exhibition of 1887 are often surprisingly erudite. J. Bannister's "Jews in Cornwall"³⁰ serves the purpose of illustrating this well, for, while containing categories of evidence now known to be specious (such as physiognomy), it

²⁴ Henry Southern, ed., "Tovey's Anglia Judaica and Early History of the Jews in England," *The Retrospective Review* 1, no. 2 (London: Charles and Henry Baldwin, 1820): 200.

²⁵ *Ibid.*, 217.

²⁶ The Jewish Historical Society of England – more will be said of this organization in the pages that follow.

²⁷ C. Roberts, ed., *Calandarium Genealogicum* (London: Longman's Green & co., 1865).

²⁸ Robert Lemon, ed., *Calandarium Inquisitionum Post Mortem* vol. 1 (London: C. P. Cooper, 1806).

²⁹ John Caley, Robert Lemon, and Thomas Astle, eds., *Calandarium Rotulorum Chartarum* (London: George Eyre and Andrew Strahan, Printers to the King's Most Excellent Majesty, 1803).

³⁰ J. Bannister, "Jews in Cornwall," *Journal of the Royal Institute of Cornwall* 2 (1867): 324-42.

also contains information that is of value. Bannister's article took issue with an earlier article written by Max Muller based entirely on philological evidence, which argued that there were no Jews in Cornwall until the modern age. Bannister provided a number of primary source quotations from *The Red Book of the Exchequer* specifically concerning the regulation of Jewish activity in Cornwall's tin mines. Bannister then provided a detailed rebuttal of the philological methodology of Muller, and, in so doing, provided future scholars information regarding the meaning of surnames and occupations of the Jews of medieval Cornwall and elsewhere.

Aside from scholarly articles, there also existed a number of works formatted more along the lines of newspaper articles. One may look to publications such as "Voice of Jacob"³¹ or "The Jewish Chronicle,"³² (both of which began to be published in 1841) as examples of this genre of Anglo-Jewish historiography. These were often less professional than articles such as Bannister's (above), but at the very least they show that an interest in Anglo-Jewish history did, in fact, exist before the watershed Anglo-Jewish Historical Exhibition of 1887.

The "Heroic Age"

Following the Anglo-Jewish Historical Exhibition of 1887, the next great step in the evolution of Anglo-Jewish historiography was, without question, the founding of the Jewish

³¹ G. Moss, ed., *The Voice of Jacob, or, The Hebrews' Monthly Miscellany* (Sydney, Australia 1842).

³² David Cesarani, *The Jewish Chronicle and Anglo-Jewry, 1841–1991* (Cambridge: Cambridge University Press, 1994).

Historical Society of England (JHSE) in 1893.³³ Hillaby has called the JHSE “the child of the great Anglo-Jewish exhibition held at the Albert Hall, London in 1887,”³⁴ and his description is fully supported by the fact that the same cast of characters were deeply involved in both endeavors.³⁵ The society had, and has, two stated aims: 1. “to promote a knowledge of Anglo-Jewish history; to create a deeper interest in its records and relics and aid in their preservation;”³⁶ and 2. to “determine the extent of the material which exists for the compilation of a History of the Jews of England.”³⁷ It has already been pointed out that these aims led to a concentration in gathering and printing primary source material, rather than in challenging the old assumptions or composing new ones.

This tendency, which had earlier evinced itself in the 1887 Exhibition, was augmented by the publication of two works in the years between the 1187 Exhibition and the founding of the JHSE. The first of these was Myer David Davis’³⁸ 1888 *Shetaroth: Hebrew Deeds of the English Jewry before 1290*,³⁹ in which Davis provided “copies of the Hebrew

³³ “About Us: The Jewish Historical Society of England, the oldest historical and learned society of its kind in Europe,” The Jewish Historical Society of England, accessed February 12, 2015. <http://www.jhse.org/content/about-us>.

³⁴ Joe Hillaby, “The Founding Fathers of the Jewish Historical Society of England (JHSE): A Tribute,” *Jewish Historical Studies* 45 (2013): 155.

³⁵ These included M.D. Davis, Joseph Jacobs, Lionel Abrahams, Michael Adler, H.P. Stokes, and Hilary Jenkinson, among others.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ It is important to note the extent to which early authors such as Davis relied upon the inherited narrative supplied by Tovey: “Davis’s interest in English medieval Jewish history had been aroused in his youth when he acquired a copy of d’Blossiers Tovey’s *Anglia Judaica*.” Hillaby, *The Founding Fathers*, 155.

³⁹ M. D. Davis, ed., *Shetaroth: Hebrew Deeds of the English Jewry before 1290* (London: Office of the “Jewish Chronicle,” 1888).

texts, with translation, of 209 *starrs* [i.e. contracts] in relation to contracts between Jews.”⁴⁰

The second of these works was an article by Joseph Jacobs, within which he published numerous translations from the pipe rolls containing Jewish entries.⁴¹ These works unintentionally lent momentum to the trend that saw the JHSE, most articles, and even the monographs of the time tending to take Tovey’s story as a given; and, instead of challenging the old narrative’s foundational elements, tending to “fill in the blanks” within the existing structure.

While many of the works that will be treated below are the products of the JHSE, other organizations were also actively publishing transcripts of records that would prove of great value to modern historians. Though each organization had and has different *raison d'être*, the Public Record Office, The Pipe Roll Society, and the Selden Society, have all made valuable contributions to the pool of primary source material now available to researchers of Jewish history.

The Public Record Office⁴² was created in 1838 as the result of the passage of the aptly-named “Public Record Office Act.”⁴³ Its stated purpose was to “keep safely the public

⁴⁰ Hillaby, “The Founding Fathers,” 156.

⁴¹ Joseph Jacobs, “Notes on Jews from the Pipe Rolls of the Twelfth Century,” *Archaeological Review* 2, no. 6 (1889): 396-410.

⁴² The Public Record Office is technically no longer in existence: in 2006 “The Public Bodies Bill” ordered The Royal Commission on Historical Manuscripts (founded in 1869), Her Majesty's Stationary Office (founded in 1786), and the Office of Public Sector Information (founded in 2005), all placed under the aegis of the National Archives. This, however, has had little to no effect on the organization or availability of any documents. Thus, one may still easily locate any primary source to which nineteenth-century scholarly references may allude. “The National Archives: Who We Are,” <http://www.nationalarchives.gov.uk/about/who-we-are.htm>.

⁴³ *The Public Record Office* (Richmond, Virginia: The Virginia State Library, 1960), 17.

records,⁴⁴ but the office also centralized, organized, transcribed, and even published England's historical, legal, and governmental records from its earliest days.⁴⁵ Prior to its creation, "records were kept higgledy-piggledy in such places as the King's Mews at Charing Cross and what had been the stables of the Prince Regent's residence at Carlton House."⁴⁶ Its foundation thus represented an end to the danger that many of these original records would be lost,⁴⁷ and a beginning to the steady publication of medieval source documentation. This stream of primary source document publication continued (and continues) to flow more or less steadily, and "by the outbreak of the Second World War, the PRO had already published most of the records of the English royal chancery and the common law courts."⁴⁸

The Pipe Roll Society, though a privately funded organization, was founded in 1883 by the PRO,⁴⁹ published its first volume in 1884, and continues to publish new transcriptions to this day. The rolls themselves are the records of the Exchequer and include numerous references to Jewish individuals. These documents are especially valuable for the financial and demographic information they provide. While each roll is only a partial audit, and does not reflect all of the money coming into or out of the hands of the King, they are essential for

⁴⁴ "History of the Public Records Acts," <http://www.nationalarchives.gov.uk/information-management/legislation/history-of-pra.htm>.

⁴⁵ For a detailed history of the Public Record Office's early years, see Philippa Levine, "History in the Archives: The Public Record Office and its Staff, 1838-1886," *The English Historical Review* 101, no. 398 (1986): 20-41.

⁴⁶ "By the beginning of the nineteenth century there were nearly sixty such record offices." *The Public Record Office*, 17.

⁴⁷ Many records were previously kept "with scant regard for dangers from fire, water, vermin, and falling masonry... Never had so grand a heritage been in danger of dissolution." *Ibid.*

⁴⁸ Robert Stacey, "Recent Work on Medieval English Jewish History," *Jewish History* 2, no.2 (1987): 62.

⁴⁹ *Ibid.*

the study of English medieval Jewish communities. By the end of the “Heroic Age,”⁵⁰ the pipe rolls had been published up to 1206.⁵¹

The last of these aforementioned societies is the Selden Society, “founded in 1887 by Frederic William Maitland, with the support of the judges, the Inns of Court, the universities and the legal profession, in England, the United States and other countries.”⁵² The Selden Society was willing to engage with Jewish history, and some of Maitland's work can be found within the “Transactions” of the JHSE;⁵³ however, the most valuable work of the Selden Society for our present purposes was a joint endeavor undertaken by the Selden Society and the Jewish Historical Society of England: the publication of *Select Pleas, Starrs, and other Records from the Rolls of the Exchequer of the Jews, A.D. 1220-1284*.⁵⁴

This work provided a firm foundation for the study of the economic history of the Jews, but did nothing to challenge the assumption that the purpose of the Exchequer of the Jews was to mulct the Jews of the monies they had soaked up from the king's Christian subjects. Three years after the printing of *Select Pleas*, the first volume⁵⁵ of the deservedly famous (and still ongoing) series known as the *Calendar of the Plea Rolls of the Exchequer of the Jews Preserved in the Public Record Office* began continuously

⁵⁰ The “heroic age” ended with the start of World War II.

⁵¹ “Medieval Financial Records: Pipe Rolls 1130 – c1300,” <http://www.nationalarchives.gov.uk/records/research-guides/pipe-rolls.htm>.

⁵² “Selden Society” <http://www.selden-society.qmw.ac.uk>.

⁵³ Stacey, “Recent Work on Medieval Jewish History,” 68.

⁵⁴ J. M. Rigg, ed., *Select Pleas, Starrs, and other Records from the Rolls of the Exchequer of the Jews, A.D. 1220-1284* (London: Quaritch, 1902).

⁵⁵ J. M. Rigg, ed., *Calendar of the Plea Rolls of the Exchequer of the Jews Preserved in the Public Record Office*, vol. 1, *Henry III 1218-1272* (London: Macmillan & co., 1905).

expanding the printing of economic primary source documents that had been initially undertaken by *Select Pleas*. Two more volumes would be printed before the heroic age came to an end: one in 1910,⁵⁶ and one in 1929.⁵⁷

Of course, there were also secondary sources. These works, *in general*, were written in English and were philo-Semitic in tone; additionally, *in general*, their subject matter tended to be either legal,⁵⁸ overly synoptic,⁵⁹ or concerned with *Kulturgeschichte*⁶⁰ as opposed to economic history.⁶¹ Of course, the myriad primary sources, especially those concerning the Exchequer of the Jews, made possible some economic and financial studies as well; however, many of these (especially work done by Elman)⁶² served to more deeply entrench the inherited narrative rather than to challenge it. Part of the reason that little was done in this period to re-think economic history can be attributed to the fact that even writing about Jewish history, much less trying to upend its foundational presuppositions, was

⁵⁶ J. M. Rigg, ed., *Calendar of the Plea Rolls of the Exchequer of the Jews Preserved in the Public Record Office*, vol. 2 *Edward I 1273-1275* (London: The Jewish Historical Society of England, 1910).

⁵⁷ Hilary Jenkinson, ed., *Calendar of the Plea Rolls of the Exchequer of the Jews Preserved in the Public Record Office*, vol. 3 *Edward I 1275-1277* (London: The Jewish Historical Society of England, 1929).

⁵⁸ See, for example, Max Lee Friedman, *Robert Grosseteste and the Jews* (Cambridge: Harvard University Press, 1934), and H. S. Q. Henriques, *The Jews and the English Law* (London: The Bibliophile Press, 1908).

⁵⁹ Examples include James Kendall Hosmer, *The Story of the Jews: Ancient, Mediaeval, and Modern* (New York: G.P. Putnam's Sons, 1891), and Marvin Lowenthal, *A World Passed by: Scenes and Memories of Jewish Civilizations in Europe and North Africa* (New York: Harper & Brothers, 1933).

⁶⁰ Examples include H. S. Q. Henriques, "Jewish Marriages and the English Law," *The Jewish Quarterly Review* 20 (1908): 391-449, and Charles Mabon, "The Jew in English Poetry and Drama," *The Jewish Quarterly Review* 11 (1899): 411-430.

⁶¹ Of course this is not a bad thing - I only mean to point out that there was less done regarding economic history at this time.

⁶² Peter Elman, "Jewish Trade in Thirteenth Century England," *Historia Judaica* 1 (1939): 91-104. Peter Elman, "The Economic Causes of the Expulsion of the Jews in 1290," *Economic History Review* 7, no. 2 (1937): 145-154.

dangerous. As Cecil Roth wrote as late as 1928, “until a man’s academic position is assured, he cannot dare to let it be known that he is seriously interested in questions relating to Jewish scholarship.”⁶³

There are two other major works to which I owe a significant debt, and which must be discussed in any historiographic overview of medieval Anglo-Jewish history. The first of these is Cecil Roth’s *A History of the Jews in England*⁶⁴ and the second is H. G. Richardson’s *The English Jewry under Angevin Kings*.⁶⁵

The importance of Roth’s book lies less in any specific revision or thesis than in the fact that it was the standard text on the subject from the publication of its first edition in 1941 to the publication of Richardson’s *The English Jewry under Angevin Kings* in 1960. Roth’s wide-ranging book really represented the collation of heroic age thought into a single monograph. As Stacey has remarked of the work, “it did not alter the shape of medieval Anglo-Jewish history in the fundamental way it could, and should, have done.”⁶⁶

Richardson’s work, however, has been lauded (again by Stacey) as the book that

marks the true beginning of modern scholarship on medieval English Jewish history... Richardson introduced a new level of sophistication into discussions of lending and the market in Jewish bonds. He also discussed and published a number of important but hitherto unknown texts of royal legislation concerning Jews, and he largely rewrote the history of royal administration as it affected the Jews.⁶⁷

The work is also valuable insofar as it went some way towards challenging the inherited

⁶³ Cecil Roth, “Jewish History for Our Own Needs,” *The Menorah Journal* 14 (1928): 432-3.

⁶⁴ Cecil Roth, *A History of the Jews in England*, 3rd ed. (Oxford: Clarendon Press, 1964)

⁶⁵ H. G. Richardson, *The English Jewry under Angevin Kings* (London: Methuen & Co., 1960).

⁶⁶ Robert Stacey, “Recent Work on Medieval English Jewish History,” *Jewish History* 2, no. 2 (1987): 63.

⁶⁷ *Ibid.*

narrative that all Jews were moneylenders and all moneylenders, Jews. Richardson laid out a detailed study of the king's borrowings, and showed that Christians did, in fact, lend money; furthermore, they lent money to the king alongside Jews. In Chapter four of this thesis I have expanded on chapter three⁶⁸ of Richardson's *The English Jewry under Angevin Kings* in an effort to illustrate the comparative volume of Jewish and Christian lending to the crown.

We have seen that the old assumptions about Anglo-Jewry have English roots deeper than even Tovey's *Anglia Judaica*, but this should not imply that the mature ideology underlying the still prevalent belief that all Jews were moneylenders and all moneylenders were Jews was already in existence in the eighteenth century. Rather, we should see the eighteenth-century manifestations of the old narrative as a foundation and scaffolding within which later, primarily German, historiography constructed a more specific, complex, and nuanced picture.

Two of the more important themes underlying the thought patterns of the German Historical School were a belief in a "*Volk*" model of history (wherein each people, or "*Volk*" is ascribed inherent characteristics) and a stage theory of economic development (wherein economies are believed to progress in stages, each inevitably and teleologically following the other). The combination of these two ideas led to the development of a belief that the Jews (because they were a "*Volk*" that was especially gifted in trade and finance) provided the function of moving the medieval European economy from the barter stage of economic development to a more capitalist stage of economic development.

⁶⁸ Chapter three is "The King's Borrowings," from Richardson's, "The English Jewry," 50-66.

Mell's forthcoming book, *Which is the Merchant and which the Jew: The Myth of the Medieval Jewish Moneylender*⁶⁹ takes a very wide view of the issue and studies far more subjects with more discreet specific analyses than is presented here. It is hoped that this work will help buttress hers. Robert Stacey's work, especially his seminal work, "Royal Taxation and the Social Structure of Medieval Anglo- Jewry: The Tallages of 1239-42,"⁷⁰ is also related to this work. He has most closely studied the 1241-1242 "Worcester" tallage from which the document here under analysis (E.101/249/4) was spawned. I use E.101/249/4 as supporting evidence that not all Jews were moneylenders, while Stacey studied the returns from the entire tallage to simply describe the returns he found as accurately and objectively as possible in the hopes of providing a better understanding of the social structure of medieval Anglo-Jewish communities.

A Road Map

This paper is divided into five chapters. The first chapter, "The Evolution of the Government of Medieval England during the Period from William I to Fitz Nigel's *Dialogus de Scaccario*," will provide an overview of the governmental changes that took place in the years following the Norman Conquest. It will trace the development of a government tailor-made to suit an eleventh-century kingdom into a cleverly evolved polity bearing many of the same names and features, but at the same time completely remade to suit the needs of the twelfth, and later, thirteenth, centuries. During this period, the king's agenda was almost

⁶⁹ (New York: Palgrave Macmillan, 2016 forthcoming).

⁷⁰ Robert Stacey, "Royal Taxation and the Social Structure of Medieval Anglo- Jewry: The Tallages of 1239-42," *Hebrew Union College Annual* 56 (1985): 175-249.

entirely peripatetic, and the government was run from the king's household, a group of retainers, clerks, and administrators who accompanied him during his perambulatory schedule. As the government became more complex, however, it became all but impossible for the king to add all the records and specie that the burgeoning polity generated to his already lengthy baggage train. Thus, records and money began to be more and more often held in static locations, especially Winchester. At the same time, the personnel needed for the bi-annual audits of accounts owing to the crown tended to more and more frequently meet at Westminster.

Because these audits, known as exchequer courts, required specie and documents from Winchester, the Winchester treasury eventually moved to Westminster to facilitate the exchequer's operations. At this time, both the treasury and the exchequer court were still seen as manifestations of the king's itinerant household. As time wore on, however, these branches of the king's household began to ossify locally and to form their own institutional identities. By the early thirteenth century, the exchequer had become an institution rather than an event, while the treasury itself had largely been subsumed into the exchequer under the appellation of the "lower exchequer," or the exchequer of receipt.

The second chapter, "Source Documents and Linguistic Considerations," will review the types of primary source material at the heart of the paper and began to chip away at the long-held presumption that all Jews were moneylenders by pointing out the ways language in existing historiography itself has contributed to this mistaken belief. In this chapter, we will find that for nearly the entire twelfth century, the vast majority of reliable primary source documents consisted of pipe rolls. These rolls recorded the activity that took place during the

exchequer audits of the king's accounts. We will also learn of the dangers of relying solely upon the pipe rolls, what lacunae they contain, and what other sources that may be employed to augment the pipe rolls and to diminish the number of lacunae around which the historian must navigate. This chapter will deal also with chronicle sources, illustrating their unreliability and how an over-reliance on these biased records helped to shape the old assumption that "the Jews" were moneylenders. The final argument of this chapter regards the tendency to write about the Jews as a whole, rather than as a diverse group of people integrated into Christian society; for, this tendency has left in its wake a number of dangerous presuppositions that have proven remarkably difficult to deracinate, even in modern historiography.

The third chapter of this thesis concerns "The Origins and Motivations behind the Evolution of the Exchequer of the Jews." In examining the motivation of the creation of the Exchequer of the Jews we are afforded a unique opportunity to explore how certain presuppositions in largely disparate subjects have combined to form an incorrect explanation of why the Exchequer of the Jews was created. The resulting explanation is an essential element within the backbone of the old narrative that all Jews lent money; further, it is a reflection of the historiographic errors that have led to this same erroneous set of presumptions.

The chapter will begin by explaining the erroneous thesis in question: that the Exchequer of the Jews was created as a financially-driven response to the massacres of the Jews during 1189-90. The old narrative's view presupposes two concomitant beliefs. The first of these is that the Jews held the status of serfs; the second of these is that the Jews had

an economic function: viz., lending money and thereby liquidating capital, which, in turn, facilitated a transition from a barter economy to a commercial economy. Debunking the presupposition of the “economic function of the Jews” will entangle the reader within a larger discussion of historiographic evolution dating back to as early as Weber, Sombart, and even Marx.

To counter the concept of “Jewish serfdom,” I will burrow into the origin and applicability of “Fitz Nigel’s Law.” This was purportedly a law aimed at the Jews that declared that upon the death of a usurer the estate of said usurer escheated to the crown. One will find that the law was 1. not so much law as custom, 2. that the law seems to have initially applied to Christian usurers, 3. that the law was not regularly followed, and 4. that the law was an instance of the somewhat paradoxical fact that as the crown attempted to institutionalize the Jews they also increased the participation of the Jews in the processes of governance.

Having belied the standard explanation for the motivations behind the creation of the Exchequer of the Jews, the third chapter proceeds to provide a more nuanced explanation for its creation. My explanation hinges upon the crown’s increasing interest in extending its jurisdiction, over both Jews and Christians alike. This will be *illustrated* by a section dealing with a large fine placed upon the Jewish lenders to the crown in the early second half of the twelfth century; it will be *explained* in the section titled “Hubert Walter, the 1194 General Eyre, and the *Archae* Ordinances.” The conclusion drawn is that the creation of the 1194 *Archae* system, which many historians believe represented the birth of the Exchequer of the Jews, was simply a small part of the broader changes Hubert Walter disseminated in the

general eyre of 1194. These changes were meant to centralize power around Hubert Walter himself, and, concomitantly, increase the jurisdictional authority of the crown. The Exchequer of the Jews developed slowly over time as later justiciars and kings continued Hubert's program.

The fourth chapter, "*Pecunia Non Olet*," is concerned with analyzing the royal borrowings of the twelfth century, from Jews and Christians alike. It shows that Christians lent alongside Jews, it provides concrete evidence of the scale of the lending both engaged in (both lent approximately the same amount), and it illustrates the government's eventual choice to abandon borrowing for its financial needs as it began to gather its income from new forms of taxation. What seems to have stopped both Christians and Jews from continuing their issuance of debt instruments to the medieval English government was that the crown had too much power to be a worthwhile loan risk; indeed, both Christian and Jewish lenders suffered major financial losses as a result of their lending activities. By 1180, both Christians and Jews ceased lending to the government, but continued to lend to private individuals and institutions. The fourth chapter also provides a chronological investigation of the amounts each major lender lent, as well as the rise of Jewish *consortia*, i.e., groups of Jewish magnates, usually composed of three or four men, who pooled their resources to provide loans for the government. This research will lead to a more detailed primary source analysis in the fifth chapter, which will explore the nature of Jewish lending in general and the potential revenue it represented for the crown.

The fifth and final chapter of this thesis, "A Close Analysis of the Lincoln *Archa*," is centered upon a document known as E.101/249/4. This chapter begins with a description of

the changes in tax policy that occurred between the late-twelfth and mid-thirteenth centuries. It will then proceed to describe a series of previous tallages: these are provided to give the reader some perspective on the normal size and frequency of tallages prior to the enormous 20,000 mark “Worcester” tallage of 1241-42, of which the document E.101/249/4 is a product. They also serve to illustrate just how small the income from these Jewish tallages was when compared to the income of the kingdom as a whole.

The opening studies of the fifth chapter convincingly refute the old narrative that posits that the Jews as a whole were a sponge that soaked up the wealth of the kingdom to be squeezed out into the king’s coffers. In the first place, it was not “the Jews” who made the loans, but, as explained a number of times above, a select few wealthy magnates. In the second place, income from Jewish tallages leading up to the 20,000 mark tallage amounted to a small percentage of total annual royal income. The chapter will move on to address both the origins of the “Worcester” tallage (it was rolled over from an earlier, less successful tallage known as the “Third”), as well as the process by which the tallage was collected. It then will present the document E.101/249/4 within the context of the “Worcester” tallage as a whole.

Chapter 1: The Evolution of the Government of Medieval England during the Period from William I to Fitz Nigel's *Dialogus de Scaccario*

In this chapter we shall see how the eleventh-century English kingdom evolved to become a government suited to the needs of the twelfth and thirteenth centuries. This is relevant to our current interests because it illustrates the world in which Medieval Anglo-Jewry existed, and follows the train of events that led to the creation of the Exchequer of the Jews.

The officials who administered Henry III's 20,000 mark tallage of the Jews in 1241-42 were part of an administrative system whose offices, and the appellations of their officers, seem designed to confuse the present-day scholar. For example, as early as the twelfth century, it was possible that "although [Richard] fitz Nigel served Henry II as *treasurer* for thirty years, he probably never served personally in the *treasury*."⁷¹ Perhaps even more illustrative is Tout's attempt to explain the confusing relationship that existed between the treasury and chamber:

In the generation after the Norman Conquest, the keepers of the treasury at Winchester, though often styled treasurers, were all chamberlains. Not all the chamberlains of the period, were, however, treasurers.⁷²

The reason for the perplexing and ostensibly haphazard nature of these thirteenth-century

⁷¹ Robert Stacey, ed., *Receipt and Issue Rolls for the Twenty-Sixth Year of the Reign of King Henry III, 1241-2* (London: J.W. Ruddock & Sons, 1992), v. The italics are mine for emphasis.

⁷² T. F. Tout, *Chapters in the Administrative History of Medieval England: Volume 1* (Manchester: Manchester University Press, 1937), 76.

governmental offices and the appellations of their officers is that they grew out of a system of government that was designed for the exigencies of administrating an eleventh century polity. As the government evolved, vestigial governmental organs atrophied at the same time that they gave birth to new departments. These departments retained many of the structural relationships that existed between the original, outdated departments of the eleventh century. Thus, the English government of the thirteenth century can only be understood within the context of its evolution.

Because the government was constantly changing,⁷³ the functions of any given organ of government at a given time were not necessarily the same as the functions of the same organ at a later time. Offices and their officers were part of a very dynamic system of governance. The assignments of activities took place under their purview and changed just as often as the nature of the activities themselves. Therefore, early manifestations of governing bodies, especially the treasury and exchequer, should be carefully distinguished from later departments of the same name.

The King's Household

The medieval English government grew out of the king's household, or *curia regis*. At the center of both the king's household and the administrative ideology that buttressed it was, of course, the king himself. Around the king could be found an army of retainers, any of whom, "like the king, was omnicompetent... a member of the household was likely to find

⁷³ Tout has emphasized that the "fluidity of all medieval institutions... makes it impossible for one institution to be treated in complete isolation from others." *Ibid.*, 14.

himself entrusted with a wide variety of political and military tasks.”⁷⁴ Under the Norman kings⁷⁵ these retainers⁷⁶ were then roughly divided into five departments:⁷⁷ the butlery, the constabulary, the stewardry, the chamber, and the chancery. The first three of these departments, the butlery, the constabulary, and the stewardry, managed the king’s kitchens, military affairs, and supplies, respectively.⁷⁸ Although certainly important to the operations of the king’s itinerant household, these departments had little control over the administration of the kingdom as a whole. The origin of most of the more important governmental bodies of the thirteenth century can be found in the remaining two departments: the chamber (which dealt with matters concerning the king’s valuables), and the chancery (which dealt with secretarial matters).

At the time of the conquest, and at least until John lost the Norman dominions in 1204, the king’s nearly perpetual travels⁷⁹ precluded the formal establishment of a locally

⁷⁴ John Gillingham, *The Angevin Empire* (London: Oxford University Press, 2001), 68. Gillingham continues, “In the autumn of 1159, for example, it was the chancellor, Thomas Becket, who was left in charge of military operations against the count of Toulouse.”

⁷⁵ “The Household of the Norman kings did not, in most respects, differ greatly from that which had served William the Conqueror and his predecessors.... The titles of its officials derived from the traditional practice of the Frankish court.” W. G. Warren, *The Governance of Norman and Angevin England 1086-1272* (London: Edward Arnold Publishing, 1987), 78.

⁷⁶ Though the people who made up the king’s household certainly would have had a specific set of functions they most commonly executed, “the clerical staff who managed them [the household departments] were simply the king’s clerks” and could serve in any department as need arose. Gillingham, *The Angevin Empire*, 69.

⁷⁷ In addition, the king also had an advisory court. This “council was not a ‘department,’ but a body which had to do with all departments alike.” Tout, *Chapters in the Administrative History of England*, 11.

⁷⁸ W. G. Warren, *The Governance of Norman and Angevin England 1086-1272* (London: Edward Arnold Publishing, 1987), 78.

⁷⁹ Emphasizing the peripatetic nature of the court during this time, Joliffe has characterized this period as “a government of roads and roadsides.” J.A.E Joliffe, *Angevin Kingship* (London: A & C Black, Ltd., 1963), 140.

static machinery of state. Though the *curia regis* traveled with the king, while away the justiciar served as a regent during the king's absence and managed those activities and departments permanently in England such as the treasury, the English exchequer court,⁸⁰ as well as the administration of the sheriffs and justices.⁸¹

In response to these regnal perambulations, the royal household established administrative bodies that could carry on quotidian administrative tasks in important centers of population while the king was absent.⁸² These new departments were spawned from the old in much the same way as a biological cell reproduces: small buds from the original administrative organs of the *curia regis* emerged, grew, and eventually separated from their progenitors. This separation was not fully completed until the later thirteenth century, and thus most of the evolution discussed here took place within a system that was nominally governed from the king's court.

The importance of the processes by which the static departments grew out of the household is difficult to overstate and can best be understood as part of a more general paradigm of conflicting exigencies. On the one hand was the need for the king to have access to the machinery of governance as he traveled throughout his dominions; on the other hand was the need for, and creation of, a central repository for the wealth and records generated by

⁸⁰ There was also a Norman exchequer court, but this ceased to exist in 1204 when John lost Normandy. *Ibid.*, 71.

⁸¹ Warren, *The Governance of Norman and Angevin England*, 185.

⁸² Which was very often indeed. "Le Patourel's rough calculation for Henry II was that he spent 176 months in Normandy, 154 in England, Wales, and Ireland and 84 in the French lands other than Normandy. In the last five years of his reign, after his return from crusade and imprisonment, Richard spent slightly more than three years in Normandy, one in Anjou, eight months in Aquitaine and less than two months in England." Gillingham, *The Angevin Empire*, 73.

the government as it grew in size and complexity. The result of these conflicting exigencies was that the *curia regis* could not effectively govern an increasingly complex political entity whose actual administrative machinery was gradually shifting toward more permanent headquarters that were often separate from the household itself. Thus, there gradually emerged what can for practical purposes be conceived of as two wings of government, ostensibly manifestations and reflections of one another, but in reality interdependent nodes through which information, money, documents, and orders flowed. The first of these wings was the king's household, and the second comprised the offices that grew out of the household and took root in a static locale -- first at Winchester, and later at Westminster. Such an arrangement only made sense in light of an underlying political philosophy that emphasized the unity of the king's government. There was only one source of power and that was the *curia regis*.⁸³ Hence, government administrative activity of any kind was understood simply as an extended manifestation of the *curia regis*.

The Evolution of the Early Chamber and Treasury

Although ideologically the *curia regis* remained the administrative authority, throughout the twelfth century its practical rule began to wane as its most important functions were slowly usurped by increasingly independent officials at Winchester. The growing importance of the officials at Winchester was the most visible expression of a more general

⁸³ "The principle of the unity of the king's government received more than lip service." *Ibid.* Cf. also Warren, *The Governance of Norman and Angevin England*, 128.

trend “away from the king’s person and towards departmental structures and the habit of record keeping.”⁸⁴ Evidence of this trend is most abundant in the field of finance,⁸⁵ and so we will turn here to the chamber and development of the treasury.

The chamber, or *camera curie*, was originally simply the title of the office that saw to the king’s money and valuables stored in the king’s bedchamber. From these humble beginnings, the responsibilities of the chamber eventually grew to include the supervision of the treasury⁸⁶ in the twelfth century, though it could be said that the treasury grew out of the chamber, developed its own administrative identity, and ultimately supervised itself. This ambiguity was the result of the need to maintain the fiction that the treasury was part of the king’s household, a situation characteristic of the way nearly all the departments of government grew out of the *curia regis*.⁸⁷

It was hardly possible, and positively impractical, for the entirety of the king’s treasures and documents to be included among the already lengthy baggage train accompanying the *curia regis*. Because of this, there were distributed throughout the kingdom a number of small treasuries located at strongholds in those places where the king most frequently stopped.⁸⁸ Even before the conquest of William the Conqueror, however, the

⁸⁴ Robin Frame, *The Political Development of the British Isles 1100-1400* (Oxford: Oxford University Press, 1990), 80.

⁸⁵ *Ibid.*, 77. “[There is a] remarkable survival of royal records, of finance from the mid-twelfth century, and of the chancery and central courts from the start of the thirteenth.”

⁸⁶ “The *thesaurus*, or treasury, was, to begin with, a mere storehouse in some fixed place of the things which, though belonging to the chamber, could not be carried about in the constant wanderings of the court.” Tout, *Chapters in the Administrative History of England*, 74.

⁸⁷ Similar ambiguities arose in the development of the chancery and the exchequer; *vide infra*.

⁸⁸ “During Henry II’s reign there were castle treasuries in England at Gloucester, Colchester, Salisbury, Oxford and Guildford; in Normandy at Rouen, Falaise and Argentan.” Gillingham, *The*

most important of these treasuries was located at Winchester.⁸⁹ From Winchester, the *curia regis* could replenish its store of treasure or send for documents⁹⁰ as needed. Aside from storing documents created within the household, the treasury itself also created its own documents, and “it was undoubtedly keeping written records of some kind as early as 1129.”⁹¹ Whenever these records were needed, the king sent notice to two chamberlains stationed at Winchester, each of whom held one of the two keys to the treasury.⁹² As their title suggests, these chamberlains were considered part of the king’s household, and in this sense the treasury at Winchester was simply a branch of the chamber, or *camera curie*.⁹³ Under Henry I, the administrative body of the treasury was augmented by the creation of the office of treasurer,⁹⁴ who “seems to have been thought of still at the end of Henry I’s reign as a detached member of the Household, but he had by then become a specialist part of an administrative service separate from the Household.”⁹⁵

At Winchester, the treasury, or *thesaurus*, came to act also as an office of receipt and audit.⁹⁶ Those owing money to the crown could deposit funds into the Winchester treasury

Angevin Empire, 69.

⁸⁹ Stacey, *Receipt Rolls*, vi.

⁹⁰ It was here, for instance, that the Domesday Book was kept; *vide* Sally Harvey, “Domesday Book and Anglo-Norman Governance,” *Transactions of the Royal Historical Society* 25 (1975): 175-93.

⁹¹ Stacey, *Receipt Rolls*, xxii.

⁹² Warren, *The Governance of Norman and Angevin England*, 79.

⁹³ “Prior to the creation of the posts of the two chamberlains, the early Winchester treasury was initially staffed by clerks of no special standing.” Judith A. Green, *The Government of England under Henry I* (Cambridge: Cambridge University Press, 1986), 32-33.

⁹⁴ Cf. Warren, *The Governance of Norman and Angevin England*, 79; and Stacey, *Receipt and Issue Rolls*, x.

⁹⁵ Warren, *The Governance of Norman and Angevin England*, 79.

⁹⁶ Stacey, *Receipt and Issue Rolls*, vii.

and receive a tally as proof of receipt of payment. These tallies consisted of a stick, upon which were carved the name of the payer and a series of notches that represented the amount paid into the treasury. The stick would then be split in two and the payer would retain one half while the treasury would retain the other. If any dispute later arose as to the receipt or amount of monies paid into the treasury, the payer could present his tally as proof of payment.⁹⁷

The ambiguous and fluid relationship that existed between the early treasury and the king's household is perhaps nowhere more apparent than in the way that shrivel accounts⁹⁸ were audited. Such an audit could, in theory, be undertaken under the auspices of the *curia regis*; however, in practice, the records and funds held at the treasury proved so indispensable to the course of the audit that it could only be conducted in concert with the treasury. Indeed, one of the major duties of treasurer "came to be the drawing up of the summonses to the sheriffs to a session of the exchequer, at which the treasurer himself examined the sheriff on the public debts."⁹⁹ As the treasury developed a progressively distinct institutional identity from that of the king's itinerant household, so too did the audit itself. This burgeoning independence led to the creation of an organ of government that would grow, certainly by the reign of Henry III, to be the prime supervisor of financial affairs.

⁹⁷ *Ibid.*, viii.

⁹⁸ Sheriffs were put in charge of plots of land owned by the king, and after the king had received his share of the income, the sheriff was either paid with the balance or had to make up the balance.

⁹⁹ Warren, *The Governance of Norman and Angevin England*, 79.

The Origins of the English Exchequer

Up until this point I have carefully avoided the use of the word “exchequer.” The reason for this is to avoid confusion as the exchequer began not as a governmental department but rather as the *event* of the audit of shrivel accounts. Thus, it is important to provide here a roadmap explaining the evolution of these two entities. Thematically, during the period that spanned roughly from 1110¹⁰⁰ to 1180 there were three currents that pulled and shaped both the exchequer and treasury individually as well as the nature of the relationship that each had with the other:

1. The exchequer court began to change from an event to an institution.
2. The exchequer, and concomitantly the treasury, moved from Winchester to Westminster.
3. The functions of the treasury were subsumed by the lower exchequer.

Chronologically, the early major changes to both departments were largely the work of Roger of Salisbury between 1100 and 1139. This year is also a good chronological marker because it is the same year that both Roger of Salisbury died, and his nephew Nigel of Ely was deposed by Stephen. The removal of these skilled administrators, coupled with the imbroglio between Stephen and Matilda, caused the period from 1139 to the ascension of Henry II in 1154 to be one of atrophy for both the exchequer and the treasury.

¹⁰⁰ Though the earliest extant pipe roll dates to 1129-30, 1110 is roughly the date when exchequer court likely began to be held. Cf. Stacey, *Receipt Rolls*, xi. Also, cf. Green, *The Government of England*, 41-42.

The Operations of the Early Exchequer and its Relationship with the Treasury

The treasury is of greater antiquity than the exchequer. Even before the Norman Conquest, there was a treasury in Winchester,¹⁰¹ which had developed its own institutional identity by the early twelfth century. But the exchequer by the late twelfth century when fitz Nigel wrote his¹⁰² *Dialogus de Scaccario*, “was still not thought of as . . . a special session of the king’s court convened twice a year.”¹⁰³

The king selected a group of men known as the “barons of the exchequer”¹⁰⁴ who held court every Michaelmas¹⁰⁵ and Easter.¹⁰⁶ The early exchequer (after the checkered cloth upon which the audit took place)¹⁰⁷ barons most frequently met in Winchester since it was

¹⁰¹ “As Galbraith remarked more than forty years ago, ‘The Anglo-Saxon financial system which collected the Danegeld, was not run from a box under the bed.’” Stacey, *Receipt Rolls*, xvi. Stacey cites Galbraith from: V.H. Galbraith, *Studies in the Public Records* (London: Thomas Nelson and Son, 1948), 45.

¹⁰² The exact date of the composition is in question. For an in depth discussion of the dispute, see H. G. Richardson, “Richard fitz Neal and the *Dialogus de Scaccario*,” *The English Historical Review* 43, No.170 (1928), 167.

¹⁰³ Warren, *The Governance of Norman and Angevin England*, 128.

¹⁰⁴ “So behind the regents or in association with them were a group of ministers who did not travel with the king but were permanently based in either England or Normandy to look after the king’s business. They were usually men experienced in the king’s service as former members of the Household, or counsellors or sheriffs. They held no formal office, but at least by the early years of Henry I’s reign were officially addressed as ‘barons of the exchequer’ for they were authorized to attend its sessions.” *Ibid.*, 80.

¹⁰⁵ “At Michaelmas the Pipe Roll was drawn up and the year’s account closed.” Warren, *The Governance of Norman and Angevin England*, 82.

¹⁰⁶ “At Easter there was a ‘view of accounts’ at which the sheriff paid in half the farm and reported any difficulties he had encountered in discharging his duties.” *Ibid.*

¹⁰⁷ “The exchequer got its name from the checkered cloth [fr. *échecs* = chess] which was spread on a table at which sat the king’s representatives and before which was brought the sheriff.” *Ibid.*, 77. Cf. also Reginald L. Poole, *The Exchequer in the Twelfth Century* (Oxford: The Clarendon Press, 1912), 100.

here that the money and records were held in the treasury; however, the exchequer court could, and frequently did, meet elsewhere. When this happened, records and specie would have to be brought from the treasury to conduct the audit. These financial provisions and the clerks that accompanied them formed a kind of temporary “branch office” of the treasury. This branch office later evolved into the lower exchequer and was tasked with collecting, distributing, and recording the flow of goods and information that made the annual audit that eventually evolved into the upper exchequer possible.

Prior to the start of the Michaelmas term the treasurer wrote summonses, which acted as a guide by which the audit was conducted and detailed the accounts that the sheriffs were to bring to be audited.¹⁰⁸ Upon their arrival, sheriffs and other debtors to the crown would present their tallies and money to show they had paid what they owed. The exchequer barons would audit the accounts by using the checkered cloth on their table rather like an abacus. Once the accounts were tabulated, the sheriff would be informed what he needed to pay at the Easter exchequer court in order to cover the balance of what was owed. At the Easter exchequer court the final accounts for the exchequer year were rendered. The sheriff would be interrogated by the treasurer regarding his public debts and by the chancellor’s clerk regarding his private debts.¹⁰⁹ Lipson’s concise description of the remaining officers’ functions would be difficult to improve upon:

The justiciar, who represented the king, presided over the court and dispensed the patronage. The chancellor embodied the equitable jurisdiction of the king’s court and sealed the writs. The treasurer was burdened with the chief

¹⁰⁸ Warren, *The Governance of Norman and Angevin England*, 79.

¹⁰⁹ *Ibid.*, 186.

responsibility; he received the sheriff's accounts and dictated¹¹⁰ the entries on the pipe rolls.¹¹¹

Although by the 1110's, and certainly by the 1120's,¹¹² the exchequer court was functioning, the earliest direct record of the exchequer audit we have is the pipe roll for the 1129-30¹¹³ exchequer term.¹¹⁴ The pipe roll was, at its heart, a summary of the audit written upon folios of parchment, bound together in a stack at their head, and rolled into the shape of a pipe.¹¹⁵ After the 1129-30 pipe roll, there are no other extant pipe rolls until 1156, after which they exist in an almost uninterrupted¹¹⁶ series, often in duplicate.¹¹⁷ In addition to being a record of audit, the pipe rolls were central to the administration of the king's finances and acted as a living record of debts owed to the crown: every year the debts of the previous year would be transferred to the new year's pipe roll for collection. These pipe rolls, however, were not a record of the entire income and expenditure of the kingdom,¹¹⁸ nor were

¹¹⁰ "The treasurer dictated, but the chancellor's clerk was equally responsible with him for the wording." *Ibid.*, 186.

¹¹¹ E. Lipson, *The Economic History of England*, vol. 1 (London: A&C Black, 1956), 595.

¹¹² *Ibid.*

¹¹³ Because the exchequer year begins in the fall and ends in the spring, every pipe roll straddles two years on the Gregorian calendar.

¹¹⁴ "The earliest surviving pipe roll, containing the audited accounts of the king's sheriffs, dates from 1129 to 1130 and is the first of a sequence that survives almost unbroken from 1155 to 1834. The order and clarity of the roll suggest that it was one of an established series." Frame, *The Political Development of the British Isles*, 80.

¹¹⁵ M. S. Giuseppi, *Guide to the Contents of the Public Record Office: Vol. I* (London: Her Majesty's Stationary Office, 1963), 76-77.

¹¹⁶ No roll survives for 1213. Gillingham, *The Angevin Empire*, 58.

¹¹⁷ Richard Cassidy, "Recorda Splendidissima: The Use of Pipe Rolls in the Thirteenth Century," *Institute of Historical Research* 85, no. 227 (2012).

¹¹⁸ "[Pipe rolls] were records of audits of routine sources of revenue and take no account of extraordinary or newly introduced sources of income. In some years exceptional measures, for example, the Saladin Tithe of 1188 or the taxes levied in 1193-94 to pay Richard's ransom, brought in massive additional sums." Gillingham, *The Angevin Empire*, 58. Also, "there were additional sums

they meant to be. They existed simply to facilitate the collection of the accounts owing to the king that were presented to the exchequer court. The most important of these accounts came from the “farms,” or set-rate rents, paid by the sheriffs who administered the king’s demesne. A sheriff administered the demesne, collected the various revenues derived from such administration, and then deposited his farm and other feudal obligations at the treasury for audit. He was remunerated with whatever monies remained.¹¹⁹

Chronology

The major *dramatis personae* for the first section of this chronology - the period from 1110 to 1139 - are the two treasury chamberlains in addition to the court treasurer, and Roger of Salisbury. Of these men, Roger of Salisbury is by far the most important; indeed, it is his death in 1139 that I have chosen as the end date for this chronological section. William of Malmsbury records that Roger controlled the financial expenditure of the realm,¹²⁰ and he thus would have certainly been a major force behind the changes that led to the independence of the treasury from the household as well the ties that developed between the treasury and exchequer under his auspices. He is often styled as Henry I’s chancellor or justiciar, but

which were paid directly into the chamber, for example, some payments made by the king’s debtors. When these payments involved sums which were normally accounted for at the exchequer, then the exchequer had to be notified, but of other chamber receipts - for example, loans to the king - there may be no record. This is why the financial records of the court of the exchequer, the pipe rolls, provide only an incomplete statement of monies received. They are useful as a general guide to royal resources but they do not allow us to measure income with a high degree of accuracy.” *Ibid.*, 70.

¹¹⁹ Poole, *The Exchequer in the Twelfth Century*, 128-129 and Richard Mortimer, *Angevin England* (Oxford: Blackwell Publishers, 1994), 42.

¹²⁰ Hollister, “The Origins of the English Treasury,” 270.

would have likely preferred to define himself more by his title of Bishop. As Hollister notes:

Bishops were enormously active in Henry's administration, but never did they demean themselves by holding household titles. This explains in part why historians have been so puzzled as to whether Roger of Salisbury was Henry I's justiciar, or procurator, or what. As the foremost royal administrator of the last half of Henry's reign, he was described by several informal titles, but his one official title was 'bishop of Salisbury'.¹²¹

Aside from the creation of the exchequer court itself, the greatest change in this period was the creation, or rather, redefinition, of the offices of the treasury. In the 1110's the treasury at Winchester, though the primary repository for money and records, was run by treasury chamberlains of the *curia regis* who were not "particularly eminent."¹²² The office title, "chamberlain," is indicative of the fact that, even though the treasury was functioning largely independently of the household, it was still conceived of as a branch of the *camera curie*. In the years after the reforms of this period, two of the more important officials at Winchester would still carry this vestigial title despite the fact that the treasury had grown to operate largely independently of the king's itinerant chamber.

In the year 1118, there was an attempted assassination of King Henry I.¹²³ This began a series of events that would both accelerate the separation of the treasury from the household and also tie the exchequer court more closely to the treasury. The suspected assassin, more than likely a man known only as "Herbert the chamberlain," served at the Winchester treasury and was of a middling socio-economic status.¹²⁴ According to Suger of

¹²¹ *Ibid.*

¹²² Stacey, *Receipt Rolls*, viii. Also cf. Green, *The Government of England*, 41-42.

¹²³ C. Warren Hollister, "The Origins of the English Treasury," 260. The following account follows Hollister's.

¹²⁴ *Ibid.*

St. Denis, he was “mercifully”¹²⁵ only castrated and blinded for his crime, though Henry was apparently not merciful enough to let Herbert keep his post. In 1120, a much more significant event took place, which had great repercussions. On the night of the 25th of November, Thomas fitz Stephens and a well-wined group of nobles (including Henry’s heir, William Adelin)¹²⁶ attempted to speedily cross the English channel in a state-of-the-art ship, *la Blanche-Nef*. As speedy state-of-the-art ships are wont to do, *la Blanche-Nef* sank into the icy waters of the English Channel leaving only one or two survivors.¹²⁷ Aside from the obvious impact of the death of the king’s heir (and the imbroglio between Stephen and Matilda which followed), the sinking of the ship precipitated a less visible, but more immediate, change to the shape of English administration. Of those aboard the ill-fated ship was the second treasury chamberlain, Robert Maudit.

With one treasury chamberlain a blind eunuch, the other now dead, and much bigger fish to fry, Henry left the repair of the treasury administration to Roger of Salisbury. Roger was as able a dynastic planner as he was a skilled bureaucrat, and the changes he made following what became known as the “White Ship Disaster” led to the creation of a “dynasty” of treasury and exchequer officials that lasted for almost one hundred years.¹²⁸ Included within the ranks of this “dynasty” were the famous Nigel of Ely as well as Nigel’s

¹²⁵ Suger of St. Denis, *Vie de Louis VI le Gros*, ed. Henri Waquet, (Paris, 1964), i.

¹²⁶ Judith A. Green, *Henry I: King of England and Duke of Normandy* (New York: Cambridge University Press, 2006), 165.

¹²⁷ William of Malmesbury says that there was one survivor while Orderic Vitalis claims that there were two. Cf. J.A. Guiles, *William of Malmesbury's Chronicle of the Kings of England* (London: George Bell and Sons, 1904), 456, and Ordericus Vitalis, *The Ecclesiastical History of England and Normandy: Vol. IV*, trans. Thomas Forester (London: Henry G. Bohn, 1856), 35.

¹²⁸ Mortimer, *Angevin England*, 71.

nephew Roger fitz Nigel, the author of the most accurate and complete extant source of information about medieval exchequer operations, *De Necessariis Observantiis Scaccarii Dialogus*, more commonly known simply as the *Dialogus de Scaccario*.¹²⁹

The first of Robert's changes was the appointment of officials to replace Herbert and Robert Maudit. While it is worth noting that Geoffrey of Clinton (who succeeded Herbert) and William of Pont de l'Arche (who succeeded Robert Maudit) were more eminent than the old treasury chamberlains, the meaningful administrative change Roger of Salisbury introduced was to augment the power of the post of treasury chamberlain. Thus, what had been a provincial branch of the king's chamber tasked with only clerical duties now became an official and permanent member of the exchequer court tasked with auditing the accounts of some of the most powerful men¹³⁰ in the kingdom.¹³¹ Importantly, this arrangement also tied the nascent exchequer court more closely to the treasury because funds were moved from the treasury to run the audit.

In 1126, six years after the changes to the offices of treasury chamberlain, Henry (likely at the behest of Roger of Salisbury) created the new office of court treasurer. The confusingly similar posts are best explained by Hollister:

¹²⁹ Richard fitz Nigel, *De Necessariis Observantiis Scaccarii Dialogus: Commonly Called Dialogus de Scaccario*, eds. Arthur Hughes, C. G. Crump, and C. Johnson (Oxford: Clarendon Press, 1902), 97.

For an English translation *vide* Richard fitz Nigel, *Dialogus de Scaccario*, ed., Charles Johnson (Oxford: Oxford University Press, 1983).

¹³⁰ Wilkinson has pointed out that early in the thirteenth century two women were actually appointed sheriffs: Nicholaa [*sic*] de la Haye and Ela Longespée. Louse Wilkinson, "Women as Sheriffs in Early Thirteenth Century England," *English Government in the Thirteenth Century*, ed. Adrian Jobson (Woodbridge: The Boydell Press, 2004), 111-125.

¹³¹ Stacey, *Receipt Rolls*, x-xi.

As the court treasurership came into being in the mid-1120s, the term 'treasurer' which had previously been applied in England to the Winchester custodian was now reserved exclusively for the great household officer. It is in this context that Nigel was the first royal treasurer.... Nigel's title was old but his office was new.¹³²

Nigel, Roger's nephew, was tasked with the administration of all the treasuries of the kingdom, though "he also shared specific responsibility for the Winchester treasury jointly with the two new chamberlains; and with his appointment, the use of the title of 'treasurer' for the minor custodians of the Winchester treasury lapsed."¹³³ More importantly, Nigel, like the two new chamberlain treasurers appointed earlier, was an exchequer baron, i.e., a member of the exchequer court. In this way the exchequer was, from a very early point, tied both functionally (insofar as it needed the records and monies in the treasury to conduct its exchequer sessions) and administratively closely to the treasury (insofar as there were now three exchequer barons who served in the treasury). The reason that these new closer relations are important is because they influenced all three of the thematic currents identified above. Firstly, the event of the exchequer was now more closely related to the institution of the treasury and this helped guide the exchequer's own development into a permanent department. Secondly, the growing dependence of the exchequer court on officials who also served in the treasury meant that, later, when the exchequer courts were most often held at Westminster under the disputed rule of Stephen, it was only natural that the treasury should follow suit. Finally, it hardly needs to be pointed out that these closer ties would facilitate the

¹³² Hollister, "The Origins of the English Treasury," 271.

¹³³ Stacey, *Receipt Rolls*, x-xi.

exchequer's absorption of the treasury and the evolution of the newly absorbed treasury into what became known as the exchequer of receipt, or lower exchequer.

In 1133 Nigel the treasurer was elected Bishop Nigel of Ely. The bishopric at this time was a more prestigious post, as mentioned above, and following his election Nigel only occasionally spent time administering the kingdom's treasuries.¹³⁴ In 1136 his post was taken up (in an unsurprising display of continued nepotism) by Roger's son or nephew Adeleln.¹³⁵ Yet Adeleln's tenure would be brief. Roger's growing influence and wealth attracted the jealous attention of Stephen. In 1139 the cash-strapped king found a pretext for seizing Roger's lands and deposing him and the appointees he had chosen.¹³⁶ Roger died shortly after, and Stephen was left with a crippled financial administration.

Still, financial administrative activity did not cease to function entirely under Stephen's rule; rather, it is more accurate to say that it changed form. As a way of maintaining his tenuous hold of power, Stephen granted more and more power to his earls, and this resulted in a "downgrading of the role of central government."¹³⁷ Because of the diminished power of the central government, few sheriffs felt compelled to attend whatever anemic exchequer sessions Stephen may have successfully held.¹³⁸ Emilie Amt has even

¹³⁴ That he did look to their administration is evinced by the complaints of the monks in his bishopric that the steward he left them under was not to their liking. *Liber Eliensis*, ed. E. O. Blake (London: Royal Historical Society, 1962), 284.

¹³⁵ Nicholas Karn, "Nigel, Bishop of Ely, and the Restoration of the Exchequer after the 'Anarchy' of King Stephen's Reign," *Historical Research* 80 no. 209 (2007): 302.

¹³⁶ *New Catholic Encyclopedia*, ed. E. J. Kealey (New York: Thompson-Gale, 2003) s.v. "Roger of Salisbury."

¹³⁷ Warren, *The Governance of Norman and Angevin England*, 92.

¹³⁸ "Sessions of the exchequer may have been held in Stephen's reign, but there is good reason to believe that they were no more than a shadow of exchequer sessions under Henry I." Warren, *The*

suggested that Matilda was able to hold her own exchequer court, drawing away the accounts of sheriffs who might have otherwise reported to Stephen.¹³⁹

In any case, it is certain that Stephen was acutely aware of the need to restore, so far as he was able, whatever exchequer activity he could. White has gone so far as to argue that credit for the eventual reconstruction of the exchequer cannot be wholly attributed, as it most often is, to Henry II. Rather, White proposes that Stephen, in the later years of his rule, actually inaugurated some processes that would later allow Henry II to successfully restore the exchequer's functionality. While White is the only author I have found willing to attribute to Stephen such a significant role in the exchequer's revival, his concomitant observation that "the coronation [of Henry II] in December 1154 should not be seen simply as a watershed between anarchy and order"¹⁴⁰ is accurate, important, and quite valuable. It is a nuanced perspective that helps account for the treasury's eventual move from Winchester to Westminster. Stephen's control over Winchester was tenuous at best.¹⁴¹ Because of this, whatever limited exchequer courts existed under Stephen's aegis could not operate from the records and money held in Winchester's treasury as they had done in the past. Stephen did have firm control over Westminster however, and it only made sense for him to store his records and treasure there. No exchequer records survive from Stephen's reign,¹⁴² thus, it is not possible to determine just how much influence the exchequer sessions Stephen almost

Governance of Norman and Angevin England, 98.

¹³⁹ Emilie Amt, *The Accession of Henry II in England: Royal Government Restored 1149-1159* (Woodbridge, NY: The Boydell Press, 1993), 121.

¹⁴⁰ Graeme White, "The End of Stephen's Reign," *History* 75, no. 243 (1990): 21.

¹⁴¹ Kenji Yoshitake, "The Exchequer in the Reign of Stephen," *English Historical Review* 103 (1988): 950-9.

¹⁴² Warren, *The Governance of Norman and Angevin England*, 98.

certainly held at Westminster had on the treasury's eventual move to Westminster. It is likely, however, that they were one of the earliest catalysts for it.

The Ascension of Henry II and the Restoration of the Exchequer Court

Whatever the degree of decentralization and decay the empire's financial machinery saw under Stephen's rule, and whatever the extent to which Stephen was able to begin repairing this same machinery, our sources indicate that Henry II moved quickly and effectively to finish the restoration of both the exchequer court and the financial administration of the kingdom as a whole. The earliest pieces of evidence for this are fragments from the pipe roll of 1154-55 (the first year of Henry II's rule) copied into the *Red Book of the Exchequer*.¹⁴³ No full copies of the roll exist, but the fragments in the *Red Book* are enough to indicate that Henry began the process of rebuilding the exchequer as soon as he gained the throne.¹⁴⁴

They also highlight the tremendous difficulties Henry II confronted in his efforts to reform the financial administrative system:

The almost complete absence in these early rolls of debts [the debts copied into the Red Book of the Exchequer] identifiable as carryover from Stephen's reign implies either that Henry II's exchequer had no pipe rolls of Stephen to work with, or that such records, if they existed, were almost useless in terms

¹⁴³ Hubert Hall, ed., *The Red book of the Exchequer* (London: Eyre and Spottiswoode, 1896). See also, Amt, *The Accession of Henry II in England*, 121.

¹⁴⁴ "Were it not for the chance preservation of this source [the lost pipe roll of 1154-55], historians might assume that there had been no systematic accounting at the exchequer in the first year of Henry II's reign... In fact the 1155 records show that there was considerable exchequer activity in that first year." *Ibid.*

of revenue which the new government could collect.¹⁴⁵

The first complete pipe roll that we have from Henry II's rule dates to the second year of his reign (1155). In it we find clear evidence that, as fitz Nigel put it, "the *scientia*" (knowledge) of the exchequer had almost perished during the long years of the civil war."¹⁴⁶ The rolls "appear uncertain and incompetent."¹⁴⁷ Furthermore, they show little continuity with preceding years: 92% of the debts contained within the 1155-56 pipe role were entirely new,¹⁴⁸ indicating that the exchequer was being reconstructed virtually from scratch. As mentioned above, this roll also contains evidence that Henry immediately began to take measures to breathe life back into the exchequer. It contains entries showing Henry paid for repairs to the dilapidated exchequer buildings in Westminster,¹⁴⁹ and also that, in 1155, Henry replaced the sheriffs of twenty-one counties with men that he could be certain would dutifully report to his exchequer court.¹⁵⁰

Pipe rolls are extant for every subsequent year of Henry's reign and illustrate Henry's continued efforts to restore the effective centralized financial administration of his kingdom. Eleven years after Henry II's ascension to the throne, the exchequer was fully

¹⁴⁵ *Ibid.*

¹⁴⁶ "Hic etiam, ab illustri rege Henrico secundo frequenter rogatus, scaccarii scientiam continuata per multos annos bellica tempeste pene prorsus abolitam reformavit." Richard fitz Nigel, *De Necessariis Observantiis Scaccarii Dialogus: Commonly Called Dialogus de Scaccario*, ed. Arthur Hughes, C. G. Crump & C. Johnson (Oxford: Clarendon Press, 1902), 97. I have translated the original Latin above. And, "We must use evidence from Henry's reign to draw tentative conclusions about Stephen's government. What we will find, again and again, is that Henry II had to do considerable rebuilding in many areas of financial administration." Amt, *The Accession of Henry II*, 120.

¹⁴⁷ Warren, *The Governance of Norman and Angevin England*, 99.

¹⁴⁸ Amt, *The Accession of Henry II*, 125.

¹⁴⁹ Stacey, *Receipt Rolls*, xii.

¹⁵⁰ Amt, *The Accession of Henry II*, 113.

restored.¹⁵¹ Henry was only able to create this restored and more permanent exchequer system with the aid of Bishop Nigel of Ely. This is the same Nigel of Ely who had been appointed treasurer by Henry I and Roger of Salisbury. He was thus one of the few men who was not only capable of repairing the financial machinery of state, but to do so with the advantage of first-hand knowledge of how both the treasury and exchequer court had functioned. His experience was thus the keystone in the bridge that connected the exchequer court of Henry I with that of Henry II.

The Migration and Redefinition of the Treasury

Under Henry II, the functions of the treasury were subsumed, and while it is true that the treasury then moved from Winchester to Westminster, and it is also true that the rhetorical spectrum of both the words “treasury” and “exchequer” themselves underwent changes; up to this point there was not yet a single, permanent, institutionalized “treasury;” furthermore, as already has been stated a number of times, the exchequer was not yet a single, permanent, institution, but rather an event.

We have seen that the treasury at Winchester originally was but the most important of a number of treasuries located throughout the realm. We have seen also that while the treasury in practice began to operate largely independently of the king’s household, Henry I always considered the treasury to be part of his itinerant household. It was most strongly manifested at Winchester, but could equally well be said to be present wherever the king was

¹⁵¹ Warren, *The Governance of Norman and Angevin England*, 99.

to be found or wherever and whenever the exchequer court called upon its services. Indeed, the treasury could exist in all three places at the same time! Similarly, during Stephen's reign it is impossible to pin down "the treasury." The old treasury at Winchester was now operating for the benefit of Matilda and a new treasury had to be created at Westminster for Stephen's use. If one had asked Stephen to explain the nature of his treasury, he would have likely replied that both the treasuries at Winchester and Westminster were rightfully his, and that, just as Henry I believed, both were manifestations of his itinerant Chamber. All this is to emphasize that, while it is ostensibly convenient for the historian to imagine a static, reified "treasury," to do so actually hinders her efforts to understand the operations of the king's financial administrative system.

In order to understand the rhetorical spectrum of the word "treasury" at a particular time, it is perhaps more important to examine *why* the treasury evolved than *how* the treasury evolved or what form it took. The treasury was part of a living, fluid government whose nature was dictated not by some preconceived logical administrative plan, but by the exigencies of the time. Save for the period of civil war between Stephen and Matilda, these exigencies were those of a government that was becoming more centralized and more complex as time wore on.

Thus, Henry II did not simply restore the functions of the exchequer and stop at that. The kingdom he oversaw was evolving to become more complex than that of Henry I.¹⁵² For Henry II, the exchequer court was more than an auditing tool; it was a way to bring the

¹⁵² This is because he had to find a way to control the wayward sheriffs from Stephen's reign.

western counties that had been under the auspices of Matilda back into the fold of his own newly centralized government. Both of these factors increased the importance of the exchequer, which, continuing the trajectory set in place by Stephen, met more and more frequently at Westminster.

As the audits of the exchequer proper, or upper exchequer, increased in importance, so too did operations of the lower exchequer. As mentioned already in the introduction to the exchequer's functions, the lower exchequer served not only as an office for the receipt and distribution of the money needed to balance the accounts of the upper exchequer, but also as a repository for the records that were needed for the audit and that were generated by the audit itself. These were precisely functions of the treasury, wherever it was and whatever its relationship to the king's household was considered to be at a given time. In fact, it only makes sense that these were precisely the functions of the treasury – the lower exchequer, it will be remembered, was initially simply a temporary office of the treasury at Winchester.

All this goes a long way towards understanding *why* the role of exchequer became more important while that of the treasury at Winchester diminished as it was “slowly transformed into an unnecessary appendage to a financial system whose heart and soul lay elsewhere.”¹⁵³ Answers to the less attended question of *how* the changes took place, are, however, more elusive. There is no date at which we can say the lower exchequer took over the responsibilities of the treasury; furthermore, we cannot know if it is more accurate to state that the lower exchequer took over the treasury's responsibilities or if it is more accurate to

¹⁵³ Stacey, *Receipt Rolls*, xii.

state that the treasury “moved” into the lower exchequer.

What we can say with relative certainty, however, is that it does seem that by 1172 “the exchequer appears to have been regarded as being permanently located at Westminster,”¹⁵⁴ and that ten years later, in 1182, the records produced by the exchequer court were, for the first time, kept at Westminster rather than at Winchester as they previously had been.¹⁵⁵ The treasury and the exchequer had each shaped the now mostly mature institutional identities of the other, and the shape of the administrative organs that oversaw Henry III’s 1241-42 tallage of the Jews were solidifying. However we conceptualize the changes that took place, the end result was that “from its origins as a temporary branch office of the Winchester treasury, the lower exchequer at Westminster had thus become, in effect, the treasury itself.”¹⁵⁶

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*, *xiii.*

Chapter 2: Source Documents and Linguistic Considerations

In the previous chapter, I endeavored to trace a complex technical story of almost perpetually changing governmental processes as concisely as possible. This chapter will describe the primary sources for Anglo-Jewish history, where they come from, their reliability, and their limitations. We will then define the terms and delimit the boundaries of their rhetoric, taking special care to consider the words/phrases “origin” and “the Jews.”

The Use and Misuse of Primary Sources: Limitations of the Pipe Rolls and Chronicles

While a wide range of sources are available for the thirteenth century, the pipe rolls constitute the vast majority of public records for all but the final years of the twelfth century.¹⁵⁷ Only a select few other government rolls remain extant from the twelfth century, and then only at its very end: the earliest extant charter rolls date to 1194, while the first fine rolls and memoranda rolls we have to work with date to 1199.¹⁵⁸ The earliest extant liberate rolls begin in 1200, the earliest patent rolls in 1201, and the earliest close rolls in 1204.¹⁵⁹

Perhaps this documentary dearth bears some responsibility for a still-problematic propensity noted by the eminent Sir Lionel Abrahams in his presidential address given before the Jewish Historical Society of England almost one hundred years ago.¹⁶⁰ Abrahams emphasized the danger inherent in putting too much faith in the chronicles. To drive this

¹⁵⁷ Hillaby, “The London Jewry,” 1.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ Sir Lionel Abrahams, “The Economic and Financial Position of the Jews in Medieval England,” *The Jewish Historical Society of England, Transactions* 8 (1915-17): 171-84.

point home, Abrahams cited Stubbs who emphasized:

‘the absolute untrustworthiness of medieval figures [i.e. numeric values in chronicles] which, even when most circumstantially minute, cannot be accepted except where, as in the public accounts, vouchers can be quoted.’ This emphatic utterance coming from a very great authority ought to have been borne in mind by all writers on medieval history. We will now note how recklessly it has been disregarded.¹⁶¹

Unfortunately, this sagacious admonition seems to remain unheeded far too often, even by today’s scholars. Let us consider one of the very same examples that Abrahams used nearly a century ago. Gervase of Canterbury records the Jews as having paid £60,000 towards the Guilford tallage (a major tax levied on English Jews in 1186).¹⁶² I select this example because, of the examples Abrahams provides, it is the example that has been most thoroughly proven to be unreasonable.¹⁶³ Responsible scholarship is now careful when discussing this particular account to include, at the very least, a proviso that this sum was almost certainly never collected in full. Hillaby, for instance, in describing the Guilford Tallage, says that “there is no formal record of the total, but according to Gervase of Canterbury it was £60,000. This may be more than the 'symbol for a very large sum' which Richardson suggests.”¹⁶⁴ More common, however are those cases where Gervase’s figure is given without qualification; here, for the sake of brevity, I cite only two such cases.¹⁶⁵

¹⁶¹ *Ibid.*, 177. Here Abrahams is quoting from William Stubbs, *Constitutional History of England vol. 2* (Oxford: The Clarendon Press, 1880), 459, fn. 1.

¹⁶² Gervase of Canterbury, *Opera Historica* vol. 1, ed. William Stubbs (London: Longman & Co., 1879), 422.

¹⁶³ Aside from Abrahams’ own convincing arguments, Richardson concludes that the £60,000 figure “is no more than a symbol for a very large sum.” Joe Hillaby, “The London Jewry: William I to John,” *Jewish Historical Studies* 33 (1992-1994): 22.

¹⁶⁴ Hillaby, “The London Jewry,” 22.

¹⁶⁵ In both cases, there is no prior or later qualification that the source is from a chronicle as opposed

Norman Golb, in his *The Jews in Medieval Normandy* (1998), wrote:

Nevertheless, we can contrast the sums paid with the huge amount of 60,000 livres levied on the English Jews at Guilford in 1186, and other great sums they were assessed between 1168 and 1189.¹⁶⁶

Even a scholar as eminent as Robert Stacey is not immune to this tendency; though, he certainly is well aware of the source and its limitations. As recently as the publication of his otherwise excellent and insightful 2013 article, “The Massacres of 1189-90 and the Origins of the Jewish Exchequer, 1186-1226,” Stacey wrote:

At Christmas time in that same year, for the first time, he [Henry II] levied an enormous tallage of sixty thousand marks upon the Jews of England as a single community.¹⁶⁷

It may seem unnecessarily captious to expend such effort in highlighting scholars’ tendency to fail to qualify information when it is gleaned from a potentially inaccurate chronicle; however, there are good reasons for doing so. In the first place, one of the main goals of the present work is to challenge, and hopefully remove, the deep-seated and long-held belief that there exists an association between Jews and a special “economic function” as the moneylenders of medieval England. Of course, I do not claim that no Jews lent money; rather, the question is one of emphasis, and thus fastidious attention to detail is needed. Such need is in large part due to the pervasive and enduring nature of the narrative against which I am arguing; for, as will be shown below, its roots run deep. Furthermore, while the ideas that

to an official record.

¹⁶⁶ Norman Golb, *The Jews in Medieval Normandy: A Social and Intellectual History* (Cambridge: Cambridge University Press, 1998), 359.

¹⁶⁷ Robert Stacey, “The Massacres of 1189-90 and the Origins of the Jewish Exchequer, 1186-1226,” in *Christians and Jews in Angevin England* ed., Sarah Rees Jones and Sethina Watson (York: York Medieval Press, 2013), 108.

attended the development of the myth of the Jewish moneylender have been widely discredited in and of themselves, they still survive often tacitly entrenched within ostensibly trivial details. In the second place, it is important to bear in mind just how unreliable, and just how prejudiced, most of our chroniclers were.

Naturally, the unreliability of these chroniclers has not gone unnoticed. H. C. Davies has described one such chronicler, Roger of Wendover, as “a copious and inaccurate writer... Where he is the sole authority for an event, he is to be used with caution.”¹⁶⁸ Such critiques of our chroniclers are not, however, universally acknowledged. Of course, any consideration of a chronicler’s accounts must be made within the context of the norms surrounding the writing practices of their time, and it would be anachronistic to berate a medieval author for failing to cite the authority from which he had gleaned his information. All the same, it is dangerous to underestimate the biases and credulity of a given chronicler simply because their contemporary authors exhibited even greater biases and credulity.

We can see one such example of this danger in scholarly reviews of one of the more “impartial” chroniclers, William of Newburgh.¹⁶⁹ Antonia Grandsen, for one, has written of William of Newburgh’s “judicious impartiality,”¹⁷⁰ while Richard Dobson has lauded

¹⁶⁸ H. C. Davies, s.v. "Roger of Wendover," *Encyclopaedia Britannica*, 11th ed. (Cambridge: University Press, 1911), 455.

¹⁶⁹ These examples are drawn somewhat arbitrarily from a large number of similar instances in other works. Both authors of the cited examples are exemplary scholars and my emphasis on their over-estimation of William of Newburgh’s account should not be taken as an indictment of their excellent contributions to the study of history.

¹⁷⁰ Antonia Grandsen, *Historical Writing in England, c. 550 to c. 1307* (Ithaca, NY: Cornell University Press, 1974), 263. Both this, and the following, citation are taken from John D. Hosler, “Henry II, William of Newburgh, and the Development of English Anti-Judaism,” in *Christian Attitudes toward the Jews in the Middle Ages*, ed., Michael Frassetto (New York: Routledge, 2007),

William for his treatment of the 1189-90 massacres – writing that “William of Newburgh’s treatment of the York riots shows him at his very considerable best.”¹⁷¹ How then does this “judicious and impartial” of chroniclers at his “considerable best” explain the massacres of 1189-90? Below are two excerpts from his *Historia Rerum Anglicarum*:

Bold and covetous men thought they were doing service to God, while they were despoiling or ruining men who were rebels against Christ; and they performed with joyful fury, and without even the slightest scruple of conscience, the work of their own covetousness. The justice of God, indeed, little approved of such deeds, but ordained them, as it is met, that by these means He might coerce the insolence of that perfidious people, and bridle their blasphemous tongues.¹⁷²

William is thus explaining that God had used the violence, despite His alleged disapproval of the act, as a way to “bridle the blasphemous tongues” of the Jews. A further example runs:

In the meantime, an agreeable rumor [*rumor gratissimus*], that the king had ordered all the Jews to be exterminated, pervaded the whole of London with incredible celerity. An innumerable mob of lawless people, belonging to that city, and also from other places in the provinces, whom the solemnity of the coronation had attracted thither, soon assembled in arms, eager for plunder and for the blood of a people hateful to all men, by the judgment of God.¹⁷³

167-82.

¹⁷¹ Richard Dobson, *The Jews of Medieval York and the Massacre of March 1190* (York: St. Anthony’s Press, 1974), 24.

¹⁷² Translated from the original Latin by Joseph Stephens: Joseph Stephens, *The Church Historians of England* vol. 4, part II, (London: Beeleys, 1856), 563. For the original Latin *vide* William of Newburgh, *Historia Rerum Anglicarum* vol.2, ed. Hans Claude Hamilton (London, 1856), 15. “Arbitrabantur audaces et cupidi obsequium se praestare Deo dum spoliarent vel perderent homines Christo rebelles; et agebant, sine ullo vel minimo conscientiae scrupulo, hilari furore propriae cupiditatis negotium: Dei quidem justitia talia minime approbante, sed decenter ordinante ut hoc modo gentis perfidae coerceret insolentiam, et linguas frenaret blasphemias.”

¹⁷³ English translation from Stephens, *Ibid.*, 556. Original Latin from Hamilton, *Ibid.*, 3. “Interea rumor gratissimus, quod scilicet rex omnes Judaeos exterminari jussisset, totas incredibili celeritate percurrit Lundonias [sic]; moxque infinitus indisciplinatorum populous tam ex ipsa civitate quam ex illis quos illuc ex provinciis plurimis unctionis regiae solemnitas traxerat, armatus accurrit, spirans praedarum et caedis in populum Dei iudicio cunctis invisum.”

This second example is so vitriolic that nothing needs be said concerning the reliability or objectivity of its author; indeed, it is so acerbic that it is worth emphasizing that amicable relations could, and did, exist between Christians and Jews.¹⁷⁴ There is little need to belabor the point that we must be cautious when dealing with chronicles; instead, it is worth spending some time analyzing a more objective primary source: the pipe rolls.

The Pipe Rolls

The pipe rolls are the most plentiful government records that remain extant for the twelfth century. Historians, then, are surely fortunate to have recourse to them; however, if used incorrectly, these sources can easily give a sense of certainty that is not warranted. To militate against this possibility, it is necessary to debunk two “textbook clichés” (as Richardson has put it).¹⁷⁵ Stubbs’ *Constitutional History* was (and often remains)¹⁷⁶ the vehicle through which these clichés passed: “The cult of Stubbs has persisted wherever Oxford historians abide, and even at Cambridge ‘his great book’ has been placed in ‘a category in which no other secondary history book is to be found.’”¹⁷⁷ Without going into too

¹⁷⁴ Two examples, among many: William Urry, *Canterbury under the Angevin Kings* (London: Athlone Press, 1967), 117; and, though I am critical of certain aspects of Mitilineos below, many fine examples of cooperation can also be found in Frances Howard Mitilineos, “English *Convivencia*: Aspects of Christian-Jewish Cooperation in Medieval England, 1189-1290” (PhD diss., Loyola University, 2009).

¹⁷⁵ Richardson, *English Jewry*, 52.

¹⁷⁶ One of the best corrective critiques is H. G. Richardson and G. O. Sayles, *The Governance of Medieval England from the Conquest to Magna Carta* (Edinburgh: Edinburgh University Press, 1963).

¹⁷⁷ Richardson and Sayles, *The Governance*, 1. Citation from: H. M. Cam “Stubbs Seventy Years After,” *Cambridge Historical Journal* 9 (1948): 129.

great of detail, the two major clichés, and their needed revisions, are as follows:

1. “The exchequer of the Norman kings was the court in which the whole financial business of the country was transacted.”¹⁷⁸

2. “The Great Rolls of the Pipe... contained the summaries and authoritative details of the national account.”¹⁷⁹

We have already seen that the first was not the case in our earlier discussion¹⁸⁰ of the evolution of the treasury and exchequer. Both grew out of the king’s itinerant household, and much business continued to be conducted from whichever local treasury was nearest to where the king was stationed as well as through the king’s chamber (and later, wardrobe). This is significant, because it means that we can have very little idea of what even the gross income would have been for the entire kingdom (calculations of the kingdom’s net income are even more uncertain since not only income, but also expenditures often do not appear on the pipe rolls). To be sure, attempts have been made,¹⁸¹ however, since there is no complete account of the money that flowed out of the chamber or the smaller treasuries scattered throughout the kingdom, we can only guess at the sums that would otherwise be evinced in the records’ lacunae.

Again, the reasons behind the second false assumption have been alluded to above.

¹⁷⁸ William Stubbs, *Constitutional History of England in its Origin and Development* vol. I 6th ed. (Oxford: Clarendon Press, 1897), 407. Richardson cites the same in *English Jewry*, 51.

¹⁷⁹ William Stubbs, *Constitutional History of England in its Origin and Development* vol. I 6th ed. (Oxford: Clarendon Press, 1897), 641. Richardson cites the same in H. G. Richardson, *The English Jewry under Angevin Kings* (London: Methuen & Co. Ltd., 1960), 52.

¹⁸⁰ *Vide Supra*, Chapter 1.

¹⁸¹ *Exempli gratia*, H. J. Ramsay, *A History of the Revenues of the Kings of England, 1066-1399* (Oxford: The Clarendon Press, 1925).

The exchequer, and the pipe rolls it produced, were never meant to provide a summary of the national account. The pipe roll was not a cash-flow statement, it was an audit of accounts owing to the king. As such, funds already within the treasury, chamber, or held by the king's associates would almost never appear on the pipe rolls.¹⁸² More germane to present concerns, the debts repaid to the handful of Jewish magnates described below would only appear on the pipe roll in a special circumstance: If the king chose to, he could pay off part or all of a debt not with cash on hand, but rather with anticipated cash flow.¹⁸³ If, before a sheriff had yet fully accounted for the money owed to the king, the king chose to earmark a portion of the sheriff's anticipated revenue for the repayment of a debt, he could pay the debt by proxy through the sheriff. Since this payment would have to be accounted for at the exchequer audit, it would appear on the pipe rolls.¹⁸⁴ Any attempt to hazard a guess as to how much money was repaid this way versus how much was repaid in cash would be speculative at best, and thus what records we have in the pipe rolls have some limits to their value. Further, we cannot expect to find 12th century records of the king's payments of debts in the liberate

¹⁸² "Money once in the treasury did not, with rare and special exceptions, come under the scrutiny of the barons of the exchequer. It was used and expended as the king directed: but of this the exchequer at his period, and consequently the pipe rolls, know nothing." H. G. Richardson, *The English Jewry under Angevin Kings*, 52.

¹⁸³ "Nor does the exchequer know anything of the king's borrowings, except indirectly and quite incidentally when loans are being paid off, not from the chamber (which we may equate with the privy purse) or from the treasury, but from moneys in the hands of Crown debtors or, in other words, when revenue is anticipated and debts to the crown are assigned to the king's creditors. The pipe rolls thus reveal only a part, and not the most important part, of the king's financial affairs. What they tell us of the king's credit transactions is accidental and merely incidental to an inquiry that has nothing to do with the larger aspects of royal finance." *Ibid.* See also H. G. Richardson, "The Chamber under Henry II," *The English Historical Review* 69, no. 273 (1954): 610-11.

¹⁸⁴ Or, as Hillaby has put it more simply: "The Pipe Rolls merely recorded payments in and sums due to the royal exchequer. They thus throw light only on royal loans in anticipation of such income." Joe Hillaby, "The London Jewry: William I to John," *Jewish Historical Studies* 33 (1992-1994): 17.

rolls¹⁸⁵ as one might expect, for the earliest of these rolls dates from 1220.¹⁸⁶ All the same, given that the pipe rolls represent our most complete primary source evidence, they must necessarily, though cautiously, be employed.

It is necessary to review the paradigm that the government's motivations for the creation of the Exchequer of the Jews, or *Scaccarium Judaeorum*, is frequently, and to a certain extent, erroneously.¹⁸⁷ The Exchequer of the Jews, it is most often held, was created as a financially-driven response to the massacres of 1189-90 – the idea being that the Exchequer of the Jews acted as a way to regulate Jewish lending and to protect their bonds (as well as the Jews themselves) from harm, so that the king could later mulct the Jews through a variety of extortions. I will argue against this explanation: the royal administration surely took into account the possible financial benefits that the Exchequer of the Jews helped in some ways facilitate, but the story is much more complex.

Before moving on to address the many problems that riddle this narrative, I would like to briefly emphasize the danger of failing to take into account the problems inherent in the word “origin” as it relates to the Exchequer of the Jews (as well as the word “Jews,”

¹⁸⁵ Liberate rolls recorded writs issued by the king ordering the expenditure of funds.

¹⁸⁶ Stacey, *Receipt Rolls*, xix. The 1220 roll is from the lower exchequer; chancery liberate rolls do not exist from any earlier than 1226.

¹⁸⁷ There are far too many instances of this narrative to list. It is enough to point out that it is inevitably presented in popular literature (e.g. Huscroft, *Expulsion: England's Jewish Solution*, 44), and is *almost* ubiquitous in scholarly literature. The best example of the latter is perhaps Cecil Roth, whose influential *A History of the Jews of England*, was for a long time, and in limited respects remains, the best available research into the Jews of medieval England. Cecil Roth, *A History of the Jews of England*, 3rd ed. (Oxford: Oxford University Press, 1964). For an assessment of the impact and value of Roth's work, *vide* Robin R. Mundill, “Out of the Shadow and into the Light – the Impact and Implications of Recent Scholarship on the Jews of Medieval England 1066–1290,” *History Compass* 9, no. 8 (2011): 572–601.

which will be discussed below). The search for the origin of something naturally presupposes that a clear and definite origin for something exists. This problem manifests itself especially often, and especially consequentially, in the study of history – it can be described as the error of mono-causality. It is usually (and in the present case, is) the result of the combination of the aforementioned overly-narrow conception of “origin” with a set of teleological presuppositions.¹⁸⁸

The Exchequer of the Jews did not have a clear beginning. Even those officials who were active in the administration of the governmental machinery in question would not have noticed its “creation;” there was no ribbon-cutting ceremony, no inaugural address. As Richardson has put it:

The appointment of the Keepers of the Jews in the early 1190’s cannot have been a matter of much significance, being merely a rearrangement of the business of the exchequer, and it could not have been foreseen at the time how great a part they would play in Jewish affairs.¹⁸⁹

Equally important towards understanding the “origin” (i.e., to whatever extent a distinct “origin” exists) of the *Scaccarium Judaeorum* is the fact that much of it evolved organically. For evidence of this we need only compare the shape and function of the Exchequer of the Jews during the reign of Henry III with the 1194 *archa* laws. These laws helped to build the groundwork for the system of chests, or *archae*, in which were contained (among other things) documents that the *Scaccarium Judaeorum* depended upon for its

¹⁸⁸ The situation is analogous to a search for the origin of a river. In the first place, the “river” is not a static, local, or clearly defined entity; even if it were, the search for its origin would lead back to a plethora of constantly changing tributary streams.

¹⁸⁹ H. G. Richardson, *The English Jewry Under Angevin Kings* (London: Butler and Tanner Ltd., 1960), 120.

operation. The renowned archivist Sir Hillary Jenkinson, in his introduction to the third volume of the *Calendar of the Plea Rolls of the Exchequer of the Jews*, emphasized the fluid nature of medieval institutions and the need for scholars to take this into account:

Probably the truth is – and evidence in other fields points the same way – that we are liable to attribute much more logic and rigidity to medieval institutions and medieval people than they ever possessed; that what appears to be a brand-new ordinance, a fresh start in administrative machinery, will be found, as a rule, to be merely a case of informal experiment or the sanctioning of a practice arrived at by such experiment; and that the new institution seldom ousted, rather it was placed beside and only gradually superseded, the old one. Add to these considerations the smallness of staff and contiguity of offices, and we need not be surprised – rather we shall be prepared – to find from time to time a lack of definition of duties, an overlapping of functions between departments, even an interchange of the functionaries themselves, in all Records [*sic*] of the period.¹⁹⁰

As the above quotation demonstrates, faithfully mapping out the development of the Exchequer of the Jews and the motivations that led to its emergence demands that we be perpetually cognizant of the fluid, overlapping, and all but random nature of the development of the institutions in medieval England.

One last comment regarding the way in which the word “Jew(s)” has, and will here be, employed. It is essential to bear in mind that what the traditional narrative¹⁹¹ refers to as “the Jews” in reality hardly represent the Jews as a whole at all. A few wealthy magnates, such as Aaron of Lincoln, set up large-scale lending operations run from several “branches,” and from a pool of the stockholders’ money, similar to a modern financial corporation.

¹⁹⁰ Hillary Jenkinson, ed., *Calendar of the Plea Rolls of the Exchequer of the Jews* vol. 3 (London: Spottiswoode, Ballantyne, & Co. Ltd., 1929), xviii-xix.

¹⁹¹ To clarify, I mean the narrative that “the Jews” lent money in the middle ages because it was the only occupation available to them. In other words, by “traditional narrative” I am not referencing any primary source, but rather popular misconceptions found within the secondary literature.

Similarly, like a modern financial company, the money that was earned from these operations was retained in the hands of its very few owners. Aside from these very select few, Jews were generally not involved in professional moneylending¹⁹² or even terribly well off. Indeed, there are a number of examples of Aaron of Lincoln lending to his poorer Jewish co-religionists.¹⁹³

In his *The Jews of Angevin England*,¹⁹⁴ Joseph Jacobs offers more detail about Aaron of Lincoln's lending "corporation," tracing some of the interconnections among Aaron of Lincoln, Isaac fil Rabbi, their attorneys, and their partners:

Solomon of Paris (pg. 77) signs a receipt for his master Aaron; Peytevin and Leo (pg. 269) are only his attorneys. As early as 1166 we find him [Aaron of Lincoln] doing business (obviously through agents) in Lincoln, Norfolk, Yorkshire, Hants, Essex, Rutland, Cambridge, Oxford, and Bucks. His example was followed by Isaac fil Rabbi, whom we find in partnership with him (pg.24), for we find Benedict Bressus receiving money on behalf of Isaac (pg.76).¹⁹⁵

Jacobs' self-indexing example goes on, but there is no need for such detail at the moment; it

¹⁹² As will be seen in Chapter 5, there was a portion (that varied widely – we may say a moiety plus or minus at least a standard deviation from the average for the thirteenth century) of Jews who lent money but who were not part of the business ventures of these large magnates. These individual Jewish lenders, however, clearly lent far too infrequently sums that were far too small for them to have relied upon such lending as their profession. Rather, the loans they offered served for them as something like a modern short-term bond.

¹⁹³ Doris M. Stenton, ed., *The Great Roll of the Pipe of the Third and Fourth Years of the Reign of King Richard the First, Michaelmas 1191 and Michaelmas 1192* (London: Pipe Roll Society, 1926), 23-24, 51, 60, 90; Doris M. Stenton, ed., *The Great Roll of the Pipe for the Fifth Year of the Reign of King Richard the First, Michaelmas 1193* (London: J. W. Ruddock & Sons, 1927), 69; Doris M. Stenton, ed., *The Great Roll of the Pipe for the Tenth Year of the Reign of King Richard the First, Michaelmas 1198* (London: The Pipe Roll Society, 1932), 57-58; Doris M. Stenton, ed., *The Great Roll of the Pipe for the First Year of the Reign of King John, Michaelmas 1199* (London: The Pipe Roll Society, 1933), 6, 41-42, 62, 107; Doris M. Stenton, ed., *The Great Roll of the Pipe for the Third Year of the Reign of King John, Michaelmas 1203* (London: The Pipe Roll Society, 1936), 183.

¹⁹⁴ Joseph Jacobs, *The Jews of Angevin England* (London: David Nutt, 1893).

¹⁹⁵ Jacobs, *The Jews of Angevin England*, 313.

is enough simply to stress that this “corporation,” or *consortium* was run by, and for, a select few.

Chapter 3: The Origins and Motivations behind the Evolution of the Exchequer of the Jews

The Exchequer of the Jews, or *Scaccarium Judaeorum*, to the extent that it has been treated by historians at all, is a subject that has garnered little consensus since Dr. Gross' "The Exchequer of the Jews of England in the Middle Ages" brought the subject under more modern (late nineteenth century) historical analysis.¹⁹⁶

We may take Gross' work as indicative of the traditional narrative account of the creation of the Exchequer of the Jews - a narrative, it should be stressed, that has proven remarkably difficult to deracinate (for reasons that will become clear below). Gross, and many scholars who have followed his work, believed and believe that the Exchequer of the Jews was created in response to the massacres of 1189-90 – not because of the massacres *per se*, but rather because of the threat these massacres represented to potential royal income:

Then [i.e., following the massacres] more than ever before did the latter [the Jews of England] need the royal protection; and then more than ever before did the King of England feel justified in regarding their property, which he was now saving from utter destruction, as part of his royal chattels, to be exploited at his pleasure. The repeated spoliations of the Jews in the early part of the reign of Richard I. [*sic*] must have impressed upon the king's mind the

¹⁹⁶ C. Gross, "The Exchequer of the Jews of England in the Middle Ages," in *Papers Read at the Anglo-Jewish Historical Exhibition*, ed. J. Jacobs & Lucian Wolf (London, 1888). Also, to be sure, authors such as Madox, Prynne, and Tovey had addressed the subject earlier, in the 17th and 18th centuries; however, these accounts can hardly be taken seriously when exposed to the light of less credulous scholarship. Thomas Madox, *The History and Antiquities of the Exchequer of the Kings of England*, 2 vols., 2nd ed. (London, 1769). William Prynne, *Short Demurrer to the Jews Long Discontinued Barred Remitter into England* (London: Edward Thomas dwelling in Green-Arbor, 1656) & William Prynne, *Second Part of a Short Demurrer to the Jews* (London: Edward Thomas dwelling in Green-Arbor, 1656). D'blossiers Tovey, *Anglia Judaica: or the History and Antiquities of the Jews in England, Collected from all our Historians, both Printed and Manuscript, as also from the Records in the Tower, and other Publick Repositories* (Oxford, 1738).

necessity of a complete reorganization of the machinery by which the revenues from the Jews were collected – a reorganization by which their accumulated wealth might be rendered more secure against popular violence and more easily available to the crown.¹⁹⁷

This belief that the Exchequer of the Jews was created to facilitate exploitation of the Jews and to protect their lending activities so that the king could later mulct them of their usurious profits remains the most common explanation for the motivation for the creation of the Exchequer of the Jews, even in modern scholarship. That the narrative is included, *sans* qualification, in literature aimed at a popular audience such as Huscroft's *Expulsion: England's Jewish Solution*,¹⁹⁸ will, perhaps, elicit little surprise; however, the narrative is confidently employed in even strictly specialized academic work. For example, Mitilineos' Ph.D. dissertation states that in response to the massacres of 1189-90 "and because the king's own profit from Jewish moneylending was affected by the loss of the loan records, a new system for recording loans and storing the records was established in about 1194."¹⁹⁹

The reasons that the narrative that the Exchequer of the Jews was created only to

¹⁹⁷ Gross, "The Exchequer of the Jews of England," 6.

¹⁹⁸ "The York massacre probably also dealt a blow to the royal finances, and, in its wake, the government established new mechanisms and procedures which were designed to protect and exploit the Jews more efficiently [i.e., the Exchequer of the Jews]. Richard Huscroft, *Expulsion: England Jewish Solution* (Stroud, Gloucestershire: Tempus, 2006), 54.

¹⁹⁹ Frances Howard Mitilineos, "English *Convivencia*: Aspects of Christian-Jewish Cooperation in Medieval England, 1189-1290" (PhD diss., Loyola University, 2009), 6-7. The 1194 articles in question represent an early stage in the development of the Exchequer of the Jews. The exact origin of the Exchequer of the Jews is still debated (though no one origin will ever be found since a single origin never existed), but it is widely accepted that it was formed, if not with the propagation of the 1194 articles themselves, certainly from the "archa" system (*vide infra*) they established. For an excellent synopsis of the most current research, as well as a summary of older arguments, consult Robert Stacey "The Massacres of 1189-90 and the Origins of the Jewish Exchequer, 1186-1226," in *Christians and Jews in Angevin England*, ed. Sarah Rees Jones and Sethina Watson (York: York University Press, 2013).

further the pecuniary interests of the royal government has had such staying power are to be found entangled amongst a number of tentacles emanating from a larger, equally flawed, equally ubiquitous, and even more deeply entrenched inherited historiographical mess. Put succinctly, the narrative in question tacitly presupposes two mutually dependent concepts: “Jewish serfdom” and the “economic function of the Jews.”²⁰⁰ The following two sections will each deal with one of these concepts; together, they will serve as a preliminary to a more nuanced explanation of what the motivations for the Exchequer of the Jews actually were. In explaining the reasons that lie behind the remarkable intractability of the narrative that the Exchequer of the Jews was motivated simply by the crown’s desire to keep its “royal milch cow” healthy, we shall come across occasional instances of evidence of this “more nuanced” explanation for the nascence of the *Scaccarium Judaeorum*; however, it will only be after the double-headed Orthrus of “the economic function of the Jews” and “Jewish serfdom” has been slain that we will have the opportunity to flesh out a full and accurate account of the motivating factors that led to the creation of the Exchequer of the Jews.

A Roadmap

Although certain elements of the subject have been included above, let us proceed to a detailed investigation of the motivations underlying the evolution of the Exchequer of the Jews. However, we must do so via a congeries of ostensibly tangential topics. The common

²⁰⁰ This insight, and much of the discussion that follows is drawn Julie Mell, *Which is the Merchant and which the Jew: The Myth of the Medieval Jewish Moneylender* (New York: Palgrave Macmillan, 2016 forthcoming).

theme that binds these topics together is, of course, the question, “what was the motivation for the creation of the Exchequer of the Jews?”²⁰¹ What follows is intended to challenge a large swath of historiography (and, somewhat more difficultly, challenge even those elements of historiography that are most often only unknowingly employed by their authors), so it behooves us to begin as early as the nineteenth century with the influence of the German Historical School. These historiographic influences of the German Historical School will be discussed in order to illustrate how the concept of an “economic function of the Jews” came into common usage as well as what elements of this “economic function” still remain buried underneath presuppositions. Having accomplished this, I will move on to a discussion of the erroneous belief that all Jews were the king’s serfs. I will argue that the government did not usually have hard and fast categories or laws. Furthermore, even if such absolute categories such as “serf” did exist, it would be inaccurate to describe the Jewish legal status as anything but the legal status of the Jews.²⁰² This will be illustrated by looking more closely at the chaotic development of a law (“fitz Nigel’s law”),²⁰³ which apparently stated that, upon his or her death, a usurer’s estate would escheat to the king. Finally, having reviewed the historiographic reasons behind the traditional narrative that the Exchequer of the Jews was created for strictly fiscal reasons, I will present a more nuanced explanation for how the development of the Exchequer of the Jews might look.

²⁰¹ Obviously this question can, should, and shall be challenged for its many tacit presuppositions.

²⁰² In other words, it is inadequate to attempt to identify the legal standing of the Jews within the contextual paradigm of Christian medieval society.

²⁰³ The law will be discussed in detail in the section “Fitz Nigel’s Law.”

Inventing a “Function”

I should first emphasize that the concept of an “economic function” of medieval Jews is a teleological, anachronistic, and artificially binary *ignis fatuus*. It is teleological in that it presupposes that a “function” even existed. It is also teleological because it reads this “function” back into the German Historical School’s stage theory of economic development.²⁰⁴ The concept is anachronistic in the sense that it imposes the conclusions of 19th century scholarship back into the minds of medieval actors. Further (and this also speaks to the teleological nature of the “economic function”), someone or something can only have a function to, or for, someone or something else insofar as another entity subjectively selects a purpose for the function to accomplish; in this case, the function is for the modern historian to attempt to explain economic changes and not for any reason of which the historical actors could have themselves conceived. The overly binary elements of the concept of an “economic function” hardly need elucidation; it is enough to simply point to the absurdity of treating “the Jews” as a discrete, separate, homogeneous *Volk* to which any “function” could be meaningfully attributed.

The concept of the Jews’ “economic function” is the end product of an addled congeries of tributary streams flowing from historical discourse surrounding a larger discussion of the catalysts for the commercial revolution; *videlicet*, that Jews, on account of legal and religious prohibitions directed against Christian usury, were uniquely positioned to

²⁰⁴ The stage theory of the German Historical School argues that societies developed economically in stages, each progressively improving upon the previous stage. For a full explanation and analysis of the stage theory, see Mell, “Religion and Economy in Pre-Modern Europe,” 12-107.

fill the rôle of moneylenders, thus providing the requisite liquidity that allowed for the evolution of an old barter economy into a new commercial economy. Though the concept of a simple shift from barter to cash economy has been undermined by subsequent scholarship, it has left in its wake a black hole that still exerts its invisible gravitational pull on modern scholarship, and around which the subject of the “function” of the Jews still orbits. Though the original narrative of the Jews’ unique economic rôle grew out of a 19th century discourse in which Jews were seen as ghettoized, alien minorities – a discourse that has, correctly, since begun to atrophy – the myth of their “economic function” remains influential. The tendency to view the motivation for the creation of the Exchequer of the Jews as a way to better extort the profits deriving from this imagined function is, of course, only one instance of the many ways in which the influence of the erroneous “economic function” model has manifested itself. More instances will be addressed below. For the time being, I would like to simply point out here that there are many flavors of narrative colored by the still-living vestigial root-system that once supported the old conception that all moneylenders were Jews and all Jews moneylenders (a root system that continues to surreptitiously sprout shoots in current scholarship).

The genesis of the theory²⁰⁵ of the “economic function of the Jews” took place largely within the paradigm of the 19th century German Historical School. Two theories, especially, were fundamental: the theory of economic stages and the organic model of folk (*Volk*)

²⁰⁵ What follows is based closely on Julie Mell, “Religion and Economy in Pre-Modern Europe: The Medieval Commercial Revolution and the Jews” (PhD diss., University of North Carolina at Chapel Hill, 2007).

development.²⁰⁶ The most relevant feature of the former is a belief in a teleological progression of economies wherein the modern commercial system represents the culmination of a series of stages of economic development through which societies must progress as they become more advanced. In the latter theory, *videlicet* the organic *Volk* model, a people is treated as a living organism; and, like a living organism, a people is presumed to go through stages of development similar to biological stages such as infancy, adolescence, maturity, or senescence. Of course, inherent within this organic *Volk* model is the absurd implication that it is possible to attribute blanket characteristics to an entire people and that each people has certain intrinsic attributes and is at a certain stage of development. These theories were grounded in "methodological collectivism,"²⁰⁷ that explored not just how and why an economic system flourished at the time, but also how and why a given people, or *Volk*, attempted and accomplished economic endeavors in the past. The two concepts were closely

²⁰⁶ These are two of the four elements in Roscher's seminal work, *Grundriß zu Vorlesungen über die Staatswirthschaft. Nach geschichtlicher Methode* (1843), that, "together with the work of Bruno Hildebrand and Karl Knies, are generally considered to have founded the German Historical School between the 1840s and 1860s." Mell, "Religion and Economy in Pre-Modern Europe," 34. The method "consists of four essential elements, bound tightly one to another: (1) a holistic historical approach, (2) organicism by which a national, ethnic and racial group (*das Volk*) is treated as an living organism, (3) a theory of civilization and economics developing in stages, and (4) universal historical laws." *Ibid.*, 36.

²⁰⁷ "Methodological collectivism holds that collective phenomena are explanatorily prior to facts about individuals. Social wholes are much better known and more immediately accessible than the individuals that constitute them. Whilst we can learn much from the study of aspects of individual humans and their actions, the social whole has its own sophisticated and complex laws that cannot be defined by appeal to the features of its component individuals. Facts about society cannot be reduced to the decisions, attitudes, and dispositions of the individuals. The social whole is a real entity and is the basis for making sense of the description of individuals, for in most of their activities individuals behave in culturally sanctioned ways. Methodological collectivism was developed by Comte and Durkheim." Nicholas Bunnin and Jiyuan Yu, *The Blackwell Dictionary of Western Philosophy* s.v. "Methodological Collectivism" (Oxford: Blackwell Publishing, 2004), 432.

related: a central aim of Roscher's²⁰⁸ program of political economics was to locate and define the supposed historical laws governing the *Volk's* development through economic stages.

For Roscher, the Jews were an ancient (and hence more civilized) people, with an especially well-developed business acumen, who educated the younger Germanic peoples in trade and finance. Further, the history of the Jews was an example of a historical law in action: namely, that a given people "allowed a foreign, more highly civilized nation to take care of the beginnings of their trade, but thereafter, as soon as they were themselves mature, sought to free themselves from this tutelage, often through fierce struggle."²⁰⁹ The Jews then, according to this narrative served the function of educating the West in trade and finance. The narrative then goes on to suggest that, having educated the West in trade and finance, they were themselves squeezed out of trade in material goods.

Roscher's school of thought actually derived from a philosemitic outlook that developed out of a seventeenth-century debate over the inclusion of Europe's Jews.²¹⁰ Specifically, it held that the Jews had sustained trade in the subsistence agricultural economy that existed after the fall of Rome. With the commercial boom of the High Middle Ages, the

²⁰⁸ More information will be provided about Roscher presently.

²⁰⁹ Mell, "Religion and Economy in Pre-Modern Europe," 39, fn. 45. She is quoting Roscher, "Die Juden im Mittelalter," 341: "*daß sie nämlich die Anfänge ihres Handels von einem fremden, höher kultivirten Volke besorgen lassen, hernach aber, sobald sie selbst dazu reif werden, oft unter heftigem Kampfe, sich von solcher Vormundschaft zu emancipiren suchen. Man darf hier wirklich von einem historischen Gesetze reden.*"

²¹⁰ Mell, "Religion and Economy in Pre-Modern Europe," 13, "Jewish economic characteristics formed one of the key components of the political debates over the inclusion of the Jewish population in the modern European nation state from the seventeenth century on." Mell directs the reader to Jonathan Karp, "The Politics of Jewish Commerce: European Economic Thought and Jewish Emancipation, 1638-1848," (PhD diss., Columbia University, 2000).

Jews were pushed out of trade (now a field occupied by Christians), and were forced into moneylending (especially because Christians were allegedly forbidden to engage in usurious activity). Though this was an essential service that facilitated the development of a money economy, it ultimately created a backlash that led to the expulsion of the Jews. Roscher's work then served not to create this deep seated association between the Jews and financial activity, but to "catapult[ed] into the mainstream academic discourse a philosemitic historical narrative about the "Jewish economic function."²¹¹ The narrative was imbued with the presuppositions of the German Historical School, and hence when the sociologists Max Weber and Werner Sombart engaged the issue in a search for the origin of capitalism, the German Historical School's presuppositions of organic *Volk* and of economic stages remained clandestinely ensconced in the foundational premises of the discussion. Weber's *The Protestant Ethic*²¹² and Sombart's *Medieval and Modern Commercial Enterprise*²¹³ (as but a few selections from the much larger corpus of each author's work) amended the Old German Historical School's organic *Volk* development model with a Marxist model that supposed a binary dichotomy that separated the primitive gift-giving economy from the modern commercial economy.²¹⁴ It is within this paradigm as a background that authors such

²¹¹ Mell, "Cultural Meaning of Money in Medieval Ashkenaz: On Gift, Profit, and Value in Medieval Judaism and Christianity" *Jewish History* 28 (2014): 8. The catapult Mell refers to specifically here is Roscher's article: Wilhelm Roscher, "Die Stellung der Juden in Mittelalter," *Tübinger Zeitschrift für die gesammte Staatswissenschaft* (1875).

²¹² Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York: Charles Scribner's Sons, 1958).

²¹³ W. Sombart, "Medieval and Modern Commercial Enterprise," in *Enterprise and Secular Change* eds. F. C. Lane and J. C. Riemersa (Homewood, Illinois: Richard D. Erwin, 1953).

²¹⁴ "Sombart and Weber came to ground the paradigm in a metahistorical narrative of modernization and rationalization and replaced Roscher's comparative, organic folk-theory with a sociological

as Duby,²¹⁵ Lopez,²¹⁶ and Little²¹⁷ developed their historical theories surrounding the “Commercial Revolution of the High Middle Ages.”²¹⁸ This new scholarship incorporated some of the anthropological, historical, and economic insights of Karl Polanyi’s²¹⁹ substantivist critique of Weber and Sombart’s narrow Marxian conception of economics, and thereby began to expand the debate to circumscribe *histoire des mentalité*. In so doing, however, all three saw money as both the cause and representation of anxiety with the new commercial economy. The problem with this new formulation was that by treating money as a causal agent they maintained a binary dichotomy between gift and profit economies; and, in

theory -- for Weber, one based on the ideal type of a pariah people; for Sombart, one mixed with a race-based anthropology” Mell, “Religion and Economy in Pre-Modern Europe,” 48. It is also worth mentioning that Roscher, Sombart, and Weber were all members of the German Historical School; however, Roscher was a foundational member of the Old Historical School, while Sombart and Weber were part of the Youngest Historical School (*vide supra*).

²¹⁵ Georges Duby, *Early Growth of the European Economy* (Ithaca, New York: Cornell University Press, 1978).

²¹⁶ Robert Lopez, *The Commercial Revolution of the High Middle Ages* (Cambridge: Cambridge University Press, 1976).

²¹⁷ Lester Little, *Religious Poverty and the Profit Economy* (Ithaca, New York: Cornell University Press, 1983).

²¹⁸ The term is Lopez’s.

²¹⁹ Karl Polanyi, “The Economy as Instituted Process.” in *The Sociology of Economic Life*, eds. Mark Granovetter and Richard Swedberg (Boulder, CO: Westview Press, 1957). Polanyi’s article brilliantly explains that any economy is shaped by the social norms and mores of the society within which it is instituted. A simple example of what is meant by this can be found in the study of the Roman Empire. Because finance and trade were seen as base occupations, successful businessmen in ancient Rome usually sold their businesses as soon as possible in order to purchase land and slaves. In so doing, the former businessmen would have moved up the social ladder. Contrast this to the activities of successful businessmen of today, and one begins to get an idea of the degree to which our modern economic behavior is instituted within our societal values and is not simply the result of some imagined “logical” behavior. Indeed, what is “logical” behavior or not is not an objective issue; rather, what makes an economic action “logical” or “illogical” is entirely subject to what a given society values – if a decision coincides with the values of a given society it is deemed “logical.” We can thus clearly see that no economic system can be based on intrinsically “logical” or “illogical” decisions; rather, any economic decision can only be deemed “logical” or not based upon its compatibility with whatever social mores the economic decision took place within.

so doing, also maintained the implication that a bridge was needed to connect the two: a rôle filled by “the economic function of the Jews.” Thus, while these authors discredited Weber’s and Sombart’s Marxian model of the origin of capitalism and the commercial revolution, they tacitly retained the Roscherian belief that “the Jews were the ones who came to specialize in the money trade.”²²⁰

Jewish Legal Status and the Myth of Jewish Serfdom

Included throughout both of the forthcoming sections will be examples of the damage that the concept of Jewish serfdom has and (will continue) to cause in otherwise fine historiography. We will then closely examine “fitz Nigel’s law” a law directed at the Jews that declared that upon the death of a usurer the estate of said usurer escheated to the crown. The law is a case study example of the fact that medieval English law was somewhat malleable in application. That is, the rapidly adaptive legal system and system of government in medieval England. This dynamic system of law precludes the existence of a stable and precisely defined definition of the legal status of the Jews throughout their lengthy stay in England (*circa* 1066-1290).

The legal position of the Jews of medieval England must be carefully considered without reading back any biases that associate Jews with economic activity. Moreover, this

²²⁰ Lester Little, “The Function of the Jews in the Commercial Revolution” in *Puvertà e Ricchezza nella Spiritualità dei secoli XI e XII* (1969): 271-287.

legal status must be understood within, not against, the context of broader “legal and political changes in which boroughs emerged as cells for the growth of representative government.”²²¹ The legal fiction that the Jews of England were the king’s “property”²²² can be repudiated by many different pieces of evidence. Isolated examples abound: there are records of Jews being permitted to duel,²²³ of Jews treated as knights for tax purposes,²²⁴ and even of Jews in the king’s employ gathering the royal ferm.²²⁵ More specific evidence that there was little

²²¹ Mell, “Hybridity in a Medieval Key,” 127.

²²² I should mention that it is very likely that the king may have considered the Jews his property, but we must analyze the Jews’ legal standing as it existed in practice, not as it was imagined by England’s monarchs and chroniclers.

²²³ Jacobs, in his *The Jews of Angevin England* gives two examples. The first can be found on page 176 of *The Jews of Angevin England*, and is drawn from Francis Palgrave, ed. *Rotuli Curiae Regis: Rolls and Records of the Court Held before the King’s Justiciars or Justices* Vol. 1 (London: The Commissioners on the Public Records of the Kingdom, 1835), 79. I will quote Jacobs’ translation in supplement to the archaic and arcane “record type” that the source was originally written in:

¶ Dies dat^o ⁊ Chermin Juđo ⁊ Samson fr̄i || Brin
de plač duelli in Oct S̄ci Hilari. ⁊ ꝑ veniāt
pati ad duell̄ illd faciend̄ . ap̄d Totelle.

“A day is fixed for Chermin the Jew and Samson brother of Brin for the plea by duel on the octaves of St. Hilary, &c. Let them come prepared for that duel at Totelle [28 Nov., 1194.]”

Jacobs’ second example (page 233 in *The Jews of Angevin England*) is cited as “From the Fine and Oblate Rolls; Ed. Roberts, i 198. 23b.” This is an error. The instance Jacobs references is to be found in Thomas Hardy, ed. *Rotuli de Oblatis et Finibus in Turri Londinensi* (London: The Commissioners

Elyas Blund^o ⁊ Juđs’ Linē dat CC. m. arḡ ⁊ ij. m.
auf ut duellū vadiatū ad^{vs} eū ap̄ Notinḡ anno ꝑc.
vj. remaneret, et secur ad reddend̄ illos
deū Rob de Veliponte ad op^o dñi R.

on the Public Records of the Kingdom, 1835), 271.

Jacobs’ translation runs “Elyas Blund, Jew of Lincoln, gives 200 marks and 2 marks of gold that the duel pledged against him at Nottingham, in the sixth year, may remain, and [gives] security for paying those monies to Robert of Oldbridge for the King’s need.”

²²⁴ Jacobs, *The Jews of Angevin England*, 260.

²²⁵ *Vide ibid.*, 43 for a primary source example. In a separate article, Jacobs has provided a good explanation of the ferm: “The king was represented in each of the shires by the shire reeve or sheriff, that is, the king’s steward for that particular shire. From each shire the king drew a certain rent or fee which was known as the ‘ferm’ of the shire, and twice a year the sheriff had to pay to the king the half-yearly ferm.” Joseph Jacobs, “Aaron of Lincoln” *Jewish Quarterly Review* 10, no. 4 (1898): 630.

“distinction between Jew and Christian in the eye of the law,”²²⁶ can be seen in the charter granted by Henry II and later confirmed by both Richard and John. Among the many articles in the charter that illustrate this is one that contradicts the frequently made assertion that upon his or her death a Jew’s belongings escheated to the crown:

If any of the aforesaid Jews shall die let not his body be kept above ground, but let his heir have his money and his debts so that he be not disturbed if he has an heir who can answer for him and do right about his debts and his forfeits, and let the aforesaid Jews receive and buy at any time whatever is brought them except things of the church and bloodstained garments.²²⁷

Richardson interprets the articles in the charter as evidence that Jews were free men,²²⁸ and a closer look at the available evidence shows that there is a good deal of truth to Richardson’s characterization. However, we must again be very careful not to attribute Christian legal designations to the Jews. If a spectrum existed between serf and free man, the Jews would certainly fall more towards the side of the freemen; however, the legal status of the Jews must be described on its own terms, and thus the designation of Jews as free men (in the exact same sense that Christians were) is not entirely accurate either.

Nevertheless, the idea that the Jews of medieval England held a legal status analogous to that of serfs is still widely accepted. This is despite the fact that such a claim was not even made by their contemporaries until the Jews had resided in England for over two centuries,

²²⁶ Richardson, *English Jewry*, 113.

²²⁷ Jacobs, *The Jews of Angevin England*, 134-6. Jacobs draws his primary source material from T. Rymer, *Foedera, Conventiones, Litterae etc.*, vol. 1, ed. A. Clarke, F. Holbrooke and J. Caley (London, 1816), 51.

²²⁸ Richardson, *English Jewry*, 110.

and even then these early texts come from foreign kingdoms. The claim of Jewish serfdom “dates to the 1230s when French legislation of Louis IX referred to ‘*tanquam proprium servum*’ (just like his own serf) and to the German ‘*servi camerae regis*’ (servants or serfs of the royal chamber).”²²⁹ We should be careful, however, not to accept this as evidence of an absolute functional legal reality. Such a proclivity has led to an overly simplistic understanding of the legal position of the Jews in medieval England, which, in turn, has nourished the belief that the purpose of the Exchequer of the Jews was to protect the Jews so that the crown could exact its dues from the “royal milch cow.”²³⁰ It has also led to (and, in turn, has also been further fueled by) misconceptions that contribute to erroneous interpretations of primary source documents. For instance, Mitilineos argues that:

There is some dispute regarding the precise status of medieval English Jews, but certainly by 1201 the Jews were clearly serfs of the king. The 1201 charter of King John, the earliest extant charter between the English monarch and the Jews of England, specifically refers to the Jews as ‘the king’s Jews,’ clearly suggesting both their reliance on the king for protection as well as the availability of their goods and resources for the king’s needs.²³¹

The charter Mitilineos references can be found in the *Rotuli Chartarum in Turri*

²²⁹ Julie Mell, “Hybridity in a Medieval Key: the Paradox of Jewish Participation in Self-Representative Political Processes,” *Jewish Historical Studies* 44 (2012): 129. Stacey has also pointed out that just because these phrases appear in writing does not mean that they reflect reality as it was on the ground. Regarding the above German citation, he argues that “Frederick II’s famous declaration that the Jews were ‘*servi camerae nostrae*’ ignored the reality that most of the Jews of Germany lived in effectively autonomous cities and towns, where they were subject to a continuous (and for Jews, dangerous) jurisdictional tug-of-war between ‘town’ and ‘crown.’” Stacey, “The Massacres of 1189-90,” 107.

²³⁰ For the origin of this phrase *vide supra* fn. 149.

²³¹ Frances Howard Mitilineos, “English *Convivencia*: Aspects of Christian-Jewish Cooperation in Medieval England, 1189-1290” (PhD diss., Loyola University, 2009), 28.

Londinensi Asservati,²³² however, the Latin in question is a simple usage of the usual royal first-person plural pronoun “*noster*” modifying “*Judeis*” and can hardly stand on its own as evidence that the Jews held the legal position of serfs. Even if it could, Mitilneos neglects to mention that the 1201 charter is actually composed of two separate sections: in the first section there are 16 instances of some form of the word “Jew,” none of which are modified by a possessive; in the second section, there are three instances of the word “Jew,” all of which are modified with a declination of the first person plural possessive “*noster*.”²³³

Even if a primary source is, in fact, interpreted correctly, the presupposition of Jewish serfdom can influence an author to apply a primary source to a time or place with which it should not be associated. Such is the case in J. A. Watt’s argument that Edward I’s 1275 “Statute of the Jewry” can be supplied as evidence of Jewish serfdom.²³⁴ Watt is correct that the old French “*ky serfs il sunt*” is less ambiguous than the Latin “*servicium*,” however, Watt’s argument still has two major problems. The first surrounds the question of the extent

²³² Thomas Duffy Hardy, ed., *Rotuli Chartarum in Turri Londinensi Asservati*, vol. 1 (London: The Commissioners of the Public Records of the Kingdom, 1837), 93.

²³³ I will not make any philological speculations as to reason for the sudden change; it is enough to point out that the more detailed analysis calls into question whatever merit the argument that these few uses of the possessive could be used as evidence for the legal status of the Jews had. The original Latin for the section of the charter that does employ the possessive runs as follows: “*Johannes, Dei gratia etc. Sciatis nos concessisse et presenti carta nostra confirmasse Judeis nostris in Anglia ut excessus qui inter eos emergerint, exceptis his qui ad coronam et Judicium nostrum pertinent, ut de morte hominis et mahemio, et de assaltu premeditato, et de fractura domus, et de raptu, et de latrocinio, et de combustion, et de thesauro, inter eos deducantur secundum legem suam et emendentur, et justiciam suam inter se inde faciant... Siquidem vero opus scelerosum et apertum inter eos emergerit, quod ad coronam vel justiciam nostrum pertineat, sicut de predictis placitis corone, licet nullus eorum inde appellator fuerit, nos ipsam querelam faciemus perlegales Judeos nostros Anglie inquiri, sicut carta Regis Henrici, patris nostris, rationabiliter testatur.*” *Ibid.*

²³⁴ J.A. Watt, “The Jews, the Law, and the Church: The Concept of Jewish Serfdom in Thirteenth-Century England,” in *The Church and Sovereignty, c. 590-1918: Essays in Honour of Michael Wilks*, ed. Diana Wood (Oxford: Blackwell, 1991), 153-72.

to which the legal status of serf actually functioned in practice. The second major issue is that the 1275 statute represents the end of over two centuries of evolution, not a representation of the general Jewish legal status during their entire habitation in England from *circa* 1066 to their expulsion in 1290. Further, it was not just the legal position of the Jews that was evolving: Jewish-Christian relations, new economic realities instituted within the combined spheres of Jewish and Christian social activity, and government innovations and reconfigurations to accommodate the changes that accompanied commercial economic development all influenced and were influenced by one another.

It seems paradoxical that in the time when English administration was augmenting and centralizing its powers we find the nascence of representative government.²³⁵ The solution to the paradox lays in the local nature of this embryonic representative government: by giving up a degree of control over *how* its laws were enforced and *how* its taxes collected, the government was able to reap the benefits of significantly greater revenues from a ubiquitous administrative machinery.

As Mell has explained in her article “Hybridity in a Medieval Key,” the crown was able expand its tax revenues (from both Christians and Jews) and better enforce its laws by employing inquests that were administered in conjunction with the local population:

The growth of both common law and royal taxation happened through the newly developing institutions of inquest that combined the appointment of royal officials with the self-representation of a local body of ‘middling men.’ These institutional procedures relied on consensual participation of the local population and therefore promoted representative government at the local

²³⁵ *Vide infra*. Also cf. Stephenson “Beginnings of Representation in England.” in *Medieval Institutions: Selected Essays* (Ithaca, NY: Cornell University Press, 1957), 104-25.

level.²³⁶

She goes on to elaborate that this was most clearly manifested in taxation, specifically, in the way tallages were paid. Tallage was an arbitrary lump-sum levied upon boroughs under the king's control and introduced by England's Norman kings. As Carl Stephenson has emphasized,²³⁷ the representative nature of this arrangement was based on the crown's financial interests, and not the 19th century idealist vision of "'village moots' as the natural 'mother of parliaments;'"²³⁸ thus, "although the king could use communal delegates in a variety of ways, the compelling motive behind their incorporation as an estate of parliament was economic."²³⁹ More importantly, the tallage was collected via a process of cooperative (though compulsory) negotiation.²⁴⁰ The negotiations between the boroughs and the king were paralleled by similar negotiations which took place between the crown and the Jews; the only difference being that, in this latter case, it was not individual boroughs that

²³⁶ Mell, "Hybridity in a Medieval Key," 131. Mell also directs the reader to Sydney Mitchell, *Studies in Taxation under John and Henry III* (New Haven: Yale University Press, 1914), 352.

²³⁷ Carl Stephenson, *Medieval Institutions: Selected Essays* (Ithaca, New York: Cornell University Press, 1954). Cf. especially his essay "Beginnings of Representation in England."

²³⁸ Stephenson argues specifically against John Richard Green's *History of the English People*, vol. 1 (New York, 1881), 12-13. "Here new settlers were admitted to the freedom of the township, and bye-laws framed and headman and tithing-man chosen for its governance. Here plough-land and meadow-land were shared in due lot among the villages, and field and homestead passed from man to man by the delivery of a turf cut from its soil... It is with a reverence such as is stirred by the sight of the headwaters of some mighty river that one looks back to these village moots... It was here that England learned to be a 'mother of parliaments.'"

²³⁹ Stephenson, "Beginnings of Representation in England," 138.

²⁴⁰ *Ibid.*, 137. "Royal tallage on the towns had normally been levied through negotiation with the individual communities, and in the later thirteenth century the tallage was generally... officially styled free." Dowell had earlier made reference to the negotiated nature of the tallage: "A tallage was frequently collected for an intended expedition, that is to say, before the obligation to tallage was incurred, and therefore necessarily was by way of arrangement or composition with the tenants." Stephen Dowell, *A History of Taxation and Taxes in England*, vol. 1 (London: Frank Cass & Co., 1884), 50.

negotiated with the king, but the increasingly instituted Jewish communities of England. For example, The 1241 Worcester tallage, from which the document analyzed in the final chapter of this thesis (i.e. PRO E101/249/4) is drawn, provides an excellent illustration of both this increasing institutionalization and the way that the Jews engaged with, were included within, and were represented by, the government (indeed, so much so that it is commonly known as the Worcester “parliament”). The king ordered that one, two, or three Jews of high standing congregate at Worcester to discuss the 20,000 mark tallage that Henry III had decided upon. The majority of these representatives, or jurors, were wealthy magnates, but it is interesting to note that some do not appear to have been especially wealthy or to have been involved with lending practices.²⁴¹ These jurors then elected a series of representatives to enforce and assess the tallage. It is unlikely that this system was participatory in the sense that it allowed room for negation over the amount of the tallage; but, it was participatory insofar as the Jews themselves were closely involved in dividing the burden of taxation amongst the community as well as assessing the tallage itself.

“Fitz Nigel’s Law”

In 1166 when William Cade²⁴² died, his debts seem to have been usurped by the crown just as Aaron of Lincoln’s were later in 1186.²⁴³ These usurpations are often explained

²⁴¹ This is based on the very limited primary source material we have, and is thus an argument from silence – it should be considered with skepticism, but is a detail worth considering.

²⁴² A famous and very wealthy Christian usurer - his transactions are covered in detail in the following chapter.

²⁴³ Both Richardson and Jenkinson favor the view that Cade’s estate was usurped by the crown when he died; however, there are no official records that state outright that this is what occurred. Much of

as an instance of a law that the estates of usurers escheated to the king; in reality, however, this “law” was still in its formative stages in 1166.²⁴⁴ The purpose of this section is to illustrate three points that will have bearing on the discussions below. First, for the majority of the twelfth century Christians were “allowed” to lend money at interest. Secondly, fitz Nigel’s law was directed at Christians – it was only later that the law was used to justify the usurpation of Jewish estates. Finally, the anti-usury prohibitions from the Third Lateran Council provided an opportunity for the crown to increase its jurisdictional control.

The term fitz Nigel’s law refers to a section in the *Dialogus de Scaccario*²⁴⁵ (written by Richard fitz Nigel) stating that the estate of a dead usurer escheated to the crown. The impetus for the development of fitz Nigel’s law must be understood within the context of the anti-usury prohibition expounded in canon 25 of the Third Lateran Council.²⁴⁶ The Council took place in 1179, putatively the same year that the *Dialogus de Scaccario* was penned. However, both because the date of the *Dialogus* is still disputed and because the Third Lateran Council did not take place in vacuum, it is more helpful to consider the general changes that were taking place around 1179 than it is to take 1179 as a watershed moment.

To fully understand both of the aforementioned instances of crown usurpations, we

the relevant evidence may be found in Hilary Jenkinson, “William Cade, a Financier of the Twelfth Century,” *The English Historical Review* 28, no. 110 (1913): 211, 214, 217; and Richardson, *English Jewry*, 61.

²⁴⁴ Richardson, “Richard fitz Neal and the *Dialogus de Scaccario* (Continued),” *The English Historical Review* 43, no. 170 (1928): 333-336.

²⁴⁵ Richard fitz Nigel, *De Necessariis Observantiis Scaccarii Dialogus: Commonly called Dialogus de Scaccario*, trans. and eds. Arthur Hughes, C. G. Crump, and C. Johnson (Oxford: Clarendon Press, 1902). The date of composition is disputed, as will be discussed below. The most common date given for its composition is 1179.

²⁴⁶ See pg. 90, fn. 283 for the full text of the canon.

must attempt to better understand what bearing this law may have had on them. There exist a number of sources that provide evidence for the abovementioned law. The first instance, as mentioned above and which for simplicity is referred to as “fitz Nigel’s law,”²⁴⁷ comes from the *Dialogus de Scaccario*,²⁴⁸ a manual for the administration of the exchequer written in the form of a dialogue between master and student.²⁴⁹ The relevant section runs as follows:

Likewise, when anyone having a lay estate, or also a citizen, practices public usury, if he die intestate, or also if, not giving satisfaction to those whom he has defrauded, he is seen to have made a will concerning his unrighteous acquisitions, but has not distributed these, nay rather has kept them by him; since, thus intent on gain, the desire of possessing is not believed to have left him: his money and all his movables are straightway confiscated, and, without a summons, are carried by officials to the exchequer. The heir of the deceased, moreover, may rejoice that he still has the paternal estate and the movable property, which were all but withdrawn from him... Against a clerk or a lay Christian thus delinquent, the royal power has no claim so long as they are alive, for there remains time for repentance; but he is rather reserved for an ecclesiastical tribunal, to be condemned according to the quality of his rank.²⁵⁰

The main points of this passage are then three-fold. First, anyone who dies without having repaid the interest that he or she received from usurious activities shall have their chattels (these would include the loan instruments) confiscated and brought to the exchequer.

²⁴⁷ The name stems from the fact that Richard fitz Nigel wrote in his *Dialogus de Scaccario* that a usurer’s estate escheated to the crown. *Vide supra*.

²⁴⁸ Hence the appellation “fitz Nigel’s law.” Richard fitz Nigel, *Dialogus de Scaccario*, ed. Charles Johnson (Oxford: Oxford University Press, 1983). Fitz Neal and fitz Nigel are arbitrarily used interchangeably in the sources – I will employ fitz Nigel unless quoting from a source that prefers the alternate appellation.

²⁴⁹ We ought to bear in mind, however, that it was “the fate of official manuals such as the *Dialogus*, as it is the fate of law-books, to suffer interpolation and commentary, which by successive copying find their place in the text.” Richardson, “Richard fitz Neal and the *Dialogus de Scaccario* (Continued),” 338.

²⁵⁰ Richard fitz Nigel, *Dialogus de Scaccario*, 135; (*Liber ii*, sect. 10). Not my translation. For an English translation *vide* Richard fitz Nigel, *Dialogus de Scaccario*, ed., Charles Johnson (Oxford: Oxford University Press, 1983).

Second, the heir of the deceased usurer should retain ownership of the real property, presumably after paying a relief as was customary. Finally, while the usurer was alive he or she was not subject to royal authority (at least insofar as her or his usurious activity was concerned), only ecclesiastical tribunal – the logic being that before the usurer died there was still time to repent.

Another instance of fitz Nigel's law comes from the document usually attributed to Glanville known as the *Tractatus de Legibus et Consuetudinibus Regni Angliae*:²⁵¹

But all the effects of a usurer (whether he make a will or not) belong to the king. But it is not the custom for any one, whilst living, to be appealed or convicted of the crime of usury – but, among other Regal Inquisitions [*sic*], it is usually inquired and proved, who have died in this offence, and that by the oaths of twelve lawful men of the vicinage. Which being proved in court, all the movables and chattels which belonged to the deceased usurer shall be seized to the king's use, without any regard to the person in whose hands they may be found. His heir is for the same reason deprived of the inheritance according to the law of the realm, the inheritance itself reverting to the lord. It should, however, be observed, that if any one [*sic*] has, during a certain period of his life, been guilty of this crime, and be publicly accused of it in the community where he lived, if he desisted from his error before his death, and was penitent, neither he, nor his property, shall after his death be liable to the penalties of usury. It ought, therefore, to be evident, that a man has died a usurer, in order that he may be so adjudged after his death, and his effects disposed of as those of a usurer.²⁵²

For the moment, let us ignore the differences²⁵³ between these two versions of the law

²⁵¹ This document is commonly dated to 1188; however, as will be shown below both the date and authorship of the document are questionable.

²⁵² John Beames, trans., *A Translation of Glanville* (Washington, D.C.: John Byrne & Co., 1900), 150-153.

²⁵³ Obviously, the most apparent difference is that in the version from the *Dialogus*, the inheritor “may rejoice that he still has the paternal estate and the movable property;” (*vide supra*) while, in Glanville's version all the movables and chattels which belonged to the deceased usurer shall be seized to the king's use, without any regard to the person in whose hands they may be found. His heir is for the same reason deprived of the inheritance according to the law of the realm, the inheritance

and consider that the authorship and date of the relevant sections on usury in both the *Dialogus de Scaccario* and the *Tractatus de Legibus et Consuetudinibus Regni Angliae* are open to interpretation.²⁵⁴ Regarding the work attributed to Glanville, scholars have long recognized the dubious authorship of large swaths of the text;²⁵⁵ further,

The work itself is anonymous, the manuscript stating that it was composed in the time of Henry II, ‘Glanville then holding the helm of justice.’ Early tradition, however, asserts that it was written by Glanville himself, and that fact was accepted as undoubted from the thirteenth to the nineteenth century.²⁵⁶

And thus the authorship of the entire treatise has rightly been questioned. As early as 1835 Joseph Hunter presented a detailed argument to this effect,²⁵⁷ and later the redoubtable Maitland argued the same, but for different reasons.²⁵⁸ Both agree that, if not Glanville

itself reverting to the lord” (*vide supra item*).

²⁵⁴ For fitz Nigel’s law, see H. G. Richardson, “Richard fitz Neal and *the Dialogus de Scaccario*,” *The English Historical Review* 43, No.170 (1928), 161-171, and Richardson, “Richard fitz Neal and the *Dialogus de Scaccario* (Continued),” 321-340; for Glanville’s law, *vide infra*.

²⁵⁵ For an early detailed argument of the position that Glanville *was* the author, see John Beames, trans., *A Translation of Glanville* (London: A. J. Valpy, 1812), vii-xiii. See also Edward Foss, *The Judges of England; with Sketches of Their Lives with Miscellaneous Notices Connected with the Courts at Westminster from the Time of the Conquest*, vol. 1 (London: Longman, Brown, Green, and Longman’s, 1848), 180-81: “The most ancient treatise on the laws of England now extant is the “*Tractatus de Legibus et Consuetudinibus Regni Angliae*,” before alluded to; the authorship of which is commonly ascribed to Ranulph de Glanville, the chief justiciary at the end of this reign. Doubts, however, have been raised both as to the date of the work, and as to its real writer. Mr. Hunter, in his able preface to the first volume of *Fines*, printed under the direction of the Record Commission, expresses a strong suspicion that the Treatise was not the work of Ranulph de Glanville, and that it need not therefore be assigned to a period when he was still alive.”

²⁵⁶ John Beames, trans., *A Translation of Glanville* (Washington, D.C.: John Byrne & co., 1900), viii.

²⁵⁷ Joseph Hunter, *Fines sive Pedes Finium sive Finales Concordiae in Curia Domini Regis ab Anno Septimo Regni Regis Ricardi I ad Annum Decimum Sextum Regis Johannis, A.D. 1195 – A.D. 1214*, Vol. I (London: The Commissioners on the Public Records of the Kingdom, 1835), xiv-xvii.

²⁵⁸ “Maitland rejected Ranulf [de Glanville] as author... because he would have lacked the time for the task.” Ralf Turner, *Judges, Administrators, and Common Law* (London: The Hambledon Press,

himself, the author was likely Hubert Walter, his nephew.²⁵⁹ If Glanville was in fact the author of the entire work, than the earliest *legal text*²⁶⁰ containing fitz Nigel's law regarding usurers dates to between 1187 and 1189,²⁶¹ *after* the crown had usurped Aaron of Lincoln's bonds. This, of course, does not mean that Henry II did not have this custom in mind when he confiscated Aaron's estate; rather, it is simply evidence that the question of what to do with a usurous free subject's estate, a question that had been in flux, was not of great antiquity and was only becoming more well-established at the end of the twelfth century as the crown sought to extend many aspects of its jurisdictional control. For evidence that this was a departure from previous laws, we may consult the version of the *Leges Edwardi Confessoris* that was composed just before the middle of the 12th century,²⁶² where there is evidence that usurers, while still living, were to be tried by civil courts.²⁶³

1994), 91.

²⁵⁹ "There is nothing against the early and persistent tradition that Glanville wrote the treatise... though most of the actual composition may have been the work of Hubert Walter." Beames, *A Translation of Glanville*, xii.

²⁶⁰ "Wait!" one may cry, "was not the *Dialogus* penned in 1179?!" Allegedly, yes; however: In the first place this date has been called into doubt by H. G. Richardson, "Richard fitz Neal and the *Dialogus de Scaccario*," *The English Historical Review* 43, No.170 (1928), 167. In the second place, I have already emphasized that it was "the fate of official manuals such as the *Dialogus*, as it is the fate of law-books, to suffer interpolation and commentary, which by successive copying find their place in the text." Richardson, "Richard fitz Neal and the *Dialogus de Scaccario* (Continued)," 338. And finally, we should also remember that the *Dialogus* was not a law book, but an instruction manual: nuts and bolts are often left confusingly unemployed in the wake of a generative fury conducted under the auspices of instruction manuals and it would not be difficult for such a complex thing as a governmental instruction manual to meet a similar fate.

²⁶¹ Beames, *A Translation of Glanville*, xi.

²⁶² The subject has been treated admirably by Bruce O'Brien, ed. and trans., *God's Peace and the King's Peace: The Laws of Edward the Confessor* (Philadelphia: University of Pennsylvania Press, 1999).

²⁶³ Benjamin Thorpe, ed., *Ancient Laws and Institutes of England* (The Library of the University of Ghent: The Commissioners on the Public Records of the Kingdom, 1840), 199 contains the full text of Ch. 37 of the *Leges Edwardi Confessoris*: "Usurarios eciam defendit Edwardus, ne esset in regno

One may ask if, how, and why this law would apply equally to Christians as well as to Jews. Indeed, it is likely that the initial formulations of the law were, in fact, directed at Christian, not Jewish, usurers.²⁶⁴ During the latter half of the twelfth century, the most important general trend for our present purposes was the Church's increasing antipathy towards the lending of money at interest. Given the fact that canon 25 was but one canon among many promulgated by the Third Lateran Council, it is most likely that the initial targets of fitz Nigel's law were Christians.

In an article in the *English Historical Review*, Richardson has emphasized that the motivation for this law should be attributed at least as much to an interest in increasing royal control as it should be attributed to piety (or, I would add, avarice). He cites as an example that in July of 1163 Richard de Luci (the justiciar) ordered John Belmeis, Bishop of Poitiers, to stop hearing cases involving usury, and claimed such jurisdiction for the king's courts only.²⁶⁵ This is not only an example of the royal government's quest to extend its

suo. Et si aliquis inde probatus esset, omnes possessiones suas perderet et pro exlege haberetur. Hoc autem assererat ipse Rex se audiisse in Curia Regis Francorum, dum ibidem moraretur, quod Usura radix omnium vitiorum esset." Beames' footnotes (in *A Translation of Glanville*, 185) obfuscate, rather than elucidate, his text: "By a Law of Edward the Confessor, usurers were banished from the kingdom and a person convicted of the crime forfeited all his substance, and was to be treated as an outlaw. If the Reader feel any desire to penetrate the motives that dictated this Law, these are the concluding words of it: "Hoc autem assererat ipse Rex se audiisse in Curia Regis Francorum, dum ibidem moraretur, quod Usura radix omnium vitiorum esset." (LL. Ed. Conf. c. 37.) The doctrine, as laid down by the Mirror, is, that the goods and Chattels of Usurers should remain, as Escheats to the Lords of the Fee. (Mirror c. 1. s. 3.)" My attempts at locating his primary source reference "Mirror c. 1. s. 3." have ended in frustration since the author nowhere provides any key to the abbreviations used.

²⁶⁴ At the very least, the law was directed at both Christian's and Jews since Christian moneylenders existed (though often surreptitiously) throughout the Jews' stay in England.

²⁶⁵ H. G. Richardson, "Richard fitz Neal and the *Dialogus de Scaccario* (Continued)," *The English Historical Review*, 43, No. 171 (1928): 334.

jurisdiction,²⁶⁶ but also an instance of the ambiguity of the laws; for in theory (according to the *Dialogus de Scaccario*) the usurer should be subject only to clerical censure during his or her life. This must have represented a significant change, for only a little more than a decade prior to the Third Lateran Council examples that this practice was *not* followed are plentiful. On the pipe roll for 1165, there are two examples of living usurers being fined:

Godefridus usurarius de Bridgeport reddit comptum de x. m. de misericordia.
In thesauro xliiii. s. Et debet iiiii. li. Et ix. s. et iii. d.²⁶⁷

Radulfus usurarius reddit comptum de xx. m. de misericordia. In Thesauro
vii. m. Et debet xiii. m.²⁶⁸

Two later entries in the pipe rolls suggest not only that fitz Nigel's law was not followed because persons were fined while living, but also because usury was common and accepted in places of business.²⁶⁹ In the examples below we find pipe roll entries that mark out the person rendering their account as a usurer, but make no mention that they have been in any way censured for the activity. These entries are ordinary and would not stand out in any way if it was not for fact that the entry holders were described as moneylenders.

Terri usurarius reddit comptum de dimidia m. In Thesauro iii. s. et iiiii. d. Et

²⁶⁶ The crown's interest in extending its jurisdiction was a major component in the group of factors that motivated the creation of the *Scaccarium Judaeroum*. For a full discussion of the topic, see Stacey, "The Massacres of 1189-90."

²⁶⁷ "Godefridus usurer of Bridgeport renders account for 10 m. for mercy. In the treasury 44 s. And he owes £4, and 9s., and 3d." *The Great Roll of the Pipe for the Eleventh Year of the Reign of King Henry the Second* (London: Wyman & Sons, 1887), 65.

²⁶⁸ "Radulfus the usurer renders account for 20m. for mercy. In the treasury 7m. And he owes 13m." *Ibid.*, 65.

²⁶⁹ Of these later two entries Richardson remarks that they "do not imply any penalty for the practice of usury: they rather suggest, indeed, that the occupation was one that might be freely practiced in places of trade." H. G. Richardson, "Richard fitz Neal and the *Dialogus de Scaccario*," 334. The flaw with this argument, of course, is that it rests upon possible lacunae.

debet iii. s. et iiiii. d.²⁷⁰

Turgiua feneratrix reddit compotum de i. m. de eodem auxilio. In thesauro v. d. Et debet xii. s. et xi. d.²⁷¹

Further, though from 1170 there was a “tenuous, uncertain stream of cases that seem to arise from fitz Nigel’s law,”²⁷² it is very unlikely that the law was universally enforced. In the twenty-three years of pipe rolls for 1170-1192 there were only twenty-two cases where fitz Nigel’s law seems to be followed. Contrast this to the Norman Pipe Roll for 1180 which contains twenty instances of fitz Nigel’s law enacted in that year alone.²⁷³ Equally importantly, none of the twenty-two instances in the English pipe rolls are from London where the majority of business was conducted.²⁷⁴

The aforementioned case in 1163 when Richard de Luci instructed the Bishop of Poitiers to stop hearing cases involving usury was not an isolated incident; rather, it was but one volley in a controversy surrounding the jurisdiction of crown versus church. Richardson also takes 1190 as the approximate date at which the law that a usurer’s chattels escheated to the king.²⁷⁵ That the law should appear in the *Dialogous de Scaccario*, allegedly penned in 1179,²⁷⁶ is evidence of the abovementioned controversy.

²⁷⁰ “Terri the usurer renders account for half a mark. In the treasury 3 s. and 4 d. And he owes 3 s. and 4 d.” *The Great Roll of the Pipe for the Twelfth Year of the Reign of King Henry the Second* (London: Wyman & Sons, 1888), 23.

²⁷¹ “Turgiua, the female moneylender, renders account for 1 m. for the same aid [i.e., *pur fille marier*]. In the treasury 5 d. And she owes 12 s. and 11 d.” *The Great Roll of the Pipe for the Fifteenth Year of the Reign of King Henry the Second* (London: Wyman & Sons, 1890), 119.

²⁷² Richardson, “Richard fitz Neal and the *Dialogus de Scaccario* (Continued),” 334.

²⁷³ *Ibid.*, 334-35.

²⁷⁴ *Ibid.*, 335.

²⁷⁵ *Ibid.*, 336.

²⁷⁶ This is the date commonly given. In an earlier article Richardson has argued that its actual date of

The controversy can hardly have excited more than an academic interest in England, where there was very little occasion of dispute. All the more difficult is it to believe that this passage was written by 1179 when half a dozen cases or so had come to the notice of the exchequer. We must, I suggest, suppose that the discussion of the law of usury was introduced into the text of the *Dialogus* not long before 1190, and that its origin is to be sought, not in the practice of the English exchequer, but in current debate or in public documents which came to the notice of the author.²⁷⁷

It should go without saying that far too much emphasis has been placed on this law on account of past historians' over-estimation of the number of Jews who acted as professional moneylenders. We should also be careful to remember that the law was directed at Christians and was not well-enforced until well after the Third Lateran Council. Thus, to believe that this law was put into place to mulct the Jews is likely a significant mistake. Rather, we should see the law as slowly developing over time. It was initially directed at Christians, and the crown soon saw the opportunity to apply this law to Jews as well. This allowed the crown to increase its jurisdictional authority in much the same way that the development of the Exchequer of the Jews did.

A More Nuanced Understanding of the Motivations behind the Creation of the Exchequer of the Jews

When exactly the Exchequer of the Jews came into being is a matter of debate. It is, among other factors, within the context of the government's increasing interest in

composition was later. H. G. Richardson, "Richard fitz Neal and the *Dialogus de Scaccario*," *The English Historical Review* 43, no. 170 (1928): 167.

²⁷⁷ Richardson, "Richard fitz Neal and the *Dialogus de Scaccario* (Continued)," 336.

establishing what Robert Stacey calls a “jurisdictional monopoly” (the desire of the crown to have as much control as possible over the Jews) that we must understand the creation of the Exchequer of the Jews.²⁷⁸

Further evidence of the king’s growing claims to exercise a jurisdictional monopoly over Jews also emerges in 1194, when for the first time Hubert Walter issued regulations governing Jewish moneylending throughout England ... They established a nation-wide system for registering and recording debts owed to Jews, a system that was to be administered by local Christians and Jews working under the supervision of a royally-appointed clerk. Unregistered debts were no longer legally enforceable. The system thus brought all Jewish financial transactions under the jurisdictional authority of the crown, strengthening decisively the king’s claim to be the direct lord of every English Jew. Historians are divided as to whether these 1194 reforms mark the beginning of the institutional history of the Jewish Exchequer. There is much wider agreement, however, that the need for some such system to register and record Jewish debts was a conclusion driven home to the royal government by the losses to the king’s coffers resulting from the widespread destruction of Jewish bonds during the 1189-90 massacres. But despite this consensus among its historians, a careful look at the context in which the decision to create this system was made and at the way in which the system itself was designed to operate may suggest a different conclusion as to the motivations and purposes behind these reforms.²⁷⁹

²⁷⁸ “The emergence of the Jewish Exchequer during the 1190s, including the creation of the ‘archa’ system for enrolling Jewish debts, needs to be understood against the background of this evolving royal claim to sole lordship over all the Jews of England, rather than being seen as a fiscally-driven response to the destruction of Jewish debt records during the massacres of 1189-90.” Robert Stacey, “The Massacres of 1189-90 and the Origins of the Jewish Exchequer, 1186-1226,” in *Christians and Jews in Angevin England* ed., Sarah Rees Jones and Sethina Watson (York: York Medieval Press, 2013), 106-7 and *passim*.

²⁷⁹ Stacey, “The Massacres of 1189-90,” 113.

Though Stacey's use of the word "monopoly" implies that the crown had greater control over the Jewish communities of England than it actually did, he is certainly correct that the English government of the late twelfth and early thirteenth centuries worked to establish a more firm jurisdictional influence over its Jewish subjects.²⁸⁰ This interest in increasing its jurisdictional reach was surely a factor (and probably a major factor) in the government's choice to develop the Exchequer of the Jews. Some of the earliest evidence of this increasing jurisdictional control can be found in the comparison of the wording of two separate versions of the *Leges Edwardi Confessoris*: one dating to the 1140's, and a later version from the 1170's. The latter "stated flatly that all Jews were under the liege guardianship and protection of the king, and that all their property belonged to the king."²⁸¹ This was a textually minor, though rhetorically significant change from "an earlier version of the *Leges*, "[which] had declared only that all Jews should be under the king's protection, and that he could claim them as his property if he wished and could."²⁸²

Much more concrete evidence of the crown's interest in expanding its sphere of

²⁸⁰ These dates, as well as much of the following discussion, follow Stacey, "The Massacres of 1189-90," 106-24. Specifically, Stacey's chronology posits that "this claim to an exclusive royal jurisdiction over all the Jews of England emerged during the 1170s and expanded in scope during the 1180s. Only in the 1190s, however, did it become a widely accepted element in the king's regalian rights." (*Ibid.*, 124). This account conflicts somewhat with Stacey's earlier claim that "the jurisdictional monopoly developed gradually in England between the 1170s and the end of the 1230s. Although this monopoly was substantially in place by the end of John's reign, the last seigneurial Jewish communities did not disappear until the 1230s." (*Ibid.*, 106).

²⁸¹ The quotation is from Stacey, "The Massacres of 1189-90," 110. The exact text can be found in Roger de Hovden, *Chronica Magistri Roger de Houedene*, ed., W. Stubbs, vol. 2 (London, 1869), 231.

²⁸² Stacey, "The Massacres of 1189-90," 110. Also, cf. Bruce O'Brien, *God's Peace and King's Peace: The Laws of Edward the Confessor* (Philadelphia: University of Pennsylvania Press, 1999), 93-7.

influence to include a broader spectrum of matters pertaining to the Jews can be found in the pipe rolls for the year 1179. For, in addition to being the year that saw the promulgation of the famous anti-usury prohibitions of the Third Lateran Council,²⁸³ in this year there was also a marked increase in the evidence that the royal exchequer was routinely hearing Jewish legal proceedings.²⁸⁴ Stacey, however, makes the change seem more abrupt than it likely was, saying that “from 1179 onward, for the first time, the pipe rolls show plentiful evidence that the Exchequer [*sic*] was hearing and determining Jewish legal cases.”²⁸⁵ This was not as abrupt a change as it sounds, for the crown’s interest was evolving prior to the 1179 pipe roll. As a simple example of this, we may look at the pipe rolls from the previous year, which contain three entries that indeed seem to be Jewish legal cases, each of which is found under the heading we should expect, *videlicet*, “De Placitis Curie:”

Mosse Judeus redd. Comp. de .v. [*sic*] m. pro recto de .xj. m. et .iiii. s. versus

²⁸³ Given the importance of Canon 25 of the Council, and that a proper discussion of the text would be too great a digression, I have endeavored a translation of the full Latin; from, Jean Hardouin, *Acta Conciliorum et Epistolae Decretales, ac Constitutiones Summorum Pontificum: Tomi I, Pars II* (Paris, 1714), p. 1684: “Because in almost all places the practice of usury has grown, as if it were permitted, to the extent that other business is pushed aside, and in no way attention is paid to the way it is condemned in the pages of both testaments; therefore we constitute that manifest usurers not be admitted to the communion altar, nor should a Christian, if he dies in this sin, be given burial; but in truth, let neither his offerings nor himself be accepted. Whoever, however, receives them, or delivers them Christian burial, shall be compelled to return what he has received; and until the judgment of his own bishop is satisfied, let him remain suspended from his own office.” For any confusion or qualms with my translation, cf. the original Latin: “Quia in omnibus fere locis tantum usurarum ita inolevit, ut multi aliis negotiis praetermissis, quasi licite usuras exerceant, et qualiter utriusque testamenti pagina condemnentur, nequaquam attendant; ideo constituimus, ut usurarii manifesti nec ad communionem admittantur altaris, nec Christianam, si in hoc peccato decesserint, accipiant sepulturam. Sed nec eorum oblationem quisquam accipiat. Qui autem acceperit, aut eos Christianae tradiderit sepulturae, et ea quae acceperit, reddere compellantur; et donec ad arbitrium sui episcopi satisfaciat, ab officii sui maneat executione suspensus.”

²⁸⁴ Stacey, “The Massacres of 1189-90,” 110.

²⁸⁵ *Ibid.*

Henricum de Minariis et de .x. m. versus Hugonem de Bellocampo.²⁸⁶

Ernisius de Nieweton' redd. Comp. de .j. m. pro recto de bladis suis versus Asser Judeum.²⁸⁷

Benedictus frater Aaron et Benedictus filius Isaach' et Benedictus filius Jacob' redd. Comp. de .vi. l. pro .i. m. auri ut quieti sint de plegio Isaach' filii Comitisse.²⁸⁸

In addition to these entries there is one further case that was likely tried in the king's court earlier, as it is located under the heading "De Placitis Curie per Predictos,"²⁸⁹ and also three entries that involve some type of legal action involving Jews, but are found in sections other than "*de placitis curie*."²⁹⁰ In the pipe rolls for the following year, 1179 (26 Henry II), the number of instances of Jewish legal cases *de placitis curie* jumps to ten, along with two other possible cases, plus mention of the arrears that Josce Quatrebuches still had yet to pay from an enormous fine stemming from his time in the consortium with Jurnet of Norwich, his brother Benedict, and Le Brun.²⁹¹ It is thus clear that there was indeed an increase in the

²⁸⁶ The Pipe Roll Society, *The Great Roll of the Pipe for the Twenty-Fifth Year of the Reign of King Henry the Second* (London: Percy Lund, Humphries, & Co., 1930 Reprint), 41.

²⁸⁷ *Ibid.*, 49.

²⁸⁸ *Ibid.*, 50.

²⁸⁹ Making it even less likely that this entry recorded any sudden new administrative shift is the fact that the sum is recorded "in soltis per breve regis," the very common term usually used to record the repayment of a crown debt. The suspicion is further buttressed by the fact that the names are those of one of the more prolific consortia. The entry in full reads "In soltis per breve regis Deodato Episcopo et Benedicto et Mossi et Viuo Judeis .xx. m." The Pipe Roll Society, *The Great Roll of the Pipe for the Twenty-Fifth Year of the Reign of King Henry the Second* (London: Percy Lund, Humphries, & Co., 1930), 54. A similar entry (insofar as it is also *in soltis* and also under the heading *de placitis curie*) can be found on page 120: "Et in soltis per breve regis Aaron' Judeo .lx. l et .xiii. s et .vii. d."

²⁹⁰ *Ibid.*, Though, of these, two are clearly related: (pg. 14) "Willelmus filius Stephani redd. Comp. de .c. s. de Colebroc vadio Abrahe Judei antequem Willelmus Ruffus eam reciperet; (pg. 15) "Idem debet .c. s. de Colebroch vadio Habrahe Judei antequem Willelmus eam reciperet. Sed reddit inde comptum supra in Deunescr'." The last pertinent entry is curious, but unrelated to the others: (pg. 16) "Et pro ducendo homine qui retatus de morte Judei .vi. s. et .i. d."

²⁹¹ These ten entries on the 1179 Pipe Roll can be found in The Pipe Roll Society, *The Great Roll of*

crown's legal jurisdiction as Stacey has conjectured; however, the 1179 increase did not represent an entirely novel, or sudden, administrative shift.²⁹² What it instead represents are the beginnings of the crown's interest in increasing its jurisdictional control by means of incrementally institutionalizing the Jews.

The Le Brun Fine

It is important to bear in mind that this tallage of the Jews was part of the crown's larger agenda – an agenda that applied equally to Jews and Christians. Two of the ways that the crown chose to increase its jurisdictional control were by instituting towns and by linking tallages to an increasingly participatory government. We have seen in the abovementioned tallage of 1241-42 that the Jews were becoming increasingly instituted in a similar manner to the way Christian towns were. Further, we have seen that the Jews themselves participated in the collection of these tallages. Yet, 1241-42 is far too late a date to provide much useful information about the evolution of the crown's interest in increasingly instituting the Jews and Christians of the realm. The Le Brun fine represents an earlier manifestation of this desire.

In 1177, Le Brun of London (a member of a *consortium* with Jurnet of Norwich, his brother Benedict, and Josce Quatrebuches) was fined £2,000 for an unspecified reason.²⁹³

The way this money was raised bears some similarities to the procedures that would later be

the Pipe for the Twenty-Sixth Year of the Reign of King Henry the Second (London: Percy Lund, Humphries, & Co., 1930 Reprint), 14, 24, 52, 87, 104, 117, 129 (*bis*), 133, 152, 153; The two possible cases can be found *Ibid.*, 31, 133; and the consortium entry, 154.

²⁹² Though Stacey only makes reference to two entries for 26 Henry II: *Ibid.*, 32, 153. Stacey, "The Massacres of 1189-90," 110.

²⁹³ Richardson, *English Jewry*, 62.

used to collect the Jewish tallage payments in the mid-thirteenth century, and thus merit consideration. I relate them here as an instance of the tendencies the medieval English government had when it approached the collection of revenues from the Jews. The method by which the collection of the fine undertaken speaks to the shape and degree of institutionalization and governmental participation of the Jewish community as a whole.

The best account of the fine is given by Richardson, and is worth quoting in full:

[Le Brun of London's] assets were handed over to four sureties or trustees, all prominent Jews, three of them associated in the partnership [i.e. *consortium*] of the previous year, Aaron of Lincoln, Isaac and Abraham, sons of the Rabbi, the fourth being Isaac of Colchester. Their task was to realize Le Brun's assets, and this they proceeded to do; but the whole English Jewry was also held responsible for the prompt payment of 1,000 marks [£666], the first installment of Le Brun's fine, and they did, in fact, find the greater part of it.²⁹⁴

That the crown should hold the entire Jewish community responsible for Le Brun's first installment is interesting. It suggests that there was already a tendency to view the Jews as an administrative unit; however, it also must be emphasized that Benedict and Josce each had to pay individual fines not tied to the wider Jewish community. Whether this institutionalization existed in the imagination of the administration or as a legal reality is impossible to tell. The former colored the latter, and it is probably most accurate to conflate the two as the administration itself surely would have done. Paradoxically, to whatever

²⁹⁴ *Ibid.* For the primary sources instances of payments made, *vide*: The Pipe Roll Society, *The Great Roll of the Pipe for the Twenty-Third Year of the Reign of King Henry the Second* (London: Spottiswoode & Co., 1905), 201. The Pipe Roll Society, *The Great Roll of the Pipe for the Twenty-Fourth Year of the Reign of King Henry the Second* (London: Arthur Doubleday, 1906), 130. The Pipe Roll Society, *The Great Roll of the Pipe for the Twenty-Eighth Year of the Reign of King Henry the Second* (London: The St. Catherine Press, 1910), 161.

degree this fine was an instance of early institutionalization, it is also an instance of the integration and participation of the Jewish community as a whole within a developing governmental process. Just as would be the case in later tallage exactions, the crown did not directly take Le Brun's property. Rather, in a certain sense it worked *with* the Jewish community to collect the revenue from the fine. I should add that Richardson does not mention that it seems very likely that Jurnet was also helped by either the wider Jewish community or by his sureties. This is because (as can be seen in Figure 3.1) both Jurnet and Le Brun had a long pause in which no repayments were made followed by a repayment of exactly 18% of the original amount owed. For Jurnet this payment was made in 1181, and for Le Brun it was made in 1182. It is unlikely that this is a coincidence, but rather an instance of the increasing institutionalization of the Jews by the crown in an effort to extend its jurisdictional control.

This example is also illustrative of the shape of the distribution of wealth of the Jewish community. Le Brun was a member of a *consortium* with Jurnet of Norwich, his brother Benedict, and Josce Quartrebuches. While Le Brun's fine was the heaviest, the other members of the *consortium* were also fined: Jurnet owing £1,333 and Benedict and Josce responsible for £666 more. That the prior *consortium* of Aaron, Isaac, and Abraham should be tasked with supervising, and held responsible for, a portion of this payment implies that there were few other Jews with knowledge of, and hence associated with, Le Brun's business activities.

Given the evidence found via fitz Nigel's law and the Le Brun case, we may posit a more nuanced explanation for the motivations underlying the development of the Exchequer

of the Jews. Fitz Nigel’s law has shown us that the medieval English government developed laws slowly and did not always enforce its laws. The Le Brun fine has illustrated the fact that the crown had a clear interest in extending its jurisdiction over Jews by increasingly instituting the Jews as whole. This can be seen clearly in the graphs below, as they illustrate what looks like a clean and planned fine, not a punitive fine. This not only means that it is unlikely that the Exchequer of the Jews was suddenly and fully born in 1194 with the promulgation of the *archa* laws, but also that the government had already begun thinking of ways to extend its jurisdiction over Jewish communities – in the Le Brun case, as beginning steps towards instituting the Jews of the realm.

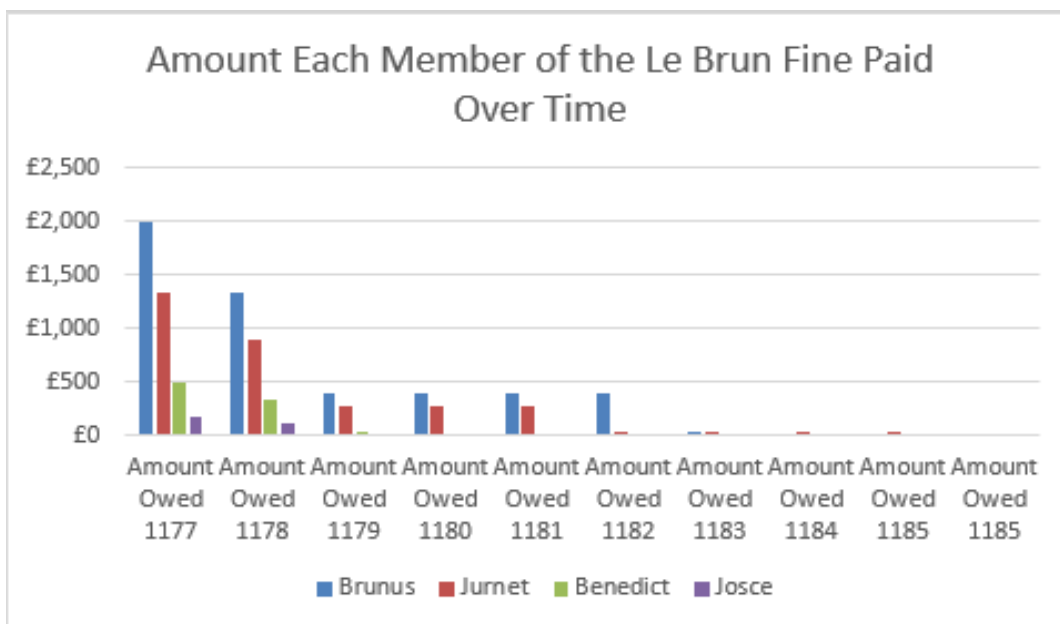


Figure 3.1. Notice the regular payment schedule – it makes the fine appear more planned than punitive. For the primary source documentation supporting these numbers, please see Appendix B.

Hubert Walter, the 1194 General Eyre, and the Archa Ordinances

One of the items I would like to show is that part of the blame for the persistence of the old assumption that the creation of the Exchequer of the Jews was exclusively a fiscally-driven response to the massacres of 1189-90 must be attributed to Jewish historians themselves.²⁹⁵ Because they have concentrated on the 1194 *archa* ordinances,²⁹⁶ Jewish historians have seen the events preceding the *archa* ordinances, as well as the 1194 general eyre of which they were a part, through the lens of academics primarily interested in the later, mature, Exchequer of the Jews – or, if not specifically concerned with the *archa* ordinances, they have tended to concentrate on the Jews themselves, and not the Jews' place within the context of wider historiographic currents. One consequence of viewing the past through this lens is that they have passed on a narrative that posits that the 1194 *archa* ordinances were:

1. a fiscally-driven reaction to the massacres of 1189-90
2. a radical new change, and
3. central to the 1194 general eyre of which they were a part.

If we view the *archa* ordinances through a broader lens, however, we will find that they were simply part of the continuation of a changing government trying to deal with the troubles left in the wake of John's revolt – a government, it should be added, that Hubert

²⁹⁵ To be sure, some blame must be attributed to general historians as well. I by no means am indicting all Jewish historians, but we should recognize that, despite the advances made in the last few decades, many historians still concentrate on studying Jewish history in a way that is too limited to the context of Jewish history.

²⁹⁶ These *archa* ordinances were part of Hubert Walter's 1194 general eyre. They provided for the creation of a chest or *archa* in major towns in which all loans were to be stored and recorded.

Walter took steps to consolidate around his person. the creation of the Exchequer of the Jews could hardly have been the realization of a long thought-out plan upon which King Richard I had been cogitating ever since he lost an unknown (but likely far smaller than is commonly believed) bit of revenue in the wake of the destruction of the massacres of 1189-90. The development of the Exchequer of the Jews was a natural progression of events, and slowly took place in conjunction with other changes to the wider government. The government was changing constantly, but maintained a sense of continuity, both with respect to earlier governmental decisions and with respect to the people who administrated certain areas of the government.²⁹⁷ Hubert Walter's desire to, and success with, centralizing the power of his government around himself, with a primary concern to reestablish and reorganize the government in the wake of the chaos brought about by John's revolt.²⁹⁸

At the time of his appointment to Justiciar of England,²⁹⁹ Hubert was already the Archbishop of Canterbury. This meant that after Richard I's brief stay in England (from 13 March to 12 May 1194),³⁰⁰ Hubert was left with a significant amount of control over both the church and state of England despite getting on in age and having requested that Richard I relieve him of such a heavy duty. However, Richard I did not return to England until after

²⁹⁷ Francis James West, *The Justiciarship in England: 1066-1232*, (Cambridge: Cambridge University Press, 1966), 82. As but a sample of the secondary literature to the same effect, West says, speaking of the Hubert Walter's changes at the royal exchequer, that "none of them are radical inventions for they introduced no rivals to the exchequer."

²⁹⁸ "The eyre of 1194 was aimed at the restoration of the country after Count John's revolt ... the value of the king's feudal rights were to be investigated systematically by the justices to see that the crown lost nothing." West, *The Justiciarship in England*, 91.

²⁹⁹ E. B. Fryde, *Handbook of British Chronology*, 3rd ed. (London: Offices of the Royal Historical Society, 1986), 71.

³⁰⁰ C. R. Cheney, *Hubert Walter*, (London: Nelson, 1967), 90.

Hubert had resigned from his post as justiciar in July, 1189,³⁰¹ and until then Hubert truly devoted himself to the administration of the kingdom and reliance upon the barons was dropped³⁰²:

Until July 1198, when Hubert resigned from the office of justiciar, he was virtually regent, directing military operations, [*sic*] planning the civil government... In general, the whole burden of English government fell on the justiciar. To describe his work would be to write again the political and [*sic*] administrative and legal history of England from 1194 to 1198.³⁰³

In his study of the pipe rolls for 1191-95, Young also points out that most of the twenty four justices added in 1194 were closely connected with Hubert. Many of them were related by marriage or blood, were old friends or were connected through ecclesiastical administration. Thusly, his administration inevitably reflected his personal influence.³⁰⁴

Because the English system of government was continuous before and during his justiciarship, the development of the Exchequer of the Jews was not a sudden or drastic measure meant to prevent a monetary loss similar to that suffered during the 1189-90 massacres, but was rather part of larger governmental changes. The idea of creating a separate exchequer to deal with matters outside of the usual capabilities of the royal exchequer was not a new innovation. As early as the death of Aaron of Lincoln in 1186 the crown saw the need to create an audit in order to liquidate the debts of Aaron that had escheated to the king. Richardson goes so far as to argue that this Exchequer of Aaron was

³⁰¹ *Ibid.*

³⁰² Young, *Hubert Walter, Lord of Canterbury and Lord of England*, 114.

³⁰³ Cheney, *Hubert Walter*, 90-91.

³⁰⁴ Young, *Hubert Walter, Lord of Canterbury and Lord of England*, 51.

actually the precursor to the Exchequer of the Jews.

The importance of Aaron's bonds is that the method adopted by the Exchequer for dealing with them illustrates a practice that was capable of development and generalization until it covered nearly all the relations between the Jewish community and the crown.³⁰⁵

However, this is very unlikely given that the Exchequer of Aaron was dissolved in 1191,³⁰⁶ three years before the earliest possible manifestation of the Exchequer of the Jews.³⁰⁷

Another instance of the government creating an exchequer audit can be found in 1193, when a branch of the exchequer was set up that was tasked with raising the money to pay for Richard's ransom.³⁰⁸ These two instances preclude the notion that the creation of the Exchequer of the Jews was a novel emergency measure meant to deal with whatever revenue the crown may have lost as a result of the riotous massacres of 1189-90. The fact that the government was able to create an audit of the exchequer to deal with Richard I's ransom in the same year during which the ransom was due also raises the vexing question of why it would have taken the government four years to even begin to make arrangements allegedly meant to counter the financial dangers encountered as a result of the 1189-90 massacres.

The reforms instituted by Hubert Walter in 1194 are illuminated by *The Annals of Roger de Hoveden*.³⁰⁹ Hoveden provides a copy³¹⁰ of the ordinances disseminated in the

³⁰⁵ Richardson, *English Jewry*, 116.

³⁰⁶ *Ibid.*, 117.

³⁰⁷ For the operation of the *Scaccarium Judaeorum* was predicated upon a series of ordinances disseminated within the larger reforms of the 1194 general eyre.

³⁰⁸ West, *The Justiciarship in England*, 80.

³⁰⁹ Below I use Riley's translation. Henry T. Riley, trans., *The Annals of Roger de Hoveden*, vol. 2 (London: H. G. Bohn, 1853).

³¹⁰ A with all chronicle sources, we must take Hoveden's copy of the ordinances with a grain of salt; yet, at the same time, the source is too valuable and unique to approach with excessive incredulity.

general eyre of 1194. The first section deals with pleas, recognizances, and escheats:

If they have been taken out of his [the king's] hands, how and by whom, and into whose hands they have come, and of what kind, and if any person has had any profits from the same, and what they are, and what was the value thereof, and what is the present value.³¹¹

The next section requires similar information regarding all churches, wardships, marriages, and amercements. The ordinances then demand that any murders of Jews be arrested, and further orders that “all the pledges and the debts of the Jews so slain are to be seized for the king.”³¹² The following section deals with the “chattels of Earl John or his adherents, which have not been converted to the use of our lord the king.”³¹³ Walter ordered that all lands, wards, escheats, or gifts to John be recorded, along with a description of why they were given to him. Any gifts given to John that had not been previously approved by the king were to be seized. Finally, it was required that all debts and fines owing to both John and the king be recorded along with information concerning why they were given. There then follows a section dealing with sundry items such as the estates of usurers, wines sold contrary to law, and information regarding any knights who had died before setting out on crusade. The next section of the ordinances explains that three knights and one clerk are to be appointed in every county to be the “keepers of the pleas of the crown.”³¹⁴ These knights then must swear oaths and choose twelve more knights who will “make oath that they will use all their lawful endeavors to restore, and to value and establish the rights of wardship and escheats in those

³¹¹ *Ibid.*, 334.

³¹² *Ibid.*, 335.

³¹³ *Ibid.*

³¹⁴ *Ibid.*

parts.”³¹⁵ They were also to make sure that anyone holding wardships or escheats to farm answered for the same after the feast of St. Michael. The final section prior to the section dealing with the *archa* ordinances concerns the rental value of each manor in the king’s demesne and how to best stock it to make it most profitable. Walter goes so far as to even demand that it be ascertained if the value of each manor is likely to go up or down in the future. He then makes inquiry into how many animals each manor should be stocked with to be most efficient. Finally, he sets prices for the sale of certain animals.

It is only after all of this that the 1194 eyre makes mention of the *archa* system to be set up. Given the importance of this ordinance, it is worth quoting it in full.

All debts and pledges of the Jews are to be enrolled, as also their lands, houses, rents, and possessions. Any Jew who shall make concealment of any one of these things, shall forfeit to our lord the king his body, as also the thing concealed, and all his possessions, and all his chattels; and no Jew shall ever be allowed to recover what he has so concealed. Also, let six or seven places be appointed at which they make their loans, and let two lawful Christians and two lawful Jews and two lawful scribes be appointed, and in their presence, and in that of William of the Church of Saint Mary and of William de Chimelli, let such loans be made, and let a deed describing the loan be made, after the manner of an indenture. One part is to remain in the hands of the Jews, sealed with his seal to whom the money is paid, while the other part is to remain in the common chest [*archa*]; on which there are to be three locks; whereof the two Christians are to keep one key, the two Jews another, and the clerks of William of the Church of Saint Mary and of Master William de Chimelli the third; as also three seals, those who have the keys setting thereon their seals. The clerks also of the two Williams aforesaid are to have a register containing copies of all the deeds, and as the deeds are altered so shall the register be altered. For each deed shall be paid three pence; a moiety thereof by the Jew, and a moiety by him to whom the money was lent; of which the two scribes are to have two pence, and the keeper of the register the third: and, for the future, no loan shall be made, no payment made to Jews, no alteration of the deeds, except in the presence of the persons aforesaid, or the major part of them, if all shall be unable to be present. The said two Christians are

³¹⁵ *Ibid.*, 336.

also to have a register of receipts for payments made henceforth to Jews, and the two Jews are to have one, and the keeper of the register one. Also, every Jew shall make oath upon his register that he will cause all his debts, pledges, rents, and all his property and possessions to be enrolled, and that, as above stated, he will not conceal anything; and that, if he shall be able to learn that anyone has concealed anything, he will secretly disclose the same to the judges sent to them, and that forgers of deeds and clippers of money, when he shall know of such persons, he will give information against, and detect the same, and the like with regard to the deeds so forged.³¹⁶

Of course, these *archa* ordinances make no mention of an Exchequer of the Jews. Nor were the operations of the Exchequer of the Jews during the “Worcester” tallage of 1241-42 wholly consistent with the 1194 ordinances Hubert Walter so carefully crafted. This strongly implies that the Exchequer of the Jews developed continuously over time, and was not brought suddenly into existence by the 1194 *archa* ordinances. This in turn implies that the purpose of the ordinances was not to establish a body that could make sure that the king did not suffer financial troubles should there be another massacre; rather, it seems rather clear that the ordinances were part of Hubert Walter’s much more wide-ranging reforms.

³¹⁶ *Ibid.*

Chapter 4: *Pecunia Non Olet*

Lending to the crown in the middle of the twelfth century was dominated by Christian financiers.³¹⁷ William Cade is the most well-known of these, but he was just one of many Christians lending money to the king.³¹⁸ William Trentegeruns,³¹⁹ Gervase of Cornhill,³²⁰ Robert fitz Sawin,³²¹ and Ralf Waspail,³²² all show up on the pipe rolls receiving payments for loans to the king over significant amounts of time. Though the scale of Cade's financing operation was the largest,³²³ this chapter will examine the lending scale of all of the king's borrowings, from Christian and Jew alike.

³¹⁷ The following account draws heavily upon the work of H. G. Richardson's *English Jewry under Angevin Kings* (London: Methuen & Co. Ltd., 1960). On the present subject he comments: "The century was not only one of economic progress but one of endless warfare, and to wage war money was needed. In the larger towns of Western Europe there were financiers ready to advance money upon security and apparently ready also to take large risks. These financiers were Christians. To suppose that the Jews were the predominant moneylenders of the time is an error." *Ibid.*, 50.

³¹⁸ For a detailed account of Cade's activities, *vide* Hilary Jenkinson, "William Cade, a Financier of the Twelfth Century," *The English Historical Review* 28, no. 110 (1913): 209-227.

³¹⁹ Trentegeruns died in 1159 and his wife took over the business. This is important because, as Richardson writes, "This parallel to the association of Jews and their wives in moneylending is noteworthy, for it is a further indication that that Jewish and Gentile practice did not greatly differ." Richardson, *English Jewry*, 51. She continued to receive payments until 1164. Richardson, "The Chamber under Henry II," 607.

³²⁰ Richardson, *English Jewry*, 59.

³²¹ Fitz Sawin was given the revenues of Northampton as security for his loans for the entire period of 1155 to 1171. Richardson, *English Jewry*, 54.

³²² Evidence of his lending first shows up in the pipe roll for 1158; Joseph Hunter, ed., *The Great Rolls of the Pipe for the Second, Third, and Fourth Years of the Reign of King Henry II* (London: George E. Eyre & Andrew Spottiswoode, 1844), 120-83, *passim*. He most likely stopped his lending around the time of his last entry in 1163. The Pipe Roll Society, *The Great Roll of the Pipe for the Ninth Year of the Reign of King Henry II* (London: Wyman & Sons, 1886), 25.

³²³ "Between 1156 and his death in 1166 the pipe rolls show payments to Cade totaling £5,600." Joe Hillaby, "The London Jewry: William I to John," *Jewish Historical Studies* 33 (1992-1994): 17-18. Also, between 1156 and 1163 Trentegerons received £548; however, his total loans seem to be much greater; for, in 1163 the king ordered £1,423 of his debt removed from the exchequer rolls and onto the rolls of the chamber.

Though there are no records of Christians lending *to the king* after 1164,³²⁴ Christian usurers continued to lend to others, and there is no reason to believe there was ever a period where Christian moneylending was completely absent – canonical prohibitions against Christian usury are testament to this since it would be unlikely that such effort would be expended to combat a “sin” that was never committed.³²⁵ In fact, prior to the Third Lateran Council the Pope himself borrowed money from Christian financiers; in the late 1160’s he borrowed 300 marks from Flemish merchants. In a letter that Gilbert Foliot, the bishop of London, sent to the Pope, he states that Gilbert had not yet been able to send the money that Rome required to pay back the Flemish creditors because he had not yet received permission

³²⁴ Huscroft, *Expulsion: England’s Jewish Solution*, 43. Instances of Christians lending money at interest to other Christians however, do exist. See, for instance, the section above titled “Fitz Nigel’s Law, where one finds two of many such instances. “Terri usurarius reddit comptum de dimidia m. In Thesaurio iii. s. et iiii. d. Et debet iii. s. et iiii. d.” *The Great Roll of the Pipe for the Twelfth Year of the Reign of King Henry the Second* (London: Wyman & Sons, 1888), 23. “Turgiua feneratrix reddit comptum de i. m. de eodem auxilio. In thesauro v. d. Et debet xii. s. et xi. d.” *Ibid.*

³²⁵ Most notably the 25th Canon of the Third Lateran council (1179). Given the importance of Canon 25 of the Council, and that a proper discussion of the text would be too great a digression, I have endeavored a translation of the full Latin; from, Jean Hardouin, *Acta Conciliorum et Epistolae Decretales, ac Constitutiones Summorum Pontificum: Tomi I, Pars II* (Paris, 1714), 1,684: “Because in almost all places the practice of usury has grown, as if it were permitted, to the extent that other business is pushed aside, and in no way attention is paid to the way it is condemned in the pages of both testaments; therefore we constitute that manifest usurers not be admitted to the communion altar, nor should a Christian, if he dies in this sin, be given burial; but in truth, let neither his offerings nor himself be accepted. Whoever, however, receives them, or delivers them Christian burial, shall be compelled to return what he has received; and until the judgment of his own bishop is satisfied, let him remain suspended from his own office.” My translation, cf. the original Latin: “Quia in omnibus fere locis tantum usurarum ita inolevit, ut multi aliis negotiis praetermissis, quasi licite usuras excerceant, et qualiter utriusque testamenti pagina condemnentur, nequaquam attendant; ideo constituimus, ut usurarii manifesti nec ad communionem admittantur altaris, nec Christianam, si in hoc peccato decesserint, accipiant sepulturam. Sed nec eorum oblationem quisquam accipiat. Qui autem acceperit, aut eos Christianae tradiderit sepulturae, et ea quae acceperit, reddere compellantur; et donec ad arbitrium sui episcopi satisfaciatur, ab officii sui maneat executione suspensus.”

from Henry II to do so.³²⁶ In another example from around the same time, Pope Alexander III wrote to the archbishop of Reims complaining, “Tanta namque sunt onera debitorum et creditorum instantia, ut nisi ecclesiae dei a tua fuerit modo liberalitate subventum, vix aut nunquam nobis statum urbis in ea pace, in qua nunc est, poterimus conservare.”³²⁷

Such was the acceptability of Christian usury that there existed a number of instances in which usurers, whilst engaged in their lending practices, concurrently held positions of the highest social and political esteem. William fitz Isabelle was involved with Cade’s loans and also served as sheriff of London;³²⁸ William Trentegerons “held the civic office of *vicomte* of Rouen, an honor enjoyed after his death in 1159 by his widow, who is always described on the rolls as *vicomtesse*,”³²⁹ and Gervase of Cornhill served as sheriff of London, and even as

³²⁶ “Censum, domine, beatri Petri suscepimus, exceptis quadraginta duabus libris quas de Lincolniensi episcopate et centum solidos quos de Eliensi episcopatu nondum habuimus. Nuncios vero domini papae, octo scilicet mercatores Flandriae, qui sibi ter centum marcas argenti Romae mutuo praestiterunt, sperantes se summam eandem de manu misericordiae vestrae suscepturos, apud nos iam diu detinuimus, sperantes a sublimitate vestra verbum aliquod audire per Decanum de Waltham quod et Dominum papam et nuntios eius possit exhilarare. Quod quia nondum actum est, ipsos ulterius detinere non possumus. Sed quod revertuntur inanes, posse causae vestrae plurimum obese pertimescimus. Qua in re discretio vestra providebit utiliter quid expediat: quid honorem vestra deceat; quid animae vestrae saluti proficiat. Fideles vero vestri, qui penes vos sunt, qui vices vestras per omina prosperari desiderant, vellent vestrum in re ista mutari consilium, ut domino papae reddendo suum ipsum ad negotia vestra non adversarium, sed per Omnia benevolum haberetis et obnoxium. Illuminet Dominus vultum suum super vos et vestra semper negotia bono fine concludat, in Christo domino dilectissime.” J. A. Giles, ed., *Gilberti Epistolae* vol. 2 (Oxford: J. H. Parker, 1845), 3.

³²⁷ Latin from: J. H. Migne, ed., *Patrologia Latina Cursus Completus* vol. 200 (Paris, 1855), 406. I have included the Latin in the body and included the English here on account of my maladroit translation: “For so great is the burden of the debtor and the insistence of the creditor that unless the liberality of the Church of God is in some way checked by you, our city, in God’s peace, will hardly, or at all, be able to safeguard its current state.”

³²⁸ Richardson, *English Jewry*, 55, 59.

³²⁹ Joe Hillaby, “The London Jewry: William I to John,” *Jewish Historical Studies* 33 (1992-1994): 17.

the king's Justiciar!³³⁰ It is also of interest that Gervase was involved in business agreements with Aaron of Lincoln,³³¹ though that a Christian financier should be involved with Jews in his or her business dealings was actually not an unusual occurrence. One of Cade's associates, "William fitz Isabelle, for long periods sheriff of London, was without doubt a moneylender... is named along with Jewish moneylenders as one of those to whom Saint Edmund's Abbey was heavily indebted."³³² Gervase of Cornhill and his son Henry also clearly worked with Aaron of Lincoln, "for in 1202 Hugh de Neville produced a *starr*³³³ of acquittance for a debt to Aaron from Gervase and Henry."³³⁴

An Analysis of the Crown's Borrowing Patterns: 1156-1166

While Hillaby³³⁵ and Richardson³³⁶ have provided a few figures for the sums these moneylenders were repaid from the crown, they contain lacunae, and thus I have gone through the pipe rolls for 1156 to 1180 and compiled all the payments that the crown made to its creditors, both Jewish and Christian alike. A few words of explanation are needed. First, I

³³⁰ Richardson, *English Jewry*, 59.

³³¹ Richardson, *English Jewry*, 47. Aaron also lent money to Gervase and his son Henry. Hillaby, "The London Jewry," 16.

³³² Richardson, *English Jewry*, 59. Richardson cites *Chronicon Jocelini de Brakelonda* (London: Sumptibus Societatis Camdenensis, 1840), 2. The value of fitz Isabelle's bond is the remarkably large sum of £1,040. Richardson, *English Jewry*, 59.

³³³ In this case, "*starr*" refers to a quitclaim on a debt, though it was sometimes (albeit rarely) used to indicate any type of legal document.

³³⁴ Richardson, *English Jewry*, 59, fn. 1. Primary source documentation may be found in Doris M. Stenton, ed., *The Great Roll of the Pipe for the Fourth Year of the Reign of King John, Michaelmas 1202* (London: The Pipe Roll Society, 1937), 289.

³³⁵ Joe Hillaby, "The London Jewry: William I to John," *Jewish Historical Studies* 33 (1992-1994): 1-44.

³³⁶ Richardson, *English Jewry*, 50-66, *passim*.

must emphasize again³³⁷ that both this graph and the ones that follow are *not* graphs of the complete amounts of loans repaid to the above-named creditors from the king; rather, they represent the portions of such repayments that the king paid back with money due to him (though not yet in his hands) from those accounts owing to the crown that were yet to be audited at the exchequer. Also, this is *only* a record of loans to the crown, and it is possible that the bulk of these financiers' lending was to private individuals.

That being said, there are some valuable trends that can be inferred from the data at hand. Chief among these is that the scale of Christian lending to the crown far outpaced the lending of the Jewish magnates for the period 1156-1166. In the graph provided below (figure 4.1) Christian lenders are all shaded red and Jewish lenders are all shaded blue (individuals can be identified by the texture of the bars). The horizontally running line simply represents the total amount of the crown's repayments for a given year. The findings, when divided in this way, clearly show that Christians dominated lending to crown for this decade.

A few explanatory notes regarding the origin and accuracy of the data points are needed (these will, of course, apply to the graphs below as well). As mentioned above, any analysis of the pipe rolls will be subject to a certain degree of interpretation, and it is thus not surprising that Hillaby, Richardson, and I reach figures that differ by negligible amounts (less than 5% in most cases). In only one instance do my figures differ enough from Hillaby or Richardson to warrant comment. Richardson implies the sum total repaid to Isaac for 1165

³³⁷ H. G. Richardson, *The English Jewry under Angevin Kings*, 52.

was £850,³³⁸ Hillaby gives this total as £845,³³⁹ and I reach a total of £626.³⁴⁰ I have reviewed the pipe roll entries several times and have added and subtracted the entries in every possible permutation, yet cannot discern how they arrived at this figure. All the same, I have given the figure of £850 in the above graph on account of Hillaby's and Richardson's greater expertise and the similarity of their figures.³⁴¹

³³⁸ Richardson, *English Jewry*, 60-61.

³³⁹ Hillaby, "The London Jewry," 18.

³⁴⁰ See Appendix B for the breakdown of all references that I compiled from the pipe roll of 1165.

³⁴¹ References to the location of every known entry are in Appendix B. Neither Hillaby nor Richardson cites any entry that I have not included in the appendix.

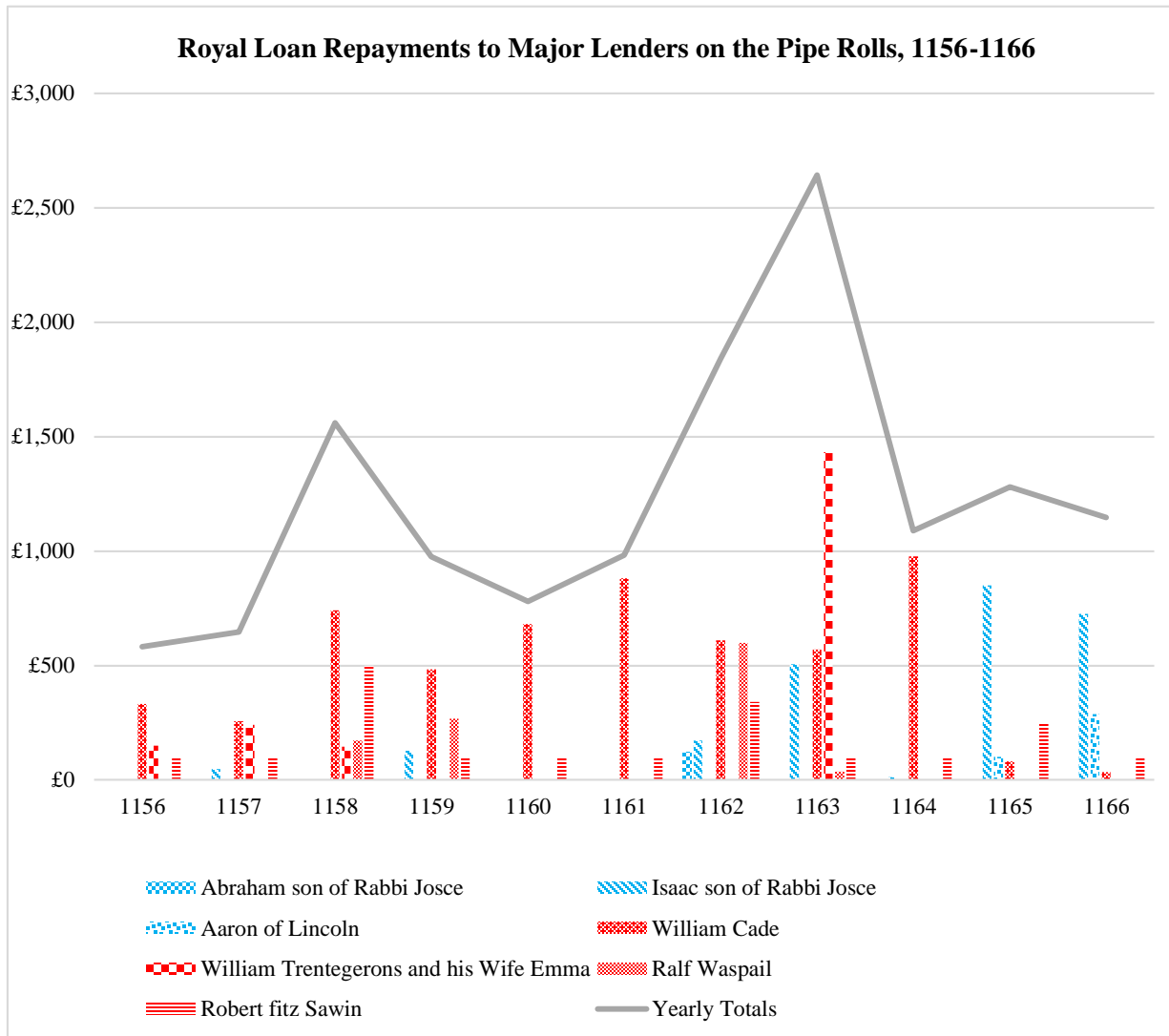


Figure 4.1.

This graph shows how, from 1156-1164, Christians generally dominated lending to the crown. The Christians in this graph are William Trentegerons and his wife Emma, Robert fitz Sawin, William Cade and Ralf Waspail. In the above graph the figures for Cade and Trentegerons are drawn from Hillaby, "The London Jewry," 18; the figures for fitz Sawain are drawn from Richardson, *English Jewry*, 53-55; the figures for Waspail (except for 1160, which has already been tabulated by Richardson, *Ibid.*) are drawn directly from the pipe rolls. The vertical lines represent the sum of the crown's repayments to each indicated lender, and the jagged horizontal line represents the sum total of crown repayments to all creditors for each year.

*An Analysis of the Crown's Borrowing Patterns:
1162-1179*³⁴²

In contrast to the earlier records of Christian usurers, Jewish lenders did not play any major role in the king's finances³⁴³ until around 1165. The first evidence of Jewish lending to the crown appears in the lone surviving pipe roll for the reign of Henry II, 1130.³⁴⁴ Here we find *in soltis* payments to Rabbi Josce – the same Rabbi Josce whose sons, Isaac and Abraham are found receiving *in soltis* payments in later pipe rolls beginning in 1157. That Rabbi Josce's sons should be involved in lending to the crown is evidence that what Jewish lending existed, especially lending to the crown, was not lending by “the Jews,” but rather lending by a select coterie, very often composed partially of family syndicates.

Indeed, there were three main *consortia*, each founded around brothers: the “Aaron and Isaac” *consortium* of 1176 (consisting of Aaron of Lincoln, Isaac son of Rabbi Josce, and his brother Abraham) included both Isaac and Abraham, sons of Rabbi Josce, himself one of the

³⁴² The overlap of 1156-1166 with 1162-1179 is because it was during this period that the crown shifted from borrowing from mostly Christian sources to borrowing from mostly Jewish magnates and *consortia*. It is difficult to read any graph that incorporates the data for the entire period 1156-1179 and I have thus divided the period according to the predominant source of the loans. Because some context with the previous or later period is necessary, the graphs for the two periods overlap.

³⁴³ Examples of Jewish lending to king treated in greater detail than those presented below can be found in Jacobs *The Jews of Angevin England*, 144, 332.

³⁴⁴ Hillaby, “The London Jewry,” 1.

earliest known Jewish lenders;³⁴⁵ the “Dieudonné” *consortium*³⁴⁶ of 1177-1179 (consisting of Deodatus, Benedict son of Sarra, his brother Moses, Josce, and Vives) included the brothers Benedict and Moses, sons of Sarra;³⁴⁷ and finally the “Le Brun”³⁴⁸ *consortium* of 1177 (containing Jurnet of Norwich, his brother Benedict, Le Brun, and Josce Quatrebuches) included, of course, Jurnet of Norwich and his brother Benedict of Norwich. Let us review a significant anomaly in the pipe rolls concerning one of the three major *consortia*: in 1177 the king fined the “Le Brun” *consortium* the immense sum of £4,000: Jurnet was fined 2,000 marks (£1,333.3), Josce Quatrebuches was fined 250 marks (£166.6), Benedict was fined £500, and Le Brun was fined 3,000 marks (£2,000).³⁴⁹

³⁴⁵ The name “Aaron and Isaac” *consortium* is, of course, a somewhat arbitrary eponym and does not appear in the pipe rolls. The same is true for the names I have given for the other *consortia* – they are for clarity and convenience only. The pipe rolls themselves give slightly different names to each *consortia* in nearly every instance in which they are written; however, the most common formulation is a simple list of the members (though occasionally one member’s name is given with the qualifier “*et socii*” appended in place of the names of the other members). Complications arise in differentiating scribal error from purposeful omission or transposition. Sometimes the scribe noticed his error and sometimes he did not; however, there are clearly certain transactions in which one or member of a *consortia* was either not involved, or, at least, purposefully not recorded as having been involved. For instance, Abraham’s name only shows up in one of the ten transactions that the “Aaron and Isaac” *consortia* contracted. This instance can be found in: The Pipe Roll Society, *The Great Roll of the Pipe for the Twenty-Second Year of the Reign of King Henry the Second* (London: Spottiswoode & Co., 1904), 98. The other transactions of the *consortium* are found in *Ibid.*, pp. 10, 85, 87, 121, 137, 138, 154, 190, 194.

³⁴⁶ The translation of the Latin “*Deodatus*” into the French “*Dieudonné*” is Richardson’s stylistic choice; I have here (as well as below) chosen to use Richardson’s French translation to distinguish the “Dieudonné” *consortium* from the individual Deodatus.

³⁴⁷ The unspecified Josce (though I imagine that further study of the rolls would allow his positive identification) “seems soon to have dropped out and to have been replaced by Benedict’s brother Moses, while a little later Dieudonné replaced by Benedict as head of the *consortium*.” Richardson, *English Jewry*, 63.

³⁴⁸ Richardson translates the “*Brunus*” or “*Bruno*” that is most often the spelling given on the pipe rolls as “Le Brun.” I have borrowed his term “Le Brun” to distinguish the “Le Brun” *consortium* from the individual “Brunus.” Richardson, *English Jewry*, 62.

³⁴⁹ This has been discussed in detail in Chapter Three above: “The Le Brun Fine.” The charts and

Below are charts and graphs that summarize the amount each person was fined, the amount they paid off in the first year, and the percentage each magnate was able to pay off of the fine that he was assigned. A few points require further explanation. First, the sums next to the rows marked “Paid 1,” “Paid 2,” etc. represent the sources from which each magnate paid his fine. The largest payment in each case is the cash payment by the magnate, but the *consortium* members also had money credited against their fines either because they were owed money by the king (and the king then credited the amount he owed them to their account by canceling a portion of the fine) or because they were owed money by private individuals who gave the king money in the magnate’s stead. Second, I have converted every sum into what would now be called “pence” (den. or d.). The column marked “Amount in d.,” represents the value in d. of whatever monetary denomination the scribe chose to use (these choices are often entirely arbitrary). The actual sum as it was written in the pipe rolls can be found under the adjacent column marked “Amount Written on Pipe Roll.”

Finally, the row marked “Now Owes (on Pipe Roll)” is the sum that the scribe has written on the pipe roll as still owing (there is no such sum for Le Brun). The row below marked “Now Owes (Calculated in d.)” is a calculation, independent of what the scribe wrote as still owing, that was used to verify the validity of the entries.

graphs presented here are included because this treatment of the fine has different points of emphasis than the earlier consideration of it. Further, the graphs and charts within this section are applicable to the earlier section, and vice versa.

Table 4.1. The First Year of Repayments from the Le Brun Fine

The following charts summarize the amount that each of the four Jewish magnates in the “Le Brun” *consortium* were fined in 1177, as well as the amounts they were able to pay in that same year. For further explanation *vide supra*.

Jurnet Owed and Paid Chart			
	Amount Written on Pipe Roll	Amount in d.	% of Sum Owed that Was Paid
Owed	2,000 m.	320,000	
Paid 1	£337, 15 s., 8 d.	90,668	28.33%
Paid 2	£40	9,600	3.00%
Paid 3	£26, 1 m.	6,400	2.00%
Sum Payments in d.		106,668	33.33%
Now Owes (On Pipe Roll)	£888, 17 s., 9 d.	213,332	66.66%
Now Owes (Calculated in d.)	213,332 d.	213,332	66.66%

Josce Quatrebuches Owed and Paid Chart			
	Amount Written on Pipe Roll	Amount in d.	% of Sum Owed that Was Paid
Owed	250 m.	40,000	
Paid 1	£35, 11 s., 1 d.	8,533	21.33%
Paid 2	£20	4,800	12.00%
Sum Payments in d.		13,333	33.33%
Now Owes (On Pipe Roll)	£111, 2 s., 3 d.	26,667	66.67%
Now Owes (Calculated in d.)	26,667 d.	26,667	66.67%

Benedict Owed and Paid Chart			
	Amount Written on Pipe Roll	Amount in d.	% of Sum Owed that Was Paid
Owed	£500	120,000	
Paid 1	£140	33,600	28.00%
Paid 2	40 m.	6,400	5.33%
Sum Payments in d.		40,000	33.33%
Now Owes (On Pipe Roll)	£333, 6 s., 8 d.	80,000	66.67%
Now Owes (Calculated in d.)	80,000 d.	80,000	66.67%

Brunus Owed and Paid Chart			
	Amount Written on Pipe Roll	Amount in d.	% of Sum Owed that Was Paid
Owed	3,000 m.	480,000	
Paid 1	£124	29,760	6.20%
Paid 2	£500, 53 s., 4 d.	120,640	25.13%
Paid 3	£40	800	0.17%
Sum Payments in d.		151,200	31.50%
Now Owes (No Sum Given on Pipe Roll)	N/A	328,800	68.50%
Now Owes (Calculated in d.)		328,800	68.50%

Amount Each Magnate Owed towards the Le Brun Fine as Recorded on the Pipe Roll for 23 Henry II

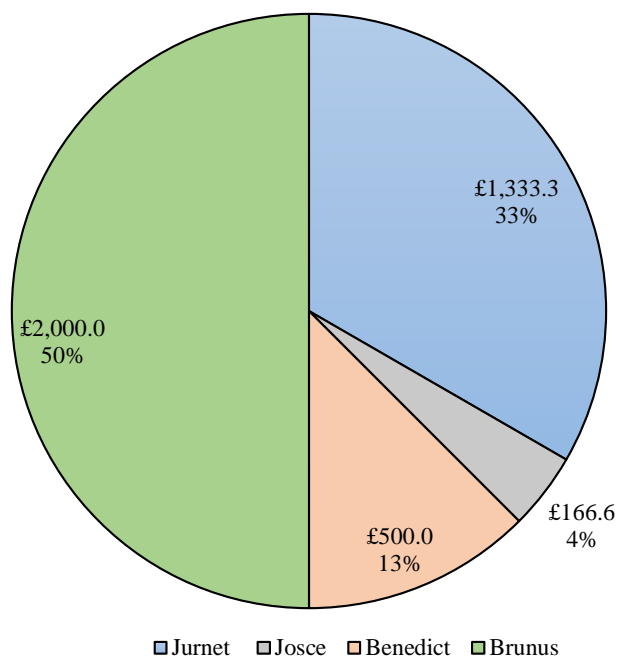


Figure 4.2. The sums that each member of the Le Brun *consortium* were assessed. The percent values under the sums are the percent that the amount each member owed relative to the total sum assessed of £4,000.

The rise of the *consortia* such as the Le Brun *consortium* took place quickly and briefly during the last few years of the 1170's as can be seen clearly in figure 4.5 below. In this graph, the cooler colors represent individual Jewish lenders and the warmer colors represent *consortia*. The reason for the spike in loan repayments during the late 1170's are uncertain. It is possible that the spike represents the crown's need for cash for some unusual expense or shortfall. It is also possible that the crown had initially planned to continue borrowing as it had from Christians earlier in the century. The sudden drop off is likely due in part to one of the same reasons that Christian lending suddenly dropped off: it was simply too dangerous to lend to a government with so much unchecked power. We have seen that Christian lending dropped off suddenly following the government's likely seizure of William Cade's estate, and it is likely that a similar cause played a part in the sudden decline in Jewish lending to the crown. The precipitous drop off in loan repayments in 1178 was probably a reaction to the devastating Le Brun fine of the previous year. Lending to the king was simply too dangerous, and the few payments that came in after 1178 likely represent arrears from money already lent - not money stemming from any newly contracted loans. In sum, it is unlikely that such loans to the crown were especially profitable, and almost certain that they were very risky.³⁵⁰

In any event, the start of the 1180's brought with it a new policy: the crown stopped

³⁵⁰ *Vide* Hillaby, "The London Jewry," 19-21. "Such business [lending to the king] can have provided little if any profit and was potentially dangerous." Hillaby argues that the motivation for these loans to the crown was not profit, but rather "the prospect of future royal favors." His argument is supported by the enormous 6,000 mark (£4,000) fine leveled against the king's creditors in 1177: Jurnet of Norwich, his brother Benedict, Moses Le Brun (found in the pipe rolls under the name "Brunus"), and Josce Quatrebuches.

borrowing to meet its cash short falls and began to seek new methods of taxation instead. It is around this time that the crown began to explore using lay subsidies in earnest. As will be seen in figure 4.3 below, the money the crown raised from taxing its Jewish subjects represented only a miniscule percentage of the annual royal budget. If the government actually did see the Jews as a sponge to soak up wealth, it must have quickly realized that it had a small sponge indeed, and that it could barely change the level of water in the pool that was the medieval English economy.

Figure 4.3 represents the percentage of the total annual crown revenue that was composed of Jewish taxation during the early to mid-thirteenth centuries. This was more or less the height of Jewish prosperity; thus, even though it is not representative of the time period under discussion here, it does represent what must have been close to the maximum the crown could have hoped to receive by taxing or borrowing from its Jewish subjects. Table 4.2 below is a chart summarizing the information gleaned from my study of the pipe rolls from 1156 to 1179. As can be clearly seen from the sums repaid by the crown to its creditors, the numbers from figure 4.3 do not represent an anomaly, but rather a continuation of the norm. The crown simply could have only raised a very small amount of its annual revenue from its Jewish subjects. The argument that the Jews soaked up most of the wealth in the realm is not just unlikely to be correct; rather, it is an impossibility.

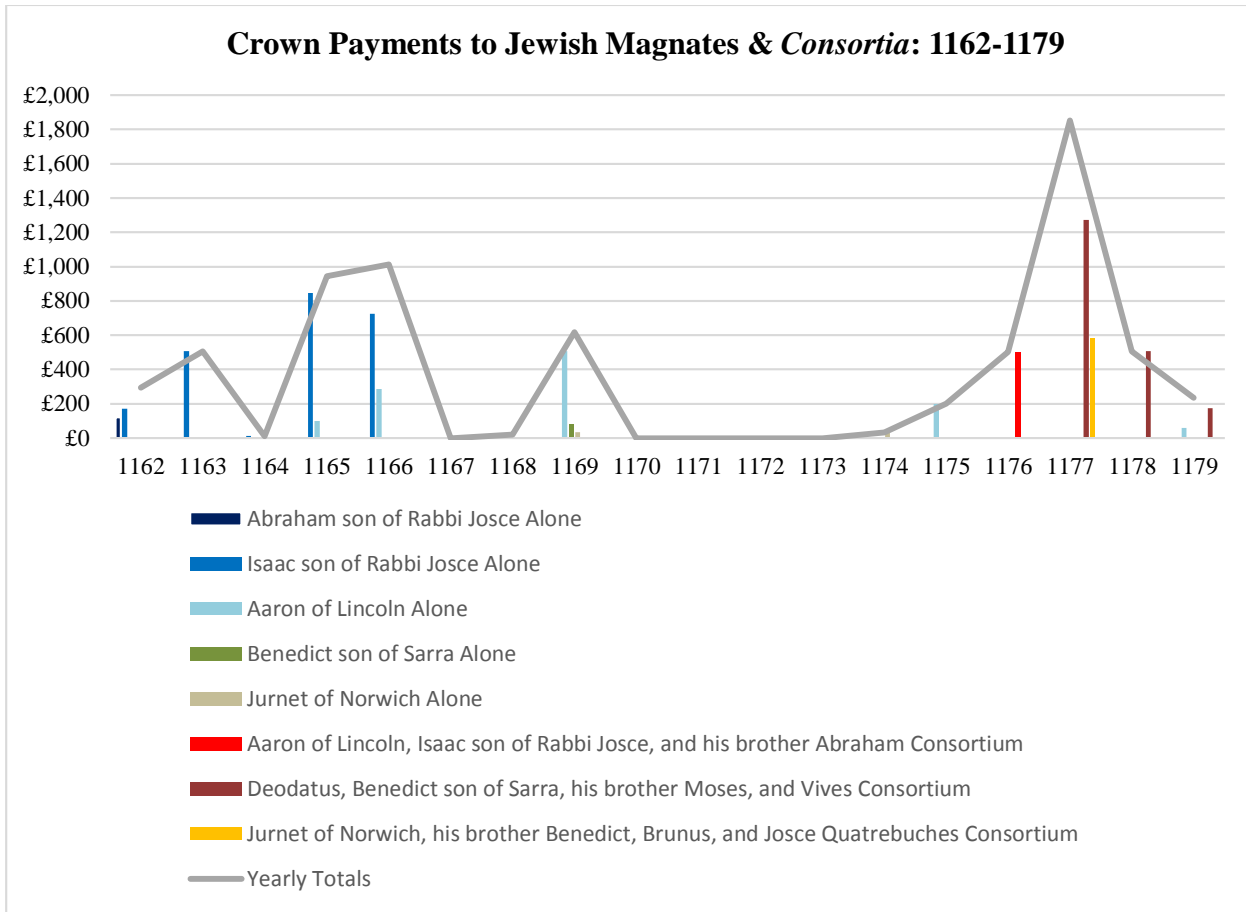


Figure 4.3. A summary of all of the findings from the present study of the pipe rolls from 1156-1179.

Table 4.2

Summary of Royal Loan Repayments Recorded on Pipe Rolls 1156-1179

	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	Total Loan Repayments Recorded on Pipe Rolls 1156-1179	Percent of Sum of Yearly Totals 1156-1179 (£18,095)				
Abraham son of Rabbi Josce Alone							£122																		£122	0.7%				
Isaac son of Rabbi Josce Alone		£47		£127			£172	£506	£13	£845	£725		£21													£2,455	13.6%			
Aaron of Lincoln Alone										£100	£287			£507							£200				£61	£1,154	6.4%			
Benedict son of Sarra Alone																										£79	0.4%			
Jurnet of Norwich Alone														£33							£33					£66	0.4%			
Total, Individual Jewish Magnates	£0	£47	£0	£127	£0	£0	£293	£506	£13	£945	£1,012	£0	£21	£619	£0	£0	£0	£0	£0	£33	£200	£0	£0	£0	£61	£3,877	21.4%			
Aaron of Lincoln, Isaac son of Rabbi Josce, and his brother Abraham Consortium																										£502	2.8%			
Deodatus, Benedict son of Sarra, his brother Moses, and Vives Consortium																										£1,273	£506	£174	£1,953	10.8%
Jurnet of Norwich, his brother Benedict, Brunus, and Josce Quatrebuches Consortium																										£580	£580	3.2%		
Total, Consortia	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£502	£1,853	£506	£174	£3,035	16.8%				
William Cade	£333	£257	£741	£483	£681	£882	£609	£569	£977	£81	£35															£5,648	31.2%			
William Trentegerons and his Wife Emma	£150	£242	£146					£1,432																			£1,970	10.9%		
Ralf Waspail			£173	£267			£600	£36																			£1,076	5.9%		
Robert fitz Savin	£150	£150	£500	£100	£100	£100	£340	£100	£100	£250	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£2,490	13.8%		
Total, Christian Lenders	£633	£649	£1,560	£850	£781	£982	£1,549	£2,137	£1,077	£331	£135	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£100	£11,184	61.8%		
Yearly Totals	£633	£696	£1,560	£976	£781	£982	£1,842	£2,643	£1,090	£1,276	£1,147	£100	£121	£719	£100	£100	£0	£0	£33	£200	£502	£1,853	£506	£235		£18,095	100.0%			
Percent of Total Sum on Pipe Rolls (1156-79)	3.5%	3.8%	8.6%	5.4%	4.3%	5.4%	10.2%	14.6%	6.0%	7.1%	6.3%	0.6%	0.7%	4.0%	0.6%	0.6%	0.0%	0.0%	0.2%	1.1%	2.8%	10.2%	2.8%	1.3%		100.0%				

Why Borrow?

Examining these graphs of loan repayments, one finds that the king seems to have borrowed in waves. It is likely that these waves of borrowings represent groups of loans contracted from many lenders simultaneously. In other words, I suggest that these waves should be interpreted as the crown's effort to deal with specific short-term shortfalls of liquid capital. There are many reasons such a shortfall may have occurred; too many, in fact, to profitably venture any guess³⁵¹ as to the exact causes behind a given wave of lending, but common reasons would have been the subsidization of war or large building projects. However, it is possible to try and tie the ups and downs of recorded royal payments to events that may have influenced them. The gap in royal payments for the year 1167 and 1168 is likely tied to Henry II's usurpation of the estate of William Cade upon his death. Henry thus not only did not have to pay back the bonds to Cade, but he also took possession of some £5,000 in outstanding loans previously owed to Cade. Another example is Abraham son of Rabbi Josce's emergence on the records. This is more than likely the result of Abraham's return to England in 1162 after the need for him to manage the family affairs on the French side of the channel (on account of the lasting effects of the imbroglio between Stephen and Matilda) had passed.³⁵²

It is likely that one lender may have not been able to offer all the money that the king

³⁵¹ I do not mean to imply that assigning some kind of probability for different reasons that might lay behind certain waves of borrowing is an impossible task, only that it is a difficult and beyond the scope of the present paper.

³⁵² For the Pipe Roll records see appendix B; Hillaby also discusses Abraham's return in Hillaby, "The London Jewry," 20.

needed. Thus, the crown may have borrowed as much as possible from the lenders who provided the best terms and then borrowed the balance from a larger lender (such as William Cade) who could lend the remainder of the balance, though perhaps at less favorable terms.

The pipe rolls do not record every payment that the crown made, but this does not detract from the reliability of the data as much as one might expect. This is because, though the crown almost certainly paid some of the loans back, the specifics of which were not left in record, the proportion that was paid back in this way would likely be similar for all lenders in a given year. The amount for every year would be effected by the way the crown chose to pay back the loan, as the amount only reflects repayments that appear on the pipe rolls; the percent amount that each lender lent, however, would very likely not be as effected by this variable since if the crown found it convenient to pay one lender from a source that showed up, or did not show up, on the pipe rolls, then the crown probably would pay another lender from the same source that did or did not show up on the pipe rolls in a roughly equal proportion.

The pattern suggests that the crown borrowed money for specific shortfalls, amortized the loans over short schedules, and borrowed from multiple lenders to get the most favorable terms for the largest possible percentage of the money it had to borrow. It did not borrow regularly,³⁵³ and that much *has* been suggested already: Richardson wrote that “the nearest

³⁵³ Compare this to the way modern governments operate. They *do* regularly borrow money to leverage their cash on hand since they can, using economic analytics, ultimately earn more and grow the nation’s tax base fastest this way. Corporations do the same thing: a government or corporation will borrow a sum at 5%, either because they can earn 6% or 7% on it, or because they are making a long-term investment with an anticipated discounted cash flow that has an expected value greater than the discounted future value of the amortized loan payments.

analogy to these loans is the modern treasury bill. The king was anticipating his revenue and required only short credit.”³⁵⁴

In sum, despite the inaccuracies inherent when dealing with the pipe rolls, they are the best we have to go on, and the patterns that emerge represent such large swings that we could add +/- 25% to each value and still see largely the same few trends:

1. The largest individual Jewish lender to the crown is Isaac son of Rabbi Josce; not, as might be assumed due to his notoriety, Aaron of Lincoln. Up until the advent of the *consortia* in 1176, repayments to Isaac make up more than half the total repayments made. It should also go without saying that these loans were clearly made by a select few magnates and not “the Jews.”

2. The king did not make it a policy to use debt instruments to regularly fund his government. Given the steep slopes and the absence of payments in 1167 and the near absence of payments for 1170-1174, the king’s loans look more like modern day short-term treasury bills than a long-term policy to leverage productive capital (a concept that did not yet explicitly exist). Rather, as will be time and time again evident, the government was a flexible institution composed of poorly defined divisions, and was largely reactive in nature. That it was reactive is evident from the implied borrowing patterns above; that it was flexible and adaptive will be seen below in the sections covering the creation of the Exchequer of the Jews and the Exchequer of Aaron.

3. The amounts are relatively small, when we consider that the crown’s annual

³⁵⁴ Richardson, *English Jewry*, 64-65.

revenue was around £40,000.³⁵⁵

4. Perhaps the most notable trend is that the scale of Christian lending was, for the early/mid-twelfth century, greater than the lending of the Jewish magnates. This is, of course, especially apparent in the decade 1156-1166, during which period Christians lent the most money to the king.

³⁵⁵ See figure 5.2. Sydney Knox Mitchell, *Studies in Taxation under John and Henry III* (New Haven: Yale University Press, 1914).

Chapter 5: A Close Analysis of the Lincoln *Archa*

Just like the rest of the medieval English government, the system by which the crown taxed its subjects (both Jewish and Christian alike) was consistently dynamic. Additionally, the government's relationship with its Jewish and Christian subjects was decidedly heterogeneous: any change that the government made regarding its Jewish subjects was not an isolated affair, but instead can only be understood within the context of the crown's administration of its Christian subjects (and vice-versa). Bearing this in mind, let us proceed, for the purpose of understanding the environment these changes took place within, to a short overview of the progression of the tax system from the twelfth through thirteenth centuries. The most important concept to take away from all of this is the way the Jews were integrated into the medieval English system of revenue gathering.

The twelfth-century taxation system was, for the just over a moiety of the century, largely dominated by four³⁵⁶ traditional feudal³⁵⁷ sources of income:

1. Demesne rents – These were the rents the king earned on his own lands via the county farm (or “firm”). This revenue derived from regular payments made by sheriffs “for the privilege of farming the revenue of the royal demesne and the fines of the local

³⁵⁶ There were of course other sources from which the crown could traditionally derive funds. These include “the firma burgi, a lump sum paid by certain towns for the privilege of farming the town revenues... the bringing of cases into the king's court, the delaying or expediting [of] a trail, and the grant or confirmation of charters.” Sydney Knox Mitchell, *Studies in Taxation under John and Henry III* (New Haven: Yale University Press, 1914), 1.

³⁵⁷ I am aware of the inadequacies of the word “feudal.” Here I simply use it to reference the relationship between a lesser lord and a higher lord (or even the king) on account of the latter granting the former a piece of land in exchange for military or monetary obligations placed upon the lesser lord.

courts.³⁵⁸

2. Escheats – When an individual died intestate or as the result of punishment for some crime, his or her estate could escheat to the crown (meaning the crown essentially took the estate as its own). A similar one-time form of revenue for the crown was the relief. This was essentially what we would now consider an inheritance tax, and was levied on Jews and Christians alike.

3. Wardships – There were two major instances where the king (or a noble) might avulse funds on account of traditional wardship rights. The first of these occurred when an estate holder died and left his estate to an heir who was, as of yet, too young to manage the estate himself or herself. In this case, the crown would take over management of the estate (and the profits derived therefrom) until the minor reached an age where she or he could manage the estate. The second of these occurred when the king (or a noble) demanded a payment from a young woman or man in return for the noble's or king's court's permission for her or him to marry the suitor of her or his choice.

4. Amercements – These were simply punitive arbitrary sums levied by the government against an individual for some wrongdoing.

Later in the twelfth century (and especially during the thirteenth century), two new, complimentary, and very profitable sources of revenue were developed: feudal levies and lay subsidies. Feudal levies included *auxilium*, *scutage*, and tallage.³⁵⁹ The king could demand

³⁵⁸ Mitchell, *Studies in Taxation under John and Henry III*, 1.

³⁵⁹ These terms, like so much else concerning the medieval English government, were in flux during the twelfth and thirteenth centuries. “Until the mid-thirteenth century the terms *auxilium* (aid), *dounum* (gift), and tallage were used interchangeably.” Julie Mell, *Which is the Merchant and which*

auxilium, or aid, on three occasions: the knighting of his eldest son, the marriage of his eldest daughter, or if he needed to be ransomed.³⁶⁰ *Scutage* (from the Latin for “shield,” *scutum*, *scuti*) was a sum of money paid by a fief-holder in lieu of military service. Finally, a tallage³⁶¹ was an arbitrary lump sum payment demanded by the crown and paid communally. No forms of feudal aid technically required baronial consent, and the tallage could be levied on all royal holdings: royal cities and boroughs, royal demesne lands, and Jewish communities. That the Jewish communities were lumped in with specifically royal holdings is not evidence that Jews “belonged” to the king. Rather, boroughs are by definition free and therefore Jewish tallage is not necessarily a sign of serfdom. Instead, it is an example of the confluence of the fact that the king wished to intimate jurisdictional control over the Jews with the fact that it was administratively convenient to operate under the assumption that Jews should be simply lumped in with the rest of the king’s holdings. Indeed, tallages on all segments of the population (i.e. not just Jews) increased in frequency over most of the thirteenth century.

Lay subsidies served the purpose of taxing that segment of the population that was not subject to feudal levies.³⁶² Perhaps the most notable difference between the feudal levies

the Jew: The Myth of the Medieval Jewish Moneylender (New York: Palgrave Macmillan, 2016 forthcoming), Ch.3, p.12, fn. 39.

³⁶⁰ James H. Ramsay, *The Foundations of England*, vol. 2 (London: Swan Sonnenschein & co., 1898), 141.

³⁶¹ “A vivid expression which was derived from the verb *tailler*, meaning literally to take from someone a part of his substance and, consequentially, to tax him.” Marc Bloch, *Feudal Society*, trans. L. A. Manyon (London: Routledge & Kegan Paul, 1961), 223. The word ultimately derives from the Latin *tallagium* and thence to the old French *taillet*. Christopher Corèdon, *A Dictionary of Medieval Terms and Phrases* (Cambridge: D. S. Brewer, 2004), 270 s.v. “tallage.”

³⁶² “Royal cities, boroughs and demesnes were tallaged, but not levied for the subsidy, and subsidies

and lay subsidies was that, while feudal levies were more or less arbitrarily levied at the whim of the king, lay subsidies required consent from the barons or another representative body. These lay subsidies were especially important because they

began the transition from feudal to modern taxation for they were based on property, not tenure, and they employed new machinery, the local bodies (the county, the hundred, and the vill), to assist the royal officials who represented the central government, to assess and collect the tax. The new taxes [lay subsidies] finally supplanted most of the feudal taxes because they yielded more money.³⁶³

Because lay subsidies and tallages were so successful at raising money for the crown, their use increased.

Tallages (including Jewish tallages) worked alongside lay subsidies to maximize the revenue for, and jurisdiction of, the crown. Thus, as has already been mentioned in Chapter 3, Jewish and Christian taxation developed together – they were reactions to the same exigencies, products of the same minds, and were both elements in the crown’s larger goal of extending its authority.³⁶⁴

It will be helpful at this point to provide a summary of the tallages and other taxes that the king levied upon the Jewish communities of medieval England in the years leading up to the 20,000 mark tallage of 1241-42. The fact that the figures concerning the amount taxed from the Jewish communities of medieval England are inexact, as will be shown, does not represent much of a problem, for even if they are off by as much as 100% they still

supplemented other forms of feudal aid by providing the crown a means for levying populations that would not otherwise have been subject to royal taxation.” Mell, *Which is the Merchant*, Ch.3, p.19.

³⁶³ Mitchell, *Studies in Taxation under John and Henry III*, 5.

³⁶⁴ See the above section about Hubert Walter for further detail.

vividly illustrate just how small a percentage of the king's revenue that Jewish taxation actually represented.

There is no agreed upon calendar for the dates when, and amounts that, the Jewish communities of medieval England were tallaged. What follows then is drawn from one of the most exact calendars available: that provided by Stacey in his "Royal Taxation and the Social Structure of Medieval Anglo-Jewry."³⁶⁵ It is impossible to know how much of the following tallages were received and when. This is for two reasons: the first is that there were two terms of payment each year for each tax. Until the "Worcester" tallage of 1241-42,³⁶⁶ if such returns remain extant at all, they represent only the returns from one of the two terms, and even these often exist only partially. The second is that the payments for these tallages were almost always spread out over a number of years. This could either be because the tallage was due in installments, or it could be because the wealthy magnates paid the king money (called "fines," but not in the modern sense of the word) that permitted them to pay their portion of the tallage in installments. Because the bulk of any tallage was paid by a handful of magnates, when these same magnates paid to have their payment terms spread out, the returns as a whole would be more or less evenly spread out over the agreed upon number of years.

Figures 5.1-5.3 and table 5.1 illustrate both of the aforementioned points. The timeline puts the frequency and amount of these tallages into perspective. The graphs and

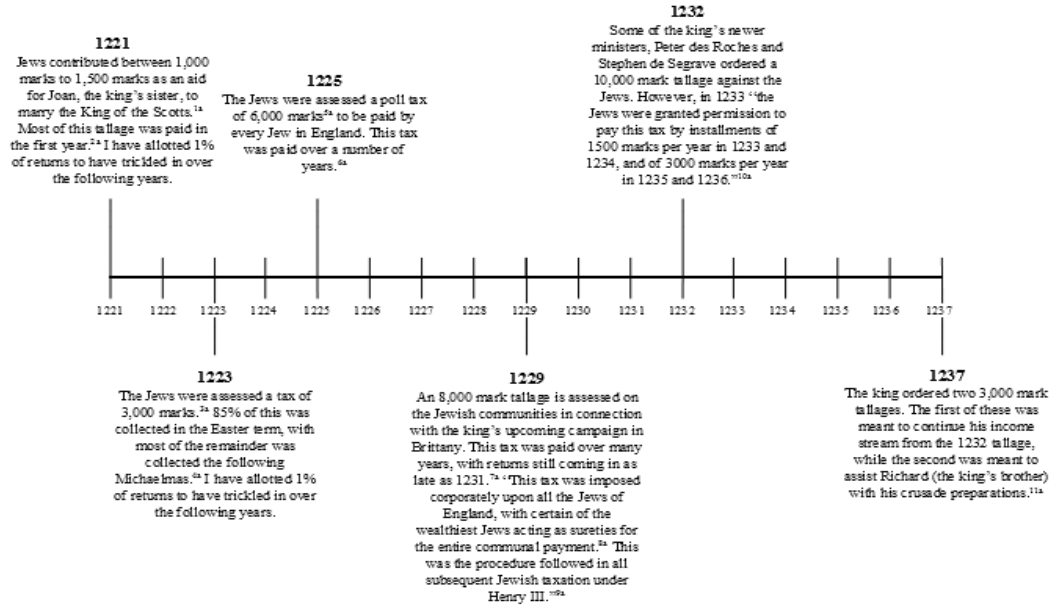
³⁶⁵ Stacey, "Royal Taxation and the Social Structure of Medieval Anglo-Jewry," 177-185.

³⁶⁶ Indeed, part of the reason the "Worcester" tallage returns are so valuable is that they represent the first fully extant returns we have from a Jewish tallage.

table illustrate just how little the income from these Jewish taxes represented when compared to the crown's overall annual income. The figures I have used for the present study come from Ramsay's *A History of the Revenues of the Kings of England*.³⁶⁷ Again, any estimate of the crown's revenue for a given period will necessarily be very rough. Even if Ramsay's figures are off by a wide margin, it would not change the fact that Jewish tax revenue represented only a small portion of total royal revenues. Because Jewish tallages were most often paid over a period of several years, I have spread the payments for these taxes out over the period of years until the next tax was put into motion - unless there is information available to indicate that the returns were largely paid within a single year. The information provided on the timeline explains where and why I have done otherwise.

³⁶⁷ Sir James H. Ramsay, *A History of the Revenues of the Kings of England*, vol. 1 (Oxford: The Clarendon Press, 1925), 275-301.

A Timeline of Jewish Tallages from 1221-1237



^{1a} The primary source evidence can be found in E.401/4. Helena Chew has written an excellent and detailed article regarding the aid: Helena M. Chew, "A Jewish Aid to Marry, A.D. 1221," *The Jewish Historical Society of England* 11 (1928): 92-111.

^{2a} Mall, *Which Is The Merchant*, Ch. 3 p. 27

^{3a} The relevant primary source evidence can be found in E.401/6.

^{4a} *Ibid.*, Ch. 3, p. 27

^{5a} *Ibid.*, has this as a tallage of 4,000 marks. To strengthen the argument that the taxes paid by the Jews did not represent a significant portion of the king's income, I have chosen to use Stacey's higher figure of 6,000 – in this way, the results of this study will represent the maximum possible amount paid by the Jews, and hence preclude any argument that the figures I have chosen represent the low end of the estimated amount of Jewish contributions to royal coffers.

^{6a} Stacey, "Royal Taxation and the Social Structure of Medieval Anglo-Jewry," 178.

^{7a} *Ibid.* For a primary source reference, vide Chalfant Robinson, ed. *The Great Roll of the Pipe for the Fourteenth Year of the Reign of King Henry the Third, Michaelmas 1230* (Princeton: Princeton University Press, 1927), 222.

^{8a} Stacey here cites as a primary source: The Deputy Keeper of the Records, *Calendar of the Patent Rolls* (London: Mackie and Co., 1906), 12-13.

^{9a} Stacey, "Royal Taxation and the Social Structure of Medieval Anglo-Jewry," 178.

^{10a} *Ibid.*

^{11a} *Ibid.*, 179.

Figure 5.1

Table 5.1: Estimated Amount of the Crown’s Income from Jewish Tallages as Compared to the Estimated Crown Revenue per Year

Year	1220-1221	1221-1222	1222-1223	1223-1224	1224-1225	1225-1226	1226-1227	1227-1228	1228-1229
Taxes Levied on Jews	240,000	0	480,000	0	0	960,000	0	0	1,280,000
Yearly Return from Taxes Levied on Jews	237,600	2,400	475,200	2,400	2,400	320,000	320,000	320,000	426,666
Estimated Total Royal Income	4,764,240	9,226,320	7,656,960	7,018,800	22,148,160	7,008,000	7,065,840	6,528,000	7,008,000
Percent of Total Royal Revenue Raised by Taxes on Jews	4.93%	0.03%	6.21%	0.03%	0.01%	4.57%	4.53%	4.90%	6.03%

Year	1229-1230	1230-1231	1231-1232	1232-1233	1233-1234	1234-1235	1235-1236	1236-1237	1237-1238
Taxes Levied on Jews	0	0	400,000	0	240,000	480,000	480,000	960,000	0
Yearly Return from Taxes Levied on Jews	426,666	426,666	200,000	200,000	240,000	480,000	480,000	480,000	480,000
Estimated Total Royal Income	12,017,520	7,248,000	6,768,000	10,460,400	8,456,880	8,488,800	8,160,000	9,600,000	12,758,400
Percent of Total Royal Revenue Raised by Taxes on Jews	3.55%	5.89%	2.96%	1.91%	2.84%	5.65%	5.88%	5.00%	3.76%

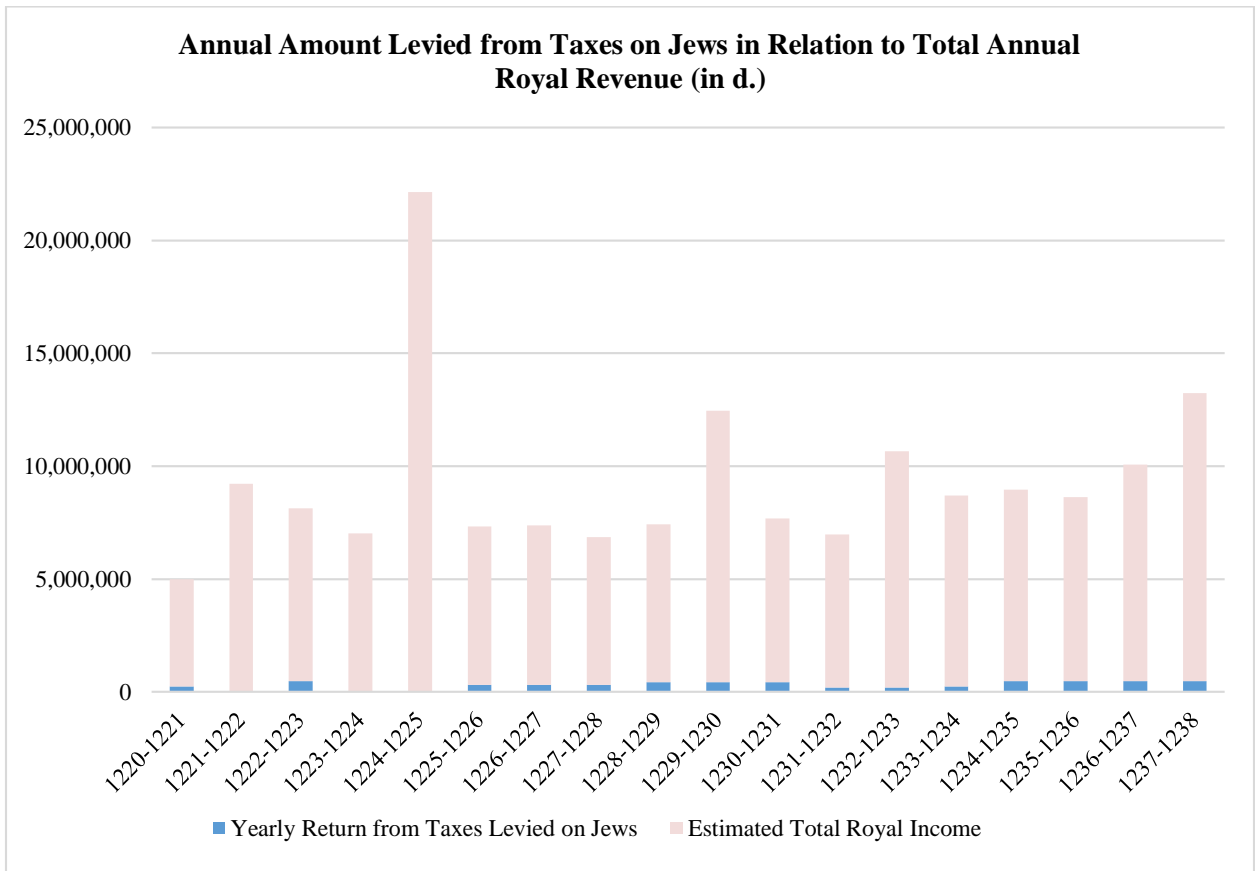


Figure 5.2

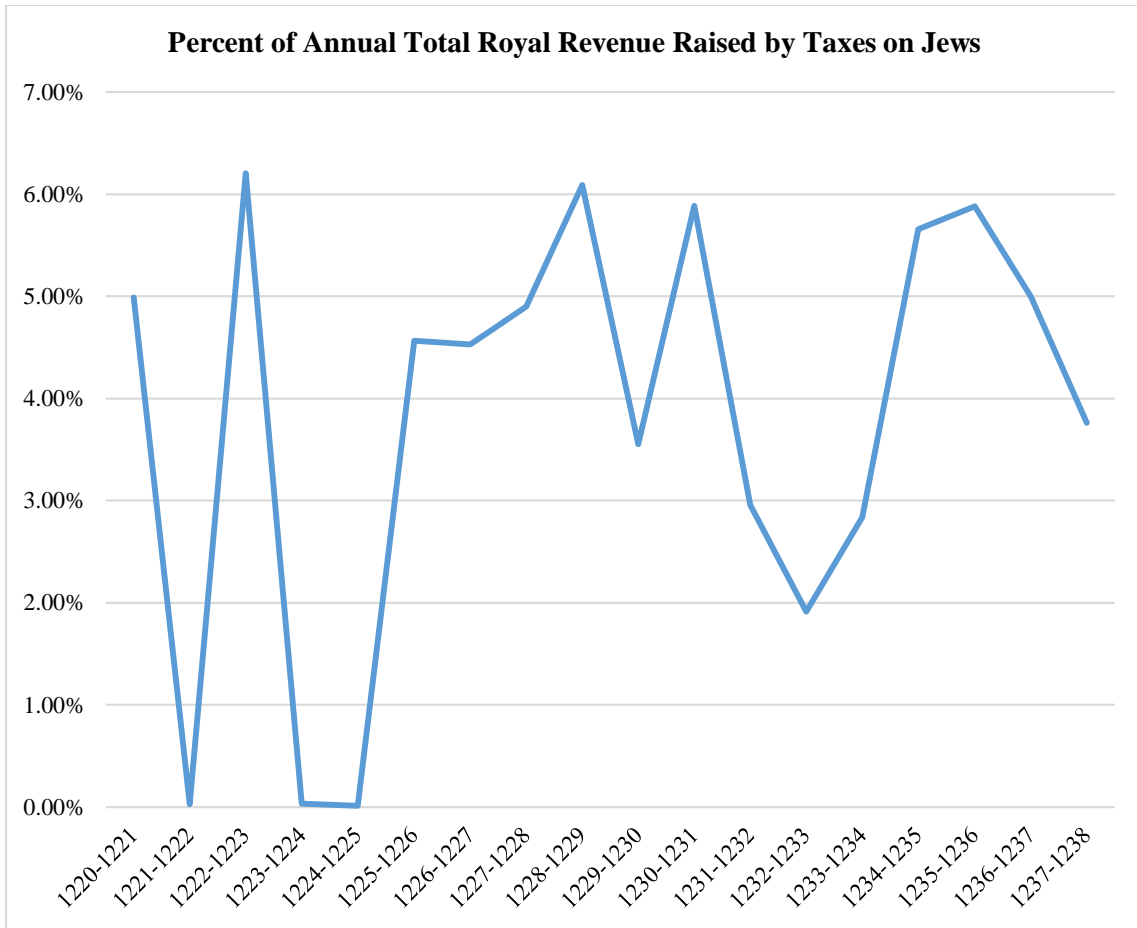


Figure 5.3

The Third and the Origins of the “Worcester” Tallage

The 20,000 mark “Worcester” tallage that produced E.101/249/4 was actually a continuation of an earlier tallage meant to collect one-third of the value of moveable property from England’s Jewish communities. This tallage, commonly called the “Third,” was ordered

by Henry III in 1239;³⁶⁸ however, the king seems to have found that

The returns were disappointing... By 4 September 1240, the exchequer had received a total of only 1,000 marks... from the king's Jewry, a sum which probably included payments by Christians on Jewish debts which had fallen in to the king, and payments by Jews purchasing royal writs or paying fines and amercements, as well as payments on the Third.³⁶⁹

This new tallage upon the Jews (i.e. the Third) was a drastic shift from the pattern in the above discussion. It is difficult to tell what motivated this new change of policy. Matthew Paris imputes the catalyst for the imposition of the Third to a homicide he attributed to the Jews.³⁷⁰ Whether or not one takes Paris' story with any degree of credulity, it does seem, as Stacey has pointed out,³⁷¹ that the Third was cast in the form of a punitive measure. This is because one-third of one's estate was the tax usually ascribed for Jews to pay as a relief to redeem their inheritances.³⁷² Also, the Jews were ordered to pay Queen's gold (10% of the value of any fine made with the king) – a payment usually not enforced on tallages.

Whatever the underlying cause(s) that prompted the Third may have been, the results

³⁶⁸ Stacey, "Royal Taxation and the Social Structure of Medieval Anglo-Jewry," 179.

³⁶⁹ *Ibid.*, 183-84.

³⁷⁰ He also mentions that later four Jews hung themselves for having circumcised a young Norwich boy. This story is not very credible. In the first place, it comes laden with all the suspicions we should ascribe to chronicle primary source documents; secondly, the accusation of murder is simply appended to the end of the story – as is another story of four Jews who hung themselves for circumcising a boy from Norwich. This same story regarding the circumcision is retold by Paris "no less than three separate times in his chronicle, assigning a different year to it each time, and amplifying his account with each retelling." Stacey, "Royal Taxation and the Social Structure of Medieval Anglo-Jewry," 180-81. I include here the story of the circumcision and hangings from Paris' *Chronica Majora* since Stacey omits it: "*Nec diu post haec, propter quendam puerum, quem Judaei circumciderunt, quatuor Judaei, quibus non errant ditiores in civitate, apud Norwicum, convicti manifeste, suspendio perierunt.*" Matthew Paris, *Monachi Sancti Albani, Chronica Majora*, vol. 3, ed. Henry Richards Luard (London: Longman & Co., 1876), 543.

³⁷¹ Stacey, "Royal Taxation and the Social Structure of Medieval Anglo-Jewry," 179-80.

³⁷² Thus implying that the king had "taken" all of the property of the Jews and they needed to pay a relief to get it back.

of the Third did not suit the king's need for ready cash. For, unsurprisingly, the wealthy Jewish magnates (from whom the vast majority of the tax was to come) paid fines to the king to extend the terms of their payments so that they were spread out over several years: "Abraham f. Muriel, Elias Blund, Leo Blund of Milkstreet, and Solomon l'Eveske in three years, David of Oxford in six years, and Aaron f. Abraham and Aaron Blund in nine years."³⁷³ With the taxes from the wealthy magnates spread out over such a long duration, the king's best hopes to receive the little amount of income that the Jews could provide could only rest with the average Jews within the realm. It is interesting to note here that the king likely understood (to a degree) the unequal wealth distribution of his Jewish subjects, for he decided to stop collecting on the Third, and instead rolled the money already paid towards it into the new "Worcester" 20,000 mark tallage of 1241-42.³⁷⁴ He was to make this new 20,000 mark tallage much more thoroughgoing.

One last subject should be addressed before leaving the Third and concentrating our gaze on the "Worcester" tallage that the Third was rolled into. The preparations for the

³⁷³ Stacey here cites The Deputy Keeper of the Records, Public Records Office, ed. and trans., *Calendar of the Liberate Rolls Preserved in the Public Record Office* vol. 2 (London: His Majesty's Stationary Office, 1930), 96. However, the cited page (as well as the surrounding pages) contain information regarding Aaron f. Abraham's and Aaron Blund's terms for the 20,000 mark tallage. The primary source document for the Third is noted by Stacey in the preceding sentence and can be found in: The Deputy keeper of the Records, Public Records Office, *Calendar of the Liberate Rolls Preserved in the Public Records Office*, ed. and trans., vol. 1 (London: The Hereford Times Limited, 1916), 439-440.

³⁷⁴ "The complicated arrangements for the taxation of 1240-1241 are difficult to unravel, but it seems clear that the levy of one-third of chattels was commuted to a tallage of 20,000 marks. Payments in respect of the former were credited to the latter (*Close Rolls, 1237-1241*, pp. 281, 312). The summoning of representative Jews to Worcester early in 1241 and the elaborate arrangements for assessment of May of that year are in respect of this taxation (*Ibid.*, pp. 346-7, 353-5)." Richardson, *English Jewry*, 214, fn. 5.

collection of the Third were similar to those made for the preparations for the collection of the “Worcester” tallage. The king first confidentially sent out word for the *archae* to be closed so that no one could add, remove, or alter the contents of it in order to avoid taxation. The king then sent out Bertram de Cryoll (a household steward) and Brother Geoffrey the Templar (the king’s almoner) to tour the *archae* and assess the Third upon the Jewish communities based upon documents found therein along with the chattels owned by the Jews of each community.³⁷⁵ This is another instance of both governmental change and continuity, for the procedure used for the “Worcester” tallage was similar, but altered to be inclusive of more of the population than that used for the Third (for example, but including women).

How the Process of Exaction for the 20,000 Mark “Worcester” Tallage Operated

The 20,000 mark “Worcester” tallage that produced E.101/249/4 was ordered by Henry III in 1239,³⁷⁶ after the king seemed to have found that the returns of the Third did not meet his needs. He therefore ordered the *archae* closed again in the summer of 1240 and demanded a significantly more thorough inquiry, this time under the supervision of Jeremiah de Caxton (a sheriff and then justice of the *coram rege* by 1241) and William Hardel (a king’s clerk and keeper of the mint).³⁷⁷ The king’s order survives, and is evidence of just how

³⁷⁵ The Deputy Keeper of the Records, Public Records Office, ed. and trans., *Calendar of the Liberate Rolls Preserved in the Public Record Office* vol. 2, 106. Primary source documents stemming from Bertram’s and Geoffrey’s inquisition have been published by V. D. Lipman, *The Jews of Medieval Norwich* (London: The Jewish Historical Society of England, 1967), 245-59.

³⁷⁶ Stacey, “Royal Taxation and the Social Structure of Medieval Anglo-Jewry,” 179.

³⁷⁷ For primary source evidence that Caxton and Hardel did indeed carry out the command to conduct the inquest, *vide infra* “A Copy of the Letter Sewn onto the Right Side of E.101/249/4 Membrane 2 Verso.”

thoroughgoing he wished this new inquest to be:

The King to the sheriff of Northamptonshire, greetings. Know that we have assigned our beloved clerks Jeremiah de Caxton and William Hardel to make inquiry concerning the chattels and debts of the Jews throughout your bailiwick, by opening the *archae* which were sealed by our command and by any other means which they may perceive to expedite our comfort and utility. And therefore we command you, firmly enjoining that as you love yourself you shall come in person before these same clerks on a certain day and place which they shall make known to you, and that you shall also cause to come before them all serjeants of your bailiwick and as many men from each market town and borough and other outlying towns inside and outside liberties as the clerks shall make known to you, and similarly the mayors, bailiffs, chirographers and their clerks, and other prudent and lawful men, in whose presence the aforesaid *archae* were sealed by our command, to certify by their oath concerning those matters which on our behalf shall be inquired of them in accordance with certain articles which we have enjoined our clerks to expound to you and to the aforesaid bailiffs and other prudent men... To this end, we command you that you make known to our aforesaid clerks the names of each Jew and Jewess from your bailiwick who is of 12 years of age or more, and especially the names of Jewesses whether widows or otherwise who do not have husbands, and you shall have the bodies of these Jews and Jewesses before these clerks when they shall command you, and you shall also have this writ. Witness the King at Westminster, first day of July. The sheriffs of Cambridge, Lincoln, York, Nottingham, Bedford, Norfolk, and Suffolk are written in the same way.³⁷⁸

This letter was just the opening volley in a series of writs the king sent out that were meant to ensure that the forthcoming 20,000 mark tallage collected as much as possible. As can be seen in the above writ, he clearly meant for it to be carefully and accurately done. In the first place, the king not only ordered that the *archae* be opened for the purposes of recording, but he also gave Caxton and Hardel permission to gather information “by any

³⁷⁸ The original writ may be found in: The Deputy Keeper of the Records, Public Record Office, ed., *Close Rolls of the Reign of Henry III, A.D. 1237-1242* (London: His Majesty's Stationary Office, 1911), 238-239. The above translation is Stacey's: Stacey, “Royal Taxation and the Social Structure of Medieval Anglo-Jewry,” 186-87.

other means which they may perceive to expedite our comfort and utility.”³⁷⁹ The king further ordered a dedicated group of officials³⁸⁰ to be present and to swear oaths not to conceal any information that might be pertinent to the assessment and collection of his 20,000 mark tallage. Finally, he took pains to emphasize that all his Jewish subjects (with movable property valued at over either fifteen or forty shillings)³⁸¹ should contribute to the tax – ordering especially women and all Jews twelve years of age or older to be assessed as well. This tax was based upon the moveable property of every household, and the king wanted to make sure that households headed by women or households that consisted of single young men or women were not overlooked.

This last provision is evident in E.101/249/4, for, as Stacey has pointed out, the first membrane of this document contains an unusually large number of women’s names.³⁸² Stacey, however, missed an important piece of evidence that confirms that this document was the returns to the tallage for a certain period of time, and that the rest of the document is the Lincoln *archa* scrutiny: on Membrane 2 *verso*, there is a letter written from Bertram de Cryoll to Caxton and Hardel that confirms Membrane 1 *recto* was related to the 20,000 mark

³⁷⁹ *Vide supra*.

³⁸⁰ “All serjeants of your bailiwick and as many men from each market town and borough and other outlying towns inside and outside liberties as the clerks shall make known to you, and similarly the mayors, bailiffs, chirographers and their clerks, and other prudent and lawful men.” *Vide supra iterum*.

³⁸¹ Stacey, in “Royal Taxation and the Social Structure of Medieval Anglo-Jewry,” 241, transcribes the relevant order (found on E. 101/249/12) as “Judei jurati de Kantebr’ de tallagio faciundo Ysaac Blund et Jac’ de Clare jurat’ quod nullum concealabunt qui habeat catall’ xl sol’ vel ultra.” However, Mell argues that this should be read as “xl,” and not “xv.” Mell, *Which is the Merchant and which the Jew: The Myth of the Medieval Jewish Moneylender*

³⁸² A full analysis of the ratio of female to male names as well as the amount each paid towards the tallage is provided *infra* in the section titled “*Female Lenders*.” Cf. Stacey, “Royal Taxation,” 187, fn. 50.

tallage.³⁸³ The letter reads:

B. de Crioll' dilectis sibi amicis dominis Jerem' de Caxton' et Willelmo Hardel justiciariis Judeorum, salutem cum dilectione scincera. Quia Mosceus filius Joscei Crespin Judeus London' honeratus est per starrum suum in summa London' de quibusdam debitis per archam Linc', scilicet de Scolastr' super Leonem iij m. et dimidia, de eadem Scolastr' iij m. et viij^{to} sol., Alicia de Novavilla xxx sol., Roberto le Ne[un?] super Leonem x marcis, et de Gilleberto [generi?] Alicie de xxx sol., unde [x]ij li. viij^{to} sol. sunt sub nomine Leonis Linc' patris sui in lege, et xxx sol. sub nomine suo de dicta Alicia de Novavilla. Unde significo quod si pedes de dictis debitoribus et dicto [de]bito in archa forte inveneritis quod illos remittatis. Ita quod dicti Judei de dictis debitis [ho]nerati non sint. Valet.³⁸⁴

³⁸³ Again, a full analysis of further reasons that we can be all but certain this was the case will be given *infra* in the section titled “A Close Analysis of E.101/249/4: The Results.”

³⁸⁴ I would like to thank Richard Cassidy for helping me with the above transcription. We were both unable to provide a perfectly sensible translation of the letter, though the basic meaning of it is clear enough for present purposes. I have endeavored a clumsy English translation (almost certainly containing numerous errors) that may be of some help to any reader who is understandably stymied by the perplexing Latin: “Bertram de Cryoll to his beloved friends Master Jeremiah de Caxton and William Hardel, justices of the Jews, sincerest greetings. Because Mosses son of Josce Crespin, Jew of London, is charged by means of his *starr* [most often, a *starr* was a quitclaim on a debt] in the London account [i.e. the inquest into the loan chest in London] regarding certain debts through the lincoln *archa*, namely, those of Scolaster to Leon for three and a half marks and another of the same Scolaster for three marks and eight shillings, for Alicia de Novavilla for thirty shillings, for Robert le Neun to Leon for ten marks, and for Gillebert the son-in-law of Alice for thirty shillings, from whence twelve pounds and eight shillings are under the name of Leon of Lincoln his father-in-law, and thirty shillings are under the own name of the aforesaid Alicia de Novavilla. And I indicate that if the foot [i.e. the “foot,” or bottom half of the chirograph used as a receipt] of the chirograph in the *archa* – this was kept as proof of the loan document] of the said debtors and the said debts are by chance found in the *archa*, let any of those be remitted [i.e., they shall be considered paid]. Thus, anything of the said Jew of the said debts should not be charged against him. Farewell.”

A Copy of the Letter Sewn onto the Right Side of E.101/249/4 Membrane 2 Verso

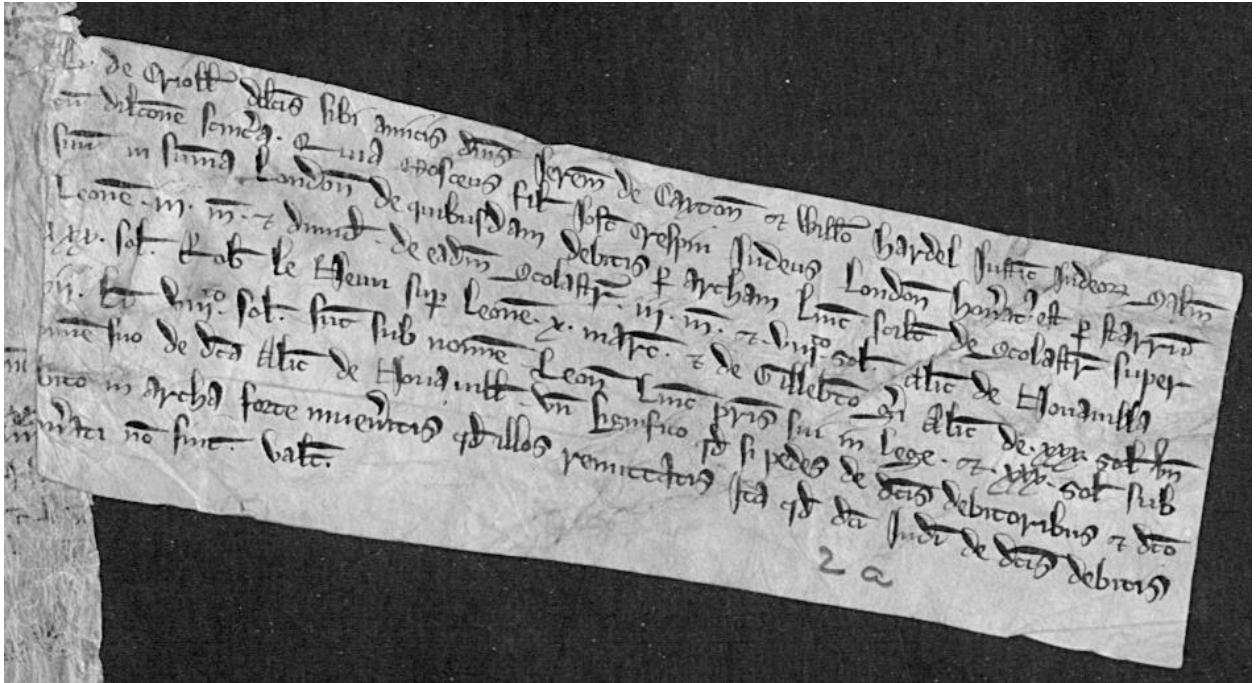


Figure 5.4

In January of 1241, presumably after the king had received at least some information from the inquest that he had ordered in the summer of 1240, he set about disseminating orders in preparation for a participatory (and hence more thorough) plan to assess his 20,000 mark tallage. His tone was severe:

The King to the sheriff of Northamptonshire, greetings. We command you, as you love yourselves and all yours and so that we do not most grievously seize upon you by force, that you cause to come before us at Worcester on the Sunday next before Ash Wednesday six of the wealthier and more powerful Jews of Northampton, and from each town in your shire in which Jews dwell one or two Jews according to their numbers, to treat with us of their utility as of ours, knowing that unless these Jews come at the aforesaid time, we will so aggrieve you in consequence by your body and by your chattels that you will

forever feel our hand to grieve you immoderately.³⁸⁵

Because Richardson has corrected H. P. Stokes' earlier misdating³⁸⁶ of an important document (E.101/249/12) and because Stacey has correctly gathered and placed in context its full content, historians now have available to them a *sui generis* glimpse into the inner workings of the assessment and collection process behind a tallage. Stacey's careful study of the document (E.101/249/12) has shown that it was written hastily during the actual process of preparing the tallage's assessment. His evidence for this is manifold:

Similar in size to a muster roll, it is a size of membrane on which "in the field" records were often taken down, but which was rarely used in the chancery or the exchequer for making permanent records. It is written in a hasty, uneven hand, with extremely irregular spacing. Titles are misplaced, names lined through, and lists of communities are taken down in no discernable order.³⁸⁷

The contents of the roll indicate that on the appointed date,³⁸⁸ Jewish representatives gathered at Worcester; two from most towns, one each from the smaller towns, and three from London. According to this hastily scribbled document, the representatives, or "jurors" elected three groups of people to conduct the process of assessing and collecting the tallage: thirteen *talliatores*, six *majores*, and six *mediocres*. The thirteen *talliatores* represented the thirteen largest Jewish communities,³⁸⁹ and, like the *majores* and *mediocres*, were elected by

³⁸⁵ The Deputy Keeper of the Records, Public Record Office, ed., *Close Rolls of the Reign of Henry III, A.D. 1237-1242*, 345-47. The English translation is Stacey's, "Royal Taxation," 189.

³⁸⁶ H. P. Stokes, *Studies in Anglo-Jewish History* (Edinburgh: Ballantyne, Hanson & Co., 1913), 250-51. Stokes dated E.101/249/12 to 1219. His error continued to obfuscate the value of the document until Richardson's 1960 corrective. Richardson, *English Jewry*, 214-15, fn. 5.

³⁸⁷ Stacey, "Royal Taxation," 190, fn. 61.

³⁸⁸ 10 February, 1241. Stacey, "Royal Taxation," 189.

³⁸⁹ "Bedford, Bristol, Colchester, Exeter, Northampton, Somerset (Ilchester), and Warwick show no

the Jewish jurors at Worcester. Adler has suggested that these men were assessors of the tallage,³⁹⁰ but given that E.101/249/12 goes on to explain that the assessment was conducted mostly by the six *majores*, we may conclude with Stacey³⁹¹ that these men only supervised the collection of the actual assessment, and that their name comes from their rôle in cutting the tallies that were issued to the Jews as a receipt of proof when they made their payment.³⁹² The six *majores* were the six wealthiest Jews after Aaron of York. These six worked with Aaron (who was also the archpresbyter at the time and by far the wealthiest Jew in the kingdom) to assess the tallage on every individual Jew save for themselves. They did not assess themselves, of course, since the crown was eager to avoid tax evasion, and great measures were taken to ensure as just a tax burden as possible. In addition to the names of the six *majores*, (Leo of York, David of Oxford, Aaron f. Abraham, Aaron Blund, Benedict Crespin and his brother, Jacob Crespin), E.101/249/12 contains the following provision:

Whenever anyone who ought to be tallaged is himself a relative of one of the six magnates who ought to tallage him, that is, father or mother, brother or sister, son or daughter, nephew or niece, uncle or aunt, father-in-law or son-in-law, or one who married his niece, his relative among the magnates and even the servants of that relative shall be removed, and also all parties who may be related by marriage in any way to the one to be tallaged shall be removed; and each one of the six magnates ought to be tallaged by the six *minores* and by Aaron of York, and the rest of the six magnates should be removed. And if any one of those six magnates bribes any one of the six *minores* while he is being tallaged, then that one who was bribed shall be removed, and

listing for this position.” Stacey, “Royal Taxation,” 190. Stacey (*Ibid.*) also conjectures that the jurors “were apparently charged with preparing the initial lists of Jewish residents and their chattels (excluding bonds and tallies, but including jewels and cash in hand) from which the assessors of the tallage would work.”

³⁹⁰ Michael Adler, *Jews of Medieval England* (London: Edward Goldston, Ltd., 1939), 67.

³⁹¹ Stacey, “Royal Taxation,” 190.

³⁹² *Ibid.* 191 fn. 63.

nevertheless the magnate who bribed him shall be tallaged by the five remaining *mediocres* along with Aaron. This is conceded and sworn so that no one may be injured by hatred nor spared by love or affinity, and the *mediocres* swore the same oath; and if the oath be broken, two persons from a nearby town shall make correction.³⁹³

It is thus evident that much care was taken to avoid nepotism and tax evasion, and we may conjecture from the above excerpt (and from the fines paid to get favorable terms for the payment of arrears) that the Jewish magnates may have tried (and perhaps succeeded) at times to use their representative powers for their furtherance of their own interests. The excerpt also seems to use “*mediocres*” interchangeably with “*minors*,” though Stacey gives no explanation for this of which I am aware. In any event, the sole *raison d'être* for the six *mediocres* seems to be to assess the six *majores* equitably.

Regardless of any tax evasion or nepotism that may or may not have taken place, the tallage was paid on time and almost in full as can be seen in Stacey’s analysis of the relevant primary source materials.³⁹⁴ Thus, a description of E.101/249/4 follows, for it is a direct result of the tallage and its analysis provides a great deal of valuable information relating

³⁹³ The translation is from Stacey, “Royal Taxation,” 192. The original Latin runs: “Ex quorum Providentia ita provisum est quod cum aliquis debeat talliari ille cui ille ex vj majoribus cui ilio qui talliari debet sit affinis, scilicet pater vel mater, frater vel soror, filius vel filia, nepos vel neptis, avunculus vel avitia, socer vel gener, vel ille qui neptim suam duxerit, et etiam servientes illius debet amoveri et etiam tota partes, qui eidem cui aliqua fuerint affinitate conjuncti amoveantur, et quilibet de vj majoribus debet talliari per predictos vj minores et per Aaron de Eborac' et ceteri vj amovebuntur. Et si aliquis illorum vj majorum aliquem vendicaverit de vj minoribus cum fuerit in tallagio tunc amoveatur ille et nichelominus tallietur per v residuos *mediocres* similiter cum Aaron, hoc est concessum et juratum quod nullum gravabunt odio nee parcent per amorem vel affinitatem et idem fecerunt *mediocres* et si opus fuerit vacentur duo de villa propinquior ad emendationem faciendam.” The original Latin is taken from Stacey, “Royal Taxation,” Appendix IV, pp. 242-43.

³⁹⁴ Stacey found and gathered this almost complete set of returns from a number of primary sources, including: the E.401/13 series, the E.401/48 series, the E.401/16 series, the E.159/20 series, the E.372/87 series, a large number of tallies, and especially the E.401/14 and E.401/15 series. For his transcription *vide* Stacey, “Royal Taxation,” 210-49.

both to the tallage itself and to the economic state of affairs within the Jewish communities of the realm in the mid-thirteenth century.

E.101/249/4: A Descriptive Explanation

The preceding discussion has provided a general context within which we can locate the document that will be the subject of this chapter: E.101/249/4. The document provides quantitative evidence that not all Jews were moneylenders. It is actually composed of two parts, both relating to Lincoln's Jews' contribution to the "Worcester" tallage.

The first membrane of E.101/249/4 was transcribed by Cecil Roth in 1962;³⁹⁵ however, he likely misidentified the document and, quite reasonably, assumed that the listings represented "a survey of the assets of (or it may be a levy on) the Jews of Lincoln in 1240." He continues:

A very interesting Exchequer Account in the Public Record Office, London (E 101, W.R. 249/4), as yet unpublished, gives details of the assets of (or it may be a levy on) the Jews of Lincoln in 1240. In all there are just over one hundred names... This is followed by a very interesting list, unique in my experience, of those who had nothing (*De hiis qui Nichil habent*), comprising twenty three-names (or, including two pairs of sisters, twenty-five) out of our total.³⁹⁶

This implies that "*his qui Nichil habent*" literally means those who have no property to their

³⁹⁵ Cecil Roth, "The Ordinary Jew in the Middle Ages: a Contribution to his History," in *Studies and Essays in Honour of Abraham A. Neuman*, eds., M. ben Horim, B. D. Weinryb, and S. Zeitlin (Philadelphia: Center for Judaic Studies, 1962).

³⁹⁶ *Ibid.*, 425.

name. While not entirely outside the realm of possibilities, this interpretation is most likely not totally accurate, as will be shown in the present discussion.

In reality, this first membrane is a complicated document, and no one has of yet been able to definitively ascertain what it is. It is stitched to the remaining twenty membranes of E.101/249/4, and contains a list of Jewish names preceded by an abbreviation indicating that the following monetary value has been paid. I include a random short excerpt for clarity:

An Excerpt from E.101/249/4 Membrane 1 Recto

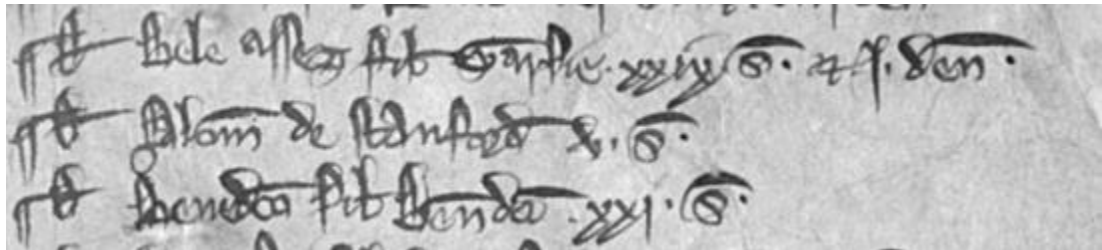


Figure 5.5

In what follows, I will address each of the possible explanations of the document’s contents and then make a case for what I believe the most likely explanation is.

Let us first look at the two major section headings. The heading at the top of the membrane reads “Rotulus de Nominibus Judeorum et Judearum Linc’ et Summis starrorum eorundem,” and is shown below.

The First Section Heading from E.101/249/4 Membrane 1 *Recto*

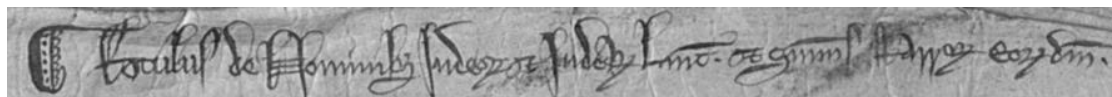


Figure 5.6

A few points should be made about the transcription and translation of this title. At first glance it seems to read “A roll of the Names of the Jews and Jewesses of Lincoln and all of their *Starrs*.”³⁹⁷ However, as Mell has insightfully pointed out, there is a full stop, mid-line period following the abbreviation “*Linc.*”³⁹⁸ The title should thus be read as two separate statements, *videlicet*: 1. a roll listing the names of the Jews and Jewesses of Lincoln, and 2. a roll of all of their *starrs*. Given that the rest of the contents of E.101/249/4 (i.e. all but Membrane 1 *recto*) consist of rolls of the loans found during the inquest into the Lincoln *archa*; and further, given that the first membrane does, in fact, contain a list of all the Jews and Jewesses in Lincoln, the reading of the title that infers that the title is two separate statements is almost certainly correct.

The second heading on the first membrane is about three-quarters of the way down the membrane and reads “*De hiis qui Nichil habent*,”³⁹⁹ (in English, “Concerning those who have nothing.”)

³⁹⁷ A “starr” could be any legal document, but the vast majority of the time (as in the present case) the word simply meant a quitclaim for a debt or a receipt held as proof of a lending transaction.

³⁹⁸ Mell, *Which is the Merchant*, Ch.3, p. 53.

³⁹⁹ I include the Latin spelling as it exists on the roll for fidelity to the original primary source document – the meaning is clear enough.

The Second Section Heading from E.101.249/4 Membrane 1 *Recto*

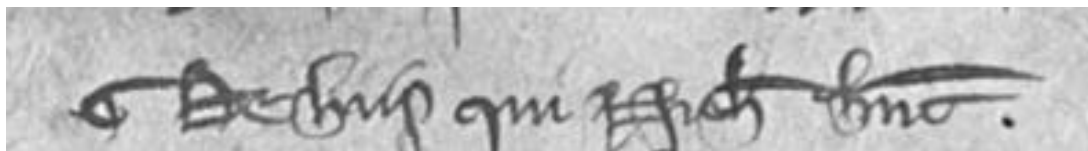


Figure 5.7

This second heading is even more ambiguous than the first. A list of possible explanations for the meaning of this heading follows:

1. It could mean that the names below it represent those Jews who paid nothing towards the tallage or did not have the fifteen (or forty) shillings needed to qualify for the tallage.

2. It could be that the names below it are a continuation of the above census that was ordered by Henry III in June 1240.⁴⁰⁰

It will be noticed that the above possibilities are not necessarily mutually exclusive; nevertheless, the first interpretation can be definitively crossed off the list of possible explanations. This is because there are instances where those listed under “*De hiis qui Nichil habent*” do, in fact, have loans in the loan chest.⁴⁰¹ There are also instances where those listed as having paid something towards the tallage do not have any loans that show up in the

⁴⁰⁰ Cf. The Deputy Keeper of the Records, Public Record Office, ed., *Close Rolls of the Reign of Henry III, A.D. 1237-1242*, 238-39.

⁴⁰¹ For one instance among many, Vives son of Garsie is listed under the heading “*De hiis qui Nichil habent*,” yet he is listed as having loans in the Lincoln *archa*. For a full list *vide infra*.

next twenty membranes of Lincoln's *archa* inquest.⁴⁰²

These two explanations offer two possible interpretations that are more likely than the others. In one scenario, the Jews and amounts listed would represent the results of the inquest made prior to the assessment of the "Worcester" tallage. The king explicitly asked Caxton and Hardel not only for a census of all Jews twelve years of age or older, but also "*ad inquirendum de catallis et debitis.*"⁴⁰³ We should thus expect to find, in Caxton and Hardel's inquest,⁴⁰⁴ a listing of the chattels each Jew held. This first membrane would seem to be the aforementioned listing. Yet, there are two interrelated problems with this interpretation. In the first place, it is unlikely that the twenty-eight individuals listed as having nothing actually had no chattels. This problem may be resolved by assuming that the named individuals did have something, but that that something was not enough to make them eligible to pay the tax. However this assumption is untenable in light of the fact that, even if we assume that the cut off was only fifteen shillings, about half of the entries referring to Jews with a number next to their name have a sum that is under fifteen shillings (indicating what they actually paid).⁴⁰⁵

The second (and most likely correct) interpretation of the data on the front of the first membrane is that the sums listed next to each name indicate the amount that individual paid

⁴⁰² For a few instances among many, a certain Josce Longe and a certain Abraham de Kent are both listed as having contributed to the tallage on the first membrane; they did not, however, have any loans contained in the Lincoln *archa* since the next twenty membranes make no mention of either of them. For a full list *vide infra*.

⁴⁰³ Public Record Office, ed., *Close Rolls of the Reign of Henry III, A.D. 1237-1242*, 238. "...to make inquiry into the chattals and debts."

⁴⁰⁴ For proof that this document was the work of Caxton and Hardel *vide supra*, "Figure 5.4: A Copy of the Letter Sewn onto the Right Side of E.101/249/4 Membrane 2 *Verso*."

⁴⁰⁵ Indeed, the sums go all the way down to six pence. See chart below.

towards the 20,000 mark “Worcester” tallage; furthermore, the list of people listed as having nothing indicate that the individuals did not pay anything towards the tallage.⁴⁰⁶ We must also remember that the tallage was paid in installments over a period of time. Stacey has collated the receipts from Lincoln for the “Worcester” tallage along with the dates at which each return was received. By comparing the sum of all the payments listed on E.101/249/4 Membrane 1 *recto*, we find this sum to be quite close to the total returns for the period 3 October, 1241 to 5 February, 1242. The sum of the figures listed on the front of the first membrane is £172, 6s., 9.5d. The sum received for the abovementioned period was £171, 10s., 7d. The figures can be seen more clearly in the two charts provided below. The first of these charts (Table 5.2) is simply a summary of the figures Stacey provides⁴⁰⁷ along with the totals received at each date of receipt. The second chart is an exhaustive summary of the entire contents of E.101/249/4 Membrane 1 *recto* combined with information concerning the loans found on the remaining twenty membranes of E.101/249/4.

⁴⁰⁶ Or rather, that they did not pay anything during the installments the document covers. *Vide infra*.

⁴⁰⁷ Stacey, “Royal Taxation,” 225.

**Table 5.2 Receipts from the “Worcester” Tallage Compared with Total Receipts
Listed on E.101/249/4 Membrane 1 *Recto***

The numbers all come from Stacey save for the last number next to “Sum of First Membrane.” This number is derived from adding up every sum listed on E.101/249/4 Membrane 1 *recto*, and therefore represents all that was paid towards the tallage during the term covered. Notice the similarity between this table and the figure for “Cumulative Sum of Payments by Jews of Lincoln” (2/5/1242). Sums are in den. to allow for easier and more accurate calculations.

Heading or Name	Date	Payment listed by Stacey	In Den.	Cumulative Sum of All Entries	Cumulative Sum of Payments by "Jews of Lincoln"
Jews of Lincoln	8/3/1241	£50	12,000	12,000	12,000
Leo of Lincoln	11/8/1241	£5, 6s., 8d.	1,280	13,280	
Jews of Lincoln	2/1/1242	£120, 11s., 3d.	28,935	42,215	40,935
Abraham of Colchester	2/5/1242	33s., 4d.	400	42,615	
Jews of Lincoln	2/5/1242	19s., 4d.	232	42,847	41,167
Jews of Lincoln	4/26/1242	£20, 17s., 4d.	5,008	47,855	46,175
Judas la Francigenta	4/26/1242	£19, 9s., 4d.	4,672	52,527	
Jews of Lincoln	5/27/1242	£9, 13s., 8d.	2,324	54,851	48,499
Isaac f. Elias	6/4/1242	£3, 6s., 8d.	800	55,651	
Jews of Lincoln, for paupers and fugitives	7/21/1242	56s., 8d.	680	56,331	49,179
	Sum of First Membrane				41,361.5

Table 5.3

The left most column represents the total sum of loans that a given individual had in the *archa* at the time of Caxton and Hardel’s inquest. This means that each number represents the sum of loans that the individual had in the remaining twenty membranes of E.101/249/4. The column labeled “Amt. in Den.” Is the amount of money listed next to each individual on the first membrane of E.101/249/4 - presumably the amounts that each paid towards Henry III’s 20,000 mark tallage. The concluding section of this table provides a number of sums that may require further explanation. The “Total Named Individuals” refers to named individuals on Membrane 1 *recto*. The figure next to it, “Total Lent by those Named on Membrane” refers to the total amount that each of the individual listed on membrane 1 had recorded as loans on the remaining twenty membranes (i.e., Caxton’s and Hardel’s inquest of the Lincoln *archa*). Finally, the boxes labeled “Total Named Individuals that (Did Not) Contribute(d) to the ‘Worcester’ Tallage” are the sums of the numbers of individuals on Membrane 1 who did (or did not) have a monetary amount next to their name on the first membrane. All those listed as not contributing to the tallage are those listed under the abovementioned heading “*De hiis qui Nichil habent.*”

Summary of Information on E.101/249/4 <i>Recto</i> and Comparison with Total Loans on Inquest							
Total Amount Lent According to <i>Archa</i> Inquest	Number of Names Included in Entry	Name as Written on Membrane 1 <i>Recto</i>	Amt. Written	Amount in Pounds	Male	Female	Only Female(s)
£85.3	2	<i>Pettevin fil' Elye et Fluria fil' sua</i>	<i>xvii. li. ii. s. et x. den.</i>	£17.1	1	1	
£595.3	1	<i>Leon fil' Salom'</i>	<i>xii. li. et xiii. den. Item. xi. s.</i>	£14.1	1		
£0.0	2	<i>Jacobo Le Prestre et Pictavino fil' eius</i>	<i>xii. li.</i>	£12.0	2		
£103.8	2	<i>Abr' de Colecest' cum Joia fil' sua</i>	<i>x. li. vi. s. et vi. d.</i>	£10.3	1	1	
£110.0	1	<i>Isaac fil' Elye</i>	<i>viii. li. xvii. s. et xi. den.</i>	£8.9	1		
£221.2	1	<i>Juda Le Fraunceis</i>	<i>viii. li. et xv. s.</i>	£8.8	1		
		<i>Dyvie fil' Elye et Juetta fil' eius</i> (Scribal error on original - wrote eius before Elye.)	<i>viii. li. et ix. s.</i>	£8.5	1	1	
£320.4	2	<i>Pettevin fil' Manasseri et Sarr'</i>	<i>viii. li. v. s. et iiiior. den.</i>	£8.3	1	1	
£123.2	1	<i>Josc' de Bungeie</i>	<i>vi. li. xv. s. et vii. den.</i>	£6.8	1		
£81.5	1	<i>Bonefei fil' Bonefei de Oxon'</i>	<i>x. m.</i>	£6.7	1		
£4.0	1	<i>Samekin de Grimesby'</i>	<i>c. iii. sol. et vi. den.</i>	£5.2	1		
£0.0	2	<i>Deulecrese fil' Bretun et Juede matre</i>	<i>vii. m. iii. s. et iii. den.</i>	£4.8	1	1	
£0.0	1	<i>Gersie Ep[iscop]o</i>	<i>iiiiior. li. v. s. et ix. den.</i>	£4.3	1		
		<i>Pettevin fil' Josc'</i>	<i>xix. s. et iiiior. den. Item. per. i. alitud starr'. Lx. sol'. de. i. cbr' continentis C. s. s[u]b. n[omine]'</i>	£4.0	1		
£53.4	1	<i>Mosse de Graham'</i>	<i>Lxxvi. s. et ob.</i>	£3.8	1		
£0.0	2	<i>Mosse Sams' cu[m] Filuria Sarrah'</i>	<i>Lxxii. s. x. den. et ob.</i>	£3.6	1	1	
£0.0	2	<i>Josc' de Colecest' cu[m] Samulina m</i>	<i>Lv. s.</i>	£2.8	1	1	
£0.0	1	<i>Bened[ic]t[o] fil' Chere</i>	<i>xlx. s. et x. den.</i>	£2.5	1		
£0.0	1	<i>Pettevin de [?] Hedim'</i>	<i>xlii. s. vii. d. et ob.</i>	£2.1	1		
£0.0	1	<i>Hamine Groc'</i>	<i>xxxvi. s. viii. d. et ob.</i>	£1.8	1		
£58.6	1	<i>Beneyt fil' Pettevin</i>	<i>xxxv. s. et viii. den.</i>	£1.8	1		
		<i>Judea u[ore] Magri' c[um] Henecota fil' sua et c[um] Fluretta filiestra sua</i>	<i>xxxiii. s. et viii. d.</i>	£1.7		3	3
£0.0	3	<i>Bened[ic]t[o] fil' Isaac</i> (There are two instances of <i>Benedicto fil' Isaac</i> on membrane 1 <i>recto</i> . They may or may not be the same person; however, I will operate under the assumption that they are two)	<i>xxx. s. et x. den.</i>	£1.5	1		
£9.6	1	<i>Samuel fil' Elye</i>	<i>xxx. s.</i>	£1.5	1		
£0.0	1	<i>Ives fil' Mossei</i>	<i>xxxix. s. et iii. den.</i>	£1.5	1		
£8.9	1	<i>Beleassez fil' Garsie</i>	<i>xxxix. s. et i. den.</i>	£1.5		1	1
£1.4	1	<i>Josc' fil' Bened[ic]t[i]</i>	<i>xxviii. s. iii. d. et ob.</i>	£1.4	1		
£2.0	1	<i>Abrah' fil' Salom'</i>	<i>xxv. s.</i>	£1.3	1		

Table 5.3 Continued

£0.0	1	Manasser' fil' Magri' Josc'	xxiiiior s. et v. den.	£1.2	1		
£84.0	1	Bened[ic]to fil' Leonis	xix. s.	£1.2	1		
£2.8	1	Isaac fil' Mossei	xxii. s. et ix. den.	£1.1	1		
£0.0	1	Dorre fil' Samuel	xxii. s. et iii. den.	£1.1		1	1
£0.0	1	Bened[ic]to fil' Ben[e]d[ic]to	xxi. s.	£1.1	1		
£58.6	1	Bened[ic]to Gen'o Pictav' cl[er]ici (There are two instances of Bened[ic]to Gen'o Pictav' on membrane 1 recto - one instance omits the "clerici" and is thus likely a different person).	xx sol. viii. den.	£1.0	1		
£73.6	1	Jacobo fil' Leun	xix. s. et iiiior. den.	£1.0	1		
£0.0	1	Abrah' de Kent	xvii. s. viii. d. et ob	£0.9	1		
£0.0	1	Ehya fil' Magri'	xvi. s. et vi. den.	£0.8	1		
£14.0	1	Jacobo gen'o Samekini	xvi. sol.	£0.8	1		
£0.0	1	Bened[ic]to fil' eius (Gersie Ep[iscop]	xv. s. ix. d. et ob.	£0.8	1		
£0.0	1	Beniamiy fil' Mag[ist]ri'	xv. s. et viii. den.	£0.8	1		
£0.0	1	Vives Gen'e Abrahe'	xv. s. et iiiior. den.	£0.8	1		
£0.0	1	Pucele matre sua (Josc' fil' Bened[ic]	xv. s. et ob.	£0.8		1	1
£22.2	2	Deulecrese fil' Matatie cu[m] Bella fil'	xiii. s. et x. d.	£0.7	1	1	
£9.6	1	Bened'io fil' Isaac	xiii. s.	£0.7	1		
£0.0	1	Dyaie Le P[re]stre	xii. s.	£0.6	1		
£42.4	1	Aaron fil' Abrah'	xi. s. et vi. den.	£0.6	1		
£0.0	1	Fluria m[at]re Manasseri	x. s.	£0.5		1	1
£2.1	1	Ehya fil' Deulecrese	xi. s. et xi. den.	£0.5	1		
£0.0	1	Henna fil' Pucele	ix. s. et viii. den.	£0.5		1	1
£12.5	1	Josc' Le Fraunceis	ix. s. et viii. den.	£0.5	1		
£0.0	1	Duce Judea [?] sua (Dorre fil' Samu	ix. s. et i. den.	£0.5		1	1
£0.0	2	Abr' fil' Cher' fil' Mossei cu[m] Avig	viii. s. et xi. den.	£0.4	1	1	
£15.4	1	Bened[ic]to fil' Benlevenge	viii. s. et vi. den.	£0.4	1		
£0.0	1	Slema' vidua	vii. s. et xi. den.	£0.4		1	1
£0.0	1	Chera vidua	vii. s. vi. den. et ob.	£0.4		1	1
£0.0	1	Deulecrese de Graham'	vi. li. et ix. den.	£0.3	1		
£0.0	1	Deusant Le Fraunceis	vi. s. et ix. den.	£0.3	1		
£22.2	1	Vives fil' David	vi. s. et viii. den.	£0.3	1		
£0.0	1	Ehya Gen[er]e eius (Josceo Longe)	vi. s. et iiiior. den.	£0.3	1		
£0.0	1	Sama vidua	v. s. viii. den. et ob.	£0.3		1	1
£0.0	1	Semoy fil' Isaac Gen[er]is eius (Juda	v. s. et v. den.	£0.3	1		
£0.0	1	Avigay ava sua (Mosse' de Colecest'	v. sol.	£0.3		1	1
£0.0	1	Salom' de Stanford	v. s.	£0.3	1		
£0.0	1	Manasser' fil' Aaron de Bedford'	iiiiior. s. et xi. den.	£0.2	1		
£0.0	1	Mosse' de Colecest'	iiiiior. s. et viii. den.	£0.2	1		
£0.0	1	Josc' de Herford'	iiiiior. s. v. den. et ob.	£0.2	1		
£0.0	1	Salom[on] le Normaunt	iii. s. et Iiiior. d.	£0.2	1		
£0.0	1	Abrah' Gen'e Jude	iii. s. et iii. den.	£0.2	1		
£0.0	1	Richera vidua	iii. s.	£0.2		1	1
£0.0	1	Manasser' fil' David	ii. s. et iii. den.	£0.1	1		
£0.0	1	Joye fil' Ehye	ii. s.	£0.1		1	1
£0.6	1	Jacobo de Oxon' Gen'e eius (Dyaie,	xxiii. den.	£0.1	1		
£0.0	1	Josceo Longe	xxiii. den.	£0.1	1		
£44.0	1	Deulecrese fil' Abrah'	xviii. den.	£0.1	1		

Table 5.3 Continued

£0.0	1	Avigay fil' Magi[st]ri	xii. den.	£0.1		1	1
£9.9	1	Abrah' fil' Jacob'	vi. den.	£0.0	1		
£15.1	1	Samuel fil' Benlevenge	Blank	£0.0	1		
£0.0	1	Aaron fil' Petevin fil' Josc	Nichil	£0.0	1		
£8.7	1	Abrah' fil' Mossei	Nichil	£0.0	1		
£13.5	1	Avigai' fil' Deulecrese de Graha'	Nichil	£0.0		1	1
£0.0	1	Bened' [ict]o fil' Rose	Nichil	£0.0	1		
£0.0	1	Bened' [ict]o genere Peitevin	Nichil	£0.0	1		
£0.0	1	Gente matre Sarre	Nichil	£0.0		1	1
£0.0	1	Feme' vx'[ore] Aaron	Nichil	£0.0		1	1
£0.0	1	Genta matre Josc[eo] Le Fraunceis	Nichil	£0.0		1	1
£0.0	2	Gikelota et Pucele fil' Ehye fil' Magri'	Nichil	£0.0		2	2
£0.0	2	Gyeina et Joii fil' Josc' de Bungeie	Nichil	£0.0		2	2
£0.0	1	Hakin fil' Deulesaut	Nichil	£0.0	1		
£0.0	1	Hamecocet Cokerel fil' Isaac	Nichil	£0.0	1		
£0.0	1	Isaac fil' Bened' [ict]o	Nichil	£0.0	1		
£0.0	1	Joia famula sua (Bened' [ict]o genere	Nichil	£0.0		1	1
£0.0	1	Manasser' fil' Mag'ri	Nichil	£0.0	1		
£0.0	1	Mosse' Bonfil Peytevin	Nichil	£0.0	1		
£0.0	1	Rosa vx'[or] sua (Bened' [ict]o gener	Nichil	£0.0		1	1
£32.7	1	Samps [on] fil' Matatie	Nichil	£0.0	1		
£73.6	2	Samuel Cl[et]r[ic]o [et?] Jacob fil' Le	Nichil	£0.0	2		
£0.0	1	Sarotte nepte eius (Manasser' fil' Mag	Nichil	£0.0		1	1
£0.0	1	Sarra matre Abr' de Colecest'	Nichil	£0.0		1	1
£3.2	1	Vive' fil' Garsie	Nichil	£0.0	1		
£0.0	1	Vivone Nepote Leonis	Nichil	£0.0	1		

				Total Contribution to Talla	£172.3			
Total Lent by those Named on Membrane 1 Recto	Total Named Individuals	<p>Graph of all Payments Towards 20,000 Mark Tallage of Membrane 1 Recto</p>		Total Male Names		78		
				Total Female Names		37		
£2,439.5	115			Total Stand-Alone Female Names		28		
	Total Named Individuals with Loans							
	38							
	Total Named Individuals without Loans							
	77							

A Close Analysis of E.101/249/4: The Results

Along with the research of Julie Mell, some of the most convincing evidence that only a select handful of Jewish magnates operated as professional moneylenders can be found in Robert Stacey's 1985 seminal article in the Hebrew Union College Annual entitled "Royal Taxation and the Social Structure of Medieval Anglo-Jewry: The Tallages of 1239-1242."⁴⁰⁸ In this article, which I have already made use of a number of times above, Stacey describes the results from a nearly complete set of returns for the 1241-42 "Worcester" tallage of 20,000 marks. This is the only known instance of such a complete set of returns, and hence it is an invaluable tool for ascertaining the ability of the Jewish communities at the time to raise the funds required by the king, the number of Jews who were actually able to contribute to the tallage, and the distribution of wealth of those named individuals who paid the tallage. However, in order to get the most accurate picture of the Jewish communities of the time, it is necessary to look more closely at each community. Fortunately, two rolls containing inquests into community *archae* remain extant: those for Lincoln and Cambridge.⁴⁰⁹ The document under analysis here, E.101/249/4, is the *archa* scrutiny for Lincoln,⁴¹⁰ and its contents will reveal the details of the same wealth disparity that Stacey found in his larger-scale study of the receipt rolls for the tallage that the Lincoln *archa*

⁴⁰⁸ Stacey, "Royal Taxation and the Social Structure of Medieval Anglo-Jewry," 175-249.

⁴⁰⁹ The Cambridge roll survives as PRO E101/249/3, and was published by H. P. Stokes, *Studies in Anglo-Jewish History* (Edinburgh), 1913, 252-275. Stokes, however, does not thoroughly analyze the results of his findings, and a study of the Cambridge rolls that calculates the percentage of loans owned by magnates is still needed.

⁴¹⁰ As has been already explained above, E.101/249/4 is actually composed of two parts. The first membrane is a listing of the Jews in Lincoln along with the amount each paid towards the tallage, the rest of the document contains the results from the Lincoln inquest.

scrutiny was meant to facilitate.

Stacey also found that, for all of England,

More than 75% of this total tax was paid by ten individuals; more than half was paid personally by three names Jews, one of whom appears to have been the wealthiest individual in the kingdom after the king himself. These tax records... reveal that wealth, both within and between the various Jewish communities in mid-thirteenth century England, was concentrated in significantly fewer hands than has been previously realized.⁴¹¹

The fact that wealth was concentrated in fewer hands than was previously known is essential. Should this disparity of wealth be great enough (and, as we shall see, it was), it would mean that it would be impossible for “the Jews” to be professional moneylenders. In order to get a better idea of how this wealth disparity looked in an individual community we need only to look more closely at the *archa* scrutiny of Lincoln. This scrutiny itself did not record the receipts to the crown; rather, it recorded all of the loans that members of the Lincoln community had contracted. By gathering this information, the crown was able to ascertain an estimate of the movable wealth of each individual, and this in turn helped them to better manage the community whose *archa* was investigated. Incidentally, the cause for these scrutinies was overwhelmingly, but not entirely, fiscal.⁴¹² As we have seen, the *archa* laws promulgated under the auspices of Hubert Walter were part of a much larger program of consolidating power, increasing the crown’s jurisdiction, and re-organizing the country in the aftermath of John’s revolt. It is possible that by 1241-42 the government saw such scrutinies primarily as a tool for taxation, but they surely also would have had recourse to the

⁴¹¹ Stacey, “Royal Taxation and the Social Structure of Medieval Anglo-Jewry,” 175.

⁴¹² There can be little doubt that the cause was mostly fiscal, however no one event can ever have only one cause.

information contained in the *archae* for such things as judicial proceedings and decisions regarding who the crown should contact in the event they should need to consult with a local magnate. The importance to the crown of these local magnates is hard to overstate, for it was the Jewish magnates that the crown called upon as it sought to expand its authority over its subjects of all religions.

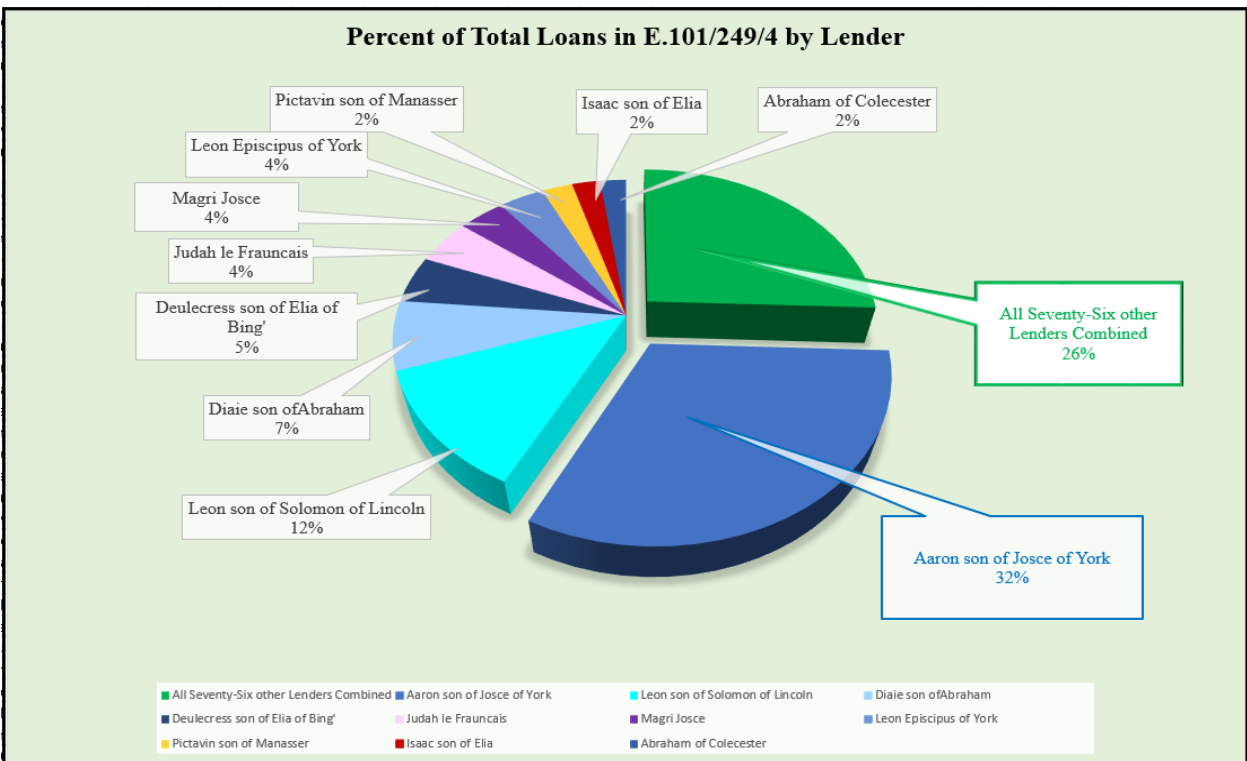
The importance of these magnates to the crown quickly becomes clear if we look more closely at the results from the Lincoln *archa* scrutiny. Below I have included a pie chart summarizing findings, which illustrate both the distribution of wealth among Jews as well as the sheer volume of loans in the hands of a select few magnates (as opposed to the loans being more or less equally divided amongst the entire community). Further, and this is vital, to truly appreciate the scale of the dominance of the magnates, we must remember that many of Lincoln's Jews did not hold any loans.

The methodology I have chosen to find the number of non-loan-holding Lincoln Jews is to compare E.101/249/4 Membrane 1 *recto* (a census of all Lincoln Jews 12 years of age or over and a listing of the amount each paid towards the "Worcester" tallage) with the rest of E.101/249/4 (a list of all loans found in the Lincoln *archa*). In this way, one finds that, out of the 115 Jewish heads of households in Lincoln, only 38 any loans at all; rather, most of the significant loans recorded in the *archa* are from major lenders, often magnates from outside of Lincoln.

Some of these loan-holders, such as Aaron of York, are easily identified simply due to their fame; however, for most individuals, it is difficult to come to any accurate estimate of the percentage of loans that were held by residents of Lincoln *versus* non-residents because

of onomastic complications. Some names were given in the form of “person *x* son or daughter of person *y*,”⁴¹³ and these, of course, give no indication of where the named individual actually lived. In other instances a name may be given as “person *x* from place *y*,” and these are of some help, but are not entirely reliable, for even if a place was mentioned as part of a person’s name, it was quite common for a person to be known by a

Figure 5.8⁴¹⁴



⁴¹³ Other common variations include “person *x* wife of person *y*,” “person *x* aunt, uncle, niece, or nephew of person *y*,” and “person *x* father or mother of person *y*,” etc.

⁴¹⁴ In truth, this one graph alone is enough to seriously undermine the narrative of “the Jews” as the moneylenders of medieval England. Historians must, therefore, carefully distinguish between “the Jews” and the select handful of wealthy Jews who conducted the vast majority of financial activity. A failure to do so, especially within popular media such as Wikipedia, is not only a failure to accurately report historical fact to the non-academic world, but is also an instance of a time where historical misrepresentation can have an enormously negative impact on the equitable development of, and removal of prejudice from within, our society as a whole.

locative name of a place in which they did not actually live.⁴¹⁵ One last popular name variation was to provide the person's occupation, for instance "*Manasser Scriptor*," and this occupational naming too provides no information about where an individual Jew resided.

I have treated the loans on the inquest as a group. Despite this, the numbers are essentially still quite accurate since magnates often worked with local Jews in a given town to contract their loans, and thus the numbers do correctly reflect the number and amount of loans that flowed through the Lincoln economy. Further, we may be confident that most of those who took out loans were themselves from Lincoln or its environs – if they were from some other town, they would likely have borrowed money through that other town's *archa*. This is because, even though it is likely that some borrowers had the opportunity to "shop around" in an effort to get the best terms on their loan, if the magnate from whom they chose to borrow resided in a different town than that within which the borrower lived, the loan they took out would still go through the borrower's local *archa* - this can be seen clearly in the huge number of loans that Aaron of York contracted in Lincoln.

Though it is difficult to locate national magnates versus local magnates using an onomastic methodology, it is possible to at least identify many magnates *per se*. This is because the scale of their loans was exponentially larger than that of the majority of Jews - who happened to make an occasional loan. The graph below shows the amounts of every loan found in the Lincoln *archa*.

⁴¹⁵ There are a number of reasons for this: a person may have just moved to a new town, a person's family may have originally come from the town mentioned in the locative name, or the person may have traveled back and forth between towns.

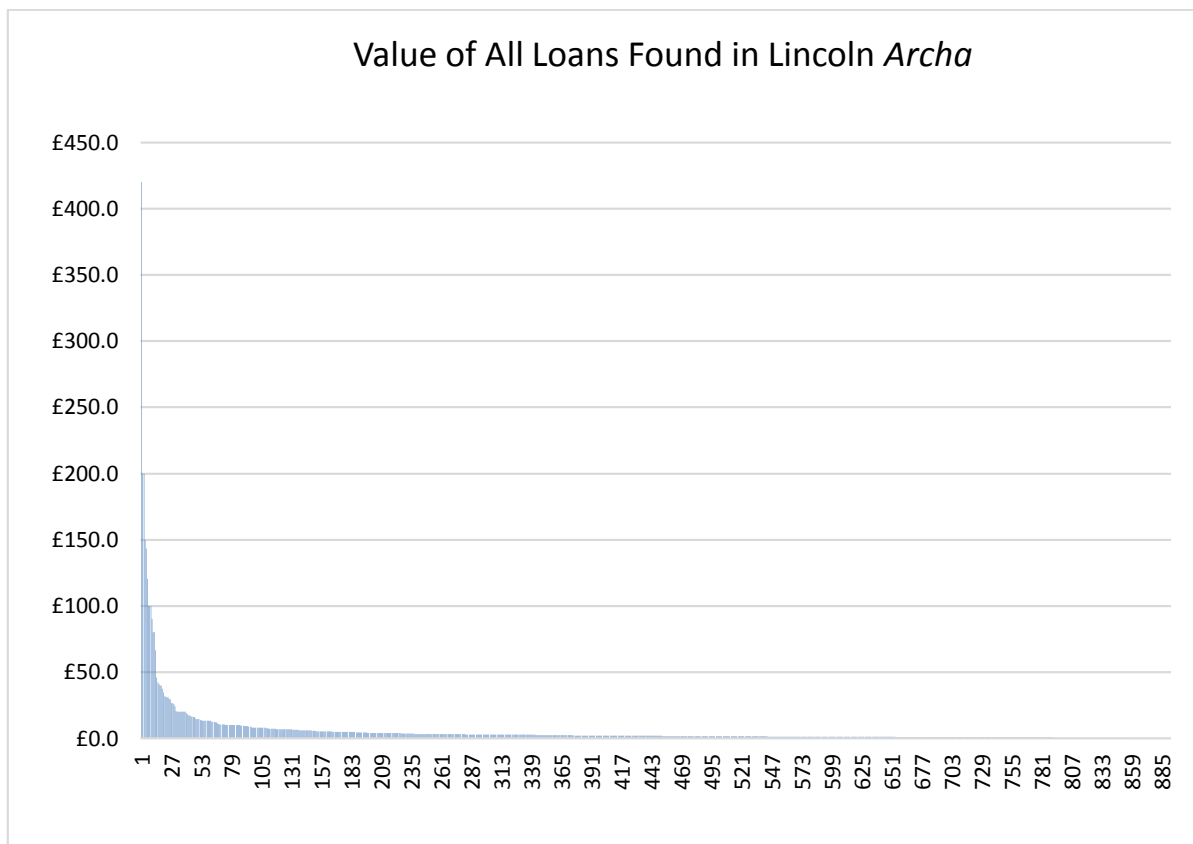


Figure 5.9 Each bar in the above graph indicates one loan in the *archa*. Because there are close to nine-hundred loans, it is difficult to discern individual bars. However, it is still possible to clearly see the relative enormity of the largest loan. The numbers along the x-axis represent the number of loans; the numbers along the y-axis represent the value in pounds of each loan.

There were close 900⁴¹⁶ loans in the Lincoln *archa*. Such a large number of loans begs the question of just what percentage of the population of Lincoln actually had loans.

⁴¹⁶ Eight-hundred and eighty-six to be precise. For a listing of all loans as well as their details, see appendix D (which is attached as an Excel spreadsheet).

Though there are no exact figures for the mid-twelfth century, Bischoff has provided a rough estimate that suits present purposes.

The Domesday population of Lincoln was only slightly in excess of 5,000... The only other available population figures were compiled in 1377 for Richard II's first poll tax. At that time, 3,412 citizens were taxed, and the total population [it is unclear here whether this includes children or not] probably exceeded 5,000. The latter estimate is misleading in terms of the overall growth of the town between Domesday and the fourteenth century, since the poll tax census was taken less than thirty years after the plague had decimated the population of all of England. Perhaps as many as one-third of Lincoln's townsmen perished as a result of the plague, so that the population must have been greater at the beginning of the fourteenth century than it was in 1377. Any estimate of the number of inhabitants in 1300 is conjectural, based on the percentage lost due to the Black Death, but Lincoln probably had around 7,500 citizens at that time.⁴¹⁷

Bischoff's figure of 7,500 refers to the total number of citizens, not households.

Given a household size of three to five individuals, this means that there would have only been 2,500 to 1,500 households. This would seem to indicate that a large percentage of households had taken out a loan. However, many of the borrowers, especially the wealthier borrowers who worked primarily with the magnates, were repeat customers. Individuals such as Phillip de Kima, monasteries, and knights all seem to have taken out loans fairly routinely and often with the same magnate. The picture that emerges is not one in which half of the Christian population took out loans from "the Jews;" but rather, one where a few wealthy Christians repeatedly took out large loans from a select handful of wealthy Jewish magnates

⁴¹⁷ John Paul Bischoff, "Economic Change in Thirteenth-Century Lincoln: Decline of an Urban Cloth Industry" (PhD diss., Yale University, 1975): 28-29.

The Magnates

Before looking specifically at the largest lenders, it will help to examine the total results of the 886 loans in the Lincoln *archa* scrutiny. The total value lent by the 86 listed lenders was £4,985, 15s., 8d. The average amount lent by each lender was thus £57, 19s., 6d. This average figure, as can be seen in Table 5.4, means very little in terms of trying to find the “average” medieval Jewish moneylender. This is because the numbers are so skewed by the few major lenders whose loans take up the majority of this average.

The extent to which these major lenders dominated the loans in the Lincoln *archa* can be seen by reviewing the names of the lenders with the greatest amount lent, greatest number of loans lent, and greatest average lent per loan. This last category, seen below, is skewed by the presence in the records of foreign magnates who have contracted only one to three loans in Lincoln. Because some of these foreign loans are especially large, they bump these lenders onto the list of those with the highest average lent per loan.

Table 5.4

A Comparison of the Total Amounts Lent by the Fifteen Most Prolific Lenders						
Ranking: Total £ Lent	Lender	Total £ Lent	Total # Lent	Average Lent per Loan	Ranking: Total # Lent	Ranking: Average Lent per Loan
1	Aaron filio Josce Judi Eborum	£1,553.4	34	£45.7	6	3
2	Leon filio Solomon de Lincoln	£595.3	94	£6.3	1	12
3	Diaie filio Elyia	£320.4	21	£15.3	14	7
4	Deulecress filio Elia de Bing'	£229.4	49	£4.7	4	x
5	Judah le Frauncois	£221.2	50	£4.4	3	x
6	Magri Josce	£182.0	26	£7.0	11	10
7	Leon Episcipo Judi Eborum	£179.3	3	£59.8	x	2
8	Manasser	£123.2	18	£6.8	x	11
9	Isaac filio Elia	£110.0	23	£4.8	13	x
10	Abraham de Colecester	£103.8	33	£3.1	7	x
11	Aaron Blund & Elias fratris sui Judeorum London	£100.0	1	£100.0	x	1
12	Solomon	£96.4	60	£1.6	2	x
13	Garsie filio Judah	£95.3	29	£3.3	9	x
14	Pictavin filio Elia	£85.3	3	£28.4	x	5
15	Benedict filio Leon	£84.0	33	£2.5	8	x

The vast majority of lenders who lent the greatest sums of money also lent the greatest numbers of loans: there are only four lenders on the list for greatest values of loans lent that are not on the list for greatest number of loans lent. It can also be seen in the chart below that average lent per loan rankings have been skewed by the presence of foreign lenders who had only one to three loans in the Lincoln *archa*. There are 7 names on the list of lenders with the highest average per loan that are not found on the rankings for those who lent the greatest amount.

Female Lenders

Though until this point I have not explicitly mentioned female lenders, they have already been included in some of the above tables. There is no need to prove that females lent money – this fact proves itself – rather the question is how many women lent money and in what amounts? By simply comparing the number of male lenders to female lenders in the Lincoln *archa* we can begin to get a sense of the answers to both questions.

Table 5.5

Ranking for Total Money Lent	Name	Total Amount Len	Total Number of Loans	Average Amount per Loan
1	Deulecress	£13.54	5	£2.71
2	Melka uxor Josce	£10.58	8	£1.32
3	Florette filia Judah le Francais	£8.00	1	£8.00
4	Gentil filia Judah uxor Seingnor filio Isaac	£6.71	3	£2.24
5	Gentil filia Garsie	£5.41	1	£5.41
6	Joie filia Deulecress	£3.00	1	£3.00
7	Belassez filia	£2.25	1	£2.25
8	Belassez filia Garsie	£1.40	1	£1.40
9	Rose filia Pictavin filio Manasser	£0.80	1	£0.80
10	Antera filia Aaron	£0.00	1	£0.00
11	Flura filia Josce	£0.00	1	£0.00
12	Sarah & Josce... [torn]	£0.00	1	£0.00
13	Ursell filia Manasser	£0.00	1	£0.00

Many of the female names on E.101/249/4 are connected with other prominent magnates from this list above. This is in keeping with the trend that what at first glance seems to be individual magnates were often family units. Many *consortia* had kinship ties, and it should not be at all surprising that names show up such as “Rose filia Pictavin filio

Manasser.” Rose is thus the daughter of the same Pictavin filio Manasser who held 18 loans in the Lincoln *archa* worth a sum total of £123, 3s., 7d. Another example of this can be found with the entry “Florette filia Judah le Frauncais.” Her father is the same Judah le Frauncais with fifty loans in the *archa* totaling £221, 3s., 6d.

Other remarkable entries on the inquest are those for Melka uxor Josce and Avigay filia Deulecress. The former held 8 loans in the *archa* totaling £10, 11s., 8d., while the latter had 5 loans in the *archa* totaling £13, 11s., 3d. These women seem to have been much more involved in the business than the others, all of which had only one loan (save for Gentil filia Judah uxor Seingnor filio Isaac who had three).

In general, however, the scale of lending by woman was much smaller than that by men – only £51, 13s., 10d. out of the total of £4,985, 15s., 8d. (or 1.03%) of money lent was lent by females. Without further evidence it seems that they worked in family business transactions occasionally, and that there may have been some women entrepreneurs who conducted business on their own. The issue really cannot be resolved satisfactorily without more data to work with. What can be said with certainty is that the vast majority of women did not work as moneylenders. For evidence of this we need only to remember that the majority of male Jews did not lend money professionally.

Conclusion

This study has been my way of contributing to a more accurate and well-rounded understanding of medieval history in general, and Jewish history in particular. My emphasis has been on correcting the long standing but inaccurate assumption, held by scholars and the public alike, that moneylending was an exclusively Jewish practice, which all Jews took part in.

Transcribing the document E.101/249/4 was of particular importance in this endeavor, because it definitively showed that not all Jews were involved with moneylending. By publishing economic data contained within E.101/249/4, I have added to the historical understanding of this time period by providing quantitative data to the library of scholarship surrounding Anglo-Jewish medieval lending practices. Additionally, this thesis helped to contextualize the document and its contents within the background of twelfth century English history.

By transcribing and analyzing the contents of E. 101/249/4 I have found that the vast majority of the total sum lent was held by a handful of national magnates. At the same time, I have also found that many loans were for small amounts, and these smaller loans were held by average Jewish citizens who could not have made enough from the loans to operate as professional moneylenders. The picture that emerges is one of a Jewish community with a very unequal wealth distribution: a few major players made significant amounts of money through usury, but both the lending done by the majority of Jews and the income the crown could gain from these loans are generally overstated.

Had time permitted, it would have been useful to further flesh out the story of Lincoln through prosopographical studies, more closely identifying the borrowers recorded in the pipe roll, to help us understand their lending patterns in more detail. Nonetheless, the information needed to prove my central thesis was collated. I have also not yet published the transcription of E.101/249/4, as bringing it to a perfected state has proven to be a complex process.

This thesis builds on the scholarly works of Stacey, Mell, Olsner, Richardson, and many other scholars of medieval Jewish history. Stacey brought the 20,000 mark tallage to light in addition to the income disparity in the Jewish community of the time. Olsner recognized that the origins of the old narrative were linked to the German Historical School through scholars such as Sombart, Weber, and Roscher. I expanded Richardson's study, in Chapter three, which looked at payments made to the crown by Jewish and Christian moneylenders in the second half of the twelfth century. Mell carefully lays out what the old narrative is, and challenges it on as many fronts as possible. I added to her work by providing more primary source economic data through my transcription of E.101/249/4, which supports her theory.

This document as a whole also helped to illuminate the fact that the inherited discourse impacts more subjects than just the Jews. For example, if we look at the creation of the exchequer of the Jews more closely, we can see that the existing belief that it was created as a financially driven response to the massacres of 1189-90 is questionable.

My hope is that scholars will continue to work to chip away at the erroneous assumptions regarding Jewish moneylending. Ultimately, it will also be important for this

new and more accurate understanding of Jewish history to become a part of the public consciousness too, both because it is vital that history be accurately understood, and to help undermine anti-Semitic thought.

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APPENDICES

Appendix A:

Lender	Total d. Lent	Total Number of Loans Lent	Average Lent per Loan (in d.)	Amount Paid Ante Terminum (in d.)	Total Number Paid Ante Terminum	Percent Amount Paid Ante Terminum	Percent Number Paid Ante Terminum	Total Amount Paid on Time (in d.)	Total Number of Loans Paid on Time	Percent Total Amount Paid on Time	Percent Number of Loans Paid on Time	Total Amount Outstanding (in d.)	Total Number of Loans Outstanding	Percent Number of Loans Outstanding
Aaron Blund & Elias frater sui Judeorum London	24,000	1	24,000	2,880	1	12.00%	100.0%	0	0	0.0%	0.0%	21,120	1	88.00%
Aaron filio Josce Judi Eborum	372,826	34	10,965	3,200	1	0.86%	2.9%	87,997	8	23.60%	23.5%	281,629	24	75.54%
Aaron filio Leon & Aaron filio Abraham & Manasser clerici	10,176	1	10,176	0	0	0.00%	0.0%	0	0	0.00%	0.0%	10,176	1	100.00%
Abraham de Colcestre	24,915	33	755	912	3	3.66%	9.1%	6,925	11	27.79%	32.3%	17,078	22	68.55%
Abraham filio Benedict	1,438	7	205	0	0	0.00%	0.0%	520	3	36.16%	42.9%	918	4	63.84%
Abraham filio Jacob	2,369	4	592	640	2	27.02%	50.0%	726	2	30.65%	50.0%	1,003	2	42.33%
Abraham filio Mosse	2,082	6	347	205	2	9.85%	33.3%	1,442	4	69.26%	66.7%	435	2	20.89%
Abraham filio Muriel Juda London	800	1	800	0	0	0.00%	0.0%	0	0	0.00%	0.0%	800	1	100.00%
Abraham filio Solomon	23,128	60	385	808	6	3.49%	10.0%	9,668	27	41.80%	45.0%	12,652	33	54.71%
Antera filia Aaron	0	1	0	0	0	0.00%	0.0%	0	0	0.00%	0.0%	0	0	0.00%
Avigay filia Deulecress	3,249	5	650	0	0	0.00%	0.0%	1,000	2	30.78%	40.0%	2,249	3	69.22%
Belassez filia Abraham	540	1	540	0	0	0.00%	0.0%	540	1	100.00%	100.0%	0	0	0.00%
Belassez filia Garsie	336	1	336	0	0	0.00%	0.0%	0	0	0.00%	0.0%	336	1	100.00%
Benedict filio Benleveng	3,687	13	284	0	0	0.00%	0.0%	0	0	0.00%	0.0%	3,687	12	100.00%
Benedict filio Isaac	2,311	7	330	0	0	0.00%	0.0%	1,945	5	84.16%	71.4%	366	1	15.84%
Benedict filio Leon	20,161	33	611	576	2	2.86%	6.1%	9,338	14	46.32%	42.4%	10,247	19	50.83%
Benedict filio Mosse	2,504	7	358	0	0	0.00%	0.0%	360	1	14.38%	14.3%	2,144	6	85.62%
Benedict filio Pictavin	14,063	12	1,172	320	2	2.28%	16.7%	10,198	7	72.52%	58.3%	3,545	5	25.21%
Benedict filio Rio	0	1	0	0	0	0.00%	0.0%	0	0	0.00%	0.0%	0	0	0.00%
Benedict filio Sam et Belassez filia Fleu	320	1	320	0	0	0.00%	0.0%	320	1	100.00%	100.0%	0	0	0.00%
Benedict Geni Pictavin	0	0	0	0	0	0.00%	0.0%	0	0	0.00%	0.0%	0	0	0.00%
Benedictus (inferred)	0	6	0	0	0	0.00%	0.0%	0	0	0.00%	0.0%	0	0	0.00%
Benjamin filio Samuel	3,924	13	302	248	2	6.32%	15.4%	1,408	3	35.88%	23.1%	2,268	9	57.80%
Bonefey de Oxon geni Diaie	1,760	4	440	0	0	0.00%	0.0%	1,440	3	81.82%	75.0%	320	1	18.18%
Bonefey filio Bonefey De Oxon	960	1	960	0	0	0.00%	0.0%	960	1	100.00%	100.0%	0	0	0.00%
Deodone filio Deulecress	2,509	9	279	0	0	0.00%	0.0%	1,837	6	73.22%	66.7%	672	3	26.78%
Deulecress filio Abraham de Bedeford	10,556	26	406	470	3	4.45%	11.5%	4,678	8	44.32%	30.8%	5,408	17	51.23%
Deulecress filio Avigay	280	2	140	0	0	0.00%	0.0%	0	0	0.00%	0.0%	280	2	100.00%
Deulecress filio Bretun	898	2	449	0	0	0.00%	0.0%	480	1	53.45%	50.0%	418	1	46.55%
Deulecress filio Elia de Bing'	55,052	49	1,124	396	2	0.72%	4.1%	9,816	16	17.83%	32.7%	44,840	33	81.45%
Deulecress filio Elia pater dicta Avigay	258	1	258	0	0	0.00%	0.0%	0	0	0.00%	0.0%	258	1	100.00%
Deulecress filio Matathias	5,320	14	380	0	0	0.00%	0.0%	3,378	9	63.50%	64.3%	1,942	5	35.50%
Diaie filio Abraham	3,956	15	264	216	2	5.46%	13.3%	640	1	16.18%	6.7%	3,100	14	78.36%
Diaie filio Elia	76,891	21	3,661	3,200	1	4.24%	4.8%	8,535	9	11.10%	42.9%	65,156	12	84.74%
Ela filio Deulecress	505	1	505	0	0	0.00%	0.0%	0	0	0.00%	0.0%	505	1	100.00%
Ela filio Leon Judi de Kirketon	1,270	6	212	0	0	0.00%	0.0%	706	2	55.59%	50.0%	564	2	44.41%
Florette filia Judah le Francais	1,920	1	1,920	0	0	0.00%	0.0%	0	0	0.00%	0.0%	1,920	1	100.00%
Flura filia Josce	0	1	0	0	0	0.00%	0.0%	0	0	0.00%	0.0%	0	0	0.00%
Garsie filio Judah	22,878	29	789	720	2	3.15%	6.9%	8,466	10	37.00%	34.5%	13,693	18	59.85%
Gentil filia Garsie	1,298	1	1,298	0	0	0.00%	0.0%	0	0	0.00%	0.0%	1,298	1	100.00%
Gentil filia Judah uxor Seingnor filio Isaac	1,611	3	537	0	0	0.00%	0.0%	168	1	10.43%	33.3%	1,443	2	89.57%
Isaac filio Elia	26,392	23	1,147	240	1	0.91%	4.3%	11,238	15	42.58%	65.2%	14,914	8	56.51%
Isaac filio Jacob de London & Ciconie uxor sui Judo4 Lincoln	1,280	1	1,280	0	0	0.00%	0.0%	0	0	0.00%	0.0%	1,280	1	100.00%
Isaac filio Mosse	674	2	337	104	1	15.43%	50.0%	0	0	0.00%	0.0%	570	2	84.57%
Issac filia Elia & Flura filia eius	849	1	849	0	0	0.00%	0.0%	0	0	0.00%	0.0%	849	1	100.00%
Jacob Crespin Judi London	4,800	1	4,800	0	0	0.00%	0.0%	4,800	1	100.00%	100.0%	0	0	0.00%
Jacob de Oxon geni Diaie filio Elia	144	1	144	0	0	0.00%	0.0%	144	1	100.00%	100.0%	0	0	0.00%
Jacob filio Leon & Benedict geni Pictavin	17,674	38	465	1,552	4	8.78%	10.5%	1,661	5	9.40%	13.2%	14,461	33	81.82%
Jacob filio Manasser	1,728	2	864	0	0	0.00%	0.0%	1,728	2	100.00%	100.0%	0	0	0.00%
Jacob geni Samuel Judi de Grimesby	3,360	5	672	0	0	0.00%	0.0%	1,520	2	45.24%	40.0%	1,840	2	54.76%
Jole filia Deulecress	720	1	720	0	0	0.00%	0.0%	0	0	0.00%	0.0%	720	1	100.00%
Josce de Bungweye	19,552	24	815	860	4	4.40%	16.7%	3,078	4	15.74%	16.7%	15,614	20	79.86%
Josce fil Josce	3,078	7	440	0	0	0.00%	0.0%	2,958	6	96.10%	85.7%	120	1	3.90%
Josce fil Pictavin	0	1	0	0	0	0.00%	0.0%	0	0	0.00%	0.0%	0	0	0.00%
Josce fil Sam	1,804	2	902	640	1	35.48%	50.0%	0	0	0.00%	0.0%	1,164	2	64.52%
Josce filio Benedict	488	2	244	0	0	0.00%	0.0%	320	1	65.57%	50.0%	168	1	34.43%
Josce le Francais geni Diaie	3,010	21	143	0	0	0.00%	0.0%	1,681	6	55.84%	28.6%	1,329	4	44.16%
Josce filio Mosse de Oxon	5,240	4	1,310	1,600	1	30.53%	25.0%	0	0	0.00%	0.0%	3,640	4	69.47%
Judah le Francais	53,082	50	1,062	4,360	4	8.21%	8.0%	12,395	11	23.35%	22.0%	36,327	39	68.44%
Leon Episcopo Judi Eborum	43,040	3	14,347	9,000	1	20.91%	33.3%	0	0	0.00%	0.0%	34,040	2	79.09%
Leon filio Solomon de Lincoln & Deulecress filio Matathias	142,879	94	1,520	10,371	7	7.26%	7.4%	34,629	35	24.24%	37.2%	97,879	57	68.50%
Magn Josce	43,673	26	1,680	800	1	1.83%	3.8%	2,908	5	6.66%	19.2%	39,966	21	91.51%
Manasser filio Beniamini qui manet apud Canteb'	2,356	6	393	0	0	0.00%	0.0%	0	0	0.00%	0.0%	2,356	6	100.00%
Manasser filio Manasser Scriptor	1,440	1	1,440	0	0	0.00%	0.0%	0	0	0.00%	0.0%	1,440	1	100.00%
Manasser Scriptor	10,658	3	3,553	0	0	0.00%	0.0%	4,578	1	42.95%	33.3%	6,080	2	57.05%
Melka uxor Josce	2,540	8	318	320	1	12.60%	12.5%	1,561	3	61.46%	37.5%	659	3	25.94%
Mosse Crespin Judi London	392	1	392	32	1	8.16%	100.0%	0	0	0.00%	0.0%	360	1	91.84%
Mosse filio Isaac	3,961	9	440	816	2	20.60%	22.2%	1,840	2	46.45%	22.2%	1,305	5	32.95%
Mosse filio Jacob Crespin Judi Lond	1,480	2	740	0	0	0.00%	0.0%	1,120	1	75.68%	50.0%	360	1	24.32%
Mosse geni ursell	4,800	7	686	1,064	3	22.17%	42.9%	640	1	13.33%	14.3%	3,096	6	64.50%
Pictavin filio Elia	20,480	3	6,827	0	0	0.00%	0.0%	0	0	0.00%	0.0%	20,480	3	100.00%
Pictavin filio Josce	12,822	18	712	396	1	3.09%	5.6%	2,785	8	21.72%	44.4%	9,641	10	75.19%
Pictavin filio Manasser	29,563	18	1,642	1,200	3	4.06%	16.7%	12,178	7	41.19%	38.9%	16,185	10	54.75%
Rose filia Pictavin filio Manasser	192	1	192	0	0	0.00%	0.0%	192	1	100.00%	100.0%	0	0	0.00%
Sam filio Mosse	480	1	480	0	0	0.00%	0.0%	480	1	100.00%	100.0%	0	0	0.00%
Sampson fil Abraham et Avigay filio eius	8,880	8	1,110	0	0	0.00%	0.0%	7,680	2	86.49%	25.0%	1,200	2	13.51%
Sampson filio Abraham de Bedeford	658	3	219	0	0	0.00%	0.0%	498	2	75.68%	66.7%	160	1	24.32%
Sampson filio Matathias	7,853	14	561	480	2	6.11%	14.3%	3,411	6	43.44%	42.9%	3,962	8	50.65%
Samuel filio Beleveng	3,633	11	330	1,608	2	44.26%	18.2%	1,159	5	31.90%	45.5%	865	6	23.84%
Sarah & Josce...	0	1	0	0	0	0.00%	0.0%	0	0	0.00%	0.0%	0	0	0.00%
Seingnor filio Isaac	1,959	4	490	0	0	0.00%	0.0%	0	0	0.00%	0.0%	1,959	4	100.00%
tom	0	3	0	0	0	0.00%	0.0%	0	0	0.00%	0.0%	0	0	0.00%
Ursell filia Manasser	0	1	0	0										

Appendix B:

Totals		References to Payments to Jews Recorded on Pipe Rolls				
Year/Lender	Totals	Year	Name of Lender	Amount	Reference	Page
Year: 1000-1009	1000-1009	1000	...	...	...	...
Year: 1010-1019	1010-1019	1010	...	...	...	...
Year: 1020-1029	1020-1029	1020	...	...	...	...
Year: 1030-1039	1030-1039	1030	...	...	...	...
Year: 1040-1049	1040-1049	1040	...	...	...	...
Year: 1050-1059	1050-1059	1050	...	...	...	...
Year: 1060-1069	1060-1069	1060	...	...	...	...
Year: 1070-1079	1070-1079	1070	...	...	...	...
Year: 1080-1089	1080-1089	1080	...	...	...	...
Year: 1090-1099	1090-1099	1090	...	...	...	...
Year: 1100-1109	1100-1109	1100	...	...	...	...
Year: 1110-1119	1110-1119	1110	...	...	...	...
Year: 1120-1129	1120-1129	1120	...	...	...	...
Year: 1130-1139	1130-1139	1130	...	...	...	...
Year: 1140-1149	1140-1149	1140	...	...	...	...
Year: 1150-1159	1150-1159	1150	...	...	...	...
Year: 1160-1169	1160-1169	1160	...	...	...	...
Year: 1170-1179	1170-1179	1170	...	...	...	...
Year: 1180-1189	1180-1189	1180	...	...	...	...
Year: 1190-1199	1190-1199	1190	...	...	...	...
Year: 1200-1209	1200-1209	1200	...	...	...	...
Year: 1210-1219	1210-1219	1210	...	...	...	...
Year: 1220-1229	1220-1229	1220	...	...	...	...
Year: 1230-1239	1230-1239	1230	...	...	...	...
Year: 1240-1249	1240-1249	1240	...	...	...	...
Year: 1250-1259	1250-1259	1250	...	...	...	...
Year: 1260-1269	1260-1269	1260	...	...	...	...
Year: 1270-1279	1270-1279	1270	...	...	...	...
Year: 1280-1289	1280-1289	1280	...	...	...	...
Year: 1290-1299	1290-1299	1290	...	...	...	...
Year: 1300-1309	1300-1309	1300	...	...	...	...
Year: 1310-1319	1310-1319	1310	...	...	...	...
Year: 1320-1329	1320-1329	1320	...	...	...	...
Year: 1330-1339	1330-1339	1330	...	...	...	...
Year: 1340-1349	1340-1349	1340	...	...	...	...
Year: 1350-1359	1350-1359	1350	...	...	...	...
Year: 1360-1369	1360-1369	1360	...	...	...	...
Year: 1370-1379	1370-1379	1370	...	...	...	...
Year: 1380-1389	1380-1389	1380	...	...	...	...
Year: 1390-1399	1390-1399	1390	...	...	...	...
Year: 1400-1409	1400-1409	1400	...	...	...	...
Year: 1410-1419	1410-1419	1410	...	...	...	...
Year: 1420-1429	1420-1429	1420	...	...	...	...
Year: 1430-1439	1430-1439	1430	...	...	...	...
Year: 1440-1449	1440-1449	1440	...	...	...	...
Year: 1450-1459	1450-1459	1450	...	...	...	...
Year: 1460-1469	1460-1469	1460	...	...	...	...
Year: 1470-1479	1470-1479	1470	...	...	...	...
Year: 1480-1489	1480-1489	1480	...	...	...	...
Year: 1490-1499	1490-1499	1490	...	...	...	...
Year: 1500-1509	1500-1509	1500	...	...	...	...
Year: 1510-1519	1510-1519	1510	...	...	...	...
Year: 1520-1529	1520-1529	1520	...	...	...	...
Year: 1530-1539	1530-1539	1530	...	...	...	...
Year: 1540-1549	1540-1549	1540	...	...	...	...
Year: 1550-1559	1550-1559	1550	...	...	...	...
Year: 1560-1569	1560-1569	1560	...	...	...	...
Year: 1570-1579	1570-1579	1570	...	...	...	...
Year: 1580-1589	1580-1589	1580	...	...	...	...
Year: 1590-1599	1590-1599	1590	...	...	...	...
Year: 1600-1609	1600-1609	1600	...	...	...	...
Year: 1610-1619	1610-1619	1610	...	...	...	...
Year: 1620-1629	1620-1629	1620	...	...	...	...
Year: 1630-1639	1630-1639	1630	...	...	...	...
Year: 1640-1649	1640-1649	1640	...	...	...	...
Year: 1650-1659	1650-1659	1650	...	...	...	...
Year: 1660-1669	1660-1669	1660	...	...	...	...
Year: 1670-1679	1670-1679	1670	...	...	...	...
Year: 1680-1689	1680-1689	1680	...	...	...	...
Year: 1690-1699	1690-1699	1690	...	...	...	...
Year: 1700-1709	1700-1709	1700	...	...	...	...
Year: 1710-1719	1710-1719	1710	...	...	...	...
Year: 1720-1729	1720-1729	1720	...	...	...	...
Year: 1730-1739	1730-1739	1730	...	...	...	...
Year: 1740-1749	1740-1749	1740	...	...	...	...
Year: 1750-1759	1750-1759	1750	...	...	...	...
Year: 1760-1769	1760-1769	1760	...	...	...	...
Year: 1770-1779	1770-1779	1770	...	...	...	...
Year: 1780-1789	1780-1789	1780	...	...	...	...
Year: 1790-1799	1790-1799	1790	...	...	...	...
Year: 1800-1809	1800-1809	1800	...	...	...	...
Year: 1810-1819	1810-1819	1810	...	...	...	...
Year: 1820-1829	1820-1829	1820	...	...	...	...
Year: 1830-1839	1830-1839	1830	...	...	...	...
Year: 1840-1849	1840-1849	1840	...	...	...	...
Year: 1850-1859	1850-1859	1850	...	...	...	...
Year: 1860-1869	1860-1869	1860	...	...	...	...
Year: 1870-1879	1870-1879	1870	...	...	...	...
Year: 1880-1889	1880-1889	1880	...	...	...	...
Year: 1890-1899	1890-1899	1890	...	...	...	...
Year: 1900-1909	1900-1909	1900	...	...	...	...
Year: 1910-1919	1910-1919	1910	...	...	...	...
Year: 1920-1929	1920-1929	1920	...	...	...	...
Year: 1930-1939	1930-1939	1930	...	...	...	...
Year: 1940-1949	1940-1949	1940	...	...	...	...
Year: 1950-1959	1950-1959	1950	...	...	...	...
Year: 1960-1969	1960-1969	1960	...	...	...	...
Year: 1970-1979	1970-1979	1970	...	...	...	...
Year: 1980-1989	1980-1989	1980	...	...	...	...
Year: 1990-1999	1990-1999	1990	...	...	...	...
Year: 2000-2009	2000-2009	2000	...	...	...	...
Year: 2010-2019	2010-2019	2010	...	...	...	...
Year: 2020-2029	2020-2029	2020	...	...	...	...
Year: 2030-2039	2030-2039	2030	...	...	...	...
Year: 2040-2049	2040-2049	2040	...	...	...	...
Year: 2050-2059	2050-2059	2050	...	...	...	...
Year: 2060-2069	2060-2069	2060	...	...	...	...
Year: 2070-2079	2070-2079	2070	...	...	...	...
Year: 2080-2089	2080-2089	2080	...	...	...	...
Year: 2090-2099	2090-2099	2090	...	...	...	...
Year: 2100-2109	2100-2109	2100	...	...	...	...
Year: 2110-2119	2110-2119	2110	...	...	...	...
Year: 2120-2129	2120-2129	2120	...	...	...	...
Year: 2130-2139	2130-2139	2130	...	...	...	...
Year: 2140-2149	2140-2149	2140	...	...	...	...
Year: 2150-2159	2150-2159	2150	...	...	...	...
Year: 2160-2169	2160-2169	2160	...	...	...	...
Year: 2170-2179	2170-2179	2170	...	...	...	...
Year: 2180-2189	2180-2189	2180	...	...	...	...
Year: 2190-2199	2190-2199	2190	...	...	...	...
Year: 2200-2209	2200-2209	2200	...	...	...	...
Year: 2210-2219	2210-2219	2210	...	...	...	...
Year: 2220-2229	2220-2229	2220	...	...	...	...
Year: 2230-2239	2230-2239	2230	...	...	...	...
Year: 2240-2249	2240-2249	2240	...	...	...	...
Year: 2250-2259	2250-2259	2250	...	...	...	...
Year: 2260-2269	2260-2269	2260	...	...	...	...
Year: 2270-2279	2270-2279	2270	...	...	...	...
Year: 2280-2289	2280-2289	2280	...	...	...	...
Year: 2290-2299	2290-2299	2290	...	...	...	...
Year: 2300-2309	2300-2309	2300	...	...	...	...
Year: 2310-2319	2310-2319	2310	...	...	...	...
Year: 2320-2329	2320-2329	2320	...	...	...	...
Year: 2330-2339	2330-2339	2330	...	...	...	...
Year: 2340-2349	2340-2349	2340	...	...	...	...
Year: 2350-2359	2350-2359	2350	...	...	...	...
Year: 2360-2369	2360-2369	2360	...	...	...	...
Year: 2370-2379	2370-2379	2370	...	...	...	...
Year: 2380-2389	2380-2389	2380	...	...	...	...
Year: 2390-2399	2390-2399	2390	...	...	...	...
Year: 2400-2409	2400-2409	2400	...	...	...	...
Year: 2410-2419	2410-2419	2410	...	...	...	...
Year: 2420-2429	2420-2429	2420	...	...	...	...
Year: 2430-2439	2430-2439	2430	...	...	...	...
Year: 2440-2449	2440-2449	2440	...	...	...	...
Year: 2450-2459	2450-2459	2450	...	...	...	...
Year: 2460-2469	2460-2469	2460	...	...	...	...
Year: 2470-2479	2470-2479	2470	...	...	...	...
Year: 2480-2489	2480-2489	2480	...	...	...	...
Year: 2490-2499	2490-2499	2490	...	...	...	...
Year: 2500-2509	2500-2509	2500	...	...	...	...
Year: 2510-2519	2510-2519	2510	...	...	...	...
Year: 2520-2529	2520-2529	2520	...	...	...	...
Year: 2530-2539	2530-2539	2530	...	...	...	...
Year: 2540-2549	2540-2549	2540	...	...	...	...
Year: 2550-2559	2550-2559	2550	...	...	...	...
Year: 2560-2569	2560-2569	2560	...	...	...	...
Year: 2570-2579	2570-2579	2570	...	...	...	...
Year: 2580-2589	2580-2589	2580	...	...	...	...
Year: 2590-2599	2590-2599	2590	...	...	...	...
Year: 2600-2609	2600-2609	2600	...	...	...	...
Year: 2610-2619	2610-2619	2610	...	...	...	...
Year: 2620-2629	2620-2629	2620	...	...	...	...
Year: 2630-2639	2630-2639	2630	...	...	...	...
Year: 2640-2649	2640-2649	2640	...	...	...</

Appendix C:

"Numerical figures represent monetary values in den.	Sums of Original 1177 Fine	Sum of Amount Repaid in 1177	Amount Still Owed After 1177 Payment	Sum of Amount Due as of 1178	Sum of Amount Repaid in 1178	Amount Still Owed After 1178 Payment	Sum of Amount Due as of 1179	Sum of Amount Repaid in 1179 (Including notes - see right for more detailed notes).	Notes on Amount Repaid in 1179	Amount Still Owed After 1179 Payment
Brunus	480,000	159,412	320,588	320,000	224,000	96,000	96,000	There is an entry saying 96,000; however, this money certainly did not make it to the treasury in 1179: (see notes at right).	The Pipe Roll has a record for the amount owed, but it is missing a key phrase in a blank space, viz. "redd. Comp." meaning "renders account for." Pipe roll scribes often drew up their records ahead of time and left a space for the right words to be filled in during the exchequer session. Here, the blank section of the pre-made records remain blank - this indicates that the account was inactive that year.	96,000
Jurnet	320,000	106,668	213,332	213,333	149,346	63,987	63,987	63,987; however, this money almost certainly did not make it to the treasury in 1179: (see notes at right).	space and the fact that Brunus' same sum of 96,000 is recorded as owing for 1180, it makes sense to conclude that the payment had been earlier to agreed upon; however, it would seem that Brunus and Jurnet either could not make the payment at the exchequer on time, that they did not have enough money to pay, or some mixture of the two.	63,987
Benedict	120,000	40,000	80,000	80,000	70,400	9,600	9,600	8,640; and, the wording of the entry indicates that this payment was made by handing a loan instrument over to the crown - (see wording on the right). It also has its "redd. comp." filled in, and was hence actually repaid on time... save for the remaining outstanding 960 d.	The Pipe Roll Society, <i>The Great Roll of the Pipe for the Twenty-Fifth Year of the Reign of King Henry the Second</i> (London: Percy Lund, Humphries, & Co., 1930 Reprint), 128: " <i>In camera Regis Turpincaussij l. per breve regis</i> :". The fact that the king would accept debt instruments shows that the government had few qualms with moneylending; hence, <i>pecunia non olet!</i>	960
Josce	40,000	13,333	26,667	26,667	26,667	0	0	0	0	0
References	The Pipe Roll Society, <i>The Great Roll of the Pipe for the Twenty-Third Year of the Reign of King Henry the Second</i> (London: Spottiswoode & Co., 1905), 201.	<i>Ibid.</i>	<i>Ibid.</i>	Society, <i>The Great Roll of the Pipe for the Twenty-Fourth Year of the Reign of King Henry the Second</i> (London: Arthur Doubleday, 1906), 130.	<i>Ibid.</i>	<i>Ibid.</i>	The Pipe Roll Society, <i>The Great Roll of the Pipe for the Twenty-Fifth Year of the Reign of King Henry the Second</i> (London: Percy Lund, Humphries, & Co., 1930 Reprint), 128.	<i>Ibid.</i>	<i>Ibid.</i>	<i>Ibid.</i>

Sum of Amount Due as of 1180	Sum of Amount Repaid in 1180	Amount Still Owed After 1180 Payment	Sum of Amount Due as of 1181	Sum of Amount Repaid in 1181	Amount Still Owed After 1181 Payment	Sum of Amount Due as of 1182	Sum of Amount Repaid in 1182	Amount Still Owed After 1182 Payment	Sum of Amount Due as of 1182	Notes on Amount Repaid in 1182
	96,000	0	96,000	96,000	0	96,000	96,000	Unknown		At this point 3,600 is only owed. Brunus has been aided in the rest of his repayments by his sureties. The Pipe Roll Society, <i>The Great Roll of the Pipe for the Twenty-Ninth Year of the Reign of King Henry the Second</i> (London: Percy Lund Humphries, & Co., Reprint 1930), 163: "Aaron de Linc' et Ysaac et Abraham filii Rabbi et Ysaac de Colchester" debent .cccc. i. de catallis Ebrni iudex que post receperunt in veteri moneta, de fine quem pose Brunus fecit cum Rege in transretatione sua. Sed dicunt se liberasse serventibus Regis cocam Wilhelmo Rufico ad sciltam Regis faciendam."
	63,987	0	63,987	63,987	57,600	6,387	6,387	0	6,387	I have translated roughly the above: "Aaron of Lincoln, Abraham son of the Rabbi, and Ysaac of Colec' [Colchester] owe 400 pounds for the chattels of Erunus the Jew, who, himself had received in old money [i.e. in money given to him long ago] from the fine that the same Erunus made while the king was away traveling. But also, you are all appointed to liberate the payments of the king to be brought about in the presence of William Rufus."
	960	0	960	960	0	960	960	0	0	
	0	0	0	0	0	0	0	0	0	
The Pipe Roll Society, <i>The Great Roll of the Pipe for the Twenty-Sixth Year of the Reign of King Henry the Second</i> (London: Percy Lund, Humphries, & Co., 1930 Reprint), 154.	<i>Ibid</i>	<i>Ibid</i>	Society, <i>The Great Roll of the Pipe for the Twenty-Seventh Year of the Reign of King Henry the Second</i> (London: The St. Catherine Press,	<i>Ibid</i>	<i>Ibid</i>	The Pipe Roll Society, <i>The Great Roll of the Pipe for the Twenty-Eighth Year of the Reign of King Henry the Second</i> (London: The St. Catherine Press, 1910), 161.	<i>Ibid</i>	<i>Ibid</i>	<i>Ibid</i>	<i>Ibid</i>

<i>Sum of Amount Due as of 1183</i>	<i>Sum of Amount Repaid in 1183</i>	<i>Amount Still Owed After 1183 Payment</i>	<i>Sum of Amount Due as of 1184</i>	<i>Sum of Amount Repaid in 1184</i>	<i>Amount Still Owed After 1184 Payment</i>	<i>Sum of Amount Due as of 1185</i>	<i>Sum of Amount Repaid in 1185</i>	<i>Amount Still Owed After 1185 Payment</i>
9,600	4,800	4,800	4,800	2,400	2,400	2,400	2,400	0
6,387	0	6,387	6,387	0	6,387	6,387	0	6,387
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
<i>The Great Hall of the Pipe for the Twenty-Ninth Year of the Reign of King Henry the Second</i> (London: Percy Lund, Humphries, & Co., 1930 Reprint), 163.	<i>Ibid.</i>	<i>Ibid.</i>	<i>The Great Hall of the Pipe for the Thirtieth Year of the Reign of King Henry the Second</i> (London: The St. Catherine Press, 1912), 141.	<i>Ibid.</i>	<i>Ibid.</i>	<i>The Great Hall of the Pipe for the Thirty-First Year of the Reign of King Henry the Second</i> (London: The St. Catherine Press, 1913), 222.	<i>Ibid.</i>	<i>Ibid.</i>