

# Jews, Feudalism and the Magna Carta

## Jews, Feudalism and the Magna Carta

### Mediaeval Myth Management and Modern Mismanagement©

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*“From Here to Obscurity” deals with the now lost Yiddish-speaking London East-End Jewish community during the Hitler years 1933 – 1945 and “Gold Ducats and Devilry Afoot” relates the many trials and tribulations of a Polish Jew in mid-eighteenth century England when all his gold ducats were stolen from him.*

*“I wish I were in topsy-turvy land, where white is black and black is white, and night is day and day is night” (Unknown but similar to line in “My Dream” a Bab Ballad by W. S. Gilbert in the Operetta Topsy-turveydom with music by Alfred Cellier).*

*“Plus ça change, plus c'est la même chose.” (The more things change, the more they stay the same). (Les Guêpes, January 1849) Jean-Baptiste Alphonse Karr (24 November 1808 – 29 September 1890). Editor of Le Figaro and the monthly journal, Les Guêpes).*

Much has been written about mediaeval, feudal England, but little is heard of the Jewish voice. Except for one snippet of an official call for help, there is no equivalent of the Flavius Josephus of Roman times to tell us about the real plight of mediaeval Jewry. Instead we have the misleading myths of privilege and wealth. Agreements affecting the lives of Jews were made without their participation, and arbitrary edicts were issued determining their position within the Christian feudal society without concern for the consequences on Jewish life. This study of those dark and relatively primitive days, will hopefully shine some light on the reality of their plight, and raises the question of whether the international status of Jews has really changed over the ages.

Mediaeval England was the birthplace of several myths that have survived the ravages of time and reality. The myths are enveloped in prismatic shrouds that distort the truth in the eyes and ears of viewers. Myths have been glorified when they should be condemned. A prime example is the agreement called the Magna Carta that was published eight hundred years ago on June 15, 1215. The document has been acclaimed as the origin of the idea of democracy and human rights, when it was, in fact, nothing of the sort, it was just an agreement between a treacherous feudal king and twenty five of his feudal barons in a futile attempt to stop a civil war.

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Instead of glorifying King John and his feudal barons, what should be celebrated is the extent that modern society has managed to distance itself from that underlying faulty fundamental feudal philosophy. If universal adult suffrage is a prerequisite to claim democracy, then democracy in Britain dates only from 1945 when the double business and university votes were abolished.

English feudal society was dominated by the Catholic Church that had accumulated wealth and power over the years. It claimed tithes from its protectorates and demanded participation in the crusades. Kings, Barons and Knights needed to equip themselves for the crusades. Armour, horses, and aides were required and these could be expensive. Kings would finance their needs via taxation, often harsh. Other participants would mortgage their lands when borrowing, mainly, but not only, from the Jews, to equip for the long journeys and battles ahead. The expense was considered a good investment that would be rewarded from the spoils of victory. However, the loss of property was a heavy price to pay in the event of failure to repay the debts incurred. Jews, who were effectively chattels of the kings, could not own landed property, and any such property that came into their hands, would pass into the possession of the king to the chagrin of the Barons who were, in any event, unhappy with the then current state of affairs. The avaricious King John had a few years earlier rejected the Pope's jurisdiction, nominated his own Archbishop and confiscated some of the Church possessions. He later repented and sought the Pope's support when the revolting Barons started to gain ascendancy in the consequent civil war. The Pope's nominee mediated at negotiations that led to the king sealing the Magna Carta on June 15, 1215. It contained 63 clauses. A short-lived peace was restored by the Barons renewing their oaths of allegiance to King John and the distribution of the Magna Carta began on 24th June. However the Pope annulled the Magna Carta on August 24<sup>th</sup> 1215 as no Pope could accept that a ruler under his jurisdiction be dictated to, by his subjects. Civil War was renewed.

Out of the 63 clauses in the charter, two clauses, numbers 10 and 11, referred specifically to the Jews.

*“(10) If anyone who has borrowed a sum of money from Jews dies before the debt has been repaid, his heir shall pay no interest on the debt for so long as he remains under age, irrespective of whom he holds his lands. If such a debt falls into the hands of the Crown, it will take nothing except the principal sum specified in the bond.”*

*“(11) If a man dies owing money to Jews, his wife may have her dower and pay nothing towards the debt from it. If he leaves children that are under age, their needs may also be provided for on a scale appropriate to the size of his holding of lands. The debt is to be paid out of the residue, reserving the service due to his feudal lords. Debts owed to persons other than Jews are to be dealt with similarly.”*

This last sentence breaks another myth, that the only usurers in mediaeval England were Jews.

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Clause 11 clearly indicates that, despite the Church's restrictions relating to usury, mediaeval Christians were also in the business of lending money. The British Library's celebratory Magna Carta book helps to propagate the myth by quoting the theologian William de Montibus (d. 1213) who characterized the Jews as '*sponges of the king, They are bloodsuckers of Christian purses, by whose robbery kings despoil and deprive poor men of their goods*'. This is the only quote in the whole book relating to the Jews. It is a pity that the authors could find it appropriate to publish such a vicious and libelous quote, especially as they are well aware that the Jews were the king's servants and that their "wealth" would finally end up in the king's possession. Indeed the short paragraph (page 48) devoted to the Jews, includes the statement that "*in 1210, King John ordered that the Jews be arrested, and he commanded that they place their wealth at his disposal.*" A clear indication that it was the king who was the "bloodsucker" not his Jews!

There is evidence that Jews communicated with each other in Hebrew, and the British Library published in their book, two examples (p.48) 'that related to typical English-Jewish legal deeds written in Hebrew. In the first document of 1233/4 two Jews released a certain William from all obligations toward them. He had probably paid back a loan. It seems that William's house that had served as a collateral to the loan had been sold to a certain knight. Any future claim to the property is renounced. In the second document a Jew sells a deed of a loan in his possession to a certain "Sir Adam", obviously a knight. All claims are renounced here too. The document is dated as being in the fifty first year of the reign of Henry the third, {1269} (well after the date of the Magna Carta). (*I am obliged to Joseph Shatzmiller, Professor Emeritus at Duke University for the translation of these documents*). There are dozens of similar documents of thirteenth century extant in England and interpreters must have been used when Hebrew contracts with non-Jews were in written in Hebrew.

The clauses in the Magna Carta relating to the Jews were not in themselves anti-Semitic in nature, they were included simply to delay the king taking possession of a deceased debtor's property from widows or under-age heirs. The term "anti-Semitism" was nonexistent in mediaeval times as it was coined in 1879 by Wilhelm Marr (1819 – 1904) a German publicist. The feudalists had no need for a euphemism to express their open Jew hatred.

In fact, the Jews in Feudal England had no rights and the 1215 Magna gave them none. Nor did future versions. They were in England under sufferance. They were literally owned by the king, having less legal status than the serfs who by birth had whatever rights were applicable to ordinary Englishmen or women. The Jews appeared to have privileges because they were under the protection of the crown, but they had no right to that protection which was transient and could be provided or withheld at the whim of the Kings. In 1253 King Henry III's Statute of Jewry stated clearly that: "*No Jew is to remain in England unless he do the King's service. No new synagogues were to be built and services had to be conducted quietly so that no Christians can hear them. Male Jews were not to have Christian nurses, no sexual relations with Christians. Jews could reside only in towns with established Jewish communities and the wearing of the Tabula was to be more strictly enforced.*"

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When, in 1255, the Jews petitioned the King for Royal permission to leave the country, it was refused. Their plea read as follows " *Your majesty, we see that you spare neither Christians nor Jews, but make it your business on divers pretexts to impoverish all; no hope remains to us of breathing freely; the pope's usurers have supplanted us; therefore permit us to depart from your kingdom under safe conduct, and we will seek another abode of some kind or other.*" (Mathew Paris's History of England 1235 -1273 page 114). This is the snippet of a call for help referred to above.

At the time of King Stephen (1135 – 1154), Jewish settlements spread across England to Oxford in 1141, Norwich in 1144, and Winchester in 1148 and there were also Jewish communities in Cambridge, Bury St. Edmonds, Lincoln, Thetford and Bungay, Gloucester and Worcester. The first 100 years after William the Conqueror defeated Harold in 1066, were relatively comfortable years for the Jews in England. Conditions hardened from Mid-12<sup>th</sup> century onwards

King John's father, Henry II – Henry of Anjou (1154 – 1189) imposed a tax known as a *donum*, on the Jews. London Jewry paid a third followed by the other towns. The Jews were mainly present in port towns, towns that had their own mints and fairs which facilitated trading in money-lending and exchange. It is worth noting that the income of the Jews was not only derived from lending money, but also from dealings in silver bullion, foreign coins, furs and jewelry, silver plate and other goods. Henry's main borrowings up to 1164, were from a Christian, William Cade of St. Omer in Flanders and other Christian lenders. The hardening of the Church's attitude to usury, which was considered a sin according to Leviticus and Deuteronomy, led the king to use the Jews for his financing. One of his Jewish lenders was Isaac, the son of Rabbi Josce, head of the London Jewish community. Another was Benedict, son of Sarah and Eliab Jurnet of Norwich. Aaron of Lincoln became the leading financier and when Aaron died in 1156, the king confiscated all of his property and set up a special *exchequer of Aaron*, to collect his then 400 outstanding debts amounting to £18,466. Interest rates had been set at one, two or three pence per pound per week, equivalent to 22%, 44%, or 66% per annum. (*In the book Medieval England: Towns, Commerce and Crafts, 1086-1348 By Edward Miller, John Hatcher pages 380, 381, it is said that interest rates were kept artificially high due to the heavy financial demands made by the king on the Jews. It is also stated there that Cahorsins were practising usury while professing to be Christians and that Christian Italian merchants were also practising usury*).

It is worth pausing here to ask how the Jews could be distinguished from other inhabitants, not all of whom were truly "English" as one might use the term in modern times. The King and the Barons were of Norman descent, they spoke Norman-French and many other "English, men and women" were of Scandinavian and European descent. The English language had not yet fully developed, nor had English customs. Jews were said to be able to speak three or four languages including Hebrew. (*The British library exhibited some Hebrew documents relating to financial transactions*). This was a volatile developmental period. It was reported that

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in the 1180s Jews of Bury St. Edmonds had free access and exit from the local monastery. Did they dress differently? Maybe, but nevertheless throughout the 13<sup>th</sup> century attempts were made to force Jews to wear a distinguishing patch on their clothing, similar to the shape of the ten commandments. This patch was known as the “tabula” (tablets). At the Fourth Lateran Council, it was said that the wearing of special clothing by the Jews was necessary because it was difficult to tell Jews and Christians apart. The great fear was that if Christians were too long exposed to Jewish ideas and beliefs, they might succumb to them. This stems from the Christian dilemma regarding the Jews. On one hand, Christians needed to be protected from the “poisonous Jewish beliefs”, while on the other hand, the Jews were not to be eliminated, as their presence and eventual conversion was required to ensure the second coming of Christ.

Despite their protection by the crown, Jews were under continuous attack. In 1144, there was the first of the “Blood Libels”, commonly known as the Murder of Little St. William of Norwich. The Jews of Norwich were falsely accused of torturing and killing a Christian child in order to use his blood to make Passover matzo. The Church claimed William as a holy martyr and set up a shrine for his remains, so ensuring an income from visitors and worshippers. It was claimed that this was a ritual killing that took place every Easter. A terrible lie and a myth that has had a life of its own! Further ritual murder accusations were made and shrines were dedicated in 1168 to St. Harold of Gloucester, in 1181, to St. Robert in Bury St. Edmonds, in 1183 to St. Adam in Bristol and in 1255 to Little St. Hugh who was buried as a martyr in Lincoln cathedral. Over ninety Jews were sent to prison and nineteen of them were executed. Henry III made things worse by giving his royal approval to this noxious blood libel.

In 1189 when the Jews of England came to pay homage to King Richard I (1189 – 1199) (*Richard the Lionheart*) on his coronation, they were set upon by a mob who also rampaged through London, setting fire to, and plundering, Jewish and other property. As many as thirty Jews were killed and there were reports that terrified Jews killed their own children and committed suicide rather than fall into the hands of the rampaging mob. One Jew was forcibly baptized. Then in 1190 there was the infamous massacre of 150 Jews in York. There were violent anti-Jewish outbreaks in Lynn, Norwich, Stamford, Lincoln, Colchester, Thetford and Ospringe in Kent. In York, some houses were burnt and the inhabitants killed. All the other Jews led by Richard I. Josce, sought protection in the castle’s Clifford Tower. They locked out the keeper and locked themselves in the castle which was then besieged. They held out until March 16 when, led by Rabbi *Yomtov*, many killed their own children and themselves rather than surrender. Some who converted to Christianity, were massacred when leaving the castle. Bonds recording debts owed to Jews were publicly burned in the middle of York Minster.

King Richard was furious. Three people were hanged for the rioting in London and royal letters were dispatched ordering that Jews should be left in peace. The King sent his Chancellor, William Longchamp, Bishop of Ely to York with an armed force. The citizens protested their

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collective innocence. The Sheriff was replaced and some lands were confiscated. The burning of the Bonds was a serious matter for the King, because the Jews were his property and the Bonds were a conduit through which the King gained extra property when borrowers defaulted. The destruction of records robbed the Jews of assets that the King could tax or confiscate. When a Jewish lender died, his debts came automatically into the King's hands. No shrine was set up for the martyred Jews but laws were introduced for all debts to the Jews to be duly registered. Documentation had to be deposited in chests called *Archae* secured with three locks and sealed. This had the double effect of physically protecting the Jews while improving the King's ability of exploiting them. Crusading was an expensive activity that required heavy financing by way of loans and taxation. King Richard was sorely in need of finance as he sailed to join the third crusade. He was later captured on his way home from the Holy Land by the Duke of Austria whom he had previously insulted and a ransom of 100,000 Marks (£67,000) had to be paid for his release.

Much information relating to mediaeval England also comes from what are known as Pipe Rolls introduced c. 1130. These are Royal records of transactions and other activities of Sheriffs and others who owed money to the King. One record says that Jews of London were fined £2000 "for killing a sick man", and that £600 was paid immediately. One would need to multiply these numbers by at least 100 to equate them with present day values. This makes the fine particularly heavy as the average annual Baronial income in the 12<sup>th</sup> century was reportedly £200. This huge and disproportionate fine was a way of milking the Jewish community. The Pipe Rolls also show that the Jews were active in medicine. Petrus Alfonsi, a converted Jew, was King Henry's personal physician. Rabbi Josce was a businessman and also a leader of the Jewish community, he owned property in London and Rouen. He is credited with founding the Great Synagogue in Colechurch Lane in London. The records show that the King made payments to individual Jews, including £120 to the Rabbi and £60 to 'Manassa' (Menasha). The Jews also paid the King for his help in collecting debts owed to them and a Pipe Roll records that a Richard FitzGilbert offered the King £133 6s 8d for his help in a dispute with the Jews of London.

In 1207 King John (1199 -1216), Richard's youngest brother, intent on building a war chest to finance the regaining of Norman lands he had lost in battles in France, imposed heavy tallages (taxes) on the Jews including 10% of the value of their bonds. When, in 1210, he thought that he had not been fully paid, he imprisoned many Jews, male and female, across the whole of England. The leader of the Norwich Jewish community, Isaac, son of Jurnet, was forced to promise to pay the King £6666. Isaac of Canterbury was hanged and his possessions sold. One Bristol Jew had one of his teeth knocked out each day until he paid up in full. Even the poorest Jews were forced to pay 40 shillings each or else leave the Kingdom – a whimsical use of the royal power. King John ordered that the debts of all living Jews should be taken into his hands and collected. Many of these debts were owed by the sons and heirs of the original debtors and John declared that non-payment would result in loss of lands. When a Jewish lender died his debts came automatically into the King's hands and the king's debt collectors were merciless. The Jews were clearly seen as agents of the King, increasing resentment against both the Jews

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and the King. (*John foiled a plot to assassinate him in 1212 and civil war re-erupted in 1215*). John's opponents occupied London and attacked the Jews. Stones from their burned houses were used to repair the walls of the city.

Local Expulsions of Jews began in the 1230s. Jews were expelled from Leicester in 1231, from Newcastle and Warwick in 1234, from High Wycombe in 1235 and from Southampton in 1236. Houses for Conversion of Jews to Christianity were established in London and elsewhere and excessive taxation was used to force conversions while the belongings of converted Jews were confiscated by the crown. The Norwich Jewish community was accused of a forcible circumcision in 1234. There were riots, houses were burned and Jews were executed. In 1239 the Royal Government demanded of the Jews, a third of all their goods and debts. Extraordinarily harsh. Later Edward I gave his mother Eleanor of Aquitaine the right to expel all Jews from the towns in her dower lands.

In June 1240, King Henry III (1216 – 1272) ordered all the arches to be closed and in January 1241 leaders of every Jewish community were summoned to Worcester to arrange a tallage of £13,333 to finance the King's military expedition to Poitou in France. In 1244 there was an additional tallage of £40,000. By 1255 even Aaron of York was bankrupt. It was estimated that more than half the so-called wealth of England's Jewry was paid in taxation between 1241 and 1256. Christian lenders and speculators who held positions in the Royal Court benefited.

Abraham of Berkhamstead was imprisoned in 1254 for murdering his wife. He was accused of defecating on the image of the Virgin Mary. In 1258 the Barons complained that Jews often transferred their debts to magnates and other persons powerful in the kingdom and they groaned about the costs of knighthood.

The Queen took her share. She was entitled to 10% of voluntary payments to the King. This was called the *Queen's Gold* - She would also receive gold on the third part of a deceased Jew's property.

The king benefited in other ways. Elias l'Eveske was one of the leading members of the London Jewish community. In 1243 he was appointed arch-presbyter (Chief Rabbi) by Henry III. He was exempted from Royal tax demands and became unpopular with his fellow Jews. In 1257 he was removed from office being accused of collecting debts that had previously been transferred to Richard of Cornwall. Messrs. Hagin and Cresse, sons of Master Moses of London, paid the King 3 gold marks to make sure Elias was never restored to office and for Jews to be allowed to elect their own arch-presbyter. Hagin succeeded Elias as arch-presbyter in 1258, but scandal ensued when one of Elias's servants was alleged to have viciously attacked Hagin. Elias and his two sons managed to bring an end to the prosecution only by converting to Christianity in 1259 and their property valued at £2,666 was confiscated by the King and sold to another Elias, the brother of Hagin and Cresse. In 1264, on a rumour that Jews were planning to burn down London, some 400 -500 Jews were killed in riots.

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Jewish communities (Jewries) could be bought and sold. In 1262 Henry III granted his son Edward a Jewry for a period of three years in exchange for the surrender of the (mismanaged) lands that had been endowed to him at the time of his marriage. The funds from the Jewry were to plug the gap in Edwards's income. Edward transferred it to some Cahorsin (French) merchants for an unrecorded but considerable sum.

In 1272, Edward I (1272 – 1307) son of Henry III, was proclaimed King while he was away on a crusade. Edward returned to England in 1274 and in the following year he issued a Statute of Jewry - All Jews were now ordered to live by manual labour or by non-usurious trade! Any Jew unwilling was to be expelled from Royal lands. Some Jews found a way around this by giving credit when trading in goods and some of their transactions may have been artificial. Other activities by Jews included the dangerous profession of physician as there was only a fine line in the contemporary Christian imagination between medicine and witchcraft which strengthened the idea that Jews were both poisoners and magicians. There are reports of Jews being goldsmiths, a fencing master, a ladder maker and even a crossbowman. Jewish women, too, were active. Licoricia of Winchester is an example. She was, the second wife of financier David of Oxford. Licoricia was given permission by King Henry III in 1244 to take over the business on payment of £3,333. She ran the business in association with her sons. She was tallaged heavily and was imprisoned in 1250 having been accused of stealing a valuable ring on its way to the King. She was stabbed to death in her Winchester home in 1277. In that year a Jew called Sampson was accused of dressing up as a Franciscan and preaching against the Christian faith. He was driven naked for three days through the towns of Oxford, London, Northampton, Lincoln and Canterbury, with the entrails of a calf in his hands and its flayed body around his neck.

By 1278 coins, that had been minted some thirty years earlier, had deteriorated, not only by wear and tear, but also by clipping. Small pieces had been illegally scraped, cut or clipped off the coins, accumulated and turned into ingots or sheet silver. Although this was a common practice by all citizens, the Jews were accused of being the main coin clippers, their houses were searched and some 600 Jews were imprisoned in the Tower of London for 40 days. In 1279, it was reported that 293 Jews were hanged in London and Sheriffs in London and Middlesex received payment for "doing justice" on 269 Jews and 29 Christians. The official campaign against the Jews had encouraged random attacks against innocent Jews to the extent that the government had to intervene. An order was issued stating that *'many Christians, through hatred of the Jews, were concocting accusations against innocent members of the Jewish community in order to blackmail them. It proclaimed that no Jew would now be charged with a new offence unless he had already been accused before May 1, 1279 and if he made payment to the King.'* In that year Abraham, son of Deulecresse was drawn and burned for blasphemy and other trespasses in Norwich.

In 1287 all leading Jews in England were imprisoned and released only after promising to pay the King £12,000. By this time Jews were no longer the principal money lenders to the



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crown as the Christian firm of Riccardi of Luca had advanced over £200,000 in the first 7 years of Edward's reign.

Edward I seemed always in need of money. He required it to pay a ransom of 50,000 Marks (£34,000) to release his cousin Charles of Salerno who was being held in Aragon and he needed money for the marriage of his eldest daughter Joan, to the earl of Gloucester.

In June of 1290 Edward, now back in England after he had expelled the Jews from his Gascony dominion. (A trial run?) He issued secret orders to his sheriffs to seal the Jewish Archives in all their English counties. It appears that he had now taken the decision to confiscate the properties and bonds of the Jews, rather than, as some claim, that the sealing of the Archives was only to facilitate yet another tallage. There is also a suggestion that the Knights, when summoned to Parliament in July, may have demanded the expulsion of the Jews as a price for agreeing to additional taxation. The tax granted was substantial - £116,346. In reality, the Jews were given to November 1, to leave England and Sheriffs were ordered to make sure they were not attacked. They mainly went to France. Some Jews were left to drown in the Thames estuary when a treacherous ship's captain who was transporting them to France, enticed them onto a sandbank and then abandoned them.

There is some dispute as to the size of the Jewish Population in mediaeval England. It has been estimated as being between 2,000 and 17,000. James Picciotto (1830 – 1897) in his "Sketches of Anglo-Jewish History (1875) is more precise. He reports that 16,511 Jews were expelled from England in 1290. The population was quite wide spread with up to 25 communities across England.

*Much of the detail included above, was derived from Richard Huscroft's well-researched book "Expulsion, England's Jewish Solution" (The History Press 2013).*

### **Does nothing really change?**

The U.S. Declaration of Independence on July 4 1776, upon which the Magna Carta is said to have exercised a strong influence, declares that all men are created equal, that they are endowed by their Creator with certain unalienable rights. Expulsion not only takes away those rights, but questions whether they were unalienable in the first place and this question, that certainly applies to Jews worldwide, does not go away. Jews have been expelled from towns and countries throughout the centuries including the 20<sup>th</sup> century. Famous expulsions include Spain 1492 and Germany 1941 and they tend to overshadow the fact that so-called democracies in Europe also inexcusably expelled their Jews even if they might claim *force majeure*. If the Jews are men and women with "inalienable rights" then the right of expulsion would not be one of them and when Jews are expelled, one must ask under what right if any were they resident in the

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expelling country? Jews in mediaeval England certainly had no unalienable rights, only temporary permissions and this situation also applied after re-entry to England in the 17th, 18th and 19th centuries and possibly through to the present day, although no-one would question their right of residence today. The rights of Jews are always tenuous and the language of the US Declaration of Independence does not help, because a right should be a right and not require a (unalienable) qualification. It is not well-known that in 1862, in the heat of the Civil War, General Ulysses S. Grant believed it was his right to issue his infamous General Order No. 11, which expelled all Jews from Kentucky, Tennessee and Mississippi! It was in effect until rescinded by President Abraham Lincoln. But why should General Grant have thought that he had the right to issue that order?

The campaigns by international crusaders in mediaeval times were marred by lack of co-ordination and petty disputes. They were not always successful. The recent incursions by western powers into the Middle East have likewise not been a great success. And today, parts of Iraq and Syria have regressed into an Islamic state that western leaders call mediaeval and disputes have broken out between Caliphate's enemies.

The Magna Carta was an agreement between King John and twenty five barons that had clauses limiting the activities of Jews. Jews were not a party to the agreement, and did not take part in the negotiations that determined its terms and terminology. In 2015, an agreement has been entered into by Iran, a sworn enemy of Israel, with the U.S., U.K., Russia, China, Germany, France and the European Union, limiting Iran's nuclear activities for ten years. The country most affected by the efficacy of this agreement is Israel that is not a party to the agreement, and did not take part in the negotiations that determined its terms and terminology. It is true that Israel raised its voice in protest, but what influence that had on the negotiations it is impossible to judge. Mediaeval Jewry may also have raised their voices in protest but to no avail.

In May 1948, Israel declared itself an independent sovereign state that was recognized by the United Nations in May 1949 thus confirming its right to exist. Israel's legitimacy has since been called into account by surrounding nations. Is this right unalienable and is there a guarantee that it cannot be expelled from the international community?

### **Does nothing really change?**

The 'Addendum' below gives more details.

#### **Addendum**

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## **Language in Mediaeval England.**

According to David Crystal in his book “Evolving English, One language, Many Voices” – British Library 2010, ‘*a language has no existence apart from the people who use it.*’ (p.8). He also states (p.21) that English slowly evolved from what is called Old English to Middle English between 1100 and 1300 which coincides with the period of this study. The Jews came to England with William the Conqueror in 1066 and were expelled by Edward I in 1290. At the beginning of the Middle English period, England was a trilingual nation, with French and Latin the two languages of power. (p.8) and this situation must have applied in the period of this study. The Jews communicated with each other in Hebrew and French and probably knew other languages dependent on their previous residences. Examples of Hebrew documents, albeit of a later date, can be seen in the British Library’s Book “Magna Carta, Law, Liberty, Legacy” (p.48) that was published in 2015 as a supplement to their Magna Carta Exhibition.

## **Status and Dynasty**

A book entitled “Our Sovereigns from Alfred to George VI” written by Osbert Lancaster contains succinct summaries and acerbic comments on the lives of the English monarchs from 871 – 1937.

England was basically occupied by the Normans in 1066. Prior to defeating King Harold at the battle of Hastings, William the Conqueror’s title was that of Duke of Normandy, and his status was subservient to his neighbour and rival, the King of France. By defeating Harold, he obtained the bonus of raising his status by adding King of England to his name. William I (1066 – 1087) was survived by his three sons, Robert, William and Henry. He bequeathed the Duchy of Normandy that was considered home, to his first son and England to his second son William II (William Rufus) (1087 – 1100). He gave £5000 to his youngest son saying that he would in due course, inherit both territories. In 1096, Robert of Normandy departed for Palestine on the first Crusade having pawned his Duchy to his brother William for £6666 that was needed to finance the mission. Four years later William Rufus was mysteriously shot dead by an arrow while hunting with his brother Henry in the English New Forest. Henry I reigned from 1100 -1135. He was succeeded by his nephew Stephen (1135 -1154) the son of Adela, one of William the Conqueror’s daughters. The crown should have gone to Henry, the son of Adel’s sister Matilda. War broke out and it was not until 1153 that Matilda’s son Henry was declared the rightful heir to the throne. He became Henry II in 1154 and reigned until 1189. Henry had married Eleanor who was the heiress of Aquitaine and consequently gained control of more French land than his arch enemy the King of France. The Church and the monarchy were often at odds throughout our period. In Henry the second’s reign, it culminated in the murder of the Archbishop of Canterbury, Thomas a Becket.

Henry was succeeded by Richard I (Richard the Lionheart) 1189 – 1199, who spent most of his time outside of England. He participated in the third Crusade where he antagonized his

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fellow French and German crusaders. Worried by the fact that his brother John had installed himself in England, Richard returned to Europe only to be captured on the way by the Duke of Austria whom he had previously insulted. He was held captive until a large ransom was paid for his release. He soon embarked on a war with the King of France and after five years of warfare he was wounded by a poisonous arrow and died as a result in 1199. Henry II had four sons, young Henry who died in 1183, Richard the Lionheart, Geoffrey who became Archbishop and John. Arthur of Brittany, Geoffrey's son, had been designated a successor to Henry II, but John quickly exercised his talents to take the crown for himself in 1199. He was later involved in Arthur's mysterious death.

It was King John of Magna Carta fame who lost most of the French territories to the French that resulted in England and later the United Kingdom becoming a truly independent English-speaking entity. He died in 1216 from exhaustion and dysentery during a war with the French.

His young son, Henry III was 9 years old when he became King. William Marshal, Hubert de Burgh and Archbishop Langton acted as Regents until 1217 when Henry assumed the kingship. The definitive version of the Magna Carta (reduced from 63 clauses to 37 clauses), was issued by Henry III and entered into Law in 1225 "*In return for this grant and gift of these liberties and of the other liberties contained in our charter on the liberties of the forest, the archbishops, bishops, abbots, priors, earls, barons, knights, freeholders and all of our realm have given us a fifteenth part of all their movables*". (*National Archives*). The King, however, antagonized the barons over the succeeding years and in 1258, he was called upon to abide by the provisions of the charter that he had been disregarding. A revolt led by Simon de Montfort actually defeated and imprisoned the king for two years, during which the first English parliament was called, not that Montfort was a democrat. Henry's son Edward escaped from prison, rallied some supporters and restored his father to the throne. Henry III died in 1272.

Edward I (1272 – 1307) became king while absent from England on the sixth Crusade. On his return, he subdued the Welsh in two campaigns, 1275 and 1282. He defeated the Scots in 1296 and brought the famous 'Stone of Scone' to England. (*It was returned to Scotland 700 years later in 1996*). (*Robert the Bruce, king of Scotland (1306–29), freed Scotland from English rule by winning the Battle of Bannockburn (1314). Scottish independence was confirmed in 1328 by the Treaty of Northampton*). (*Encyclopaedia Britannica*). Edward modified the Feudal system in his own favour to the detriment of the barons and reorganized the National Militia. "*Edward I pardoned 450 murderers and numerous lesser offenders in exchange for their services in the army. These soldiers were notorious for their mistreatment of the civilian population regardless of whether it was friend or foe*". (*Military Law Review Spring, 1992*). King Edward expelled all the Jews from England in 1290.

Osbert Lancaster managed to compress his potted history of the nine kings of our period (1066 – 1290) into but thirty pages of text. He gives no specific sources, but states in the

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introduction (p. ix) that his portraits of the monarchs “*have been founded on the usual sources and are in no case the result of original research.*”

By contrast, Stephen Church’s book, “King John, England, Magna Carta and the making of a Tyrant” (Macmillan 2015) is fully researched with many notes and an extensive bibliography.

The same must be said for Richard Huscroft’s book, “Expulsion, England’s Jewish Solution” (The History Press 2013).

These so-called Kings were in fact war lords dressed in royal regalia. They were always ready for a fight and gave allegiance to the Church for the safety of their crowns and their eternal souls. Whilst the barons and knights had to borrow to fund their participation in the Crusades, the kings financed their crusades, wars and extravagances by excessive taxation and confiscation. In all these reigns, there were conflicts with the Church, insurrections by the Barons, wars with the Welsh and Scots and the French.

### **Magna Carta**

The claim to the democratic connection is based on the wording of clauses 39 and 40 that read as follows:

*(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land. (40) To no one will we sell, to no one deny or delay right or justice. These clauses are amongst the very few clauses of the Magna Carta that have never been repealed in English law. Another is clause 1, guaranteeing the liberties of the English Church. (“Magna Carta Law, Liberty, Legacy” issued by the British Library that accompanied its exhibition, March – September 2015, (p. 17). In addition there is clause 13 that guarantees the city of London its ancient liberties customs. The same book (p.18) states that the text of the Magna Carta accepted into English law was not the text agreed at Runnymede in 1215 (which was annulled within a few weeks by the Pope (p74)), it was the revised text reissued ten years later as a manifesto in 1225 by a reluctant Henry III. Even here it was the ‘great tax’ that was needed to prevent a French conquest of Gascony that secured the 1225 charter (p. 74).*

The Church at the time was Catholic and the charters were compiled by mediaeval kings, barons and archbishops who had no interest whatsoever in the modern conception of democracy. But, as is also stated in the book (p.18), much belief may be founded on myth, but the myths that people invent for themselves are of no small importance in shaping their ideas and destinies. Who cares if it’s the wrong date and the wrong charter and that the king has no clothes?

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**The Jewish Voice or Lack of It! (Some selected examples).** Here, it can be seen that in times when the atmosphere is such that there is a fear that protest might engender yet more anti-Semitism, and that there should indeed be outrage, one finds instead, a strong sense of self-censorship in the Jewish narrative.

A. In the whole narrative of Osbert Lancaster's book "Our Sovereigns" covering the mediaeval period when Jews were in England, there are but two passing references to Jews.

On page 43 "*Luckily for him (Richard the Lionheart) a splendid opportunity presented itself in the shape of the Third Crusade, and immediately after his coronation, a ceremony of unexampled magnificence that was only marred by a severe outbreak of Jew-baiting in which the majority of non-Aryan inhabitants of London perished, Richard set about collecting the necessary funds for equipping what proved to be one of the most fantastic military expeditions which ever set sail from Europe*".

On pages 37/38 referring to King Edward I, he writes "*Severe but just, he showed himself merciful to all save traitors and Jews: for the financial activities of the latter he entertained a profound and, it must be admitted, quite justifiable mistrust, and in 1290 he expelled them all*".

In the first reference, Osbert Lancaster seems more concerned that coronation was marred by the outbreak of rioting, than the fact that King Richard had failed to protect the Jews who were murdered. When one takes into consideration that this book was written in 1936 when full-scale Aryanization was under way in Nazi Germany and Fascism was on the rise in the United Kingdom, the use of the term non-Aryan to describe the Jews is most inappropriate, as is his comment that King Edward's mistrust of the Jews was justifiable. Where was the Jewish voice?

(Extra note: This book was given to me as a prize for good work in December 1942 when I was attending The Jew's Free Central School in the third year of evacuation from London during the Second World War. Does this indicate how little aware English Jews could have been of the dangers of Fascism and the real horrors being perpetrated in Nazi controlled Europe, or perhaps, more likely, was the book only judged by its cover and the patriotic overtones of its title, prior to its distribution in a Jewish School? Sad!)

B. In the whole narrative of Stephen Church's book 'King John' covering 50 years of the life of King John,

(b. 1166 – d. 1216) there are but four references to Jews.

On page 120, referring to the death of John's mother, Queen Eleanor in 1204, he writes "*When news reached him in England, he (King John) issued a general amnesty for all prisoners except incarcerated Jews and those who had been taken captive in the war with King Philip (of France).*"

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On page 184 he writes *“after his return from Ireland (July, 1210), John also imposed swingeing taxation on the Jews. According to the account of the Waverley annalist, the Jews were forced to pay 66,000 marks (£44,000), the tax being levied on 1 November according to an entry in the pipe rolls. The Jews enjoyed special protection under the king since they existed outside the normal bounds of the structure of English society. This status came at a price, however, and kings frequently used special taxation in order to enhance the royal treasury.”*

On page 196 he writes *“On 18 August (1212), two days after he had learned of the plot on his life, John wrote to the sheriffs ordering them to summon all those with debts to the Jews, ‘except counts and barons to come to our court on All Saints Day because we wish, by grace of God, to relax their debts’. By royal prerogative, debts owed to Jewish moneylenders on the death of the moneylender were transferred to the Crown. It was a lucrative business for the king, but a painful one for those who found themselves answerable to the full might of Exchequer law for the money that they owed.”*

On page 300, note 62 refers to N. Barratt and to King John’s return in 1207 from a campaign in France. On page 143 he writes:- ‘Immediately on his return, John began to milk his kingdom ..... he wanted a thirteenth of all movables and revenues’. Note 62 states that *“the Jews were also mulcted severely from 1207, though nothing remains of the record that might have told us how much revenue John realized from this source.”*

Despite the sparseness of reference to the Jews, those snippets that do appear in Stephen Church’s book indicate quite clearly the nature of the many difficulties endured by the Jews and the harshness of life in mediaeval England. Here there is a whisper of the Jewish voice.

C. In the British Library’s Book “Magna Carta, Law, Liberty, Legacy” (272 pages) that was published in 2015 as a supplement to their Magna Carta Exhibition, a half-filled page is devoted to the Jews (p. 48) while disproportionately, well over three times as much space is devoted to the detention of the Fascists Oswald and Diana Moseley under Regulation 18b in World War II. Pages. 243,244. Two clauses (10 and 11) that are part of the 1215 Magna Carta limit Jewish moneylenders. The clauses are referred to, but are not discussed at all.

Here is the sum total of the text on page 48. *“Jews occupied a precarious position in mediaeval English society. They performed an invaluable service as moneylenders, a role denied to Christians on religious grounds, but this made them the subject of widespread resentment and exposed them to exploitation. The theologian William de Montibus (d1213) characterized Jews as ‘sponges of the king. They are blood-suckers of Christian purses, by whose robbery kings despoil and deprive poor men of their goods’. In 1210 King John ordered that the Jews be arrested and he commanded that they place their wealth at his disposal; two clauses of Magna Carta subsequently dealt with debts owed to Jews by under-age heirs and widows”*. There are another two sentences explaining two Hebrew documents pictured on the page – *“These thirteenth century charters record transactions with Jewish moneylenders. The majority are*

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*written solely in Hebrew but one, in which Isaac of Southwark renounces his claim to a debt, contains additional words in Latin (Harley Charter 43 A 68).*

There is no attempt to explain why those two clauses were included in the 1215 charter, especially as the Jews were not, and could not, be a party to that Charter. Nor were they consulted. Nor is it explained here that the Jews were the chattels of mediaeval kings. They were the conduit through which kings, and in particular King John, acquired properties from barons and knights (not poor men) when they defaulted on their debts. Jews could not own landed property and any such properties that came into their hands were automatically transferred to the king who was the real blood-sucker. The statement by Montibus is both wrong and libelous. It is a most inappropriate quote.

Even in the year 2015, the Jewish voice is lacking!

D. Richard Huscroft's well-researched book "Expulsion, England's Jewish Solution" (The History Press 2013) beats the trend.

His book has been a valuable source of mater-of-fact detail regarding life of the Jews in mediaeval England, but their reaction to their outrageous treatment is missing. Whilst he writes (p96), that "given their difficulties, it is hardly surprising that, in 1255, England's Jews, at this time still led by Elias l'Eveske, made a desperate plea for royal permission to leave the kingdom. They had not outlived their financial usefulness to the crown just yet, however, and permission was refused." there is no detail of the contents of the petition except by reference to sources in his notes.

In fact, their plea read as follows " *Your majesty, we see that you spare neither Christians nor Jews, but make it your business on divers pretexts to impoverish all; no hope remains to us of breathing freely; the pope's usurers have supplanted us; therefore permit us to depart from your kingdom under safe conduct, and we will seek another abode of some kind or other.*" (Mathew Paris's History of England 1235 -1273 page 114). This is the only snippet of the real Jewish voice and even here it was omitted.

(Extra Note: I tried, without success, to obtain a copy of the full petition. Neither the British Library nor the National Archives were able to locate the document that Mathew Paris must have seen. It is not certain that the actual petition is still extant per Prof Judith Olszowy-Schlanger, [*Ecole Pratique des Hautes Etudes, Sorbonne / IRHT Paris*, an expert on mediaeval documentation).

E. In a lecture on medieval manuscripts at the Hebrew and Jewish Studies Centre of the University of Oxford in December 2014, Prof Judith Olszowy-Schlanger of the Ecole Pratique des Hautes Etudes, Sorbonne, Paris stated that The Jews in England were highly literate and that



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their very existence was based on bureaucracy and the reading and writing of documents. Books, but especially documents accompanied the lives of Jewish individuals throughout the short history of the Jews in medieval England. 316 documents, (some parchment and some wooden tally sticks) that related to financial loans were discussed. She explained that some were in a format foreign to the Jews. This was due to their status as serfs to the king which also gave them the precious privilege of being able to give loans with interest especially as in 12<sup>th</sup> to 13<sup>th</sup> century, the entire country was based on credit. For the king, it was enough for documents to be chirographs without signature, but for Jewish tradition the signatures of two witnesses were required. Consequently English / Latin chirographs were not signed, but Jewish ones were. On the back of one document there is an informal Hebrew note that gave the name of the person responsible for the pogrom in York with 'evil animal' written in Hebrew. On one document that records heavy taxes imposed on the Jews, they, despite everything, still wrote 'Long Live the King!'

Although these records relate primarily to financial transactions, we do see the Jewish voice trying to emerge by the Hebrew notes that referred to the pogrom in York, and one cannot but feel, that in respect to the addition of 'long live the king' on the document imposing heavy taxes, that this was but an expression of Jewish sarcastic humour.

F. Cecil Roth, in his 1943 Presidential Address "Elijah of London: The Most Illustrious English Jew of The Middle Ages" (*Transactions Jewish Historical Society of England Vol. 15 (1939-1945)*, pp. 29-62), gives a very detailed account of the life of Rabbi Elijah, Menachem ben Moses who was born in London c. 1120 and died in 1284. Cecil Roth recounts the ups and downs of Jewish existence in mediaeval England, citing both cordial relations with 'persons of great account' and ruinous fines and tallages imposed on the Jews. He states that in 1263, during the Baron's Wars, London Jewry was twice sacked and butchered by insurgents. He says that most of the wealthy Jews of the day were property owners on a considerable scale but does not say whether by right or privilege. He tells of a synagogue that was confiscated and destroyed in 1272 being replaced in 1280 by a new edifice that had to be dismantled in 1282 by order of the Archbishop of Canterbury.

All this and many other interesting details of Jewish daily life are recorded, alas, without reflecting the discontent and passion that may have been expressed during his lecture. He did however, make reference to a protest against the 1275 oppressive '*Status de. Judeismo*' but he did not elaborate. ('*Status de. Judeismo*' included severe and absurd penalties against the Jews.)