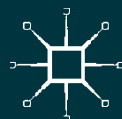


PALGRAVE STUDIES IN CULTURAL AND INTELLECTUAL HISTORY

THE MYTH OF THE  
MEDIIEVAL JEWISH  
MONEYLENDER

Volume I

Julie L. Mell



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Julie L. Mell

# The Myth of the Medieval Jewish Moneylender

Volume I

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macmillan

Julie L. Mell  
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*“There is no use trying,” said Alice; “one can’t believe impossible things.”*

*“I dare say you haven’t had much practice,” said the Queen.*

*“When I was your age, I always did it for half an hour a day. Why, sometimes I’ve believed as many as six impossible things before breakfast.”*

*—Lewis Carroll, *Alice in Wonderland**

*For Malachi*

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## ABBREVIATIONS

- AJS Association of Jewish Studies
- CCR *Calendar of the Close Rolls Preserved in the Public Record Office* (London, 1892–)
- CPR *Calendar of the Patent Rolls Preserved in the Public Record Office* (London, 1901–40)
- Friedberg Emil Friedberg, ed., *Corpus iuris canonici*, 2 vols. (Leipzig, 1879; repr. Graz, 1959)
- GHS German Historical School of Political Economy
- Grayzel Solomon Grayzel, *The Church and the Jews in the XIII Century*, vol. 1 (New York, 1966) and vol. 2, ed. Kenneth Stow (Detroit, 1989)
- JHSET *Jewish Historical Society of England—Transactions*
- Mansi G.D. Mansi, ed., *Sacrorum Conciliorum Nova et Amplissima Collectio*, 54 vols. (Paris, 1901–27)
- MGH *Monumenta Germaniae Historica* (Hannover, 1826–1934)
- NA—UK National Archives—UK, Kew
- PL *Patrologia Latina*, ed. Jacques-Paul Migne (Paris, 1844–55)
- PREJ *Calendar of the Plea Rolls of the Exchequer of the Jews* (London, 1905–2005)
- SHB *Sefer Ḥasidim Bologna* (*Sefer Ḥasidim*, ed. Reuven Margoliot (Jerusalem, 1964))
- SHP *Sefer Ḥasidim Parma* (*Sefer Ḥasidim*, ed. Judah Wistinetzki (Frankfurt am Main, 1924))
- Tanner Norman Tanner, ed., *Decrees of the Ecumenical Councils* (London, 1990)
- WDJ Wissenschaft des Judentums

## UNITS OF MONEY AND THEIR ABBREVIATIONS

### England

12 denarii	= 1 shilling
20 shillings	= 1 pound
1 mark	= 13s 4d = $\frac{2}{3}$ £
d	<i>denarius</i> (penny)
m	mark
s	shilling
£	pound

### Marseille

mm	<i>monete miscui</i> (mixed money)
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## Introduction: Jousting with Windmills

“Pray look better, sir,” quoth Sancho; “those things yonder are no giants, but windmills, and the arms you fancy, are their sails, which being whirled about by the wind, make the mill go.” “’Tis a sign,” cried Don Quixote, “thou art but little acquainted with adventures! I tell thee, they are giants; and therefore if thou art afraid, go aside and say thy prayers, for I am resolved to engage in a dreadful unequal combat against them all.”—Cervantes, *Don Quixote*<sup>1</sup>

Stephen Jay Gould once wrote that “the most erroneous stories are those we think we know best—and therefore never scrutinize or question.”<sup>2</sup> This book will scrutinize the facts that “we think we know best” about medieval Jews, question how and why the tale of Jewish lending became a compelling narrative in the modern period, and explore what may be gained by thinking outside of the box. The story of Jewish moneylenders is well known to the educated public and college students, to academics, journalists, and museum curators. It revolves around the “economic role” or “function” of European Jews and goes something like this:<sup>3</sup> Most Jews were merchants in the early middle ages and moneylenders in the high middle ages. Jews were drawn, propelled, or pushed out of trade and into lending in the high middle ages, because they were uniquely positioned to fill the new economic niche of credit. European economy was expanding dramatically in the twelfth and thirteenth centuries. But the Church prohibited usury, preventing the easy flow of credit necessary for economic development. Jews, not being Christian, were not subject to the

laws on usury, on the one hand. On the other hand, Jews were prevented from owning land and joining craft guilds. As Christians moved into trade and pushed Jews out, Jews adapted their commercial expertise and accumulated capital by lending on interest. Strong centralizing monarchies in western Europe protected and privileged Jewish moneylending, for rulers would then ruthlessly squeeze out the surplus capital collected by Jewish creditors through special royal taxes levied on the Jewish population. Ironically and tragically, Jews suffered an antisemitic backlash against Jewish “usury,” even as Jewish moneylending propelled Europe forward. This antisemitic backlash morphed into antisemitic fantasies, pogroms, and expulsions.

This historical narrative appears in recent syntheses of medieval Jewish history by foremost historians. Robert Chazan’s 2010 *Reassessing Jewish Life in Medieval Europe*<sup>4</sup> and his 2006 Cambridge Medieval Textbook *The Jews of Medieval Western Christendom*<sup>5</sup> present the traditional narrative in their chapters on economic life, as does Kenneth Stow’s more nuanced chapter on economic activities in his 1992 *Alienated Minority: The Jews of Medieval Latin Europe*.<sup>6</sup> Recent intellectual and cultural histories analyzing discourses about Jews and economy in modern European history deploy the medieval narrative as a factual hook for explaining the rise of modern discourses. Jonathan Karp opens his brilliant *Politics of Jewish Commerce* with a quick reference to the medieval narrative in order to explain Jews’ symbolic importance as stereotypical traders and creditors in the early modern and modern periods.<sup>7</sup> Derek Penslar’s tour-de-force *Shylock’s Children* similarly deploys the medieval narrative as a factual foothold for launching a nuanced modern historical study on Jewish identity and economics.<sup>8</sup> Jerry Muller frames his discussion of *Capitalism and the Jews* with a chapter titled “The Long Shadow of Usury.”<sup>9</sup> If foremost Jewish historians repeat the standard narrative on Jews and moneylending in medieval Europe without questioning it, it is little wonder then that it appears in museum exhibits,<sup>10</sup> high-level literary magazines like *The Jewish Review of Books*,<sup>11</sup> elementary and high school teaching materials,<sup>12</sup> and academic research by scholars without expertise in Jewish history.<sup>13</sup>

Medieval economic historians who have little interest or expertise in Jewish studies would recognize immediately that this historical narrative is riddled with errors and based on fallacious assumptions. It may even surprise medieval economic historians to find a book-length study scrutinizing and questioning the narrative about Jewish moneylenders.

“Is this not tilting at windmills?” they might say.<sup>14</sup> “For we know the large body of historical literature that documents the development of commercial and consumer credit, and it only occasionally mentions Jewish moneylenders: Italians—yes. Lombards—certainly. Flemish, English, French, German, Spanish merchants, moneychangers, and bankers, too. Jews appear here and there in the documents, but to ascribe to them an ‘economic function’ is absurd! By the high middle ages, the complex relationship between the expansion of markets and trade, investment and credit, and growth in royal *and* papal administrations meant that credit permeated the economy in all areas, urban and rural, crafts and agriculture.<sup>15</sup> Theologians and canon lawyers were rapidly expanding the permissible forms of credit as the economy took off, and the most meticulous studies on usury all conclude that the prohibitions had little effect on actual practice.<sup>16</sup> To argue that Jews had an economic function is fallacious; to attack that argument is to set up ‘a straw man,’” our medieval economic historians would say.

Yet, when fine medieval economic and institutional historians have strayed into Jewish history, they too have taken the standard narrative on Jewish moneylending as the foundation for their own research. Richard Emery, in his book *The Jews of Perpignan in the Thirteenth Century*,<sup>17</sup> fell back on the standard narrative when constructing the larger significance for the Jewish moneylending he found in the notarial registers of the town of Perpignan.<sup>18</sup> When Emery’s book is picked up today, readers are likely to read it as a confirmation of the traditional narrative about Jewish moneylending, forgetting that Emery himself saw it as a study balancing the overemphasis on Jews’ ownership of land in older French Jewish histories.<sup>19</sup>

The most prominent example, however, is certainly William Jordan’s study on “the ‘Jewish policy’ of the Capetian kings of France from Philip Augustus through the sons of Philip the Fair.”<sup>20</sup> Jordan lays out the narrative on Jewish moneylending extensively in the beginning of the book, with all the narrative’s tropes: Jews were propelled from diverse economic activities into a specialization in moneylending because of the Christian framework of high medieval “feudalism” and guilds.<sup>21</sup> “What was left?” Jordan asks. His answer follows the traditional narrative closely:

More and more Jews began to earn more and more of their living from supplying credit. To a degree this was an outgrowth of their involvement in commerce and trade in general. But the provision of credit...was not an

“ordinary” occupation like merchandizing....[L]ending for greater return in primitive economies...is perceived of as unfair or even morally wrong....

[R]esentment might well have been higher had an apparently grasping lender been of the same social class, but the easy identification of the lender with a distinct and already slighted social group in which many other members of that social group engaged in the same occupation permitted a stereotype of extraordinary potency....The image is of a swarm of Jewish “outsiders”...sucking the life’s blood of the Christian community to whom they should have been subjected....

This inversion was permitted, of course, because those who were supposed to protect the community had developed a set of guidelines that tolerated this sort of activity....

The extreme reluctance of lords to give effect to the more radical critique of Jewish lending at interest arose mostly from their view of Jews as an “exploitable” lordly possession....

To make the “takings” worthwhile, lords required relative stability for the Jews to prosper. They needed to allow or even foster lending at interest no matter how often radical churchmen denounced this as usury or how much some elements of the Christian population resented it as extortion. If the lord took a great deal of the Jews’ wealth, therefore, he gave the Jews something in return—his peace.<sup>22</sup>

Jordan’s extensive use of the traditional narrative emphasizes an important element in the more developed historical accounts—Jewish moneylending was aided and abetted by strong lords who sought to profit from the profits of the Jews. Jews suffered an antisemitic backlash, but were protected by lords because they were an exploitable lordly possession.<sup>23</sup>

Even leading economic historians, like Robert Lopez and Georges Duby,<sup>24</sup> did not notice the contradiction between the narrative on the Jewish economic function and the narratives on European economic development they helped create. Robert Lopez wove the narrative on the “economic function of the Jews” into the mainstream economic narrative by making “The Jews” the antecedents for “The Italians,” in the very capstone text defining the paradigm of the commercial revolution of the high middle ages.<sup>25</sup> Jews dominated long-distance trade, he says; their business methods were in advance of non-Jews’; moneylending was one of their activities that would later come to play a central role. “Jews alone were left to provide a link, however tenuous, between Catholic Europe and the more advanced countries beyond it.”<sup>26</sup> They had in short a “peculiar economic position,” which was “a by-product of their reli-

gious identity and social structure.” Agriculture was made unattractive for Jews, and “hence the Jews felt driven to concentrate their efforts and their money on trade.”<sup>27</sup>

[The Jews had] the function of...a god-forsaken minority, singled out for malodorous yet lucrative tasks, which ranged from tanning hides to collecting taxes, and from ferrying slaves to extending loans at charges proportionate to high risks. Thus, partly by choice and partly by necessity, the Jews again and again emerged as pioneers and specialists in a great variety of important trades. Almost invariably, however, their very success increased their unpopularity. Sooner or later the moment came when needy princes or hungry mobs found pretexts to seize their property, kill or drive out some of them....So long as the Jews were allowed to retain their profits and to reinvest them more or less as they pleased, they quickened the economic development of every country where they lived.<sup>28</sup>

Even the most recent synthesis, *Medieval Economic Thought*, incorporates the Jewish narrative in a few short paragraphs making them the first “manifest usurers” of Europe.<sup>29</sup> The fact that the standard narrative on the Jewish function could be woven back into the fabric of the historiography that patently contradicts it is telling of its conceptual power and appeal.<sup>30</sup>

In the extensive research on medieval antisemitism, a similar disjunction exists between the state of the field and the narrative of the Jewish moneylender. The narrative of the Jewish moneylender has been used since the nineteenth century to provide a rational, economic explanation for antisemitism based on economic competition between an in-group and an out-group. However, since the path-breaking articles by Gavin Langmuir, the literature on medieval antisemitism has highlighted the irrational and religious basis for medieval antisemitism.<sup>31</sup> Studies of medieval antisemitism focus primarily on the development of the fantasies of ritual murder, host desecration, and blood libel in the mid-twelfth and thirteenth centuries, the political dynamics with which these fantasies were bound, their locus in new currents in Christian religiosity, and their parallels in the persecution of heretics, infidels, and other out-groups.<sup>32</sup> No serious study of medieval antisemitism reduces these developments to a rational economic backlash. Economic elements have been treated as incidental, antisemitic fantasies as essential and “irrational.”<sup>33</sup> Contemporary scholarship concurs that medieval antisemitism was generated by theological shifts, but the medieval stereotype linking Jews with usury has not been treated as an

aspect of medieval antisemitism. The narrative of economic competition has lingered in patent discord with the most sophisticated understanding of medieval antisemitism.

The contradiction between the narrative on the medieval Jewish moneylender and the scholarship on medieval economic history and antisemitism points to an important fact: The narrative of the Jewish economic function is a meta-narrative *within which* scholars explore the history of medieval European Jewry. By “meta-narrative”<sup>34</sup> I mean (1) a historical narrative that shapes the limits of “the possible” within which historians investigate the past and (2) a narrative that remains uninvestigated itself. Meta-narratives maintain their legitimacy, principally by remaining beyond investigation. Without structure, research cannot proceed. But structure also limits investigation. A paradigm shift occurs when the structure itself becomes the subject of investigation.

The meta-narrative of the “Jewish economic function” has rarely been examined or questioned, because of the important function that the academic narrative plays in responding to cultural stereotypes about Jews and money. These stereotypes peaked in the early twentieth century, but have deep roots going back to the high middle ages and strong tendrils striking into the future. It is a dangerous myth precisely because it embraces the same presumptions from which the antisemitic tropes are fashioned, tropes such as “Money is the jealous God of Israel, beside which no other God may exist.”<sup>35</sup> The narrative’s philosemitic face is joined Janus-like to an antisemitic reverse. The coin can be flipped in an instant. In contemporary North America and western Europe, the horror of the Holocaust may have immunized the population against the virulent antisemitism of the early twentieth century to an extent.<sup>36</sup> But an antisemitic undercurrent centered on stereotypes about Jews and money is still strong. Nineteen percent of Americans believe that “Jews have too much control/influence on Wall Street,” a 2011 Anti-Defamation League survey found. European responses to a similar statement—“Jews have too much power in the business world”—ranged from lows of 20 and 22 percent in the UK and Germany, to highs of 60 and 73 percent in Spain and Hungary in 2011.<sup>37</sup> The danger of this antisemitic stereotype morphing into a many-armed giant, a Godzilla of shade and myth, remains. In the USA, antisemitic strains have been noted in political movements like the Tea Party and Occupy Wall Street that span both sides of the political spectrum. The reality TV show *Hard Core Pawn* centered on a Jewish pawnbroker in Detroit

averaged 2.6 million viewers (!) in its sixth season and ranks as the most-watched series premiere on TruTV. These are chilling examples of the live nature of antisemitic tropes.

The historical narrative on the medieval Jewish moneylender has been so persistent and powerful because it acknowledges the association of Jews and money but counters the ugly barb of selfish profit motive in two ways. The “economic function of the Jews” underscores the beneficial public good of credit for European society as a whole. For without credit, European society could not have made the modern transition from a subsistence economy to one of sustained growth. The commercial revolution with its credit institutions provided the framework for commercial growth and modern industrialization. This piece of economic history provides a comfortable way to incorporate a principal minority into our narratives of European history (so long as we ignore its contradictions with medieval economic history). Second, the antisemitic backlash to the beneficial “economic function of the Jews” comfortably casts Jews as tragic victims of medieval ignorance. Medieval antisemitism is made “rational”—the effect of “trade jealousy”—*and* emptied of its uncomfortable and difficult association with medieval Christianity. Because we, moderns, associate ourselves with an enlightened attitude toward commercial credit, Jews become integrated into European history with a comfortable and convenient narrative. The difficult and dangerous part of this story is contained in the fictional category “medieval ignorance.”

The meta-narrative today is not simply an academic historical narrative but a cultural memory. It shapes Jewish self-understanding. It resonates with American Jewish immigrant success.<sup>38</sup> And it undergirds the Zionist imperative of a return to “The Land.” It is a philosemitic tale that responds to antisemitic libel by generating Jewish pride over the same traits denounced by antisemites.

Though it means exchanging the comfort of well-worn paths for what may be uncomfortable dead ends, there are compelling reasons for rejecting it—beyond the historical imperative of truthfulness. This historical narrative contains an antisemitic kernel with potential to metamorphose into an antisemitic trope; for the narrative, however philosemitic, sustains a mythology of innate association between Jews, Judaism, and money. To break with the meta-narrative means letting go a crucial defense. But only in this way can one also break the antisemitic mythology.

I am not the first historian to critique the narrative on the medieval Jewish moneylender, or portions of it. Toni Oelsner, a German-Jewish

émigré, first critiqued the narrative in two articles published in 1958 and 1962.<sup>39</sup> The articles focused on the late-nineteenth- and early-twentieth-century German scholars Wilhelm Roscher, Werner Sombart, and Max Weber, who are largely responsible for the narrative becoming a mainstream academic narrative. Her critiques have been an important jumping-off point for a few scholars exploring this terrain,<sup>40</sup> but for run-of-the-mill medievalists, Oelsner's articles have been buried in the antipodean isles of YIVO and the Leo Baeck Institute. But a few medievalists aware of her work have pushed the bounds of the "economic function of the Jews." Lester Little, in an article published in 1969, reformulated Roscher's "economic function of the Jews" as that of scapegoat for Christian anxiety over a new credit economy. Joseph Shatzmiller, in his 1990 microhistory *Shylock Reconsidered*, challenged the blanket assumption of an antisemitic backlash generated by Jewish moneylending. The extensive court case he studied in which a Jewish moneylender, Bondavid, defends his good reputation in court against a petulant debtor documents the good relations between Jewish moneylenders and Christian clients.<sup>41</sup> But neither Little nor Shatzmiller queried the basic assumption of Jews' concentration in moneylending, as Oelsner had called for.

The foremost challenge has not emerged from economic or social historians. Rather the claim that Jews' concentration in lending during the twelfth and thirteenth centuries bears reexamination comes from an intellectual historian whose life work has focused on Franciscan economic thought. That historian is Giacomo Todeschini, and his work, published over several decades primarily in Italian, has been overlooked in the Anglo-American academy.<sup>42</sup> In working out the inner logic of Franciscan economic thought, he has sketched out the semantic place of Jewish economic activity in Christian theological and legal developments. Todeschini's deep understanding of the formation of the stereotype of the Jewish usurer in the inner logic and vocabulary of Christian economics has led him recently to critique directly the "long surviving stereotype of the Jewish usurer" as evident in contemporary historiography.<sup>43</sup> "This strange encounter," as he calls it, "between medieval and historiographical stereotypes" is one that he addresses as a problem of intellectual history or, more precisely, of Christian economic language, "that is the vocabulary and the categories which enabled Christians, *before* and *during* the economic and monetary revolution of the eleventh and twelfth centuries, to speak and write about the economic attitude or economic practice of aliens or strangers." We can understand how the Jewish stereotype formed by the Christian culture of



the middle ages has been sustained through to the present day, when we understand what Todeschini has emphasized in general about Franciscan economics:

it seems to me the Franciscans' approach to the market reveals that it was the most rigorous Christian religiosity that formed a large part of the vocabulary in western economics, that the Christian world was never extraneous from the market, as fantasized between the 1800s and 1900s, nor was there a clear separation between morality and business. Franciscanism, in the very heart of Roman catholicity, identified in deprivation and renunciation the decisive elements for understanding the value of trade....As a consequence, Franciscans were not the "first economists," but rather those who made the appearance of economists in the Christian West of the following centuries possible.<sup>44</sup>

His statement comes as a corrective to gross overstatements that the Franciscans were not only experts of economy, but had "invented capitalism" and discovered the laws of the market. Rather, he emphasizes,

their conception of poverty (that is, their interpretation of Christian perfection) has been an intrinsically economic language...Therefore, it has formed some basic categories in the economic way of thinking of western civilization....So it was not the invention of the "spirit" of capitalism in a Catholic key, or the anticipation of the date of birth of economic science. Perhaps it was something more disconcerting.<sup>45</sup>

Franciscan economics, Todeschini suggests, constructed a binary economics in which permissible profit was linked intrinsically with the morally good Christian and the non-Christian with impermissible profit. The "Jew" was ensnared as the quintessential *infidel* whose profit was harmful to the Christian community.

The late medieval opposition that Todeschini has recovered would be dramatized in Shakespeare's *The Merchant of Venice*. Shylock would be taken up as the symbol of the historical Jewish moneylender with little consciousness of the fictive nature of a merchant who "neither lends nor borrows," neither "taking nor giving excess,"<sup>46</sup> as the Venetian merchant of Shakespeare's play claims.<sup>47</sup> The depth to which the binary is ingrained in European economic thought perhaps explains best the blindness with which the linkage of Jews, Judaism, and money has been assumed factual. I have chosen for the title of this book's conclusion the question

from Shakespeare's play which suspends, albeit momentarily, the binary: "Which is the merchant here, and which the Jew?" The book began years before I stumbled on Todeschini's work and found in his intellectual history a complement to my explorations in Jewish economic, cultural, and legal history. My hope is that this book, together with the work of Todeschini, Oelsner, and others, will suspend this binary for more than a brief span of time. In that sense, mine is a deconstructive project, which concludes by opening new paths of exploration.

This book is not a book about Jewish economic life per se. It is a study of the historical narrative of the Jewish economic function—how it came to be a part of our historical memory and why it is wrong. Volume 1 challenges the traditional narrative historiographically and empirically, and demonstrates that the traditional narrative is a myth through a case study of the single most significant hot spot for medieval Jewish moneylending, thirteenth-century England. Volume 2 explores how dissolving the narrative on the Jewish economic function leads to new insights in European history.

Part One shows how the narrative came to be a mainstream academic narrative in the nineteenth century in response to political antisemitism, how it was transformed by Jewish émigrés in response to the Holocaust, and why it stands in contradiction to the accepted paradigms on European economic growth. Chapter 2 analyzes why the narrative emerged in the nineteenth century, and how it was related to debates over Jewish emancipation and integration in a German nation. Using the methods of intellectual history, it traces the emergence of the narrative of the "Jewish economic function" in mainstream German academic works by Wilhelm Roscher, Werner Sombart, and Max Weber. It discusses the theoretical foundations for the narrative, in particular, the Historical School's theory of economic stages, which cast medieval Europe as the precapitalist society *par excellence*, and "organic *Volk* theory" by which Jews were defined as a distinct and more commercialized "folk" tutoring the German tribes.

Chapter 3 examines how both the narrative of the Jewish economic function and the field of medieval economic history were reconfigured in the twentieth century by the Jewish experiences of emigration and Holocaust. It traces three historical trajectories—all of which responded to the legacy of the German Historical School of Political Economy. The first group (represented by Guido Kisch and Toni Oelsner) directly addressed Roscher's narrative on the Jewish economic function, to either embrace or denounce it. The second (represented by Michael Postan and Robert

Lopez) were key figures in the swiftly developing field of medieval economic history, who uncovered a medieval “commercial revolution” and pitted it against Sombart’s image of a “traditional” medieval Europe. This rich and deep economic history, I argue, thoroughly undercut the theoretical and empirical basis for the narrative of the Jewish economic function. Yet, precisely because of the Jewish experience these Jewish scholars left Roscher’s narrative untouched. All the more so did non-Jewish historians who had little interest in Jewish studies. A third intellectual trajectory that has been influential in medieval economic history and even more so in allied subfields of anthropology and sociology refuted a commercial center for economic history altogether. This was the work of Karl Polanyi. Polanyi built in part on *The Gift* by the French sociologist Marcel Mauss (also Jewish), which challenged the economic model of the German Historical School. This chapter presents these three trajectories as offering important responses to the narrative of the Jewish economic function, even if their authors were not cognizant of this application. I suggest that the Jewish identities and the (Jewish) experiences of emigration from central Europe during Europe’s collapse help explain the path and direction of these trajectories. Because these intellectuals shaped dominant paradigms still used by medievalists, this chapter doubles as an introduction to current models and paradigms in medieval economic history that will be addressed later in Part Three.

Part Two, comprising Chapters 4 and 5, analyzes the best medieval example supporting the traditional narrative—the Jews of Anglo-Norman England. Anglo-Norman England provides the richest set of documents available for the economic history of almost any thirteenth-century European locale. And the Anglo-Jewish community from the mid-twelfth century to its expulsion in 1290 has been considered to consist of moneylenders *par excellence* intimately tied to the Crown. Chapters 4 and 5 challenge the traditional picture of Anglo-Jewry as a “royal milk cow,” privileged, protected, and extorted. According to the traditional picture, Jewish moneylending was privileged and protected by the Crown through royally mandated loan chests and an exchequer of the Jews. “The Jews” soaked up the excess profit of the countryside through usury, and through taxation the Crown squeezed that profit into its coffers. Chapter 4 examines the distribution of wealth in the Jewish community and the extent of moneylending among the Jewish population. The records analyzed show that the Jewish population in general lived at the lower end of the urban scale, often on the margin of

poverty. Only a few families were wealthy enough to be professional and important moneylenders. The loan chest records confirm this supposition. Only an elite few functioned as professional lenders. Many Jewish individuals may have used a loan, or even several loans, as an investment in a piecemeal economic strategy, but this activity did not constitute a constant or “professional” economic activity. Many never made a loan.

Chapter 5 challenges the portrait of the Jews as a “royal milk cow.” It argues that perceptions of privilege and extortion are misguided by pre-suppositions about Jewish legal status. When Jewish tallage (taxation) and the exchequer of the Jews are examined in the context of tallages and exchequer business more generally, the legal status of the Anglo-Jewish community emerges as the equivalent of an urban borough of freemen for much of the thirteenth century. The Jewish community was intentionally constructed by Anglo-Norman rulers as a “commune” of freemen. This communal organization paradoxically allowed Jews to participate in the burgeoning institutions of self-representative government while further marking them out *as Jews*.

Whereas Part Two shows the fallacies of the meta-narrative on the Jewish economic function, Part Three in Volume II explores the significance of dissolving the meta-narrative. Each chapter takes up one of the three trajectories in postwar medieval economic history: the Jewish economic function, the commercial revolution of the high middle ages, and the European shift from gift economy to profit economy. And each chapter develops a case study, which extends the scope of this book to a new region of western Europe: northern France, the Mediterranean, and Germany. Although the chapters aim principally to carry forward our historical understanding of European economic thought and economic development, they also deepen the refutation of the myth of the medieval Jewish moneylender in particular ways.

Chapter 6 reframes the Jewish economic function as a problem of the Christian discourse on usury, which gave birth to a new stereotype—the Jewish usurer. This stereotype would ultimately feed the nineteenth-century narrative on the Jewish moneylender as fulfilling an essential economic role for Europe. Reexamining the canonical decrees on Christian usury, Jewish usury, and Jewish issues more generally, as well as related theological tracts, the chapter argues that the usury campaign was first and foremost a campaign against Christian lay usury that began in the first half of the twelfth century. Only in the thirteenth century was the campaign extended to Jewish usury. By the end of the thirteenth century, “Jew” became synonymous with “usurer,” and the charge of Jewish usury was

used to expel Jews en masse from western Europe, even though most Jews were not professional moneylenders. The birth of this stereotype, I argue, is the consequence of the coalescence in western Europe of three interrelated movements: (1) crusading as an endemic activity, which underlay the heightened preoccupation with usury; (2) a new anti-Judaism grounded in a heightened sense of Jews as internal enemies, evident in the crusading pogroms and the rise of antisemitic fantasies of ritual murder, blood libel, and host desecration; and (3) the growth of secular and papal monarchies, which claimed a new jurisdiction over Jews extant in the new concept of “Jewish serfdom” and in the social and legal separation of Jews from Christians.

The chapter challenges several assumptions in the standard literature on medieval usury. First, the chapter challenges the traditional narrative on medieval usury and its presumption of an antithesis between religion and economy, which presents the Church as resisting economic development by repressing credit. Rather I suggest that a broad religious reform associated closely with the poverty movement led to the simultaneous definition of legitimate and illegitimate forms of credit, from which was born the binary of the good Christian merchant and the sinister Jewish moneylender, challenged in this book.

Second, the secondary literature conflates Jewish usury with Christian usury, obscuring our proper understanding of the usury campaign. When we separate the two and inquire when and why Jewish usury became a target in the campaign, it becomes apparent that Jewish usury initially was only a minor subcategory of both the general usury campaign and the anti-Judaism campaign. In part it was a subcategory, because the Church, who led the usury campaign, did not have the jurisdictional authority to legislate on Jewish usury. As the secular monarchies of western Europe assumed the role of most-Christian kings, they assumed the legislation on the Church’s anti-Judaism campaign, including that on Jewish usury. By the late thirteenth century, the image of the sinister Jewish moneylender whose activity injured Christendom was firmly entrenched as the antithesis to the good Christian merchant whose economic activities aided Christian society. Finally, I argue that this stereotype properly belongs together with the well-studied antisemitic stereotypes of ritual murder, blood libel, and host desecration. One should understand them as interrelated facets of the high medieval Christian anti-Judaism campaign. There is no sharp distinction between “rational responses to economic competition” and an “irrational” hatred of the Jew.

Chapter 7 takes up Lopez' concept of the commercial revolution and explores the significance of Jewish merchants and their investments in Marseille for our understanding of Jewish history in particular and Mediterranean trade in general. The Jewish merchants of Marseille offer a counterpoint to the well-known story of Jewish moneylending in Perpignan and negate the assumption that Jews were pushed out of trade and into moneylending with the commercial revolution. The Jewish merchants of Marseille chose to use the classic Latin contracts known as *commenda*, even when investing with other Jews, demonstrating that Jews underwent commercialization alongside Christians. Jews participated as Europeans in the legal and political institutions that supported this economic process. When one contrasts the economic activity of Marseille Jewish merchants with their coreligionists in Fatimid Egypt, one finds that Jewish economic activities in Christian and Muslim spheres were rooted in the political-legal systems of their majority culture. There was no unified Jewish mercantile culture, or Jewish proclivity to trade and investment. Jews, whether in the European or Islamic reaches of the Mediterranean, participated in general economic transformations. They contributed nothing unique or special to the process. They only afford historians an opportunity to profit from the cross-cultural comparison of a single religious group.

Chapter 8 explores the cultural meanings of money and the interrelationship of gift and profit, religion and economy, in medieval notions of value, consumption, and commutation in both medieval Christian and Jewish texts. The chapter builds on the anthropological approach to economic development found in two classics of medieval history: Georges Duby's *The Early Growth of the European Economy* and Lester Little's *Religious Poverty and the Profit Economy*. Both Duby and Little present European economic development as a shift from a "gift economy" to a "profit economy" in which a "new money economy" prompted a socioreligious crisis in high medieval Europe. This chapter pushes further this approach by applying more recent anthropological literature on cross-cultural perspectives on money. I argue that Duby and Little read back into medieval Europe a concept of money constructed by the early sociologists associated with the German Historical School. In this paradigm, money is positioned as causal agent. Money is said to effect and symbolize the "profit motive," becoming a locus for anxiety about the new money economy and the changes it wreaked on society. Evidence from moral literature suggests that, while money was recognized as a placeholder of economic value, it was not feared for this reason. Rather

anxiety among religious elite, both Jewish and Christian, focused on a possible disjuncture between moral value and economic value in money and commodities. Moral value was created by the economic act of acquisition. Bad moral value adhered to coins acquired unjustly and could only be redeemed through penitential acts. This “ideology,” shared across Judaism and Christianity, suggests more complicated cultural assumptions about money than fear of profit economy and profit motive. It also suggests that historical accounts of European economic development told as a shift from gift economy to profit economy ought to be complicated. Where the previous chapter showed Jews participating in the process of commercialization via the institutional Latinate culture of economic contracts, this chapter shows religious leaders in each religious culture grappling with the process of commercialization. The moral literature in both Hebrew and Latin shows parallel concerns with avarice and profit. But in neither is the locus, I suggest, a fear of money and a new money economy. Rather religious leaders were concerned over a disjuncture between moral value and economic value. In neither the economic nor the cultural realm was there a binary opposition between an altruistic Christianity linked to gift economy and a modernizing Judaism linked to profit economy.

It is hoped that this book may merit being read not only as a continuation of Oelsner’s, Todeschini’s, and Shatzmiller’s work, but as a companion to two recent monographs in Jewish history that have mapped the modern discourse on Jewish economic difference in early modern and modern Europe. Jonathan Karp traced the intellectual history of the discourse from the seventeenth to the nineteenth century in *The Politics of Jewish Commerce*, and Derek Penslar described the Jewish cultural responses to the discourse in the nineteenth and twentieth centuries in *Shylock’s Children*.<sup>48</sup> But this book differs markedly from these, not only in time period, but in approach. Penslar and Karp produced distanced intellectual and cultural histories, by refraining from querying the truth claims of their intellectual protagonists. This book queries the truth claims of one scholarly strand of the modern discourse. That strand is the historical narrative on Jews and moneylending in pre-expulsion Europe. It does so by deploying intellectual history alongside economic and cultural analysis. The central question of this book then is framed as a historiographic debate, and the answer as a revisionist account of pre-expulsion Jewish history. Rather than telling with dispassionate distance the stories that others have told about Jews and economy, it asks whether the story that we tell (“we” the educated public of a vibrant Anglo-American Jewish com-

munity, and “we” the scholars of Jewish studies, the scholars of medieval studies, and the scholars of European history) is accurate, and what significance revising the narrative has for Jewish and European history.

This book, in so far as it responds to modern antisemitic stereotypes, is a politically engaged project. It has taken as its model women’s history written by second-wave feminists of the 1980s and 1990s. The field of women’s history has metamorphosed into gender studies as its aim of integrating women into mainstream history has been achieved. But the early scholarship offers an analytic parallel for Jewish history. The same difficult questions of sameness versus difference apply—Did women have a Renaissance? Did Jews have a commercial revolution? The same goal of integrating a formerly invisible group into mainstream narratives applies. The process may change both the minorities’ and the majorities’ histories in unforeseen ways, as women’s history has. It is time that medieval Jewish history became “European” and medieval European history integrated Jewish studies. It may be fairly objected that the narrative of the “economic function of the Jews” was the principal means of integrating Jews into the mainstream narratives of European history. The arguments offered here necessitate new narratives written around other issues of more vital importance today to European and Western and world culture—issues of tolerance and intolerance, issues of immigration and ethnic cleansing.

This book aims to make the historical narrative about medieval Jews and moneylending obsolete, to make it in short an object of history only and no longer a living historical memory. The Jewish economic function, I contend, ought to be seen as a narrative strand of the modern discourse on Jews and economics, that many-armed giant with antisemitic and philosemitic variants, with high intellectual and low cultural manifestations. The gross and antisemitic stereotypes, whether medieval or modern, lurk in the dark corners just beyond the well-lit regions explored here. It is in conversation, or rather in response, in reaction, in rejection of these stereotypes that the scholarly narratives with which I am concerned were constructed. My claim is that these scholarly narratives domesticate the stereotype and rationalize it, rather than get rid of it. They take Don Quixote’s giant and make it a windmill. But these historical fictions are at one and the same time placid windmills and fierce giants, considered academic discourse *and* irrational fantasy, philosemitic apologia *and* antisemitic libel. To fight a gigantic, many-armed discourse associating Jews, Judaism, and money is perhaps “absurd folly.” But I would rather joust along with the Don Quixotes and risk breaking my lance “in fierce and unequal combat”



than leave the field without trying my luck. By limiting my arena to the tame and academic windmills of the scholarly Sanchos, I hope not only to lend my voice to a common outcry against the false prejudice of a gross and inhumane image, but to complete their critique by getting rid of the preconceptions that shape our understanding of the past.

## NOTES

1. Miguel de Cervantes Saavedra, *The Ingenious Gentleman Don Quixote of La Mancha* (London, 1913), 1:77, <http://hdl.handle.net/2027/uc1.31158005388797?urlappend=%3Bseq=126>.
2. Stephen Jay Gould, *Full House: The Spread of Excellence from Plato to Darwin* (Cambridge, MA, 2011), 57.
3. The same myth of the medieval Jewish moneylender was current in studies of Jews in the Islamic world until S.D. Goitein corrected the misconception: S.D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza* (Berkeley, 1967), 1:229–30.
4. Robert Chazan, *Reassessing Jewish Life in Medieval Europe* (Cambridge, 2010), 107–32. The chapter titled “Economic Activity” discusses only moneylending and recounts the standard narrative: “Initially, the economic activities of the Jews of the north involved predominantly trade; with the passage of time...these Jews turned their focus—indeed were encouraged to turn their focus—to moneylending....As the Jewish move into moneylending and finance took place, initially in northern Europe and then more widely across medieval western Christendom, the broad antipathy toward moneylenders and the intense sense of Jews as enemy figures coalesced into potent imagery of the Jewish moneylender as a rapacious and implacable enemy of Christendom and Christians” (109–10). Later in the chapter, Chazan stresses that “this specialization was not total” (128). However, the next paragraph again emphasizes that “nonetheless, trade and then moneylending did constitute the backbone of the Jewish economy” (129). The specialization of Jews in this new “niche economy” is explained as the result of “Jewish business acumen.” Jews responded to the “combination of expanding business needs and an ecclesiastical campaign to suppress lending at interest” (116).

5. Robert Chazan, *Jews of Medieval Western Christendom, 1000–1500* (Cambridge, 2006), 209–42. Again, Chazan’s discussion focuses solely on moneylending and recounts the standard historical narrative: “The Jewish attraction to moneylending is especially noticeable in the north, where Jewish presence was new and Jewish economic activity was thus more restricted than it was in the older Jewish communities of the south” (218). In this book, Chazan highlights the ironic tragedy in the antisemitic backlash against Jewish lending: “Moneylending constituted a new economic specialty that was mutually beneficial, helpful to the Christian majority that needed the flow of capital and lucrative to the Jewish minority that was well equipped to provide the necessary service...[but] Given the predisposition to see the Jews as hostile and dangerous, Jewish specialization in moneylending turned out to have deleterious side effects” (218–9). The ellipsis in the quotation introduces an alternative view developed by Joseph Shatzmiller in his *Shylock Reconsidered: Jews, Moneylending and Medieval Society* (Berkeley, 1990), which documents Christian appreciation for Jewish moneylenders. But Chazan introduces this work simply to dismiss it in the next lines quoted here.
6. Kenneth Stow, *Alienated Minority: The Jews of Medieval Latin Europe* (Cambridge, MA, 1992). This was the first English-language synthesis of medieval Jewish history to appear. Although more sophisticated and nuanced than Chazan’s account, the chapter “Economics” similarly focuses exclusively on Jewish moneylending. The author corrects fallacious assumptions that Jews could not own land and that Jews were economic pioneers at the vanguard of capitalism (fallacies repeated in Chazan’s more up-to-date account). But the account follows the contours of the standard narrative: “the Jews lost their competitive advantage in the European commercial and monetary reawakening of the tenth and eleventh centuries.... Indigenous Christian merchants...pushed Jews to the sidelines” of trade (215). “By the High Middle Ages, most Jews seem to have abandoned commerce in favor of exploiting the capital acquired through their previously successful trading” (216).
7. Jonathan Karp, *The Politics of Jewish Commerce: Economic Thought and Emancipation in Europe, 1638–1848* (Cambridge, 2008): “Jews found themselves implicated in the discourse of contemporary political philosophy because as stereotypical traders and creditors they

symbolized activities which seemed to be transforming every facet of contemporary life. Why did Jews take on this symbolic importance? The answer requires a brief summary of the changes affecting Jewish economy in the late Middle Ages. By the thirteenth century, Western European Jews had long ceased to be the commercial avatars they had sometimes been in the ninth and tenth centuries. Christian merchants had long since come to monopolize most of the long-distance and regional trade in which Jews had formerly specialized. This was one of the reasons why in the eleventh and twelfth centuries—during a period of monumental expansion in the medieval economy—Jews became increasingly displaced from commerce and crowded in moneylending occupations” (13–14). Karp fails to consider how the historical narrative is itself an outcome of the early modern and modern intellectual discourses and therefore fails to maintain the same critical distance between discourse and economic reality when treating the medieval period.

8. Derek Penslar, *Shylock's Children: Economics and Jewish Identity in Modern Europe* (Berkeley, 2001): “In the High Middle Ages, most Jews in western Europe engaged to some extent in moneylending. The economic forces pushing Jews out of other occupations were matched by others pulling them in the money trade....Jewish moneylending in the later Middle Ages fulfilled a despised but necessary public service” (17–8). Penslar’s easy slippage into the medieval narrative is at odds with his careful historical reconstruction of the nineteenth- and twentieth-century debates within which the narrative itself was formed. See, esp.: Chap. 4, “*Homo economicus judaicus* and the Spirit of Capitalism, 1848–1914,” 124–73.
9. Jerry Muller, *Capitalism and the Jews* (Princeton, 2010): “Ever since the Middle Ages, Jews were associated in the Christian West with the handling of money....[For] Jews in Christian Europe were permitted by the church to engage in the stigmatized activity of lending money at interest precisely because they were regarded as outside the community of shared value” (15). “Because the lending of money in medieval Europe had been linked to the Jews, that condemnation of commerce was often linked to anti-Semitism” (18); “the special role of moneylender made Jews both indispensable to the political authorities—who provided them with toleration and protection—and odious to parts of the Christian population....The

- Jewish moneylender thus acted like a sponge, sucking up money from untaxable estates, only to be squeezed by the monarch” (25).
10. The permanent exhibit at the Jüdisches Museum Frankfurt am Main summarizes the medieval and early modern history of German Jews around this narrative. “In the course of the Middle Ages, German Jews were gradually ousted from the fields of trade, crafts and agriculture. The only occupation left open to them was moneylending, since the church forbade Christians to lend money at interest. In order to pay their protectors high taxes, the Jewish moneylenders were allowed to charge high rates of interest. Thus, the wrath of the debtors was aimed at the Jews, rather than against the ruling classes” (Jüdisches Museum Frankfurt am Main, “Permanent Exhibitions *Jüdisches Museum*—From Moneylending to Trading,” <http://juedischesmuseum.de/91.html?&L=1> (accessed 3 Feb. 2013)).
  11. Yuval Levin, “With Interest,” review of *Capitalism and the Jews* by Jerry Z. Muller, *Jewish Review of Books* 2 (summer 2010): 17–8.
  12. The Anti-Defamation League, “Anti-Semitism and *The Merchant of Venice*: A Discussion Guide for Educators,” [http://www.adl.org/assets/pdf/education-outreach/Merchant\\_Venice\\_Discussion\\_Guide.pdf](http://www.adl.org/assets/pdf/education-outreach/Merchant_Venice_Discussion_Guide.pdf) (2006) (accessed 3 Feb. 2013), 19–20: “Jews were forbidden to own land, and in agricultural societies there were few other means of supporting their families. Since the Church did not allow Christians to loan money for profit, money lending became one of the few ways in which Jews could earn money legally. Once they became associated with the forbidden trade of usury (loaning money for interest) a new set of stereotypes evolved in which Jews were accused of being money hungry. As moneylenders, Jews were frequently useful to rulers who used their capital to build cathedrals and outfit armies. As long as Jews benefited the ruler, either through finance or by serving as a convenient scapegoat, they were tolerated. When they were no longer of use to the ruler, Jews were expelled—from England in 1290, France in 1394, and Spain in 1492. Thus, during Shakespeare’s lifetime (1564–1616), Jews had been cast out of England for almost 300 years and it is likely that he never had any direct experience with Jewish people when he wrote *Merchant of Venice*.” See also Abraham Foxman, *Jews and Money: The Story of a Stereotype* (New York, 2010), 57–61.
  13. Maristella Botticini and Zvi Eckstein, *The Chosen Few: How Education Shaped Jewish History, 70–1492* (Princeton, 2012). The

research program of this monograph, supported by grants from the American National Science Foundation and the Israel Science Foundation, is based entirely on this fallacious narrative. In addition to the introduction, see the detailed elaboration of the medieval narrative in Chap. 8 “Segregation or Choice? From Merchants to Moneylenders, 1000–1500,” 201–44. Chap. 8 opens: “Circa 1100, lending money at interest was *the* occupation par excellence of the Jews in England, a very important occupation of French Jews, and one of the many professions of the Jews in Germany, the Iberian Peninsula, and southern Italy. By 1300, almost all Jews in France, Germany, and northern and central Italy were engaged in moneylending” (201). See also: Catherine Duggan, “Money from Strangers: Indirect Regulation in Developing Financial Markets” (Ph.D. diss., Stanford, 2008).

14. “Tilting at windmills” has become the standard variant of the proverbial allusion to Don Quixote’s fight with the windmills. It has a range of accepted meanings in the twentieth century from “undertaking an absurd, impossible, or futile task” to “making war against imaginary evils or foes” (Wolfgang Mieder, *“Tilting at Windmills”: History and Meaning of a Proverbial Allusion to Cervantes’ Don Quixote* (Burlington, 2006), esp. 45f.). It is used here in the mouth of the imagined medieval historian with the latter sense. Elsewhere I use the double image of windmill/giant to refer to the philosemitic/antisemitic, two-faced nature of the narrative on the medieval Jewish moneylender. The contention of this Introduction is that there is nothing imaginary about the dangerous power of the myth, although it may be futile to fight it with a staid academic monograph in the field of medieval history.
15. The literature on trade, industry, and credit is very extensive. A thorough bibliography up to the mid-1960s is available in M.M. Postan and Edward Miller, eds., *The Cambridge Economic History of Europe*, 2nd ed., vol. 2 (Cambridge, 1987). The early pioneers in the field of credit were Gino Luzzatto, Armando Sapori, Robert Lopez, Raymond de Roover, and M.M. Postan. For some examples of scholars writing on medieval credit and commerce since the mid-1960s, see the works of Richard Britnell, Christopher Dyer, Jean Favier, Joseph Gies, Avner Greif, Myriam Greilsammer, Stuart Jenks, James Masschaele, John Munro, and Kathryn Reyerson. This list is by no means complete.

16. T.P. McLaughlin, "The Teaching of the Canonists on Usury," *Mediaeval Studies* 1 (1939): 81–147; J.T. Noonan, *The Scholastic Analysis of Usury* (Cambridge, MA, 1957); Benjamin Nelson, *The Idea of Usury: From Tribal Brotherhood to Universal Otherhood* (Chicago, 1969); John Baldwin, "The Medieval Theories of the Just Price: Romanists, Canonists, and Theologians in the Twelfth and Thirteenth Centuries," *Transactions of the American Philosophical Society* n.s. 49 (1959): 1–92 (republ. in *Pre-capitalist Economic Thought: Three Modern Interpretations* (New York, 1972)); J.T. Gilchrist, *The Church and Economic Activity in the Middle Ages* (London, 1969); Jacques Le Goff, *Your Money or Your Life: Economy and Religion in the Middle Ages* (New York, 1998); Odd Langholm, *Economics in the Medieval Schools: Wealth, Exchange, Value, Money, and Usury according to the Paris Theological Tradition, 1200–1500* (Leiden, 1992), among his many studies; and most recently Diana Wood, *Medieval Economic Thought* (Cambridge, 2002).
17. Richard Emery, *The Jews of Perpignan in the Thirteenth Century* (New York, 1959), vii. He was still shaking his head with surprise over having written a study of Perpignan Jews when the book appeared. He opens the preface commenting that he "had no such project in mind"; Jewish history was, in fact, "peripheral" to his main interests and "forced" on him by the contents of the notarial registers in Perpignan.
18. *Ibid.*, 101–6. Emery defines the narrative around four points taken from Isidore Loeb, "Réflexions sur les Juifs," *Revue des études juives* 28 (1894): 1–31. But Emery notes that these will be found in any general survey of Jewish history with some slight variations (Emery, *Jews of Perpignan*, 101–2, esp. note 1). He confirms the narrative—Jewish moneylending was useful, not pernicious; generally Jewish moneylenders charged moderate interest rates. Or he reinserts the standard stereotype—Jews were very wealthy, at least for a short time in the late thirteenth century. Where his study diverges from the philosemitic narrative and the antisemitic stereotype, Emery discounts the evidence as atypical. For instance, he notes that Perpignan Jews were not "forced into" moneylending "by pressures from Christian society" and that Perpignan Jewry, newly founded, did not shift from diversified economic activities to a specialization in moneylending (*ibid.*, 102). He also discounts his own earlier analysis of the lenders, in which he noted that only

40 percent of Jewish lenders were involved in “relatively heavy lending.” He defines heavy lending as 15+ loans (ibid., 30–1). This number, when placed in the larger context of all adult Jewish males from Perpignan named in the registers, falls to 14 percent, and when women and minor boys are included to 10 percent. Nevertheless, his conclusions slide into assuming that all the Jews in Perpignan were wealthy moneylenders (ibid., 106), even when he must account for the poverty of the Jewish community by the early fifteenth century (ibid., 103).

19. Ibid., 1. Emery is particularly referring to Gustave Saige’s *Les Juifs de Languedoc antérieurement au XIVe siècle* (Paris, 1881).
20. William Chester Jordan, *The French Monarchy and the Jews: From Philip Augustus to the Last Capetians* (Philadelphia, 1989), ix.
21. Ibid., 26–7: “Jews were...turning away from other pursuits, especially agricultural ones. This shift has been attributed to the Christian ethos of high medieval ‘feudalism’...and to the strict legal relationships accompanying the fief, especially the feudal oath. These relationships could not be accommodated to Jews, who were therefore constrained to give up their interests in land... and become a much more urban and/or commercial minority...A final factor that may help account for this widely observed shift...is the evolution of guilds with their quasi-religious association. In these organizations there was usually no place for Jews.”
22. Ibid., 27–30.
23. Both Emery and Jordan will be treated more extensively in Chaps. 7 and 8.
24. Georges Duby, *Early Growth of the European Economy* (Ithaca, 1974), 60–1, 101–2, 218, 231–2, 241, and 255.
25. Robert Lopez, *The Commercial Revolution of the Middle Ages, 950–1350* (Cambridge, 1976). “The Jews” and “The Italians” are the subheadings Lopez gives (ibid., 60, 63).
26. Ibid., 60.
27. Ibid., 61.
28. Ibid., 62.
29. Wood, *Medieval Economic Thought*, 167: “The original manifest usurers of Europe were the Jews, who were not subject to the jurisdiction of the Church. They were also not subject to qualms of conscience, for there seemed to be clear sanction for their activities in Deuteronomy 23.19–20.”

30. In Lopez' case, the narrative allowed an Italian-Jewish exile to integrate the Jews into a European history that appeared to permit no other integration. Two points deserve further mention: First, Lopez subtly shifts the typical emphasis on Jews' activity from moneylending to trade; for he knows the history of credit too well to make this error. Second, the reason for both this shift and the retention of the narrative is linked to Lopez' own experiences as a Jewish émigré forced to flee his native Italy during WWII, which will be discussed more fully in Chap. 3.
31. Most of Langmuir's articles are collected in Gavin Langmuir, *Toward a Definition of Antisemitism* (Berkeley, 1990). See also: his later work *History, Religion, and Antisemitism* (Berkeley, 1990).
32. For principal works in English language only, see: Jeremy Cohen, *The Friars and the Jews: The Evolution of Medieval Anti-Judaism* (Ithaca, 1982); R.I. Moore, *The Formation of a Persecuting Society: Authority and Deviance in Western Europe, 950–1250* (Malden, 2007); R. Po-Chia Hsia, *The Myth of Ritual Murder: Jews and Magic in Reformation Germany* (New Haven, 1988), and his *Trent 1475: Stories of a Ritual Murder Trial* (New Haven, 1992); Anna Abulafia, *Christians and Jews in the Twelfth Century Renaissance* (London, 1995); Andrew Gow, *The Red Jews: Antisemitism in an Apocalyptic Age, 1200–1600* (Leiden, 1995); Jeremy Cohen, ed., *From Witness to Witchcraft: Jews and Judaism in Medieval Christian Thought* (Wiesbaden, 1996); Robert Chazan, *Medieval Stereotypes and Modern Antisemitism* (Berkeley, 1997); David Berger, *From Crusades to Blood Libels to Expulsions* (New York, 1997); Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley, 1999); Miri Rubin, *Gentile Tales: The Narrative Assault on Late Medieval Jews* (New Haven, 1999); Michael Signer and John van Engen, eds., *Jews and Christians in Twelfth-Century Europe* (Notre Dame, 2001); Kathleen Biddick, *The Typological Imaginary: Circumcision, Technology, History* (Philadelphia, 2003); Jeffrey Jerome Cohen, *Hybridity, Identity, and Monstrosity in Medieval Britain: On Difficult Middles* (New York, 2006); Kenneth Stow, *Jewish Dogs: An Image and Its Interpreters: Continuity in the Catholic-Jewish Encounter* (Stanford, 2006); Miriamne Krummel, *Crafting Jewishness in Medieval England: Legally Absent, Virtually Present* (New York, 2011);



- Kristine Utterback and Merrall Price, eds., *Jews in Medieval Christendom: "Slay Them Not"* (Leiden, 2013).
33. Langmuir himself re-inscribes the narrative on Jewish moneylending into his historical framework by relegating the "rational" economic backlash to the pre-1150 period and the "irrational" fantasies to the post-1150 period (Langmuir, "Medieval Antisemitism," in *Toward a Definition of Antisemitism*, 301–10).
  34. I adopt the term from Jean-François Lyotard's *Post-modern Condition: A Report on Knowledge* (Minneapolis, 1984), but I depart from his usage in two significant ways. First, my central concern is not with legitimation, but with the possible. Second, I do not regard the fracture of the meta-narrative as an end point or a political stance. Rather, I see each box as contained inside another box, like a series of Russian dolls, without end.
  35. Karl Marx, "On the Jewish Question," in *The Marx-Engels Reader*, ed. Robert Tucker, 2nd ed. (New York, 1978), 50.
  36. Estimates by the Anti-Defamation League between 2005 and 2011 suggest that no more than 15 percent of the American population hold antisemitic views.
  37. "Press Release: ADL Survey in Ten European Countries Finds Anti-Semitism at Disturbingly High Levels" (20 Mar. 2012), <http://www.adl.org/press-center/press-releases/anti-semitism-international/adl-survey-in-ten-european-countries-find-anti-semitism.html>.USd30-hTuPc (accessed 22 Feb. 2013). The survey was conducted 2–21 Jan. 2011 and has a margin of error of between  $\pm 4.43$  and  $\pm 4.85$  depending on the country.
  38. See, for example: Muller, *Capitalism and the Jews*, 1.
  39. Toni Oelsner, "Wilhelm Roscher's Theory of the Economic and Social Position of the Jews in the Middle Ages: A Critical Examination," *VIVO* 12 (1958–9): 176–95; and "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 also wrote a path-breaking but unpublished essay on Jews and agriculture: "The Economic and Social Condition of the Jews of Southwestern Germany in the 13th and 14th Centuries," Toni Oelsner Collection, Archives of the Leo Baeck Institute, New York (126 pages).
  40. Lester Little, "The Function of the Jews in the Commercial Revolution," in *Povert  e Ricchezza nella Spiritualit  dei secoli XI*

- e XII* (Todi, 1969), 271–87; Paul Mendes-Flohr, “Werner Sombart’s *The Jews and Modern Capitalism: An Analysis of Its Ideological Premises*,” *Leo Baeck Institute Year Book* 21 (1976): 87–107; and Penslar, *Shylock’s Children*.
41. Shatzmiller, *Shylock Reconsidered*. Shatzmiller’s evidence continues to be discounted by Jewish histories that cling to the standard narrative. Cf. Chazan, *Jews of Medieval Western Christendom*, 218–9. See the discussion in the notes above. See also: William Jordan, “Shatzmiller’s ‘Shylock Reconsidered,’” a review of *Shylock Reconsidered: Jews, Moneylending, and Medieval Society* by Joseph Shatzmiller, *Jewish Quarterly Review* 82 (1991): 221–3.
  42. Giacomo Todeschini’s corpus is extensive. The books most significant for this work are Giacomo Todeschini, *Un trattato di economia politica francescano: il “De emptionibus et venditionibus, De usuris, De restitutionibus” di Pietro di Giovanni Olivi* (Rome, 1980); *La ricchezza degli ebrei. Merci e denaro nella riflessione ebraica e nella definizione cristiana dell’usura alla fine del Medioevo* (Spoleto, 1989); *I mercanti e il tempio. La società cristiana e il circolo virtuoso della ricchezza fra medioevo ed età moderna* (Bologna, 2002); *Visibilmente crudeli. Malviventi, persone sospette e gente qualunque dal medioevo all’età moderna* (Bologna, 2007); *Franciscan Wealth: From Voluntary Poverty to Market Society*, trans. Donatella Melucci (Saint Bonaventure, NY, 2009); *Come Guida: la gente comune e i giochi dell’economia all’inizio dell’epoca moderna* (Bologna, 2011). A number of his recent articles will be cited in the following discussion.
  43. Giacomo Todeschini, “Christian Perceptions of Jewish Economic Activity in the Middle Ages,” in *Wirtschaftsgeschichte der mittelalterlichen Juden: Fragen und Einschätzungen*, ed. Michael Toch (Munich, 2008), 1–16, citation on 6. His articles and books are not framed as a revisionist critique, with the exception cited here. But his careful analyses of the intellectual development in Franciscan thought often led him to sharp and incisive critiques of the standard narrative on Jewish moneylending.
  44. Todeschini, *Franciscan Wealth*, 7–8.
  45. *Ibid.*, 7.
  46. *Merchant of Venice*, ed. David Bevington (Glenview, IL, 1980), I, iii. References are to act and scene.

47. The titles *Shylock's Children*, *Shylock Reconsidered*, and “Shylock’s Daughters” are indicative of this symbolism. The one study which cuts against the grain is James Shapiro, *Shakespeare and the Jews* (New York, 1996), which early on influenced my thinking on the issue of Jewish moneylending.
48. Karp, *Politics of Jewish Commerce*; Penslar, *Shylock's Children*.

PART ONE

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Modern History and  
Medieval Narratives

## The Economic Function of the Jews: A Nineteenth-Century Story

Es haben nämlich die Juden damals ein großes Bedürfniß der Volkswirtschaft befriedigt, welches lange Zeit sein Anderer befriedigen sonnte: das Bedürfniß eines gewerbmäßigen Handelsbetriebes....die Juden, als Sie im Waarenhandel vor der Eifersucht der nationalen Kaufleute hatten weichen müssen, doch noch lange Zeit das Uebergewicht im sogenannten Geldhandel oder Bankiergeschäfte behauptet—Wilhelm Roscher, “Die Juden im Mittelalter”<sup>1</sup>

This chapter recounts the evolution of the narrative of the “Jewish economic function” from its origins in nineteenth-century liberal German scholarship. I aim to show that the narrative was fashioned out of nineteenth-century discourses on Jews and commerce in response to the issues of Jewish emancipation and German capitalism and shaped in accord with German scholarly methods and theories. This public discourse moved research on Jewish economic history from the backwaters of the *Wissenschaft des Judentums* (Scientific Study of Judaism) into mainstream German scholarship. The principal figures responsible were leaders or students of the German Historical School of Political Economy (GHS)—Wilhelm Roscher, Werner Sombart, and Max Weber. Through these scholars, the narrative of the “Jewish economic function” was stamped with the organic folk model of the German Historical School, based upon the Historical School’s theory of economic stages, and shaped in relationship to the scholarly study of capitalism. In the mid-twentieth century, in

the midst of the Holocaust and World War II, the narrative of the “Jewish economic function” would be both affirmed and challenged by Jewish historians. This twentieth-century story is the subject of the following chapter.

### WISSENSCHAFT DES JUDENTUMS AND THE ORIGINS OF THE GERMAN-LIBERAL TRADITION OF JEWISH ECONOMIC HISTORY

It is commonly held that the scholarship of the *Wissenschaft des Judentums* (WDJ), the early-nineteenth-century German-Jewish scholarly organization which initiated Jewish history, focused on *Leidens- und Gelehrten-geschichte*, that is, the spiritual and cultural achievements of the Jewish people, or on the persecutions they suffered.<sup>2</sup> The theological and metaphysical perspective of Heinrich Graetz, as represented in his magisterial *Geschichte der Juden* (History of the Jews), is taken as representative of the WDJ. It is often contrasted with the late-nineteenth-century materialist, secular, and anthropocentric school of Russian-Jewish history founded by Simon Dubnow, which would come to dominate the field of modern Jewish history first in eastern Europe, then later in Israel, where it remained the standard historiographic tradition through the 1960s.<sup>3</sup>

The materialist perspective inspired by Diaspora nationalism, Bundism, and Labor Zionism in eastern Europe is not widely recognized as having a predecessor in the early years of the bourgeois liberal WDJ. But it is here that medieval Jewish economic history first began in earnest in response to the Jewish Enlightenment and emancipation.<sup>4</sup> The WDJ both continued and departed from the Jewish Enlightenment (*Haskalah*), and in its later phase would come to define itself in opposition to it. The WDJ, like the *Haskalah*, was a cultural and educational movement aimed at promoting Jewish emancipation from without and Jewish regeneration from within. And it adopted a number of the *Haskalah*'s concerns, among them the reformation of Jewish commercialism and the promotion of greater occupational productivity. Eduard Gans, as acting president of the Society between 1821 and 1825, proposed opening a vocational institute for training Jews in agriculture, the crafts, and “the lower professions,” thereby moving the Society's scholarly agenda into active realization.

But as Jonathan Karp has shown, the WDJ did not fall back on the Enlightenment approach to Jewish productivization pioneered by Christian

Wilhelm von Dohm, in which Christian persecution was blamed as the chief factor. Rather, after partial emancipation had not brought a change in Jewish occupational structure, Wissenschaft scholars admitted the critique of figures like Friedrich Rühs. Rühs claimed that Jewish commercialism arose from elements inherent in Judaism. In an 1819 pamphlet analyzing the historical causes for Jews' economic degeneration, the Wissenschaft scholar Leopold Zunz and the Jewish educator Levi Lazarus Hellwitz implied that the refusal of European states to grant full emancipation was not sufficient to explain why Jews clung stubbornly to traditional occupations. The Jews themselves were responsible for their failure. Jewish scholars, they claimed, must seek to understand the historical dynamic of external and internal forces shaping Jewish commercialism. Zunz and Gans expanded on this theme in essays written during the 1820s. Both made use of the new methods and theories of the German sciences of the state (*Staatwissenschaften*), especially early "statistics." One of Zunz' works in particular probably had a formative influence on later liberal accounts sympathetic to medieval Jewish commerce. In "Etwas über die rabbinische Literature" (Something regarding Rabbinic Literature), Zunz referred to credit devices, promissory notes, bills of exchange, and paper money as technical contributions that Jews had made to European economic civilization.<sup>5</sup>

The most significant contribution that the Wissenschaft scholars made to Jewish historical economy in the 1820s, however, was the multivolume *Geschichte der Israeliten* by Isaak Jost, which examined empirically medieval Jewry's actual economic practices involving moneylending, different forms of loans, and variations in interest rates. But Jost's work was marginalized within the Wissenschaft tradition because it relied too firmly upon the old radical Haskalah perspective in which Jewish "occupational deformity" was portrayed as resulting from gentile persecution and rabbinic obscurantism. It was provocative, moreover, in its critique of "class structure" among medieval Jewry, deployed as a social critique of contemporary Jewry.

But Jost's scholarship did influence the developing historical narrative. The mid-nineteenth-century Reform leaders Ludwig Philippson and Abraham Geiger both drew upon Jost in their writings.<sup>6</sup> And through the economic histories of the non-Jewish German historians Georges-Bernard Depping and Otto Stobbe, the project of economic history, which Jost inaugurated, came to be incorporated even in the classic historical narrative of the WDJ, Graetz' *Geschichte der Juden*.<sup>7</sup> Yet, Graetz never succeeded in realizing the aim of the early Wissenschaft years, that of integrating external

and internal forces in his historical account. His history was by his own admission a “double-image” depicting, on the one hand, persecution and martyrdom by gentile society, and, on the other, the high cultural and spiritual achievements of the Jewish community. In neither did economics find a central place.

### JEWISH COMMERCIALISM IN MID-NINETEENTH-CENTURY GERMANY

By the time that Jost’s *History of the Israelites* was incorporated in publications in the 1850s, 1860s, and 1870s, the socioeconomic position of German Jewry had changed radically, and with it Jewish *and* gentile perceptions of Jewish commercialism. Prior to the nineteenth century, the economic profile of western and eastern Jewry had differed little. But in the course of the nineteenth century, the Jews of Germany and other western European countries enjoyed rapid social mobility following emancipation, while those in the east remained economically backward as a result of general economic stagnation or the imposition of residential and commercial restrictions, or both. From the middle of the nineteenth century, German Jewry saw the rise of middle-class Jewry, concentrated in commerce and consisting in large part of clerks and salesmen, with a small elite acting in the management of large corporations or joint stock institutions. By the 1860s, the *Betteljuden* (Jewish peddlers) had disappeared, though a working underclass of craftsmen would persist.<sup>8</sup>

With the pro-commercial spirit of the years 1850–1880, the discourse on Jewish commercialism took a decided turn. No longer did occupational restructuring and productivization receive the emphasis it had in the Haskalah. The German-Jewish press in article after article adopted a triumphal tone toward Jewish commercialism, capitalizing on a new bourgeois ideology. Some of the more prominent spokesmen included Adolph Jellinek, Vienna’s chief rabbi; Simon Szanto, the editor of the Jewish weekly *Die Neuzeit*; and Ludwig Philippson, the editor of *Allgemeine Zeitung des Judentums*.<sup>9</sup> To give a brief example, Ludwig Philippson drew selectively from Jost’s *History of the Israelites* to portray “medieval Judaism’s social ethic as a model of enlightened liberalism, social justice and economic equality.”<sup>10</sup> He asserted more-over in his 1861 article “The Industrial Mission of the Jews” that

although Reform rabbis rush to speak of the Jews’ religious mission to embody pure monotheism, the Jews have fulfilled an equally great social mission of being the primary founders of modern banking, without which the modern state and industry could not have developed.<sup>11</sup>



In addition, Jewish commercialism was increasingly celebrated as a positive virtue by the non-Jewish bourgeoisie in their struggle against the reactionary forces of the nobility and clergy. As Derek Penslar has emphasized:

Already in the early 1840s aggressively pro-commercial bourgeoisie championed Jewish emancipation, expressed admiration for Jewish accomplishments in banking and trade, and dismissed the notion that Jews need to undergo an occupational transfer into agriculture. This spirit strengthened in the 1860s, the heyday of political liberalism.<sup>12</sup>

It is this positive discourse on Jewish commercialism which would play a crucial role in the formation of the classic narrative on medieval Jewry and medieval economic history.

Yet even in the 1860s and 1870s, at the height of liberalism and confidence in capitalism, “the Jews remained separate, somewhat suspicious, abnormal rather than merely distinct.” And the stereotype linking Jews and money persisted as an ominous undertone to Jewish economic distinctiveness:

The Jew continued to serve, as he had in the 1840s, as a symbol of the revolutionary, transformative qualities of capitalism. The more quickly the old order changed, the more seriously particular social groups felt threatened and oppressed, the more virulent antisemitic sentiment would be.<sup>13</sup>

Indeed, in the 1860s and 1870s, as Jewish history began to be treated not only by a group of Jewish scholars marginal to the mainstream German academy but by celebrated non-Jewish scholars, both trends can be found in their liberal histories. As the nineteenth century gave way to the twentieth, works of optimistic philosemitism would assume a darker, more ambivalent hue.

### WILHELM ROSCHER AND THE LIBERAL LEGACY: JEWISH ECONOMIC HISTORY IN GERMAN SCHOLARSHIP OF THE 1860S AND 1870S

In the 1860s and 1870s, two foundational works for medieval German-Jewish history were written in an unabashedly philosemitic vein by two prominent, non-Jewish scholars: the medieval legal historian Otto Stobbe and the political economist Wilhelm Roscher. It is with the latter that our contemporary narrative on Jewish economics begins to assume its classic shape. And it is Roscher’s seating of the discourse in the general economic

theories of the GHS that gave the narrative a firm foothold in the academic literature of the nineteenth and early twentieth centuries. But Roscher's understanding of Jewish history was strongly shaped by Stobbe's definition of the key problem.

Stobbe wrote *Die Juden in Deutschland während des Mittelalters in politischer, sozialer und rechtlicher Beziehung* (The Jews in Germany during the Middle Ages in Political, Social, and Legal Respects) in 1866, out of an interest in Jewish history that had sparked in his student days. As a professor of legal history in Breslau, he received personal help from the WDJ scholars Heinrich Graetz and Zecharias Frankel and access to the library of the Jewish Theological Seminary where they worked.<sup>14</sup> He conceived of his history of medieval German Jewry as focusing on political, social, economic, and legal aspects, hitherto not addressed in the WDJ literature, which had concentrated on cultural achievements and persecutions.<sup>15</sup> Yet he shared with the Wissenschaft scholars the aim of realizing fully Jewish emancipation. His great contribution was to document the devolution of German Jewry's legal status in the later middle ages. This legal decline, in his opinion, established the disadvantageous conditions and national hatred from which Jews would suffer throughout the eighteenth century and which were not yet laid to rest.<sup>16</sup>

Stobbe's *Die Juden* inspired Wilhelm Roscher, Stobbe's friend and colleague at the University of Leipzig, to answer a set of puzzling questions raised in Stobbe's work.<sup>17</sup> Guido Kisch dramatically frames the questions that inspired Roscher:

How is it that about the middle of the fourteenth century the Jews suffered from cruel persecution in all German cities and elsewhere, in spite of their favorable treatment in judicial practice and legal doctrine? How is it that secular Jewry legislation in the late Middle Ages changed its traditional attitude toward the Jews? Had religious fanaticism, temporarily aroused during the Crusades with their disastrous consequences for the Jewish community, then become a permanent feature of European society? How was this effected despite the legal and political security extended to the Jews even after these catastrophes?<sup>18</sup>

In answer to these questions, Roscher would formulate his theory on the Jews' economic function in the middle ages in line with his liberal, pro-commercial politics. His theory would both elevate the discourse on Jewish commercialism to the level of "scientific scholarship" and mold the discourse in concert with the theory and methodology of the GHS. It is

this grounding in outdated economic theories that is forgotten today and should lead us to rethink the narrative. Accordingly, before turning to a closer analysis of Roscher's essay on the economic function of the Jews, a few words about Roscher's historical method are in order.

Roscher, Bruno Hildebrand, and Karl Knies are generally considered to have founded the German Historical School of Political Economy between the 1840s and 1860s. The GHS is known for having melded classical economic theory with a holistic German historical method.<sup>19</sup> Roscher is regarded as having launched its methodological program with his *Grundriss zu Vorlesungen über die Staatswirthschaft. Nach geschichtlicher Methode* (1843), although the heart of his methodological reflections was set out in an early publication, *Leben, Werk und Zeitalter des Thukydides* (1842).<sup>20</sup> As a student of the historians Friedrich Dahlmann, Georg Gottfried Gervinus, and Otto Ranke, and the philologist K.O. Müller, Roscher was well placed to apply the historical method to the study of political economy. He conceived of his program as such, calling it an attempt to do for political economy what Friedrich Karl von Savigny and Karl Friedrich Eichhorn had done for jurisprudence.<sup>21</sup>

Roscher's 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 a living organism; (3) a theory of civilization and economics developing in stages; and (4) universal historical laws.<sup>22</sup> According to Roscher, the science of economics aims to understand not merely how national wealth can be increased, but also what in respect to economics was attempted and accomplished in the past and why. Such a scholarly program necessitates a study of the closely allied fields of legal, constitutional, and cultural history.<sup>23</sup> This holistic approach, also known under the rubric "methodological collectivism," takes as its basic unit of analysis a people (*das Volk*). Roscher draws here upon psychological folk-theories deriving from Herder, which understand a people as an organic whole passing through developmental stages analogous to a human individual's youth, maturity, and old age.<sup>24</sup> The history of political economy thus focuses upon identifying stages of cultural development (*Entwicklungsstufen*) through which each *Volk* has passed or will pass.<sup>25</sup> These typical features constitute, for Roscher, historical laws, which can be identified through studies comparing wide-ranging cultures. For him, establishing universal historical laws was the ultimate goal of political economy.

His essay on the economic function of medieval Jewry reads as a textbook illustration of a historical law. The Jews were a foreign, more

civilized nation who handled trade and commerce for the less advanced Germanic nations and, to a lesser extent, the Latin peoples. The Jews were “in sole possession of the knowledge necessary for trade, customs and capital.”<sup>26</sup> They possessed a further advantage in their unity throughout the Christian and Islamic world, and aided Europe’s economic progress with several innovations, including interest, and bills of exchange.<sup>27</sup> The Jews thus were the “tutors” and “commercial guardians” of the “younger” nations until they matured. But

every tutelage becomes burdensome when it continues longer than the dependency of the ward. Entire nations emancipate themselves from the tutelage of other nations, even as individuals used to, only by means of struggle. The Jewish persecutions of the later Middle Ages are in large measure a product of trade jealousies.<sup>28</sup>

With the economic ascendancy of the European peoples, “although [the Jews] were forced to abandon the trade in goods...for a long time [they] still retained their superiority in the so-called money-trade or banking business.”<sup>29</sup> The descent from trade to moneylending had begun. The Jewish people had fulfilled their function. And their history reveals the following universal historical law: a great many nations (*Völker*) “allowed a foreign, more highly civilized nation (*Volk*) 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.”<sup>30</sup> The final two-thirds of the essay proves Roscher’s proposed historical law by drawing analogues from the following ancient and contemporary cultural groups: the Phoenicians, the late medieval Italian merchants, the Hansa, the Armenians, the Indian Banianen, and the Chinese in Southeast Asia. For Roscher, this “historical law” answered a troubling historical riddle: why were “the Jews...better treated during the first, cruder half of the Middle Ages, than in the second and otherwise more civilized one?”<sup>31</sup>

Roscher’s historical “law” rests on an organic folk model set into a historical theory of the stages of civilization. Each *Volk* is racially discrete and culturally isolated. Though the Jews were immigrants to European lands like the “younger nations,” though they have dwelt for hundreds of years side by side with these “European peoples,” they were held to have never shed their foreign nature. There could be no shared culture or common history. Nor did Jews undergo historical change with the making of Europe:

in the case of Judaism an entire people was able, through its remarkable combination of stubbornness and flexibility, to retain its total culture—nationality, religion, language and law—almost unchanged through all the storms of the Middle Ages.<sup>32</sup>

Rather, the Jews (like the Byzantine Empire to which they are compared) bridged the cultural devastation of barbarian invasions (or the “national migrations,” as the German prefers). The Jews, like the Byzantine Empire, were unchanging in Roscher’s scheme because they had already attained a high cultural level. They were, in short, a *mature* nation, advanced in their life-course. For essential to an organic folk model is the analogy drawn between a *Volk* and the human life cycle of youth, maturity, and old age. Note the terminology Roscher uses in the passages cited above: “younger nations,” akin to a “ward” under “tutelage” who struggled to free themselves “as soon as they were themselves mature.” Each of these stages in the life cycle represents a stage of civilization—the life cycle, a unilinear development through which all nations pass. The riddle that Roscher’s historical law solves—“that the Jews were better treated during the first, cruder half of the Middle Ages, than in the second and otherwise more civilized one”—depends upon the presumption that a higher stage of economic development necessarily entails a higher degree of cultural civilization.<sup>33</sup> For Roscher, the peak is none other than the tolerant, pro-commercial liberalism of modern Germany.

It is little surprise then that Roscher’s analysis of Jewish history concludes with a discussion of Jewish emancipation. For Roscher, as for Stobbe, full Jewish emancipation would finally bring an end to the persecutions and deprivations initiated in the middle ages. Roscher’s historical drama of trade rivalry resolving its tutelage into persecution exemplified that perspective of liberal Germans who championed Jewish emancipation, and who saw German Jews as an ally against the nobility and clergy in the defense of commercialization.

In the end the citizenry of the young nations on the top rung of the cultural ladder has tried generously to make up to the Jews for the injustice done them during the Middle Ages....the bid of the middle class for power in the State goes hand in hand with that other objective, namely to accept into their ranks all well-to-do and cultured inhabitants of the national territory. This is the reason why the latest emancipation of the Jews...had its origin in the middle class.<sup>34</sup>

The recent emancipation of German Jewry melded the two middle classes, one German, the other Jewish, and made amends for the past by admitting one middle class into the other.

Roscher's philosemitic position is all the more surprising given the years in which he was writing: a backlash against the emancipation of 1871 was under way following the stock market crash of 1873. When Roscher's work would next be taken up by Werner Sombart and Max Weber, the sentiment toward the Jews would have assumed a darker hue, and the Historical School would have undergone two revolutions.

### THE YOUNGER HISTORICAL SCHOOL AND THE THEORY OF ECONOMIC STAGES

In the 1870s, as Roscher was writing his essay on the Jews, the *Staatswissenschaften* were transformed by a new generation of scholars, the so-called Younger Historical School. Their work modified and solidified certain elements of the theories of the Older Historical School, including a theory of linear, progressive economic development, which progressed in a series of orderly stages from primitive to civilized. It is upon this theory—and that of folk nations—that the narrative of Jews and economics was built, and it is this theory which would be overturned by medieval economic historians in the interwar and postwar periods. The Younger Historical School's theory of economic stages would be important for Werner Sombart's and Max Weber's accounts of Jews and capitalism.

Economics and politics, united in the thought of the older generation, were separated into two distinct fields by the younger generation. Economics stood at "the center of a new configuration of social science, while politics...disappeared in the shadow of a new science of state law."<sup>35</sup> The *Staatswissenschaften* became fully professionalized, as were the fields of history and philology. Research was newly directed to causal explanation rather than to the synthesis of existing knowledge. Its practitioners were trained in research seminars and emerged with a professional identity. At the same time as the *Staatswissenschaftler* were turning inward to the professional academic sphere, they also were turning outward, with the founding of the Verein für Sozialpolitik, a society established to influence public opinion and state policy. The leading figures, Gustav Schmoller, Lujo Brentano, Adolph Wagner, and, somewhat later, Carl Bücher, were dubbed *Kathedersozialisten* for their engagement in social reform.

The Younger Historical School rejected the conceptual framework of historical laws which had been developed by Roscher and modified by

Bruno Hildebrand. Yet, the members of the Younger Historical School retained the theory that economic development took place in stages leading in all cultures linearly from primitive simplicity to civilized complexity. Proponents of the Younger Historical School even came to associate the theory of economic stages with the terms of Darwinian evolution, though it had roots preceding Darwin.<sup>36</sup>

The economists...constructed a number of hypothetical models of the evolutionary ladder, in which every step differed from the one which followed in that it did not contain one or other element of the modern economic system, or else contained it in a less developed and a more imperfect form.<sup>37</sup>

The simplest and sharpest model was that of Hildebrand in his “Natural-, Geld- und Kreditwirtschaft,” where he organized evolutionary classification around the methods of exchange, defining three main stages:

the prehistorical and early medieval stage of natural economy when goods were exchanged against other goods; the later medieval stage of the “cash” (money) economy, when goods were bought for ready money; and the modern stage of credit economy when commercial exchange was based on credit.<sup>38</sup>

Carl Bücher was more knowledgeable about the middle ages than other economic theorists of the Historical School and was careful not to simplify the stages of economic development to the radical extent that Hildebrand had. But credit in its various permutations from occasional to consumptive to commercial still formed the backbone of his evolutionary ladder. His more nuanced model came to form “one of the axiomatic assumptions of historical research.”<sup>39</sup> Already an axiomatic assumption underlying Roscher’s theory on medieval Jewry, the evolutionary economic schema *and* its connection to the Jews would be carried over into the scholarship on capitalism produced at the turn of the century by Sombart and Weber.

## CAPITALISM AND THE JEWS IN THE SOCIOLOGISTS WERNER SOMBART AND MAX WEBER

Werner Sombart and Max Weber made decisive contributions to the literature on Jews and European economic development. Sombart’s *Jews and Modern Capitalism* would raise a furor in the Jewish community when published in 1911. When he lectured in public halls to large

Jewish audiences, Sombart's ideas would be acclaimed by Zionists and denounced by others.<sup>40</sup> His ideas would prompt the first serious Jewish economic histories by Georg Caro, Moses Hoffman, Bruno Hahn, and Julius Guttman.<sup>41</sup> His study would in the long run be seriously discredited in the glimmering reflection of the Holocaust's dark mirror, not least by his turn toward nationalism in his war tract *Händler und Helden*. Weber's *Ancient Judaism*, based on a recitation of academically tried theories and Protestant perspectives, would raise no fury and indeed little comment, until recently, and then only in journals devoted specifically to Jewish studies. Despite their different fates and their disagreements over capitalism, Sombart and Weber held in common ideas about Jews and commerce. Together, their works shaped a modernization theory which cast medieval economic history into antithesis with the modern and proved fertile ground for their theory of Jews and commercialism.

The following discussion will fix the place of their interest and works on Jews in the context of their larger interest in capitalism, their politics, and sociology, before turning to a closer analysis of the works themselves. I shall argue that Roscher's melding of the discourses on Jewish commercialism with the Historical School's theory of economic stages formed the ground from which arose Sombart's and Weber's scholarly questions about Jews and capitalism. For both took for granted the notion that the Jews had a special function—that of bridging two economic stages—even as they disagreed sharply over whether the modern spirit of capitalism should be attributed to Puritans or Jews. Just as they took the Historical School's theory of economic stages and worked it into a theory of capitalism, so too did they take the Jewish paradigm and work it into their theories of capitalism. Sombart and Weber came to ground the paradigm in a meta-historical narrative of modernization and rationalization and replaced Roscher's comparative, organic folk-theory with a sociological theory—for Weber, one based on the ideal type of a pariah people; for Sombart, one mixed with a race-based anthropology. The paradigm burst its chronological bounds, and the stereotyped medieval Jewish moneylender became representative of Jewry from the ancient past to the modern present. Weber's pariah people practicing a pariah capitalism are none other than the medieval stereotyped legalistic, moneylending Shylock, with one ethic for his people and another for Christians. Sombart brazenly claimed that Jews were ever moneylenders, with one ethic for Jews and another for the outsider, and were indeed racially determined so. The linchpin in their arguments was Judaism and the Deuteronomic prohibi-



tion on usury to a “brother.” The stereotype of the medieval Jew and his antithesis to the medieval Christian come to play a major role in Weber’s and Sombart’s historical theories. In this we can find both their legacy in the Historical School and their innovation on it. Weber and Sombart were trained by its intellectual leaders, and their intellectual works reflect the final metamorphosis of the work of Roscher’s generation.

In the late nineteenth century, when Werner Sombart (1863–1941) and Max Weber (1864–1920) came of age, the first wave of German industrialization, based on textiles and the steam engine, was in full swing. At the turn of the century, when their academic careers were taking off with the publications *Der moderne Kapitalismus* (1902) and *The Protestant Ethic* (1904–5), a second wave of industrialization generated by the chemical and electric industries was well under way. “Between its unification in 1871 and the outbreak of the First World War in 1914,” Germany’s industrial production increased sixfold, while Britain’s merely doubled; Germany also stood at the “forefront of the development of the most characteristic feature of the twentieth century capitalist economy: the bureaucratic corporation.”<sup>42</sup>

Sombart’s and Weber’s life work would be devoted to analyzing this process of industrialization and its ramifications on modern life. Their focus on a substantive issue like capitalism investigated with decidedly interdisciplinary methods described by the umbrella term “sociology” marked them (together with Ferdinand Tönnies, Georg Simmel, and Robert Michels) as the next generation of the *Staatswissenschaftler*, the founding fathers of German sociology who revolutionized the approaches of the Younger Historical School.<sup>43</sup>

As students of Schmoller, they were schooled in the approaches of the Younger Historical School and in their early work addressed the issues preoccupying the Verein—the agrarian problem of eastern Germany and the stock exchange.<sup>44</sup> But Sombart and Weber “joined with a like-minded group of younger economists and reformers within the Verein...to form a left-wing group opposed to the older school” and its support for the old patriarchal order. These younger scholars, following the analysis of Karl Marx, saw the rise of capitalism as inevitable and historically progressive.<sup>45</sup>

The importance of their studies lies in their interpretation of capitalism’s social consequences and its cultural origins. Sombart and Weber analyzed industrialization as part of a larger process of rationalization, seeking the source of modern capitalism in the rise of “the spirit of capitalism.” Sombart coined the concept in the foreword to his *Der moderne*

*Kapitalismus* (1902) without developing it. Weber historicized it in his classic *The Protestant Ethic and the Spirit of Capitalism* (1904–5); and Sombart followed suit with his own historical analysis of the “spirit of capitalism” in *Der Bourgeois* (1913).<sup>46</sup> Weber would continue to plumb the processes of rationalization in his unfinished masterpiece *Economy and Society*.

Although Sombart’s two most important works, *Der moderne Kapitalismus* and *Der Bourgeois*, seem to form two halves of a whole, the path leading from the first to the second is by no means straight. Sombart “decisively altered his social and political perspective at least once every decade from 1888 to 1915,” shifting from

evolutionary Marxism and a profound belief in modern industrial civilization as the agent of progress, to rejection of modern civilization and nostalgic love of community, to the exaltation of the entrepreneur and the hero, and ultimately to a position not far removed from Nazism.<sup>47</sup>

The key to Sombart’s fluctuations may lie in his fluctuating relationship to the older generation of social theorists and reformers in the Verein (where his father also was prominent) and even more in his voluntarist theory of social change, as Arthur Mitzman’s keen intellectual biography suggests.<sup>48</sup> But throughout his oscillating ideological positions runs a steady thread of antimodernity which, when paired with contemporary stereotypes, made the Jews a medium through which Sombart could negotiate his attitude toward the German nation, that exemplar of modern industrialism.

The function of the Jews and capitalism within Sombart’s own oscillating intellectual trajectory has been carefully charted by Paul Mendes-Flohr.<sup>49</sup> In his *Sozialismus und soziale Bewegung* (1896), Sombart evinced “an evolutionary Marxism and a profound belief in modern industrial civilization as an agent of progress,”<sup>50</sup> not out of enthusiasm for capitalism, but because he thought “socialism offered the hope for overcoming the capitalistic present and...the possibilities of reconstituting the *spirit* of the idealised past.”<sup>51</sup> In short, he identified class-consciousness as a modern means for reconstituting the spirit of a *Volksgemeinschaft*. This belief gave way in a lecture series on trade unions, “Dennoch!” (1900). By 1903, when Sombart wrote “Die deutsche Volkswirtschaft im neunzehnten Jahrhundert und im Anfang des 20. Jahrhunderts,” he was totally estranged from industrial society and from Germany. For Sombart,

Deutschtum is responsible for the rise of capitalism. This conclusion left Sombart bitter and estranged from his people. While retaining his hostility to capitalism, he would, however, slowly develop a “strategy” of reconciliation.<sup>52</sup>

In “Der kapitalistische Unternehmer” (1909), Sombart divided the capitalist spirit into two antithetical components, an entrepreneur versus a bourgeois or commercial type. By encoding the first as courageous, exuberant, and heroic, and the second as calculating, demeaning, and selfish, Sombart identified the German *Volkgeist* (spirit of the nation) with the heroic entrepreneur in his *Der Bourgeois* (1913). Here “he explicitly declares it his intention to clear the Germanic and other Christian peoples of any culpability in the formulation of ‘bourgeois’ capitalism.”<sup>53</sup> A work prior to the 1913 *Der Bourgeois* played a crucial role in this mode of “reconciliation.” His *Jews and Modern Capitalism* broke a long hiatus in Sombart’s work between his 1903 castigation of German industrialization in *Die deutsche Volkswirtschaft* and his 1913 reconciliation in *Der Bourgeois*. With *The Jews and Modern Capitalism* (1911) Sombart attributed “the ‘guilt’ of capitalism (or rather its more deprecatory aspects, viz., acquisitiveness, artificiality and practical rationality)” to the Jews.<sup>54</sup> As Mendes-Flohr has argued, “identifying the despised capitalistic present as a product of Judentum offered Sombart the possibility of reconciliation with Deutschtum.”<sup>55</sup>

Sombart, as he himself tells us, was inspired to write on the Jews and modern capitalism by Max Weber’s *The Protestant Ethic and Spirit of Capitalism* (1905–6). Weber’s own study was itself spurred by Sombart’s coining of the concept the “spirit of capitalism” in the foreword to *Der moderne Kapitalismus*<sup>56</sup> and, like Sombart’s, marked the end of a long hiatus in his work. The two works share several similarities: the study of one religious group in relation to the historical rise of modern capitalism, an emphasis on a modern *spirit* of capitalism antithetical to traditional economic sentiments, and an inclination to locate the origin of the capitalist spirit in a religious ethic. But despite these similarities their two works are distinguished by substantially different definitions of capitalism. For Weber it was a mode of rationalization;<sup>57</sup> for Sombart, the profit motive rationally pursued.<sup>58</sup> Bound up with their intellectual sparring over capitalism was their different analyses of the role of Jews in the historical development of capitalism.<sup>59</sup> In the same breath with which Sombart acknowledges his debt to Weber, he challenges Weber’s thesis:

Max Weber's researches are responsible for this book. For anyone who followed them could not but ask himself whether all that Weber ascribes to Puritanism might not with equal justice be referred to Judaism, and probably in a greater degree; nay, it might well be suggested that that which is called Puritanism is in reality Judaism.<sup>60</sup>

*Ancient Judaism* (*Das antike Judentum* (1917–9)) reads as an answer to Sombart's *Jews and Modern Capitalism*.<sup>61</sup> It formed part of Weber's studies of world religions—Hinduism, Buddhism, and Confucianism—all intended to complement his *Protestant Ethic* as a study of “divergent modes of the rationalisation of culture.”<sup>62</sup> In his *Ancient Judaism*, Weber maintained the revolutionary status of the Puritan ethic by framing Judaism as giving rise to a muted capitalism, a pariah capitalism, suited to a pariah people.<sup>63</sup> His stated aim was to investigate *how* the Jews developed into a pariah people; for this pariah status held both the seed of rationalization and the key to its inhibition. Under the universalizing tendency of Christianity, rationalization would yield capitalism. It should be noted that Weber acknowledges the “significance of the Jewish pariah people in the economy of the European Middle Ages and the modern period,”<sup>64</sup> but considers the emergence of rationalization (in ancient Judaism's social ethic) as far more important to the eventual rise of capitalism. Thus Weber's study fulfilled the same end as Sombart's *Jews and Modern Capitalism*—assessing the Jewish contribution to modern capitalism—but the answer was far more nuanced, and the lines of causality far more roundabout. Nevertheless, the two works share a great deal even as they vie with each other: their studies elaborate Roscher's paradigm in a similar direction and are bound up in the methods and theories of the Historical School, even as they revolutionize them.

The close relationship between Sombart's and Weber's ideas is not surprising given their collaboration as editors of the *Archiv für Sozialwissenschaft und Sozialpolitik* from 1904 to Weber's death in 1920. While Weber, in contrast to Sombart, held to the notion that the *Gemeinschaft* was irrevocably a thing of the past (and moreover had an ambivalent attitude toward it),<sup>65</sup> their life's work was devoted to analyzing the origin of the bleak modern condition, the iron cage of modern bureaucratization, and the dead end toward which Western civilization was hurling. Sombart and Weber were responding to the central historical experience of their time—in the words of Arthur Mitzman, “the transformation of the dream of social and technological perfection into

the nightmare of bureaucratic petrification and ecological apocalypse.”<sup>66</sup> Mitzman, in his studies on Weber, Tönnies, Sombart, and Michels, has emphasized the academic estrangement that led these founders of modern sociology to analyze passionately “the bitter fruits of modernity: the accelerating fracturing and disintegration of communal bonds, the transformation of economic life from means to end, the continual absorption of movements to transform decaying societies into constituent elements of the decay.”<sup>67</sup> They were not unique in decrying the presumed progress of modernity: a long line of nineteenth-century thinkers had prophesied doom. But it has perhaps not been sufficiently recognized that

such estrangement was by no means limited to philosophers and historians like Nietzsche and Burckhardt, nor to the Völkisch ideologists [of the Third Reich]...all more or less remote from the new social sciences. It was rampant among the very founders of the sociological discipline.<sup>68</sup>

Mitzman’s brilliant discussion in *Estrangement and Sociology* focuses on the early sociologists’ “fear for the survival of the individual personality in the midst of an overrationalized world,” but this rationalization is in each and every respect tied to industrialization, even as Weber and Sombart inverted the Marxian relation of structure and superstructure in their analysis of “the spirit of capitalism.” The juxtaposition of the modern and the medieval (or premodern) thus played a key role in their thought. Again Mitzman emphasizes this contrast primarily in relation to the “personality” of the medieval or “Renaissance man.” But the sociologists’ models of modern estrangement must be understood first and foremost in the context of the loss inherent in the transition from the medieval to the modern economy. Here we find the Historical School’s theory of economic stages revolutionized by Sombart and Weber by being framed in terms of the historical rise of capitalism and analyzed in terms of its impact on society and the individual. The intellectual impact of their work meant that their vision of rationalization would tell upon the historian’s imagined construction of medieval Europe.

In focusing on rationalization, Sombart and Weber wrought the Historical School’s theory of economic stages into a juxtaposition of modern and medieval where the transition between the two was prompted less by lawful necessity than by historical causality. It is commonly noted that Weber “rejected the old evolutionary schemes of a unified history of mankind with its regular stages of development, and instead tried to

construct empirically a grand secular theory of the uniqueness of Western rationalism as it had developed historically (rather than necessarily) over the last 2,500 years.”<sup>69</sup> But what is less commonly noted is the fact that in fixing on rationalization as a universal problem Weber turns an old evolutionary scheme into a juxtaposition of the medieval (or premodern) with the modern.

John Baldwin has lucidly and tersely sketched Sombart’s and Weber’s historical schema and its implications for medieval history. I quote at length:

Sometime vaguely between the end of the Middle Ages and the beginning of the Modern Period, according to the influential views of Sombart and Weber, there emerged the unique phenomenon of modern capitalism. Trading activity increased rapidly. A money economy became widespread. New instruments of trade, banking, credit and business organization were created. In short, Western Europe was pictured as passing from the darkness of medieval economic lethargy to the dawn of modern commercial and industrial vigor. These origins of modern capitalism, however, comprised more than the quickened tempo of economic activities; they also implied the emergence of a unique mental attitude towards economic activity. Sombart and Weber perceived a “spirit of capitalism” which distinguished the new phenomenon from preceding ages. According to Sombart the new “spirit” was dominated by the principle of pursuit of gain or acquisition (*Erwerbsprinzip*), which formed the central core of economic rationalism of capitalism. Weber and his school attempted to show that certain Protestant ethics and ideals, particularly those of the Puritans, produced a mental atmosphere significantly different from that of the Middle Ages and highly conducive to the growth of capitalism....

If capitalism was a new movement originating sometime during the late Middle Ages and the early Modern Period, then it must follow that the preceding epoch of the Middle Ages possessed significantly contrasting characteristics....

Sombart painted the economic life of the Middle Ages or the “Precapitalistic Age” in rather dark colors, and his tableau agreed substantially with the general assessments of economic historians of his day. The medieval economic “spirit” was characterized by “traditionalism” and “handicraft economy”...the dominating medieval principle was mere provision for one’s needs. By modern standards the volume of trade was exceedingly small.... If a natural economy based on barter exchanges was not totally universal, at least the role of money in commercial transactions was relatively slight. The techniques and instruments of business were appropriately crude.

Banking, credit, and business organization were relatively undeveloped... The guilds...were considered to be typical of the medieval sustenance and handicraft economy. Although Sombart's view of the Middle Ages was never free from criticism at individual details, nonetheless his comprehensive picture has been widely accepted until recently by the general economic histories of the Middle Ages.

In harmony with these outlines of the traditional and primitive character of the Middle Ages were two representative economic doctrines: usury and the just price. The prohibition of usury was seen as a peculiar aberration and indicative of the medieval incapacities in economic affairs. The doctrine of the just price, on the other hand, was considered to be most characteristic of the "spirit" of medieval economy.<sup>70</sup>

(Let it suffice here to state that medieval historians have come to strongly criticize this view of the medieval economy. We shall return in Chapter 3 to these critiques.) Here Baldwin highlights the juxtaposition of the medieval and modern in Weber and Sombart's historical schema. The distinctive economic traits for each historical period are drawn from the Historical School's theory of economic stages. But Sombart and Weber no longer relied on economic stages; for the medieval was the antithesis of the modern, and one economic stage did not lead inevitably to another. The transition was radical and revolutionary. It in no wise developed naturally or lawfully; rather, it was initiated by a new mentality, a "spirit of capitalism," which erupted from a distinctly noneconomic sphere, religion, and a religion alterior to that of medieval Christendom, Protestantism (Weber), or Judaism (Sombart). An alterior force was necessitated by their historical vision.

By turning the Historical School's economic stages into two juxtaposed polarities, medieval and modern, Sombart and Weber exacerbated the structural problem already inherent in a theory of economic stages. To overcome it they had to have recourse to a historical force outside the latent traditional economic pattern: common tropes about Jews and Judaism provided a ready answer. Sombart and Weber inherited from the Historical School not only the theory of stages of economic development, but also the paradigm of the Jews' commercial function grounded in this theory. By the turn of the century, the association of Jews with commercialism had solidified in German circles, but it was no longer harkened to out of pride. Jewish integration into the German nation was failing: Jews were marked out as outsiders, and modern antisemitism reared its ugly head.<sup>71</sup>

### *Sombart's The Jews and Modern Capitalism*

One caveat is in order before turning to a close analysis of Sombart's argument: Sombart's *The Jews and Modern Capitalism* never makes a consistent argument, but is guided by "zealotry and compulsiveness."<sup>72</sup> At points he gets carried away and argues that the Jews invented capitalism whole cloth, and at other points he tempers his argument to suggest only that the Jews played an important role or were representative of the spirit of capitalism. Because of its "fallacious and fatuous" arguments,<sup>73</sup> the critical secondary literature on Sombart's *The Jews and Modern Capitalism* generally does not reconstruct his arguments in detail. Perhaps this is intended to counter the fact that in the early twentieth century, "Sombart's book received far more attention than it deserved. It should have been dismissed out of hand as a pseudo-scholarly hoax."<sup>74</sup> As Mendes-Flohr writes, "indeed the faults of his logic are so blatant, the tendentiousness of his presentation of the data so patent, that it is difficult to understand why his book was not summarily dismissed."<sup>75</sup> The answer of course lies not simply in Sombart's scholarly reputation but, as Mendes-Flohr notes, in the "pervasive familiarity and *ergo* credibility of the motifs Sombart embroidered into his tapestry," namely, "the stereotypic image of the Jew as a man of commerce and money trade."<sup>76</sup> Whereas Mendes-Flohr treats Sombart's monograph in a "passionate and asystematic manner," since this "best conveys its temper,"<sup>77</sup> I will trace Sombart's argument closely, for my quarry is the intellectual metamorphosis of Roscher's narrative. In no way do I intend this systematic presentation to lend credence to its fallacious and fatuous premises. Only in this way can one draw out the shared structure in Sombart's and Weber's arguments and the transformation they wreak on Roscher's paradigm. The astounding repugnance Sombart's text raises today reveals the disintegration of those commercial motifs that gave it power—a circumstance which opens for us the possibility of writing this medieval history anew.

*The Jews and Modern Capitalism* is composed of two parts. The first assesses the Jews' contribution to capitalism; the second explains their "aptitude for commercialization." In Part I, Sombart attributes to the Jews capitalism's infrastructure, its commercial mechanisms, and its commercial spirit. Roscher's argument that Jews created interest and bills of exchange forms here the basis for Sombart's evidence that the Jews created capitalism's machinery of credit, securities, and undertakings. But the mechanisms are not the real meat of the matter for Sombart, as they



are for Roscher. They are but “outer forms.” It is the spirit of capitalism, underlying capitalist mechanisms, which really counts. Part I closes by discussing how the Jews introduced the ideas of economic rationalism “into a world organized on a totally different basis.”<sup>78</sup>

The second part then addresses the question “How...even before the era of modern capitalism, Jews showed a capacity for adopting its principles? ...what was it that enabled the Jew to exercise so decisive an influence in the process that made modern economic life what it is?”<sup>79</sup> The Jews here serve as that agent of change bridging the traditional and modern; but with the discarding of Roscher’s comparative, organic folk-theory, the Jews are not simply more forward than other nations, a bridge in consequence of their elder status; they themselves must always already have been commercialized. The Jews have become an ahistorical entity.<sup>80</sup> The second part of Sombart’s study attempts to explain this commercial aptitude in three ways: through history, religion, and race. As before, Sombart will circle in on his subject, moving from the least important to the most important point. Sombart ultimately will discount history, dissolving it into a symbiosis of religion and race. These are the historical circumstances that contributed to Jewish commercialism: the Jews’ dispersion over a wide area, their treatment as strangers, their semi-citizenship, and their wealth. With the topic of Jewish wealth, Sombart has finally arrived at what he considers the crucial point. “Finally, because he [the Jew] had money, he was able to lend it. This activity,” Sombart writes, “paved the way for capitalism to a greater degree than anything else did. For modern capitalism is the child of moneylending.” Historically, “modern capitalism owes its being to money-lending,” and moneylending “contains the root idea of capitalism.”<sup>81</sup> Moneylending thus embodies both the outer form and inner spirit of capitalism.

Sombart’s conception of moneylending adheres closely to the Historical School’s theory of economic stages in which credit stands at the apex of the evolutionary ladder of economic forms and embodies the modern in antithesis to traditional barter.

In money-lending all conception of quality vanishes and only the quantitative aspect matters. In money-lending the contract becomes the principal element....In money-lending there is no thought of producing only for one’s needs. In money-lending there is nothing corporeal (i.e. technical), the whole is a purely intellectual act. In money-lending economic activity as such has no meaning...for the first time...you can earn without sweating;...

you may get others to work for you without recourse to force. In fine, the characteristics of money-lending are the characteristics of all modern capitalistic economic organizations.<sup>82</sup>

Sombart frames moneylending as contrary to traditional economic sentiments; it is contractual, intellectual, motivated to profit, and divorced from labor; “there is no thought of producing only for one’s needs.”

But Jewish money is only the occasion for Jewish moneylending. It is the Jew as moneylender who effects the passage from the traditional to the modern both in practice and in spirit. The Jews’ commercial attributes, according to this logic, must be immutable and their source deeper than history. Sombart concludes that Jewish wealth was but the peel covering the fruit of Judaism; its core was race. The Jewish religion and race are used to explain precocious Jewish commercialism. Sombart’s argument here challenges Weber directly, ascribing to Judaism all that Weber ascribed to Puritanism. “Puritanism is Judaism,” Sombart says, its dominating ideas being more perfectly developed and of earlier date in Judaism: preponderance of religious interests, the idea of divine reward and punishment, asceticism within the world, the close relationship of religion and business, an arithmetical conception of sin, and the rationalization of life. He concludes: “Rationalism is the characteristic trait of Judaism as of Capitalism.”<sup>83</sup> Thus Judaism spurred capitalist behavior. This passage exemplifies the contrast between medieval Judaism and Christianity:

It is well known that the religion of the Christians stood in the way of their economic activities. It is equally well known that the Jews were never faced with this hindrance. The more pious a Jew was and the more acquainted with his religious literature, the more he was spurred by the teachings of that literature to extend his economic activities.<sup>84</sup>

For Sombart, Judaism not only spurred capitalist behavior by implanting a spirit of economic rationalism, but also created a historical condition determining Jewish commercialism—the Jew’s status as a stranger and alien. Its root lay in the religious ordinances distinguishing the stranger from the brother, the root of these ordinances in the feeling of superiority cultivated by the chosen people.<sup>85</sup> This alien status gave rise directly to moneylending and capitalist behavior by creating statutes regulating intercourse with strangers in which morality became elastic. “The differential treatment of non-Jews in Jewish commercial law resulted in the complete

transformation of the idea of commerce.”<sup>86</sup> “The most important and most frequently discussed legal ordinance in this system was that affecting the taking of interest.”<sup>87</sup> Sombart emphasized that interest *was allowed to be taken* from strangers, and he exaggerated a minority interpretation found in Maimonides that one “shall” lend upon usury.<sup>88</sup> Whether or not this interpretation was correct, Sombart wrote, the “significant thing” was that “the pious Jew was allowed to take interest from non-Jews.” For “Right through the Middle Ages he was not oppressed by the burden of the antiusury prohibition which weighed upon the Christian.” Sombart then built on this imagined antithesis.

Now think of the position in which the pious Jew and the pious Christian... found themselves in the period in which money-lending first became a need in Europe, and which eventually gave birth to capitalism. The good Christian who had been addicted to usury was full of remorse as he lay a-dying, ready at the eleventh hour to cast from him the ill-gotten gains which scorched his soul. And the good Jew? In the evening of his days he gazed upon his well-filled caskets and coffers, overflowing with sequins of Mohammedans. It was a sight which warmed his heart, for every penny was almost like a sacrifice which he had brought to his Heavenly Father.<sup>89</sup>

Here at the conclusion of his argument, the medieval resurfaces as the paradigm for Jewish commercialism. But the paradigm Sombart has adopted is no longer based simply on Jewish know-how, what Roscher considered the more civilized maturity of an ancient people, but rather on an ethical difference rooted in religion. This remains with our historiography even today.

Sombart might have concluded his work here: “Strictly speaking,” he writes, “the task I had set myself has now been completed. I have tried to show the importance of the Jews in modern economic life in all its aspects, and the connexion between Capitalism and ‘Jewishness.’”<sup>90</sup> But the lure of the “race problem” draws him on. He is well aware that a “thousand devils” are let loose where the “general Jewish Question intersects the race problem,” but he cannot resist flirting with antisemitic discourse. We shall find here the medieval paradigm illuminated in more profound ways.

Sombart first must establish the purity of the Jewish race. He asserts that there was little racial mixing for some 20 centuries, even during their long “sojourn” in Europe. The Jews are absolute other; they stand in counterpoint to the European, as a desert people to a forest people, a

nomad to a settler. With their racial segregation established, Sombart can proceed with his argument. He collapses the historical conditions shaping the commercial character of Jewry back into religion and religion back into the blood of race. Their purity has been safeguarded by the self-segregation imposed by their religion, but this historical condition, like that of their Diaspora—that venue for the operation of out-group/in-group morality—is due in the final analysis to some particular Jewish characteristic. In an eternal circle, purity of race operates in symbiosis with religion, religion safeguarding the purity of the race, and a race giving rise to its religion.<sup>91</sup>

And what of that final historical condition—Jewish money and its wielder, the Jewish moneylender? Sombart concludes by arguing that there has been a remarkable similarity of Jewish activity throughout all centuries of history: they have ever been moneylenders. Here we come full circle arriving at the linchpin of his argument where moneylending, that “root-idea” and historical origin of capitalism, that hinge between outer form and inner spirit, that common denominator of Judaism and capitalism, is now racialized. Though he opened his chapter on historical (“objective”) causes by eschewing dilettante formulas such as the Jews’ “economic capacity” or “aptitude for commerce and haggling,” he has now grounded historical circumstance in racial tropes. Jews, he writes, “were the cleverest, the most gifted money-lenders...they probably invented...the highly organized machinery of lending.” How shall we account for their success? he asks. “For that special capacities and attributes are necessary.”<sup>92</sup>

Sombart contrasts his theory of the eternal moneylender with two other historical narratives—that of the Jew as the eternal trader and that depicting Jewish economic activity as devolving from agriculture to trade to moneylending. All three narratives turn upon the middle ages, and all are variations on the classic narrative under critique here. In counterpoint to Sombart’s eternal moneylender stands the theory “that the Jews have always been a commercial people, from the age of King Solomon onwards, throughout the Diaspora, down to our own times.”<sup>93</sup> In between these two extremes stands that narrative similar to Roscher’s own—short of his emphasis on the Jews’ function. I quote at length:

Originally the Jews were an agricultural people. Even in the Diaspora, it is said, the Jews tilled the soil, avoiding all other pursuits. But in the 6th and 7th centuries of our era they were forced to sell their holdings and

had, willy-nilly, to look out for other means of livelihood. What did they do? They devoted themselves to trade, and for something like five centuries continued in this calling. Again Fate pressed heavily upon them, for the Crusades engendered much anti-Jewish feeling in commercial circles, and the growing trading class in each country organized themselves into guilds, and excluded the Jews from the markets, which they retained as the exclusive preserves of members of their corporations. Once more the Jews had to cast about for new occupations. All channels were closed to them; the only possibility left was to become money-lenders. So they became money-lenders, and before long enjoyed privileges as such because the usury laws meted out special treatment to them.<sup>94</sup>

Sombart refers to this narrative as “the generally accepted view of Jewish economic history,” one ascribed to by assimilationists and some Zionists. Other Zionists would embrace Sombart’s own.<sup>95</sup> Sombart poses his Jewish moneylender as it were against this standard narrative:

The time has really arrived when the myth that the Jews were forced to have recourse to moneylending in mediaeval Europe, chiefly after the Crusades, because they were debarred from any other means of livelihood, should finally be disposed of. The history of Jewish money-lending in the two thousand years before the Crusades ought surely to set this fable at rest once and for all. The official version that Jews could not devote themselves to anything but money-lending, even if they would, is incorrect. The door was by no means always shut in their faces; the fact is they preferred to engage in moneylending....The Jews had a natural tendency towards this particular business, and both in the Middle Ages and after rulers were at pains to induce Jews to enter into other callings, but in vain.<sup>96</sup>

Though Sombart presents his theory as a counternarrative, his racial theory marks but one extreme in the narratives of Jewish commercialism. He has adopted the framework of Roscher’s narrative: the Jews are eternally commercial; they function as a bridge between a premodern subsistence economy and modern capitalism. Sombart has adopted Roscher’s basic trope, but shifted it chronologically forward to set it within the context of modern capitalism. Inasmuch as moneylending both embodies the spirit driving capitalism and gives rise historically to capitalism, Roscher’s more advanced and civilized medieval Jew has become an eternal moneylender, a Shylock, whose moneylending activities span the ancient and modern worlds, whose commercial capacities

must be attributed to religion and race. Judaism and its laws for strangers, exemplified in the Deuteronomic commandment on usury, gave rise to a lax morality, which allowed for the development of capitalism. Race undergirded the Jews' commercialism, and policed the bounds of the in-group and out-group. The Jews in their racial otherness and religious difference served as the causal agent in a structuralist model of the stages of economic development.

### *Weber's Ancient Judaism*

While Sombart in consequence of positing a causative link between the Jewish character, Judaism, and modern capitalism turned to the modern era, Weber turned back to ancient Judaism. Weber believed that in the Biblical period the Jewish prophets contributed fundamentally to the development of rationalization, a process which would be universalized with Christianity and, through the Protestant ethic, lead to that fundamental change in mentality manifested in the spirit of capitalism. One historian has suggested that "the liberal cast of Weber's nationalism was evident...in the way in which...the economic role of the Jews" was "conspicuously absent from Weber's contemporary analysis."<sup>97</sup> On the contrary, Weber's pariah theory arose from the economic caricature of late-nineteenth-century German Jewry and encompassed pre-emancipation Jewry, if not contemporary Jewry in its sphere.<sup>98</sup> Although Weber himself presented the "pariah people" as a foil to Sombart's Shylock, the two sociologists' analyses share more than they differ. Let us look more closely at Weber's theory of pariah capitalism, before considering the similarities between the two.

Weber opens his study *Ancient Judaism* by drawing a comparison between the "problem of ancient Jewry" and "the problem" of the Indian caste order. He classifies the Jews sociologically as a pariah people, a term he borrows from the Indian caste order to denote "a guest people who were ritually separated...from their social surroundings. All the essential traits of Jewry's attitude toward the environment," he continues, "can be deduced from this pariah existence—especially its voluntary ghetto, long anteceding compulsory internment, and the dualistic nature of its in-group and out-group morality."<sup>99</sup>

Forthwith, Weber must qualify his comparison (to a degree which seems to undermine his very comparison). Jews differ from Indian castes, he says, in three ways.

1. Jewry was, or rather became, a pariah people in a society free of castes....
2. [Whereas the ahistorical ideology of rebirth into a higher caste sustained the Indian caste order,] for the Jew the religious promise was the very opposite. The social order of the world was conceived to have been turned into the opposite of that promised for the future, but in the future it was to be overturned so that Jewry would be again dominant....
3. [In addition to ritual segregation, Judaism had a] “highly rational religious ethic of social conduct” “free of magic and all forms of irrational quest for salvation.”<sup>100</sup>

Here we get our first clue as to the “world significance” of the “problem of ancient Jewry” for Weber. Ancient Judaism first created that rational ethic manifest in prophets, which when transferred to Christianity was freed from “all those aspects of the ethic...which ritually characterize the special position of Jewry as a pariah people.” It ultimately would blossom into the Protestant ethic yielding the spirit of capitalism.<sup>101</sup> Weber’s study of ancient Judaism thus addresses two issues of central importance to him: (1) the development of occidental rationality (later freed by Christianity of its particularistic Jewish limitations) and (2) the development of capitalism (stymied by particularism from fully developing, as it would under Puritanism). Scholars have considered the first a response to Nietzsche’s *Genealogy of Morals*, and the second a response to Sombart.

It is precisely the ritualism and legalism of Judaism which make the Jewish people a “self-created ghetto,” a pariah people, and restrict their rationality from developing a form of economic rationality leading to modern capitalism. The problem Weber sets himself then is to explain how Jewry developed into a pariah people pairing a rationalizing ethic with a rigid legalism.<sup>102</sup>

Weber argues that Jews became a pariah people through the following process: During the exile, the Israelite community originally bound together as a political/military association was remade as a confessional association resting on prophetic promises and maintained through segregation from non-Israelites by ritual separation, especially of connubium (marriage), commensalism (meals), and Sabbath. Together with this shift, Yahweh was transformed from a particular god of Israel to a universal sovereign god of heaven who used other nations to chastise Israel; Israel

accordingly became the chosen people whose “special ritual and ethical duties were based upon their belief of being the chosen people.”<sup>103</sup>

Weber leaps from the ideology of the chosen people to the presupposition of a dualistic morality. His logic is seemingly that the creation of the in-group manifested itself of necessity in an in-group morality distinguished from that directed to the out-group. The dualism of in-group and out-group morality, he remarks, “in the field of economics found its striking expression first in the prohibition of usury, then in the stipulations of social protection and brotherliness of the charity exhortations.”<sup>104</sup> It is precisely this dualism (again characterized above all by the dualism of the usury commandment) that makes Jewry a pariah people practicing a pariah capitalism. They are a pariah people inasmuch as they are “a guest people ritually separated...from their social surroundings.”<sup>105</sup> From this devolves both their voluntary ghetto and their dualistic in-group and out-group morality. This dualism both makes possible rational economic activity in reference to the out-group *and* prevents the rationalism from developing fully in reference to the in-group.

This dualism elicits what Weber calls a pariah capitalism, a muted form of full rational economic activity rather than a full-blown modern capitalism. Thus Weber states:

Rational economic activity on the basis of formal legality never could and never has been religiously valued in the manner characteristic of Puritanism. It was prevented by the dualism of the economic ethic which stamped as adiphorous certain forms of behavior toward the outsiders which were strictly forbidden with respect to brothers in belief.<sup>106</sup>

As a result, the types of capitalist activity in which Jews participated were the most primitive: “state- and booty-capitalism along with pure money usury and trade, precisely what Puritanism abhorred.”<sup>107</sup>

As a consequence, Weber concluded, “economic pursuits could never furnish the setting for ‘proving’ one’s self religiously. If God ‘blessed’ his own with economic success, it was not because they had ‘proven’ themselves to be pious Jews in business conduct, but because they had lived a god-fearing life outside his economic pursuits....In any case, the oriental and South and East European regions where the Jews were most and longest at home have failed to develop the specific traits of modern capitalism. This is true of Antiquity as well as of the Middle Ages and modern times. Their actual part in the development of the Occident rested essentially



on their character as a guest people, which their voluntary segregation imposed on them.”<sup>108</sup>

Weber makes the same point in *The Protestant Ethic*:

To the English Puritans, the Jews of their time were representatives of that type of capitalism which was involved in war, in government contracts, state monopolies, speculative promotions and the construction and financial projects of princes, which they themselves condemned. In fact the difference, may in general, with the necessary qualifications, be formulated: that Jewish capitalism was speculative pariah-capitalism, while the Puritan was bourgeois organization of labor.<sup>109</sup>

Both Jews’ pariah status and their pariah capitalism were epitomized for Weber in the medieval Jew—this even though Weber had close knowledge of medieval economic history through his dissertation on the development of Italian trade, *Handelsgeschichte im Mittelalter*.<sup>110</sup>

The purest form of this type [pariah] is found when the people in question have totally lost their residential anchorage and hence are completely occupied economically in meeting the demands of other settled peoples—the gypsies, for instance, or, in another manner, the Jews of the Middle Ages.<sup>111</sup>

Here Roscher’s paradigm wells up to the surface—Jews were an alien *Volk* having lost their residential anchorage and serving the economic needs of others. The medieval is Weber’s prototype for the pariah. He, like Sombart, assimilated the paradigm of medieval Jewry and from its spring-board created his theory on Jews and capitalism.

The two sociologists pitted their investigations of Jews and capitalism against each other. Weber’s concept of the pariah people practicing a pariah capitalism answered Sombart’s challenge that “Judaism *is* Puritanism” by framing Jews as the ultimate, though indirect, origin of occidental rationality; Jews were hampered from developing a Protestant ethic and its attendant capitalism by their ritual segregation. But Sombart’s and Weber’s arguments share more than they diverge. Both accepted the stereotypes of Jewish commercialism, adopted Roscher’s paradigm of medieval Jewry’s economic function, and re-contextualized it within a grand narrative of capitalism. Both did so in order to explain the connection between Jews and rationalization, which underlies the spirit of capitalism. Sombart and Weber plucked the paradigm from its medieval moors and discarded the organic, comparative husk of Roscher. They identified the Jewish people

as a nation apart, as strangers, aliens, guests, but argued that this pariah status was created by the Jews themselves—the ghetto was self-imposed. The result was to tie Jewish commercialism to the Jewish religion (and for Sombart to racial difference) rather than to the fact that Jews were an older nation, having reached maturity centuries prior to the younger European peoples, as Roscher had argued. For both Sombart and Weber, Judaism's ritual segregation resulted in a dual morality epitomized above all in the Biblical commandments on usury, with one rule for the stranger and one for the brother. This ethical dualism ushered in a capitalist spirit, which for Sombart led directly to capitalism inasmuch as it completely transformed the idea of commerce. For Weber, the rationalized ethic, so long as it remained hampered by the strings of ritual segregation, remained a muted pariah capitalism.

Thus, although Sombart set his study in the modern present and Weber his in the ancient past, each projected his Shylock or pariah across Jewish history. They created a static Jewry frozen beyond time's bounds and thus one able to serve as the transitional element in a structural framework encompassing dualistic and antithetical economic sentiments—the traditional subsistence economy versus the modern profit-motivated capitalism. The medieval lies beneath their ahistorical categories like an ancient foundation. It is hidden by their focus on ancient and modern. But it is the medieval Jew who provides their ideal type: he is the pariah moneylender, his community the closed ghetto, his rabbi the author of a legalistic morality rooted in a dualistic ethic and its particularistic spirit.

With these shifts, the connection Roscher made between the medieval persecutions and modern Jewish emancipation dissolved. Sombart and Weber refrained from making explicit reference to contemporary political questions, yet the theories of both are charged with political resonance, particularly from the hindsight of the Holocaust. Sombart's flirtation with racist theory would touch off a nerve among German-Jewish scholars, his portrayal of Jews would split Zionists from assimilationists in sharp debate, and his work would finally be discredited by his political affiliation with the Nazis. Weber, though famous for deriding antisemitism, would belatedly be considered tainted by it.<sup>112</sup> Sombart's works, though embraced by some Zionists, had the effect of galvanizing Jewish historians to explore medieval Jewish economic history.<sup>113</sup> Sombart's work would later be largely discounted in the scholarly world, but Weber's would rise to an acclaimed status, and his theories relating religion and economy would be applied in many contexts. Sombart and Weber built upon Roscher's

narrative on the Jews and raised to the level of a widely recognized scientific theory what had been public discourse, part legend, part stereotype, affirmed by Jewish writers and scholars and their critics alike.

Sombart transferred the Jews' role to the modern age of capitalism and racialized the folk-psychological premises of Roscher. Though this generation of sociologists, above all Max Weber, is known for rejecting the methodological collectivism of the Historical School for methodological individualism,<sup>114</sup> Roscher's holistic treatment of the Jews persists under the guise of sociology of religion.<sup>115</sup> R.H. Tawney attempted to extend the analysis to religion and economy generally.<sup>116</sup> Benjamin Nelson would zero in on the prohibition from Deuteronomy in particular.<sup>117</sup>

#### AFTERWORD: SALO BARON

Salo Baron's *A Social and Religious History of the Jews* offers a good measure of the fate of "the Jewish economic function" in Jewish historiography in the aftermath of Sombart's and Weber's works. Baron's reputation as the greatest twentieth-century Jewish historian rests upon his sweeping, masterful, and monolithic account of Jewish history in *A Social and Religious History of the Jews*.<sup>118</sup> The two editions of the work straddle the pivotal historical events of the Holocaust and the establishment of the State of Israel. The first edition was published in three volumes in 1937 on the eve of World War II. The destruction of European Jewry and the realization of the Zionist dream seemingly spurred Baron to revise his work, leading to the publication of 18 volumes from 1952 in an edition still unfinished at his death. The central problem with which the work is concerned—"the interrelation of social and religious forces as exemplified in the long historic evolution of the Jewish people"—was that raised by Sombart and Weber. Baron himself in the preface to the first edition defines his work as an attempt at "comprehensive, detailed, documented solutions" to the problems of capitalism and Judaism raised by Sombart's "brilliant, but undisciplined, treatment of modern capitalism and the Jews" and Weber's "much profounder analysis of the sociology of the ancient Israelite religion."<sup>119</sup>

One can see the influence of Sombart and particularly of Weber in the conceptual building blocks of the work. Indeed, the title of his lecture series, "Jewish Society and Religion," an early sketch for his masterpiece, and the vast monolithic structure of the second edition are reminiscent of Weber's *Economy and Society*. Yet Baron's own

original philosophy of Jewish history (first laid out in “Jewish Society and Religion” and unchanged in both the first and second editions) gave a radically different twist to these concepts, which altered in turn his account of the Jewish economic function: this was so even though Baron was “unusually sympathetic” to Sombart’s narrative and “overlooked Sombart’s antisemitic design, and used his facts and line of inquiry to lift the gloom associated with the [early modern] period.”<sup>120</sup>

Baron interprets Jewish history through the lens of nationalism. The great drama of Jewish history is the interplay of social and religious forces, of Jews and Judaism, where the religio-cultural heritage bears the essential components of Jewish national life in the absence of territory, state, and language. Baron makes Judaism bear the weight of nationalism by defining its core essence as historical monotheism. Just as Judaism has emancipated religion from “nature,” so the Jewish “nation has emancipated itself from state and territory.”

Racial descent, common destiny and culture—including religion—became the uniting forces. Fustel de Coulanges declared that “true patriotism is not love of the soil, but love of the past, reverence for the generations which have preceded us.”

Baron transplants nationalism from the territorial state to the historic past. In this way there is a “special nexus in which the history of the Jews and that of Judaism meet.” This is the interrelationship of society and religion.<sup>121</sup>

If I correctly read Baron’s title as reflecting a Weberian current, then Baron has played a shell game with Weberian concepts in a profound and original rethinking of the philosophy of Jewish history. He has in effect exploded Weber’s category of “religion” so that in its historicity it encompasses culture, making it the lifeblood of social institutions, and it thus approximates Weber’s “society.” For Baron then “society,” while surely encompassing social institutions, stands in for the ethno-national group, the Jewish *people*. For Baron, “religion” (i.e., Judaism) is vastly different from Sombart’s and Weber’s concept of religion. Theirs is, one might quip, a “Protestant spirit,” a definition of religion based on the core Protestant values of beliefs and texts.

Baron’s original vision is shaped by the decisive importance of nationalism in modern Jewish history, and by his deep commitment to writing against a “lachrymose concept of Jewish history.” Baron’s *A Social and*

*Religious History* dared to challenge the reigning vision of Jewish history as a story of “pain and piety” in the face of Nazi Germany and in the aftermath of the Holocaust. He fashioned, in the words of Ismar Schorsch, a new “view” of Jewish history that celebrated the positive achievements of the Jewish people, “by shifting the focus of research from change to continuity, from periodic explosions of Jew hatred to issues of status, structure, and context.”<sup>122</sup>

The effect of Baron’s structuralist and contextualist historical method on the narrative of Jewish economic function was this: Baron held to Sombart’s caricature that “the Jewish contribution to the capitalistic transformation of western society far exceeded the numerical proportion of Jewry,” but he deflated Sombart’s exaggeration of Jews as *inventors* of capitalism and disposed of Weber’s mislaid category of “pariah capitalism.”<sup>123</sup> Because of his aim to contextualize Jewish history in “general” history, his narrative cuts against the grain of Weber and Sombart, who, in adopting the Historical School’s stage theory of economic development, *must* find the origin of capitalism outside medieval Christendom. Baron rather treats Jews as part and parcel of European history, and specifically rejects Sombart’s and Roscher’s ascription of the invention of essential capitalist practices. In his account, Jews (and Puritans) follow on the heels of the commercial revolution instigated by the Italian trading republics, while excelling in early capitalist developments.

Informed throughout by the Jewish and general scholarship on medieval economic history, Baron goes far indeed in contextualizing Jewish economic activity in general economic processes, and this is part and parcel of his attack on the lachrymose conception of Jewish history. Yet Baron does not dispense with Roscher’s organicist narrative, even as he neglects to include Roscher in his bibliography. Baron *historicizes* the “spirit of capitalism” by reframing the Sombartian characterization of rationalistic Judaism as the end product of a historical process (rather than the essence of Judaism). This “historical process” is none other than that of the special economic function projected by Roscher: With the end of national life in a territorial state, agriculture declined and industry and commerce increased. By the early middle ages, Jews entered world trade as the special group mediating between East and West. In the high middle ages in western Europe, alienation from land and exclusion from guilds, coupled with the canonical prohibition on usury, limited Jews more and more to one occupation, moneylending. In Baron’s hands, Roscher’s organicist narrative acquires more sophisticated causal explanations, but Europeans

are still conceptualized as the “younger” nations over against the more “mature” Eastern peoples which include Jews; and Jews are ousted from international trade as a consequence of Europeans’ maturation and economic competition. Roscher’s narrative in Baron’s hands provides a historical support for Sombart—even as Baron proclaims Roscher superseded by more recent studies.<sup>124</sup>

[The Jews’] whole history had moulded mind and outlook, conscious and unconscious attitudes, in a manner suitable to modern capitalism. The psychological implications of their detachment from the soil, the bourgeois spirit of their urban life, the artificiality of all Jewish existence, the consequent prevalence of speculative thinking, as against peasant concreteness—all these were contributory factors. The pilpulistic speculations of the talmudic rabbis...were the customary speculative method of all advanced juridical and logical thinking....Capitalism, in essence “artificial,” based upon an exchange of abstract values, represented by the most abstract and irrational of values, viz., money, found the Jews ready to carry its implications to the logical extreme.<sup>125</sup>

The Roscher-Sombart-Weber narrative on the economic function of the Jew remains the framework for Baron’s narrative of Jewish economic history, even as Baron develops a more nuanced and complex causal account (not reflected fully in this brief summary) and even as he admits again and again factual evidence that increasingly contradicts the narrative. The second edition as well as the later coauthored *Economic History of the Jews* only exacerbates the contradictions with the wealth of historical detail, forcing Baron to qualify again and again its fundamental elements.<sup>126</sup> The narrative is stretched to the breaking point by Baron’s brilliant and original endeavor “to focus on status, structure, context.” It is this vision that I attempt to realize by pointing up the contradictions in the old narrative and by contextualizing Jewish economic history as part of the process of European commercialization.

## NOTES

1. Wilhelm Roscher, “Die Juden im Mittelalter, betrachtet vom Standpunkte der Allgemeinen Handelspolitik,” in *Ansichten der Volkswirtschaft aus dem Geschichtlichen Standpunkte* (Leipzig, 1878), 321–54, citations on 327, 338.

2. The expression was coined by Heinrich Graetz (Avraham Barkai, "Zur Wirtschaftsgeschichte der Juden in Deutschland: Historiographische Quellen und Tendenzen vor und nach 1945," *Tel Aviver Jahrbuch für deutsche Geschichte* 20 (1991): 195–214, esp. 196, note 4).
3. On Wissenschaft des Judentums, see: David Myers, *Re-inventing the Jewish Past: European Jewish Intellectuals and the Zionist Return to History* (New York, 1995), esp. Chap. 1, "History, Scholarship, and Nation," 13–37; Bernard Weinryb, "Prolegomena to an Economic History of the Jews in Germany in Modern Times," *Leo Baeck Institute Year Book* 1 (1956): 279–306; Barkai, "Wirtschaftsgeschichte der Juden in Deutschland." The classic critique of *Leidens- und Gelehrten-geschichte* is Salo Baron, "Ghetto and Emancipation: Shall We Revise the Traditional View?" *Menorah Journal* 14 (1928): 515–26. Ismar Schorsch, "The Lachrymose Conception of Jewish History," in his *From Text to Context: The Turn to History in Modern Judaism* (Hanover, 1994), 376–88, contextualizes and comments on Baron's essay. On the Russian-Jewish and eastern European historiographic tradition, see: Jonathan Frankel, "Assimilation and the Jews in Nineteenth-Century Europe: Towards a New Historiography?" in *Assimilation and Community: The Jews in Nineteenth-Century Europe*, ed. Jonathan Frankel and Steven Zipperstein (Cambridge, 1992), 1–37. For greater emphasis on the materialist dimension of this historiographic trend, however, see: Derek Penslar, *Slylock's Children: Economics and Jewish Identity in Modern Europe* (Berkeley, 2001), 158–60; and Weinryb, "Prolegomena to an Economic History of the Jews."
4. This revision of the standard understanding of Wissenschaft des Judentums is made by Jonathan Karp, "The Politics of Jewish Commerce: European Economic Thought and Jewish Emancipation, 1638–1848" (Ph.D. diss., Columbia University, 2000). I follow closely his account here; see especially his discussion on 328–9, 337–8, 351–3, 381, 384–6. His dissertation has since been published as *The Politics of Jewish Commerce: Economic Thought and Emancipation in Europe, 1638–1848* (Cambridge, 2008).
5. Leopold Zunz, "Etwas über die rabbinische Literature," in *Gesammelte Schriften*, 3 vols. (Berlin, 1875–6), 1:1–31.
6. On Geiger, see: Susannah Heschel, *Abraham Geiger and the Jewish Jesus* (Chicago, 1998). On Ludwig Philippson's writings, see the discussion below.

7. Depping was an émigré German living in Paris and writing in French. His *Les Juifs dans le moyen âge* (Paris, 1834) was written in French and published in a German translation in the same year, as *Die Juden im Mittelalter* (Stuttgart, 1834). On Stobbe, see the discussion below.
8. Avraham Barkai, "The German Jews at the Start of Industrialisation: Structural Change and Mobility 1835–1860," in *Revolution and Evolution: 1848 in German-Jewish History*, ed. Werner Mosse et al. (Tübingen, 1981), 123–49.
9. See: Penslar, *Shylock's Children*, 144–58, for a full survey of the articles in the Jewish press throughout this period.
10. Karp, "The Politics of Jewish Commerce," 383. On the larger context of Philippon's project of social thought, see: Uriel Tal, "German-Jewish Social Thought in the Mid-Nineteenth Century," in *Revolution and Evolution*, ed. Werner Mosse et al. (Tübingen, 1981), 299–328.
11. Citation and translation are from Penslar, *Shylock's Children*, 147.
12. *Ibid.*, 139.
13. *Ibid.*, 141.
14. Otto Stobbe, *Die Juden in Deutschland während des Mittelalters* [1866] (Amsterdam, 1968), and the introduction in this edition by Guido Kisch, "Otto Stobbes Rechtsgeschichte der Juden." See also: Guido Kisch, "Otto Stobbe und die Rechtsgeschichte der Juden," in his *Forschungen zur Rechts- und Sozialgeschichte der Juden in Deutschland während des Mittelalters* (Zürich, 1955), 199–234; and *Allgemeine Deutsche Biographie*, s.v. "Stobbe, Otto."
15. Stobbe, Vorrede, *Die Juden in Deutschland*.
16. Stobbe, *Die Juden in Deutschland*, vii; see also: 193.
17. Guido Kisch, "The Jews' Function in the Mediaeval Evolution of Economic Life," *Historia Judaica* 6 (1944): 1–12, esp. 3–5. Stobbe became Roscher's colleague in 1872 when he left Breslau for Leipzig. It is not clear whether Kisch based his comment on certain knowledge of the relationship between Stobbe's and Roscher's work or on speculation. Stobbe does not highlight these questions; nor does Roscher cite Stobbe as inspiring these questions.
18. *Ibid.*, 4.
19. On the German Historical School, see: J.J. Krabbe, *Historicism and Organicism in Economics: The Evolution of Thought* (Dordrecht,



1996); David Lindenfeld, *The Practical Imagination: The German Sciences of State in the Nineteenth Century* (Chicago, 1997); Werner Krause and Günther Rudolph, *Grundlinien des ökonomischen Denkens in Deutschland: 1848 bis 1945* (Berlin, 1980); Albion Small, *Origins of Sociology* (Chicago, 1924); *International Encyclopedia of the Social Sciences*, s.v. “economic thought: the Historical School.” Some historians of economic thought object to the term “Historical School” as it presupposes a network and an intellectual coherence which were lacking. See, for example: David Lindenfeld, “The Myth of the Older Historical School of Economics,” *Central European History* 26 (1993): 405–6; Lindenfeld, *Practical Imagination*, 152; Keith Tribe, “Historical Economics, the *Methodenstreit*, and the Economics of Max Weber,” in his *Strategies of Economic Order: German Economic Discourse, 1750–1950* (Cambridge, 1995), 66–8.

20. Roscher’s masterpiece was *System der Volkswirtschaft*, which he continued to perfect in numerous editions. The first volume, *Die Grundlagen der Nationalökonomie*, appeared in no less than 26 editions. This volume was translated into English as *Principles of Political Economy*, trans. John Lalor (New York, 1878). On Roscher’s historical method, see: Bertram Schefold, ed., *Vademecum zu einem Klassiker der Historischen Schule* [Kommentarband zur Faksimile-Ausgabe von W. Roschers *Ansichten der Volkswirtschaft aus dem geschichtlichen Standpunkte*] (Düsseldorf, 1994); Jürgen Backhaus, ed., “Wilhelm Roscher and the ‘Historical Method,’” special issue of *Journal of Economic Studies* 22 (1995); especially in regard to Roscher’s *Thykydides*, see: Karl Milford, “Roscher’s Epistemological and Methodological Position: Its Importance for the *Methodenstreit*,” *Journal of Economic Studies* 22 (1995): 30–1; and Max Weber, “Roscher’s ‘Historical Method,’” in his *Roscher and Knies: The Logical Problems of Historical Economics*, trans. Guy Oakes (New York, 1975), 53–92. For Roscher’s personal biography, see: *Allgemeine Deutsche Biographie*, supplement to 1899, s.v. “Roscher, Wilhelm Georg Freidrich R.”; Jürgen Backhaus, “Introduction: Wilhelm Roscher (1817–1894)—A Centenary Reappraisal,” in “Wilhelm Roscher and the ‘Historical Method,’” ed. Jürgen Backhaus, special issue, *Journal of Economic Studies* 22 (1995): 4–15; and M. Wolowski, “Preliminary Essay on the Application of the

- Historical Method to the Study of Political Economy,” in Wilhelm Roscher, *Principles of Political Economy*, esp. 29–33.
21. Small, *Origins of Sociology*, 155.
  22. Krabbe, *Historicism and Organicism*, 21–6. According to Lindenfeld’s account, holism ought to be regarded as an aspect of organicism. Organicism was a broad nineteenth-century intellectual concept, linking nature to political society by analogy and thus linking likewise by analogy the historical method to histology, zoochemistry, and physiology. This accounts for the importance granted to historical laws in so far as they were equated to scientific laws (Lindenfeld, *Practical Imagination*, 176–8).
  23. Small, *Origins of Sociology*, 155.
  24. Krabbe, *Historicism and Organicism*, 6, 21–2; Toni Oelsner, “Wilhelm Roscher’s Theory of the Economic and Social Position of the Jews in the Middle Ages: A Critical Examination,” *YIVO Annual of Jewish Social Science* 12 (1958–9): 177–8.
  25. Lindenfeld, *Practical Imagination*, 154 f. Generally, classical English economics is contrasted to the historical method of German political economics. But as Lindenfeld points out, a theory of economic stages already existed in Smith, was submerged by Ricardian analysis, and then became the focus of German political economy of the 1840s (*ibid.*, 152).
  26. Roscher, “Die Juden im Mittelalter,” 331: “das erste Auftreten des Handel und der Juden gleichzeitig ist. Diese wurden, außer ihrem Alleinbesiße der zum Handel nöthigen Kenntnisse, Gewohnheiten, Kapitalien, auch durch ihren ebenso engen wie großartigen Zusammenhang über alle christlichen und mohamedanischen Reiche der Welt gefördert.” Translations are my own unless otherwise noted.
  27. *Ibid.*, 332–3. The other innovation which Roscher attributes to the Jews is protection for one possessing an object which was alienated illegally, i.e., stolen, which Roscher saw as necessary to the development of higher stages of commerce. None of these, of course, were historical innovations of the Jews. This final one has had a prominent place in antisemitic and Nazi scholarship and been disproven by Roscher’s admirer Guido Kisch, in his *The Jews in Medieval Germany* (Chicago, 1949).
  28. Roscher, “Die Juden im Mittelalter,” 333. Trans. by Solomon Grayzel as “The Status of the Jews in the Middle Ages Considered from the Standpoint of Commercial Policy,” *Historia Judaica* 6(1): 13–26, citation on 20.

29. Roscher, "Die Juden im Mittelalter," 338. Trans. by Grayzel, 24.
30. 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."
31. Roscher, "Die Juden im Mittelalter," 324. Trans. by Grayzel, 14.
32. Roscher, "Die Juden im Mittelalter," 330. Trans. by Grayzel, 18.
33. We might note here too that it rests upon Stobbe's mistaken dating of guilds and commercial competition (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): 199).
34. Roscher, "Die Juden im Mittelalter," 339–40. Trans. by Grayzel, 25.
35. Lindenfeld, *Practical Imagination*, 260.
36. Earlier phases had roots in classical English economics; the formative period was the 1840s. See: *ibid.*
37. M.M. Postan, "Credit in Medieval Trade," in his *Essays on Medieval Trade and Finance* (Cambridge, 1973), 1.
38. Bruno Hildebrand, "Natural-, Geld- und Kreditwirtschaft," *Jahrbuch Nationalökonomie 2* (1864): 1–24. For discussion and citation, see: Postan, "Credit in Medieval Trade," 2.
39. Postan, "Credit in Medieval Trade," 2. See also: Carl Bücher, *Industrial Evolution*, trans. S. Morley Wickett (New York, 1901).
40. Penslar, *Shylock's Children*, 165–71. As Penslar recounts, in 1909 Sombart lectured to a packed hall on the Jews and capitalism in Berlin. The audience included "the elite of Berlin Jewry" according to the *Israelitische Familienblatt*. His comments on maximizing turnover and minimizing profit were "greeted with lively and sustained applause." After the publication of *The Jews and Modern Capitalism*, "the Berlin leadership of the Centralverein urged its Munich branch to boycott Sombart's lectures there, while Zionists defended him." At a student discussion of Sombart's writings in Berlin, "a fistfight broke out between Zionist and non-Zionist youth, and thirty people were wounded."
41. Georg Caro, *Sozial- und Wirtschaftsgeschichte der Juden im Mittelalter und der Neuzeit*, 2 vols. (Leipzig, 1908–20); Moses Hoffman, *Der Geldhandel der deutschen Juden während des Mittelalters bis zum Jahre 1350* (Leipzig, 1910); Julius Guttman,

- “Die wirtschaftliche und soziale Bedeutung der Juden im Mittelalter,” *Monatsschrift Geschichte und Wissenschaft des Judentums* 51, n.s. 15 (1907): 257–90; Bruno Hahn, *Die Wirtschaftliche Tätigkeit der Juden im Fränkischen und Deutschen Reich bis zum 2. Kreuzzug* (Freiburg, 1911).
42. Jerry Muller, *The Mind and the Market: Capitalism in Modern European Thought* (New York, 2002), 231; Hajo Holborn, *A History of Modern Germany, 1840–1945* (Princeton, 1969), 374–88.
  43. Lindenfeld, *Practical Imagination*, 296; see also: Arthur Mitzman, *The Iron Cage: An Historical Interpretation of Max Weber* (New York, 1970), and *Sociology and Estrangement: Three Sociologists of Imperial Germany* (New York, 1973).
  44. These two problems were linked through agrarian charges that trading in grain futures facilitated the import of foreign grain and decreased farm prices. It is particularly worthy of note in relation to our discussion of Sombart’s and Weber’s works on Jews and capitalism that “prominent conservatives had expressed the view that anyone engaged in transactions on the exchange was likely to be a swindler—an accusation linked explicitly with the anti-Semitic agitation of the period” (Reinhard Bendix, *Max Weber: An Intellectual Portrait* (Berkeley, 1977), 14).
  45. Sombart did not actively participate until 1899, but from the very first was responding to the program of the Verein, which was led by Sombart and Weber’s teacher, Schmoller, and in which Sombart’s father participated (Mitzman, *Sociology and Estrangement*, 137–52, citation on 152).
  46. *Ibid.*, 187–8, 243–5; and Mitzman, *Iron Cage*, 258.
  47. Mitzman, *Sociology and Estrangement*, 136.
  48. *Ibid.*, 135–266.
  49. Paul Mendes-Flohr, “Werner Sombart’s *The Jews and Modern Capitalism*: An Analysis of its Ideological Premises,” *Leo Baeck Institute Year Book* 21 (1976): 87–107.
  50. Mitzman, *Sociology and Estrangement*, 136.
  51. Mendes-Flohr, “*The Jews and Modern Capitalism*,” 90. See also: Mitzman, *Sociology and Estrangement*, 175.
  52. Mendes-Flohr, “*The Jews and Modern Capitalism*,” 90–2, citation on 92.
  53. *Ibid.*, 102.

54. Ibid.
55. Ibid., 88.
56. Mitzman, *Iron Cage*, 258.
57. Max Weber, "Author's Introduction," *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York, 1958), 17–24.
58. Werner Sombart, *The Quintessence of Capitalism*, trans. M. Epstein (London, 1915), 1–102.
59. Ibid., 58–9; Daniel Gutwein, "Kapitalism, Pariah-Kapitalism ve-Me'ut" [Capitalism, Pariah-Capitalism, and Minority], and Avraham Barkai, "Yahadut, ha-Yehudim, ve-ha-Hitpatchut shel Kapitalism" [Judaism, the Jews, and the Development of Capitalism], in *Dat ve-Kalkalah* [Religion and Economy], ed. Menahem Ben-Sasson (Jerusalem, 1995), 65–76 and 53–63, respectively.
60. Sombart, *The Jews and Modern Capitalism* (London, 1913), 192.
61. Weber's study of ancient Judaism was originally published as part of his studies on world religions in *Archiv für Sozialwissenschaft und Sozialpolitik* (1915–9), republished as a monograph in 1921—*Das antike Judentum, Gesammelte Aufsätze zur Religionssoziologie* (Tübingen, 1921)—and translated into English by Hans Gerth and Don Martindale as *Ancient Judaism* (Glencoe, 1952).
62. Anthony Giddens, "Introduction," in Weber, *Protestant Ethic*, 1–12, esp. 1 and 5; Bendix, *Max Weber*, 1–12.
63. Weber first uses the term "pariah-capitalism" in *Ancient Judaism*, clearly carrying it over from his studies of the Indian caste system. He later uses it in a second edition of *Protestant Ethic* in a footnote arguing against Sombart's *Jews and Modern Capitalism*: "To the English Puritans, the Jews of their time were representatives of that type of capitalism which was involved in war, in government contracts, state monopolies, speculative promotions and the construction and financial projects of princes, which they themselves condemned. In fact the difference may in general, with the necessary qualifications, be formulated: that Jewish capitalism was speculative pariah-capitalism, while the Puritan was bourgeois organization of labor" (*Protestant Ethic*, 271, note 58). See: Ephraim Shmueli, "The 'Pariah-People' and Its 'Charismatic Leadership': A Reevaluation of Max Weber's 'Ancient Judaism,'" *American Academy for Jewish Research: Proceedings* 36 (1968): 170–2.
64. Weber, *Ancient Judaism*, 5.

65. Mitzman, *Iron Cage*, 256.
66. Mitzman, *Sociology and Estrangement*, 3. *Sociology and Estrangement* treats only Tönnies, Michels, and Sombart, but given that Mitzman has already written about Weber in his *Iron Cage*, this sentence may be applied to him as well.
67. Mitzman, *Sociology and Estrangement*, 4.
68. *Ibid.*, 5.
69. Guenther Roth, "Duration and Rationalization: Fernand Braudel and Max Weber," in *Max Weber's Vision of History: Ethics and Methods*, ed. Guenther Roth and Wolfgang Schluchter (Berkeley, 1979), 170–1.
70. John Baldwin, "The Medieval Theories of the Just Price: Romanists, Canonists, and Theologians in the Twelfth and Thirteenth Centuries," in *Pre-capitalist Economic Thought: Three Modern Interpretations* (New York, 1972), 5–7.
71. Mendes-Flohr, "*The Jews and Modern Capitalism*," 95 and works cited there.
72. *Ibid.*, 94.
73. *Ibid.*, 97.
74. David Landes, "The Jewish Merchant: Typology and Stereotypology in Germany," *Leo Baeck Institute Year Book* 19 (1974): 22, quoted in Mendes-Flohr, "*The Jews and Modern Capitalism*," 94.
75. Mendes-Flohr, "*The Jews and Modern Capitalism*," 94.
76. *Ibid.*
77. *Ibid.*, 102.
78. Sombart, *Jews and Modern Capitalism*, 153.
79. *Ibid.*, 153–4.
80. Sombart states his thesis in multiple places. See: *ibid.*, 6, 21, 61, 115, 157–8.
81. *Ibid.*, 188–9.
82. *Ibid.*, 189.
83. *Ibid.*, 206.
84. *Ibid.*, 222.
85. It is appropriate to use the masculine gender to refer to the moneylender; for, from medieval to modern times, the Jewish moneylender has been unequivocally gendered male.
86. Sombart, *Jews and Modern Capitalism*, 246.
87. *Ibid.*, 242.
88. *Ibid.*, 242–3.

89. Ibid., 242–4.
90. Ibid., 281.
91. Ibid., 281–322.
92. Ibid., 313.
93. Ibid., 301.
94. Ibid., 300–1.
95. Penslar, *Shylock's Children*, 166.
96. Sombart, *Jews and Modern Capitalism*, 310. Sombart's critique is profoundly right, and the conclusion he draws profoundly wrong.
97. Muller, *The Mind and the Market*, 234.
98. Much has been written on Weber's understanding of Judaism. I have drawn principally on John Love, "Max Weber's *Ancient Judaism*," in *The Cambridge Companion to Weber*, ed. Stephen Turner (Cambridge, 2000), 200–2; Arnaldo Momigliano, "A Note on Max Weber's Definition of Judaism as a Pariah-Religion," *History & Theory* 19 (1980): 313–8; Werner Mosse, "Judaism, Jews and Capitalism: Weber, Sombart, and Beyond," *Leo Baeck Institute Year Book* 24 (1979): 3–15; and Shmueli, "The 'Pariah-People' and Its 'Charismatic Leadership.'"
99. Weber, *Ancient Judaism*, 3.
100. Ibid., 3–4.
101. Ibid., 4.
102. Ibid., 5.
103. Ibid., 342.
104. Ibid.
105. Ibid., 3.
106. Ibid., 343.
107. Ibid., 345.
108. Ibid.
109. Cited from Shmueli, "The 'Pariah-People' and Its 'Charismatic Leadership,'" 172.
110. Max Weber, *The History of Commercial Partnerships in the Middle Ages* (Lanham, 2003).
111. Weber, *The Religion of India*, 13, cited from Shmueli, "The 'Pariah-People' and Its 'Charismatic Leadership.'"
112. Gary Abraham, *Max Weber and the Jewish Question* (Urbana, 1992).
113. See especially: Penslar, *Shylock's Children*, 163–7.

114. Max Weber, *Roscher and Knies: The Logical Problems of Historical Economics* (London, 1975); Wilhelm Hennis, "A Science of Man: Max Weber and the Political Economy of the German Historical School," in *Max Weber and His Contemporaries*, ed. Wolfgang Mommsen and Jürgen Osterhammel (London, 1987), 25–58.
115. Oelsner, "Place of Jews in Economic History," 184.
116. R.H. Tawney, *Religion and the Rise of Capitalism* (Gloucester, 1962).
117. Benjamin Nelson, *The Idea of Usury: From Tribal Brotherhood to Universal Otherhood* (Chicago, 1969).
118. Salo Baron, *A Social and Religious History of the Jews*, 1st ed., 3 vols. (New York, 1937); 2nd ed., 18 vols. (New York, 1952–83).
119. Baron, *Social and Religious History*, 1st ed., 1:v.
120. Schorsch, "Lachrymose Conception," 381.
121. Baron, "Jewish Society and Religion," in *Social and Religious History*, 1st ed., 1:3–5, 1:16–17.
122. Schorsch, "Lachrymose Conception," 380, 386.
123. On Sombart, see: Baron, *Social and Religious History*, 1st ed., 2:177; on Weber, see: *ibid.*, 1:24.
124. *Ibid.*, 1:272–80, 1:321–7, 2:8–17, 2:108–12, 2:120–1, 2:175–90. The sole reference to Roscher is 3:96, note 5.
125. *Ibid.*, 2:176–7.
126. I give two examples. Baron admits the importance of other moneylenders, and above all the Church's own participation in credit, yet returns to uphold the old narrative: "Although as late as the twelfth century the clergy was the most important group of money lenders in many European countries, and although, even later, Christians, with money to lend on interest, evaded the prohibition by subterfuge, still the Jews, being able to engage in this business openly and with legal protection, had the advantage over all competitors" (*Ibid.*, 2:16). In the second edition, the wealth of information on Jewish agriculture and even the incorporation of Jews in the feudal order leads Baron to lay qualification upon qualification, only to negate the general thesis to which they point: "Near Narbonne there was a *Terra hebraeorum*, where Jewish feudal lords held sway over Christian and Jewish vassals. In Angevin England Jews owned entire villages. In his privilege for Isaac son of Rabbi Jo[s]ce and his sons, of 1190, Richard I specifically renewed their right 'to hold...lands, and fiefs, and



pledges, and gifts.’...Under Henry III Jews entered even more fully the tenorial system, assuming ‘baronial state, claiming for themselves wardships, escheats, and even advowsons.’...Yet these exceptions merely proved the rule that wherever the feudal system prevailed Jews were sooner or later ousted from most of their landholdings” (Baron, *Social and Religious History*, 2nd ed., 4:163–4).

## Twentieth-Century Trajectories in European Economic History and the “Economic Function of the Jews”

Adorno and Horkheimer...do of course discuss anti-Semitism in *Dialectic of Enlightenment*...But when [Adorno] writes about the three-thousand-year course of Jewish history in one and a half pages, it makes your hair stand on end. There he repeats all the clichés: The Jews were the trailblazers in trade from the Roman empire, or pioneers in finance and urban living; there were tolerated or protected Jews; the peasants and the artisans were always their enemies; the Jews made capitalism.—Toni Oelsner, “Dreams of a Better Life: Interview with Toni Oelsner”<sup>1</sup>

In the war years of 1943–1944, when the destruction of European Jewry was spiraling to its dreadful end, two Jewish émigrés took up their pens to write about Roscher’s old essay on the economic function of medieval Jewry. This was their war effort. For Guido Kisch and Toni Oelsner, writing about Roscher’s essay was a way to refute Nazi antisemitic propaganda. But, although they shared the same aim, their conclusions were radically different.<sup>2</sup> Kisch celebrated Roscher’s theory on the Jewish economic function as historically valid “in every age and in every type of economy.” Oelsner condemned it as fallacious—a theory that when “deprived of [its] philo-Semitic and liberal guise” could be turned into an instrument of “the destructive Nazi ‘Jewish science.’”<sup>3</sup> Kisch’s and Oelsner’s interpretations of Roscher’s theory reflect many of the main themes in this chapter: a reinterpretation of the Historical School in the context of World War II (WWII) and the Holocaust, a focus on the origins of capitalism in medieval Europe, the role of Jewish émigrés and scholars of Jewish origin in the new

intellectual trajectories, and the contradictions in the state of the field lying just below the surface.

This chapter focuses on a broad group of scholars whose intellectual work related to the origins of capitalism in medieval Europe. Fascism, totalitarianism, and antisemitism cut across the life paths of these scholars in diverse ways. They experienced the trauma of Europe's collapse on a profoundly personal level, giving force to their intellectual works that explored it on an impersonal, historical level. Many of the key intellectual figures were Jewish émigrés or scholars of Jewish origin—Guido Kisch, Toni Oelsner, Michael Postan, Robert Lopez, Marc Bloch, Marcel Mauss, and Karl Polanyi. Nazi racial policy imposed the category “Jewish” upon them, whether they wished it or not. Many were forced to emigrate, and the experience of emigration decisively shaped their intellectual trajectories. As émigrés, they were positioned well to mediate between central European and Anglo-American scholarship. Their intellectual projects came to shape transnational European culture far beyond the boundaries of any particular national or religious affiliation.<sup>4</sup>

The works of these scholars coalesce around three trajectories defined by the subfields of Jewish history, economic history, and cultural history.<sup>5</sup> The first trajectory, associated with Guido Kisch and Toni Oelsner, reassesses the “Jewish economic function” in light of contemporary antisemitism. The second trajectory, associated with Michael Postan and Robert Lopez, centers on the concept of a medieval “economic takeoff” or a “Commercial Revolution of the Middle Ages” in reaction to the German Historical School's conception of a precapitalist medieval stage. The third trajectory, associated with Georges Duby and Lester Little, and inspired by Marcel Mauss and Karl Polanyi, applies the sociological and anthropological concepts of “gift economy” to the early medieval period and “profit economy” to the high medieval period. These three trajectories were consciously interwoven by the historians who created them. The narrative on the Jewish economic function runs like a red thread throughout them, disappearing at times and reemerging in unlikely spaces.

All three trajectories share a focus on the problems of the origins of capitalism and medieval economy. All are rooted in early-twentieth-century responses to the German Historical School and its heirs, the German fathers of sociology (Tönnies, Simmel, Sombart, and Weber). All crystallized in the crucible of WWII in forms that shape current paradigms in medieval studies today. And all reflect transnational historiographies written by Jewish and non-Jewish historians alike. The following

discussion will proceed by way of contextual intellectual history, emphasizing particularly the Jewish experience and the experience of emigration. For out of this émigré experience grew a strong intellectual concept of the European.<sup>6</sup>

Despite these shared elements, the trajectories have latent tensions, contradictions, and unresolved problems, which have gone unnoticed by medievalists. The aim here is to bring the contradictions to the fore in order to move the fields of Jewish history and European economic history forward. The contradiction that I wish to highlight most is that between the narratives of the “Jewish economic function” and the commercial revolution of the middle ages. For the rich scholarship on European commercial expansion undercuts the ground on which rested the “Jewish economic function.”

The intellectual trajectories discussed below were generated by scholars of non-Jewish origin as well as Jewish origin. But highlighting the Jewish and émigré experiences in this intellectual story will help explain the latent contradictions and problems in the trajectories. The working assumption here is that historians of Jewish origin in the mid-twentieth century would have been sensitized to issues of Jewish identity, even when they had no professional research interest in Jewish history. The choices they made about their own Jewish identities were reflected in their scholarship and shaped their silences and blind spots, which have solidified into latent contradictions in the current state of the field. Reconstructing the twentieth-century historical context for the writing of medieval economic history grants a formidable influence to this context. But recovering the modern context for these intellectual discoveries in no way diminishes their truth claims. Rather, it suggests that the path to this truth lies through the smoke and ashes of WWII. Medieval history is a creative enterprise that nestles like Russian dolls inside layers of modern experience.

### “THE ECONOMIC FUNCTION OF THE JEWS” AND THE HOLOCAUST

When Hitler came to power in January of 1933, Guido Kisch and Toni Oelsner were both part of the German university system—Kisch as a professor, Oelsner as a student. Their academic careers suffered from the implementation of Nazi anti-Jewish legislation, and in response to Nazi antisemitism, they became Jewish historians. Kisch’s interpretation of Roscher would lay the groundwork for the postwar narrative on the eco-

conomic function of the Jews, Oelsner's for the marginal critique of this narrative. Their works on Roscher will be examined more closely after briefly describing their biographical and intellectual trajectories.

Kisch was born in 1889 in Prague, then part of the Austrian-Hungarian Empire, to a well-educated Bohemian Jewish family. His father was the rabbi of the Meisel Synagogue, and Kisch received a basic Jewish education in the Prague Talmud Thora-Schule while attending the German-language gymnasium. He studied philosophy and legal history at the German University in Prague, graduating with a doctorate in 1913. In 1915 he habilitated at the University of Leipzig, with the publication of *Der deutsche Arrestprozess in seiner geschichtlichen Entwicklung*. From 1915 to 1933 he taught the history of civil and commercial law at the University of Leipzig, the University of Königsberg, and the University of Halle, moving from the rank of *Privatdozent* to *Professor Ordinarius* (tenured full professor) by 1920 and dean of the Law Faculty by 1925. His major publications were all in the field of German legal history: *Leipziger Schöffenspruchsammlung* (1919), *Zur sächsischen Rechtsliteratur der Rezeptionszeit* (1923), *Die Kulmer Handfeste* (1931), and *Das Fischereirecht im Deutschordensgebiete* (1932). He wrote only a few journal articles on Jewish history during this period.<sup>7</sup>

In April 1933, with passage of the Nazi Law for the Restoration of the Professional Civil Service (*Gesetz zur Wiederherstellung des Berufsbeamtentums*), civil servants who were of Jewish origin or politically suspect as Communists or Social Democrats were dismissed. Kisch was one of 10 full professors in history who lost their positions.<sup>8</sup> He used the time to write his father's biography and to begin a book on the Prague University and the Jews, works which signaled his turn to Jewish history. When the Jüdisch-Theologisches Seminar in Breslau offered him a position as visiting lecturer for 1933–1934, he readily accepted the post at the historic center of the *Wissenschaft des Judentums*. Meanwhile, he began seriously looking for a university appointment outside of Germany. He first approached the Hebrew University in Palestine and then European universities through a research trip in western Europe. When he received a fellowship from the American Academy for Jewish Research for the summer and fall semesters of 1935, he and his wife left for New York, leaving their young child with the family of Kisch's brother, Bruno. Kisch knew little English and had few connections aside from Salo Baron, who had interviewed him for the fellowship. At the end of 1935, they returned to Germany, collected their five-year-old son, and returned to the USA.

fellowship was renewed for another year, and he continued the fruitless and difficult search for a position. His autobiography oozes with the painful blisters of his immigrant experience: the difficulty learning English at the age of 47, his disappointment at finding little interest in legal history in the USA, his bitterness at finding so many academic doors closed, and the family's impoverishment. Kisch realized already during his first trip to the USA that he must change the direction of his work if he was to find employment.<sup>9</sup>

He became a Jewish historian in part as a consequence of the doors opened (and shut) to him. But the choice was driven by his determination to use his scholarship to combat Nazi antisemitism. His first monograph in Jewish history, *Die Prager Universität und die Juden, 1348–1848* (1935), as well as many of the 12 articles published between 1934 and 1938, responded to the discriminatory legislation enacted under the Nazis.<sup>10</sup> In 1935, Kisch began a critical study of the Nazi pseudoscientific historical productions on legal and social history. But at Baron's suggestion, he abandoned this study and delved deeply into the study of medieval German "Jewry Law" as a source for the social history of medieval German Jews.<sup>11</sup> In 1949, he would publish the results of this study in two volumes, *The Jews in Medieval Germany* and a source collection from which the interpretative study *Jewry-Law in Medieval Germany* was made.<sup>12</sup> These works were deeply connected for him with WWII and the Holocaust, as his preface to *Jews in Medieval Germany* indicates: "This work was written in the midst of the greatest war ever experienced by man and of the greatest distress ever suffered by the Jewish people...in concluding this work, the author fervently repeats the wishes and hopes for the growth of right and justice that went out from Stobbe's and Scherer's earlier books [on medieval Jewry law]. *Per aspera ad astra!* [Through adversity to the stars!]"<sup>13</sup> In the fall of 1937, Kisch was invited to take over the lectures in Jewish history at the Jewish Institute of Religion in New York previously given by Baron. Kisch remained there for the rest of his career, holding the position of visiting professor from 1937 to 1950 and research professor from 1950 to 1958, when the joint Hebrew Union College—Jewish Institute of Religion was formed. A man who had at the young age of 31 become a full professor in the German academy, he spent the height of his career as a visiting professor at a marginal Jewish institution. During these two decades, he edited single-handedly the journal *Historia Judaica*, which he founded in 1938 to replace the *Wissenschaft des Judentums'* journals shut down by the Nazis: the *Zeitschrift für Geschichte der Juden in Deutschland*

and the *Jahrbuch für die Geschichte der Juden in der Tschechoslowakischen Republik*. Kisch originally conceived of *Historia Judaica* as a bilingual German-English periodical published in Europe, but it soon became an English-only, American publication. The journal sustained the historical tradition of the *Wissenschaft des Judentums* in the new Anglo-American center of Jewish life, provided a forum for “displaced Jewish scholars who hoped by publishing their writings to be integrated into American Jewish literary life,” and memorialized the lives and works of Jewish scholars who died in the Holocaust.<sup>14</sup>

In the 1950s, he began building bridges back to the German-speaking world. He attempted to recover his house and his university position in Halle, but failed because the DDR did not recognize survivors’ claims.<sup>15</sup> He made his research in medieval German-Jewish history available to a German readership as *Forschungen zur Rechts- und Sozialgeschichte der Juden in Deutschland während des Mittelalters*.<sup>16</sup> Through summer lectureships in Basel, he forged new European connections and resumed his stature as a scholar of German legal history. When he retired in 1961, he re-emigrated as an honorary lecturer in German legal history at the University of Basel. He closed *Historia Judaica* and the US chapter in his life. He would pursue new areas of study—humanism and jurisprudence, and numismatics. The festschrift organized by his European colleagues in 1955 to celebrate his eightieth birthday in 1969 and the commemorative pieces written about him after his death all reflect his reorientation away from American Jewish Studies to German legal history.<sup>17</sup>

Like Kisch, Toni Oelsner began associating with German-Jewish educational institutions after 1933 and actively developed into a Jewish historian by centering her research on topics that countered Nazi antisemitism. Oelsner was born in Frankfurt am Main in 1907, one of several children in a culturally assimilated Jewish family.<sup>18</sup> She read Goethe, Schiller, Heine, and Mann with her mother and observed the Jewish holidays with her family. Although she was a talented student, her family did not have sufficient funds to send her to the *Oberrealschule* as one of her teachers urged.<sup>19</sup> Her schooling ended suddenly at the age of 15, when her mother died. Oelsner was pulled from school and worked cleaning houses and caring for children in Kolberg and Berlin, jobs for which, she later remarked, she was terribly unsuited. In 1931, at the age of 24, Oelsner began attending courses at the University of Frankfurt as a *kleiner Matrikel* (a student without the *Abitur* (matriculation exam)). With Max Horkheimer, Karl Mannheim, Paul Tillich, Theodor Adorno, and Max Wertheimer all lecturing at the

University of Frankfurt, the intellectual atmosphere was “outstanding.” By 1933, Oelsner had fulfilled the requirements for the *Begabtenabitur* (a high school equivalency exam fulfilling the requirements for the *Abitur*). With recommendations from Horkheimer, Tillich, and Wertheimer, she ought to have easily been accepted and matriculated as a university student. But Oelsner sent her application on 30 January, the day that Hindenburg appointed Hitler chancellor. She was rejected, and, already in February of 1933, it was clear that it was because she had recommendations from left-wing Jewish professors and was herself Jewish. Oelsner continued to attend seminars unofficially at the University of Frankfurt, as did other Jewish students, despite the restrictions on the admission of Jewish students in April 1933 and the Nuremberg laws in 1935. She became involved in left-wing student groups, was arrested by the Gestapo in 1933 for holding a friend’s papers, and associated with the Communist party after it was outlawed.

During the years studying in Frankfurt, Oelsner began attending seminars at the Freien Jüdischen Lehrhaus. Founded by Franz Rosenzweig in the 1920s, the Lehrhaus offered seminars in Jewish studies, a subject not taught at the university. The activities of the Lehrhaus had waned after Rosenzweig’s death in 1929, but in 1933, it again became a vibrant Jewish center. At the Lehrhaus, Oelsner attended a seminar on Jewish economic history given by Dr. Joseph Soudek, the financial editor for the *Frankfurter Zeitung*. He became her mentor when Oelsner sought his advice on a paper she was working on about Jewish workers and unions in eastern Europe. He also encouraged her to do a sociohistorical study of family letters in her possession. Just as Kisch had turned to family history as a form of Jewish history, in writing his father’s biography in 1933, so too did Oelsner turn to family history as a way of exploring Jewish emancipation. This work, “Die Geschichte dreier jüdischer Familien,” would indirectly lead to her emigration from Germany in 1939, secure her M.A. at the New School in 1942, and, when published in English as “Three Jewish Families in Modern Germany: Studies of the Process of Emancipation,”<sup>20</sup> win her a Rosenwald fellowship in 1943–1944.<sup>21</sup>

In 1939, while awaiting a visa to the USA, Oelsner sent a draft of “Die Geschichte dreier jüdischer Familien” to Cecil Roth in the UK. He invited her to pay him a visit when she passed through England on her way to America. On the strength of this letter, she quickly received a visa for one week in England. She left in August of 1939 and never returned. Luckily, she was stranded in the UK when the German steamship that was to take her back to Germany was called back en route. War was breaking out. In



London, she was registered as an enemy alien. Just ahead of her in line were Karl Mannheim and his wife. She spent several hours with him, and he, impressed with her work, wrote her a recommendation to the New School. With \$20 from the Quakers in her pocket, Oelsner arrived in New York. With difficulty she obtained a scholarship at the New School in 1940, for she had neither the *Abitur* nor any evidence of her eight years of study at the University of Frankfurt beyond a transcript showing one semester of study. Everything went wrong at the New School, she recalls. She lost her fellowship, but graduated with an M.A. in 1942 earned by “The Three Jewish Families.”

For 40 years she would work in New York as an independent scholar and journalist. She wrote articles for the emigrant newspapers *Der Aufbau* and the *New Yorker Staatszeitung*, and for the Jewish scholarly publications *Encyclopedia Judaica* and *Germania Judaica*. She sought an academic appointment unsuccessfully, and supported herself with odd secretarial jobs and stints as an interpreter and private tutor for foreign languages. She found connections with scholars at YIVO and received a smattering of small fellowships that supported her research in fits and starts over the course of a difficult and lonely life.

Like Kisch’s, her research agenda was driven by the determination to use historical research to resist and respond to Nazi antisemitism. The 1943–1944 fellowship she received from the Emergency Committee in Aid of Displaced Foreign Scholars supported two research projects—one on the Frankfurt ghetto and the other on Wilhelm Roscher.<sup>22</sup> Her article “The Jewish Ghetto of the Past,” published in the *YIVO Bleter* in 1942, and again immediately after the war in the newly established *YIVO Annual*, was a direct response to the imposition of ghettos in German-occupied Poland.<sup>23</sup> Through her balanced historical study, Oelsner countered the myths that the Nazis “exploited to give a historical background to their criminal deeds.”<sup>24</sup> When she received reparation money in 1957, she completed her essay on Roscher.<sup>25</sup> In 1962, she published an analysis of Roscher’s legacy in the work of Weber and Sombart, which would appear in the *Leo Baeck Institute Year Book*.<sup>26</sup> In 1962 she received a small American Philosophical Society grant in support of her research on “The Economic and Social Condition of the Jews of Southwestern Germany in the Thirteenth and Fourteenth Centuries.”<sup>27</sup> The manuscript lies unpublished in the Leo Baeck archives.<sup>28</sup>

Kisch’s and Oelsner’s writings on Roscher were keystones of the research agendas which they avowed and elaborated over 30 years. In the April

1944 issue of *Historia Judaica*, Kisch commemorated Roscher and his theory of the Jewish economic function. Kisch's article celebrated Roscher as an "outstanding scholar of the nineteenth century" and reviewed his theory of the Jewish economic function in light of contemporary research in Jewish history. Kisch also solicited a partial English translation of Roscher's essay "Die Juden im Mittelalter betrachtet vom Standpunkt der allgemeinen Handelspolitik" from Solomon Grayzel, which Kisch placed right after his own article.<sup>29</sup> Through *Historia Judaica*, Kisch introduced Roscher's theory of the economic function of the Jews to an English-language audience *and* transformed Roscher's argument, shaping its legacy in postwar Anglo-American Jewish historiography.

Kisch made three intellectual moves that reformulated Roscher's "law of history" as an economic narrative in Jewish history. First, Kisch rejected Roscher's notion of universal historical law, calling the Jewish case an "economic phenomenon rather than a law of history."<sup>30</sup> Although Kisch acknowledged that "similar economic conditions, events, and developments" could produce "similar effects" in economic phenomena, he restricted his comparisons to Jewish experience. He noted parallels in medieval and modern Jewish history, but excluded Roscher's comparative examples from world history.<sup>31</sup> This second intellectual move was underscored by the editorial decision to excise the second half of Roscher's article where the comparative examples were discussed from the English translation.<sup>32</sup> Third, Kisch refined "the essential core of Roscher's theory" as an economic narrative that did little to explain the growth of medieval antisemitism.

The essential core of Roscher's theory, not brought out with full emphasis in his own formulation, can be apprehended only through our better insight gained from modern research into the historic-economic developments. It is the observation of an economic phenomenon recurring from the early Middle Ages up to this very day. The Jews, through their talents and activities, have in every age and in every type of economy fulfilled a certain economic function. They were needed and used for certain pioneering functions (trade, moneylending, pawnbroking, etc.). This need existed as long as the majority of the population had either no interest in or no ability for such economic services. As soon as they learned to satisfy this need themselves, the mission of the Jew was finished. Displacement from his economic position followed sooner or later; he had to look for other opportunities to perform pioneering functions in new fields, but again only until the majority group would once more move into them.<sup>33</sup>

While Kisch validated Roscher's theory, citing recent research in Jewish history and in general economic history, he rejected it as a full explanation for the growth of medieval antisemitism: Roscher's theory "cannot be expected, however, in the present author's opinion, to offer a direct explanation for the phenomena of hatred and persecution or the deterioration of the legal status of the Jews in the Middle Ages."<sup>34</sup>

Kisch's reshaping of the narrative would become decisive for Jewish history in the postwar period. It can be explained by the context of Nazi Germany and the Holocaust. For Kisch, the questions that Roscher attempted to address

were the same ones which even today confront the historian, sociologist, and lawyer with undiminished intensity and no less perplexing intricacy: How is it that about the middle of the fourteenth century the Jews suffered from cruel persecution in all German cities and elsewhere, in spite of their favorable treatment in judicial practice and legal doctrine? How is it that after the second half of the fourteenth century their social and legal status turned decidedly to the worse? How is it that secular Jewry legislation in the late Middle Ages changed its traditional attitude toward the Jews? Had religious fanaticism, temporarily aroused during the Crusades with their disastrous consequences for the Jewish community, then become a permanent feature of European society? How was this effected despite the legal and political security extended to the Jews even after those catastrophes?<sup>35</sup>

One hears in Kisch's words an echo of the intensity and perplexing intricacies of 1944. How easily one could substitute the twentieth for the fourteenth century in Kisch's impassioned series of questions! For Kisch, the medieval past resonated with the 1850s–1870s and again with the 1930s–1940s.<sup>36</sup> These resonances are what Kisch understood as "recurring economic phenomena." In the context of 1944 when the death camps were in full gear, it was impossible for Kisch to embrace Roscher's rational economic explanation for antisemitism based on economic jealousy. It was equally impossible for him to embrace the alternative explanation offered by Roscher's contemporary Otto Stobbe, which stressed religious hatred. Nor could Kisch accept a combination of the two suggested in James Parkes' recently published *The Jew in the Medieval Community*.<sup>37</sup> Instead, Kisch reduced Roscher's theory to an economic narrative that countered effectively contemporary Nazi antisemitic tropes, without dismissing the horror of Nazi antisemitism as the result of economic jealousy.

The proposed synthesis of religious and economic hatred alone, however, offers no deeper insight into the process of the decline in the legal status of the Jews....One must rather be cognizant of the fact that *several* causative factors were intertwined in the history of mediaeval “antisemitism” in the same way as in almost every historical development. Among them the psychological and social factors...must be given careful consideration. The psychological attitude of the masses toward the Jews deserves particular attention in the search for an explanation of the origin and growth of popular hatred of the Jew in the Middle Ages.<sup>38</sup>

In fact, Kisch’s prescription for research on medieval antisemitism would be borne out 25 years later with groundbreaking publications by Lester Little and Gavin Langmuir. Kisch himself would incorporate his essay on Roscher in his monograph *The Jews in Medieval Germany: A Study of Their Legal and Social Status* and attempt an analysis of the psychological and social factors involved.<sup>39</sup> In 1979, Kisch would include it in his collected works intended primarily for a German audience. Although Kisch claims in the notes that the 1979 version is “completely revised and considerably expanded,” the text itself is only mildly edited. Rather, the expansions come in the form of extensive footnotes, one of which attacks Oelsner’s critique of Roscher published in 1958–1959.<sup>40</sup> Kisch’s version of Roscher—not Oelsner’s—would become the basis for the standard postwar narrative of medieval Jewish economic history.

Oelsner’s 1958–1959 article refuted Roscher’s notion that Jews had an “indispensable role in trade in the early Middle Ages” and were the “commercial teachers of European nations.”<sup>41</sup> Unlike earlier critiques, which had only pointed out “the insufficiency of Roscher’s data, or his unfair analogies,” Oelsner’s took into account recent research on early medieval economic life and pointed out the contradictions and confusions in Roscher’s theory.<sup>42</sup> She critiqued his conception of the early medieval period as one of absolute collapse, his attribution to Jews of a major role in the commerce of antiquity, his assumption of Jewish diasporic cohesiveness, which could function even in the absence of institutional structures for travel and trade, and his portrait of the “younger nations” as lacking trade in the early medieval period. She also deftly pointed out the outdated theoretical bases on which Roscher’s theory depended, namely the older Historical School’s notion of history as a universal progress of civilization unfolding in uniform stages and its search for “historical laws.”<sup>43</sup>

In her second article, titled “The Place of the Jews in Economic History as Viewed by German Scholars: A Critical-Comparative Analysis,” Oelsner

focused on Roscher's legacy in Max Weber and Werner Sombart: Sombart transferred Roscher's overblown theory of Jewish commerce to the modern age of capitalism and extended racially Roscher's folk-psychological theories. Weber, who had already identified Puritanism, Calvinism, and to a lesser degree Lutheran Protestantism as the source for the rational profit motive lying at the heart of modern capitalism, reduced the role of the Jews to that of "pariah capitalism." Weber adopted Roscher's notion of a specific economic role for Jews following the Babylonian exile. Through Sombart and Weber, Roscher's "folk-psychological concept appeared under the guise of sociology of religion; it was transmuted into a 'permanent intrinsic character of...religious beliefs.'"<sup>44</sup>

Oelsner specifically targeted Weber's and Sombart's analyses of Jewish moneylending, based on the notion of a double standard toward the stranger derived from Deuteronomy 23:21. She showed how Weber himself applied a double standard. In regard to Jews, Weber emphasized practice and de-emphasized rabbinical prohibitions; in regard to Christians, Weber emphasized canonical prohibitions and ignored evidence of Christian moneylending.<sup>45</sup> "Weber bluntly denied Jewish borrowing from Gentiles, as well as inter-Jewish moneylending and credit dealings that conformed to risk-sharing partnerships permitted by canonical law... His generalization on the double morality of in-group out-group ethics epitomized in Jewish moneylending which he considered to be a one-way street, only directed toward the Gentile—pariah capitalism pure and simple—is based on scanty knowledge of the facts, and must therefore be rejected. If there was an in-group out-group ethics it had its roots in the mutually exclusive creeds of the great denominations, Jewish, Islam, and Christian, each considering the other as strangers, disbelievers, and infidels."<sup>46</sup> Essential for Oelsner's critiques were postwar works on the development of medieval banking and credit and theological and canonical discussions of usury—works that would have been unavailable in the mid-1940s.<sup>47</sup> Oelsner attacked as well the erroneous notions that the Catholic prohibition of usury did not apply to Jews, that Jews had salvaged capital from antiquity, that Jews did not own land or practice crafts. Her conclusion is still fresh and important today: "the thesis of a unique Jewish commercial preoccupation finds neither support in historical evidence nor in rabbinical teachings."<sup>48</sup>

Oelsner was unaware in 1962 just how much her critique of Roscher, Weber, and Sombart went against conventional Jewish history.<sup>49</sup> She was beside herself when in 1965, two issues after her own article on "The

Place of Jews,” the Leo Baeck Institute “printed an article on Max Weber that contained all the suppositions that I had just proven to be false.”<sup>50</sup> Her work on Jewish landownership, Jewish agriculture, and Jewish crafts in southwestern Germany in the thirteenth and fourteenth centuries was still unfinished in 1979. In an interview shortly before she passed away, she expressed her hope “to complete the work....It would be so important because the theory of Jews as moneylenders continues to perpetuate itself from generation to generation and from dissertation to dissertation....I would have to go from one university to another today to counter this thesis. I still have hopes that I will get it done.”<sup>51</sup> Her typescript of 126 pages lies unpublished in the archives of the Leo Baeck Institute.<sup>52</sup> Oelsner did not succeed in transforming the conventional narrative about Jewish moneylenders. Had she secured a stable academic position, she might have achieved more. The reasons for her failure lie in large part in the biographical details of a life stunted by the Nazi rise to power. But the motivation for her innovative work lies tangled in the same life story.

Despite their fundamentally opposed assessments of Roscher, Kisch and Oelsner shared much, even in their approach to Roscher. Émigrés from central Europe, Oelsner and Kisch were cultural translators between central European and Anglo-American scholarship. They responded to Nazi anti-Jewish legislation by becoming Jewish historians and wrote on Roscher in response to Nazi antisemitism. They introduced Roscher’s theory to an Anglo-American audience and reshaped Roscher’s theory for postwar Jewish studies in response to the Holocaust.<sup>53</sup> They dismissed Roscher’s explanation for medieval antisemitism, highlighted his economic narrative, and discounted the comparative dimensions central to Roscher himself.<sup>54</sup> Their opposing interpretations represent the Janus face of the discourse on Jewish economics. Kisch reshaped Roscher’s theory of the Jewish economic function as a historically validated economic narrative, while Oelsner critiqued Roscher’s theory as a fallacious source for modern antisemitism. Kisch’s version of Roscher would become the mainstream narrative in the postwar period. Oelsner’s would remain a minor and marginal critique.

Oelsner’s critique of Roscher’s legacy begun during the war was able to achieve its full power only with the expansion of research into medieval economic history that documented the commercial “takeoff” of the high middle ages. This scholarship is the subject of the following section. As we shall see, the Jewish émigrés central in this trajectory wove the conventional narrative on Jewish commercialism into their narratives on medieval

economic expansion, even as their research illuminating European economy undercut the theoretical basis for the “Jewish economic function.” Their biographies will be highlighted below to explain their blind spot in regard to this blatant contradiction.

MICHAEL POSTAN, ROBERT LOPEZ,  
AND MEDIEVAL CAPITALISM

Michael Postan and Robert Lopez were central figures in a generation of scholars that challenged the characterization of medieval economy as precapitalist, and they were formative in developing a new paradigm that charted an economic expansion during the high middle ages and a contraction in the late middle ages. Where Kisch and Oelsner responded to Roscher and his concept of the economic function of Jews, Michael Postan and Robert Lopez responded to an intellectual heir of Roscher, Werner Sombart. Sombart’s characterization of medieval precapitalist economy and its obverse, the Jewish spirit of capitalism, had been explosive and generated two streams of critique. On the one hand, German-speaking, Jewish scholars from central Europe criticized Sombart’s portrayal of Jews as the originators of capitalism.<sup>55</sup> Oelsner would be the last in this line. On the other hand, European scholars whose formative intellectual years and academic careers were spent in Italy, England, France, and the USA<sup>56</sup> contested the characterization of medieval Europe as precapitalist in the works of Sombart and other members of the Historical School, such as Carl Bücher and Bruno Hildebrand.<sup>57</sup>

Hildebrand had articulated a classic theory of economic stages in which civilizations moved from natural or barter economy, to money economy, and finally to credit economy. Bücher, with more knowledge of medieval economic history than Hildebrand, could not make the facile error of declaring any era devoid of money. Rather, he defined economic stages on the basis of the *distance* between the point of production and the point of consumption. In this way, he defined the difference between production for use and production for exchange along one axis, moving in an evolutionary progression from household economy to market economy.

Sombart built on Bücher’s portrait of medieval household economy, arguing that even medieval trade was precapitalist in nature—nonrational, nonacquisitive, akin to a traditional handicraft mentality. Capital, in consequence, was not generated by medieval trade, and its late appearance derived from urban ground rents collected by the emerging bourgeoisie.

The paradigm of the commercial revolution would be formulated mid-century in counterpoint to this theory, and the groundwork for this paradigm would be laid in the debates over capitalism provoked by Sombart's *Der moderne Kapitalismus*. For, as Michael Postan noted in 1933, Marx and Marxist works had such a negligible influence on medieval historians that it was "Werner Sombart, rather than Marx, who must be regarded as the originator and sponsor of the ideas that have been agitating the students of mediaeval capitalism for the last thirty years."<sup>58</sup>

The debate over "medieval capitalism" began in the early twentieth century, picked up speed in the interwar period, and crystallized in a new paradigm in the 1940s. Sombart's portrait of the middle ages was challenged in works on modern and medieval capitalism by G. von Below, Lujó Brentano, Frank Knight, Henri Sée, and Henri Pirenne. By 1914, Pirenne could already cite studies on the origins of capitalism in medieval Italian cities by the German historians Reinhard Heynen, Heinrich Sieveking, and Robert Davidsohn. On the basis of these studies, Pirenne suggested that the classic model formulated by Bücher was based on German cities of the fourteenth and fifteenth centuries and did violence to historical reality.<sup>59</sup> In his 1914 essay Pirenne was the first to propose a thesis of commercial expansion in the high middle ages and stagnation in the later middle ages.<sup>60</sup> By the 1930s, these early studies had been complemented by a rich historiography on medieval town economy, on medieval trade and traders, and on medieval credit, mortgage, banking, partnerships, bookkeeping, and financial instruments.<sup>61</sup> In these, the study of Italian merchants and traders took the lead; and Italian historians now matched and surpassed their German colleagues.<sup>62</sup> The debates over Sombart's work forced even Sombart to retract one of his key arguments: that urban ground rents were the depository for capital derived from trade, although he held fast to the other on the handicraft character of medieval trade.<sup>63</sup>

The increasing opposition of medieval historians led gradually to the reversal of Sombart's theories. One can find the opposition congealing in a variety of discursive terms. Two of the more striking are "early European capitalism" and "medieval capitalism" represented in the titles of a 1928 article by Jacob Strieder, "Origin and Evolution of Early European Capitalism," and a 1933 article, "Mediaeval Capitalism," by Michael Postan.<sup>64</sup> The challenge to Sombart could not be clearer: over against his definition of "the Middle Ages [as] the non-capitalist or 'pre-capitalist' epoch *par excellence*," Postan posed a "medieval capitalism," which shared with modern capitalism its rational and acquisitive system and was documented by a rich historical literature.<sup>65</sup>



The response to Sombart and the Historical School reflected the growth of medieval economic history as a field in its own right.<sup>66</sup> The scholarship that generated the new paradigm stretched over several decades and reflects the lifework of several generations of historians, among them the Jewish Marc Bloch, who unsuccessfully tried to emigrate and was executed as part of the French resistance, non-Jews like Norman Gras, who emigrated from Canada to the USA to establish business history at Harvard, and Raymond de Roover, who emigrated from Belgium to study with Gras, Abbott Usher, and the economist John Nef. But two of the most prominent scholars on either side of the Atlantic were Jewish émigrés—Michael Postan and Robert Lopez.

Michael Postan would become one of the most distinguished and influential economic historians of the twentieth century, following checkered university studies that took him from eastern Europe to the London School of Economics (LSE).<sup>67</sup> Postan was born to a Jewish family in Tighina, Bessarabia. (Bessarabia was formerly the eastern part of the principality of Moldavia ceded to Imperial Russia in the aftermath of the Russo-Turkish war.) He enrolled briefly in the University of St. Petersburg in 1915 to study natural sciences and sociology. Soon after, he moved to the University of Odessa to study law and economics, before enlisting in the army in 1917. After demobilization in 1918, he resumed his studies at the University of Kiev. But at the end of 1919, he found himself “out of sympathy with events following the 1917 revolution, [and] he left Russia in circumstances of some risk to himself.”<sup>68</sup> Postan it seems had been a radical socialist, though later in life was no longer a Marxist.<sup>69</sup> He is reported to have been involved in the Jewish Autonomy Movement in the Ukraine and to have written a “Treatise on the Political Organization of Autonomous Minorities” (1919).<sup>70</sup> He may have served as a member of the Secretariat.<sup>71</sup> Postan supported himself as a journalist while attempting unsuccessfully to continue his studies in Vienna and Cernowitz. In 1920 he landed in England. (He had learned some English in Bessarabia.) Between 1921 and 1926, he completed a first degree and an M.A. at the LSE. There his interests were shaped in the direction of economic history by faculty such as R.H. Tawney and Eileen Power. Power recognized his talent and cultivated his career, awarding him a research assistantship in 1926 and arranging lectureships for him at the LSE, University College London, and Cambridge. She sought a readership for him at Oxford unsuccessfully<sup>72</sup> and had her eye on the chair in economic history at Cambridge for him years in advance.<sup>73</sup>

Postan quickly evolved from Power's research assistant to her intellectual collaborator. Their intellectual companionship, like the more famed one of Marc Bloch and Lucien Febvre, produced rich fruit. In 1937, it was cemented by marriage, despite the astonishment of friends and acquaintances at the differences in professional position, age, and "physical characteristics." These "physical characteristics" were described as Postan's "Russianness" and his "foreignness."<sup>74</sup> It is unclear to what extent these "physical," or rather "ethnic," differences were perceived as "Jewish." None of the obituaries or encyclopedia articles mention his Jewishness.<sup>75</sup> But Postan himself did not abandon his Jewish identity in Great Britain. Between 1927 and 1932, he seems to have been associated with the Council of the Jewish Health Organisation of Great Britain and was included in the "Who's Who" entries of the *Jewish Yearbook*, as he was in 1945–1946.<sup>76</sup> In 1938, Postan was appointed to the chair of economic history at Cambridge, the chair that Power had marked out for him.<sup>77</sup> He would hold this chair until his retirement in the mid-1960s. With Power's untimely death in 1940, Postan carried on the intellectual projects she had begun and that he had collaborated on, in particular the *Economic History Review* and *The Cambridge Economic History of Europe*. The closeness of their collaboration can hardly be overestimated. Both Power's letters from the early to mid-1930s and Postan's letters attest to the strength of it. After Power's death, Postan noted that "they had collaborated in a way few people realised. Each wrote independently, but by the time one or the other sat down to write, 'the other was so familiar with what was going to be written that he (or she) could easily have done the writing.' 'This was possible not only because we collected our evidence together, mostly working on the same mss. (we began doing that in 1925), and always discussed it, but because we were evolving towards the same views at the same time.'"<sup>78</sup>

Over the course of his career, Postan shifted away from his and Power's focus in the 1930s on medieval credit and trade to long-term economic trends driven by demographic changes. Postan would develop a model of high medieval economic expansion and late medieval contraction. His early work contested Sombart's precapitalist golden age. His later work overturned the German Historical School's theory of progressive unilinear economic stages centered on trade, money, and markets. (Lopez would move in a similar direction.) In two early articles, Postan attacked the "notion of an undeveloped state of credit in the Middle Ages" generated by the theories of the Historical School. He investigated the use of "Credit in Medieval Trade" (1928) in one and the "dealings in credit" through

“Private Financial Instruments” (1930) in the other.<sup>79</sup> Both showed “how the economists, and through them also the historians, have underestimated the volume of medieval credit and consequently misunderstood its nature.”<sup>80</sup> In 1933, he coedited *Studies in English Trade in the Fifteenth Century* with Eileen Power. The volume explored the fifteenth century as “the great transformation from mediaeval England, isolated and intensely local, to the England of the Tudor and Stuart age, with its worldwide connections and imperial designs. It was during the same period,” Power and Postan claimed, “that most of the forms of international trade characteristic of the Middle Ages were replaced by new methods of commercial organization and regulation...[which] marked movement towards capitalist methods and principles.”<sup>81</sup> In the same year, Postan published a major bibliographic review that assembled the evidence for a European-wide “medieval capitalism.”<sup>82</sup> These works all developed the hard empirical case for a nascent capitalism in medieval England and Europe contra Sombart and the Historical School of Political Economy represented by Hildebrand and Bücher. But Postan never addressed the flip side of Sombart’s precapitalist middle ages, the Jewish capitalist.

Postan was by no means the sole or principal representative of this trajectory. Postan’s article on medieval capitalism assembled a wide array of scholarship. Its arguments were preceded by two interwar articles published in the *American Journal of Economic and Business History* that critiqued Sombart, Weber, Tawney, and Brentano and presented the new commercial activity of the high middle ages.<sup>83</sup> Moreover, the roots of the challenge to Sombart go back to Henri Pirenne’s *Les périodes de l’histoire sociale du capitalisme*, in which Pirenne proposed a thesis of commercial expansion in the high middle ages and stagnation in the later middle ages.<sup>84</sup> Pirenne was an important mentor for Eileen Power and for the French historian Marc Bloch, who also influenced Power. All three likewise shaped Postan. In the same year that Postan published “Medieval Capitalism,” Marc Bloch, published his seminal article “Natural Economy or Money Economy: A Pseudo-Dilemma.”<sup>85</sup> Bloch challenged the Historical School’s categories of “natural economy” and “money economy” as “lazy solutions whose apparent simplicity” would be “exploded by searching enquiry.”<sup>86</sup>

In 1934, the plans for the first volumes of *The Cambridge Economic History of Europe* were laid by Eileen Power and Sir John Clapham. Both Marc Bloch and Michael Postan would offer substantial help in the planning of the project. The first volume was to be devoted to medieval

agrarian life, the second to medieval “urban, industrial, and commercial” problems, and the third to medieval economic policy and theory.<sup>87</sup> The extent of Postan’s collaboration in the planning of the volumes and the execution of the first volume was probably unknown even to Clapham himself.<sup>88</sup> *The Cambridge Economic History of Europe* would be the most important and lasting scholarly contribution to emerge from the interwar and immediate postwar years. Postan would become coeditor when Power died suddenly from a heart attack in 1940 as the first volume went to press, and he would become principal editor on Clapham’s demise in 1946. When the second volume appeared, it made normative the concept of a commercially vibrant medieval Europe, putting to rest once and for all the notion of a precapitalist medieval Europe espoused by the Historical School and Sombart. The key contributions to Volume 2 were Postan’s and Lopez’ paired chapters on trade.<sup>89</sup> Together with Raymond de Roover’s contribution in Volume 3 titled “The Organization of Trade,” these chapters provided the best overview to the field of medieval economic history for many years.<sup>90</sup>

The series was intentionally European in scope and built on the collaboration of European and American scholars. The war shattered the original plans, and it would become an émigré project to some extent. The first volume, on “Agrarian Life,” had begun when international collaboration was still possible, but by the end many submissions were delayed or cancelled because of the war.<sup>91</sup> Richard Koebner, a former professor in Breslau, was forced by his Jewish identity to emigrate to Jerusalem, where he took up a position at the Hebrew University. His important chapter on “Settlement and Colonization of Europe” leading off the volume was delayed because he faced difficulties “mastering the art of lecturing in Hebrew.”<sup>92</sup> The Italian scholar who was to write the Italian section was unable to deliver his manuscript at all.<sup>93</sup> The Dane who replaced the Italian scholar died, and the Finn who replaced the Dane wrote “‘from somewhere in Finland’ in November 1939 that he hoped to get back to economic history but that ‘it was a small thing compared with the independence of his country.’” The Spanish contributor was a refugee without his notes and therefore unable to complete his contribution. Of the Polish professor, Rutkowski, Clapham wrote, “all that we know with certainty is that he cannot be at his University of Poznań.”<sup>94</sup> Professor Ganshof was serving in the reserve army of Belgium. Marc Bloch was mistakenly believed by Clapham to have safely emigrated to America.<sup>95</sup> Bloch, who had been so helpful in organizing the international collaboration, had enrolled for service in the French

army at the outbreak of the war.<sup>96</sup> When France was occupied, he sought refuge in Vichy France and attempted to emigrate to the USA. He was invited to the USA in October 1940 on a two-year fellowship at the New School supported by the Rockefeller Foundation.<sup>97</sup> After failing to receive visas for all dependent family members, he remained in France and, following his sons' lead, joined the French Resistance. Even then, Bloch continued to offer advice on the *Cambridge Economic History* via clandestine letters to Postan until a few months before he was shot.<sup>98</sup> He died a hero's death a few months before the liberation when a group of 28 prisoners were executed in the spring of 1944.<sup>99</sup>

Progress on the second volume, *Trade and Industry in the Middle Ages*, faced similar difficulties. Power was no longer alive to write the general essay on trade in the Mediterranean south as had been planned, nor Bloch to help find and guide contributors on the continent. Two other contributors had died, and the rest were cut off from contact with the editors when Britain entered the war. The British contributors were compelled to take up war duties. Postan himself served in the Ministry of Economic Warfare.<sup>100</sup> Consequently, when the project was taken up again at the end of the war, the entire list of contributors had to be reconsidered and new invitations issued. In particular, collaboration with scholars from eastern Europe became very difficult. For both intellectual and logistical reasons, Postan significantly revised Power's original plans for Volumes 2 and 3. Volume 2 was narrowed to focus solely on trade and industry, making the discussion of commercial expansion even more prominent. Development of towns, economic policy of municipal governments, and the history and policy of guilds, urban finance, and related topics would appear in Volume 3 alongside the issues of economic policy and economy theory.<sup>101</sup> The upshot was that the authors of the two general chapters on trade and industry in southern and northern Europe had to cover fields even larger. Postan solicited Robert Lopez to write "The Trade of Medieval Europe: The South," and he himself wrote "The Trade of Medieval Europe: The North."

By the time Lopez' chapter appeared in print, he was ensconced in a comfortable academic position at Yale.<sup>102</sup> But his professional path during the war years was anything but certain. Born in 1910 to an Italian Jewish family, Lopez was already an accomplished medieval historian with three published books by 1938. He had received his doctorate in 1932 at the University of Milan, and held positions at several Italian universities from 1933 to 1938, including a chair of history in his native Genoa.<sup>103</sup> When

he fled Fascist Italy, he passed through England in 1939, and like Oelsner, was entertained by the foremost Jewish historian in Britain, Cecil Roth.<sup>104</sup> Lopez left for the USA to complete an American Ph.D. An American colleague, Robert Reynolds, had advised him that an American Ph.D. was necessary to secure academic employment in the USA, and Reynolds helped Lopez gain admittance to the University of Wisconsin, where Reynolds was on the faculty. In 1942, Lopez was awarded a doctorate.<sup>105</sup> From 1942 to 1943, he worked as a scriptwriter in the Italian office of the Voice of America in New York City.<sup>106</sup> He lectured at Brooklyn College from 1943 to 1945, and at Columbia from 1945 to 1946, while also serving as a foreign news editor for CBS. In 1946, Lopez was appointed to the chair in history at Yale University, where he would become Sterling Professor of History before his retirement in 1981.<sup>107</sup> He was one of the first Jews to be appointed at Yale College, and he was aware that his Jewishness might be unwelcome. According to Lopez, when he was brought to Yale,

he was told that he was coming in a time of crisis; he was to replace three professors who had either retired or died. A Sephardic Jewish refugee... Lopez informed the appointments committee of his religious background. Knowing something of Yale's past, he did not want to enter under false pretenses.<sup>108</sup>

More than Postan, Lopez was grounded academically in his native academic culture before emigration. His early works fit into what Croce has called "the economic-legal school of Italian historians."<sup>109</sup> But like Postan, he was shaped intellectually by the experience of emigration. In Italy, he wrote local histories out of the archives of his native Genoa.<sup>110</sup> In the USA, his best-known books were broad histories of Europe and European economic development.<sup>111</sup> Like Postan, he acquired a chair at an elite institution and came to shape a whole generation of scholars. But more than Postan, he maintained an overt Jewish identity even in the less-than-philosemitic air of Yale.<sup>112</sup> As a former graduate student has commented, Lopez was "certainly proud of being Jewish and would never have hidden his cultural identity."<sup>113</sup> Lopez married a Belgian émigré, Claude Kirschen, from an assimilated Jewish family, and their children maintain a Jewish identity. At the end of his career, he developed close ties to the Israeli academy, including invitations to the Hebrew University and the Institute for Advanced Study, and requests to decide on the tenure cases of Israeli medievalists.<sup>114</sup>

Lopez' chapter on trade in southern Europe for *The Cambridge Economic History of Europe* was a celebrated essay that sketched out the narrative he would later develop in *The Commercial Revolution of the Middle Ages*. Lopez masterfully described the “lights and shadows in western trade” during the early middle ages and the rise of Italy and the Muslims. He dismissed theories of natural economy or barter economy, documented the continued presence of money and trade, and teased out fluctuations in local versus long-distance trade. The heart of the chapter, however, was devoted to what he called the “Commercial Revolution,” a concept he borrowed from a close friend and fellow European émigré, Raymond de Roover.<sup>115</sup> Lopez described the significance of the “Commercial Revolution” in bold terms:

The startling surge of economic life in Europe in the ‘high’ Middle Ages is probably the greatest turning point in the history of our civilisation....It was instrumental in bringing about all the momentous changes which ushered in our contemporary civilisation much before the end of the Middle Ages and was, in turn, influenced by all these changes. It caused the old feudal system to crumble and the old religion to weaken; it gave liberty to the serfs...and...created a new aristocracy of wealth....Italy was to the medieval economic process what England was to the modern.<sup>116</sup>

Lopez leaves no room for doubt that he identified the commercial revolution with capitalism. “The golden age of medieval trade...knew many of the characteristics which we regard as typical of capitalism”: accumulation of capital, growing use of credit, improvement of business methods to compete, expansion of markets, separation of management from ownership and labor, state interest, desire for profits.<sup>117</sup>

The original context within which de Roover used the concept is instructive. In 1941, just as the first volume of the *Cambridge Economic History* was seeing the light of day, N.S.B. Gras and his Belgian student Raymond de Roover delivered papers at the American Historical Association and the Business Historical Society. Gras, a Canadian who held the first chair in history at the Harvard Business School from 1927, discussed “Capitalism—Concepts and History.” He argued that the essential element of capitalism was business administration; for it was business administration that managed the fundamental factors of labor, land, and capital.<sup>118</sup> Petty capitalism which flourished in ancient and medieval towns was transformed into mercantile capitalism, the second of five stages, by

the sedentary merchant who replaced the traveling merchant. With new management techniques, new credit instruments, new forms of insurance, and above all new partnerships, the sedentary merchant controlled increasing levels of trade from the countinghouse. Gras essentially adopted the Historical School's method of historical stages to capitalism and located a form of it in the middle ages.

De Roover, commenting on Gras' argument, gave a weighted spin to this shift from traveling to sedentary merchant and from petty to mercantile capitalism by defining it as a "commercial revolution of the thirteenth century" which cut the middle ages in two. He took care to specify precisely what he meant by a commercial revolution. It is worth quoting him, for this forms the basis of the first and most precise use of the concept "commercial revolution"—a usage current even today.<sup>119</sup>

By a commercial revolution I understand a complete or drastic change in the methods of doing business or in the organization of business enterprise just as an industrial revolution means a complete change in the methods of production, for example, the introduction of power-driven machinery. The commercial revolution marks the beginning of mercantile or commercial capitalism, while the industrial revolution marks the end of it.<sup>120</sup>

Lopez would deepen and broaden the concept, and moderate the unilinear developmental scheme with a late medieval contraction, but he would never veer from the trade- and market-centered definition.<sup>121</sup> De Roover would maintain the narrative that he adopted from Gras when he published his chapter on the "Organization of Trade" for the third volume of *The Cambridge Economic History of Europe* (1963). But, interestingly, de Roover dropped the term "commercial revolution."<sup>122</sup>

Lopez would develop the main ideas of his own chapter more fully in the monograph he published at the height of his career, *The Commercial Revolution of the Middle Ages* (1971). The monograph elevated de Roover's concept of "commercial revolution" to a historiographic paradigm that continues to shape the field. Essentially, Gras, de Roover, and Lopez refuted Sombart by demonstrating that a Sombartian capitalism happened earlier—in the high middle ages. Yet there has been no critique of Sombart's or Roscher's theories on the Jews and commercial development, aside from Oelsner's. On the contrary, Lopez' *The Commercial Revolution* includes a short subsection on "The Jews" that weaves Kisch's version of the Jewish economic function into Lopez' narrative of the com-



mercial revolution.<sup>123</sup> Kisch himself introduced Lopez to Roscher and the Jewish economic function, when he sent Lopez several offprints in 1949. Lopez read the article on Roscher, if nothing else, and wrote warmly that he “was quite happy to have unwittingly come to much the same conclusions as Roscher (whose work I did not know before) and you—Disagreement if any, would exist only in some points of detail.”<sup>124</sup> Lopez simply did not recognize the fact that his and his colleagues’ work on the “commercial revolution of the high middle ages” undercut the very foundations for the “Jewish economic function.”

Postan’s complementary chapter in the *Cambridge Economic History*, “Trade in Medieval Europe: The North,” like Lopez’, described a commercial expansion during the high middle ages and a contraction in the late middle ages. He did not, however, use the terminology of “commercial revolution,” nor did he center his historical narrative on the techniques of business administration that Lopez and de Roover favored. Rather, he emphasized the trade in basic foodstuffs and raw materials for industry (wool, timber, pitch, metals) over against a conventional image of medieval trade in luxury goods only, on the one hand, and against a sharp separation of agriculture and commerce, on the other. Postan, like Lopez, clearly dismissed the theories of Sombart and the Historical School. “An unbiased student of medieval agriculture,” he says,

cannot avoid the conclusion that social existence in medieval villages would have been impossible without some market and some trade. This conclusion is in the nature of things hypothetical, but it is sufficiently obvious to shift the onus of proof from those who assume some trade at all historical times to those who wish to deny its existence at any period of the historical, as distinct from the pre-historical, past. In this sense medieval trade never ‘arose’; but it undoubtedly expanded and contracted.<sup>125</sup>

Postan disposed of the old unilinear account of economic history as commercial development that steadily rises. In place of a narrative describing a commercial rise from the dark ages when trade virtually disappeared to the sixteenth century when it flourished abundantly, Postan put in place a narrative of cyclical expansions and contractions. These rhythms were generated not by trade but in the rural countryside by demographic change.

One can sense in this 1952 chapter Postan’s own intellectual shift. At the start of his career, he focused on medieval trade and finance, evident in his seminal articles “Credit in Medieval Trade” (1928) and “Medieval

Capitalism” (1933) and his collaborative work with Power *Studies in English Trade in the Fifteenth Century* (1933). By mid-career, his interests had shifted to agrarian life, with particular attention to agriculture, serfdom, and labor services. By the end of his career, he had developed a “population-centered interpretation of medieval economic history as an alternative to the trade-centred interpretation....Postan demonstrated that the pre-industrial economy of Europe was marked by a succession of long cycles of demographically driven expansions and contractions, following a basically Malthusian dynamic.”<sup>126</sup>

It has been suggested that the initial version of this theory is in Postan’s 1950 address to the International Congress of Historical Sciences.<sup>127</sup> But one can see an earlier move away from a money-, market-, and trade-centered interpretation in his seminal article “The Rise of a Money Economy” published in 1944, the same year Kisch published his Roscher essay.<sup>128</sup> This takes us back to the midst of the war years, when Postan was working for the Ministry of Economic Warfare and the second volume of the *Cambridge Economic History* was on hold. In this article, Postan pointedly demonstrated that the historian’s recourse to the notion of a “rise of a money economy” was a stopgap explanation for any number of historical problems in any number of historical periods—rather like the Jewish moneylender, we might note. If “rise of the money economy” refers to the birth or first use of money, it belongs to a period preceding the Bronze Age. If “rise of the money economy” is used to mean the general expansion of money payments, then it means something not much different from the rise of an exchange economy and the decline of a natural economy, and this, Postan argued, can be empirically tested. Yet, this very notion of natural economy Postan rightly noted has been under attack and come to mean little more than a tendency toward self-sufficiency, which oscillates back and forth in different historical periods. (Bloch’s 1933 essay on natural economy or money economy was one of those attacks.) “Used in this sense,” Postan concluded, “the formula of the rise of money economy points to a real social process, easy to identify and dangerous to miss,” but of little revolutionary significance. It is moreover a historical phenomenon “of composite origin and reflecting an infinite variety of causes, social, economic and political.” Even in the sense of increased money payments, “the formula is sometimes wrapped up in a great deal of theory and mysticism, or else hitched to irrelevant facts. The most irrelevant of facts...is the so-called increase of money.”<sup>129</sup> “In some writings,” Postan continues, “and especially in some German writings, the rise of

money economy figures as a permanent tendency of historical development as an ever-unfolding manifestation of the progressive destinies of humanity.” But Postan concludes, “in reality it is none of these things. It is certainly not uninterrupted, and in that sense not progressive.”<sup>130</sup> At no point but the present has there been sustained growth, and contemporary phenomena cannot be regarded as eternal.

During the 1940s and 1950s, Lopez too wrote a series of articles that critiqued interpretations of luxury goods and gold currency by the great innovators in medieval economic history, Henri Pirenne and Marc Bloch. These essays can be seen as a tentative move by Lopez from a money-, market-, and trade-centered approach to a political and cultural explanation of economic change. In “Mohammed and Charlemagne: A Revision” (1943), Lopez challenged Pirenne’s “catastrophic thesis” that the Arab conquests caused a “sudden collapse in international trade”—which, in turn, produced sweeping social and economic internal revolutions.<sup>131</sup> Lopez demonstrated that the disappearance of four luxury goods in the West originated in political and cultural changes in the Byzantine and Arab world. In this respect, he foreshadowed the recent conclusion of Michael McCormick that Pirenne was right for the wrong reasons.<sup>132</sup> In “Back to Gold, 1252” published in Postan’s journal *The Economic History Review*, Lopez modified explanations that tied the disappearance and reappearance of gold currency in the medieval West simply to contraction and expansion of trade. Lopez offered convincing political interpretations for the cessation of gold currency in the West: the Carolingians did not wish to “tick off” the Byzantines by claiming too many imperial symbols. Lopez offered a nuanced and complex interpretation of Genoese and Florentine issuance of gold coinage in 1252. The Genoese and Florentines capitalized on a combination of favorable circumstances: “the ratio between the price of gold and that of silver fell to its lowest medieval level, a major business cycle reached the peak of prosperity, and opportunities for investment of Genoese gold coins in certain foreign countries took a most auspicious turn.”<sup>133</sup>

In “An Aristocracy of Money in the Early Middle Ages,” published in 1953, Lopez examined moneyers as an urban-patriciate of the early middle ages made prominent by the possession and handling of money. He argued that moneyers in the early middle ages were at their peak of power when they were the sole holders of coined metal. “They were an ‘aristocracy of money’ not when money was most useful, but when it was most rare.”<sup>134</sup> The argument clearly challenges presumptions of a non-

money economy in the early middle ages and moves in the same direction as Bloch and Postan, while still maintaining that a decisive change took place in the high middle ages. Despite these moves toward a sophisticated political interpretation of economic change, Lopez' masterpiece *The Commercial Revolution of the Middle Ages*, written at the pinnacle of his career, holds to a trade-centered interpretation.

Whether one prefers Lopez' trade-centered formulation "Commercial Revolution" or Postan's demographically driven "expansion and contraction," it is clear that both refute Sombart's vision of a precapitalist middle ages and the Historical School's theory of economic stages on an empirical basis by locating the dawn of modernity in a high medieval economic and demographic expansion. A number of scholars had contributed to this new paradigm and even more were taking it up and weaving it into mainstream history.<sup>135</sup> But Lopez and Postan stand as foremost representatives of a whole cadre of medieval scholars who rediscovered the rich commercial life of medieval Europe. Their paired chapters in *The Cambridge Economic History of Europe* stand as twin pillars in a collaborative construction of a new paradigm. The *Cambridge Economic History* and their later works were central in crafting a new scholarly consensus concerning the basic rhythms of medieval economic history. They charted a high medieval takeoff followed by a late medieval contraction, and they argued that that takeoff, despite the contraction, laid the groundwork for sustained growth in the long sixteenth century. Their formulations crystallized this new historical trajectory and articulated the new paradigms that would be adopted in the historical literature.

Postan and Lopez, as émigrés, were poised to become leaders in medieval economic history within the Anglo-American world. Postan, with his roots in Russia and central Europe, had a command of the literature of the Historical School rarely equaled among British academics. Lopez' education and professional life in the Italian academy placed him at the forefront of scholarship on medieval commercial life. What demands explanation, given their identity as Jewish émigrés, is their near silence on the Jewish dimension of the Historical School's vision of a precapitalist medieval Europe. The Jewish economic function fits hand in glove with the precapitalist, pre-commercial middle ages. By refuting a medieval economy envisioned as a barter or natural economy, one logically refutes too "outsider Jews" operating as cultural carriers of commercial life until Europeans matured and developed money, markets, and trade.

Why were Lopez and Postan blind to the implications of their own work? Neither refers to Jewish history until the culminating monographs of their careers appear in 1971 and 1972. Lopez weaves the Jewish economic function into his narrative of *The Commercial Revolution*, making Jewish merchants, then moneylenders, the precursors to the Italians. Postan also makes a few references to Jewish moneylending in *The Medieval Economy and Society: An Economic History of Britain, 1100–1500*.<sup>136</sup>

The explanation for this myopia lies, I believe, in their Jewish identity shaped through their experience as émigrés. Both Postan and Lopez, like their French counterpart Marc Bloch, adopted an “assimilationist mode,” characteristic of many in their generation. They did not reject their Jewish identity. But by quietly de-emphasizing it, they integrated themselves more easily into Anglo-American academic circles that maintained a muted antisemitism. Even at the New School for Social Research, where Alvin Johnson rescued a whole generation of European Jewish scholars through Rockefeller fellowships, antisemitism pervaded the atmosphere, forcing “Johnson and the Jewish members of the Graduate Faculty to deny the faculty’s Jewish demographics.”

Johnson hoped to use the European exiles to reinvigorate American life. The only way to do so was to have the exiles’ scholarship accepted by an anti-Semitic American intellectual community. To foster this acceptance, Johnson ignored the faculty’s Jewish heritage. The Jewish faculty members, for their part, were unwilling to emphasize the role Judaism played in their exile because doing so would deny the cosmopolitan project that had characterized the German-Jewish intelligentsia since the late-19th century and further contributed to their alienation. They wanted to participate in American intellectual life.<sup>137</sup>

This was all the more true for Lopez at Yale, an institution that maintained its Jewish quotas until 1962,<sup>138</sup> and for Postan at Cambridge.

Marc Bloch’s better-documented struggle with his Jewish identity can provide both a parallel and a point of contrast for Postan’s and Lopez’ identity as European scholars and Jews. Bloch had been invited by Johnson to the New School, but failing to secure visas and passage for his entire family, he refused to leave. Trapped in Vichy France, he wrote his own “Spiritual Testament.” It was meant to replace the “Hebrew prayers, whose cadences...accompanied so many of my ancestors and my father himself to their last rest.” He refused the Kaddish, because he valued above all a

“total sincerity in expression and spirit,’ and it would be dishonest to have recourse to the rites of a religion in which he did not believe.... ‘Face to face with death,’ he affirmed that he was born a Jew. ‘Above all,’ however he felt himself ‘very simply French.’”<sup>139</sup> Bloch’s seemingly simple passionate attachment to a national French identity was a defiant rejection of the racial laws of Vichy France.<sup>140</sup>

In contrast to the trapped nationalist Bloch, whose espousal of a “simple identity” was a final act of resistance, the successful émigrés, Postan and Lopez, cultivated complex national identities that in part masked their Jewishness. Postan, like his contemporary Isaiah Berlin, seems to have allowed his “Russianness” to mask his Jewishness to provide a more palatable construct for his difference in an antisemitic environment.<sup>141</sup> Lopez, on the other hand, embraced his Italian and American identities. A letter that Lopez helped the conductor Arturo Toscanini draft to the American people and the president concludes: “For I love Italy, and with equal devotion I love you sons of this great American Republic which, together with the United Nations, will soon put an end to despotic wars, and bring into the renovate world a bright and more breathable atmosphere of freedom and peace.”<sup>142</sup> Italian, American, and Jewish—Lopez’ layered identity was reflected in the pride of place he gave to both Jews and Italians in jump-starting the commercial revolution.<sup>143</sup> Postan’s silence on the Jewish dimension of the Historical School’s theories mirrors his own muted Jewish identity, masked in England by his Russianness.

Postan and Lopez were central figures in the development of medieval economic history in the Anglo-American academy. Their scholarship articulated for the field new reigning paradigms of commercial revolution and economic expansion and contraction, which dissolved the vision of medieval Europe as a precapitalist society par excellence moving through fixed stages of economic development toward modern credit.

### POSTWAR CURRENTS IN BRITAIN: “NEO-MALTHUSIANS,” MARXISTS, AND COMMERCIALIZATION

I have emphasized the parallels between Postan’s and Lopez’ intellectual trajectories. But before moving on to the third trajectory in medieval economic history, I would like to sketch out the way in which Postan and Lopez have become representative of later trends in the field of medieval economic history, which at times have even been somewhat in opposition.

Among British historians, Postan came to be the foremost representative of economic historians focusing on land, labor, and population. In the 1970s, Marxist historians critiqued Postan for his reliance on Ricardo and Malthus, dubbing him a “neo-Malthusian.” With these New Left scholars, Marx entered medieval economic history as a theoretical force for the first time in his own right, not via Sombart and the interwar discussions of medieval capitalism.<sup>144</sup> Fierce debates raged between the “neo-Malthusian school” and Marxists; both groups of historians largely dropped commercial life from their accounts of medieval economy.

In reaction to the predominance of Marxist and agrarian history, a group of British economic historians began to reconsider the process of “commercialization.” While the term “commercial revolution” is still found in contemporary publications as a rubric for the economic take-off of the twelfth and thirteen centuries,<sup>145</sup> “commercialization” has been preferred as a term evoking process, transition, and movement. It also has the advantage of being applied more aptly to regions, such as England and France, which were not, like Italy and Flanders, urban and manufacturing hot spots. This historiography on commercialization, although located more in British universities than in American ones, can be associated with Lopez’ emphasis on money, market, and trade.

### *Neo-Malthusians*

Michael Postan came to be the foremost representative and driving force behind the critique of the “trade-centered” approach in England, as Emmanuel Le Roy Ladurie was in France.<sup>146</sup> Both historians analyzed population expansion and contraction in relation to the supply of land and drew on the theories of the classical economists Ricardo and Malthus. Postan particularly favored Ricardo’s theory of diminishing returns on the reclamation of less productive land, with consequent declining food resources.<sup>147</sup> By exploring the broad dynamic implications of population expansion and contraction, this work came to qualify the presupposition of market forces operative in the early modern period.<sup>148</sup> As Robert Brenner has summarized in a controversial article, Postan and Le Roy Ladurie constructed their population-centered models

in opposition to a prevailing historiographical orthodoxy which assigned to the growth of trade and the market a role somewhat analogous to that which they were ultimately to assign to population. Thus Postan and Le Roy

Ladurie made powerful attacks on the simple unilineal conceptions which had held that the force of the market determines: first, the decline of serfdom, which was often simply identified as the change from labor rents to money rents and *ipso facto* the emergence of a free contractual tenantry; and second, the rise of capitalist agriculture, classically large-scale tenant farming on the basis of capital improvements and wage labor.<sup>149</sup>

This historiographic orthodoxy in England had been enshrined in the first textbook for economic history, W. Cunningham's *The Growth of English Industry and Commerce* (1882), and was still present in E. Lipson's 1937 text *The Economic History of England*.<sup>150</sup> The leading English historical economists Cunningham, W.J. Ashley, and Cliffe Leslie had formulated their narrative on the basis of the Historical School's stages, seeing in the German Historical School a corrective to the bankruptcy of classical political economy.<sup>151</sup>

Cliffe Leslie in the 1870s introduced Roscher's works to an English readership.<sup>152</sup> Ashley translated Roscher's 1843 program, introduced readers to Georg Knapp and Hildebrand, and held Schmoller up as the paragon of historical economics, even dedicating his collected essays to him.<sup>153</sup> Ashley was thoroughly conversant as well with German historical scholarship. (Both Cunningham and Ashley completed their studies at German universities before launching their careers in Britain.) Though the English historical economists engaged in no acrimonious *Methodenstreit* like that between Schmoller and Carl Menger (and Ashley is proud of this fact), they clearly struggled to maintain the primacy of historical economics in the face of the tendency to define the emerging field of economics as an abstract, theoretical field within which history was irrelevant, following the Marginal Revolution launched by W.S. Jevons, Menger, and Léon Walras in the 1870s, and made a leading force in Britain in the 1890s with Marshall's *Principles of Economics*.<sup>154</sup> For Cunningham and for Ashley, the doctrine of marginal value was superficial, serving only to raise the deeper historical questions.<sup>155</sup> While Schmoller effectively closed the door to marginal economics in Germany for a time, his English followers failed to maintain historical economics in the face of the new marginal economics. As a consequence, economics became an analytical not a historical enterprise, and economic history was shunted off as a subdiscipline of history, not of economics.<sup>156</sup>

Where the historical economists introduced the German Historical School as a corrective to Ricardo and John Stuart Mill (even as they



were deeply indebted to their classical economic principles), Postan revived Ricardo and Malthus against the bankruptcy of the trade-centered approach and the fallacies embedded in a theory of economic stages (even as he too was indebted to the historical method of these scholars). Similarly, in France, Le Roy Ladurie's reintroduction of Malthus corrected the presumption of a steady "rise of the market" found among others also in the great Annalist Marc Bloch. In England, the trade-centered approach gave way to agrarian history; in France, the old Annalist interest in agrarian history took a new turn.

The "neo-Malthusian" model replaced the unilinear "rise of the market" model with a chronology of expansion and contraction far different from the ever-steady progression of economic development from the "natural economy" of the barbarian West to the capitalism of the Industrial Age. A decade or two after business historians had coined the "commercial revolution of the thirteenth century," agrarian history had become the prime focus of economic historians and it was studied from a neo-Ricardian or neo-Malthusian angle on both sides of the Channel, whether in the thirteenth, sixteenth, or late eighteenth and early nineteenth centuries. The result was a narrative of economic cycles in which expansion and contraction were influenced heavily by the rhythms of population and land use. As a consequence, commercialization became a negligible factor in the determinative categories of medieval economic history. The basic rhythms of medieval economic history by 1970 were clear, but the position and importance of commercial innovation was not.<sup>157</sup> But this would not form the main substance of scholarly debate in the ensuing decades. Rather, the debate would center on the causal factors driving the transition from feudalism to capitalism during the late medieval crisis. Among British historians, the commercial revolution would be sidelined, a paradigm constructed contra Sombart, whose historiographic context in the stages theory was now forgotten.

### *The Marxists and Brenner Debate*

In the postwar period, perhaps owing to the influence of the New Left, a Marxist historiography in medieval history arose for the first time in its own right. In 1933, Marxist medieval historians were unknown and any reference to Marx's thought, including the word "capitalism," was mediated through Sombart. Now Marxist scholarship became a vital part of medieval economic history, and Sombart was long forgotten. By the

1970s, this (largely British) Marxist school would come to challenge the new narrative of medieval economic history. The debate was initiated by Robert Brenner with his article “Agrarian Class Structure and Economic Development.” Brenner attacked the princes of French and English historiography, Postan and Le Roy Ladurie, whom he dubbed the neo-Malthusian school. Brenner in fact was resurrecting an older debate among Marxist historians, following the publication of Maurice Dobb’s *Studies in the Development of Capitalism*, and turning it loose in mainstream historiography.<sup>158</sup> Following the lines of this debate will be of importance to our interests, though it will seem at first paradoxically to sideline the issues of market and commerce.

Robert Brenner argued that the structure of class relations—not the land:labor ratio—“will determine the manner and degree to which particular demographic and commercial changes will affect long-term trends in the distribution of income and economic growth.”<sup>159</sup> (Brenner defined class structure as having two parts, with the greater emphasis on the second: (1) the “social forces of production” and (2) the “surplus-extraction relationship” or the “property relationship.”) Internal structural contradictions in feudalism generated by a class struggle over rent provoked a fatal crisis which led in turn to the rise of capitalism: the low productive capacity of medieval agriculture was driven even lower by landlords who squeezed further rents out of peasants in an attempt to satisfy their increased appetite for money needed for a new lavish lifestyle. Rising land prices and declining wage prices (documented by the demographic school) were driven then by the will of the landlord, not by the forces of supply and demand. Brenner melded the findings of the demographic school with his theory, but made demography subservient to political and legal institutions; these were the determinative factor. (Dobb similarly had foregrounded exploitation moderated by a labor market.)<sup>160</sup>

Sharp debates and close critiques followed Brenner’s attack on Postan and Le Roy Ladurie.<sup>161</sup> But despite their differences, Marxist and the so-called neo-Malthusian historians agreed on the absolute supremacy of agrarian history and de-emphasized towns, trade, and the rise of the market to the extent that they have been dubbed two “stagnationist” interpretations of European economy.<sup>162</sup> And they both contributed to sketching the chronology of economic contraction in the late medieval period—the crisis at the turn of the fourteenth century, the plunge with the Black Death, and sustained depression through the fifteenth century.

In the post-WWII period then, the focus of the most vibrant and exciting work in medieval economic history was in agrarian history. Fierce debates were conducted over the causative force of population expansion and contraction versus class struggle in the transition from feudalism to capitalism. But both models were built on a devastating critique of the classic historiographic paradigm of the “rise of the market,” and the rather sound judgment of locating the powerhouse of economic forces in landownership and production. Thus the entire current of medieval economic history shifted from the town to the countryside and from trade to agricultural production. The major debates shifted from the continuity between the late Roman and early medieval periods, to the rupture between feudalism and capitalism.

### *Commercialization*

With the waning of the New Left and the dissipation of the Soviet bloc, Marxist historiography has lost its vital force as a cutting edge in medieval economic history. In reaction against the dominance of land, labor, and class, a recent generation of British historians has taken up again the issues of market and trade—now posed as a question of “commercialization.” This current has remained largely an insular English historiography, with clear but largely unstated connections to the paradigm of the “commercial revolution.” R.H. Britnell launched this trend with his excellent monograph *The Commercialisation of English Society 1000–1500*.<sup>163</sup> This was soon followed by contributions from many scholars in the volume Britnell edited with Bruce Campbell, *A Commercialising Economy: England 1086 to c. 1300*.<sup>164</sup> Mark Bailey gathered outlying essays to this new paradigm in his “Historiographical Essay: The Commercialisation of the English Economy, 1086–1500.”<sup>165</sup> He and John Hatcher also undertook a book-length study, *Modelling the Middle Ages: The History and Theory of England’s Economic Development*, in which commercialization was set in the context of the demographic and Marxist historiography and presented as the new cutting edge.<sup>166</sup> The key question throughout each of these studies has been the quantitative growth of markets and trade as a precondition for assessing the question of qualitative change. As the various participants in the discussion are well aware, the very assessment of growth presents difficult methodological questions, which historians have addressed through creative applications of neoclassical economic theory.

This literature is deeply informed by the insights of both the neo-Malthusian and Marxist scholarship, particularly in regard to the following points: (1) Markets arise contemporaneously with the strengthening of serfdom. Market growth does not necessarily lead to an increase in personal freedom; and even where great contractual freedom does emerge (as in the late middle ages), it may result in great oppression of the laborers. (2) Markets are not located in towns in contradistinction to the “natural economy” of the countryside; rather, the growth in money use and marketing is taking place in the countryside as well. Since at least 80 percent of the population is involved in agriculture, it is this productive activity which is the most important source of “surplus” that goes to market. (3) Market growth may be generated by the landowners’ demand for money, rather than by the peasants’ desire to “profit.” The landowners’ desire generates the concomitant result that peasants are tied into a “money economy” while holding money only in certain periods of the agricultural cycle.<sup>167</sup>

These works make an important contribution in two ways: First, they return the issues of markets, trade, and towns to the table, demanding that the wonderfully rich agrarian history be integrated again with these issues. Second, they have subtly, almost without comment, reconceptualized Lopez’ model of “the commercial revolution” as “commercialization.” This move deflects attention from the hot spots of Italy and the Low Countries to the wide expansion of western Europe. It drains Lopez’ paradigm of its Sombartian bile. That is to say, the cutting edge of historical progress is no longer the entrepreneurial merchant-banker, but an economic process taking place throughout rural and urban society. For the model of “commercialization” breaks down the dichotomy of town versus country as opposing locales of money versus natural economy; it opens our eyes to the growth of markets in rural outlying areas, and to the symbiotic transformation of town and country within the process of commercialization.

Yet, this said, the works on commercialization do revive the old narrative of the “rise of the market” to a degree, albeit nuanced by the demographic and Marxist scholarship. Britnell, for instance, takes the framework for his analysis of commercialization from the basic building blocks of the old market narrative: markets and money, trade, and freedom. This last element, so severely criticized in the demographic and Marxist literature, reemerges here as “lordship” like a coin tails-up. His central question is the growth of these factors. In the course of his

analysis, however, he nuances the old framework almost to the point of dissolving it. For instance, he argues that the development of markets was “inseparable from the exercise of power and the creation of law.”<sup>168</sup> Markets arose where people congregated for noneconomic reasons, for legal courts or religious festivals, not because of an innate propensity to “truck, barter, and trade.” Britnell’s analysis of money in the countryside begins to dissolve the signification of money as an indicator of the rise of the market: “Most families sought money to fulfill particular obligations or to satisfy particular needs rather than as the prime object of their labors”; that is, commutation to money payments was subordinated to feudal relations, not the agent of feudalism’s dissolution.<sup>169</sup> Britnell’s brilliant analyses edge toward a radical revision of the old market-centered narrative, but in the end fall back on the framework of money, markets, and trade giving rise to freedom.

In *A Commercialising Economy*, Britnell and Campbell’s methodological and theoretical approach implies that commercialization can only be understood internally in reference to its own terms, just as Brenner, for example, argued that the decline of feudalism can only be understood internally in relation to class structure. Bailey and Hatcher likewise tout the classical economic “rise of the market” model, while taking their hats off to neoclassical economists such as Douglass North, R.P. Thomas, and K.G. Persson, whose rigid categories of scarcity and supply/demand are closed to the supple and rich social context of economic history, which a historian like Britnell plumbs to its depth within the straitjacket of his neoclassical framework.

In short, the contemporary British model of commercialization in so far as it is based on neoclassical economic models is a regression to the old “rise of the market” model based upon an orthodox (and decidedly unhistorical) interpretation of Adam Smith. A full historical understanding of commercialization cannot presuppose the growth of markets and market institutions as a natural consequence of human economy. Critiques of the Smithian model have been developed in contemporary feminist economics, in economic sociology, and above all in substantivist economic anthropology. One economist, Avner Greif, has in fact attempted to understand the historical formation of market institutions from “the outside in,” as it were.<sup>170</sup>

The most formidable critique of the classical and neoclassical paradigm of money, markets, and trade in precapitalist economies is that of Karl Polanyi, whose work provides a touchstone for the economic anthropologists and economic sociologists and whose approach is echoed and

paralleled in critiques by the Marxist economic historian Brenner (in his critique of Emmanuel Wallerstein and Paul Sweezy) and the historical economist Greif. The following section will discuss Polanyi and his influence in medieval history, through the works of Annalist and allied scholars, in some detail.

### BEYOND MONEY, MARKET, AND TRADE: KARL POLANYI AND *THE GREAT TRANSFORMATION*

In the depth of the war years, a refugee from central Europe, Karl Polanyi (1886–1964), penned his classic *The Great Transformation* in the safe harbors of Great Britain, Canada, and the USA.<sup>171</sup> Polanyi was born to an assimilated Jewish-Hungarian family and raised as a Catholic. He experienced several exiles before settling in North America. As the founder of the Galilei Circle for progressive students, he fled Budapest in 1920 in the wake of the White Terror. In Vienna, he worked as an economic journalist for the *Österreichische Volkswirtschaft* and took part in the intellectual life of interwar Vienna. Though a marginal figure, he was recognized for his participation in the Calculation Debates, where he advanced a nonorthodox socialist position. He advocated decentralized planning against, on the one hand, Ludwig von Mises' arguments that planning is impossible and, on the other, Otto Neurath's vision of centralized planning. With the rise of Austrian Fascism in the mid-1930s, he and his family moved to England, where they would remain through the early war years. There, lecturing for the Workers' Educational Association, he deepened his knowledge of the Industrial Revolution, particularly with reference to England.<sup>172</sup>

These studies would bear fruit in *The Great Transformation* (1944), an interpretive study of the nineteenth century in which Polanyi attempted to explain the rise of Fascism and collapse of European society. As with Kisch and Oelsner, this work was his war effort. But whereas they responded to the current destruction of European Jewry, Polanyi analyzed the causes behind the collapse of European civilization as a whole. Polanyi's work, when placed in the context of other émigré works, can be read, I propose, as another response to the Jewish Question—albeit one that folds the Jewish Question into the larger one of the collapse of European civilization. In this reading, Polanyi reworks the whole concept of economy to displace the centrality of the profit motive (linked by Sombart to Jews and Judaism) and the self-regulating market system.

His analysis focused on the capitalist ideology of a self-regulating market, which he considered utopian, and it issued in a formative critique of contemporary economic theory as market driven.

Our thesis is that the idea of a self-adjusting market implied a stark utopia. Such an institution could not exist for any length of time without annihilating the human and natural substance of society; it would have physically destroyed man and transformed his surroundings into a wilderness. Inevitably, society took measures to protect itself, but whatever measures it took impaired the self-regulation of the market, disorganized industrial life, and thus endangered society in yet another way.<sup>173</sup>

An autonomous market system severs the symbiotic connection between society and economy, inverting their natural order. The aim of the economy is no longer the satisfaction of society's material needs but ever-increasing profit. The profit motive drives economic activity, regardless of the human and environmental costs. This inversion shows itself in the commoditization of factors such as labor, land, and money, which are commodities only in fiction.

Polanyi built an argument for the regulation of modern economy by demonstrating how economies across time and space have been embedded in social institutions. Drawing on the ethnographic literature describing primitive economies, Polanyi constructed three ideal types of "economic exchange"—reciprocity, redistribution, or exchange. This last was the historic origin of the self-regulating market system, but, he emphasized, it need not have developed in this direction. The models for reciprocity came above all from the classic *The Gift* (1925) by the French sociologist Marcel Mauss. Mauss had argued that gifts "were in fact obligatory and interested," rather than "voluntary, disinterested, and spontaneous."<sup>174</sup> Gifts were evidence contra the German Historical School that there ever was a "natural economy" forming the first stage of economic development. Gifts were *contracts* between clans, tribes, and families who were bound by an obligation to give gifts, an obligation to receive gifts, and an obligation to repay gifts. Moreover, gift giving involved more than simply exchanging goods and wealth: it involved an "exchange...[of] courtesies, entertainments, ritual, military assistance, women, children, dances, and feasts."<sup>175</sup> From Mauss' insight, Polanyi developed his theory of how economy is embedded in other social and cultural institutions. Only an economy embedded in its social institutions, he argued, is properly

directed to sustaining human life, as opposed to accumulating capital. The ideal of a self-regulating market system, Polanyi concluded, is historically unprecedented, an aberration in human history, one which is destroying European society.

By arguing that a self-adjusting market system is a false utopia and historically unprecedented, Polanyi attacked the root principles of classical political economy and neoclassical economics—that an autonomous market system is the pinnacle and teleological end of economic development. In this system of thought, the market system becomes identical with “economy” and serves as a theoretical model for all cultures in any historical period. Polanyi, in contrast, pointed out the historical contingency of and the utopian elements in classical and neoclassical economics. He argued that the following principles are valid only for a study of modern market systems, and then only in part: (1) the basic economic unit is an autonomous agent, (2) with an innate propensity to “truck, barter and trade,” (3) which propensity naturally gives rise to markets, (4) which markets naturally give rise to a self-regulating market system.<sup>176</sup> In no primitive society, Polanyi argued, does the orthodox economic story bear out: individuals do not show a propensity to barter, nor does barter give rise to local markets and a division of labor, necessitating regional and long-distance trade. Polanyi specifically articulated his critique as a response to Adam Smith. This is not surprising given the English context within which he was reading and lecturing during the war and the rise of neoclassical economics.

What is not viscerally evident is that the Smithian propensity to “truck, barter, and trade” had been linked in German economic literature specifically to Jews and Judaism.<sup>177</sup> This German context unveils another layer in Polanyi’s thought, suggesting that his work can be read as a profound response to the Sombartian reduction of Jews and Judaism to the spirit of capitalism. I do not propose that Polanyi himself saw his work, in the way Oelsner saw hers, as combating contemporary antisemitism. But surely he would have admitted a fundamental opposition to Sombart’s characterization of premodern economy and the Historical School’s stages of economic development. My point is that Sombart’s economic stages were one-half of a Janus-faced pair. The other half was his vision of the spirit of capitalism embodied in Judaism and Jews.

Following the enthusiastic reception of *The Great Transformation*, Polanyi received a visiting professorship in 1947 at Columbia University, where he directed a project supported by the Council for Research in the



Social Sciences on the origins of economic institutions. After his retirement in 1953, he and the anthropologist Conrad Arensberg directed an interdisciplinary project funded by the Ford Foundation on the economic aspects of institutional growth, as well as a faculty seminar at Columbia on the same topic. This series of research projects reached fruition in the path-breaking collection of essays *Trade and Market in the Early Empires: Economies in History and Theory*, edited jointly by Polanyi, Arensberg, and the sociologist Harry Pearson, in consultation with the Assyriologist A. Leo Oppenheim from the Oriental Institute of the University of Chicago. The aim of the volume as a whole was the exploration of the relation between social institutions and economic patterns, in both market and nonmarket economies. The underlying impetus for the volume was the sociological understanding of economy or what Polanyi referred to as the “place of economy in society.”

The collection drove a single argument home, owing in large measure to Polanyi’s guiding vision: the economic process must be rethought more broadly than the market complex in order to understand preindustrial and primitive economies. “The authors see in the market bias an intellectual obstacle to that broadening of our vision in matters economic which they advocate.”<sup>178</sup> Just as Polanyi argued in *The Great Transformation*, the authors here held that

Adam Smith’s discovery of the market as the pivot of the economy was more than a practical insight....His concept of the market as a spur to competition gave the decisive impetus for that view of society that was to arise from such an economy: a concept that was eventually regarded as an universal tool in the atomistically conceived history and theory of man. The market, then, shaped both the organization of our actual material existence and the perspectives from which we were allegedly enabled to grasp *all* forms of social organization.<sup>179</sup>

Polanyi and his fellow editors protested against the neoclassical definition of the “economic” as economizing action in a situation of scarcity, and its claim to historically universal applicability.

Such an approach must induce a more or less tacit acceptance of the heuristic principle according to which, where trade is in evidence, markets should be assumed, and where money is in evidence trade, and therefore markets, should be assumed. Naturally, this leads to seeing markets where there are none and ignoring trade and money where they are present, because mar-

kets happen to be absent. The cumulative effect must be to create a stereotype of the economies of less familiar times and places, something in the way of an artificial landscape with only little or no resemblance to the original.<sup>180</sup>

Polanyi argues that the economic might also have a substantive meaning, not just a formal (neoclassical) meaning. The substantive meaning refers to the satisfaction of material wants through humankind's interchanges with nature and fellow human beings. "Only the substantive meaning of 'economic,'" Polanyi argues, "is capable of yielding the concepts that are required by the social sciences for an investigation of all the empirical economies of the past and present."<sup>181</sup> That is, focusing on rational economizing limits the scope of investigation, ruling out economic activities that do not conform to the modern market system. The anthropologist, sociologist, and historian are faced, Polanyi argues, with a great variety of institutions other than markets, in which humankind's livelihood is embedded. Thus an analytical method devised for a special form of the economy, which was dependent upon the presence of specific market elements, is useless. Only the substantive definition opens economic thought up to nonmarket systems.<sup>182</sup>

While Polanyi was Jewish only through the imposition of a racial category that denied his own self-identification as a Christian socialist, his intellectual trajectory was shaped by the experience of emigration as a "Jew." Without the exposure to the traditions of political economy and history in England, perhaps without the personal trauma of exile also, *The Great Transformation* would never have been written. Without the fellowships and scholarly connections in the USA, the collaborative work at Columbia would not have produced the same forceful intellectual model influencing anthropologists, sociologists, and premodern historians in the postwar period. Though he neither saw himself as "Jewish" nor linked his work to Jewish history, his work challenged the very construction of "economy" around a "profit motive" that was linked with Jews and Judaism. By analyzing the cause of the collapse of European civilization as, at root, the bitter dregs of a fatal utopian vision which willfully imposed an aberrant economic life through governmental regulation, Polanyi ultimately made a noneconomic, that is, a "super-economic," argument for Europe's collapse. This analysis undid any rational economic explanation of antisemitism. Polanyi's central argument aligns with the analysis of National Socialist antisemitism by another Jewish émigré and economic journalist, Arthur Feiler. Feiler, in reviewing a book on the "refugee

problem,” concluded, “Perhaps these proposals...were too optimistic... because [they] put too much emphasis on the economic roots and not enough emphasis on the non-economic, super-economic, irrational causes of Europe’s self-destruction and decay.”<sup>183</sup>

Polanyi’s substantive definition of economy and historical approach to economy as an instituted process embedded in broad social, political, and cultural institutions sparked a revolution in the newly emerging subfield of economic anthropology and had a similar if less far-reaching effect in ancient history. During the 1960s and 1970s, economic anthropology was split by sharp debates between “formalists” subscribing to the use of contemporary economic theory for primitive economies and “substantivists,” following Polanyi’s model, joined somewhat later by a third approach, that of the New Left Marxists, which focused on production as a counterpoint to Polanyi’s focus on circulation.<sup>184</sup>

Polanyi’s ideas reverberated in medieval history too through the Annales School. In 1972–1973, the Annales School held a seminar on Polanyi in conjunction with the publication of the French translation of *Trade and Market*. The papers were published in a 1974 issue of *Annales* and republished with additional contributions in the English-language journal *Research in Economic Anthropology*.<sup>185</sup> The participants included the medievalist Georges Duby, who was working in the early 1970s on a monograph that would strongly influence the study of early medieval economy, *Guerriers et paysans, VII–XIIe siècle* (1973).<sup>186</sup>

### *From Gift Economy to Profit Economy*

Duby described the growth of the European economy as a long-term shift from an early medieval *mentalité* of gift economy to a high medieval profit economy. The circulation of gifts and return gifts, pillage and offering, characterized the mental attitudes underlying the social structures of early medieval Europe.<sup>187</sup> The “new money economy” with its drive to profit characterized the modern. Duby borrowed the concept of “the gift” from Marcel Mauss’ formative 1925 essay<sup>188</sup> and melded it with the later expansions of the gift economy by anthropologists, ancient historians, and the acclaimed economic thinker Karl Polanyi.<sup>189</sup> Duby adopted Polanyi’s critique of market-centered teleological narratives,<sup>190</sup> and in doing so, was able to sketch the shape of early medieval European economy beyond those zones made visible by the application of modern economic models of money, market, and trade. But in describing the trajectory of long-term

economic change, Duby fell back on a model of premodern traditionalism versus modern profit motive coming out of older sociological studies of capitalism.<sup>191</sup> The story Duby told is one of the emergence of a “new money economy” prompted by the increasing circulation of coins set in motion by pillage.<sup>192</sup> Coins in combination with demographic growth and new agrarian technologies spurred greater productivity, stimulated trade and commercial activities, and unleashed a new *mentalité* of profit. According to Duby, “About the year 1180, throughout Europe, the age of the businessman was at hand. After 1180 the profit motive steadily undermined the spirit of largess.”<sup>193</sup> “Money was not simply a unit of measurement in Italian towns: it was a living value, capable of bearing economic fruit. Let us have no hesitation in describing such an attitude towards money as ‘capitalist.’”<sup>194</sup>

Duby’s concept of “capitalist” defined by “profit motive” aligns with the conceptual framework of the major works on capitalism by Karl Marx, Werner Sombart, and Max Weber.<sup>195</sup> But Duby was not drawing directly from these giants. Rather, he assimilated the model of the commercial revolution into his narrative, locating this precocious new mental attitude in Italy, but reduced the nuanced discussions of contracts, credit instruments, and trade to a “new money economy.” The research embodied in the concept commercial revolution explicitly challenged Sombart’s notion of a precapitalist middle ages, even as it made use of much of his conceptual framework. “Money,” in Duby’s account, “came to occupy an unequivocal position, central to every aspect of growth.”<sup>196</sup> When money came to transform the core feudal zones of Europe around 1180, “the profit motive steadily undermined the spirit of largess.”<sup>197</sup>

The cultural and religious implications of the radical shift from gift economy to profit economy were explored by Lester Little.<sup>198</sup> Little argued that medieval urban culture underwent a profound crisis in the twelfth and thirteenth centuries as the new profit economy replaced the old gift economy: “The ‘spiritual crisis’ is seen in a growing discordance between new economic and social realities and a traditional, initially unresponsive, clergy and theology.”<sup>199</sup> A symptom of this crisis was the emergence of medieval antisemitism in the twelfth and thirteenth centuries. For “the Jews functioned as a scapegoat for Christian failure to adapt successfully to the profit economy.”<sup>200</sup> The friars, Little argued, resolved the spiritual crisis of urban society by formulating “an intellectual and spiritual ideal properly suited to the new social and economic reality.”<sup>201</sup>

In fact, Little's influential argument seems to have sprung from his rethinking of Roscher on the Jews. In an early article titled "The Function of the Jews in the Commercial Revolution," Little argued that the onset of the commercial revolution explained the deterioration in Jewish-Christian coexistence, but not in the way that Roscher envisioned.<sup>202</sup>

The Jew came to be increasingly associated in Christian minds with the Commercial Revolution...the Jew was so identified with the money trade, and the money trade was such a source of uneasiness to Christians that the Christians just reversed the identification: they identified the entire money trade with the Jews....The money trade—the very heart of the Commercial Revolution—was thus considered to be the work of the Jews. The Jews were being blamed for the Christians' own involvement in a complex pattern of behavior that lay wholly outside the church's range of acceptable occupations. They were being blamed by Christians for doing what countless Christians were doing, but without being able to admit the fact.<sup>203</sup>

Little absorbed the paradigm of a medieval commercial revolution into Roscher's argument about a "Jewish economic function," leading him to reformulate the "Jewish function" as that of scapegoat for Christian guilt. This was a highly innovative and significant move that would align with what would emerge as the study of medieval antisemitism, a field within which antisemitism is defined as a "Christian problem," not a reflex of trade jealousy.

And yet, Little still maintained the assumption of a Jewish specialization in the money trade, as in this passage: "Within the market economy, there developed in the twelfth and thirteenth centuries a high degree of specialization and the Jews were the ones who came to specialize in the money trade. The importance of the bankers of Europe's first money economy should not be underestimated. Small numbers of people had a most far-reaching influence."<sup>204</sup> Although Little emphasized that Christians outnumbered Jews in every significant branch of commerce, his argument, as bold and innovative as it was, didn't go far enough. For it still maintained an essential difference between Jews and Christians. Jews and Judaism were portrayed as "always already" modernized, while Christians and Christianity were adapting anxiously to a new profit economy. Little's paradigm, even as it revised Roscher's, still encoded a binary opposition between Judaism and Christianity found in Roscherian and Sombartian narratives.

For Little, as for DUBY, money was both the prime causal agent of the economic transformation generating the commercial revolution and the

cultural symbol of spiritual crisis: “expanding commerce and industry was both paralleled and facilitated by an increase in the amount and use of money in the European economy.”<sup>205</sup> The impersonal quality of new urban centers, the substitution of monetary transactions for personal relations, and the moral uncertainty caused by an outmoded Christian morality were all problems generated by the “new profit economy.” Money underlay all three. Because money was durable, compact, and mobile wealth, it was intimately linked to urban life.

The relationship between money and urban society follows directly from the definitions thus far presented. Urban society is a society so large as to include total or at least partial strangers. The reason that these strangers can deal with one another is that they are willing to receive money in exchange for goods they give others or services they render others. “Money,” said Max Weber, “is the most abstract and impersonal element that exists in personal life.” This impersonal medium of exchange, which even a stranger would accept, is the vital fluid of the urban organism.<sup>206</sup>

Money was consequently both the causal agent *and* the symbol of the new profit economy. It therefore became the locus of anxiety, Little argued: “The vice of avarice supplanted the vice of pride in moral literature. Satires against money, simony, and cupidity proliferated, as did artistic representations of avarice sorting and counting his coins, apes defecating coins and grotesque-heads vomiting coins into golden bowls.”<sup>207</sup>

The reference to Weber in the citation above marks the important fact that Little’s and Duby’s influential works were rooted in the sociological literature concerned with the rise of capitalism, as well as anthropological theories concerned with primitive gift economies. Money was treated in this classic sociological literature as the symbol for commodity exchange, as an abstract measure of value, as anonymous and impersonal, transforming society in its image.<sup>208</sup> Little’s conceptual model echoed a scholarly literature in which “profit economy” was defined as an exchange of alienable things between independent actors, and gift exchange over against profit exchange as an exchange of inalienable things between dependent actors.<sup>209</sup> These two radically different types of exchange were given radically different moral valuations: money being amoral or immoral, gift being moral. The opposition between a commercialized Jewish nation and noncommercial European nations was re-inscribed in the narrative of Europe’s shift from gift economy to profit economy. Even as the Historical School’s theoretical framework has dissolved, Roscher’s narrative remains alive.<sup>210</sup>

## CONCLUSION

This chapter has focused on a set of émigrés who are representative of three scholarly trajectories shaping medieval economic history today. Their experiences as émigrés and their negotiation of their Jewish identity in the 1930s and 1940s have been highlighted to help explain both their intellectual formation and the formation of key works which shape the field today *and* to help explain the blind spots and lacunae that litter the field of medieval economic history today. I will conclude by noting first the similarities and differences in their Jewish identities and émigré experiences. Then I will turn to the conceptual similarities which unite the three trajectories, before summarizing the contradictions and discontinuities that run across the three.

This group of émigrés runs the gamut of émigré experiences and twentieth-century Jewish identities. Kisch, Oelsner, Postan, and Lopez were acculturated Jewish intellectuals, moving from a central European, Russian, or Italian academy to the Anglo-American world. Polanyi was an “assimilated Jew,” by which historians mean that he and his family had converted to Christianity, but were still marked out in Hungary as Jews. In response to Nazi antisemitism, Kisch and Oelsner became Jewish historians and were distanced from their German national identities. Kisch can be counted as having a German identity to an extent, for he had made his life in Halle until uprooted by the Nazis. Later he would emphasize his Czech identity. In their new homelands, Kisch, Postan, and Lopez adopted a dual nationality—Czech and American, Russian and British, Italian and American. Unlike Kisch and Oelsner, Postan and Lopez were not propelled into Jewish history as an act of resistance against Nazi antisemitism and a consequence of academic marginalization. Postan and Lopez were European historians. In the muted antisemitic climes of Cambridge and Yale, they allowed their former nationality to elide their Jewish difference.

Patterns in their emigration also emerge. Postan and Polanyi emigrated twice—first in the aftermath of the Russian Revolution and second after the political upheavals in eastern Europe. Both cycled through Vienna, where they absorbed the literature of the Historical School, and London, where they were profoundly intellectually shaped by their engagement with English history. Postan, Polanyi, and Lopez would all work as journalists before establishing (or reestablishing) themselves in academia. Postan, Lopez, and Oelsner entered the university systems and built academic careers in their new homes. Postan and Lopez secured powerful

positions at top universities, while Oelsner remained a marginal academic figure, even though she, like Postan, received an M.A. (and only an M.A.) in her new home. Polanyi, like Postan, was a journalist for a decade in Vienna, but would become an émigré once again along with Kisch, Lopez, and Oelsner as a consequence of Nazi racial policy. Kisch and Lopez immigrated to the USA as already established scholars, though Lopez enrolled in and completed an American Ph.D. program to enhance his job prospects. Oelsner, coming late to the university and denied entrance in the 1930s, would gain her M.A. in America. In this she was similar to Postan, but unlike Postan, Oelsner never achieved a secure academic position. Polanyi, working as a journalist, would hone himself in a more academic vein by giving lectures in England to the Workers' Educational Association, an agency also supported by Postan's mentor and partner Eileen Power. Polanyi, like all but Postan, would ultimately make his way to the USA. Polanyi's wartime writings would earn him an academic platform at Columbia University from which he would do some of his most important work.

Out of their experiences as émigrés, they generated formative intellectual works that established important paradigms for the postwar period. For Kisch, Oelsner, and Polanyi, their intellectual works of the 1940s were their war effort, and these works spurred their later intellectual work. They responded to Nazi antisemitism and the collapse of European Jewish life on the one hand (Kisch/Oelsner) and the collapse of European life on the other (Polanyi), and their personal experience of both. Postan's and Lopez' formative works were not a war effort per se, but were strongly shaped by the education they received in their new national homes, on the one hand, and introduced their new national cultures to scholarly currents from their former homes, on the other.

The intellectual trajectories charted here have contributed major new paradigms on medieval economic history that profoundly shaped intellectual work in the postwar years and continue to shape our thinking today. One trajectory is centered on the question of the "economic function of the Jews," one on the "commercial revolution" or commercial expansion of high medieval Europe, and one on early medieval economy as a "gift economy." Each trajectory is associated with a different subfield of historical study—Jewish history, economic history, and cultural history. But all three trajectories share common features. All of the twentieth-century historians discussed here regarded medieval economic history as important for understanding the European crisis of WWII and the Holocaust.



Their approaches form concentric circles around a core of issues associated with capitalism, commercial development, money, credit, and economic exchange. Associated with these issues was an academic discourse coming out of the German Historical School that linked Jews and Judaism to capitalism, credit, and, money. All three trajectories critiqued the German Historical School of Political Economy in varying ways and degrees. The Jewish historians of the first trajectory rejected the Historical School's method and theory of discovering universal economic laws. They thereby transformed Roscher's essay on medieval Jewish status into a unique and contingent Jewish economic narrative, but discounted Roscher's explanatory power for medieval antisemitism. The economic historians of the second trajectory rejected the Historical School's depiction of medieval Europe as a precapitalist phase and emphasized the commercial revolution or expansion of the high middle ages. Oelsner built on this critique to reject Roscher, Sombart, and Weber's association of Jews and the profit economy. Little built on this critique to reformulate Roscher's "economic function of the Jews" as a scapegoat theory. The sociologists of the third trajectory rejected the Historical School's theory of naturally evolving progressive economic stages in which civilizations move toward a modern market economy, defined by complex credit and money use. Mauss analyzed gifts as a nonmarket form of economy, and Polanyi proposed viewing economy as an "instituted process," that is, as an institution embedded in heterogeneous ways in different historical societies. Duby and Little applied these theories to early medieval economy.

But these trajectories, despite their common understanding of the importance of medieval economic history, their common critique of the Historical School of Political Economy, and their common crystallization in the crucible of the 1940s, contain contradictions and discontinuities, elisions and ellipses. The basis for the narrative of the "economic function of the Jews" is contradicted by the scholarship on the commercial revolution and the economic expansion of high medieval Europe: If credit and commercial activity permeated high medieval society from rural to urban, from peasant to aristocrat, there was no endemic "function" for the Jewish population. The literature on the commercial revolution and economic expansion dispensed with Sombart's and the Historical School's depiction of high medieval European society as precapitalist.

But by focusing on markets and trade as the quintessential economic activity, this scholarly trajectory elides the economy of the early middle ages. There is no conceptual space for an economy that is constructed

differently from the market model. It was precisely this teleological vision of economy culminating in the market society that Mauss and Polanyi critiqued. Mauss' concept of "gift economy" gave Duby and Little the theoretical equipment that allowed them to analyze and describe early medieval economy. But Duby and Little reinserted stages of historical development into their historical narrative when they configured the literature on commercial revolution as a "profit economy." The contrast Duby and Little drew between the early medieval "gift economy" and the high medieval "profit economy" in fact resuscitated a Historical School paradigm—Tönnies' *Gemeinschaft und Gesellschaft*, which was subsumed by Sombart and Weber into a contrast between premodernity and modernity. Consequently, Duby and Little faced the same theoretical problem that plagued Sombart and Weber: if economic history is divided into premodern anticapitalism and modern capitalism, how does one account for the transition from one opposite to the other? Sombart's answer was through Jews and Judaism; Weber's answer in a more veiled way also ran through Judaism—the ancient Judaism of the prophets that blossomed in the Protestant ethic. Duby and Little found their answer in money and a "new money economy," configured around a Weberian concept of money: Money wrought fundamental changes in society and moneylenders, often Jews, were the targets for social criticism. But the concept of a "new money economy" as both symbol and prime mover for the scholarship on commercial revolution and economic expansion was precisely the concept that Michael Postan had savaged in his mid-career essay "The Rise of the Money Economy."

These contradictions and elisions have gone unnoticed by medieval scholars and are scattered across the current state of the field. Focusing on the modern discursive history of the myth of the medieval Jewish moneylender brings them to the fore. This is so because the current paradigms for medieval economic history were shaped against the Historical School's vision of economic development, which itself was intimately bound up with a discourse on Jews and economy. The claim of this book is that a revision of the historical narratives about the medieval Jewish moneylender can lead to breakthroughs in the current state of the field of medieval economic history, regardless of one's interest in Jewish studies.

Part Two challenges empirically with economic data what Part One has challenged theoretically and historiographically—the theory of the Jewish economic function grounded in a presumption of Jewish difference and an organic folk model. Through an in-depth economic study of

the Jews in thirteenth-century England, Part Two examines the wealth and poverty of the Jewish community, its lending patterns, and the royal administration of Jewish lending and taxation. Part Three in Volume II explores how the revision of the Jewish narrative may transform the three trajectories charted in this chapter—that on the Jewish money-lender, that on the “commercial revolution,” and that on Europe’s shift from gift economy to profit economy.

## NOTES

1. “Dreams of a Better Life: Interview with Toni Oelsner,” (hereafter Oelsner, “Interview”), in *Germans and Jews since the Holocaust: The Changing Situation in West Germany*, ed. Anson Rabinbach and Jack Zipes (New York, 1986), 102. My thanks to Andy Rabinbach for permission to quote his translation of Oelsner’s interview.
2. Guido Kisch, “The Jews’ Function in the Mediaeval Evolution of Economic Life in Commemoration of the Anniversary of a Celebrated Scholar and His Theory,” *Historia Judaica* 6 (1944): 1–12; Toni Oelsner, “Wilhelm Roscher’s Theory of the Economic and Social Position of the Jews in the Middle Ages: A Critical Examination,” *YIVO Annual of Jewish Social Science* 12 (1958–9): 176–95. See the discussion of Roscher in Chap. 2.
3. Oelsner, “Wilhelm Roscher’s Theory,” 176–7.
4. This also was true of other Jewish émigrés, such as Eric Auerbach, Hans Kohn, and Konrad Wolf. See: Adi Gordon, “The Need for the ‘West’: Hans Kohn and the North Atlantic Community,” *Journal of Contemporary History* 46 (2011): 33–57; and Matthias Bormuth, “Meaning and Progress in History—A Comparison between Karl Löwith and Erich Auerbach,” Malachi Hacohen, “Typology and the Holocaust: Erich Auerbach and Judeo-Christian Europe,” and Ofer Ashkenazi, “Home-Coming as a National Founding Myth: Jewish Identity and German Landscapes in Konrad Wolf’s *I Was Nineteen*,” all in *Central European Jewish Émigrés and the Shaping of Postwar Culture: Studies in Memory of Lilian Furst (1931–2009)*, ed. Julie Mell and Malachi Hacohen (Basel, 2014), 33–44, 45–91, 218–37, respectively.
5. A fourth trajectory associated with Marxist historiography on “feudalism” and “the decline of serfdom” will not form part of the discussion here, because its focus on rural economy has meant that it had little intersection with Jewish history.

6. Mell and Hacothen, *Central European Jewish Émigrés and the Shaping of Postwar Culture*.
7. For Kisch's biography, see: Guido Kisch, *Der Lebensweg eines Rechtshistorikers: Erinnerungen* (Sigmaringen, 1975); Wilhelm Güde, "Leben und Werk des Rechtshistorikers Guido Kisch (1889–1985)," *Basler juristische Mitteilungen: Organ für Gesetzgebung und Rechtspflege der Kantone Basel-Stadt und Basel-Landschaft* 1 (2010): 1–24; Wilhelm Güde, *Der Rechtshistoriker Guido Kisch (1889–1985)* (Karlsruhe, 2010), 7–41; Heiner Lück, "Der Rechtshistoriker Guido Kisch (1889–1985) und sein Beitrag zur Sachsenspiegelforschung," in *Hallesche Rechtsgelehrte Jüdischer Herkunft*, ed. Walter Pauly and Hans Lilie (Cologne, 1996), 53–66; *Lexikon deutsch-jüdischer Autoren*, s.v. "Kisch, Guido"; Catherine Epstein, *A Past Renewed: A Catalog of German-Speaking Refugee Historians in the United States after 1933* (New York, 1993), s.v. "Kisch, Guido"; *International Biographical Dictionary of Central European Emigrés, 1933–1945* (Munich, 1980), s.v. "Kisch, Guido"; and "The Guide to the Papers of Guido Kisch, 1799–1981," Guido Kisch Collection, AR787, Leo Baeck Institute, New York, [http://digital.cjh.org/view/action/singleViewer.do?dvs=1376077354899~213&locale=en\\_US&VIEWER\\_URL=/view/action/singleViewer.do?&DELIVERY\\_RULE\\_ID=5&frameId=1&usePid1=true&usePid2=true](http://digital.cjh.org/view/action/singleViewer.do?dvs=1376077354899~213&locale=en_US&VIEWER_URL=/view/action/singleViewer.do?&DELIVERY_RULE_ID=5&frameId=1&usePid1=true&usePid2=true). For Kisch's bibliography, see: Guido Kisch, *Ausgewählte Schriften*, vol. 2, *Forschungen zur Rechts-, Wirtschafts- und Sozialgeschichte der Juden* (Sigmaringen, 1979), 461–95, and vol. 3, *Forschungen zur Rechts- und Sozialgeschichte des Mittelalters* (Sigmaringen, 1980), 519–44.
8. Epstein, *A Past Renewed*, 2–3. Among the historians who emigrated to the USA, there were 10 full professors and 22 *ausserordentlicher, privatdozenten*, archivists, or librarians.
9. Kisch, *Lebensweg eines Rechtshistorikers*, 107–31, esp. 107–8, 114–22, 128.
10. Kisch, *Die Prager Universität und die Juden, 1348–1848* (Mährisch-Ostrau, 1935); for his articles, see: Kisch, *Ausgewählte Schriften*, 2:467–9.
11. Kisch, *Lebensweg eines Rechtshistorikers*, 122–3. Kisch does not explain why Baron was less than enthusiastic, perhaps because Baron saw it as part of the *Leidensgeschichte* that he so famously

- critiqued in Salo Baron, “Ghetto and Emancipation: Shall We Revise the Traditional View?” *Menorah Journal* 14 (1928): 515–26.
12. Guido Kisch, *The Jews in Medieval Germany: A Study of the Legal and Social Status* (Chicago, 1949); and *Jewry-Law in Medieval Germany: Laws and Court Decisions Concerning Jews* (New York, 1949).
  13. Kisch, *Jews in Medieval Germany*, ix.
  14. Guido Kisch, “Historia Judaica, 1938–1961: An Historical Account and Reminiscences of the Retiring Editor,” *Historia Judaica* 23 (1961): 3–14, citation on 7. See also: Solomon Grayzel, “An Adventure in Scholarship,” *Historia Judaica* 23 (1961): 15–22.
  15. Lück, “Rechtshistoriker Guido Kisch,” 61–2.
  16. Guido Kisch, *Forschungen zur Rechts- und Sozialgeschichte der Juden in Deutschland während des Mittelalters* (Zurich, 1955). This would be republished as the first volume of his *Ausgewählte Schriften* in 1978; the later volumes were also intended for a German-language audience.
  17. *Festschrift Guido Kisch: Rechtshistorische Forschungen* (Stuttgart, 1955); Guido Kisch, *Worte des Dankes in Anlässlich der Vollendung meines achtzigsten Lebensjahres 1969* (Basel, 1969); Hans Thieme, “Nachrufe: Guido Kisch,” *Österreichische Akademie der Wissenschaften Almanach für das Jahr 1986* 136 (1987): 413–20; Güde, “Leben und Werk des Rechtshistorikers Guido Kisch”; Güde, *Rechtshistoriker Guido Kisch (1889–1985)*, 7–41; Lück, “Rechtshistoriker Guido Kisch,” 53–66.
  18. On Toni Oelsner, see: Toni Oelsner, “‘Bloch hielt einen Vortrag über Träume vom beseren Leben’: Gespräch mit Toni Oelsner,” in *Der Zerstörung einer Zukunft: Gespräche mit emigrierten Sozialwissenschaftlern*, ed. Mathias Greffrath (Reinbek bei Hamburg, 1979), 223–47; the expanded English version of the interview: Oelsner, “Interview,” 98–119; *International Biographical Dictionary of Central European Emigrés, 1933–1945*, s.v. “Oelsner, Toni”; Epstein, *A Past Renewed*, 364. For Oelsner’s archive, see: Toni Oelsner Collection, AR 3970, Leo Baeck Institute.
  19. Oelsner, “Interview,” 117: “My teacher insisted that I go on to the upper division of a technical high school (*Oberrealschule*). He contacted my mother, and, when she came to see him, she said: ‘We

- cannot afford it. Toni may complete only the lower division.' He probably thought that we were wealthy when my mother put on the little fur that my father kept in his shop. The teacher's wife could not afford one."
20. Toni Oelsner, "Three Jewish Families in Modern Germany: Studies of the Process of Emancipation," *Jewish Social Studies* 4 (1942): 241–68, 349–98.
  21. In connection with this research, she gave a presentation to the Jewish feminist organization Jüdischen Frauenbund on "How Family Research Leads to Historical Research." The presentation was published in two editions of the Jüdischen Frauenbund's journal and in a shortened form in *Jüdische Familienforschung*, which led to her acquiring a much-needed fellowship for 1937–8 (Oelsner, "Interview," 107). On the Jüdischen Frauenbund, see: Marion Kaplan, "Women's Strategies in the Jewish Community in Germany," *New German Critique* 14 (1978): 109–18.
  22. Oelsner, "Interview," 112.
  23. Toni Oelsner, "The Jewish Ghetto of the Past," *YIVO Annual of Jewish Social Science* 1 (1946): 24–43, originally published in *YIVO Bleter* 20 (1942): 232–42 (Yiddish).
  24. *Ibid.*, 43.
  25. Oelsner, "Interview," 112; Oelsner, "Wilhelm Roscher's Theory," 176–95.
  26. Toni Oelsner, "The Place of the Jews in Economic History as Viewed by German Scholars: A Critical-Comparative Analysis," *Leo Baeck Institute Year Book* 7 (1962): 183–212.
  27. *The American Philosophical Society Year Book* (1963): 577–81.
  28. Toni Oelsner, "The Economic and Social Condition of the Jews of Southwestern Germany in the 13th and 14th Centuries," 1963, Toni Oelsner Collection, AR 3970 Box 1, Folder 8, Leo Baeck Institute. See also her research proposal for this project, Toni Oelsner, "Statement: The Economic and Social Condition of the Jews of Southwestern Germany in the 13th and 14th Centuries" Toni Oelsner Collection, AR 3970 Box 1, Folder 8, Leo Baeck Institute.
  29. Kisch, "Jews' Function," 1–12; Wilhelm Roscher, "The Status of the Jews in the Middle Ages Considered from the Standpoint of Commercial Policy," trans. Solomon Grayzel, *Historia Judaica* 6 (1944): 13–26.
  30. Kisch, "Jew's Function," 7.

31. Ibid.
32. The translator's note comments that "The rest of the article, having no direct bearing on the history of the Jews, does not seem to require translation" (Roscher, "Status of Jews," 26, note 28).
33. Kisch, "Jews' Function," 7.
34. Ibid.
35. Ibid., 4.
36. The conjunction of the medieval and modern is not unique to Kisch. The earliest novels dealing with the Holocaust do so through medieval Jewish experiences. See, for example: the novels by Selma Stern, *The Spirit Returneth...A Novel*, trans. Ludwig Lewisohn (Philadelphia, 1946); and Joanne Greenberg, *The King's Persons* (New York, 1963). Stern was a well-published Jewish-German historian who emigrated to the USA with her husband, the noted ancient historian Eugene Täubler. Stern became the first archivist of the Jewish historical collection at Hebrew Union College and published a study titled *The Court Jews* (Philadelphia, 1950), which transferred Roscher's theory to the early modern period. German historiography of the nineteenth and early twentieth centuries invested medieval history with terrible weight and significance for modernity that is no longer palpable, particularly for contemporary North Americans. Evidence of medieval history's significance can be seen in the importance the Nazis attributed to academic positions in medieval history.
37. James Parkes, *The Jew in the Medieval Community: A Study of His Political and Economic Situation* (New York, 1976).
38. Kisch, "Jews' Function," 12.
39. Kisch, *Jews in Medieval Germany*, 316–41.
40. Kisch, *Forschungen zur Rechts-, Wirtschafts- und Sozialgeschichte der Juden*, 110, note 13. Kisch would not have objected to her critique of Sombart. For he himself wrote a scathing review of the republication of Sombart's *Jews and Modern Capitalism* (Guido Kisch, review of *The Jews and Modern Capitalism* by Werner Sombart, trans. M. Epstein, *Historia Judaica* 13 (1951): 157–9). Kisch and Oelsner had a cordial if distant acquaintance. In 1962, Kisch was willing to give Oelsner a good recommendation, and she approached him for help resolving an issue with the editor of *Germania Judaica* over one of her articles (Letter from Toni Oelsner to Guido Kisch, 22 Apr. 1962, and Letter from Guido

Kisch to Toni Oelsner, 30 Apr. 1962, Guido Kisch Collection, AR 787 Box 12, Folder 1, Leo Baeck Institute). Whether in 1962 Kisch simply had not read her article on Roscher yet or whether his views changed later is unclear. The revisions of his Roscher essay for publication in his *Ausgewählte Schriften* seem to have spurred him to write to her requesting offprints on her project on the economic and social condition of Jews in southwestern Germany. (Letter from Guido Kisch to Toni Oelsner, 13 Oct. 1976, Toni Oelsner Collection, AR 3970 Box 1, Folder 2, Leo Baeck Institute).

41. Oelsner, "Wilhelm Roscher's Theory," 194.
42. *Ibid.*, 179.
43. In economic terms, this meant conceptualizing economic development as a single trajectory running from primitive natural economy to barter economy, money economy, and finally to a modern credit economy. In terms of ethnic history, it meant conceptualizing the history of a people as analogous to a human individual's life cycle from infant to youth, from adult to elder. See the discussion in Chap. 2.
44. Oelsner, "Place of Jews in Economic History," 183–4.
45. Moreover, he de-emphasized rabbinic exhortation against interest through a series of errors: He highlighted Maimonides' minority interpretation of Deut. 23:21, which claimed that one *ought* to lend to gentiles as a positive commandment, and treated this not only as indicative of Jewish attitudes toward moneylending to gentiles, but as a double standard indicative of Jewish ethics generally. In fact, as Oelsner points out, Maimonides' interpretation was a minority position (followed by Gersonides) but rejected by other leading rabbinical authorities and thus never incorporated in the great sixteenth-century halachic compendium the *Shulchan Arukh*. Maimonides' reading became known to German scholars through Johann Andreas Eisenmenger's famous antisemitic work *Entdecktes Judentum* and even further blown out of proportion by Sombart's erroneous attribution of it to the *Shulchan Arukh*.
46. Oelsner, "Place of Jews in Economic History," 197.
47. For example, Oelsner often cites works by Raymond de Roover and John Noonan and to a lesser extent Robert Lopez.
48. Oelsner, "Place of Jews in Economic History," 212.
49. Oelsner, "Interview," 113.



50. Ibid.
51. Ibid., 114.
52. See references above to typescript, project statement, and project report.
53. I use “Holocaust” in this chapter as a catch-all term including Nazi legislation from 1933 on, as well as the establishment of ghettos and death camps.
54. Although modern historians regard “antisemitism” as a term only applicable to modern racial theories, medievalists use it to refer to the development of the antisemitic fantasies of ritual murder, host desecration, and blood libel over the course of the mid-twelfth to mid-fourteenth centuries. Kisch’s terminology of the “phenomena of hatred and persecution” and “the deterioration of the legal status of the Jews” could be substituted for “medieval antisemitism” (Kisch, “Jews’ Function,” 7).
55. Alfred Philipp, *Die Juden und das Wirtschaftsleben. Eine antikritisch-bibliographische Studie zu Werner Sombart: Die Juden und das Wirtschaftsleben* (Strassburg, 1929); Eugene Täubler, “Zur Handelsbedeutung der Juden in Deutschland vor Beginn des Städtewesens,” in *Beiträge zur Geschichte der Deutschen Juden* (Leipzig, 1916); Julius Guttman, “Die wirtschaftliche und soziale Bedeutung der Juden im Mittelalter,” *Monatsschrift Geschichte und Wissenschaft des Judentums* 51, n.s. 15 (1907): 257–90. On the Jewish response to Sombart including the fistfights after his public lectures, see: Derek Penslar, *Shylock’s Children: Economics and Jewish Identity in Modern Europe* (Berkeley, 2001), 165–71.
56. A number of important historians who do not come into this account directly but ought to be mentioned are the Italians Gino Luzzato and Armando Saponi, the French Yves Renouard and André-E. Sayous, and the Americans Abbott Usher, Frederic Lane, Frank Knight, and Florence Edler.
57. Werner Sombart, *Der Moderne Kapitalismus*, 1st ed., 3 vols. (Leipzig, 1902); Carl Bücher, “The Rise of National Economy,” in *Industrial Evolution* (London, 1901); Bruno Hildebrand, “Natural-, Geld- und Kreditwirtschaft,” *Jahrbuch Nationalökonomie* 2 (1864): 1–24. Sombart’s theories were also reformulated by the American scholar Frederick Nussbaum in his *A History of the Economic Institutions of Modern Europe* (New York, 1933). Both Pirenne and Postan note the importance of Bücher and Sombart: Henri Pirenne,

- “The Stages in the Social History of Capitalism,” *American Historical Review* 19 (1914): 494–515, published simultaneously as a monograph, *Les périodes de l’histoire sociale du capitalisme* (Brussels, 1914); M.M. Postan, “Credit in Medieval Trade,” in *Essays on Medieval Trade and Finance* (Cambridge, 1973), 1–2. See also Marc Bloch’s discussion of medieval capitalism as a critique of Hildebrand’s theory of stages: Marc Bloch, “Natural Economy or Money Economy: A Pseudo-Dilemma,” in *Land and Work in Mediaeval Europe: Selected Papers by Marc Bloch* (Berkeley, 1967), 230–43. For an excellent discussion of Bücher and Sombart in a broad context of theories of economic stages, see: Bert Hoselitz, “Theories of Stages of Economic Growth,” in *Theories of Economic Growth*, ed. Bert Hoselitz et al. (Glencoe, 1960). Note, however, that Hoselitz focuses on an early essay by Sombart, rather than his *Der moderne Kapitalismus*. In my opinion, Sombart’s thinking developed from a modification of Bücher’s model in the early essay to a model that, under the influence of Weber’s concept of the “spirit of capitalism,” threw the medieval and modern into antithesis with each other.
58. M.M. Postan, “Mediaeval Capitalism,” *Economic History Review* 4 (1933): 212.
  59. Pirenne, “Stages in the Social History of Capitalism,” 496. The counternarrative Pirenne sketched in this early article reads as an early draft of all his later theories, those on the collapse of European economy in the Carolingian period, the origins of towns, and most important of all for our concern, his narrative of high medieval economic history—published posthumously—which supplanted Bücher’s own classic account.
  60. Postan, “The Economic Foundations of Medieval Society,” in his *Essays on Medieval Agriculture and General Problems of the Medieval Economy* (Cambridge, 1973), 4.
  61. Postan, “Mediaeval Capitalism.” The rich bibliography Postan reviews confirms Pirenne’s hypothesis some 20 years earlier—that indeed Bücher had based his theory on German towns of the fourteenth and fifteenth centuries.
  62. Gino Luzzatto, “The Study of Medieval Economic History in Italy: Recent Literature and Tendencies,” *Journal of Economic and Business History* 4 (1931–2): 708–27.
  63. Jacob Streider, “Origin and Evolution of Early European Capitalism,” *Journal of Economic and Business History* 2 (1929): 2.

64. Postan, "Mediaeval Capitalism"; Streider, "Origin and Evolution of Early European Capitalism." See also the references to "economic revival," "commercial growth," and "commercial capitalism" in Henri Pirenne, *Economic and Social History of Medieval Europe* (New York, 1937), 1, 48–9.
65. Postan, "Mediaeval Capitalism," 212.
66. A good description of the growth of the field is given by Richard Goldthwaite, "Raymond de Roover on Late Medieval and Early Modern Economic History," in *Business, Banking, and Economic Thought in Late Medieval and Early Modern Europe: Selected Studies of Raymond de Roover*, ed. Julius Kirshner (Chicago, 1974), 3–14.
67. *New Palgrave Dictionary of Economics*, 2nd ed., s.v. "Postan, Michael Moissey (1899–1981)"; Edward Miller, "Michael Moissey Postan: 1899–1981," *Proceedings of the British Academy* 69 (1983): 543–5.
68. "Obituary: Professor Sir Michael Moissey Postan, 1899–1981," *Economic History Review* n.s. 35 (1982): iv–vi. See also: Miller, "Michael Moissey Postan: 1899–1981," 544.
69. Maxine Berg, *A Woman in History: Eileen Power (1889–1940)* (Cambridge, 1996), 163.
70. Miller, "Michael Moissey Postan: 1899–1981," 544.
71. Berg, *Woman in History*, 187, note 50.
72. Power was bitter about the lack of enthusiasm for Postan at Oxford, writing scathingly afterward to Postan and Webster about the remoteness of the Oxford mind: "It is not that they are unaware of the outer world, but by some odd optical elusion they are aware of it as a part of Oxford....They are slightly warmer about the British Empire, but that, of course, is because it was invented by Lionel Curtis. It is marvellous to be able to live like flies in amber (or are they more like prawns in aspic?), but God alone knows why you want to do it" (Power to Postan, 26 Feb. 1932, Power-Postan Papers cited in Berg, *Woman in History*, 191).
73. Power wrote quite frankly to Postan in the early 1930s: "Clapham's chair will be vacant in about 7 years time. You can't get a chair in London or Oxford, because you are blocked by myself & Clark; but I have for some time had my eye on Cambridge for you. It is a snag that you are not a Cambridge man; but as far as I can see there aren't going to be any Cambridge men available, for Clapham has failed to train up any successor of the right calibre." She went on to

say, “I shall never say this to anyone but you, because it would be most unsafe, but I have had it for some time in my mind. It depends entirely on how big a reputation you can amass in the next 7 years, & on how we manage Clapham” (Power to Postan, 29 Jan. n.d., Power-Postan Papers cited in Berg, *Woman in History*, 192). She was delighted and relieved when he did receive the chair in 1938, remarking to her friend Helen Cam, “I never thought the Committee would have the sense.” Power and Postan were married by this time (Power to Cam, 6 Feb. 1938, Cam Papers cited in Berg, *Woman in History*, 197).

74. Power’s friend Nadine Marshall recalled that “She was very British, and he very Russian.” Power’s housekeeper remarked: “I don’t like to think of Miss Eileen being walked over at her age, but these foreigners are rather good at it” (Berg, *Woman in History*, 194). Berg herself uses the term “physical characteristics.” The memorial to Postan published in the *Proceedings of the British Academy* makes mention both of his “Russian origin” and his “distinctive appearance” (Miller, “Michael Moissej Postan: 1899–1981,” 543, 545).
75. The sole exception is the biographer of Eileen Power, as noted above.
76. *The Jewish Year Book* (London, 1927–32 and 1944–5).
77. Some accounts suggest that Power selflessly gave up her own chance of securing the position for Postan. But her reasons were much more complicated and the position was by no means securely Postan’s if she stepped out of the way. See her letter to Cam, 6 Jan. 1938, Helen Cam Papers, Girton College archives, cited in Berg, *Woman in History*, 196–7.
78. Berg, *Woman in History*, 197, citing Postan to Webster, 10 Oct. 1940, Webster Papers.
79. M.M. Postan, “Credit in Medieval Trade,” *Economic History Review* 1 (1928): 234–61; M.M. Postan, “Private Financial Instruments,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 23 (1930): 26–75. Both articles were reprinted in Postan’s *Medieval Trade and Finance*, 1–27, 28–64.
80. Postan, “Credit in Medieval Trade,” in *Medieval Trade and Finance*, 27.
81. Eileen Power and M.M. Postan, eds., *Studies in English Trade in the Fifteenth Century* (London, 1933), xvii.

82. Postan, "Medieval Capitalism," 212–27.
83. Frank Knight, "Historical and Theoretical Issues in the Problem of Modern Capitalism," *Journal of Economic and Business History* 1 (1928–9):119–36; Strieder, "Origin and Evolution of Early European Capitalism," 1–19.
84. Pirenne, "Stages in the Social History of Capitalism."
85. Marc Bloch, "Économie-nature or économie-argent," in *Mélanges Historiques* (Paris, 1966), 2:868–77; republ. as "Natural Economy or Money Economy: A Pseudo-Dilemma," in *Land and Work in Medieval Europe*, 230–43.
86. Marc Bloch, "Natural Economy or Money Economy," 231.
87. M.M. Postan and E.E. Rich, preface to *The Cambridge Economic History of Europe*, 1st ed. (Cambridge, 1952), 2:vi.
88. Power wrote to Postan some years before their marriage: "I do, I confess, feel rather worried about you. You would be a much better editor than I, and you are continually having to give me advice & help in work for which I get the credit. I don't really know quite what to do about it. I can't *help* asking for the best advice I can get over things, & I have an extremely high opinion of you...I could plan this without consulting you at all, but it would be so silly. It is just the unfortunate fact that I am 12 years older that puts me in Chairs and on the editorial page of these things" (Power to Postan, 29 Jan. n.d., Power–Postan Papers, cited in Berg, *Woman in History*, 192. This is the same letter in which Power shares her hopes for the chair at Cambridge going to Postan when Clapham retires).
89. *The Cambridge Economic History of Europe*, 1st ed., 2:119–354.
90. Lopez himself cites these three chapters as such in the bibliography to his own *Commercial Revolution of the Middle Ages, 950–1350* (Cambridge, 1976).
91. John Harold Clapham, preface to *The Cambridge Economic History of Europe*, 1st ed. (Cambridge, 1941), 1:v–viii.
92. Former students from the Hebrew University still tell jokes about Koebner reading his Hebrew lectures transcribed in Roman characters without a sense of their meaning.
93. We are not told who this was or whether he was of Jewish origins.

94. This would seem to be Jan Rutkowski, the accomplished economic historian of Poland, rather than Konrad Rutkowski, the medieval historian turned Gestapo officer explored in Borislav Pekic's novel *How to Quiet a Vampire: A Sotie* (Chicago, 2005).
95. Clapham, preface to *Cambridge Economic History of Europe*, 1:viii; Postan and Rich, preface to *Cambridge Economic History of Europe*, 2:v.
96. H. Stuart Hughes, *Between Commitment and Disillusion: The Obstructed Path and the Sea Change, 1930–1965* (Middletown, 1987), 48.
97. From September 1940 to December 1941, the energetic president of the New School for Social Research rescued 50 prominent European scholars through similar fellowships. Bloch never made it to the USA, because he was unwilling to leave his elderly mother and a grown daughter and son behind (Carole Fink, *Marc Bloch: A Life in History* (Cambridge, 1989), 248–9).
98. Postan and Rich, preface to *Cambridge Economic History of Europe*, 2:v.
99. It is commonly told that Bloch died with the cry of “Vive la France!” on his lips. The source would seem to be the testimony of a survivor of one of the 28 victims of the massacre. See: Fink, *Marc Bloch*, 321, note 89 referring to the Perrin testimony. Also see: Hughes, *Between Commitment and Disillusion*, 49 on Bloch's death.
100. “Obituary: Professor Sir Michael Moissey Postan,” v.
101. *Ibid.*, vi.
102. Lopez' correspondence with the de Roovers in 1945–6 suggests that Lopez was writing the chapter before beginning the position at Yale: Robert Sabatino Lopez Papers, Yale University Library, MS. 1459, Box 3, Folder 60.
103. Application and personal history statement, in *Roberto Lopez: l'impegno politico e civile (1938–1945)*, ed. A. Varsori (Florence, 1990), 137–41.
104. Roth to Lopez, 22 Sept. 1939, Lopez Papers, Yale University Library, MS. 1459, Box 9, Folder 203. Roth attempted to forge some useful connections for Lopez in America and remained in contact with him, if distantly, over the years.

105. Application and personal history statement, in *Roberto Lopez*, 137–41.
106. *Ibid.* See the many documents from this period and the discussion of Lopez' antifascist position there.
107. In addition to the aforementioned volume, see for Lopez' biography: A. Lewis, J. Pelikan, and D. Herlihy. "Robert Sabatino Lopez," *Speculum* 63 (1988): 763–5; *Encyclopedia of Historians and Historical Writing*, s.v. "Lopez, Robert S."; and P. Freedman, "Robert S. Lopez (1910–1985)," in *Rewriting the Middle Ages in the Twentieth Century*, ed. Jaume Aurell and Francisco Croasas (Turnhout, 2005), 279–93. A bibliography of Lopez' publications until 1976 is included in the festschrift for Lopez: H. Miskimin, D. Herlihy, and A. Udovitch, eds., *The Medieval City* (New Haven, 1977), 329–34.
108. Dan Oren, *Joining the Club: A History of Jews and Yale* (New Haven, 2000), 280.
109. Goldthwaite, "Raymond de Roover," 3–14.
110. Lopez also published one local Genoese history while in the USA: *La Prima crisi della banca in Genova, secolo XIII* (Milan, 1956).
111. In order of chronology and importance, one must mention first the source collection edited with Irving Raymond: R. Lopez and I. Raymond, eds., *Medieval Trade in the Mediterranean World: Illustrative Documents* (New York, 1955). Books published by Robert Lopez in the USA: *The Tenth Century: How Dark the Dark Ages?* (New York, 1959); *La Naissance de l'Europe* (Paris, 1962), translated into five European languages; *The Commercial Revolution of the Middle Ages* (Englewood Cliffs, NJ, 1971), translated into two languages.
112. On the growing antipathy to Jews at Yale and other elite American universities and their secret quotas capping Jewish students in the 1920s and 1930s, see: Jerome Karabel, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale, and Princeton* (Boston, 2005); Oren, *Joining the Club*; Oliver Pollak, "Antisemitism, the Harvard Plan, and the Roots of Reverse Discrimination," *Jewish Social Studies* 45 (1983): 113–22; and Harold S. Wechsler, "The Rationale for Restriction: Ethnicity and College Admission in America, 1910–1980," *American Quarterly* 36 no. 5 (Winter 1984): 643–67.

113. John Munro, personal correspondence with author, 6 Mar. 2012. Lopez' proud Jewish identity also comes out in his published writings. See the discussion below of *The Commercial Revolution of the Middle Ages*. But Lopez would not have expressed his Jewish identity in terms of religion: "Roberto's anti-clericalism, as part of his anti-Fascism, explains in my view, his reluctance to express any feelings or views about his Jewish identity in terms of religion: in other words, he was anti-religious in general" (John Munro, personal correspondence with author, 11 Mar. 2012).
114. Lopez Papers, Yale University, MS. 1459, Box 14, Folder 287.
115. Raymond de Roover was not, however, a Jewish émigré. For de Roover's and Lopez' friendship, see their correspondence: *ibid.*, Box 3, Folder 60. This file includes an extensive correspondence with Florence Edler de Roover, an economic historian in her own right. Both of the de Roovers sent Lopez extensive comments on his essay for the *Cambridge Economic History* and commendations after it was published. See in particular: de Roovers to Lopez, 24 Oct. 1946 and 15 May 1951, *ibid.* On Raymond de Roover as economic historian, see: Goldthwaite, "Raymond de Roover," and Julius Kirshner, "Raymond de Roover, on Scholastic Economic Thought," in *Business, Banking, and Economic Thought in Late Medieval and Early Modern Europe: Selected Studies of Raymond de Roover* (Chicago, 1974), 3–36.
116. *Cambridge Economic History*, 2:289–90.
117. *Ibid.*, 320 f.
118. N.S.B. Gras, "Capitalism—Concepts and History," *Bulletin of the Business and Historical Society* 16 (1942): 21–34. Gras had earlier emphasized business administration as the key to capitalism in N.S.B. Gras, *Business and Capitalism* (New York, 1939).
119. For an example of contemporary usage that follows de Roover closely, see: N.J.G. Pounds, *An Economic History of Medieval Europe*, 2nd ed. (New York, 1994), 407–8.
120. Raymond de Roover, "The Commercial Revolution of the Thirteenth Century," in *Enterprise and Secular Change: Readings in Economic History*, ed. Frederic Lane and Jelle Riemersma (Homewood, IL, 1953), 80.
121. The obituary of Lopez in *Speculum* agrees with this view: "Robert Sabatino Lopez," 764.



122. Although de Roover did not highlight the terminology of “commercial revolution” in his chapter of the *Cambridge Economic History*, this chapter is regarded as “the best statement” of “de Roover’s general orientation as an economic historian,” because it elaborates “his concept of the commercial revolution of the fourteenth and fifteenth centuries” (Goldthwaite, “Raymond de Roover,” 13).
123. Lopez, *Commercial Revolution*, 60–2.
124. Letter from Robert Lopez to Guido Kisch, 6 Dec. 1949, Guido Kisch Collection, AR 787, Box 11, Folder 71, Leo Baeck Institute. Lopez also “immediately included” in the bibliography for his source book on medieval Mediterranean trade Kisch’s *Jews in Medieval Germany* as well as Roscher’s essay and Grayzel’s translation.
125. Postan, *Cambridge Economic History*, 1st ed., 2:156–7.
126. *New Palgrave Dictionary of Economics*, 2nd ed., s.v. “Postan, Michael Moïsseï.”
127. *Ibid.* Postan’s report is published as “Rapport de M.M. Postan,” in *IXe Congrès International des Sciences Historiques*, vol. 1, *Rapports* (Paris, 1950), 225–41.
128. M.M. Postan, “The Rise of a Money Economy,” *Economic History Review* 14 (1944): 28–40. See also: Miller, “Michael Moïsseï Postan: 1899–1981,” 547–8.
129. Postan, “Rise of a Money Economy,” 33.
130. *Ibid.*, 35.
131. Robert Lopez, “Mohammed and Charlemagne: A Revision,” *Speculum* 18 (1943): 14–38.
132. Michael McCormick, *Origins of the European Economy: Communications and Commerce, AD 300–900* (Cambridge, 2001), 798.
133. Robert Lopez, “Back to Gold, 1252,” *Economic History Review* 9 (1956): 219–40, citation from 240.
134. Robert Lopez, “An Aristocracy of Money in the Early Middle Ages,” *Speculum* 28 (1953): 1–43, citation from 43.
135. One can see the narrative of economic expansion and contraction beginning to be reflected in the textbook histories of medieval Europe, first as single chapters appended to the more traditional narratives of political and intellectual history written in the 1950s and 1960s: R.H.C. Davis, *A History of Medieval Europe: From*

*Constantine to Saint Louis* (London, 1957); Daniel Frankforter, *The Medieval Millennium: An Introduction* (Upper Saddle River, NJ, 1999); Alfred Haverkamp, *Aufbruch und Gestaltung. Deutschland, 1056–1273* (Munich, 1984); Warren Hollister, *Medieval Europe: A Short History* (New York, 1982); Maurice Keen, *A History of Medieval Europe* (London, 1968). With the increasing prominence of social and economic history by the 1970s, it receives a more fundamental role in general textbooks such as John Mundy, *Europe in the High Middle Ages, 1150–1309* (London, 1973); and the revision of Hollister's textbook by Judith M. Bennett, *Medieval Europe: A Short History*, 10th ed. (Boston, 2006). This is also the case in the recent narrative constructed along the lines of Fernand Braudel's and Wallerstein's "world economy": François Crouzet, *A History of the European Economy, 1000–2000* (Charlottesville, 2001). What is more important, by the 1970s the narrative of economic expansion and contraction began to receive whole textbooks unto itself: Robert-Henri Bautier, *The Economic Development of Medieval Europe* (New York, 1971); Carlo Cipolla, *Before the Industrial Revolution: European Society and Economy 1000–1700* (London, 1976); Carlo Cipolla, ed., *The Fontana Economic History of Europe* (London, 1972); Guy Fourquin, *Histoire économique de l'occident médiéval* (Paris, 1979); Gerald Hodggett, *A Social and Economic History of Medieval Europe* (London, 1972); Pounds, *An Economic History of Medieval Europe*. More recently: Jean Favier, *Gold and Spices: The Rise of Commerce in the Middle Ages* (New York, 1998); Peter Spufford, *Power and Profit: The Merchant in Medieval Europe* (London, 2003). Monographs within national historiographies also show this tendency, with Luzzatto's on Italy unsurprisingly the earliest: Gino Luzzatto, *An Economic History of Italy from the Fall of the Roman Empire to the Beginning of the Sixteenth Century* (New York, 1961); E. Miller and John Hatcher, *Medieval England: Rural Society and Economic Change* (London, 1978); E. Miller and John Hatcher, *Medieval England: Towns, Commerce and Crafts, 1086–1348* (London, 1995). One should also mention Postan's own survey: M.M. Postan, *The Medieval Economy and Society: An Economic History of Britain 1100–1500* (Berkeley, 1972). See also the extensive citation of national historiography

- in David Herlihy, "The Economy of Traditional Europe," *Journal of Economic History* 31 (1971): 153–64.
136. Postan, *Medieval Economy and Society*, 137, 164–5.
137. Daniel Bessner, "Rather More Than One-Third Had No Jewish Blood: Progressivism and German-Jewish Cosmopolitanism at the New School for Social Research 1933–39," *Religions* 3 (2012): 99–129, 113; doi:[10.3390/rel3010099](https://doi.org/10.3390/rel3010099).
138. See the earlier references to scholarly literature on Jewish quotas at Ivy Leagues.
139. Hughes, *Between Commitment and Disillusion*, 51.
140. See particularly: Chap. 10, "Vichy," of Fink, *Marc Bloch*. Bloch in his opposition to the Union des Israélites de France argued that the arbitrary construct "the Jewish people" prepared the way for ghetto or expulsion (275–6). In response he insisted: "We are French....We cannot conceive another destiny than a French one" (274).
141. Arie Dubnow, *Isaiah Berlin: The Journey of a Jewish Liberal* (New York, 2012).
142. Varsori, *Roberto Lopez*, 234.
143. See the subsections titled "The Jews" and "The Italians" in Lopez, *Commercial Revolution*, 60–9.
144. On the mediation of Marx through Sombart in earlier medieval economic history, see: Postan, "Mediaeval Capitalism," 212–77; and Knight, "Historical and Theoretical Issues in the Problem of Modern Capitalism," 119–36.
145. See citations below in the discussion of Robert Lopez.
146. Emmanuel Le Roy Ladurie, *Les paysans de Languedoc*, 2 vols. (Paris, 1966). An English translation was published based on the abbreviated paperback edition as Emmanuel Le Roy Ladurie, *The Peasants of Languedoc*, trans. John Day (Urbana, 1974).
147. Michael Postan and John Hatcher, "Population and Class Relations in Feudal Society," in *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-industrial Europe*, ed. T.H. Aston and C.H.E. Philpin (Cambridge, 1985), 68–9. Habakkuk has extended this model into the modern period: H.J. Habakkuk, "The Economic History of Modern Britain," *Journal of Economic History* 18 no. 4 (1958): 486–501. He comments: "For those who care for the overmastering pattern, the elements are there for a heroically simplified version of English history before the nineteenth century in which the long-

term movements in prices, in income distribution, in investment, in real wages, and in migration are dominated by changes in the growth of population” (87). Postan vigorously and justly objects to Brenner’s charge that he, Postan, assigns an all-determining role to demographic factors in historical analysis. But in so far as Postan enriches historical analysis by bringing to the fore demographic changes as one factor related to changes in price movements, a factor grossly neglected by an older generation of historians, then we may still apply the laudatory (not derogatory) term “neo-Malthusian” or “neo-Ricardian” to his work. Le Roy Ladurie, who himself applied the label “neo-Malthusian” to his work, seems to object much less strongly to Brenner’s characterization, while sharing many of the critiques which Postan made: Emmanuel Le Roy Ladurie, “A Reply to Robert Brenner,” in Aston and Philpin, *The Brenner Debate*, 101–6.

148. I am following here the syntheses of Robert Brenner, “Agrarian Class Structure and Economic Development in Pre-industrial Europe,” in Aston and Philpin, *The Brenner Debate*, 10–63; see esp: 13–14 and 28. See, as well, the synthesis of John Hatcher and Mark Bailey, *Modelling the Middle Ages: The History and Theory of England’s Economic Development* (Oxford, 2001), Chap. 2.
149. Brenner, “Agrarian Class Structure,” 25.
150. William Cunningham, *The Growth of English Industry and Commerce* (Cambridge, 1882); E. Lipson, *The Economic History of England* (London, 1937). For Postan, see especially: his “Medieval Agrarian Society in Its Prime: England,” in *The Cambridge Economic History of Europe*, ed. Michael Postan, 2nd ed. (Cambridge, 1966), 1:549–632; Postan, “The Economic Foundations of Medieval Society” and “Some Agrarian Evidence of a Declining Population in the Later Middle Ages,” in his *Essays on Medieval Agriculture and General Problems of the Medieval Economy* (Cambridge, 1973); and his *Trade and Industry in the Middle Ages*, vol. 2 of *The Cambridge Economic History of Europe* (Cambridge, 1952, 1987). See as well his earlier critiques directed especially against the German Historical School: Postan, “Rise of a Money Economy.”
151. Postan, “Credit in Medieval Trade,” in *Medieval Trade and Finance*, 2–3.

152. See the review articles reprinted in Cliffe Leslie, *Essays in Political Economy* (Dublin, 1888), 95–125.
153. W.J. Ashley, *Surveys, Historic and Economic* (New York, 1900).
154. The notion of a marginal revolution is commonly used as a shorthand, but as a historian of economic theory has argued, it was only a revolution in retrospect: Mark Blaug, *Economic Theory in Retrospect*, 5th ed. (Cambridge, 1997), 277–91.
155. W.J. Ashley, “The Present Position of Political Economy,” *Economic Journal* 17 no. 68 (1907): 476–7; Keith Tribe, “The Historicization of Political Economy?” in *British and German Historiography, 1750–1950: Traditions, Perceptions, and Transfers*, ed. Benedikt Stuchtey and Peter Wende (Oxford, 2000), 219–20, 227.
156. Tribe, “The Historicization of Political Economy?” Tribe’s important article recovers the relationship between the German Historical School and the English historical economists, and I follow him closely. I disagree, however, with his argument that “Cliffe Leslie’s historicist project had little to do with his reading of Roscher” and his dismissal of Ashley’s claim that “Leslie ‘introduced’ English readers to the German Historical School” (217). Nor am I completely comfortable with his conclusion which dismisses any influence of the German Historical School on English economic history. Postan’s critiques show otherwise, as does Tribe’s own indebtedness to the historical method developed by the Historical School.
157. This model has not passed without criticism. In addition to the Marxist critique discussed below, see the recent critique of Hatcher and Bailey, *Modelling the Middle Ages*, 52–65.
158. Maurice Dobb, *Studies in the Development of Capitalism* (London, 1946). The debate over Dobb’s thesis originally took place in the journal *Science and Society* during the 1950s. The various articles and comments have been republished in *The Transition from Feudalism to Capitalism*, ed. Rodney Hilton (London, 1978). See Hilton’s discussion of the relationship between the two debates in Rodney Hilton, “Introduction,” in Aston and Philpin, *The Brenner Debate*, 1–9. Dobb’s position, echoed by Brenner, is that purist position holding fast to class struggle as the root Marxist concept. Paul Sweezy (and later Emmanuel Wallerstein) adopted what some have called an “exchange-relations model” in

the Marxist school, or what Brenner in his critique of Wallerstein and Sweezy called a “neo-Smithian model” (Robert Brenner, “The Origins of Capitalist Development: A Critique of Neo-Smithian Marxism,” *New Left Review* 104 (1977): 10–63). The fundamental difference, according to the participants in the debate, is between those who would explain the transition from feudalism to capitalism as the result of factors internal to the feudal mode of production and those who would explain it with reference to factors external to the feudal mode of production. The internalist theory, represented by Maurice Dobb and Robert Brenner, emphasizes how the lords, in their ever-increasing desire for revenue, undermined their own power by exploiting the peasants too viciously. Class struggle thus is given pride of place in these Marxist accounts. The externalist theory, represented best by Paul Sweezy, argues that the growth of the market undermines feudalism. His theory is not simply a throwback to Adam Smith’s “rise of the market,” as Brenner shows, but is also based (quite unconsciously it seems) on Carl Bücher’s model of the stages of economic development. Feudalism for Sweezy is defined as a system of *production for use* while capitalism is a system of *production for exchange*. The market arises with long-distance trade. This accords with Bücher’s differentiation of the distance between the point of production and the point of consumption. Sweezy is quite careful, as is Bücher, not to link the shift from production for use to production for exchange to money and the rise of a money economy—both are too knowledgeable about medieval society to make this error. (Thus Sweezy rejects Hildebrand’s stages of natural economy and money economy.) Moreover, Sweezy, while positing two separate systems and associating exchange with the town and use with the countryside, is careful to note that both systems are extant in the high middle ages and thus impact one another. Here, he comes close to Bücher’s stage of town economy which mediates the transition from the household economy based fully on production for use and the national economy based fully on production for exchange. Sweezy is an isolated example of a Marxist thinker who approaches the issues of trade and market, and comes to do so through the rubric of the Historical School mediated by interwar historians, above all Pirenne. Thus he illustrates well how Marxist theory has failed to

provide any mechanism for understanding the medieval commercial revolution.

Little Marxist scholarship has followed Sweezy's suggestion that "we ought to try to uncover the process by which trade engendered a *system* of production for the market, and then to trace the impact of this system on the pre-existent feudal system of production for use" (41). Perhaps the sole example in British historiography is the slim volume on English and French towns in feudal society published recently by R.H. Hilton, *English and French Towns in Feudal Society: A Comparative Study* (Cambridge, 1992). Hilton in line with recent scholarship rejects the classic sociologists' sharp division of town and country into oppositional arenas for the market and for feudalism. The urban is inseparable from the history of economy, society, and politics; thus towns must be understood as part of the feudal system and their role in the transition from feudalism to capitalism must be assessed. Hilton here reintegrates Sweezy's "neo-Smithian" question into a more classically class-oriented analysis. The points Hilton raises are crucial.

159. Brenner, "Agrarian Class Structure," 12.
160. In a review of Dobb's *Studies in Capitalism*, Karl Polanyi notes the conceptual instrument of a "labor market" in a precapitalist economy as the "novel trait" of Dobb's study, one which reverses a fundamental Marxist axiom that "no supply-demand-price mechanism can be effective outside of a market system." In consequence, Polanyi judges Dobb's work to have kept what is bad and discarded what is good in Marxism: "Instead of loosening its dependence on economic orthodoxies such as the labor theory of value, it is drifting away from its fundamental insight into the historically limited nature of market organization" (Karl Polanyi, "Review: Studies in the Development of Capitalism," *Journal of Economic History* 8 (1948): 206-7).
161. See the articles collected in Aston and Philpin, *The Brenner Debate*, especially Postan's and Le Roy Ladurie's responses.
162. Mark Bailey, "Historiographical Essay: The Commercialisation of the English Economy, 1086-1500," *Journal of Medieval History* 24 (1998): 297. See also his discussion of their similarities. Bailey regards both as a "backlash" against Pirenne's and Lopez' work of the 1920s and 1930s, but provides no further discussion or citation to support this. It seems rather that the new direction in

- scholarship was due more to diffuse shifts in the historical profession generally than to a decided backlash.
163. R.H. Britnell, *The Commercialisation of English Society 1000–1500* (Cambridge, 1993).
  164. R.H. Britnell and Bruce Campbell, eds., *A Commercializing Economy: England 1086 to c. 1300* (Manchester, 1995).
  165. Bailey, “Historiographical Essay: The Commercialisation of the English Economy, 1086–1500.”
  166. Hatcher and Bailey, *Modelling the Middle Ages*. See also: James Davis, *Medieval Market Morality: Life, Law, and Ethics in the English Marketplace, 1200–1500* (Cambridge, 2012).
  167. It is an odd but true fact that Lopez ignores the Brenner debate and is in turn seemingly ignored by Campbell and Hatcher. Do the insular traditions of British scholarship and the boundaries of the national historiography of Italy and England explain this?
  168. Britnell, *The Commercialisation of English Society 1000–1500*, 10.
  169. *Ibid.*, 50.
  170. Avner Grief, *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (Cambridge, 2006). This work addresses precisely the problem with the narrative on “the rise of the market” which I am critiquing here.
  171. Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston, 2001).
  172. Kari Polanyi-Levitt and Marguerite Mendell, “Karl Polanyi: His Life and Times,” *Studies in Political Economy* 22 (1987): 7–39; S.C. Humphreys, “History, Economics, and Anthropology: The Work of Karl Polanyi,” *History and Theory* 8 (1969): 165–212; J.R. Stanfield, *The Economic Thought of Karl Polanyi: Lives and Livelihood* (New York, 1986), esp. Chap. 1.
  173. Polanyi, *Great Transformation*, 3–4.
  174. Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies* (New York, 1967), 1.
  175. *Ibid.*, 3.
  176. See especially: Karl Polanyi, Conrad Arensberg, and Harry Pearson, “The Place of Economics in Societies,” in *Trade and Market in the Early Empires: Economics in History and Theory* (New York, 1957), 239–42.
  177. The single most prominent and influential example of this linkage must be Karl Marx, “On the Jewish Question,” in *The*



- Marx-Engels Reader*, 2nd ed., ed. Robert Tucker (New York, 1978), 26–52.
178. Polanyi, Arensberg, and Pearson, concluding note to *Trade and Market in the Early Empires*, 373.
179. *Ibid.*, 373–4.
180. Karl Polanyi, “The Economy as Instituted Process,” in *Trade and Market in the Early Empires*, 139–74, esp. 257.
181. *Ibid.*, 244.
182. *Ibid.*, 245.
183. Arthur Feiler, review of *Refugees: A Preliminary Report of a Survey, Social Research* by Sir John Hope Simpson, *Social Research* 6 no. 1 (1939): 114–7, citation on 117. See the discussion of this review in Bessner, “Rather More Than One-Third Had No Jewish Blood,” note 109.
184. On Polanyi and his influence in the disciplines of anthropology and ancient history, see: Humpreys, “History, Economics, and Anthropology”; George Dalton, “Introduction,” in *Primitive, Archaic, and Modern Economies: Essays of Karl Polanyi*, ed. George Dalton (Garden City, 1968), ix–liv; Polanyi-Levitt and Mendell, “Karl Polanyi: His Life and Times”; Gregory Baum, *Karl Polanyi on Ethics and Economics* (Montreal, 1996); Rhoda Halperin, “Polanyi, Marx, and the Institutional Paradigm in Economic Anthropology,” *Research in Economic Anthropology* 6 (1984): 245–72; Barry Isaac, “Retrospective on the Formalist-Substantivist Debate,” *Research in Economic Anthropology* 14 (1993): 213–33; Marguerite Mendell and Daniel Salée, eds., *The Legacy of Karl Polanyi: Market, State and Society at the End of the Twentieth Century* (New York, 1991); Kari Polanyi-Levitt, ed., *The Life and Work of Karl Polanyi: A Celebration* (Montreal, 1990); Stanfield, *The Economic Thought of Karl Polanyi*.
185. “Pour une histoire anthropologique: la notion de réciprocité,” *Annales* 29 (1974): 1309–80. The *Annales* issue was translated and republished with additional case studies as “Symposium: Economic Anthropology and History: The Work of Karl Polanyi,” *Research in Economic Anthropology* 4 (1981): ix–285. Polanyi was also being discussed in the early 1970s in the French journal *La Pensée*: Yvon Garlan, “La place de l’économie dans les sociétés anciennes,” *La Pensée* 171 (1973): 118–27.

186. Georges Duby, *The Early Growth of the European Economy: Warriors and Peasants from the Seventh to the Twelfth Century*, trans. Howard Clarke (Ithaca, 1974).
187. Duby followed the lead of the medievalists Philip Grierson (“Commerce in the Dark Ages: A Critique of the Evidence,” in *Studies in Economic Anthropology*, ed. George Dalton (Washington, DC, 1971), 74–83) and Aaron Gurevich (“Wealth and Gift-Bestowal among the ancient Scandinavians,” in *Historical Anthropology of the Middle Ages* (Cambridge, 1991), 177–89). For a recent survey of gift theory in relation to medieval history, see: Florin Curta, “Merovingian and Carolingian Gift Giving,” *Speculum* 81 no. 3 (2006): 671–99; and the introduction to *The Languages of Gift in the Early Middle Ages*, ed. Wendy Davies and Paul Fouracre (Cambridge, 2010), 1–17.
188. Mauss, *The Gift*. Duby cites Mauss directly on page 50 of *Early Growth* and develops Mauss’ idea of gift exchange extensively in Chap. 3.
189. Polanyi drew on sociologists such as Marcel Mauss, historians such as Pirenne, and anthropologists such as Bronislaw Malinowski and Raymond Firth. In turn, Polanyi’s methodological and theoretical works served as the inspiration for the development of the approach known as “substantive economic anthropology” after the theoretical statement of Polanyi, “The Economy as Instituted Process.” Two key examples of the influence Polanyi had on anthropology and premodern history are George Dalton, *Economic Anthropology and Development* (New York, 1971); and Moses Finley, *The World of Odysseus* (New York, 1954).
190. Duby, *Early Growth*, 3–4, 5, 165–8. Duby does not cite Polanyi directly, but during the years that Duby was writing *Early Growth*, the Annales School held a seminar on Polanyi in conjunction with the publication of the French translation of *Trade and Market*: “Pour une histoire anthropologique: la notion de réciprocité.” As noted, this issue was translated and republished with additional case studies as “Symposium: Economic Anthropology and History: The Work of Karl Polanyi,” and Polanyi was also being discussed in the early 1970s in the French journal *La Pensée*.
191. In the broadest terms, Duby’s conceptual categories look very similar to the categories “traditionalism” and “profit motive”

- used by Sombart and Weber. But Duby dates the shift earlier and analyzes the causal agents differently.
192. This narrative runs throughout the book, but for particularly pointed passages on money, see: Duby, *Early Growth*, 179, 253, 255, 261.
  193. *Ibid.*, 270.
  194. *Ibid.*, 261.
  195. Karl Marx, *Capital: A Critique of Political Economy*, trans. Ben Fowkes (Harmondsworth, 1976–8); Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York, 1958); and Max Weber, *Economy and Society*, trans. Ephraim Fischhoff et al., ed. Guenther Roth and Claus Wittich (Berkeley, 1978); Werner Sombart, *The Jews and Modern Capitalism*, trans. Mordecai Epstein (London, 1913), originally published as *Die Juden und das Wirtschaftsleben* (Leipzig, 1911); Werner Sombart, *The Quintessence of Capitalism: A Study of the History and Psychology of the Modern Business Man*, trans. Mordecai Epstein (London, 1915), originally published as *Der Bourgeois; zur Geistesgeschichte des modernen Wirtschaftsmenschen* (Munich, 1913); and Werner Sombart, *Der moderne Kapitalismus* (Leipzig, 1902). Of course the use and definition of “profit motive” varies between Sombart and Weber. Weber recognizes profit motive in all periods and defines the distinctive element of modernity around rationalization, whereas Sombart retains a more simplistic notion of profit motive.
  196. Duby, *Early Growth*, 256.
  197. *Ibid.*, 270.
  198. Lester Little, “The Function of the Jews in the Commercial Revolution,” in *Povert  e Ricchezza nella Spiritualit  dei secoli XI e XII* (Todi, 1969), 271–87; Lester Little, “Pride Goes before Avarice: Social Change and the Vices in Latin Christendom,” *American Historical Review* 76 nos. 1–2 (1971): 16–49; and Lester Little, *Religious Poverty and the Profit Economy in Medieval Europe* (Ithaca, 1978).
  199. Little, *Religious Poverty*, xi.
  200. *Ibid.*, 55.
  201. *Ibid.*, xi.
  202. Little, “Function of the Jews.” The fact that this piece preceded his 1971 publication “Pride Goes before Avarice” and his 1978

publication *Religious Poverty* suggests that his thinking on Jews, economy, and antisemitism may have shaped his later publications on religious poverty and the profit economy.

203. Little, "Function of the Jews," 285–6.
204. *Ibid.*, 285.
205. *Ibid.*, 15.
206. *Ibid.*, 33.
207. Little, "Pride Goes before Avarice," 24–7, and *Religious Poverty*, 35–41.
208. J. Parry and M. Bloch, "Introduction: Money and Morality," in *Money and the Morality of Exchange* (Cambridge, 1989), 2–7.
209. C.A. Gregory, *Gifts and Commodities* (London, 1982), 12.
210. See the discussion of ideas on Judaism and capitalism in a recent edited collection of Sombart's work: Nico Stehr and Reiner Grundmann, introduction to *Economic Life in the Modern Age*, by Werner Sombart (New Brunswick, 2001), xxxiii–xxxix, xl.

PART TWO

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Some Facts: Merry Old England

## “Rich as a Jew”? Wealth and Lending among Anglo-Jews

The common belief about Jews of England in the Middle Ages is that by their wealth and activity they were an element of first-class importance in the country....I am confident that all the ambitious statements which I have quoted about the financial and economic position of the Jews in England in the Middle Ages are broadly speaking wrong.—Sir Lionel Abrahams, “The Economic and Financial Position of the Jews in Medieval England”<sup>1</sup>

### ENGLAND AS A CASE STUDY

Nowhere in medieval Europe are Jews thought to have been more wholly sunk in moneylending than in Anglo-Norman England.<sup>2</sup> Rapid growth of royal administration in England generated copious records of Jewish loans and Jewish litigation over loans, Jewish tallages, and fines. An entire department of the royal exchequer was devoted to Jewish matters.<sup>3</sup> These records seem to confirm the assumptions that Jews were rich, that their riches were gained from illicit usury, and that medieval kings used them as a sponge to sop up the surplus wealth of the country and squeeze it into the royal coffers. This is the interpretive framework used to make sense of the difficult and fragmentary medieval sources. But the legitimacy of this interpretive frame can be questioned from the English sources, as it can for the less well-documented communities of Capetian France and central Europe.

The Anglo-Jewish community developed as an offshoot of Norman immigration across the channel in the aftermath of the Norman Conquest of 1066 and entered the historical records in the mid-twelfth century.

Jews appear with ever-greater frequency in the thirteenth century, making fines and legal pleas, paying taxes and being outlawed for not paying taxes, thieving, fighting, lending, and marrying. A whole range of social and cultural issues plays across the pages of the pipe rolls<sup>4</sup> recording the audit of the upper exchequer and its ancillary memoranda rolls<sup>5</sup> meant to ease the burden on its pages. Jews appear in the fine rolls<sup>6</sup> and receipt rolls<sup>7</sup> recording payments of tallage, fine, and oblation into the lower exchequer. They show up in the chancery's well-studied charter, patent, and close rolls, as well as in the *curia regis* rolls.<sup>8</sup> In addition to these central royal administrative records, there exist records connected specifically with the administration of the Jewish community for purposes of royal taxation. In 1194, by the order of Richard I, a system of royal chests or *archae* was erected to record Jewish loans and property in key towns.<sup>9</sup> Christian and Jewish officials were appointed as "chirographers" to make triplicate records of loans known as "chirographs," one copy of which was deposited in the locked chest.<sup>10</sup> These officials worked in concert with the justices of the Jews of the exchequer of the Jews (Scaccarium Judeorum or Curia de Judaismo), a special branch of the exchequer, possibly with its own chamber in Westminster and own court of law.<sup>11</sup> From this court, 54 plea rolls from the thirteenth century have been preserved, which peculiarly combine legal pleas with memoranda and *starrs* (charters; from the Hebrew *shetarot*), largely documents of acquittance.<sup>12</sup> In the National Archives<sup>13</sup> and the Westminster Abbey Muniments<sup>14</sup> are many miscellaneous records of the clerical business between the exchequer of the Jews and the local *archae*, such as scrutinies and inquiries into the *archae* as well as still a sizable number of Hebrew *starrs*<sup>15</sup> made by individuals. Through all these run many references to Jewish loans and Jewish wealth. It is not surprising that these types of matters would be those recorded, nor that the *archae* and Jewish exchequer served as a basis for estimating taxation and appropriating property throughout the thirteenth century.<sup>16</sup> For the Jews, like freemen in royal boroughs, were subject to the feudal tallages levied by their lord the king.<sup>17</sup> The linkage of the Crown and Jewish community grew greater during the reign of Henry III, and their taxes collected through tallage formed part of royal financial policy.<sup>18</sup> The reliance of Jews on moneylending has, until recently,<sup>19</sup> been thought to be confirmed by Edward I outlawing "Jewish usury" in the first years of his reign (1275) and expelling the Jews 15 years later (1290) for their continued "usuries."<sup>20</sup>

As Sir Lionel Abrahams emphasized in his presidential address to the Jewish Historical Society of England in 1917, Historians, since the

eighteenth century, have expressed the common belief that the Jews of England “by their wealth and activity...were an element of first-class importance in the country.”<sup>21</sup>

Tovey, the first systematic writer on Anglo-Jewish history, said that, when we remember that the Jews of mediaeval England were the only tolerated usurers, the wonder of their prodigious riches is explained.<sup>22</sup> In the nineteenth century, Mr. Dowell, the author of the standard *History of Taxation in England*, told his readers that the departure of the Jews from England necessitated more severe taxation of the non-Jews who remained.<sup>23</sup> Bishop Stubbs, the great [nineteenth-century] authority on medieval English history, hazards the conjecture that the expulsion of the Jews in 1290 had such financial effects as to be one of the causes of the pecuniary difficulties which led Edward I to call together the Great Parliament of 1294, an event of cardinal significance in English history. In a work published by [the Jewish Historical] Society [of England], Mr. J.M. Rigg speaks of what he describes as the already vast wealth of the English Jews in the middle of the twelfth century. [The] late President, Dr. Joseph Jacobs, said that “the Jews acted the part of a sponge for the Royal Treasury. They gathered up all the floating money of the country to be squeezed from time to time into the King’s treasure chest”.<sup>24</sup>

More generally, Jacobs, echoing Roscher, described the Jews as having an economic “function,” providing capital when the Church prohibited all Christians from practicing “usury” as England was passing out of a stage of barter.<sup>25</sup> Cecil Roth, in his magisterial *History of the Jews in England*, took up Jacobs’ metaphor of the Jews as the King’s sponge, dubbing the whole period of Henry III’s reign by the title “royal milch cow.” Roth also used the language of “economic function,” asserting that moneylending was the major economic occupation of the Jews, even as he laid out rich evidence for other economic occupations and asserted that not all Jews could have been moneylenders.<sup>26</sup> Peter Elman, echoing Dowell, argued in the *Economic History Review* of 1937 that the Jews were expelled from England because they no longer could perform their “economic function” as moneylenders to the populace and source of money to the Crown owing to the Crown’s overexploitation.<sup>27</sup> In the 1950s, Austin Lane Poole, in his volume for the Oxford History of England, depicted Jews as ostentatiously displaying their great wealth derived from high interest rates, “as usurers” gaining a “strangle-hold” on recently founded monastic houses and smaller aristocratic families and generating a universal dislike and hatred with their “unconcealed contempt” for Christianity.<sup>28</sup> Doris



Stenton in the 1960s Pelican History of England similarly described Jews as single-handedly satisfying the “call for capital” in an age of expanding trade, since Christians were “forbidden by the Church to engage in usury:...High rates of interest meant that the Jews gathered great wealth but were hated by those who went to them for help.”<sup>29</sup> In the 1970s, P.R. Coss argued that support for the reformist earls in 1258–1265 could be explained by the large numbers of knightly families that “became indebted, primarily to the Jews, and were ultimately forced to sell out.”<sup>30</sup> Despite the thorough refutations of Coss,<sup>31</sup> his arguments are repeated in J.R. Maddicott’s recent study on Simon de Montfort, which had the poor taste to defend the expulsion of the Jews of Leicester by Simon de Montfort against the charge of “a piece of fanatical intolerance,” claiming: “Overbearing though it may seem, [the expulsion] was not impossible to justify, either in terms of the threat which the Jews offered to the faith or of traditional condemnations of usury.”<sup>32</sup> Michael Prestwich’s New Oxford History of England, a replacement for Poole’s volume of the 1950s, continues to portray the Jews of England as wealthy and successful moneylenders, profiting at the expense of knightly families, who held staggering riches even at the expulsion.<sup>33</sup> Recent publications in business history reiterate old seventeenth-century tropes from William Prynne: “The main occupation of the Jews—the reason for the toleration which they enjoyed and the sole official *raison d’être* of their existence in England—was the profession of moneylending.”<sup>34</sup>

“I am confident that all the ambitious statements which I have quoted about the financial and economic position of the Jews in England in the Middle Ages are broadly speaking wrong.”<sup>35</sup> These words, boldly declaimed by Sir Lionel Abrahams in a 1917 presidential address to the Jewish Historical Society, I take as my own today. A hundred years later, the challenge he raised then is still necessary. For these “common beliefs” (as he called them) about Jewish wealth have persisted with as much tenacity as the English expression “rich as a Jew,” despite the depths to which Anglo-Jewry has since been plumbed by historians. Abrahams attempted to correct the exaggerations of modern and medieval historians. H.G. Richardson hoped to dispel errors of long standing about Jewish wealth with his meticulous examination of kings’ borrowings, the money market, and land.<sup>36</sup> Robert Stacey has shown that only a few elite Jews held great wealth in the largest recorded tallage of the thirteenth century.<sup>37</sup> Robin Mundill has shown Jewish involvement in trade in the last decades before the expulsion.<sup>38</sup> But the old presumptions are tenacious

and difficult to uproot. The extraordinary medieval archival remains from the administration of thirteenth-century England make Anglo-Jewry both the strongest case for the classic narrative of the Jewish moneylender and the best site for critically reexamining it. That is the task here.

The tax records and documents from loan chests allow one to evaluate both the distribution of wealth among the Jewish population and the extent of their moneylending. In preparation for the analysis of the Jewish tax documents, the following section will describe the historical development of taxation over the course of the twelfth and thirteenth centuries. Particular attention will be given to lay subsidies as the record most studied by economic historians, and their methodological approaches will be applied to Jewish tallage. The documents will be analyzed to map out the distribution of wealth in the Jewish population. I will suggest that only an elite few were wealthy and thus capable of extensive, professional moneylending, while a majority of the Jewish population was at the lower end of the urban scale or below the poverty line as set for royal taxation. An analysis of the daybooks from a local loan chest and inquests of loans contained in chests, made for tax collection, confirm a picture of a few professional lenders, with an loan by a wider segment of the Jewish population. In Chapter 5, the implications of these conclusions will be addressed in regard to the broader issue of a Jewish “economic function.” Before addressing the distribution of wealth among the Jewish commune, it is necessary to place the tax documents in a larger context, as the lack of contextualization of Jewish material has contributed greatly to the distortions in judgment.

### TAXATION IN ANGLO-NORMAN ENGLAND

The thirteenth century has been described as a period of experimentation in taxation. The Crown revived old taxes, tried new ones, and negotiated repeatedly with the baronial council in the process. By the end of the thirteenth century, a new national tax had emerged, the lay subsidy, which generated both a yield satisfactory to the ruler and a legal basis in consent acceptable to the ruled.<sup>39</sup> In the twelfth century, royal revenue was centered primarily on traditional sources, such as the rents from the ancient demesne, escheats, and wardships, as well as proceeds from fines and amercements devolving from the administration of royal justice and the royal forests. Dramatic increases in revenue came principally from two new forms of taxation: feudal levies<sup>40</sup> and the lay subsidies. The three principal feudal levies were scutage, *auxilium*, and tallage. Scutage was a payment

by feudal vassals in lieu of military aid.<sup>41</sup> *Auxilium* was a feudal aid that could be levied for the ransom of the king, the knighting of his eldest son, and the marriage of his eldest daughter.<sup>42</sup> Tallage was a tax levied as a lump sum on royal cities, boroughs, and royal demesne according to the king's needs, but by the mid-thirteenth century no more frequently than once in three years.<sup>43</sup> Feudal levies were arbitrary and compulsory, in that the king did not need baronial consent. Yet they were not wholly based on the personal whim or want of the ruler, for custom dictated the occasion for levying, and custom governed the amount levied.

Lay subsidies in contrast were consensual, granted by a representative body for the public needs of the state. The subsidies were assessed as a fraction of an individual's movable property and were taken from all free households. Nationwide lay taxation has been traced back to the Danegeld in 991, raised to pay off the Danish invaders. The Danegeld continued to be levied for extraordinary expenditures, and thanks to the Danegeld, we have that extraordinary document known as the Domesday Book. But by the later twelfth century, the Danegeld proved ineffective as a form of taxation, owing to both the fixed assessments and high numbers of exemptions. Between 1194 and 1224, an attempt was made to replace the Danegeld with an alternative land tax, the "carucage." But that too was not successful. The Danegeld was superseded by the lay subsidies, taken as a fraction of movable property based on a system of assessment until they too became fixed in the early fourteenth century. The earliest lay subsidies were levied as crusading taxes by Henry II in 1166, 1185, and 1188. King John exacted a thirteenth in 1207. Henry III was granted a fifteenth in 1225 in connection with the reissue of Magna Carta and the Charter of the Forest, as well as a fortieth in 1232 and a thirtieth in 1237. The baronial council refused Henry III eight times from 1237 to 1269, when a twentieth was granted to support Princes Edward and Edmund on crusade.<sup>44</sup> Under Edward I, the frequency of the tax on movables increased dramatically and tallage almost disappeared. He received a fifteenth in 1275, a thirtieth in 1283, a fifteenth in 1290, and a fractional tax each year from 1294 to 1307, with the exception of the years 1298, 1299, and 1304. By the early fourteenth century, the lay subsidy had become the most important source of Crown revenue and a customary due that looked remarkably like tallage except that the taxpayers were drawn from a much wider group. Formal tallage was taken for the last time in 1316, though it was discussed several more times. By 1334, the subsidy had been set as a fixed valuation for each township based on the assessments of

1332.<sup>45</sup> Lay subsidies would continue in this form down to 1523.<sup>46</sup> The Crown had found a tax with a sufficient yield and a satisfactory legal basis, but the road to it was anything but a clear revolution of consensual public needs over compulsory feudal fancies.<sup>47</sup>

### *Lay Subsidies: Methods and Limits of Analysis*

The lay subsidies have been the type of tax record most valued by economic historians. They have been used “to compile a ranking of England’s towns, to calculate the distribution of wealth within particular towns and to provide information about their tax-populations, richer taxpayers, and the occupations and geographical origins of their inhabitants,”<sup>48</sup> as well as to examine more general economic issues, such as geographic distribution of wealth in England,<sup>49</sup> urban decline,<sup>50</sup> possession of precious metals,<sup>51</sup> the economic repercussions of war expenditure,<sup>52</sup> migration, markets, and agricultural practice.<sup>53</sup>

Lay subsidies provide “the most comprehensive source for personal and national wealth.”<sup>54</sup> For each subsidy, as noted, a fraction of taxpayers’ movable property was collected by the Crown. Until 1334, each subsidy involved a separate assessment of the value of the movable property as a basis for levying the tax.<sup>55</sup> Three types of records were generated in this process: (1) detailed local rolls with an itemized list of movable property and the items’ values, (2) summaries of county rolls listing individuals’ payments by township, and (3) enrolled accounts at the exchequer, which record the amount due and the amount paid for each county.<sup>56</sup>

But a number of problems beset the interpretation of subsidy rolls. The survival of rolls is patchy, making chronological and geographic comparison difficult.<sup>57</sup> Exemptions were set for those with movables less than a specified amount, which steadily decreased over the thirteenth century from 40d in 1232 and 1237 to 15s in 1275 and 1290 to 10s in 1322 and 1332.<sup>58</sup> Because the people who were not required to pay were not listed, the percentage of the population appearing as taxpayers is largely unknown, though some historians have estimated that the population exempt from tax was around 60 percent in the early fourteenth century.<sup>59</sup>

Additional methodological issues beset the historian in the documents that record the estimated wealth of individuals. In general, rural districts paid subsidies on domestic animals and farm produce, while urban districts paid as well on household goods and merchandise.<sup>60</sup> Goods were exempt from taxation according to set lists.<sup>61</sup> The general rule was that nothing

should be taxed that would deprive individuals of their livelihood or social station. For instance, food for consumption was exempt, as were tools and beds (but not foodstuffs or finished goods for sale). Riding horses, armor, jewels, gowns, and gold, silver, and brass vessels belonging to knights, gentlemen, and their wives were often exempt.<sup>62</sup> Burgesses were allowed tax-free “one garment each for a man and his wife, a bed for two, one ring, one clasp of silver or gold, and a girdle of silk, if these were used every day, and a drinking-cup of silver or mazer.”<sup>63</sup> Also goods were likely undervalued and concealed. Tax exemptions render the assessments only partial indexes to wealth, and evasions render them riddled and erroneous records. Historians have also speculated that variations in assessments might arise in different regions or with different assessors, that fixed values might have been adopted for certain items, and that taxpayers may have owned property in more than one location and therefore appeared in more than one tax roll.<sup>64</sup> Despite these limitations, even the most critical of historians agree that tax records are an invaluable source. Stuart Jenks once said, one must “tread warily,” but it would be “churlish” not to use the only sources for examining patterns of wealth.<sup>65</sup> Tax records reflect the wealth of medieval England, but with large gray patches and large margins of error.

### *Tallage Rolls: Methods and Limits for Jewish History*

Tallage rolls have been all but ignored by general historians, because tallages were normally levied as lump sums on a community, and because they survive in even more patchy quantities than subsidies.<sup>66</sup> However, for analyzing small population groups like Anglo-Norman Jewry, they can be as valuable and reliable as subsidy rolls, as Mundill has shown.<sup>67</sup> For Jewish history in particular, tallage rolls are particularly valuable and underused.<sup>68</sup> Rolls recording Jewish tallages survive for roughly 100 years, from 1194 to the expulsion in 1290. Like the county summaries for lay subsidies, the rolls of Jewish tallage list the payments made by taxpayers, grouped under towns or counties, and assessment and collection were handled as for subsidies. Just as subsidies were assessed by local authorities, so too were Jewish tallages assessed by prominent members of the Jewish community.<sup>69</sup> Like subsidies, tallages were based on movable wealth, and individuals with movables less than a set amount were exempt.<sup>70</sup> Tallage payments therefore can be used to uncover the distribution of wealth among the taxpaying Jewish population as a proportional relation rather than as real values.<sup>71</sup>

The similarities between tallage and subsidy are due to their historical relationship in the development of national taxation. They developed concurrently, were used as complementary forms of taxation, and mutually influenced one another. Between the late twelfth century when the first subsidies arose as crusade levies and the late thirteenth when the subsidies under Edward I became the main source of royal revenue, tallages were taken in concert with lay subsidies (when the kings could get the baronial council to authorize them). Royal cities, boroughs, and demesne were tallaged, but not levied for the subsidy, and subsidies 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. Jenks notes that local communities must have been accustomed to assessing themselves for various forms of tax in order to explain the uniformity of exemptions in subsidies.<sup>72</sup> No doubt the single most important form of tax requiring assessment was tallage. The linkage between tallage and subsidy appears most clearly in the reign of Edward I. He effectively shifted the royal cities, boroughs, and demesne from a system of tallage to subsidies, but reintroduced a division between subsidies and tallages in 1294 by levying the royal cities, boroughs, and demesne at higher rates of movable property. For example, royal cities, boroughs, and the ancient demesne were levied at a sixth, while lay holdings generally were at a tenth in 1294, a seventh, and an eleventh in 1295, an eighth and a twelfth in 1296, and a twentieth and a thirtieth in 1306.<sup>73</sup>

The developmental relationship and the structural similarities between tallage and subsidy mean that the methods used to study lay subsidy can effectively be applied to the tallages on a minority population like the Jews. The same difficulties that beset the interpretation of subsidies therefore also beset the interpretation of Jewish tallages: The proportion of population that does not pay taxes is difficult to determine. And tallage payments like subsidies are inexact records of overall wealth, because of exemptions on certain goods, varying scales of valuation, undervaluation, and evasions.<sup>74</sup> An added difficulty is faced in interpreting tallages: a levy taken by fixed value rather than fractions of movable wealth complicates comparison across tallages and comparison with the real values of movable wealth in the population at large. But neither difficulty is insurmountable. A method for comparing tallages has been devised here that renders payments as a proportional unit of the smallest payment made for the tallage. While not perfect, this method at least translates apples and oranges into apples and apples, however bruised, rotten, or wormed they

may be. Finally, the correlation of tallage payments with the stratification of the larger population can be suggested through two tallages levied as fractions of movable wealth.

Because Jewish tallages were typically enrolled together with the exchequer receipt rolls, the preservation of Jewish tallages corresponds largely to the preservation of the receipt rolls.<sup>75</sup> In these receipt rolls, Jewish revenue from the traditional sources of fines and amercements was separated from Jewish tallage payments. One important exception, and the earliest feudal levy on the Jews to have survived, is the “Northampton Donum” levied by Richard I in 1194 to defray the costs of his ransom.<sup>76</sup> The receipt rolls from Henry III’s minority contain payments toward Jewish tallages in 1221, 1223, and 1225.<sup>77</sup> These are the earliest receipt rolls to survive intact, aside from one 1185 roll.<sup>78</sup> The rolls from the 1220s, however, do not contain the complete annual revenue, but only one of the two terms of payment, either Easter or Michaelmas. The first complete set of receipt rolls comes from 26 Henry III (1241–2), a year in which the largest tallage on the Jewish population that can be confirmed was levied.<sup>79</sup> Tallage records for the Jewish population become ever fuller with the reign of Edward I, as do receipt rolls and lay subsidy rolls.<sup>80</sup>

In one important way only did Jewish tallages differ from tallages on royal boroughs and towns or from national lay subsidies. Jewish tallage, when unpaid, could be collected by seizing not only the movables of a taxpayer but also the outstanding debts in the loan chest which were owed to the taxpayer by Christian borrowers, *if* the taxpayer had loans. The mechanism for collecting these debts was ready-at-hand through the royal loan chests that contained the loan records in the form of chirographs or tallies.<sup>81</sup> The establishment of loan chests for Jewish-Christian loans was ordered by Richard I in 1194, at the same time as the Northampton Donum was levied. The original royal directive instructed officials to keep records on all forms of Jewish wealth (not debts alone), though later on it seems that records only of loans were maintained. The Crown’s practice of assuming Jewish loans is responsible, perhaps more than any other fact, for an exaggerated sense of Jewish lending. However, this was a legal form of seizure, used widely in medieval England by individuals as well as the Crown. The institution and development of these chests will be dealt with in Chapter 5 extensively. For the purposes of estimating distribution of wealth, royal seizure of loans does not seriously affect the analysis. For the Crown collected the principal only without interest from a loan. Therefore, the assumption of debts does not inflate the record of movable

wealth. It does, however, present a more serious distortion when the tallage, or the individual to whom the payment is counted, is disguised under the general and unhelpful note “for the Jews.” Nevertheless, analysis of the distribution of wealth in the Jewish community can be undertaken on the basis of extant receipt rolls.

#### FOUR JEWISH TALLAGES, 1194–1276

The tallages that will be examined here have been selected as those providing the fullest records at intervals of roughly 20–30 years.<sup>82</sup> These rolls extend from the establishment of the loan chests during the reign of Richard I (r. 1190–9) to the Great Tallage taken early in Edward I’s reign (r. 1272–1307). Edward I outlawed “Jewish usuries” in the Statute of Jewry of 1275, effectively halting Jewish lending until he retracted the order a few years before he expelled the Jews in 1290. During the 80 years from 1194 to 1275, the height of Anglo-Jewish moneylending was 1220–1260.<sup>83</sup>

Receipt rolls for at least one of two terms of collection have survived for tallages levied in 1194, 1221, 1223, and 1225. Nearly complete receipt rolls survive for the largest documented tallage of the thirteenth century, the 20,000m “Worcester” tallage of 1241–1242.<sup>84</sup> Five receipt rolls have been preserved for Edward I’s tallage of 1275.<sup>85</sup> Called the “Great Tallage,” it was the largest levied on the Jews during Edward’s reign. Its historical value is all the greater in that it was levied as a fraction of movables—a third—and levied in the same year as a lay subsidy of a fifteenth, permitting comparison with the non-Jewish population.

#### *The Northampton Donum (1194)*

The 1194 tallage made in the fifth year of Richard I’s reign was not the first tallage levied by an Anglo-Norman king on the Anglo-Jewish community. In 1159, Henry II had levied a tallage for the expedition against the rebellious Toulouse. Entered on the rolls as *dona*, the tax was paid by all sectors of the society, whether landowning or not.<sup>86</sup> This included, of course, the royal boroughs, cities, and demesne along with the Jewish community. In 1186, Henry II levied an exceptionally heavy tallage on the Jewish community known as the Guildford tallage assessed at a fourth of movables. Arrears from this tallage were still being collected at the beginning of the reign of King John.<sup>87</sup> Under Richard I, two 1000m tallages on the Jews were collected in the first years of his reign, and 3000m were



levied for his ransom in 1193. On King Richard's release and return to England in 1194, the Jewish community promised an additional 5000m.<sup>88</sup> It is this "columned receipt roll"<sup>89</sup> for the first term of the 1194 tallage that has survived as the earliest Jewish tallage.

The so-called Northampton Donum has garnered attention for providing the earliest picture of the geographical distribution of Anglo-Jewry and the distribution of wealth by community.<sup>90</sup> But it is more illuminating when used to study the distribution of wealth across the Anglo-Jewish population as a whole. For a few wealthy taxpayers inflate a communal payment. The Northampton Donum, like the Worcester tallage, records a sizable number of individual taxpayers with their payments, grouped under county headings. Around 250 individuals are named, and a few additional payments are lumped into community or family groupings. Occasionally, relations between family members can be detected by groupings and nomenclature. The roll records payments for the Easter term, made in two stages, with the second stage supervised largely by William de Bukingham.<sup>91</sup> Occasionally, the roll includes arrears on the 3000m for Richard's ransom and "old tallages." A total of 55 percent of the assessed amount was paid in the Easter term.<sup>92</sup> The remainder would presumably have been collected during the Michaelmas term.

The preservation of only one of two terms of payment in the Northampton Donum raises questions about the representative nature of the payments. For one cannot assume that each and every taxpayer paid precisely half the sum levied at one term. Some taxpayers may not have paid at all in one term and paid fully in another. Some may have paid more or less than half, and some may have paid fully and been quit at the Easter term. Thus the analysis of these records, though presented in hard numbers, is nothing more than a hazy mirror into a distant past. But gross distortions in one tallage ought to be evident from the comparison with other tallages. Medieval history is largely written from fragmentary remains, and medievalists ought not to be less suspicious of reading documents with repetitive series than of reading more classic texts. Nor should we drop our suspicions about repetitive series. Nevertheless, the Northampton Donum provides a valuable window going back almost 30 years, when read against the more reliable tallages of later years.

### *Tallages of the 1220s*

From the 1220s, records of three Jewish tallages have been preserved among the surviving columned receipt rolls from the exchequer. In 1221,

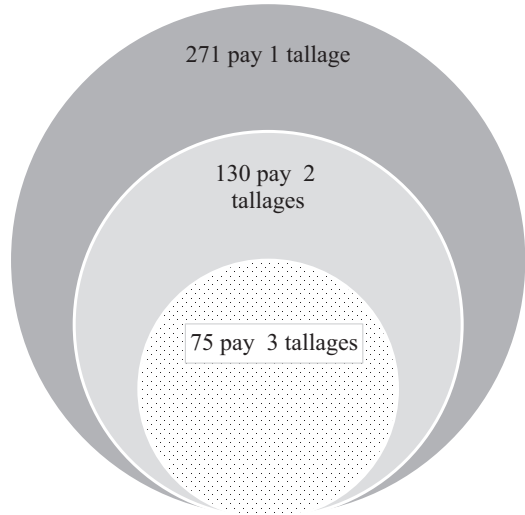
an “aid” of 1000m for the marriage of the king’s sister was levied on the Jewish community.<sup>93</sup> In 1223, a tallage of 3000m was levied, and in 1225 a tallage of 4000m. These columned receipt rolls represent an intermediary step between day-to-day receipts of the “chronological receipt rolls” at the lower exchequer and the annual auditing at the upper exchequer recorded in the pipe rolls. The 1221 aid includes two terms of payment from the Jewish community collected at Easter and Michaelmas; both were preserved in the Easter roll of the exchequer year. Within these two terms, 98 percent<sup>94</sup> of the assessed tallage was collected from the Jewish community in cash with arrears amounting to another 1 percent trickling in over the next few years.<sup>95</sup> In 1223, a tallage of 3000m was levied on the Jewish community, of which 85 percent of the total was collected in the Easter term.<sup>96</sup> Possibly further payments were made in the missing Michaelmas roll for that year. Arrears adding another 1 percent would trickle in over the next couple of years.<sup>97</sup> These two tallages then provide a sound basis for analyzing the distribution of wealth. The tallage of 1225 assessed at 4000m collected only 17 percent in the initial Easter term despite the high number of taxpayers contributing.<sup>98</sup> Neither the Michaelmas term roll nor the receipt rolls from the following six years survive, making it difficult to determine how much of the tallage was actually collected. Although the yield of the 1225 tallage was low, the number of taxpayers making payments was over 200, close to that of the two earlier tallages of the 1220s.

In 1221 and 1223, between 250 and 300 taxpayers made payments. Women made up around 10 percent of the taxpayers. The smallest payment for both the 1221 and the 1223 tallage was 12d (or 1s). In 1225, the smallest sum was significantly higher at 40d. The 1225 tallage also includes a higher percentage of women (14 percent). The combination of these facts suggests difficulty in collection after two previous tallages within a five-year period. Across the three tallages, 476 taxpayers made payments. But only 75 made payments toward all three tallages (see Fig. 4.1). The numbers are comparable to those across the Third of 1239 and the Worcester tallage. The variable appearance of the taxpayers, though not easily explained, is not uncommon in other thirteenth-century tax records. For example, five tallage rolls recording payments by the burgesses of the borough of Leicester over two years also show wide fluctuation of payees.<sup>99</sup>

Gender analysis serves as an important tool for understanding the tallages. The low percentage of women among the taxpayers confirms that Jewish tallages, like borough tallages and lay subsidies, were collected from a head of household rather than from each adult individual as a poll

tax was (see Table 4.1). Scholars studying lay subsidies have suggested that subsidies might be taken at times from only one member of an extended family. The fairly frequent references to brothers and sons in the Jewish receipt rolls suggest that at least sometimes this was not the case for the

**Fig. 4.1** Number of taxpayers in the tallages of the 1220s



**Table 4.1** Taxpayers of tallage by gender

<i>Date of tallages</i>	<i>Tallage records</i>		<i>Number of taxpayers</i>			
	<i>Sum assessed</i>	<i>% collected</i>	<i>Named individuals</i>			<i>Communal or family</i>
			<i>Female</i>	<i>Male</i>	<i>Total</i>	
1194	5000m	55%	9%	91%	247	6
1221	1000m	98%	11%	89%	247	4
1223	3000m	85%	9%	91%	297	2
1225	4000m	17%	14%	86%	207	0
1240	3rd	–	25%	75%	278	0
1241–2	20,000m	68%	10%	90%	240	22
1240–2	20,000m	82%	17%	83%	423	22
1273–6	3rd	–	8%	89%	583	19

Communal sums include an unknown number of individuals, typically the less well off. Family payments include only those with an unspecified number of adults. All others are included in the individual taxpayers.

Jewish tallages. The sums contributed by female-headed households were consistently proportionally smaller than their numbers, and therefore these households were poorer than their male counterparts (see Table 4.2). The higher percentage of female taxpayers in 1225 when a low proportion of the assessed tax was collected might suggest that this tax cut much deeper into the population than the 1221 or 1223. The higher percentage for the Third of 1239 reflects the fact that 1239 sources record a broad swath of the population, for they are individualized receipts for communal sums brought to the exchequer by royal officials. The important question of how much of the population these records reveal will be treated later.

*The Third and the Worcester Tallage (c. 1240)*

In 1241–1242, Henry III imposed on English Jews a hitherto unprecedented tallage of 20,000m, the so-called Worcester tallage.<sup>100</sup> It followed hard on the heels of a tallage of a third of the Jews’ chattels in 1239, which was credited toward the new debt of 20,000m. The king may have received only disappointing returns on the Third, prompting him and the royal council to levy a new tax.<sup>101</sup> The Third seems to have been due in autumn of 1240 at Michaelmas. For the king issued two orders in late October, distraining Jews for their arrears, and some Jews were imprisoned and released in December 1240 on offering sureties that they

**Table 4.2** Tallage payments by gender

<i>Date of tallages</i>	<i>Sum assessed</i>	<i>% collected</i>	<i>Named individuals</i>		<i>Communal</i>	<i>Total (m)</i>
			<i>Female</i>	<i>Male</i>		
1194	5000m	55%	8%	86%	6%	2737
1221	1000m	98%	6%	91%	3%	977
1223	3000m	85%	5%	95%	0%	2383
1225	4000m	17%	11%	89%	0%	684
1240	3rd	–	4%	96%*	0%	2751
1241–2	20,000m	68%	1%	84%	15%	13,559
1240–2	20,000m	82%	1%	86%	13%	16,310
1273–6		–	2%	70%	28%	6893

Communal sums include an unknown number of individuals, typically the less well off. Family payments include only those with an unspecified number of adults. All others are included in the individual taxpayers.

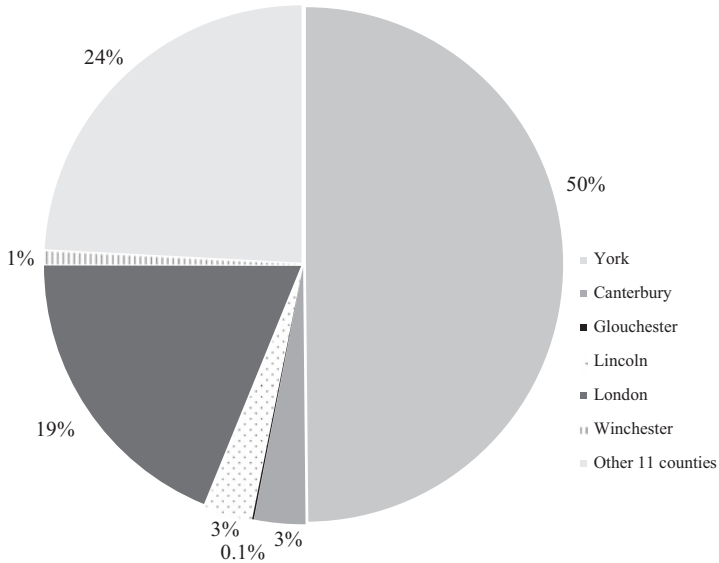
\*This total includes family payments, which may have a female listed with a male relative.

would pay by the end of January 1241. On 17 January 1241, Henry III complained of Jews not being distrained for arrears of the Third. On 25 January 1241, orders were sent to sheriffs to summon wealthier and more powerful Jews to come before the king on 10 February at what would be the Worcester “parliament,” launching the 20,000m tallage. The Third was formally brought to a close and rolled over into the 20,000m tallage on 19 February 1241, the collection of which was scheduled to conclude in autumn 1242.<sup>102</sup> Robert Stacey has carefully reconstructed the chronology of the collection of the Third and Worcester tallages and collated the returns for both from chronological receipt rolls, *rotulus Judeorum*, and surviving wooden tallies, showing that it was paid almost in full on time. In contrast, I have treated the Third separately from the Worcester tallage to more accurately assess the distribution of wealth.

Two important administrative steps have left a paper trail for the Third. On 1 July 1240, the king ordered an inquiry into the movable properties and debts of the Jewish population. The sheriffs of each shire were ordered to summon all those men, “mayors, bailiffs, chirographers, and their clerks, and other prudent and lawful men” (among whom some would be Jews), in whose presence the archæ were sealed by royal command. These individuals were to testify under oath “concerning those matters which on our [the king’s] behalf shall be inquired of them,” by the clerks charged with the inquiry.<sup>103</sup> The sheriffs were also ordered to provide the clerks with “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 to ensure that these Jews appear before the clerks when they command. Several types of documents have survived from this inquiry: scrutinies for the Cambridge and Lincoln chests, as well as a partial scrutiny for Norwich,<sup>104</sup> a census list from Lincoln attached to the *archa* scrutiny, and a detailed list of payments toward the Third by Jews from Canterbury, Gloucester, London, and Winchester.<sup>105</sup> The Lincoln census, I suggest, is a list of payments on the Third by Lincoln Jews, which parallels the roll containing Canterbury, Gloucester, London, and Winchester. What distinguishes the Lincoln list is that it was sewn together with the loan chest scrutiny and has a list of names at the bottom titled “De hiis qui nichil habent” (those who have nothing) which seems to refer to those with movables below the tax limit. The Lincoln records are particularly valuable in providing a full census of the Jewish population together with an *archa* scrutiny. As we shall see, this provides surprising results, suggestive for our broader understanding of thirteenth-century Jewry.

The second important paper trail concerns the process of assessment of movable property. As with lay subsidies, the wealthier and more important members of the local community were called upon to conduct the assessment and collect the taxes. The appointment of Jewish officials for assessments comes fully to light in documentation from winter 1241 when the Third was brought to a close and the 20,000m tallage launched. On 25 January 1241, the king ordered 19 sheriffs to send to Worcester on 10 February six of the wealthier and more powerful Jews from their bailiwick, as well as one or two from each town.<sup>106</sup> One hundred and fifty to two hundred Jews must have been summoned. At Worcester, one to three Jews from each town were appointed jurors and swore oaths “not to conceal any one who has moveable property worth 15 shillings or more.”<sup>107</sup> Thirteen men were elected by the *communam Angl'*, that is, the “commune of English Jewry,” as *talliatores*.<sup>108</sup> Another six men were elected to supervise the tallage along with the six wealthiest Jews in England, plus Aaron of York, the arch-presbyter. Detailed instructions for ensuring impartial assessment were given. A list of some 100 sureties from 20 locales was made. This self-representative administrative machinery constructed from the legal process of inquest conformed to that for taxes on the Christian laity. The list of official appointments provides useful information in analyzing distribution of wealth. It helps identify the local and supra-local leadership in the Jewish community, and the correlation of leadership with wealth. It also provides a comprehensive list of all the Jewish communities from which tax was collected, allowing us to gauge the information missing in the receipt records.

In the analysis of the distribution of wealth below, the records for the Third have been treated separately from the 20,000m tallage, because these records are the details of local payments that the later chronological receipt rolls lump together.<sup>109</sup> The records for payments toward the Third in Michaelmas 1240 survive only from five towns: Canterbury, Gloucester, London, Winchester, and Lincoln.<sup>110</sup> Analyzed as a discrete unit, the lists should give a fuller and reliable picture of the distribution of wealth. For although these lists cover only five out of 21 localities to which Jewish officials were appointed for the tax, the receipts include two of the most important communities, London and Lincoln. For example, in the returns to the 20,000m tallage, these five towns contribute as much as all other towns together with the exception of York (see Fig. 4.2). York's 50 percent contribution to the total represents the preponderance of payments from the arch-presbyter, Aaron of York, the wealthiest Jewish individual in England.



**Fig. 4.2** Communal contributions to the 20,000m tallage. Note: The data for the chart comes from Stacey, “Royal Taxation,” Table 2A, 199.

With 301 entries, listing 305 individuals, the records for the Third are as extensive as for most full tallages.<sup>111</sup> Among the 305 individuals named in the tallage receipts are 26 from Lincoln who paid no tax, presumably because their movables were worth less than the minimum. Of these, 38 percent were women. Among the 279 taxpayers who made 278 payments, 25 percent were women.

The records for the 20,000m tallage come from the chronological receipt rolls of the lower exchequer. Payments were either entered as lump sums for a community or made by a rather well-off individual. Detailed communal lists would have existed in form similar to those for the Third but, not having been copied into the rolls of the lower exchequer receipts, have disappeared. Relatively high payments ranging from 1m to several pounds or more made by individuals were recorded directly into the roll seemingly when paid directly at the exchequer. The elite status of these individuals is confirmed by the fact that many were appointed as royal officials for the assessment and collection of the tallage. A number of lump payments were made on behalf of paupers and fugitives. These payments ranged from less than £2 for Stamford to more than £45 for London. Fugitives’ property

was confiscated for payment. In one case, we know that the man acting as surety for the community in Bristol turned fugitive when he could not raise the £30 assessed on Bristol Jewry. When his debts in the archa did not make up the balance, his house was sold, plus a yearly rent on house, gardens, and bridge totaling £23 4d. Unfortunately, we have no way of estimating how many paupers there were, nor how much was assessed on each pauper.<sup>112</sup>

### *The Great Tallage (c. 1275)*

A tallage of a third was again levied at the beginning of Edward I's reign. It was the largest levied on the Jewish commune since the Worcester tallage. Again the royal authorities received disappointing returns and may have commuted the fractional tallage into a set levy, this time of 25,000m. But less than a third of this sum was collected over the next five years.<sup>113</sup> The orders launching the Great Tallage were not preserved, as was typical with tallage. But rich administrative records scattered among the receipt rolls, close rolls, patent rolls, and memoranda rolls allow us to reconstruct the process of the tallage. In 1272, Edward I assumed the throne on the death of his father, Henry III. But Edward, who had been on crusade since 1270, would take two years to arrive in England.<sup>114</sup> Within the first months of his reign, orders were given to Christian and Jewish chirographers to make a scrutiny of the loan chests.<sup>115</sup> The scrutiny of the loan chests ordered by the king's council was completed in summer 1273.<sup>116</sup> Within the first year, Edward I had appointed a new treasurer, the grand prior of the Hospitallers in England, Brother Joseph de Chauncy, who assessed and collected a new tallage on the Jews of England.<sup>117</sup> He was assisted in this business by Payn de Chaworth. Both were men connected to Edward through the crusade. Payn de Chaworth was a fellow crusader, one of 18 men with whom Edward had contracted to supply a total of 225 knights for his crusading force.<sup>118</sup> Brother Joseph de Chauncy must have met Edward in Acre, where he was the treasurer for the Hospitaller order until 1273, when he was sent to England to assume the position of grand prior.<sup>119</sup> Edward was in financial straits and received loans in Acre some of which were guaranteed by the Hospital. One specifically mentioned Brother Joseph de Chauncy by name.<sup>120</sup>

In December 1273, Brother Joseph de Chauncy sent orders to the sheriffs to proclaim that all Jews were to come to the principal town of the shire and reside there until Easter 1274.<sup>121</sup> Zefira Rokéaḥ, who unearthed many of the archival records related to this tallage, has surmised that the reason for the summons was that “the treasurer wished to facilitate the collection of the ‘great tallage’ of one-third of the Jews’ moveable goods.”<sup>122</sup>



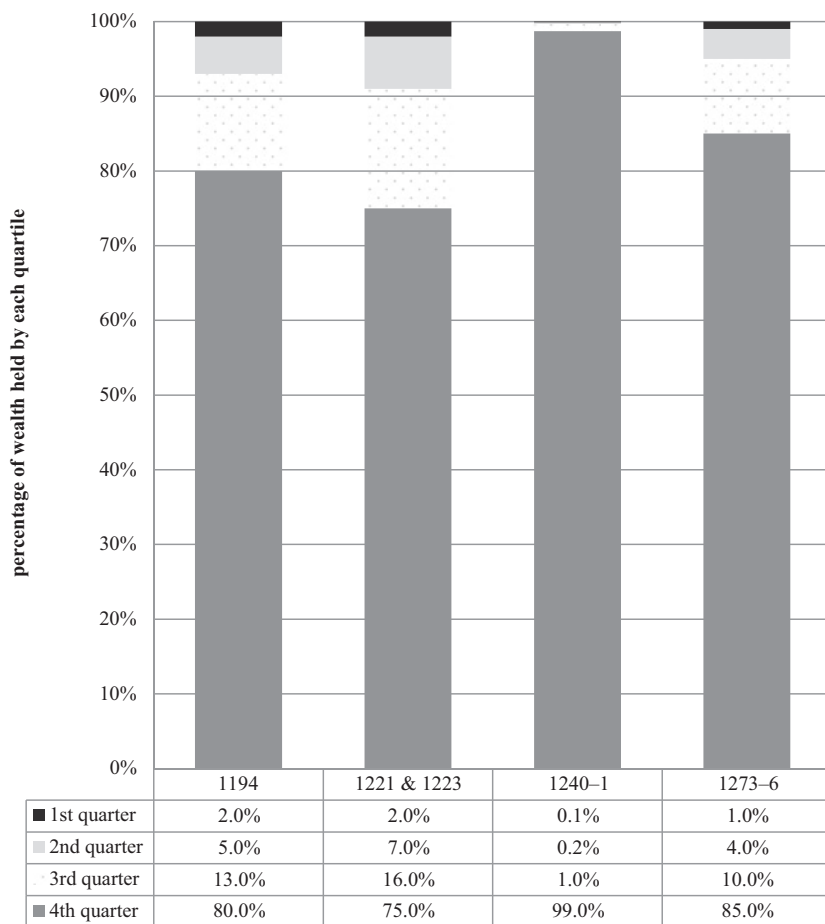
The receipt rolls suggest that collection of the tallage continued for three fiscal years, from 2 Edward I to 4 Edward I (1272–6),<sup>123</sup> but historical interpretation of the length of the tallage and whether these should be regarded as separate tallages varies.<sup>124</sup> Before the last term of payment at Easter 1276,<sup>125</sup> Edward I was complaining that “the greatest part of the money...[was still] in arrears.”<sup>126</sup> He ordered the imprisonment of all men and women in arrears and their legal treatment as outlaws. This entailed the seizure and sale of all their movables and the expulsion of their persons at Easter. Collection of arrears continued for several more years, as Joseph de Chauncy was appointed with two others in June of 1278 “to levy without delay the arrears of the great tallage assessed upon the commonalty of the Jews of England in 2 Edward I by the said treasurer.”<sup>127</sup>

Levied as a third of Jews’ movables, the tallage was the first use of the fractional method of lay subsidies for a Jewish tallage since Henry III’s unsuccessful attempt in 1239. It is no surprise that Edward I, who would perfect the levy of lay subsidies, would have experimented with fractional levies on a tallage. This tallage is the last taken under which Jewish lending on interest was still legitimate.<sup>128</sup> By Michaelmas 1275, Edward I had instituted the new Statute of Jewry, which forbade Jewish lending on interest.<sup>129</sup> The levy of a third of movables was substantially higher than the Fifteenth levied on the Christian population in 1275.<sup>130</sup> A total of 6893m was collected from 583 taxpayers, of whom 8 percent were women. This is the largest number of Jewish individuals named in tallage receipts for the thirteenth century, peculiarly at a point in time when historians think the Jewish population was much reduced from 5000 to 3000 or even 2500. The high number may reflect deeper and more ruthless exaction, as well as methodological difficulties in linking multiple payments by single individuals. For the first roll, known as the “New Temple” tallage, does not give identifying place names as was typical. Place names were used to link identities in the earlier tallages. However, occasionally individuals, particularly moneylenders it would seem, paid tallage in more than one location. The smallest sum paid was 1d and the largest £518. Around 350 individuals were in arrears for their tallage in Hilary term of 3 Edward I (1275). The loan chest scrutinies for these individuals have been preserved, offering a window into moneylending and demographics.<sup>131</sup>

## DISTRIBUTION OF WEALTH

More than 75 percent of the Jewish population held less than 25 percent of the wealth in the community. This fact is illustrated in the following figures and tables in several different ways. The distribution of wealth

across the Jewish population is estimated by dividing the Jewish taxpayers recorded in each set of tallages between 1194 and 1276 into quartiles, that is, into four groups with equal numbers of individuals (see Fig. 4.3). Because tallages were levied as a percentage of movable wealth, actual sums



**Fig. 4.3** Percentage of wealth of Jewish taxpayers by quartile. Note: To permit comparison between tallages of varying amounts, all monetary sums here have been translated into a unit value based on the lowest tallage payment. Multiple payments by the same individual were combined, and identity was determined by name for well-known individuals and by name and place for less well-known individuals. Communal sums are not included.

paid cannot be compared across tallages. To permit comparison between tallages of varying amounts, all monetary sums were converted into unit values, based on the lowest tallage payment. The comparison between the tallages was aided by the fact that the Third and the Worcester tallages as well as the Great Tallage of 1275 had the same unit value of 1d, and the first three tallages, from 1194, 1221, and 1223, had the same unit value of 12d. Only the least reliable tallage, that of 1225, had a unique and high unit value of 40d.<sup>132</sup> In analyzing the tallages, multiple payments by the same individual were combined. Identity was determined by name for well-known individuals, and by name and place for less well-known individuals. Communal lump sums were excluded from the calculations of quartiles, because communal lump sums do not reveal the number of individuals who contributed to the communal payment.

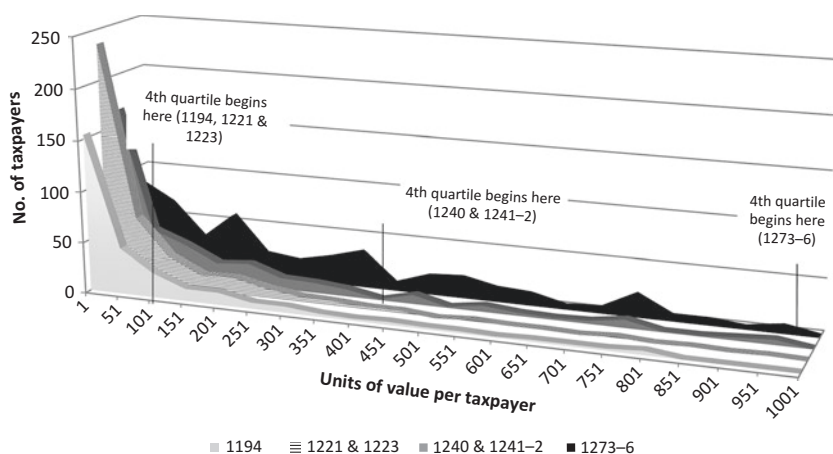
The number of taxpayers in the tallage rolls offers a reasonably large sample for medieval sources, increasing the reliability of the documents. Each yearly tallage had on average between 200 and 300 taxpayers recorded by name. When tallage records from the 1221 aid were grouped with 1223 and 1225, the Third with Worcester, and the New Temple with chronological receipt rolls of the Great Tallage, the number of taxpayers rose to between 425 and 575 individuals (see Table 4.3; the data in Table 4.3 is depicted as a graph in Fig. 4.4).

The analysis of numbers of taxpayers per unit of payment illustrates the high majority of taxpayers clustered at the lowest end of the tax scale. In the Northampton Donum and the tallages of 1221 and 1223, three-quarters of the taxpayers fall below 100 units. For the Northampton Donum, over 150 individuals paid tallage payments of values ranging between 1 and 50 units. Over 40 individuals made payments ranging between 51 and 100 units. The numbers of individuals drop quickly thereafter for each 50 units of value, but rise slightly again with the largest payments of over 800 units of value. A similar curve appears for the tallages of the 1220s with 150+ individuals paying between 1 and 50 units; the number of individuals paying higher taxes dovetails quickly. In the Worcester and Great tallages, the fourth quartile pays proportionally a much higher value: 450 and 1000 units, respectively. Twenty years later the Third and the Worcester tallages show a roughly similar distribution—high numbers at the lowest end of payment and a small surge of high-end taxpayers. The notable difference from the mid-thirteenth century on is that the number of high-end taxpayers has grown significantly. The Great Tallage of 1275 shows a unique pattern. Taxpayers are more equally distributed across the range of

**Table 4.3** Number of taxpayers by proportional units

Units of value	1194	1221 & 1223	1240–2	1273–6
1–50	154	236	165	83
51–100	45	67	46	65
101–150	24	31	34	32
151–200	12	16	19	58
201–250	12	17	22	22
251–300	6	10	11	18
301–350	6	6	10	25
351–400	3	5	7	34
401–450	2	3	1	6
451–500	3	3	9	17
501–550	2	0	1	19
551–600	2	2	6	12
601–650	1	1	3	10
651–700	2	1	2	2
701–750	2	0	3	4
751–800	2	2	8	21
800–850	4	0	1	4
851–1000	0	2	8	10
1000+	7	6	67	150
Total # taxpayers	289	408	423	592

Quartiles 1–3 of the taxpayers from each tallage are in the white cells. Quartile 4 is marked by a double line boundary and shaded cells



**Fig. 4.4** Distribution of taxpayers by tax payments. Note: payments have been calculated as proportions of lowest unit value. Vertical lines mark the beginning of the fourth quartile.

payments, with 150 taxpayers clustered at 1000+ units, while the low end has 65 at 51–100 units and 83 at 1–50 units. One should note that the shifts between the tallages cannot reliably be used as a guide to changing patterns of wealth in the Jewish population, for the shifting numbers may reflect increasing amounts of taxation and increasing pressure to collect. Indeed, the tallage payments for the Worcester and the Great tallages, levied at least initially at a third, no doubt cut more deeply into the Jewish household's movable wealth than other tallages. But the tallages do provide reliable indicators for the distribution of wealth across the Jewish population in a rough fashion.

The poorest quartile of the taxpaying population contributed 3 percent or less in the earliest tallages, and 2 to less than 1 percent in the tallages from the mid- to late thirteenth century. The second quartile contributed only slightly more to the tallage. The largest contributions by the second quartile were 7, 8, and 10 percent in the 1220s. More typically, the second quartile contributed between less than 1 percent and 6 percent. The third quartile contributed 12–24 percent in the first half of the thirteenth century and less in the later thirteenth century—1 percent for the Worcester tallage and 5–15 percent in the New Temple and chronological receipt rolls of the Great Tallage.

Thus far, the analysis has described the distribution of wealth across the Jewish population by comparing the percentage of tallage paid by each quarter of the population. All of the data has pointed to an extraordinary concentration of wealth in the hands of the top quartile of the population. A closer analysis suggests that even within the top quartile, most of the wealth was in the hands of a few. The standard deviation of the median from the mean marks a wide distribution of wealth within a quartile. The standard deviation of the median from the mean is negligible among the first three quartiles, ranging from 1 to 3 units. But the standard deviation is significant in the fourth quartile. For instance, the fourth quartile in 1194 has a median payment of 223 but a mean of 405 and in 1221 a median of 88 but a mean of 141. This gap is even more pronounced for the Third of 1240, with a standard deviation of 7200, but somewhat less pronounced for the Great Tallage, at 764 units.<sup>133</sup> The disparities among the fourth quartile are reflected again in the range of payments (see Table 4.4).

The fourth quartile of the Third and Worcester tallages has the highest standard deviation and made the largest contribution to a tallage. Even with the communal sums taken into account, the fourth quartile contributed 83 percent of the tallage. But among the 105 taxpayers in the fourth

**Table 4.4** Tallages analyzed across quartiles (all sums given in unit value)

<i>Quartiles</i>	<i>No. of taxpayers</i>	<i>Range of unit values</i>	<i>Median unit value</i>	<i>Mean unit value</i>	<i>Total unit</i>	<i>% of tallage with communal sums</i>	<i>% of tallage without communal sums</i>
<b>1194</b> (1 unit= 12d)							
Quartile 1	62	1-19	13	12	771	2%	2%
Quartile 2	61	19-38	27	26	1604	5%	5%
Quartile 3	62	39-100	60	65	4002	12%	13%
Quartile 4	62	101-1951	233	405	25,097	74%	80%
Lump sums	6				2247	7%	
Total	247		39	137	33,721	100%	100%
<b>1221</b> (1 unit= 12d)							
Quartile 1	62	1-14	8	8	480	3%	3%
Quartile 2	61	14-26	18	19	1142	8%	8%
Quartile 3	62	27-55	35	55	3416	24%	25%
Quartile 4	62	56-548	88	141	8722	62%	63%
Lump sums	4				415	3%	
Total	247	1-548	27	56	14,175	100%	100%
<b>1223</b> (1 unit= 12d)							
Quartile 1	75	39,102	13	11	841	3%	3%
Quartile 2	74	21-43	30	31	2279	7%	7%
Quartile 3	74	43-115	79	79	5862	18%	18%
Quartile 4	74	117-1400	220	307	22,736	72%	72%
Lump sums	2				50	0%	
Total	297	1-1400	43	107	31,767	100%	100%
<b>1225</b> (1 unit= 40d)							
Quartile 1	52	1-4	2.4	2.7	142	5%	5%
Quartile 2	52	4-7	5.9	5.4	281	10%	10%
Quartile 3	52	7-16	11.2	11	573	21%	21%
Quartile 4	51	17-154	36	34	1741	64%	64%
Lump sums	0				0		
Total	207	1-154	7	13	2738	100%	100%
<b>1240 Third</b> (1 unit= 1d)							
Quartile 1	53	1-15	7	7.5	400	0.1%	0.1%
Quartile 2	53	15-55	29.5	30	1605	0.4%	0.4%
Quartile 3	53	55-214	112	115	6100	1%	1%
Quartile 4	53	219-105,600	720	7920	419,811	98%	98%
Lump sums	0				0		
Total	212	1-105,600	54	498	427,916	100%	100%
<b>1241</b> (1 unit= 1d)							
Quartile 1	60	1-40	14	19	1147	0.05%	0.06%

(continued)

**Table 4.4** (continued)

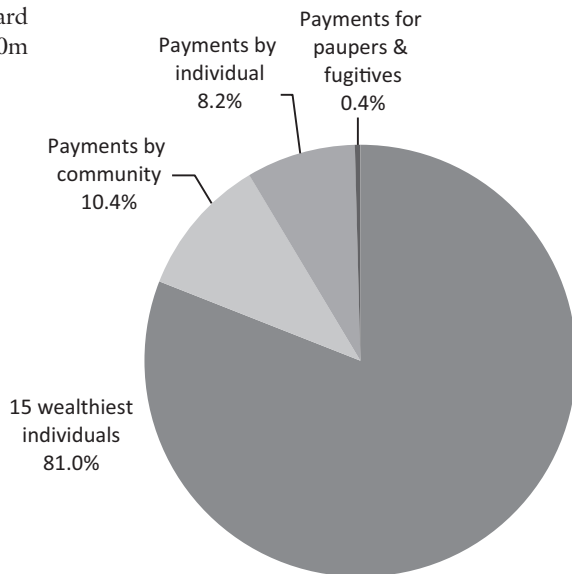
<i>Quartiles</i>	<i>No. of taxpayers</i>	<i>Range of unit values</i>	<i>Median unit value</i>	<i>Mean unit value</i>	<i>Total unit</i>	<i>% of tallage with communal sums</i>	<i>% of tallage without communal sums</i>
Quartile 2	60	40–168	84	99	5916	0.27%	0.32%
Quartile 3	59	180–960	400	461	27,194	1%	1%
Quartile 4	59	960–756,401	2880	30,672	1,809,632	83%	98%
Lump sums	22				325,564	15%	
Total	238	1–756,401	160	7747	2,169,453	100%	100%
<b>New Temple</b> (1 unit = 12d)							
Group 1	67	1–7	2.6	3	198	0.3%	1%
Group 2	67	7–20	13	12	777	1%	2%
Quartile 3	67	20–80	40	43	2863	5%	8%
Group 4	67	80–7068	161	470	31,498	52%	89%
Lump sums	20				25,420	42%	
Total	268				60,756	100%	100%
<b>1275</b> (1 unit = 1d)							
Quartile 1	90	1–133	80	69	6226	2%	2%
Group 2	89	136–400	240	250	22,256	6%	6%
Quartile 3	89	400–1013	560	628	55,894	15%	15%
Group 4	89	1051–14,249	2321	3231	287,563	77%	77%
Lump sums	5				2660	1%	
Total	362				374,599	100%	100%

To permit comparison between tallages of varying amounts, all monetary sums here have been translated into a unit of value based on the lowest tallage payment.

quartile, there were gross disparities in wealth. The top three men paid nearly half the total tallage. The next wealthiest 12 men paid a third of the total tallage.<sup>134</sup> And this was in a tallage for which we have nearly complete returns (see Fig. 4.5).

Fifteen men, coming from nine families, paid over 80 percent of the tallage. The remaining members of the top quartile paid 3 percent of the tallage.<sup>135</sup> The rest of the Jewish population paid less than 20 percent of the tallage. This clearly suggests that the Jewish population, apart from these nine elite families, held less than 20 percent of the movable wealth in the community. Tallages surely do not reflect with perfect accuracy the wealth of the communities. But given that this tallage was assessed and collected by the leaders of the Jewish community, and given that the

**Fig. 4.5** Payments toward Worcester tallage of 20,000m



returns are nearly complete, it is reasonable to assume that the proportions of payments are not grossly distorted.

However, the tallage records are limited in one dramatic way. The records only partially disclose the more modest taxpayers and rarely reveal non-taxpayers. In regard to modest taxpayers, for example, the Worcester tallage receipts include 22 communal lump sums constituting 13 percent of the total tallage. The original lists of taxpayers contributing to these sums for Worcester have not survived. Nor can one assume that the communal sums represent the first or second quartile of the population. For the lump sums would have included individuals from all quartiles paying a royal representative in a locale distant from the exchequer. Evidence of this supposition emerges from a comparison of the records for the Third and the Worcester chronological receipt rolls. As described above, the extant records for the Third are itemized lists of communal sums from five towns, which were later paid in at the exchequer. In these records, the percentage paid by the fourth quartile (98 percent) is even higher than that for the Worcester tallage. Moreover, all five of the named individuals from Lincoln in the Worcester receipt rolls are in the communal list for the Third among the top 10 highest taxpayers. Several were appointed as royal officials overseeing the tallage.<sup>136</sup>



Even if the communal sums were full and records were complete, naming all taxpayers, they would not include the full population. For a substantial segment of the population would never have owed tallage. It was customary for lay subsidies to stipulate a minimum threshold for taxation as well as a detailed list of exempt goods.<sup>137</sup> Thresholds for the lay subsidies of the Fortieth in 1232 and the Thirtieth in 1237 were set at 40s.<sup>138</sup> Thresholds of 15s were set for the lay subsidies of the Fifteenth levied by Edward I in 1275 and 1290.<sup>139</sup> As mentioned above, documentary evidence exists showing that the Jewish tallage of c. 1240 had a minimum threshold set, and the Jews appointed as jurors for the tallage swore not to conceal anyone with goods above this sum.<sup>140</sup>

A rare document from the Lincoln collection of the Third offers a window into this lowest segment of the population.<sup>141</sup> In addition to the taxpayers and sums paid toward the Third, the Lincoln document includes those who did not pay tax. The list consists of a single membrane, written on only one side in a single hand. A few additional notes were added in a second hand. The list includes 115 adults, among them 38 women, and the amounts they each paid toward the tallage. One-third of those adults were listed under the heading “De hiis qui nichil habent” (those who have nothing). These refer, I surmise, to those who fell below the minimum threshold for paying tax and, therefore, did not pay tax at all.

This membrane was sewn at the head to a scrutiny of the Lincoln loan chest written by a hand or hands different from that which wrote the initial list. The scrutiny fills 10 membranes, back and front. The blank recto on the first membrane, as well as the difference in the hands, strongly suggests that the documents were compiled separately at different times and later sewn together. At the head of the list of taxpayers is a title referring to the contents of both membrane 1 and membranes 2–11: “Rotulus de Nominibus Judeorum et Judearum Linc<sup>o</sup>. et summis starrorum eorundem.” A close examination of the document produces evidence that the period after “Lincoln” should be read as a full break, in other words as “a roll of the names of the Jews and Jewesses of Lincoln. And an account of their loans (starrs) [in Lincoln chest].” But this title has no doubt caused confusion in its interpretation. Cecil Roth suggested that the list was either an assessment of movable property or details of a levy, and “those who have nothing” were paupers.<sup>142</sup> Robert Stacey linked the document to the inquest of Caxton and Hardel ordered in July 1240. This is confirmed by a small piece of parchment sewn to membrane 2v that refers to Caxton and Hardel as “Justices of the Jews.” Stacey interprets the list of

“those who have nothing” in light of the attached scrutiny as “those who had no debts in the loan chest.” But this interpretation must be rejected. For many who had sums next to their names did not have loans in the chest, and some listed under “those who had nothing” did have loans in the chest, at least at one time. Those who are listed as having nothing must refer to those whose movable property fell below the minimum for taxpaying, and therefore were technical paupers. Therefore, it seems evident that the first membrane of the document is an assessment neither of chattels nor of loans, but a record of tallage paid. This is confirmed by the formulas on the document. Each entry begins *De* followed by a name and a sum (from so-and-so of such and such an amount). *De* is used only in reference to payments collected in exchequer documents, not for assessments.<sup>143</sup> Hence I concluded that this is a record of communal payments later recorded at the exchequer as a lump sum. This guess was confirmed by the fact that the total of payments on this list matches that of the communal sum in the receipt roll of the lower exchequer (see Table 4.5).

The first membrane of the Lincoln document (E 101/249/4) therefore provides us with a rare glimpse into the numbers of individuals hidden from view in the receipt rolls. It identifies all the taxpayers lumped in the communal sum as well as those exempted from tax. Of the 88 Jewish adults paying tax in Lincoln, only five appear in the records of the lower exchequer for 1241–1242. All five were among the top 10 wealthiest taxpayers. In other words, only about 6 percent of the taxpayers are named in the chronological receipt rolls upon which we must rely for most

**Table 4.5** Comparison of E 101/249/4 with receipt roll accounts

Receipt roll entries by date	Total paid at this date (£)	Cumulative total (£)
Jews of Lincoln - 3 Oct. 1241	50	50.0
Jews of Lincoln - 1 Feb. 1242	120.6	170.6
Jews of Lincoln - 5 Feb. 1242	1.0	171.5
Jews of Lincoln - 24 Mar.–26 April 1242	20.9	192.4
<b>Lincoln roll - E 101/249/4</b> (date unknown)	172.7	

The similarity between the sum of E 101/249/4 and the cumulative total at 5 Feb. 1242 suggests that E 101/249/4 was a record of all payments made by Lincoln Jews in both October 1241 and February 1242. A few final payments totaling £20 then came in March–April 1242.

Jewish tallages. Most taxpayers are cloaked behind the lump sums listed for communities. Perhaps more important, the Lincoln “census” lists the individuals who did not pay tax; they totaled one-third of the adults in the community.

The assumption that one-third of the Jewish population fell below the threshold for paying tax is reasonable, even for a large tallage of a third. It may in fact be a rather low estimate. In a study of the tithe rolls from Norwich, Elizabeth Rutledge found that half of the adult males were missing from the contemporary lay subsidy rolls.<sup>144</sup> In a study of Shrewsbury, D. and R. Cromarty estimated that around 70–85 percent of the population may have been absent from the tax rolls.<sup>145</sup> Gauging the extent of the population below the minimum line is a pressing question in any attempt to gauge the distribution of wealth. With the data provided by the tallage records, it is possible to come at this question from the top down rather than the bottom up. Jewish historians largely agree on the rough size of the Jewish population in Anglo-Norman England.<sup>146</sup> At its height in the thirteenth century, the Jewish population was somewhere between 2500 and 5000. By the last decade before the expulsion, the Jewish population had probably shrunk to somewhere between 2000 and 3000. An absolute minimum of 2000 can be verified from the poll tax imposed by Edward I on all Jewish males and females above the age of 12. The tax was paid by 1179 persons in 1280, 1154 in 1281, 1135 in 1282, and 1151 in 1283.<sup>147</sup> Using estimates of the total population together with standard multipliers for the size of households, the percentage of the taxpayers hidden from view will be gauged in a rough way below.

The multiplier for household size has received a considerable amount of debate in the scholarship on premodern population. J.C. Russell’s path-breaking and now classic work *Medieval British Population* substituted 3.5 for what had been the more conventional 5; however, he allowed a larger range for “burgess households” from 3.5 to 6.<sup>148</sup> J. Krause challenged Russell’s conclusions, arguing thus:

Obviously the multiplier must have varied considerably, from a minimum of 4.3 in a population which had a relatively low proportion of children to over 5.2 in one which had a high percentage of children....Under normal conditions, the multiplier could not have been 3.5 or even 4.<sup>149</sup>

The conclusions of Krause have been verified by the later work of Zvi Razi and other historians of thirteenth-century English peasantry. Razi found, for instance, that the mean size of the peasant family in the village

of Halesowen was 4.7 between 1270 and 1282, but 5.8 when adjusted for the imbalance of the sexes in the records. Similarly, studies from the later half of the thirteenth century arrived at the numbers of 4.7 and 4.9 for the villages of Redgrave and Rickinghall in Suffolk; when adjusted for the sex imbalance, these numbers rose to 6.1 and 5.6, respectively. Similarly, the census of 1268–1269 from the manors of the Priory of Spalding in Lincolnshire shows the average “serf household” at 5.4.<sup>150</sup> However, we cannot necessarily assume that the size of a rural peasant household was equivalent to that of urban burgesses. The classic work of David Herlihy and Christiane Klapisch-Zuber on the 1427 Contado in Tuscany uncovered an average family size of 3.8. This number aligns closely with our best comparison for Anglo-Jewry, that of the Jewish communities in the Rhineland c. 1100. On the basis of the memorial lists of Jews slaughtered in the pogroms of the First Crusade, Kenneth Stow has given us our best analysis of the structure of the medieval Jewish family.<sup>151</sup> He found that the average household was 3.77. When adjusted for solitaires (single women or men), it sank to 3.39.<sup>152</sup> One could make an argument to raise this number to 4 or even 4.5, but one could not go below it. Based on these calculations, 4.5 as the average household size for thirteenth-century Anglo-Jewry would seem to be a fairly reliable multiplier. The multiplier 5, though not unreasonable for a rural peasant family, may be too large for an urban Jewish family.

The size of the Jewish population, although agreed upon by Jewish historians, throws a wide variable into any calculations, because estimates ranging from 2000 to 5000 more than double in size. However, a bare minimum of 2500 is certain for the thirteenth century. Until better studies of Jewish population have been done, estimates ranging from 2500 to 5000 are a matter of opinion. To account for the range of possibilities, I have calculated the percentage of hidden households for a range of household multipliers running from 3 to 5 and a range of total population running from 2500 to 5000 in Table 4.6.

The estimates of hidden Jewish population include both unnamed taxpayers whose payments were lumped into communal sums and non-taxpayers. Choosing moderate variables for an estimate, one typically finds that between 50 percent and 70 percent of the households are hidden from view. For instance, starting with a total population of 3500–4000 in the first half of the thirteenth century and slightly less for the later period, and using a household multiplier of 3.5 or 4.0, 52 percent to 58 percent of Jewish households are likely hidden from view. The potential range is from 46 percent to 64 percent (see the shaded cells in Table 4.6). If one raises the estimate of overall population somewhat, the potential range shifts to

**Table 4.6** Percentage of Jewish households who were non-taxpayers, based on an estimate of population size and standard household multiplier

Tallage year (no. of named taxpayers)	Estimated population	Household multiplier				
		3.0	3.5	4.0	4.5	5.0
1220s (476)	2500	43%	33%	24%	14%	5%
	3000	52%	44%	37%	29%	21%
	3500	59%	52%	46%	39%	32%
	4000	64%	58%	52%	46%	41%
	5000	71%	67%	62%	57%	52%
c.1240 (423)	2500	49%	41%	32%	24%	15%
	3000	58%	51%	44%	37%	30%
	3500	64%	58%	52%	46%	40%
	4000	68%	63%	58%	52%	47%
	5000	75%	70%	66%	62%	58%
1275 (357)	2500	57%	50%	43%	36%	29%
	3000	64%	58%	52%	46%	41%
	3500	69%	64%	59%	54%	49%
	4000	73%	69%	64%	60%	55%
	5000	79%	75%	71%	68%	64%
<b>How values were computed</b>						
Estimated number of total households = population size / standard household multiplier						
Unnamed household = estimated number of total households – number of households named in records						
Reported value = unnamed household / est. number of total households × 100 (%)						
<b>Example: 1220 w/ 476 named households for pop. size of 3000 and average size of 3</b>						
Number of households = 3000 / 3 = 1000						
Unnamed household = 1000 – 476 = 524						
Reported value = 524 / 1000 × 100 = 52.4%						
(Values in the table are rounded up and down.)						

between 52 and 70 percent. Again, these numbers include both modest taxpayers who go unnamed in the records and non-taxpaying households. Based on the Lincoln evidence, at least 30 percent of the total households would likely have been exempt from paying tax. Again, these numbers are not unrealistic. A good example comes from Derek Keene's extensive study of medieval Winchester. He gauged the extent of the population in the Winchester lay subsidy of 1430 by comparing the number of households in the subsidy with a tarrage survey of 1417.<sup>153</sup> He found that 55 percent of the households appeared in the tax records. For the tarrage gave the number of residences as 839, and the subsidy listed 459 households.

As noted above, other historians have surmised that around 50–80 percent of the population were missing from urban tax records.

If the estimates of distribution of wealth were adjusted for the missing population by adding in 50 percent, the distribution of wealth would change significantly. Using the rough overall estimates of 25 percent of the wealth in the hands of 75 percent of the population, the following would represent the thirteenth-century Jewish population more accurately: 33 percent of the population was below taxable wealth; 55 percent of the population held about 25 percent of the wealth; and 12 percent held 75 percent of the wealth, with the majority of this wealth in the hands of a few families representing 1 percent of the population.

### COMPARISON WITH URBAN POPULATION

A close look at the Jewish tallages shows a dramatic distribution of wealth in the Jewish population. A majority of the Jewish population seems to have hovered on the edge of urban poverty. A small elite alone had sizable enough wealth to operate as high-end professional moneylenders or merchants. But the question one would most like to know the answer to is the most elusive: how does the wealth held by the various segments of the Jewish population compare with their urban neighbors? Economic historians have avoided tallage records in favor of subsidies, because subsidies, until the mid-fourteenth century, used fractional assessments of wealth as a basis for taxation, while tallages were levied as lump sums. For the study of economic growth and changing geographic dispersion, subsidies have no equal. However, tallage records can effectively be used for the study of the distribution of wealth among a limited population group, as shown above, although great caution should be exercised in making arguments about changing levels and patterns of wealth. Moreover, when tallage records are based on a fractional assessment of wealth, they can be compared with lay subsidies.

Because the Jewish tallages of c. 1240 and c. 1275 were levied as a fraction of movable wealth, it is possible to compare them with subsidies levied in urban communities close in time. The first Edwardian tallage was levied at a third of movables and was levied in close proximity to the lay subsidies of the Fifteenth in 1275 at King’s Lynn and the Thirtieth of 1283 at Ipswich. I have compared these with other well-studied lay subsidies on urban populations reasonably close in time: Newcastle-upon-Tyne (1296) and Shrewsbury (1306 and 1309).<sup>154</sup> The towns are also

fairly comparable in terms of wealth. In the *Cambridge Urban History of Britain*'s "Ranking of towns in farms, tallages and aids, 1154–1312," Ipswich, Newcastle-upon-Tyne, and Shrewsbury all appear as towns in the third tier by the late thirteenth and early fourteenth centuries.<sup>155</sup> In the "Ranking of towns by taxable wealth" based on the subsidy of 1334, Newcastle-upon-Tyne is fourth, Lynn eleventh, Shrewsbury thirteenth, and Ipswich nineteenth in a list of 100 towns.<sup>156</sup> The Jewish population was spread among the I, II, III, and IV tier towns.

There are methodological difficulties in comparing assessed wealth distributions among towns and across subsidies: Small market towns varied from large towns. Valuation practices of subtaxers varied from place to place.<sup>157</sup> And items excluded from assessment differed from tax to tax. Further room for error is introduced by extrapolating assessed wealth for the Jewish population from actual tallage payments, for payments may reflect less than assessments, if records are incomplete or taxes went unpaid.<sup>158</sup> Moreover, the pressure used in collecting various tallages and subsidies may have varied from tax to tax, and from region to region. Nevertheless, despite these potential sources of error, comparing Jewish tallages with urban subsidies can sketch a rough picture of the relationship between the Jewish population and the urban Christian population.

Following the method of analysis used by Cromarty and Cromarty, Table 4.7 divides taxpayers into five groups based on their range of assessed wealth. In the Cromartys' detailed study of Shrewsbury, Group 5 represents the rich, with movables assessed above £20, landed property, and positions of influence and importance in local government. A majority of individuals in this group were merchants, who characteristically were involved in financing trade: "They advanced large amounts of credit and direct loans to fellow merchants and the lords of rural manors."<sup>159</sup> Group 4 was composed equally of merchants and the most affluent craftsmen: tanners, furriers/skinners, the wealthiest dyer, brewer, ironmonger, butcher, fishmonger, corviser, and shearer. Only a few of the Group 4 merchants participated in the international wool trade, and only a few were found seeking repayment of loans through the Statute Merchant. The division between merchant and craftsman was not always clear in this group. A man like Adam son of Philip seems to have been both a tanner himself and a middleman merchant buying hides from the less prosperous tanners for export. Group 3 represents the better-off specialist traders and independent craftsmen, such as the independent farmer and wool producer Roger Attesheepen, who was assessed mainly on his sheep, but also on the malt used in the secondary household occupation of brewing. Also included in

this group were tanners; those trading in “iron and ironware, furs, skins and hides, spices and mercery”; a mason; and several butchers and brewers at the top end of their trade. Lesser merchants, who were members of a merchant guild, were also found in this group. Groups 2 and 1 represent the full range of trades and crafts, such as maltster/brewers, farmers, tanners, carters, bakers, and mercers. Access to land varied in Groups 2 and 1, and although not the true poor of the town, members of these groups were rarely found in higher positions of responsibility, such as important juries.<sup>160</sup>

Average wealth, percentage of taxpayers, and percentage of wealth are roughly similar across the Jewish tallages and urban lay subsidies shown in Table 4.7 and Figs. 4.6, 4.7, and 4.8. Certain Jewish tallages show particular affinity with certain subsidies: the Great Tallage (c. 1275) with the Fifteenth of 1275 and the Third of 1240 with the subsidy of 1296. The Great Tallage and the Fifteenth of 1275 were the first of their kind in the reign of Edward I. Both were at least partially collected in 1275, and therefore must have used similar methods of collection, suggesting a particularly reliable comparison, despite the marked difference in the size of the sample. The Third of 1240 and the Thirtieth of 1296, although separated in years and reigns, were similar in that each brought in disappointing returns, which suggest that similar factors must have influenced their collection records. The table and figures place the Jewish tallages next to those with which they can be best compared, rather than in strict chronological order. The data from the closest two Shrewsbury subsidies offers a check on the other data. Separated only by three years, these two subsidies have marked differences, reminding us that even a tax taken in the same place and from the same population will have a wide margin of variation.

A visual depiction of the average assessed wealth in Fig. 4.6 shows at a glance the similarities. In the Jewish tallages, Group 1 has a lower average payment. Groups 2 and 3 are in the middle of the range for the urban subsidies for the Third of 1275, and slightly higher for the Third of 1240. More marked differences emerge in the wealthier Groups 4 and 5. But Group 4 for each of the Jewish tallages has comparable results for urban subsidies, and Group 5 for the Jewish tallages is in the middle of the range of the urban subsidies.

Average assessed wealth must be looked at together with the percentages of taxpayers and wealth held by the group as a whole to provide a balanced picture, particularly as the groups are defined by their range of assessed wealth. Figures 4.7 and 4.8 show that the percentage of taxpayers and percentage of wealth held in the Jewish population are again comparable to those of the urban population, especially in the tallages and subsidies with affinities.



**Table 4.7** Comparison of assessed wealth in Jewish tallages and urban lay subsidies

<i>Average wealth in £</i>	<i>1. Great Tallage on Jews (1273-6)</i>	<i>2. King's Lynn (1275)</i>	<i>3. Ipswich (1283)</i>	<i>4. 3rd on Jews (1240)</i>	<i>5. Newcastle-upon-Tyne (1296)</i>	<i>6. Shrewsbury (1306)</i>	<i>7. Shrewsbury (1309)</i>
Total no. of taxpayers	582	44	271	275	275	251	196
Group 5 (over £10)	£50.3	£76.2	£21.0	£45.3	£21.4	£14.3	£19.8
Group 4 (£5 to £9.19s)	£6.4	£6.3	£5.5	£7.7	£7.4	£5.5	£6.5
Group 3 (£3 to £4.19s)	£3.7	£3.5	£3.7	£3.8	£3.8	£3.7	£3.6
Group 2 (£1 to £2.19s)	£1.6	£1.7	£1.7	£1.8	£0.9	£1.4	£1.8
Group 1 (under £1)	£0.4	£0.7	£0.6	£0.3	£0.5	£0.6	£0.7
<b>% of taxpayers</b>							
Group 5 (over £10)	30%	43%	24%	12%	9%	2%	9%
Group 4 (£5 to £9.19s)	16%	5%	8%	4%	7%	7%	18%
Group 3 (£3 to £4.19s)	12%	11%	12%	10%	8%	10%	15%
Group 2 (£1 to £2.19s)	25%	20%	33%	25%	27%	50%	44%
Group 1 (under £1)	17%	20%	23%	49%	49%	32%	14%
<b>% of wealth</b>							
Group 5 (over £10)	89%	96.6%	76%	80%	56%	18%	41%
Group 4 (£5 to £9.19s)	6%	0.8%	7%	5%	15%	20%	26%
Group 3 (£3 to £4.19s)	1%	1.2%	7%	6%	9%	17%	13%
Group 2 (£1 to £2.19s)	4%	1%	8%	7%	12%	36%	18%
Group 1 (under £1)	0.4%	0.4%	2%	2%	8%	9%	2%

(Assessed wealth was estimated for Jewish population by multiplying the tallage payment by the fraction levied.)

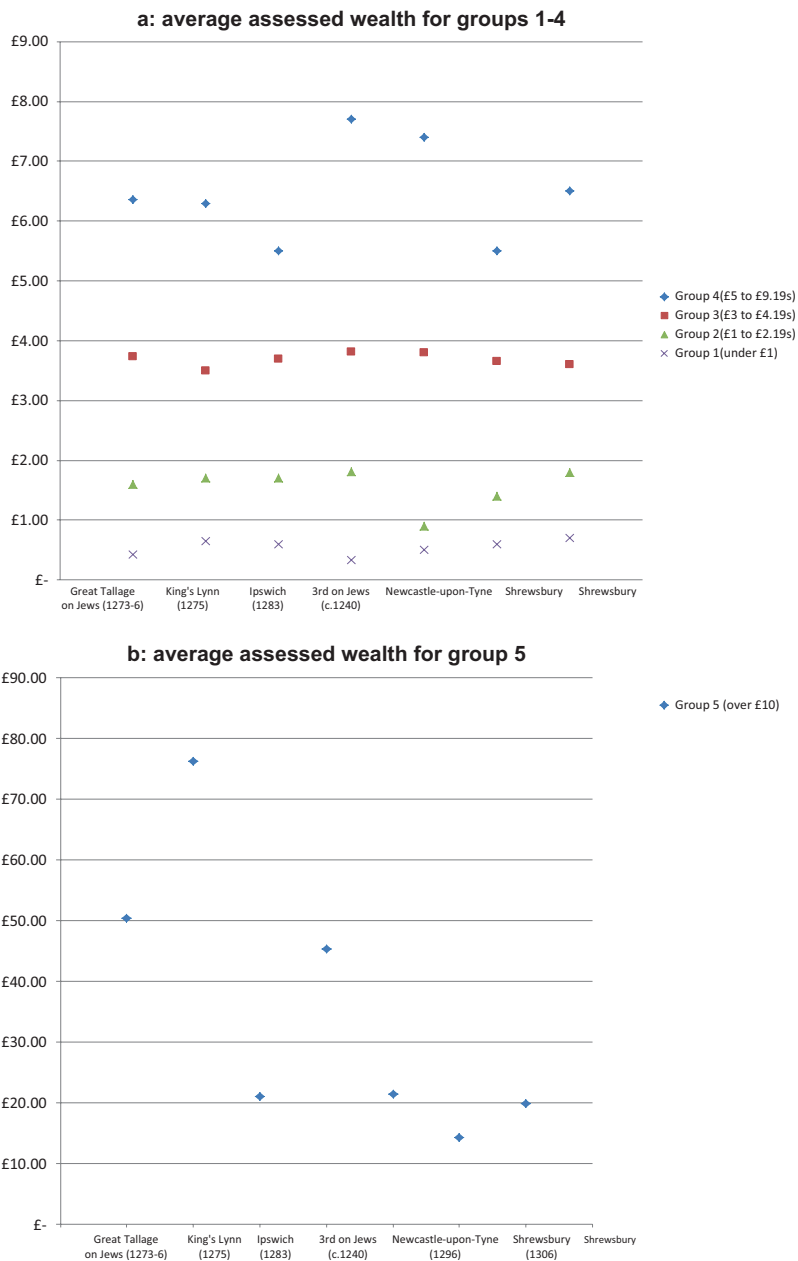


Fig. 4.6 Comparison of average assessed wealth across Jewish and Christian urban populations

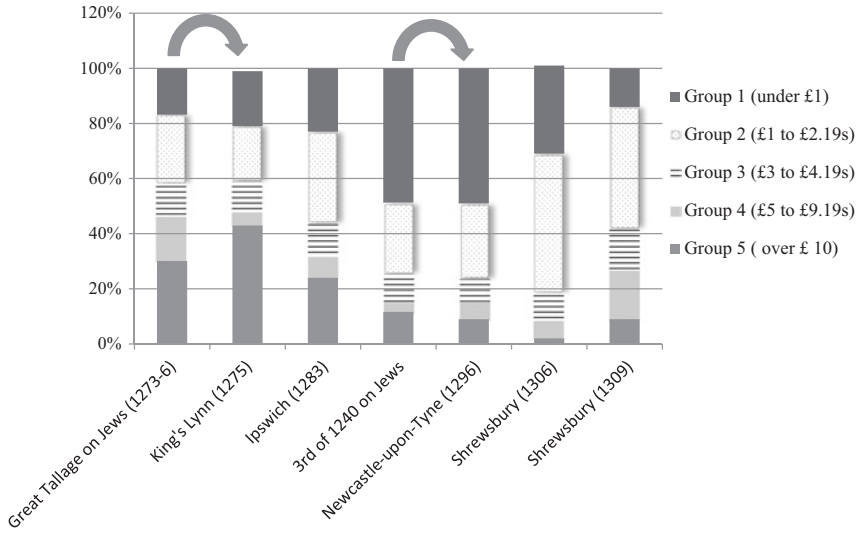


Fig. 4.7 Comparison of taxpayers across Jewish and urban populations

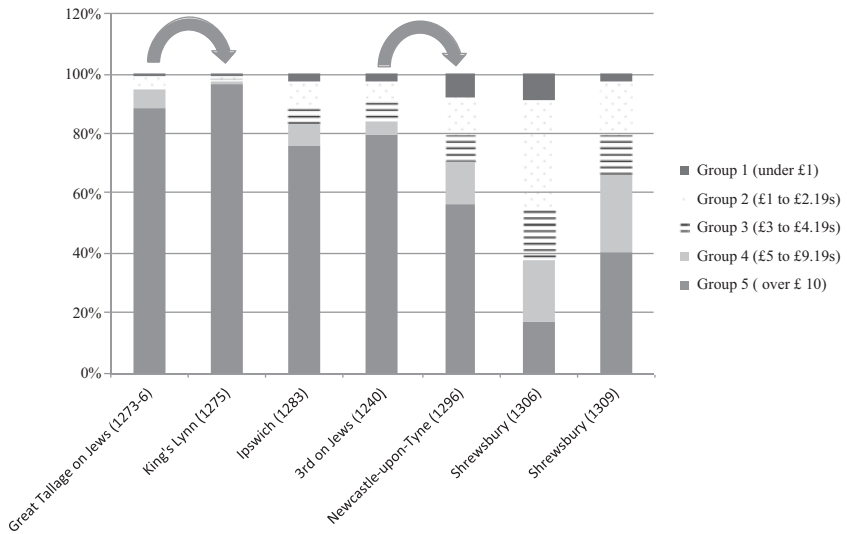


Fig. 4.8 Comparison of distribution of wealth across Jewish and urban populations

To give a better sense of where these groups fit on the social and economic scale, Table 4.8 below aligns the Cromartys' five groups with the estate values for merchants; the annual earnings and wages of merchants, craftsmen, and servants; and annual rent from landed estates. A rough stratification of townspeople's wealth will help us interpret the social strata to which the various sectors of the Jewish population belonged. As we will see, over two-thirds of the Jewish population in the thirteenth century was at the lower end of the urban economic scale with assessed wealth comparable to masons and carpenters, journeymen and servants, and peasants eking out a living. For merchants, annual income was estimated at 20 percent of their estates for the wealthier and closer to 10 percent for the low end of the mercantile scale (see Table 4.8).

At the top of the urban scale were wealthy merchants. A sumptuary law from 1363 provides a rough rule of thumb: “merchants, citizens and burgesses’ with goods worth £500 were equivalent to an esquire with a landed income of £100 per annum.”<sup>161</sup> Fourteen percent of London merchants between 1350 and 1497 had an estate worth £1000 or more. These first-rank merchants were equivalent to rich knights or barons with incomes of £200 or above.

At the low end of the mercantile scale were merchants whose goods would have equaled £50 or less and whose annual incomes would have been £10 or less. The minimum for a London merchant was £40. “Craftsmen who made up the middling ranks of larger towns and the upper crust of smaller places, overlapped in economic terms with the lower end of the mercantile class.”<sup>162</sup> At the very upper end of craftsman incomes might be found butchers, for instance, in meat wholesaling, whose annual income was greater than £100. Much more common were craftsmen like founders, hosiers, and tailors whose goods totaled £30.

Evidence for poorer craftsmen is difficult to come by and piecemeal. A bowstringer from York, for instance, left goods worth £6 at his death. Capital necessary to set up work for a glover amounted to only £2 or £3 pounds. The wages for skilled craftsmen who worked in building, such as masons and carpenters, equaled £3 to £5 per annum in the late thirteenth century. Journeymen and servants were paid an income of £2, suggesting that master craftsmen made substantially more. The poorer groups in urban environments included journeymen and servants, and below them came casual laborers, petty traders selling bread and dairy products from baskets, and widows selling ale. Below these were the vagrants and beggars living on alms.

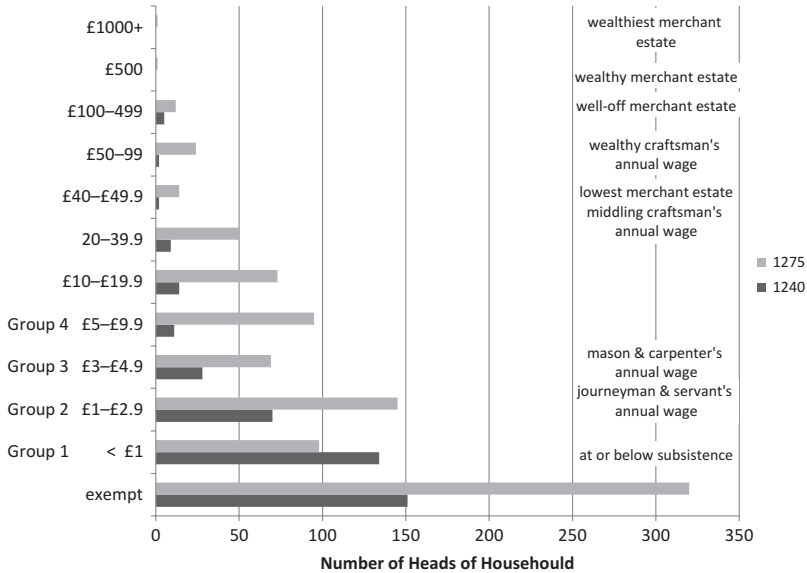
**Table 4.8** Thirteenth-century assessments of wealth aligned with urban and rural standards of living

<i>Groups</i>	<i>Assessed wealth</i>	<i>Merchant estates (yielding 10–20% profit)</i>	<i>Annual income from mercantile estate, landed estate, or wages</i>	<i>Merchants</i>	<i>Craftsmen/Servants</i>	<i>Aristocracy/Peasantry</i>
Group 5	£10+	£1000+ £500 £100–499	£200 £100	wealthiest wealthy	wealthiest	barons/ rich knights esquires
Group 4	£5 to £9.19s	£50–99 £40–50 £10–39	£20 £5–10	middling low-end	wealthy middling craftsmen	bottom-rung knights/ well-to-do peasantry well-off peasants
Group 3	£3 to £4.19s		£3–5		masons/carpenters	
Group 2	£1 to £2.19s <£1		£2		journeymen/servants	peasants at or below subsistence
Group 1	exempt from taxation		subsistence (10–15 acres)		semi-skilled laborers petty traders/hucksters poor/vagrant	

For the lowest segment of the Jewish population, who were exempt from taxation, the cost of living for peasants provides another useful point of comparison. The study of prices and wages for thirteenth-century England has shown that most peasants lived below a reasonable subsistence level. “Titow demonstrated that at least ten acres were needed to maintain an average household of four and a half persons where the three-field system operated, and a minimum of 13½ acres with the two-field system. Hilton has argued that the tenant with...15 acres of fertile soil ‘must usually have been on the edge of destitution.’”<sup>163</sup> Forty shillings was the equivalent of a single wheat crop from such a farm. As for livestock (the single most important “capital” for peasants), few had livestock worth more than 40s.<sup>164</sup> Consumption for a peasant family of four or five would have varied in cost from a minimum of 15s in 1213–1214 to 81s in 1315–1316, when calculated for a year to include these modest items: four quarters of barley (for bread and malt), two quarters of peas, the tenth part of an ox, half a sheep, half a pig, a quarter of a wey of cheese, a tenth of a quarter of salt, and a stone of wool.<sup>165</sup>

Urban families with less than 40s of movables would seem to be the equivalent of the peasantry at or below subsistence level.<sup>166</sup> This is confirmed by the fact mentioned above that the Henrician subsidies exempted from taxation those with less than 40s of movables. Jews who had movables worth less than 40s too were exempted from the Worcester tallage. These Jews then would seem to be part of that urban population who made a precarious living as occasional wage earners and petty traders.

Figure 4.9 aligns the evidence from the Thirds of 1240 and 1275 with the information about annual wages and estate values. The value of the assessed wealth of Jewish taxpayers has been derived from the payments toward the Thirds. The tax-exempt population has been projected, based on the earlier analysis in this chapter and the number given as an absolute minimum by economic historians of medieval England, namely 55 percent. Over two-thirds of the Jewish population in the thirteenth century was at the lower end of the urban economic scale with assessed wealth comparable to masons and carpenters, journeymen and servants, and peasants eking out a living. The data should be read as a rough and hazy picture. But it is telling all the same. The range and distribution of wealth typical for the urban population was typical for the Jewish population also. To put it another way, the Jewish population was part and parcel of the urban population of medieval England. Our focus on a few wealthy moneylenders has skewed our understanding of the Jewish population as a whole. Just as it is difficult to find information on the poor and marginal elements of Christian society,



**Fig. 4.9** Wealth of Jewish population compared with mercantile estates and urban wages. Note: Assessments of wealth were calculated by multiplying the payments toward the Thirds of 1240 and 1275 by three. The number of tax-exempt households was estimated using the standard of 55 percent agreed by historians as the minimum percentage of medieval population absent in tax records. This number corresponds to that estimated in Table 4.6.

so too is it difficult to recover the Jewish poor. But the absence of rich documentation does not permit us to fill in the blanks by using the evidence about the richest 1 percent as descriptive of the entire Jewish population.

## TWELFTH- AND THIRTEENTH-CENTURY MONEYLENDING: CHRISTIAN AND JEWISH

The continued repetition of the stereotype of medieval Jewish moneylending is due in large part to the distortion inherent in the body of the sources when read with a preconceived notion. No archival sources permit a balanced comparison of Jewish and Christian lending. Not only was the paper trail in the thirteenth century thin as medieval society turned from

an oral culture to a written culture,<sup>167</sup> but the documents on Jews were generated through separate institutional mechanisms that marked Jews out in the medieval world. Why this was so will be dealt with extensively in Chapter 6. Medieval prejudice shaped the archive and continues to shape our ability to write Jewish history—the Jewish marker both makes it possible to write Jewish history and distorts the evidence. Not only is a balanced comparison of Jewish and Christian lending well-nigh impossible, but a statistical study of Jewish lending alone is hampered. Despite the preponderance of references to Jewish moneylending in the scrutinies of loan chests, in the plea rolls, and in the memoranda rolls of the justices appointed to the Jews, the records are fragmentary and partial. Without full demographic data on the Jewish population, the extent of Jewish moneylending cannot be established with certainty.

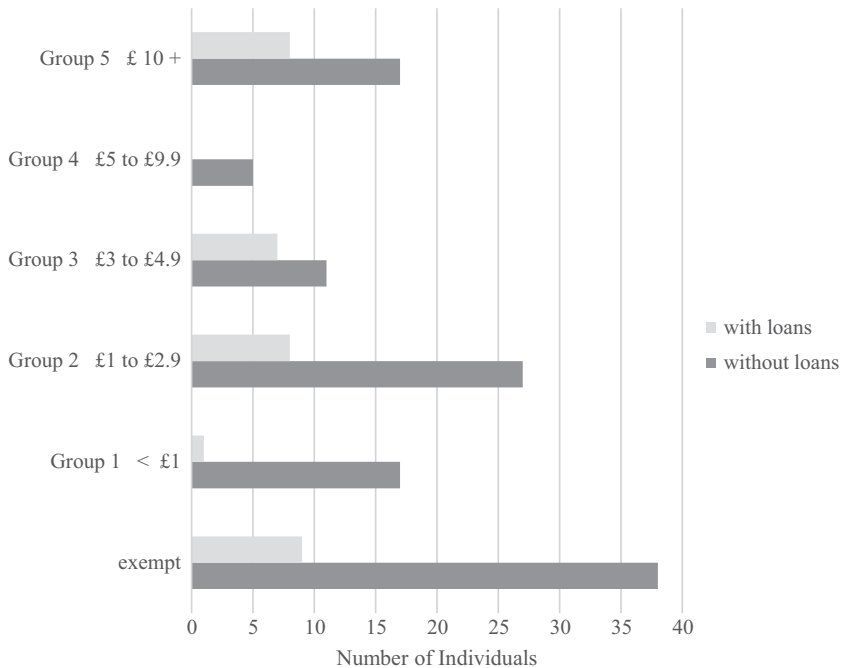
This chapter will analyze closely the few sources available that offer a more balanced perspective than that afforded by the gross generalization that “Jews were moneylenders in the Middle Ages.” The fullest records on Jewish moneylending correspond with the records for the major tallages in the 1220s, c. 1240, and c. 1275: two fiscal years of daybooks recording loans deposited in the Norwich chest during the 1220s,<sup>168</sup> and scrutinies of the contents of loan chests ordered in connection with the levy of a third under Henry III<sup>169</sup> and again under Edward I.<sup>170</sup> A full scrutiny includes a record of each bond and notation on which loans are paid, partially paid, or unpaid. The full scrutinies from Lincoln and Cambridge (c. 1240) provide a window into lending patterns some 15 years back.<sup>171</sup> As discussed above, the Lincoln scrutiny is invaluable, because of the attached “census.” In conjunction with the Great Tallage, a remarkable set of memoranda enrolled in the rolls of the exchequer of the Jews in Hilary 1275 summarize the combined result of scrutinies and local censuses.<sup>172</sup> The Christian and Jewish chirographers reported the number of bonds extracted from the chest by the lender’s name and the names of Jewish taxpayers who had no bonds in the chests. The full scrutinies from each chest have not survived in legible form, apart from the Hereford scrutiny, which was copied fully into the memoranda rolls of the exchequer of the Jews in December 1275.<sup>173</sup> These records are eye-opening. A majority of Jewish taxpayers have no bonds in the loan chests. A close look at the records of loans in the full scrutinies and the Norwich daybooks reveals that even among those who made a loan, only a few were professional lenders. Most made only an occasional loan. The records will not be discussed in chronological order below, but rather according to their strength in reference to particular issues.



## A JEWISH MAJORITY WITHOUT LOANS: NON-LENDERS VERSUS LENDERS

The Lincoln record from 1240 (E 101/249/4) provides a rare possibility for a complete statistical analysis of the percentage of the Jewish population involved in lending. Although it covers only one town, the Lincoln record can be complemented by evidence from the 1275 scrutinies. The Lincoln record lists 115 adults. When this figure is adjusted for invisible married women, the total adult population would probably be around 160.

The distribution of wealth among the Jewish residents in Lincoln mirrors that of the urban population overall. Figure 4.10 below shows the breakdown of Lincoln's Jewish population on the five-group scale deployed above.<sup>174</sup> An added check on the reliability of the groupings is afforded by the other documents on the Worcester tallage. The appointees to positions of juror, pledge, and talliator for the assessment and collection of the Worcester tallage can all be identified in the census list. As in the study of



**Fig. 4.10** Distribution of wealth among Lincoln's Jewish residents (c. 1240)

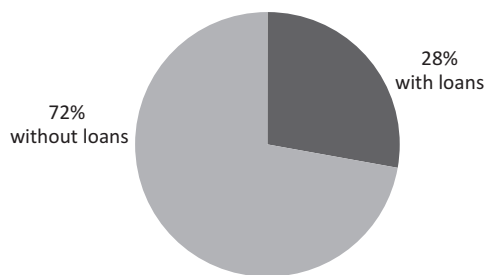
early fourteenth-century Shrewsbury by the Cromartys, all Jewish individuals with important roles in the tax come from Group 5. And later receipts for the Worcester tallage entered in the chronological receipt rolls of the lower exchequer all come from the wealthiest individuals in Group 5.

A surprising fact emerges when the census of the tallage receipt roll is compared with the full scrutiny of the Lincoln loan chest. Over 70 percent of Lincoln’s Jewish population had no recorded loans in records that are very full for the preceding 5–10 years, and stretch back as far as 20 years (see Fig. 4.11).<sup>175</sup> Because the receipt roll for the tallage specifically lists those exempt from taxation, one can assume that the list fully records Lincoln’s Jewish adults, short of some married women.

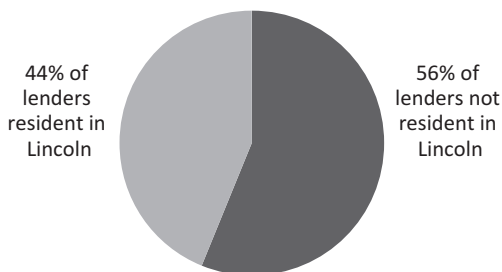
Equally striking is the limited number of lenders in the loan chest who are residents in Lincoln (see Fig. 4.12). The majority came from outside of Lincoln, suggesting that professional moneylending was the occupation of an elite who operated across multiple local regions. Some are easily identified as well-known moneylenders, such as the arch-presbyter and the wealthiest Jewish inhabitant of England, Aaron of York, whose business spread from York to London.

Although one cannot apply Lincoln’s statistics across England’s Jewish population as a whole, Lincoln’s evidence is highly suggestive. Lincoln

**Fig. 4.11** Percentage of Lincoln’s Jewish residents with loans (c. 1240)



**Fig. 4.12** Percentage of lenders resident in Lincoln (c. 1240)



represents a mid-sized Jewish community of moderate wealth. In the total returns for the 20,000m tallage, Lincoln ranked fifth in the size of communal contributions.<sup>176</sup> It suggests that moneylending was not the dominant Jewish economic activity, even if the dominant elite were professional moneylenders. A majority of lenders with a single loan suggests that lending functioned as a minor form of investment rather than a profession for most Jews. The evidence from Lincoln can be complemented with evidence from 1275.

A series of partial censuses and scrutinies from the Great Tallage also provides evidence that a majority of Jews in England had no loans. After two years of collection on the Great Tallage, attempts were made to collect arrears from outstanding loans. The Christian and Jewish chirographers of 12 chests were ordered to extract bonds from the local chests for those in arrears. In February 1275, the chirographers appeared before the justices of the Jews at the exchequer to report. They produced all the bonds to which certain Jews were parties, and it seems in the case of York, the complete loan chest contents and census.<sup>177</sup>

Although the following discussion uses quantitative measurements to “read” this evidence, it should not be forgotten that it is partial and fragmentary. Some towns are missing, such as London, Exeter, Canterbury, and Hereford. And for those towns which are documented we have neither a full census of inhabitants nor a full scrutiny of the loans in a loan chest, with the possible exception of York. Despite these limitations, the memoranda rolls are invaluable as the only records generated by a systematic comparison of censuses of taxpayers with the contents of loan chests.

The “Memoranda de Tallagio Judeorum in Crastino Sancti Hillarii Anno Regni Regis Edwardi Tercio” records the names of the taxpayers in arrears, the number of loans to which they were a party, and whether the loan was partially repaid or owing in full. For 12 towns, 352 Jewish men and women in arrears were listed. Only 42 percent of these individuals had a full or part share in the 369 loans in the loan chests (see Table 4.9). The number of Jewish taxpayers without loans is striking—201 individuals, a majority of the taxpayers in arrears. Both the town with the largest number of loans, Stamford, and the town with the largest number of taxpayers, York, have percentages that match the overall totals. In Stamford, 27 out of 48 taxpayers have no loans; in York, 46 out of 77. Towns with smaller samples can show widely varying results. For example, Bedford and Buckingham, on the one hand, and Bristol, on the other, have around 10 taxpayers in arrears. But in Bedford and Buckingham, only 10 percent of those in arrears had loans, while in Bristol 90 percent had loans. Because of the partial quality of the 1275 data, one town cannot be taken

**Table 4.9** Scrutiny of loan chests in reference to taxpayers in arrears for the Great Tallage (1275)

<i>Town</i>	<i>No. of bonds held by taxpayers in arrears</i>	<i>No. of taxpayers in arrears</i>	<i>% taxpayers with bonds</i>	<i>% taxpayers without bonds</i>	<i>% taxpayers with writ of peace</i>
Bedford and Buckingham	1	9	11%	89%	
Bristol*	13	10	90%	10%	
Cambridge	6	14	21%	79%	
Colchester	1	17	6%	94%	
Lincoln	52	68	21%	79%	
Northampton	27	20	70%	30%	
Norwich**	31	24	39%	61%	
Oxford	5	7	71%	14%	14%
Stamford	126	48	38%	56%	6%
Wilton	35	26	77%	23%	
Winchester	32	35	69%	23%	8%
York	46	77	39%	60%	1%
Total	370	348	42%	57%	1%

Data from PREJ 4:13–69

\*The Bristol record is incomplete; probably some taxpayers without loans are missing. (PREJ 4:25.)

\*\*Norwich chirographers note a total of 50 loans in the chest, but only 31 are linked to those with arrears.

as representative. But the combined totals of 60 percent without loans to 40 percent with seem to be roughly representative. For combined, the proportion of non-lenders to lenders matches those of Stamford and York in 1275 and those of Lincoln in 1240, when Lincoln is adjusted for individuals below the level of taxable wealth.

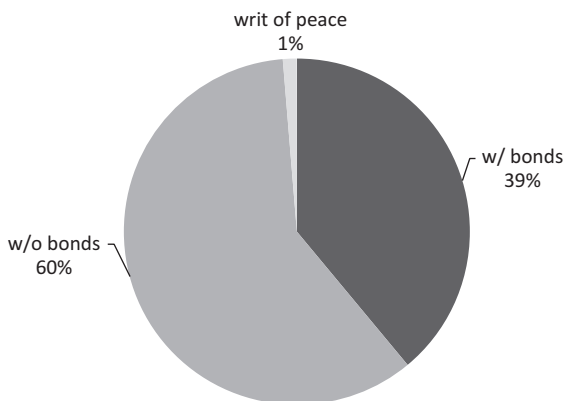
The quality of the records from each town varies, some being more complete and some less. For example, the York memoranda roll seems to contain a full census of taxpayers, numbering 77, and a report on the full number of unpaid bonds in the chest, numbering 47. The first memo addressed to the sheriff of York orders him to distrain the Abbot of St. Mary, York, the mayor (Johan le Especer), two clerks of the former sheriff, and Master Galfrid de Skaketone in order to have them produce the “rolls, starrs, letters and all other accounts of theirs” concerning receipt of the tallage of the Jews of York.<sup>178</sup> When the chirographers of York report to the exchequer of the Jews, they seem to give a summary of the total contents of the archa and of the census as was ordered via the sheriff, but there is no conclusive evidence that this was so.<sup>179</sup>

In contrast to York, the Oxford chirographer alone was ordered by the exchequer justices to produce only the bonds of seven Jews listed in the order. When the Oxford chirographer, Galfrid le Mercer, reported at the exchequer, he gave information on seven taxpayers only: Bonefey son of Lumbard had a writ of peace; Josce de Hereford was not found nor did he have any movables in the chest; the five remaining taxpayers each had one bond. The Oxford memo in reporting only on seven individuals in arrears seems to give a very partial picture of the community. But it may not be as partial as it seems at first sight. For five of the seven taxpayers in arrears appear in the receipt rolls for the Great Tallage and constitute half of the named taxpayers linked to Oxford. The proportion of lenders can be tested against a contemporary scrutiny of the Oxford chest dated to 4 Edward I.<sup>180</sup> The full scrutiny lists a total of 10 lenders for 95 loans.<sup>181</sup> The memo on arrears in Oxford, despite its small size, seems to include about half of the more prominent taxpayers and possibly about half of the lenders.

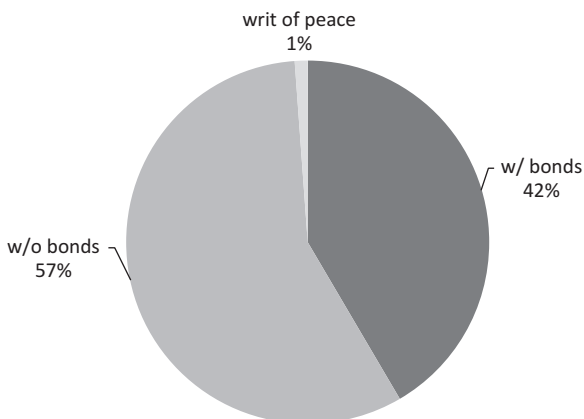
Whether the chirographers from other towns were instructed to report only on those individuals in arrears on their tallage payments or to include a more comprehensive summary is unclear. For the later entries abbreviate the orders, noting only that similar orders were made to the chirographers of Stamford or the chirographers of Northampton.<sup>182</sup> A large number of taxpayers in some records, like Lincoln, suggests a nearly full record: the Lincoln memo names twice as many individuals as are listed in the receipt rolls for the Great Tallage. The single loan in Colchester suggests a partial record of the archa.

Overall, however, the combined total is sizable and significant. With 352 taxpayers from 12 towns, the data in the memoranda lists approaches that of the tallages from the 1220s combined, as well as that of the Third and Worcester tallages combined (c. 1240). Even for the Great Tallage, 352 taxpayers represent 60 percent of the named taxpayers in the Jewish community. When we take into account the eight towns missing from the memoranda roll, including the largest community, London, and important centers of Jewish life like Exeter and Canterbury, the memoranda lists may be fairly complete on a town-by-town basis. That suggests that either most Jews were in arrears for tallage, or the chirographers included a more comprehensive summary of the archa scrutiny and local census than was required for those in arrears. In either case, the memoranda rolls offer a significant sample that shows that most Jews in medieval England, perhaps as many as 60–70 percent, did not have a single loan in the loan chests (Figs. 4.13 and 4.14).

**Fig. 4.13** York scrutiny (1275)



**Fig. 4.14** Combined totals for scrutinies from 10 towns (1275)



### PROFESSIONAL LENDER VERSUS OCCASIONAL INVESTOR

Among the 30 percent of Jews who had a bond in a loan chest, few seem to have been professional moneylenders. A majority of lenders held only one bond consistently in all locales, while a majority of loans were made by a few moneylenders. This pyramid structure holds across the various sources from the 1220s, c. 1240 and c. 1275, even though Jewish lending was very likely affected by economic changes and changes in the demand for credit. The same documents from the tallages of c. 1240 and c. 1275 which provided evidence of non-lenders are those which provide the

Table 4.10 Number of loans per lender (c. 1275)

Town	Number of lenders holding . . .				Town's total no. of lenders	Number of loans for lenders w/. . .					Town's total no. of loans
	1 loan	2 loans	3-4 loans	5-10 loans		11-20 loans	1 loan	2 loans	3-4 loans	5-10 loans	
Bedford and Buckingham	1				1	1					1
Bristol	6	2	1		9	6	4	3			13
Cambridge	2		1		3	2		4			6
Colchester	1				1	1					1
Lincoln	6	1	5	1	14	6	2	16	8	20	52
Northampton	8	5		1	14	8	10		9		27
Norwich	6	2	2	1	11	6	4	6	9		25
Stamford	4	4	1	3	18	4	8	3	21	90	126
Wilton	6	2	2		10	6	4	6	9		35
Winchester	19	3	2		24	19	6	7			32
York	23	2	4	1	30	23	4	13	6		46
Total	82	21	18	7	135	82	42	58	62	110	369
Percentage	61%	16%	13%	5%	100%						
Average						1	2	3.2	8.9	15.7	2.6

The data is taken from "Memoranda de Tallagio Judeorum in Crastino Sancti Hillarii Anno Regni Regis Edwardi Tercio" (E 101/249/19, NA—UK) published in PREJ 4:13-69.

Note: At times the chirographer's total at the head of an entry does not tally with the number of loans listed by individual. The difference reflects loans with either multiple lenders, a scribal addition or error, or an error in transcription. Stamford includes one lender, Bonevic son of Breton, with a blank after his name. As 10 loans are unaccounted for in the list, I have attributed these to him.

fullest information on the types of lenders among the third of the Jewish population making loans.

Table 4.10 breaks down the lenders by the total number of loans which they hold. Sixty-one percent of Jewish lenders have only one bond. Over 75 percent of Jewish lenders have one or two bonds. The 10 percent of lenders who are most active hold 50 percent of the bonds, more than double the number of bonds held by those with one bond only. The inverse relationship between number of lenders and number of bonds held is shown in Fig. 4.15.

By combining the numbers for taxpayers in the tallage rolls with the partial scrutinies, it is possible to get a fuller picture of the state of loans among the Jewish population (see Fig. 4.16). Projecting 30 percent for the population exempt from taxation gives the fuller, but more speculative, picture in Fig. 4.17.

A full scrutiny of the Hereford chest conducted one year later allows us to confirm the data from the combined partial scrutinies given above. The Hereford scrutiny was preserved as part of the memoranda rolls of the exchequer of the Jews for Trinity term 4 Edward I.<sup>183</sup> The scrutiny reveals one very active moneylender, Aaron son of Elyas, holding about 90 percent of the loans in the archa. His activity can be seen stretching back over 12 years from the current regnal year. As most medieval loans were made for short periods of time, about six months or so, though they might run on much longer, the highest number of outstanding loans that Aaron son of Elyas has is from the previous regnal year, 3 Edward I, when he has 26 loans. Next in volume of activity was Bonenfaunt son of Aaron possibly the very son of Aaron son of Elyas, though the family connection cannot be determined with certainty. Bonenfaunt held four loans, made within two recent regnal years. Another lender had two loans and the other lenders had one loan each, all with due

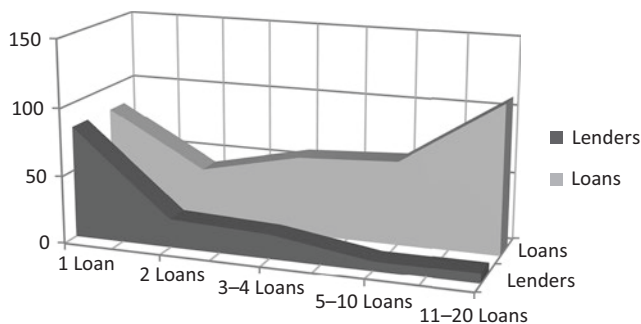
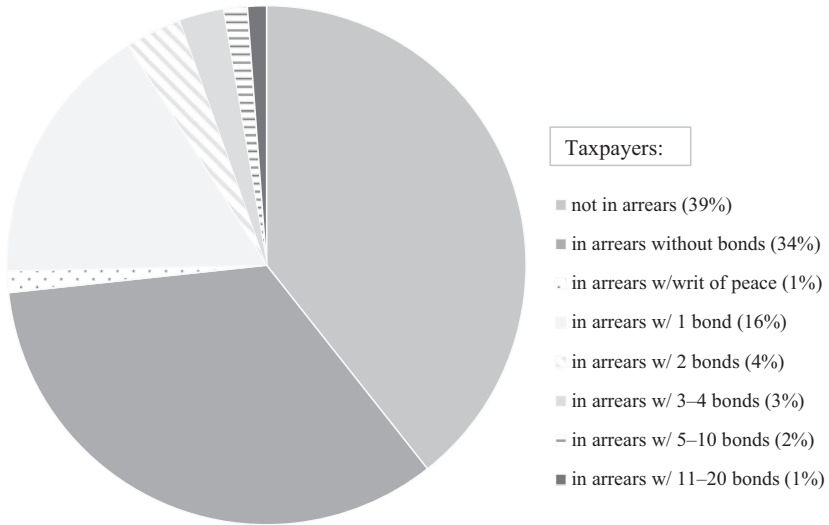
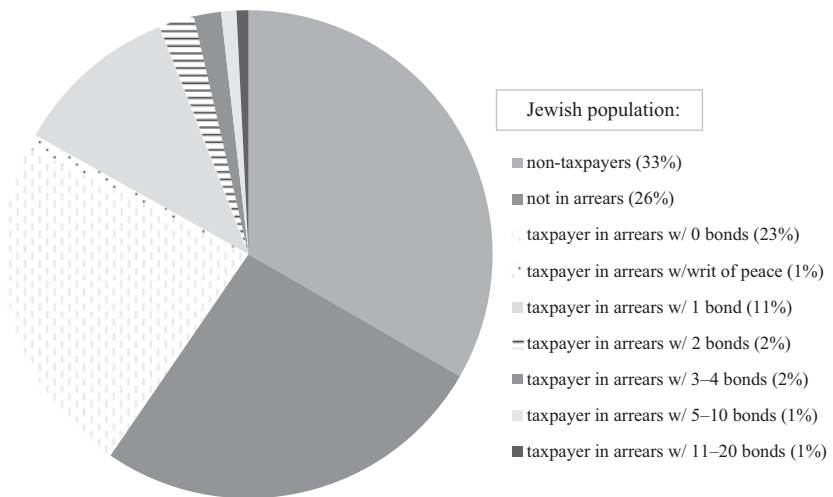


Fig. 4.15 Number of loans per lender (c. 1275)





**Fig. 4.16** Loans by Jewish taxpayers (c. 1275). Note: Only 6% of Jewish taxpayers in arrears have 3+ active loans.

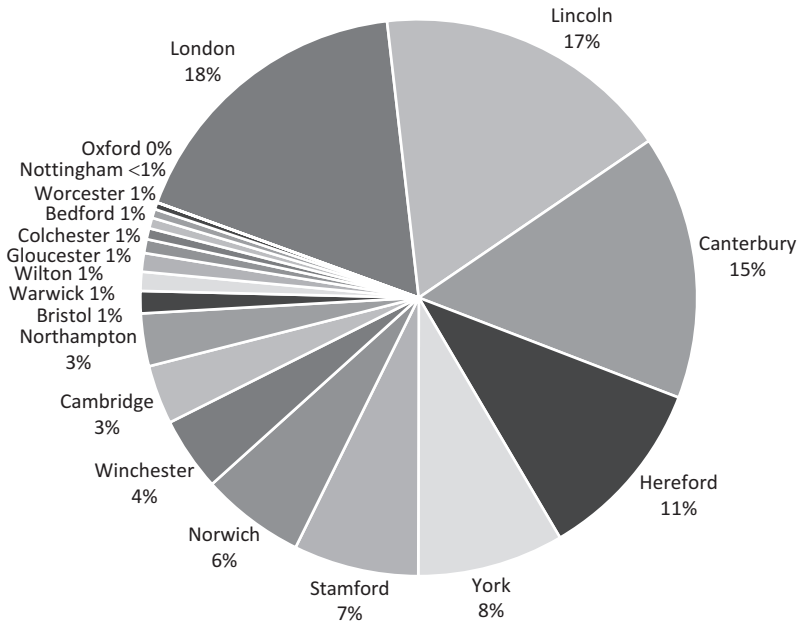


**Fig. 4.17** Loans for estimated total Jewish population (c. 1275). Note: A third of the population is too poor to pay tax. A third has one or no active loans. A quarter are not in arrears and therefore cannot be identified as having active loans.

dates two to nine years prior. Three of the lenders have names that suggest a possible family connection with the principal lender, Aaron son of Elyas. Elyas son of Aaron and Bonenfaunt son of Aaron may be the sons of the principal lender. Hagin son of Elyas may be his brother.<sup>184</sup> If so, then we have a family concentrated in moneylending, and four out of the five lenders operating out of the archa at Hereford were members of this family. However, it seems that most of these lenders did not reside in Hereford. Only two of the five lenders can be found in the extensive rolls for the Great Tallage as residents of Herefordshire, and between them they had only three loans in the loan chest.<sup>185</sup> Aaron son of Elyas, clearly a professional lender, was not taxed as a resident of Herefordshire; a wealthy Aaron son of Elyas le Blund was taxed as a resident of the nearby shire of Gloucester.

Therefore, it seems that although Hereford has a Jewish community large enough to be tallaged as a unit and its own loan chest, few of the Jews in Herefordshire lent money. Although no census survives, a sense of the size of the Hereford Jewish community can be deduced from other documents. The receipt rolls for the Great Tallage list 24 adults in Hereford in addition to the two lenders. The plea rolls of the exchequer of the Jews contain references to an additional 11 adults in the years surrounding 1275: In Trinity term 1276, a Jew, Jos'[ce?] son of Abraham le Carter, officially a resident of Hereford, claimed that he paid 5½m for tallage to the former sheriff of Worcester, Simon Aley. The court names six “lawful Jews of Hereford who abide at Worcester” to appear for the inquest.<sup>186</sup> In another suit from spring of 1277 concerning a plea of trespass raised by Henry Pyle against two Jews, Isak of Campeden and Meyr of Bruges, another six adult Jewish men surface in the texts who did not appear in the scrutiny of 1275.<sup>187</sup> Only one of these, Mosse son of Abraham, was called in the earlier suit. In other entries concerning the goods of Jews who have died and coin-clipping trials, four more adult men and one widow are named.<sup>188</sup> All told, 16 adults surface in legal cases, in addition to the 26 taxpayers listed in the receipt rolls. Thus, only 5 percent of the identified adult residents of Hereford who appear in the sources for 1275–1277 held loans. None of them were prominent moneylenders. The sole individual who was clearly a professional moneylender held 90 percent of the loans recorded in Hereford, but did not reside in Hereford, and the individuals holding all but one remaining loan may have been his sons and brother. These statistics do not include adult women or what must have been a larger adult population hidden from view. For the payments made c. 1240 toward the Third and the 20,000m tallage, when calculated without the wealthiest 15 men, show Hereford as one of the principal Jewish towns, after London and Canterbury (see Fig. 4.18). The town of Hereford

by combining a full scrutiny with other documents provides a strong case study suggesting that in towns with a mid-range to small Jewish population, few or no Jews lent money, and of those who did, only an elite few reached a volume or amount that could be considered professional (Table 4.11).



**Fig. 4.18** Communal payments toward the Third and Worcester tallages. The wealthiest 15 individuals have been excluded from the calculations, and the communal sums combined with individual sums. Towns are listed in order of size of contributions.

**Table 4.11** Hereford scrutiny (1275)

<i>Lenders</i>	<i>No. of loans</i>	<i>Highest loan</i>	<i>Median loan</i>	<i>Average loan</i>	<i>Lowest loan</i>	<i>No. of years active</i>
Aaron son of Elyas	70	£50.0	£3.0	£5.4	£0.7	12 years
Bonenfaunt son of Aaron	4	£20.0	£13.3	£13.2	£2.0	2 years
Elyas son of Aaron	2	£6.7		£4.6	£2.5	1 year
Hagin son of Elyas	1	£3.3	£3.3	£3.3	£3.3	1 year
Hagin son of Jacob	1	£4.0	£4.0	£4.0	£4.0	1 year

## JEWISH MONEYLENDING C. 1240

Where the 1275 documents offer wide but partial coverage, the 1240 scrutinies of Lincoln and Cambridge offer deep and complete evidence for two Jewish communities.<sup>189</sup> Lincoln and Cambridge, respectively, rank second and ninth in size of Jewish tallage payments, suggesting that they were large to mid-sized Jewish communities (see Fig. 4.18). In preparation for the tallage of c. 1240, the loans chests were closed across the county, and royal officials appointed to conduct an inquest into Jewish movables and loans. Under royal supervision, the contents of the chests were copied onto a roll by scribes. These scrutinies, therefore, provide a cross section of the chests at the date they were sealed by royal order. The scribes carefully noted whether a loan was paid or partially paid, whether it was recorded in a chirograph or in a tally, whether it was made “outside the chest” contrary to law, and whether the loan had passed to another lender. Occasionally the scribe noted whether a lender was linked to another town.

When a loan was made at the chest, it was usually drawn up as a chirograph—a document written in triplicate with the word *chirographum* in large letters between each copy. Copies were cut along the word *chirographum* usually in a wavy or zigzag line to form puzzle pieces.<sup>190</sup> One copy was given to the lender, one to the borrower, and one placed in the loan chest. The pieces could be matched in the future to authenticate the document. This process protected the parties against forgery and alteration of documents. Historians have thought that on repayment of a loan, the debtor would take possession of all copies and destroy them. But in practice, the chirograph of paid loans was often left in the chest, but marked as paid. Around a quarter to a third of all the loans recorded were already fully paid off when the inquest was made. This suggests that the loan chest scrutinies provide a very full picture of the lending practices within a few years of the inquest and a partial picture stretching back two decades.

The volume of loans in the chests was quite extensive. The Lincoln chest contained 897 loans made by 87 lenders over 23 years, and the Cambridge chest, 260 loans made by 45 lenders over 17 years. In both inquests, the majority of loans fell due in the three preceding years, with the peak at regnal year 23 Henry III (28 October 1238 to 27 October 1239). Some surprising evidence emerges from the scrutinies. First, a large percentage of the loans were not made by Jews resident in the town of the loan chest. Less than 45 percent of the lenders were residents in Lincoln, and the local lenders made only 63 percent of the loans (see above Fig. 4.12). In the Cambridge inquest, I have been able to identify 39 percent of the

lenders as residents outside of Cambridge (see Fig. 4.19). Likely this number would rise were a census available as in Lincoln.

A number of these nonresident lenders can be identified among the 10 wealthiest Jews in the land (Aaron and Leo of York, Aaron le Blund, Aaron f. Abraham, Elias le Eveske, Jabob and Mosse Crespin).<sup>191</sup> Others can be identified as appointed or elected royal officials for the assessment and collection of the tallage in the roles of assessors, jurors, sureties, talliatores, or pledges.<sup>192</sup> Although these individuals may not have had the largest volume of loans, the loans may have been of high value. Aaron of York, for instance, had only nine loans in the Cambridge scrutiny, but these loans were worth much more than the 107 made by the most prominent local lenders, Isaac f. Samuel and his partner Jacob f. Deulesaut.<sup>193</sup> This evidence confirms that the wealthiest lenders were a small elite operating widely beyond the town of their residence.

As discussed above, a large percentage of the Jewish population in both towns had no loans whatsoever; among lenders only a few were lending frequently enough to be considered professional lenders. The Lincoln scrutiny with its attached “census” list provides reliable figures: 72 percent of the adult population had no loans; 28 percent made some loans; but only 15 percent made more than 10 loans (see Fig. 4.20). The proportions of lenders to non-lenders in Cambridge are likely similar, though in

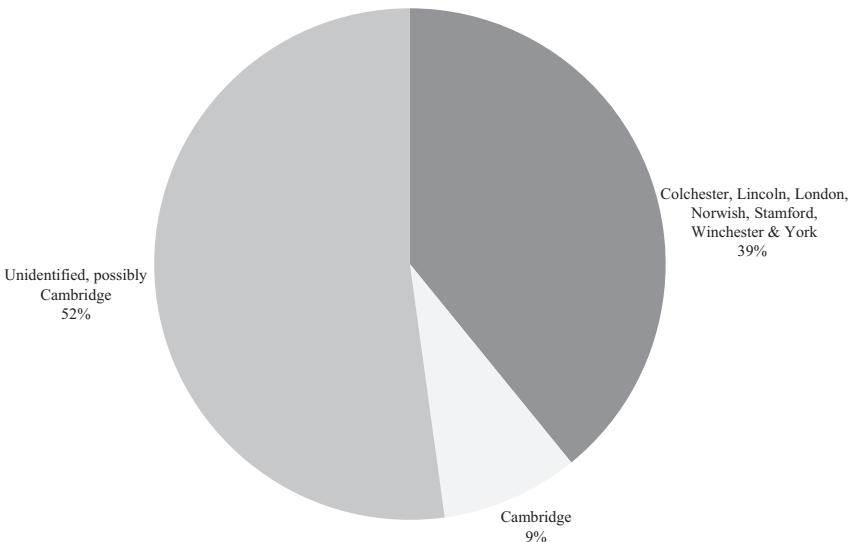


Fig. 4.19 Percentage of chest's lenders resident in Cambridge (c. 1240)

the absence of a census only tentative estimates can be made. A projected adult population at two-thirds that of Lincoln would result in 64 percent of Jewish adults without any loans either during the four preceding years fully documented in the scrutiny, or during the previous 17 years partially documented in the scrutiny (Fig. 4.21).

Among the local lenders, the volume of loans ranges from a single loan in a single year to more than 100. Figures 4.22 and 4.23 show the volume

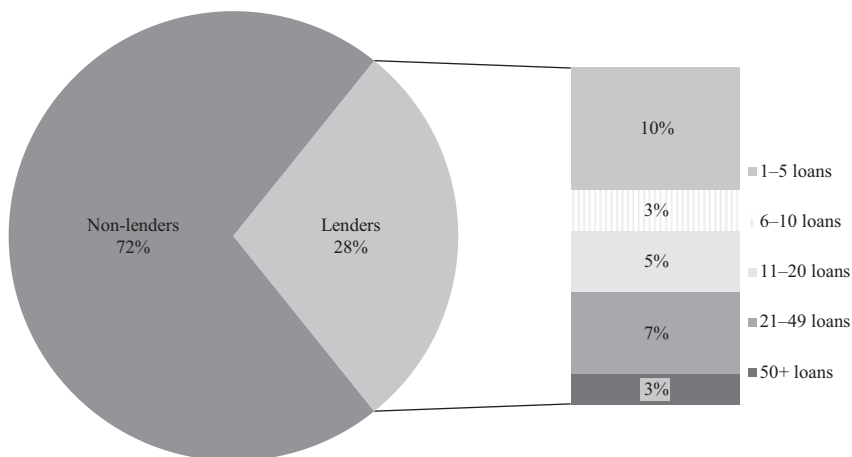


Fig. 4.20 Lincoln’s Jewish population and lending activity

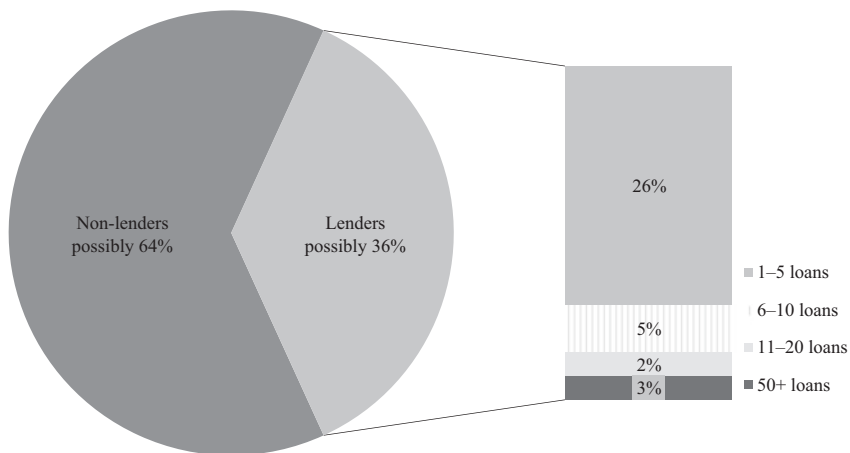
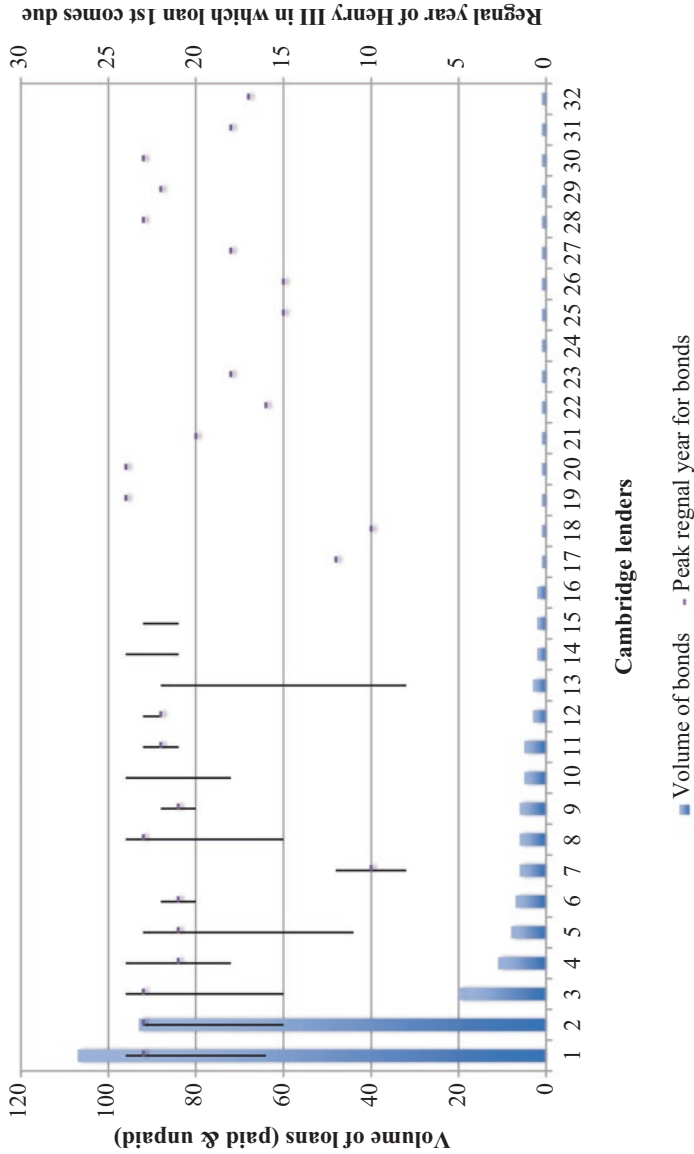
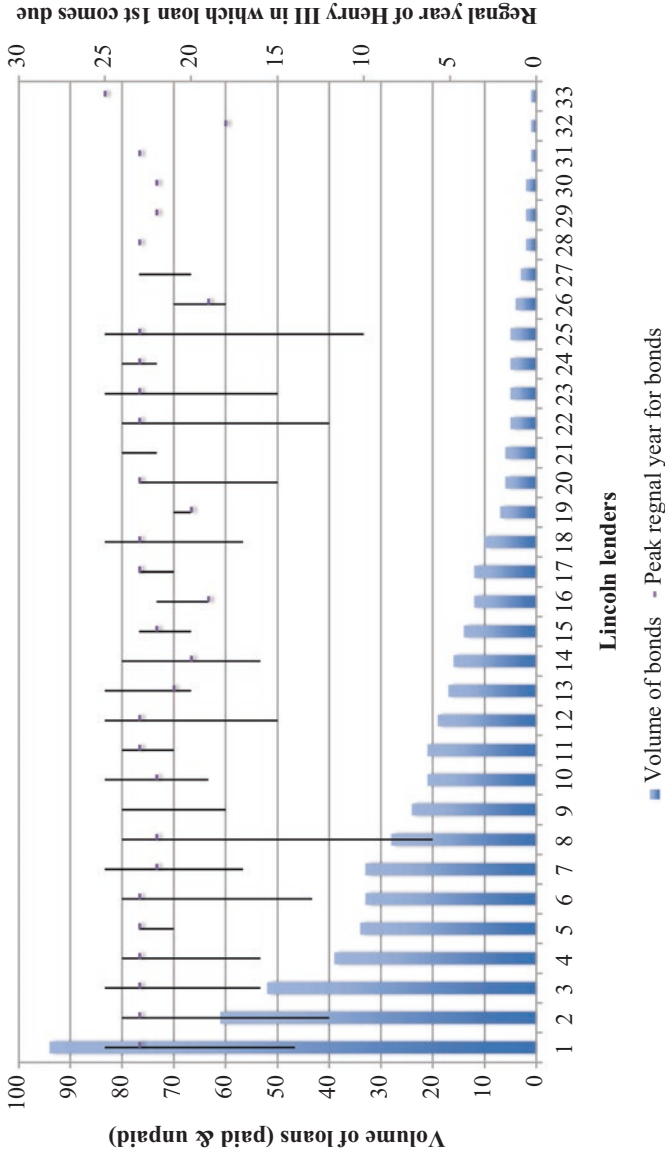


Fig. 4.21 Cambridge’s Jewish population and lending activity



**Fig. 4.22** Patterns and volume of lending among Cambridge’s Jewish lenders. The 32 lenders have been organized from those holding the largest volume of loans (no. 1) to the smallest volume of loans (no. 32). Gray bars show the total volume of loans per lender. Thin black lines show the range of regnal years in which a lender had loans registered in the scrutiny. Dates of operation are not necessarily contiguous. Peak regnal year, marked by a small dash, indicates the year in which the lender had the largest volume of loans registered in the scrutiny.



**Fig. 4.23** Patterns and volume of lending among Lincoln’s Jewish lenders. The 33 lenders have been organized from those holding the largest volume of loans (no. 1) to the smallest volume of loans (no. 33). Gray bars show the total volume of loans per lender. Thin black lines show the range of regnal years in which a lender had loans registered in the scrutiny. Dates of operation are not necessarily contiguous. Peak regnal year, marked by a small dash, indicates the year in which the lender had the largest volume of loans registered in the scrutiny.



of loans for each local lender, the range of years, and the peak year during which they were active in Cambridge or Lincoln.<sup>194</sup> In Cambridge, the two most prevalent lenders, Isaac f. Samuel and Jacob f. Deulesaut, made 109 and 93 loans, respectively, often in partnership together over a period of eight to nine years. They account for more than a third of all the loans in the Cambridge chest whether by local or non-local lenders, and over a half of the loans by local lenders. These two men were no doubt the principal professional Jewish lenders in Cambridge. The lenders with the next largest volume of loans are sharply marked off from them: Aaron f. Isaac had 20 loans also over a period of eight years, and Samuel f. Mossey had 11 loans over four years. The sixth lender on the chart, Deulesaut f. Isaac, had seven loans in the space of four years. With a volume of loans per year above 2½ for multiple years, we can safely assume that these men were active lenders—whatever other business they may have engaged in. These five men account for almost three-quarters of the loans in the Cambridge chest.

Clearly, moneylending was not *the* Jewish business, nor the *only* form of economic activity for the Jewish population. For less than 10 percent of the Jewish inhabitants of Cambridge were active, professional lenders. About half the lenders made only one loan in one year.<sup>195</sup> These cannot be considered professional lenders in any degree. Their loans must have been a form of small investment for a small nest egg, perhaps a dowry for a young daughter or a chance business opportunity that came when a chance bounty was had in household finances. For example, among the Hebrew deeds from Lincoln is a betrothal agreement (1271) in which the matron Belaset, daughter of the “Rav” Rabbi Beruchiah, gives to the father of the bridegroom, Benjamin son of Yosef Yehiel, 20m to lend on interest to non-Jews for four years, until “the youth Aaron grows up and the time for the ḥuppah arrives when he will marry Yehudit the daughter of R’ Chaim.” (She also gives into his keeping a copy of the Torah and Haftorah for the use of the young couple worth 6m.) At the time of the marriage, the bridegroom’s father, Benjamin, promises to give the couple “at least £20, and more if the profit from the 20 marks is more.” He also promises to provide their clothing, both everyday and festive, as well as the marriage feast from the profit of the 20m.<sup>196</sup>

It is more difficult to determine whether individuals with two loans, like Samuel de Fishinges or Samuel f. Salomon, or individuals with six loans over several years, like Avigay the widow and Dyaye f. Magister, should be classified as professionals. The determination would have to rest on how much they relied for their livelihood on these loans: were the

loans incidental or essential for their household economy? Likely Avigay the widow, whose six loans were made over three years, was supporting herself by lending. But Dyaye f. Magister, with six loans in nine years, may have used lending as a form of investment for his usual occupation.

In Lincoln, one top professional lender, Leon f. Salomon de Lincoln, with 94 loans over 11 years, stands above the others. Under him fall a larger group of professional lenders than in Cambridge. These individuals have a large volume of loans, ranging from 60 to 20 over the course of 8, 10, or 18 years. Others, like Benedict f. Leon, make 34 loans in two years, or like Josce le Fraunceys make 21 loans in three years. On the bottom end of the scale are fewer individuals making one or two loans only. The range of lending patterns in Lincoln is more graduated and less sharply demarcated than in Cambridge.

In conclusion, we can say that the rough portrait that emerges from the 1275 scrutinies is confirmed by the 1240 scrutinies. Roughly summarizing, a majority of Jewish adults hold no loans at all. Of those with loans, a majority hold one or two bonds, suggesting the use of loans as a form of investment. Conversely, a large majority of the bonds are held by a few, who are clearly marked as professional lenders by the volume of loans, the long-term range of lending, and the sums lent. Differences too are discernible between the documents from around 1240 and 1275. The volume of lending seems to be far greater c. 1240 among both the elite and the low-level lenders. These differences confirm Robert Stacey’s judgment that the period 1220–1260 was the peak of Jewish lending in medieval England. The climax of this peak must have been 1240, just prior to the collection of the Third and the Worcester tallage of 20,000m.

If the 20,000m tallage of 1241–1242 was levied when Anglo-Jewry was at the height of its wealth and at the height of its involvement in money-lending, then it provides incontrovertible evidence that the Jewish population most involved in moneylending was mostly composed of individuals who never made a loan in the course of their lifetime. Three-quarters of the Jewish population eked out a living at the lower end of the urban scale. Where and when the distribution of wealth in the Jewish population can be compared with that of the urban Christian population, we find that they are remarkably similar. Anglo-Jewry was part and parcel of medieval urban society—no richer and no poorer. Around half of the Jewish population was too poor to pay taxes at all, as in the Christian community. Those a bit better off who did come by a little money to invest probably only made one or two loans during the course of their lifetime. Again this is probably

similar to Christians, but we lack the sources to show this. Only an elite was active enough and wealthy enough to be professional moneylenders. This tiny elite of 10 or 15 families represented a broad swath of the socio-economic strata from the fabulously wealthy Aaron of York to his nephew Josce, whose capital was equivalent to a middling merchant.

## NOTES

1. Sir Lionel Abrahams, "The Economic and Financial Position of the Jews in Mediaeval England," *JHSET* 8 (1915–7): 171–88, citation from 172.
2. See, for example: Hillel Ben-Sasson, ed., *A History of the Jewish People* (Cambridge, MA, 1976), 469–73. In the early modern period, Italy holds pride of place. See: Léon Poliakov, *Jewish Bankers and the Holy See from the Thirteenth to the Seventeenth Century* (London, 1977).
3. On the development of the exchequer of the Jews, see: Hilary Jenkinson, "The Records of Exchequer Receipts from the English Jewry," *JHSET* 8 (1915–7): 19–54; H.G. Richardson, *The English Jewry under Angevin Kings* (London, 1960), 135–60; and Charles Gross, "The Exchequer of the Jews of England in the Middle Ages," in *Papers Read at the Anglo-Jewish Historical Exhibition, Royal Albert Hall, London 1887* (London, 1887).
4. See the many volumes in the Publications of the Pipe Roll Society (London, 1883–).
5. See, for example: Zefira Rokéaḥ, *Medieval English Jews and Royal Officials: Entries of Jewish Interest in the English Memoranda Rolls, 1266–1293* (Jerusalem, 2000).
6. The fine rolls relevant to medieval Anglo-Jewish history have recently been made accessible in an innovative website: "Henry III Fine Rolls Project: A Window into English History, 1216–1272," <http://www.finerollshenry3.org.uk/index.html> (accessed 18 Dec. 2012).
7. Three recently published volumes of receipt rolls by the Pipe Roll Society give evidence of typical Jewish entries: Robert Stacey, *Receipt and Issue Rolls for the Twenty-sixth Year of the Reign of King Henry III, 1241–2*, Publications of the Pipe Roll Society 87, n.s. 49 (London, 1992); Nicholas Barratt, *Receipt Rolls for the Fourth, Fifth, and Sixth Years of the Reign of Henry III, Easter 1220, 1221,*

and 1222, Publications of the Pipe Roll Society 90, n.s. 52 (London, 2003), and *Receipt Rolls for the Seventh and Eighth Years of the Reign of Henry III, Easter 1223 and Michaelmas 1224*, Publications of the Pipe Roll Society 93, n.s. 55 (London, 2007). Many more are yet in manuscript in the National Archives—UK, Kew (hereafter NA—UK), both in the general E 401 series and in the special Jewish subseries E 401/1564 – E 401/1610. See Jenkinson’s discussions of Jewish receipt rolls in “Records of Exchequer Receipts from the English Jewry” and “Medieval Sources for Anglo-Jewish History: The Problem of Publication,” *JHSET* 18 (1955): 285–94.

8. *Calendar of the Close Rolls Preserved in the Public Record Office* (London, 1892–) (hereafter CCR); *Calendar of the Patent Rolls Preserved in the Public Record Office* (London, 1901–40) (hereafter CPR); *Calendar of the Charter Rolls Preserved in the Public Record Office* (London, 1903–27); *Curia Regis Rolls Preserved in the Public Record Office* (London, 1922–2002). See also: Hilary Jenkinson, “Jewish Entries in the *Curia Regis* Rolls and Elsewhere,” *Jewish Historical Society of England: Miscellanies* 5 (1948): 128–34.
9. Roger de Hoveden, *Chronica Magistri Rogeri de Houedene*, ed. William Stubbs (London, 1870), 3:266 f.
10. The most fully preserved records from a local loan chest are those from Norwich, which include daybooks from several years recording business as well as miscellaneous records. See the documents published as appendixes in V.D. Lipman, *The Jews of Medieval Norwich* (London, 1967). Miscellaneous documents seemingly from loan chests sent to Westminster at the time of the expulsion have recently been published as a calendar: Ann Causton, ed., *Medieval Jewish Documents in Westminster Abbey* (London, 2007).
11. On the exchequer of the Jews and the system of royal archæ, see: Hilary Jenkinson, introduction to *Calendar of the Plea Rolls of the Exchequer of the Jews* (hereafter PREJ), vol. 3, *Edward I., 1275–77* (London, 1929), xi–lii; Paul Brand, “Introduction: The Exchequer of the Jews, 1265–1290,” in PREJ, vol. 6, *Edward I., 1279–81* (London, 2005), 1–73; Richardson, *English Jewry*, Chap. 7, “The Exchequer of the Jews,” 135–60; Alice Cramer, “The Jewish Exchequer: An Inquiry into Its Fiscal Functions,” *American Historical Review* 45 (1940): 327–37, and “The Origins and

- Functions of the Jewish Exchequer,” *Speculum* 16 (1941): 226–9; Cecil Roth, *A History of the Jews in England*, 4th ed. (Oxford, 1964), 29–31; and Charles Gross, “Exchequer of the Jews of England.”
12. Jenkinson, introduction to PREJ, vol. 3, discusses thoroughly the variety and miscellaneous nature of the contents of the plea rolls from Edward I, 1275–7.
  13. See: “King’s Remembrancer: Accounts Various—Jews,” E 101/249/1 – E 101/250/14, NA—UK.
  14. Many of these are published in Lipman, *Jews of Medieval Norwich*.
  15. M.D. Davis, *Hebrew Deeds of English Jews before 1290* (London, 1888); Israel Abrahams and Henry Stokes, eds., *Starrs and Jewish Charters Preserved in the British Museum*, 3 vols. (Cambridge, 1930); Judith Olszowy-Schlanger, *Hebrew and Hebrew-Latin Charters and Tallies from Medieval England* (Turnhout, 2015).
  16. See, for example, the reconstruction of the tax process in Robert Stacey, “Royal Taxation and the Social Structure of Medieval Anglo-Jewry: The Tallages of 1239–1242,” *Hebrew Union College Annual* 56 (1985): 175–249.
  17. Julie Mell, “Hybridity in a Medieval Key: The Paradox of Jewish Participation in Self-Representative Political Processes,” *JHSET* 44 (2012): 127–38.
  18. Sharon Lieberman on royal policy before, during, and after the civil war: “English Royal Policy towards the Jews’ Debtors, 1227–1290” (Ph.D. diss., University of London, 1982).
  19. Robin Mundill, *England’s Jewish Solution: Experiment and Expulsion, 1262–1290* (Cambridge, 1998).
  20. This has been the presumption of older histories, such as Peter Elman, “Jewish Trade in Thirteenth Century England,” *Historia Judaica* 1 (1938–9): 91–104, which ought to be titled “The Lack of Jewish Trade in Thirteenth Century England.” But this theory has largely been overturned by the exceptionally thorough and careful work of Mundill, *England’s Jewish Solution*. See also the discussion of expulsion below in Chap. 6 of Volume II.
  21. Abrahams, “Economic and Financial Position of the Jews,” 172–3.
  22. D’Blossiers Tovey, *Anglia Judaica: or the history and antiquities of the Jews in England* (Oxford, 1738), 120–1.

23. Dowell also repeats the sentiments of Tovey that the Jews were “principally employed in usury, which was then contrary to law” and that “by this means acquired considerable wealth.” He, also like Jacobs a few years earlier, describes the Jews as a royal “sponge,” sucking up the golden stream below and rendering it to the king above (Stephen Dowell, *History of Taxation and Taxes in England* (London, 1888), 1: 31).
24. Block quote is a citation from Abrahams, “Economic and Financial Position of the Jews,” 172–3. Footnotes within the citation are my own amplifications on Abrahams.
25. Joseph Jacobs, *The Jews of Angevin England: Documents and Records from the Latin and Hebrew Sources, Printed and Manuscript* (New York, 1893), xiii–xix. Jacobs, language echoes that of Roscher so closely that it suggests a strong influence of Roscher’s article on the Jews. See the discussion of Roscher in Chap. 2.
26. Roth, *A History of the Jews in England*, 38–67 and 105–15. See also: his “Ordinary Jew in the Middle Ages: A Contribution to His History,” in *Studies and Essays in Honor of Abraham A. Neuman*, ed. M. Ben-Horim et al. (Leiden, 1962), 424–37, for his contrary arguments that not all or even most Jews could have been moneylenders.
27. Peter Elman, “The Economic Causes of the Expulsion of the Jews in 1290,” *Economic History Review* 7 (1937): 145–54, esp. 145 and 152. Elman’s arguments have been overturned by Mundill, *England’s Jewish Solution*.
28. Austin Lane Poole, *From Domesday Book to Magna Carta, 1087–1216*, 2nd ed. (Oxford, 1955), 353. Richardson’s extremely learned *English Jewry* would rebut each of these points, showing in particular that both the monasteries and the aristocracy profited tremendously from the mortgages of land taken by Jewish lenders. In the preface, Richardson highlights this quote from Poole as the counterpoint against which his research tells. It is worth noting that Richardson was not a Jewish historian by profession or by ethnic origin. His master’s thesis, “English Economic Thought in the Middle Ages,” was clearly influenced by his training at the London School of Economics and set the course for many of the issues he would explore (G.O. Sayles, “Henry Gerald Richardson, 1884–1974,” *Proceedings of the British Academy* 61 (1975): 497–521, esp. 501).

29. Doris Stenton, *English Society in the Early Middle Ages, 1066–1307*, Pelican History of England, 4th ed. (Harmondsworth, 1965), 193–202, citations from 194 and 196.
30. Peter Coss, “Sir Geoffrey de Langley and the Crisis of the Knightly Class in Thirteenth-Century England,” *Past & Present* 68 (1975): 3–37, citation on 27.
31. Coss’ argument is decisively overturned by D.A. Carpenter in his *The Reign of Henry III* (London, 1996), 351, and by the thorough and careful dissertation of Sharon Lieberman: “English Royal Policy towards the Jews’ Debtors, 1227–1290.”
32. J.R. Maddicott, *Simon de Montfort* (Cambridge, 1994), 15.
33. Michael Prestwich, *Plantagenet England* (Oxford, 2005), 475–6. Prestwich tempers the traditional account only moderately by including the word “some” and noting the royal exploitation. But he overall gives a picture remarkably similar to Poole’s, whose book his comes to replace.
34. Reva Brown and Sean McCartney, “The Business Activities of Jewish Women Entrepreneurs in Medieval England,” *Management Decisions* 39 no. 9 (2001): 699–709.
35. Abrahams, “Economic and Financial Position of the Jews,” 173. It is worthy of note that Sir Lionel Abrahams here reverses his youthful opinion that followed the standard assumption that Jews were only moneylenders and acquired great riches as usurers, expressed in his prize-winning essay of 1894 “The Expulsion of the Jews from England in 1290,” *Jewish Quarterly Review* 7 (1894–5), and republished as a booklet under the same title (Oxford, 1895).
36. Richardson, *English Jewry*, vii–ix. His work ought to have done that, but the argument does not emerge easily from the rich, detailed empirical studies in the chapters. Less careful readers may read his monograph without feeling their “current beliefs” challenged.
37. Stacey, “Royal Taxation,” and Robert Stacey, “Jewish Lending and the Medieval English Economy,” in *A Commercialising Economy: England 1086 to c. 1300*, ed. Richard Britnell and Bruce Campbell (Manchester, 1995), 78–101.
38. Mundill, *England’s Jewish Solution*.
39. G.L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford, 1975), 4.
40. The use of the term “feudal” has been hotly debated over the last decades (see: Elizabeth Brown, “The Tyranny of a Construct:

Feudalism and Historians of Medieval Europe,” in *Debating the Middle Ages*, ed. Lester Little and Barbara Rosenwein (Malden, MA, 1998), 148–69; Susan Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford, 2001). I use “feudal” in the specific sense of a relationship between a lord and overlord that creates an obligation through a piece of land, where the obligation is dispensed via material or military aid, this type of relationship being imported to England by the Norman aristocracy.

41. Edward I would attempt to exact it as a monetary payment for military ventures in addition to military service. This serves as a reminder of the flexibility of the taxes and the constant innovation in the forms of taxation by the Crown. See particularly the discussion in M. Jurkowski, C.L. Smith, and D. Crook, *Lay Taxes in England and Wales 1188–1688* (Richmond, 1998), xix–xxii.
42. Until the mid-thirteenth century the terms *auxilium* (aid), *donum* (gift), and “tallage” were used interchangeably. But by the mid-thirteenth century “aid” was reserved for a feudal levy that required consent, however much pressure might be applied to exact it, while “tallage” had become a customary right that could be levied without consent as often as every three years. Despite this specific meaning, it was used even in the late thirteenth century as a general term for tax or exaction, as in 1297 (Sidney Mitchell, *Taxation in Medieval England* (New Haven, 1951), 325–30, and 361 f).
43. The earliest reference to the restriction of tallage to once in three years is CCR 1237–42, 339.
44. Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*; Mitchell, *Taxation in Medieval England* and *Studies in Taxation under John and Henry III* (New Haven, 1914); Sir James Ramsay, *A History of the Revenues of the Kings of England, 1066–1399*, 2 vols. (Oxford, 1925).
45. J.F. Hadwin, “The Medieval Lay Subsidies and Economic History,” *Economic History Review* n.s. 36 (1983): 201.
46. M.J. Stanley, “Medieval Tax Returns as Source Material,” in *Field and Forest: An Historical Geography of Warwickshire and Worcestershire*, ed. T.R. Slater and P.J. Jarvis (Norwich, 1982), 231–56.
47. Harriss, *King, Parliament and Public Finance*, 3–4.
48. Stephen Rigby, “Urban Society in Early Fourteenth-Century England: The Evidence of the Lay Subsidies,” *Bulletin of the John*



- Rylands University Library of Manchester* 72 (1990): 169–84, citation on 169.
49. James F. Willard, *Parliamentary Taxes on Personal Property, 1290 to 1334: A Study in Mediaeval English Financial Administration*, Monographs of the Medieval Academy of America 9 (Cambridge, MA, 1934); E.J. Buckatzsch, “Geographical Distribution of Wealth in England, 1086–1843,” *Economic History Review* n.s. 3 (1950): 180–202; A.R. Bridbury, *Economic Growth in the Later Middle Ages* (London, 1962); R.S. Schofield, “The Geographical Distribution of Wealth in England, 1334–1649,” *Economic History Review* 2nd ser., 18 (1965): 483–510; H.C. Darby, R.E. Glasscock, J. Sheail, and G. R. Versey, “The Changing Geographical Distribution of Wealth in England, 1086–1334–1525,” *Journal of Historical Geography* 5 (1979): 247–52; S. Jenks, “The Lay Subsidies and the State of the English Economy, 1275–1334,” *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 85 (1998): 1–39; D. Cromarty and R. Cromarty, eds., *The Wealth of Shrewsbury in the Early Fourteenth Century: Six Local Subsidy Rolls 1297–1322: Text and Commentary* (Shrewsbury, 1993); Pamela Nightingale, “The Lay Subsidies and the Distribution of Wealth in Medieval England, 1275–1334,” in her *Trade, Money, and Power in Medieval England* (Aldershot, 2007); Hadwin, “Medieval Lay Subsidies”; Stanley, “Medieval Tax Returns as Source Material.”
  50. Christopher Dyer, “Taxation and Communities in Late Medieval England,” in *Progress and Problems in Medieval England*, ed. Richard Britnell (Cambridge, 1996), 169–70.
  51. J.F. Hadwin, “Evidence on the Possession of ‘Treasure’ from the Lay Subsidy Rolls,” in *Edwardian Monetary Affairs (1279–1344): A Symposium Held in Oxford, August 1976*, ed. N.J. Mayhew (Oxford, 1977), 148–65.
  52. W.M. Ormrod, “The Crown and the English Economy, 1290–1348,” in *Before the Black Death: Studies in the ‘Crisis’ of the Early Fourteenth Century*, ed. Bruce Campbell (Manchester, 1991), 149–83.
  53. Dyer, “Taxation and Communities,” 170 and references there; Rigby, “Urban Society,” 179–84.
  54. Hadwin, “Medieval Lay Subsidies,” 200.
  55. In 1525, tax levies again reflect the real movable property, offering historical geographers and financial historians the possibility of

- long-term analysis, and generating great interest in these records. See, for example: Darby et al., “The Changing Geographical Distribution of Wealth in England.”
56. Hadwin, “Medieval Lay subsidies,” 202.
  57. For surviving rolls, see: Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, and the earlier but useful short summary in Hadwin, “Medieval Lay Subsidies.”
  58. Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, xxx. See also the discussion of exemptions in Jenks, “Lay Subsidies,” 4–5; and James Willard, “Taxes upon Movables of the Reign of Edward I,” *English Historical Review* 28 (1913): 517–8.
  59. Ormrod, “Crown and English Economy,” 156. Ormrod refers to Christopher Dyer, *Lords and Peasants in a Changing Society: The Estates of the Bishopric of Worcester, 680–1540* (Cambridge, 1980), 109; Barbara F. Harvey, “The Population Trend in England between 1300 and 1348,” *Transactions of the Royal Historical Society* 5th ser., 16 (1966): 28.
  60. Willard, “Taxes upon Movables of the Reign of Edward I,” 517.
  61. Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, xxx.
  62. This list comes from the 1275 subsidy. See the detailed list of exemptions provided by Jenks, “Lay Subsidies,” App. I, 29–30.
  63. Willard, “Taxes upon Movables of the Reign of Edward I,” 517–8.
  64. Rigby, “Urban Society,” and Stanley, “Medieval Tax Returns” are the fullest discussions of the problems inherent in the use of lay subsidies, but most historians note them as well.
  65. Jenks in “Lay Subsidies,” 29, considers the question seriously and takes a decidedly positive view based on his own calculations of the degree to which the London assessments correlate with those in the counties: “the lay subsidy figures are telling us the truth and doing it with remarkable consistency.” The question remains *what* they are measuring.
  66. The Public Record Office handbook on lay taxation, for instance, does not cover tallage: Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*. There are of course several exceptions, such as the five tallage rolls published by Mary Bateson, ed., *Records of the Borough of Leicester, Being a series of Extracts from the Archives of the Corporation of Leicester, 1103–1327* (London, 1899), 128–45.

67. Mundill, *England's Jewish Solution*.
68. One notable exception (and formative for this research) is that of Robert Stacey, in his work on the edition of receipt and issue rolls for 1241–2. He discussed Jewish tallage during these years in depth, particularly with reference to the distribution of wealth in the community and the machinery used in the collection (see: Stacey, “Royal Taxation”). Earlier Jewish historians used the lump sums paid by township as an indicator of communal importance and size. But these are in fact dubious indicators of communal size, as the presence of a few wealthy individuals dictates the overall tallage sums. See: V.D. Lipman, “The Anatomy of Medieval Anglo-Jewry,” *JHSET* 21 (1968): 65–77, and *Jews of Medieval Norwich*, 38; Stacey, “Royal Taxation”; and Causton, *Medieval Jewish Documents in Westminster Abbey*, esp. 4. Causton uses communal sums, but notes the problems with using these for lump sums.
69. See later discussion of methods of assessment and collection and the appointment of local and national representatives for Jewish communities in conjunction with the Worcester tallage.
70. The Worcester tallage set a minimum for the value of movables below which individuals were not required to pay tax (E 101/249/12, NA—UK). The document is published and translated in Stacey, “Royal Taxation,” App. III, 241, 245.
71. Proportional values rather than real values are what historians measure from lay subsidies as well. See, for example: Jenks, “Lay Subsidies.”
72. *Ibid.*, 13.
73. Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, 22–9. These differences could have been justified economically as a difference between the movable wealth of an urban, craft-based economy and a rural agricultural one.
74. In one way, historians may be on surer footing with Jewish tallage payments. The potential for individuals making partial payments in various locales and being treated by historians as several individuals, rather than one, is minimized by the small population group. However, the small number of Biblical names used for Jewish men makes it difficult to identify men with the same name in two different locales. In my interpretation of the documents, I have used location as a marker of difference.
75. Jenkinson, “Records of Exchequer Receipts from the English Jewry,” and his revision “Medieval Sources for Anglo-Jewish History.”

76. By convention, historians refer to it as a *donum*, although the document uses the language of *promissum* and *auxilium* (E 101/249/2, NA—UK, published as Israel Abrahams, “The Northampton ‘Donum’ of 1194,” *Miscellanies of the Jewish Historical Society of England* 1 (1925): lix–lxxiv).
77. Barratt, *Receipt Rolls for 4, 5, and 6 King Henry III and Receipt Rolls for 7 and 8 Henry III*.
78. The receipt roll from 31 Henry II (1185) is the earliest to survive. It contains payments by Jews for fines, but no payments towards Jewish tallage as none had been levied in that year (Hubert Hall, *The Receipt Roll of the Exchequer for Michaelmas Term XXXI Henry II, A.D. 1185* (London, 1899)). For the fragments of rolls between 1185 and 1220, see: E 401/1–3A, NA—UK.
79. Stacey, *Receipt and Issue Rolls for 26 Henry III, 1241–2*, and “Royal Taxation.”
80. On the Edwardian tallages, see: Mundill, *England’s Jewish Solution*, 72–107. Interestingly enough, not all Edwardian tallages were enrolled with regular receipt rolls. The “Great Tallage” of 1275 is preserved like the Northampton Donum in a set of independent rolls: E 401/1568–71, NA—UK.
81. Chirographs were documents written in triplicate and cut apart in waving lines across the word “chirograph” so that they could be later matched with the other pieces. One part was given to the debtor, one to the lender, and one placed in the loan chest. Tallies were wooden sticks used as widely as receipts by notching the wood to show monetary sums and then split in two, with one half being given to the payee or debtor and the other half held by the royal officials.
82. The following chapter will discuss the frequency and amounts of Jewish tallage in relation to other lay taxes.
83. Stacey, “Jewish Lending and the Medieval English Economy,” esp. 90.
84. Stacey, “Royal Taxation,” 176–7.
85. E 401/1568–71, NA—UK, are chronological receipt rolls of the lower exchequer. E 101/249/16, NA—UK, records three periods of payment of a tallage at New Temple, London, during what appears to be the first year of payment. Although this roll is not clearly marked as part of the collection of a third, scholars who know the records best have surmised that it is the first year of

- collection. I concur. See: Richardson, *English Jewry*, 214–5; Zefira Rokéah, “A Hospitaller and the Jews: Brother Joseph de Chauncy and the English Jewry in the 1270s,” *JHSET* 34 (1994–6): 198, note 15; Mundill, *England’s Jewish Solution*, 81.
86. Ramsay, *Revenues of the Kings of England, 1066–1399*, 1:71.
87. See the “Account of Benedict of Talemont,” preserved in the first memoranda roll of John Lackland’s reign: John Ruddock, ed., *The Memoranda Roll for the Michaelmas Term of the First Year of the Reign of King John (1199–1200)*, Pipe Roll Society vol. 59, n.s. 21 (London, 1943), 69–71. This account also gives the clearest information about the tallages of Richard I’s reign.
88. E 101/249/2, NA—UK, published as Abrahams, “The Northampton ‘Donum’ of 1194,” lix–lxxiv. This roll has been known by Jewish historians as the “Northampton *Donum*” perhaps somewhat erroneously as the roll is titled a *promissum*. The variations of taxation terminology such as “tallage,” *donum*, *promissum*, and *auxilium* have been treated by historians in connection with the development of feudal aids. The differences between them are minor and inconsequential for the question of the distribution of wealth in the Jewish population. However, the fact that the tallages were denominated with the language of feudal aid is highly significant for the legal status of Jews. Helena Chew discusses the implications extensively in regard to the 1221 aid, although she insists too forcefully on the exclusion of Jews from feudal land tenure in the face of evidence to the contrary: Helena Chew, “A Jewish Aid to Marry, A.D. 1221,” *JHSET* 11 (1924–7): 92–111.
89. From the thirteenth century, two kinds of receipt rolls made at the lower exchequer have survived—the columned receipt roll and the chronological receipt roll. The chronological receipt roll was a daily record of sums paid into the exchequer by sheriffs, as well as sums issued by liberate writs. The columned receipt roll on the other hand seems to be an intermediary stage between the lower and upper exchequer, a kind of internal tally system “ensuring that when the pipe rolls were compiled, all individuals who appeared on the original summons, and whose payments were handed over by the sheriff at the lower Exchequer, had their debts cleared during the audit process” (Barratt, *Receipt Rolls for 4, 5, and 6 Henry III*, xv).

90. See, for instance: Lipman, “Anatomy,” and the references cited in Abrahams, “Northampton ‘Donum,’” lix.
91. William de Bukingham appears in the pipe roll for 10 Richard I as collecting escheats in Bukinghamshire. He seems to have been a low-level official as he was not one of the early justices of the Jews (Doris Stenton, ed., *The Great Roll of the Pipe for the Tenth Year of the Reign of King Richard the First Michaelmas 1198*, Publications of the Pipe Roll Society vol. 47, n.s. 9 (London, 1932), 14; Richardson, *English Jewry*, 119).
92. The arrears of old tallages have not been included in the analysis.
93. Barratt, *Receipt Rolls for 4, 5, and 6 Henry III*, 79–92. Published separately in Chew “Jewish Aid to Marry.”
94. The percentage given here is based on the scribal totals given at the end of the roll (92).
95. Arrears for instance appear in receipt rolls from 1225 (E 401/9).
96. Barratt, *Receipt Rolls for 7 and 8 Henry III*, 58–66. The percentage is based on the scribal total for the roll (*ibid.*, 66). The totals for named taxpayers and the sums for the whole given in the charts below will differ slightly because of damage to the roll obliterating names and partial sums (*ibid.*, 60). Later arrears for the tallage appear in the later preserved receipt rolls and have been included in the analysis below.
97. Minor payments towards arrears of this tallage appear in receipt rolls E 401/8–9, NA—UK, and have been incorporated in the analysis below.
98. Based on the scribal total of £428 9s 10d.
99. Bateson, *Records of the Borough of Leicester*, 128–45.
100. Stacey, “Royal Taxation,” 175–249. Stacey’s invaluable work has been carefully followed here, and it inspired the original research into tallages. My analysis differs from his in focusing on distribution of wealth among the Jewish population.
101. *Ibid.*, 183.
102. CCR 1237–42 (19 Feb. 1241), 350.
103. *Ibid.*, 238–9. See: Stacey, “Royal Taxation,” 185–6.
104. The Norwich inquest is Westminster Abbey Muniment Room (WAM) 6692, published by Lipman, *Jews of Medieval Norwich*, App. X, 245–59. The Cambridge inquest (E 101/249/3) was published by H.P. Stokes, *Studies in Anglo-Jewish History*

- (Edinburgh, 1913), 252–75. The initial membrane of the Lincoln inquest (E 101/249/4) was published by Roth, “Ordinary Jew,” 424–37. On the Lincoln document, see: Ethan Margolis, “Evidence That the Majority of Medieval English Jews Were Not Moneylenders, with an Emphasis on Document E. 101/249/4” (master’s thesis, North Carolina State University, 2015). I thank the students of History 498/599, “Pre-modern Economic History,” at North Carolina State University—Shaun Bennett, Samuel Christie, Ethan Margolis, and Michael Warrick—who with enthusiasm and intelligence took on the transcription and deciphering of E 101/249/4 as a collaborative class project, which Ethan Margolis completed for the master’s thesis cited above.
105. E 401/48 rot. 6, membranes 1–2, NA—UK, published in Stacey, “Royal Taxation,” App. I.
  106. CCR 1237–42, 346–7.
  107. E 101/249/12, NA—UK, published by Stacey, “Royal Taxation,” App. III, 241, 245. Stacey’s transcript reads the sum as “xl” (40s) rather than “xv” (15s). The letter “v” can be difficult to distinguish from the lower case letter “l,” and is especially so here. I favor the reading “xv,” because the number 50 is typically written in exchequer documents with a capital “L.” Forty shillings was a typical threshold for Henrician subsidies, but seems perhaps high for a tax that aimed to scrape the pockets deep and collect a third. Several Edwardian subsidies employed 15s as a minimum.
  108. The exact function of the talliatores is not known. Michael Adler suggested that they were the assessors (Michael Adler, *Jews of Medieval England* (London, 1939), 67). Stacey suggests that their title connects them with overseeing the cutting of tallies.
  109. Stacey included payments of the Third from E 401/48, NA—UK, in his App. I of “Royal Taxation.” I have identified the Lincoln record as belonging to the Third, and chosen not to include the additional references that Stacey collected from the liberate rolls and close rolls in the statistical calculations, although they are taken into account in the discussion. In this way the autumn 1240 records for the Third are treated together as one group, similar to a tallage or lay subsidy roll, providing the surest measure for distribution of wealth.
  110. Canterbury, Gloucester, London, and Winchester are found on E 401/48, rot. 16, NA—UK; Lincoln on E 101/249/4, NA—UK. It

is unclear whether sums were collected earlier than Michaelmas. The only evidence supporting a biannual payment, typical of many taxes, is that some of the wealthiest members of the Jewish community may have been fined in autumn 1239 for the privilege of paying the Third over several years (*Calendar of the Liberate Rolls Henry III, vol. I. A.D. 1226–1240* (London, 1916), 1:439–40).

111. Some entries include two family members, most typically a father with a grown daughter, and one entry includes three family members, all women.
112. It is puzzling that the Worcester tallage has a minimum set on the one hand, but also has lump sums paid for “paupers and fugitives” on the other. Normally an urban commune would not be responsible for paying on behalf of paupers. The poor were simply exempt.
113. The totals for each year are given by Mundill, *England’s Jewish Solution*, 90, Table 1.
114. For Edward I’s biography, see: Michael Prestwich, *Edward I* (Berkeley, 1988); Marc Morris, *A Great and Terrible King: Edward I and the Forging of Britain* (London, 2008).
115. CPR 1272–81 (20 Feb. 1273), 6.
116. Payments for expenses incurred in scrutiny of loan chests are dated 22 May and 3 Aug. 1273. Further references are made to the scrutiny in August and October orders (Rokéah, “A Hospitaller and the Jews,” App. II, 203).
117. Joseph de Chauncy was appointed treasurer by 2 Oct. 1273.
118. Prestwich, *Edward I*, 68.
119. Rokéah, “A Hospitaller and the Jews,” 189–207, esp. 192.
120. *Ibid.*, 193.
121. Only London and Oxford are missing from the list of locations. The text of the exchequer memoranda roll is published by Rokéah in App. 1 of *ibid.*, 202, translation on 189.
122. *Ibid.*, 189.
123. In addition to the chronological receipt rolls that cover three fiscal years beginning Michaelmas 1274 (E 401/1568, E 401/1569, E 401/1570, E 401/1571, NA—UK), there is a receipt roll for 2 Ed. I (E 101/249/16, NA—UK) that preceded the chronological receipt rolls. It records receipts paid at New Temple, London, in three terms. This “New Temple” collection overlaps with the



- months in which Jews were ordered to remain in the principal towns of their shires. There is also one list recording the collection from Bedfordshire and Buckinghamshire: E 101/249/17, NA—UK. The record is in poor condition. We find additional evidence of Jews seeking to pay tallage through license granted to particular Jews to sell their houses in order to pay tallage in spring 1273: CPR 1272–81 (3 and 8 Feb. 1273), 42–3.
124. Roth, *History of the Jews in England*, 68–9; Richardson, *English Jewry*, 214–5; Mundill, *England's Jewish Solution*, 81–90; Rokéah, “A Hospitaller and the Jews”; and Elman, “Economic Causes of the Expulsion.” I follow Richardson’s and Mundill’s judgment that the Great Tallage ended with a new scrutiny and levy of £1000 in 1276 the evidence for which is E 401/1572 and E 401/1573, NA—UK.
  125. E 401/1571, NA—UK.
  126. PREJ 3:103.
  127. CPR 1272–81 (28 June 1278), 273. Orders are also given here to the justices of the Jews and William de Middleton to hand over to Chauncy all rolls of assessment and memoranda connected with the tallage.
  128. This was not of course the last of the tallages on the Jewish community under Edward I. See: Mundill, *England's Jewish Solution*, 81–7. It should be noted that the archae were reopened after 10 years and seem to have been fully operational at the time of the expulsion (Roth, *History of the Jews in England*, 70 f., 275, note (d)). In light of the discussion below in Chap. 6, Vol. II, it seems to me likely that the archae may have been reopened to register Christian-Jewish loans without Edward I having retracted his prohibition on Jewish usury.
  129. Mundill, *England's Jewish Solution*, App. II, 291–3.
  130. See below: Chap. 5 for discussion of taxes levied on the Christian population.
  131. PREJ 4:33–69.
  132. Although the unit value of the 1225 tallage is extraordinarily high, it also lacks the high-end payers found in other tallages. Because it is anomalous it has been left out of Figs. 4.3 and 4.4 and Table 4.3. The data for 1225 is, however, provided in Table 4.4.
  133. The numbers given here are for the combined tallages of the Third and Worcester, as for the New Temple and chronological

- receipt rolls. Table 4.4 breaks down the numbers for each tallage.
134. One group of three brothers made a payment together: Jacob, Mosse, and Isaac Crespin.
  135. See: Stacey “Royal Taxation,” Table 4, 202.
  136. All the individuals, except a woman, Sarr[ah] the abandoned wife of Peitevin, may have been appointed as pledges, jurors, or talliatores, but the slight variations in name identification do not permit a certain linkage (E 101/249/12, E 101/249/4, NA—UK).
  137. The Fifteenth of 1225, however, did not create an exempt group, only exempt objects. However, on complaints from the poor, the king issued instructions not to trouble the poor (Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, 12).
  138. *Ibid.*, 12 and 16.
  139. *Ibid.*, 20–1.
  140. E 101/249/12, NA—UK. The reading of the roman numerals for the threshold is difficult. It can be read as either 40s or 15s. Both are found in thirteenth-century taxation. I prefer the latter reading of 15s, as explained in the notes above.
  141. E 101/249/4, NA—UK. See discussion above.
  142. Roth, “Ordinary Jew,” 425.
  143. Examples of rolls recording both assessment and collection for the general population have been preserved, such as the 1283 Ipswich roll for the Third (Powell, “The Taxation of Ipswich,” 137–57).
  144. Elizabeth Rutledge, “Immigration and Population Growth in Early Fourteenth Century Norwich,” *Urban History Yearbook* (1988): 15–30, esp. 20.
  145. Cromarty and Cromarty, *Wealth of Shrewsbury*, 28.
  146. The most extensive study of Jewish population in medieval England is that of Vivian Lipman, whose figures concur with those of G. Caro and H.G. Richardson: Lipman, *Jews of Medieval Norwich*, 37–8, and “Anatomy.”
  147. Lipman calculated a total population of about 2500 to 3000 in the 1280s based on a calculator of 4 to 5 (Lipman, “Anatomy,” 65).
  148. Josiah C. Russell, *Medieval British Population* (Albuquerque, 1948).
  149. J. Krause, “The Medieval Household: Large or Small?” *Economic History Review* 9 (1957): 420–32, citation on 432.

150. Zvi Razi, *Life, Marriage and Death in a Medieval Parish* (Cambridge, 1980), 93.
151. Kenneth Stow, "The Jewish Family in the Rhineland in the High Middle Ages: Form and Function," *American Historical Review* 92 (1987): 1085–110.
152. *Ibid.*, 1089 and 1091.
153. Derek Keene and Alexander Rumble, *Survey of Medieval Winchester* (Oxford, 1985), 1:368–9. Keene and Rumble define tarrage in this way: "Tarrage (*tarragium*) was the word which in the fifteenth century Winchester citizens used to denote the *terragium* of landgable due from a number of properties as part of their fee farm paid to the king. Other lords, notably the bishop, received *terragium* from Winchester propoerties, but outside the jurisdiction of the city" (*ibid.*, 1:25).
154. Cromarty and Cromarty, *Wealth of Shrewsbury*, 67. (The numbers for Newcastle-upon-Tyne come from the Cromartys' comparative charts.)
155. Alan Dyer, "Appendix: Ranking Lists of English Medieval Towns," in *Cambridge Urban History of Britain* (Cambridge, 2000), 1:754. King's Lynn is unmentioned in this ranking list.
156. *Ibid.*, 1:755–7. The last subsidy to use fractional assessments was that of 1334. The contributions of each town to the subsidy of 1334 were: Newcastle-upon-Tyne £1333, Lynn £770, Shrewsbury ?£700 [£940], Ipswich ?£500 [£650]. The amounts marked with a question mark have been adjusted by Dyer; the actual recorded amount follows in brackets.
157. Cromarty and Cromarty, *Wealth of Shrewsbury*, 66.
158. Additionally, the variations between villages, towns, and cities should theoretically be reflected *within* the Jewish population, causing another source of error, if my hypothesis that the Jewish population resembles the general urban population is reasonable.
159. Cromarty and Cromarty, *Wealth of Shrewsbury*, 54.
160. *Ibid.*, 53–61.
161. Christopher Dyer, *Standards of Living in the Later Middle Ages: Social Change in England c. 1200–1520* (Cambridge, 1989), 193–6. The following account is based closely on Dyer.
162. *Ibid.*, 195.

163. David Farmer, “Prices and Wages,” in *The Agrarian History of England and Wales*, ed. H.E. Hallam (Cambridge, 1988), 2:772.
164. Ibid.
165. Ibid., 2:775.
166. On the range of urban wealth, see: Dyer, *Standards of Living*, 188 f.
167. M.T. Clanchy, *From Memory to Written Record: England 1066–1307* (Cambridge, MA, 1993).
168. Westminster Abbey Muniment Room, WAM 6686, 6687, 6693, published in Lipman, *Jews of Medieval Norwich*, App. I–III, 187–215. WAM 9012 covers the same period in a more abbreviated form. See: Lipman, *Jews of Medieval Norwich*, 215 f.
169. Cambridge: E 101/249/3, NA—UK, published without full marginal notations in Stokes, *Studies in Anglo-Jewish History*, App. IV, 252–75; Lincoln: E 101/249/4, NA—UK.
170. E 101/249/19, NA—UK, published in PREJ 4:13–69.
171. What remains unclear, however, is how many paid loans have been withdrawn from the chest and when.
172. E 101/249/19, NA—UK, published in PREJ 4:13–69.
173. PREJ 3:230–8. The original scrutiny from Bedford and Buckinghamshire is extant, but in poor condition and very difficult to read: E 101/249/17, NA—UK.
174. Figure 4.10 uses the tallage payments toward the Third of 1240 as a basis for deducing the value of assessed movable wealth overall. If the full tallage payment owed was not reflected in this record, then the projected wealth may be slightly higher. However, the number of tax-exempt individuals would not vary.
175. There are some surprising anomalies in the relationship of the distribution of wealth to lending which will be discussed shortly.
176. Stacey, “Royal Taxation,” 199, Table 2A. Because Stacey did use E 101/249/4, NA—UK, for the Third, I have not used his numbers in Table 3A for the overall Worcester sums.
177. See the reference in note 172 given above.
178. PREJ 4:13.
179. PREJ 4:16–7.
180. E 101/249/32, NA—UK.

181. It should be noted, however, that none of the lenders appear among those in the memoranda on taxpayers in arrears (PREJ 4:13–4), although two of the lenders do appear in the receipt roll records. The relationship of this document to the Great Tallage is unclear.
182. PREJ 4:14.
183. PREJ 3:230–8.
184. Hagin and Aaron appear together making a quitclaim in the plea rolls of the exchequer of the Jews (PREJ 3:223). It is puzzling that the quitclaim appears in the stars for Trinity term of the fourth year of King Edward, but the stars are recorded in the plea rolls before the scrutiny which predates them. Nor is reference to this joint loan found in the scrutiny, perhaps because it was settled before the scrutiny was recorded.
185. Elyas son of Aaron paid 2321d in tallage, and had two loans of 2200d. Hagin son of Jacob paid 213d in tallage, and had one loan of 960d (see: PREJ 3:230–8 and E 401/1568–9, NA—UK).
186. PREJ 3:188. The names are Mosseus son of Abraham, Elias son of Jos', Aron son of Jos', Deulecres son of Mossey, Aron son of Jacob, Manser son of Josc', Elias son of Samuel, Manswer son of Jos', Leo son of Elias, Jos' son of Abraham, Abraham son of Elias, Urselin son of Maunser, Leo of Worcester, and Hagin son of Elias.
187. PREJ 3:245 and 289. The names appear to be corrected in the second entry from Isac of Bruges and Milo de Bruges to Isak of Campeden and Meyr of Bruges.
188. PREJ 3:83, 275, and 319.
189. The orders for the scrutinies are in CCR 1237–42, 238–9, and CPR 1237–42, 247. See references to these documents above.
190. Examples have been reproduced in Adler, *Jews of Medieval England*, facing 43, 258, and 263.
191. For the list of 15 largest contributors to the 1240 tallage, see: Stacey, "Royal Taxation," 202, Table 4.
192. E 101/249/12, NA—UK.
193. The 107 loans by Isaac f. Samuel, most of which were in partnership with Jacob f. Deulesaut, totaled £444, while Aaron of York's totaled £568. Aaron of York was the single wealthiest Jew in England, holding the royal appointment of arch-presbyter and

contributing personally around 50 percent of the Worcester tallage.

194. On the sums lent for the 15 most active lenders, see: Margolis, “Evidence That the Majority of Medieval English Jews Were Not Moneylenders, with an Emphasis on Document E. 101/249/4,” 152–162.
195. Lenders numbered 18–33 in Fig. [4.22](#).
196. Davis, *Hebrew Deeds of English Jews*, 298–302.

## An Economic Function for the Crown? On Tallage, Taxation, and the Legal Status of the Jews

His property was continually liable to be taxed and tallaged....Why then did the Jews accept such a position and submit to such conditions? The answer is that, while the King again and again fleeced them (and, by-the-by, allowed them to fleece their debtors), he would not permit any one else to interfere with their finances.—H.P. Stokes, *A Short History of the Jews in England*<sup>1</sup>

The image of Jews as a “royal milch cow” has been sustained by a web of interpretations linking Jewish taxation, the exchequer of the Jews, and Jewish legal status. In the most schematic accounts, tallage works to extort, and the exchequer of the Jews to protect. The exchequer of the Jews and its subsidiary system of local loan chests are seen as protecting and privileging Jewish moneylending. By registering loans to Jews and providing them with a special court to collect their loans, the Crown allowed Jewish moneylenders to swell with profit. The Crown milked the Jews’ profits on moneylending by extorting arbitrary taxes, in other words tallages. Several metaphors have been deployed by historical interpreters. Cecil Roth favored the domesticated cow swollen with milk after chewing the green grass of merry old England. Other less sympathetic imagery has drawn on the stereotype of the blood-sucking capitalist.

These two concepts, protection and extortion, have been alternating at the heart of historical accounts like two opposing points on Fortuna’s wheel spinning faster and faster as Anglo-Jews descend to the dire fate of expulsion at the end of the thirteenth century. The opposition between the two concepts has not spun out of control and exploded the very

paradigm of a Jewish economic function, not merely because centrifugal force does not work in the same way on ethereal intellectual concepts but also because the opposition between protection and extortion has been grounded in a third concept, “Jewish serfdom.”

The legal status of medieval Anglo-Jewry, like that of medieval German and French Jewry, has traditionally been conceptualized by modern historians as “Jewish serfdom.” For William Prynne, the Jews were “the king’s most exquisite villeins.”<sup>2</sup> For Frederic Maitland, the Jews were “the king’s dependents and (the word will hardly be too strong) the king’s serfs.”<sup>3</sup> The peculiar phrase dates to the 1230s when French legislation of Louis IX referred to “*tanquam proprium servum*” (just like his own serf) and German to “*servi camerae regis*” (servants or serfs of the royal chamber).<sup>4</sup> The demarcation “serfs” is read in reference to Jews as claiming their bodies and belongings for the king. As “his own,” the king had rational cause to protect and privilege the Jews; like a wolf disguised in grandmother’s bedclothes, the king answers Little Red Riding Hood, “all the better to eat you with.” In the English case, the exchequer of the Jews has been seen as an institution which privileged and protected the Jews as the king’s own, in order that their riches might be collected through tallage as the king’s own. “Jewish serfdom” works to ground the paradigm of the economic function of the Jews, and the economic function in turn sustains that of Jewish serfdom.

This chapter will break apart this linkage by reinterpreting both Jewish legal status and that Janus-faced pair, tallage and the exchequer of the Jews.<sup>5</sup> I will argue that Jewish legal status throughout most of the twelfth and thirteenth centuries, until the reign of Edward I, was akin to that of a free urban burgess. In one important way alone did Jewish legal status differ. That difference was their institutional separation *as Jews*. In this, I build on the work of Gavin Langmuir, who argued that “Jews did not become, or come to be thought of as, serfs in England between 1066 and 1290. What happened in that period was that their distinctive status as Jews was, at first gradually and then drastically, degraded until the final distinction and degradation of the expulsion of 1290.”<sup>6</sup> With Langmuir, I conclude that “the status of Jews in secular law was not ‘Jewish serfdom’ but Jewish status, and to speak of Jews as royal serfs or ‘serfs’ only obscures legal reality.”<sup>7</sup> Precisely what becomes most obscured is the legal problem of expulsion. The following analysis of the English material concurs with Alexander Patschovsky’s conclusions on the German material—that royal claims to the Jews as serfs were a new development of the



thirteenth century, without real force until the late thirteenth and early fourteenth centuries.

A striking illustration of the circular logic in which Jewish serfdom grounds the paradigm of the economic function and the economic function in turn sustains the concept of Jewish serfdom can be seen in Frederic Maitland's short chapter on the Jews in the *History of English Law*.<sup>8</sup> Maitland weaves together an analysis of Jewish legal status with a chronological account of Anglo-Jewish history from the settlement in the wake of the Norman conquest to the expulsion of 1290. Jews' settlement as the king's dependents shapes their legal status. Maitland cites the *Leges Edwardi Confessoris*, without knowledge of its composition in the mid-twelfth century, which later historians would uncover. He says, the Jews "are under the liege wardship and protection of the king...and all that they have are the king's and should any one detain them or their chattels, the king may demand them as his own."<sup>9</sup> Bracton articulates "the same thought," Maitland thinks, though the passage he attributes to Bracton is really a late-thirteenth-century marginal addition found only in a few manuscripts: "The Jew can have nothing that is his own, for whatever he acquires, he acquires, not for himself, but for the king."<sup>10</sup> (Langmuir would dramatically reinterpret these passages.) These two important references led Maitland to conclude that "this servility"—a term he acknowledges freely as an analogy without direct support in the texts—"is a relative servility; in relation to all men, save the king, the Jew is free."<sup>11</sup> He then immediately moved to justify this conclusion with the narratives of Jewish history that he learned from Prynne, Tovey, Thomas Madox, Joseph Jacobs, and the Anglo-Jewish Historical Exhibit of 1887: "This servility is a relative servility; in relation to all men, save the king, the Jew is free. He will require some special treatment, for if he is to be here at all and do any good, he must be allowed to do things that are forbidden to Christians, notably to take interest on money lent."<sup>12</sup> Moneylending is both the effect of royal privilege and the occasion for royal exaction: "For about a century and a half they [the Jews] were an important element in English history. In spite of the king's exactions and of occasional outbursts of popular fury, they thrived. They were wealthy; they bore an enormous weight of taxation."<sup>13</sup> This moneylending business required government regulation through the exchequer of the Jews, for "In the first place, the king had a deep interest in it, for whatever was owed to a Jew was potentially owed to the king, and he would naturally desire to have ready at hand written evidence that he could use against

his debtors. In the second place, this matter could hardly be left to the ordinary English tribunals...they would do but scant justice to the Jew, and therefore but scant justice to the king, who stood behind the Jew."<sup>14</sup> Protection and extortion operate simultaneously through the exchequer of the Jews as a financial and judicial tribunal making possible profitable Jewish moneylending and squeezing those gains into the royal pocket. Maitland concludes his chapter on the Jews by reflecting on "whether the sojourn of the Jews in England left any permanent marks."<sup>15</sup> The answer he gives is the economic function of the Jews: "Landowners are borrowing large sums [from the Jews], and the enormous rates of interest they contract to pay, if it shows the badness of security...shows also the intensity of the demand for money. Many an ancient tie between men—the tie of kinship, the tie of homage—is being dissolved or transmuted by the touch of Jewish gold; land is being brought to market and feudal rights are being capitalized."<sup>16</sup> The allusion to Jewish gold like Midas' touch transforming Tonnie's *Gemeinschaft* into *Gesellschaft* is as chilling as the prose is elegant. The Jew is privileged and protected for the sake of the moneylending that yields a royal profit. Jewish serfdom makes sense to Maitland though he readily admits that it is but an "analogy" for which he has "no direct authority."<sup>17</sup> It makes sense in the context of a web of interpretations that weave together Jewish moneylending and the Jewish exchequer, royal privilege and royal extortion. Jewish serfdom fits the economic function of the Jew, and the economic function of the Jew finds confirmation in the serfdom of the Jew.

Maitland derived his ideas of privilege and appropriation from a long line of historians: from the acerbic seventeenth-century Prynne arguing viciously against Jewish re-admittance to England,<sup>18</sup> to the caustic eighteenth-century Tovey repeating the tales of ritual murder between biting critiques of Jewish *and popish!* usury,<sup>19</sup> to the scholarly Jacobs collecting each shred of historical evidence from the twelfth century,<sup>20</sup> to the judicious and measured scholars of the newly established Jewish Historical Society of England.<sup>21</sup>

Since Maitland, discussion of Anglo-Jewish legal status has been set in the context of "Jewish serfdom" in other European regions with sharp differences emerging among historians. Cecil Roth elevated Maitland's analogy to a legal fact which he claimed was best illustrated by England, but present everywhere in Europe: "As elsewhere in the Middle Ages the Jews were reckoned *servi camerae regis* or Serfs of the Royal chamber. Nowhere indeed was this laid down more explicitly [than in England]."<sup>22</sup> Salo

Baron pulled back from Roth's exaggerations, objecting to the assumption of total inferiority and lack of rights suggested in Maitland's analogy and elaborated by others.<sup>23</sup> But Baron did not object to the use of the term "Jewish serfdom," for even he applied it to England, though he, like Maitland, noted its absence in the documents. Rather Baron attempted to correct its misinterpretation. Serfdom, he said, was employed by medieval rulers when they wished to protect Jews. The term *servitus* was the equivalent of "service," not "slavery"; and liberty in the middle ages implied dependence. The freeman was a protected individual, and hence, Baron implied, the Jews were free in their status as serfs.

Gavin Langmuir argued fiercely, and to my mind persuasively, against both Baron and Maitland, and even more the likes of Roth and Frank Schechter, by challenging the strength of the documentary evidence for the term "Jewish serfdom": "In England, *servi camere* was never in fact used in any legal text, nor were Jews ever stated to be, or be like, *servi* (or *villani* or *nativi*)." <sup>24</sup> Both Maitland and Baron acknowledged as much themselves, as noted above. In regard to the French evidence, Langmuir argued: "French Jews were never described as *servi camere*" as in the Holy Roman Empire, and the terms *servus* and *Judeus* were conjoined only in the French statutes of 1230 and their repetition in 1254, and not used in any other ordinances concerning Jews in the thirteenth century.<sup>25</sup> To use the concept of "Jewish serfdom" confused the matter, Langmuir maintained. A new status for Jews did develop in the thirteenth century, but this status was defined around Jews *as Jews*: "Nor were rulers thereby seeking to protect Jews from others, their primary purpose was to control their Jews and their kingdoms more effectively."<sup>26</sup>

Langmuir explained the use of the term *servi* as a metaphor for the Jews. Its absence and differing usage, he suggested, could be explained on the basis of differing constitutional developments. Where central government was strongest (England), insistence on the analogy was weak. Where central government was weak, insistence on the analogy was strong.

Insistence on the analogy was an indication of the lack of a strong central government that could impose a uniform Jewish status and policy toward Jews. Consequently, Jews were earliest expelled from those kingdoms where insistence on the analogy was least and central government was strongest—from England in 1290 and from France for the first time in 1306. But where the monarchy was weak and the analogy emphasized, expulsion came late or was never complete—from Spain in 1492 and from Germany.<sup>27</sup>

He concluded: “Neither Jewish status in canon law nor Jewish status in secular law is accurately described as ‘Jewish serfdom.’”<sup>28</sup> Contra Baron, Langmuir both rejected the term “serfdom” and emphasized the history of prejudice and oppression, over against Baron’s emphasis on protection. “The status of Jews in secular law was not ‘Jewish serfdom’ but Jewish status, and to speak of Jews as royal serfs or ‘serfs’ only obscures legal reality.”<sup>29</sup>

But Langmuir’s argument has not held the day. J.A. Watt has resurrected Maitland’s analogy of Jewish serfdom as a relative servility over against Langmuir.<sup>30</sup> Watt uses principally Edward I’s Statute of Jewry legislated in 1275 shortly after Edward I returned from crusading to take the throne.<sup>31</sup> Written in Norman French, the statute has three explicit references to “ky serfs il sunt” that, Watt argues, carry none of the ambiguities of the Latin verb *servicium*, which could be used alike for noble service and servile status. Watt both resurrected Maitland and built off Guido Kisch by emphasizing the associations between secular legislation and canonical legislation in regard to Jewish serfdom. Jewish status, he concluded, was defined both theologically and politically as service to both Church and State.<sup>32</sup> Watt’s arguments have been followed in the work of Robin Mundill, who takes up Prynne’s old phrase “the King’s most exquisite villeins” in his 1998 monograph as a conceptual rubric for understanding royal, Church, and popular perceptions of Jews in thirteenth-century England.<sup>33</sup>

The variety of historical interpretations of “Jewish serfdom” reflects historians’ varying aims and interpretive keys, particularly when the historians are powerful-minded ones with an original interpretation: Baron, for instance, emphasizes the element of protection, because he aims to de-emphasize the lachrymose concept. Langmuir emphasizes persecution, because he focuses on clarifying the grounds of growing antisemitism. Watt is concerned with bringing the theological dimensions of Jewish service back into the ring of debate to build on Kisch’s links between Christian-theological doctrine and legal-political concepts.

But the large range of keys that historiographic differences have been able to play is surely a reflection also of the fact that judgment is rendered over a few scraps of statutory references. This chapter will reconsider Jewish legal status from a much broader base of evidence. It will define legal status “functionally” around the evidence pertaining to taxation and justice, the twin facets of the extension of royal power. In doing so, the tallage on Jews and that institution known as the exchequer of the

Jews will be re-contextualized within the broader changes of thirteenth-century England: the growth of taxation, the extension of justice, and the centralization and consolidation of control which took place under Plantagenet rule. When Jewish legal and institutional history is placed within this broader context, a sounder interpretation of its nature emerges with some surprising results. The exchequer of the Jews appears as an unexceptional part of the extension of royal jurisdiction through financial and legal means common to twelfth- and thirteenth-century patterns of governance. It was neither exceptional privilege nor exceptional oppression. Jewish legal status was akin to that of urban burgesses—free citizens with the common law at their command and the demands of royal taxes at their doorstep. The sole differentiating factor between Jews and their urban neighbors was that they were marked out, increasingly through the thirteenth century, *as Jews*. Their legal status, I suggest, was sharply redefined only during the reign of Edward I as “serfs” and that for strategic legal reasons. When we jettison the neat package of “Jewish serfdom” with all its preconceptions, troubling yet important historical questions come bubbling to the surface.

#### JEWISH TALLAGE IN THE CONTEXT OF ANGLO-NORMAN TAXATION

Anglo-Norman governance developed in leaps and bounds from the mid-twelfth to the late thirteenth centuries, making it one of the premiere examples of the centralizing monarchies of medieval Europe.<sup>34</sup> Royal power was extended through two main avenues: royal justice and royal revenue. The most celebrated is the expansion of the legal system, beginning with the administrative reforms of Henry II, which are considered foundational for common law. Royal justice generated revenue through the legal courts by way of fines, amercements, and oblations. But increasingly important was the development of “public finance” justified by the public needs of the state rather than based on the arbitrary and personal whims of a ruler.<sup>35</sup> Historians have debated whether the roots of this development lay in the evolution of feudal aids or a revived Roman law doctrine of the authority of state. But in either case, the effect is clear. Royal power increased with new forms of taxation, generating ever-greater revenue.<sup>36</sup> Among the principal forms of experimentation was tallage, and among those groups tallaged were the Jews.

Taking Jewish tallage out of the context of the general history of taxation and the development of Anglo-Norman forms of governance has led to misinterpretation. The lists of tallages on the Jewish population compiled by historians from Prynne and Tovey to Peter Elman and Roth have fueled the image of the royal milk cow.<sup>37</sup> When abstracted from general accounts of royal revenue, the sums look extraordinarily large. When treated independently from the history of taxation, the royal prerogative to tallage Jews looks arbitrary, coercive, and symptomatic of special legal status. Consequently, historical interpretation has come fatally to rely on misconceptions about Jewish wealth and the Jewish economic function.

Reconsidering whether Jewish revenue was a major source of royal revenue, whether it was administered more frequently than non-Jewish tallage, and whether it was administered with the same institutional apparatus will demonstrate that Jewish tallage was not an unusual extortion flowing from an unusual privilege. Rather Jewish revenue in the later twelfth and thirteenth centuries was only one piece of a complex system of royal revenue. Revenue from the Jewish community was generated in the same way as that from the general population of freemen through two main conduits, the normal processes of legal justice, with its fines and amercements, and taxation. As the amercements and fines on Jews signal the inclusion of Jews in the normal process of royal governance available to freemen, only the tallages will be focused on here.<sup>38</sup>

Despite historians' agreement that the list of Jewish tallages compiled by Peter Elman and adopted by Cecil Roth is riddled with errors, an accurate record of the tallages on Jews is extremely difficult to determine with precision. Direct orders for tallage were not recorded in the patent and close rolls, but given in secret to prevent tax evasion. Many references in the chancery rolls, drawn on by Elman, contain only oblique references to a tallage, which cannot easily be connected to a definitive tallage. Moreover, the sums assessed by the Crown were rarely, if ever, collected in full during a fiscal year. Without full receipt rolls documenting returns, there is no way to gauge how much was actually collected from the Jewish population. An added difficulty is created by the fact that arrears of tallage were collected for years afterward. It is often difficult to separate out the payments for old tallage from new tallage. For example, the receipt rolls containing the payments in 1221 for the tallage to marry the king's sister include arrears for the Bristol tallage of 1210,<sup>39</sup> and in an account of Jewish debts drawn up when King John took the throne are included not only arrears of tallages levied under Richard I, but tallages levied under

Henry II as well.<sup>40</sup> All these difficulties account for the inflated tables of Jewish tallage. But the exaggerated sense of extortion is due singly to the practice of taking Jewish tallage out of context, that is, the practice of analyzing Jewish tallage without reference to the tallages and other taxes levied on the population generally. In order to place Jewish tallage within its proper context, it is necessary to turn to the origins and development of tallage and lay subsidy in England generally.

### *Origin and Development of Tallage as an Urban Tax*

Tallage emerged first as a form of borough taxation<sup>41</sup> that supplemented the Danegeld. For in the 1130 pipe rolls, the boroughs paid *auxilia* (aids) when the countryside was paying geld. By the reign of Henry I, burgesses generally came to hold by burgage tenure and enjoyed a uniform status. Carl Stephenson has suggested that the shift reflects both the emergence of an urban population focused on a new commercial economy and the Norman military revolution that made the castle the new center of administration and demoted the borough, which had been the center of the Anglo-Saxon administrative district.<sup>42</sup> The urban population, now distinct from the surrounding county, got recognition of their separate identity and peculiar customs, while the king got a higher revenue. More than 30 boroughs are listed on the rolls of Henry II, and these same rolls attest to the negotiations for lump sums called alternatively *dona*, *auxilia*, or *assisae*. By 1166, tallage had emerged in everything but name; 1187 would be the first reference to royal tallage. The end-sum game is clear. As Stephenson put it, “the Plantagenet was launching a new tax on the bourgeoisie.”<sup>43</sup>

### *Tallage and Subsidies as Two Concurrent Forms of Experimentation*

Current historical literature typically divides tallage sharply from lay subsidies in terms of both form and political and legal justification.<sup>44</sup> But the historical literature has tended perhaps to over characterize tallage as backward-looking and lay subsidies as forward-looking.<sup>45</sup> Both taxes were part of a great experimentation running from the mid-twelfth to the late thirteenth centuries. They developed contemporaneously, shared many characteristics, and influenced one another. Both were based on movable property rather than land, a significant change for a rural economy that

highlights again the close connection to broader processes of commercialization.<sup>46</sup> Both were levied originally on freemen only. Later tallage was extended to villeins on the royal demesne.<sup>47</sup> Tallage could be assessed on the movable wealth of each taxpayer, as was fractional taxation, though the administrators typically chose to levy it in a lump sum on a community. While tallage was not consensual, it did have an element of communal representation. For when levied in lump sum, the communal representatives negotiated the final sum with the administrators of the tallage. From time to time in the late twelfth to early fourteenth centuries, tallages were levied as a fraction of one's chattels,<sup>48</sup> and lay subsidies of a fifteenth and a tenth from 1334 to the final grant in 1624 were levied as lump sums on communities, just like tallages.<sup>49</sup> The flexibility and experimentation again underscore the creative and fluid nature of the taxation system. Royal officials applied what they had learned in the collection of taxes across tallages and subsidies. Subsidies have been seen as an important step in the growth of constitutional monarchy, because of their representative and national character. Tallage too can be seen as a peculiarly medieval contribution to this process—one that strengthened the commune over against royal authority, developed consensual patterns of negotiation, and forwarded a cooperation of local authorities and royal officials. Whether one sees the roots of lay subsidies in feudal aids or the revival of Roman law doctrines of the authority of state, without doubt the evolution of the forms of taxation and hence the constitutional monarchy was linked to an emergent nationality, the king as head of a *communitas*, alternative notions of *communitas* over against kingship, the administrative capacity of the Crown, wars between nations, commercial growth, and with it the growth of an burgal urban population.<sup>50</sup>

The emergence of tallage as a tax on urban boroughs in the context of rising royal revenues provides a context for understanding tallage on the Jewish community. From the broader perspective of the history of taxation, the extortionist features of tallage on Jews appear commonplace. Tallage in general was levied as a nonconsensual tax on a corporate body, often and earliest on royal boroughs—so too with the tallage on the Jews. Tallage in general was only one part of complex strategies for generating revenue—so too with the tallage on Jews. What marks out Jewish tallage is the fact that Jews were tallaged together as a corporate body, rather than as part of the boroughs within which they resided. Tallage on Jews, like tallage on “royal cities, boroughs and ancient demesne,” was part of the



growth and experimentation of royal taxation. If we declaim the one as extortion, common sense suggests we must declaim the other as extortion.

In investigating Jewish tallage, I will use the only certain and reliable source—receipt rolls. A close analysis of these will show that tallage on Jews was a minor, though not insignificant, piece of royal revenue. The conclusions drawn from the receipt rolls will be tested by examining the frequency of levies over the course of the twelfth and thirteenth centuries and by comparing the sums levied to annual royal revenue, even though these sums were rarely collected in full. Although these are not precise measures, they permit us to extend the findings from the receipt rolls across the twelfth and thirteenth centuries. Finally, the administrative machinery for collecting tallage from Jews and boroughs will be compared. This topic will carry us into the next section on royal justice and the exchequer of the Jews. For royal revenue and royal justice were intimately connected in the period, as suggested by the use of the inquest and jury systems for the collection of taxation.

### *Receipt Roll Evidence for Real Revenue*

The only certain evidence for the amount of Jewish revenue collected through tallages comes from receipt rolls. Their survival during the thirteenth century is patchy, but surviving runs of receipt rolls from the early years of Henry III's reign and the early years of Edward I's reign provide two test cases, separated by 50 years. Five receipt rolls survive from 1220 to 1225, the fourth to eighth years of Henry III's minority.<sup>51</sup> These provide the most accurate evidence for Jewish tallage during the reign of Henry III. During the early 1220s, the exchequer had regained its authority after the civil war of 1215–1217. Royal revenue was rising and stabilizing.<sup>52</sup> And the pipe rolls, extant for these years, provide a check on the receipt rolls. The five-year span includes two Jewish tallages which are neither unusually large nor small. No receipt rolls other than these survive before the 1241–1242 roll, which contains the enormous Worcester tallage, analyzed closely in the previous chapter.<sup>53</sup>

For each fiscal year, rolls have survived from one of the two principal terms of payment, Easter term and Michaelmas term. The sums for the missing term can be estimated by comparison with the pipe rolls. These are “columned receipt rolls,” which are compilations of all cash deposits by county made during the Easter or Michaelmas term. The columned

receipt rolls served as an intermediary step between the daily collection of revenue at the lower exchequer and the annual audit at the upper exchequer, perhaps functioning as an internal form of exchequer tally.<sup>54</sup> The daily collection of revenue at the lower exchequer was recorded in the so-called chronological receipt rolls, while the annual audit was recorded in the pipe rolls.

Separate *rotuli* for Jewish payments were made in the columned receipt rolls. These Jewish *rotuli* were organized by counties, as was typical for columned receipt rolls, and then stitched to the roll.<sup>55</sup> Each year, revenue from fines, amercements, oblations, and arrears of old debts was collected from Jewish individuals in addition to the two tallages. The total recorded amount of Jewish revenue during 1220–1225 fluctuated between £204 and £1947 (see Table 5.1). The fines, amercements, oblations, arrears, and old debts from Jews contributed between 4 and 10 percent of the revenue on a receipt roll. The fines do not indicate a special Jewish economic function, but rather the incorporation of the Jewish population in the normal workings of the medieval legal system. However, it is worth noting that the legal system itself was not free of abuse and discrimination. Many of the Jewish fines paid in 1221 were connected with the Jewish badge

**Table 5.1** Analysis of Jewish revenue on the columned receipt rolls (1220–1224)

<i>Year</i>	<i>Revenue from Jewish fines and old debts (£)</i>	<i>Revenue from new Jewish tallages (£)</i>	<i>Total Jewish revenue on receipt roll (£)</i>	<i>Total revenue on receipt roll (£)</i>	<i>Adjusted totals for annual revenue (£)</i>	<i>Jewish tallage as % of annual revenue</i>	<i>Jewish revenue as % of annual revenue</i>
1220	204	0	204	1956	9562	0%	2%
1221	310	654	964	5017	11,856	5.50%	8%
1222	331	0	331	4458	13,184	0%	3%
1223	256	1691	1947	6063	15,179	11%	13%
1224	484	0	484	9056	20,062	0%	2%
Totals for 1220–1224	1585	2345	3930	26,550	69,843	3.4%	5.6%

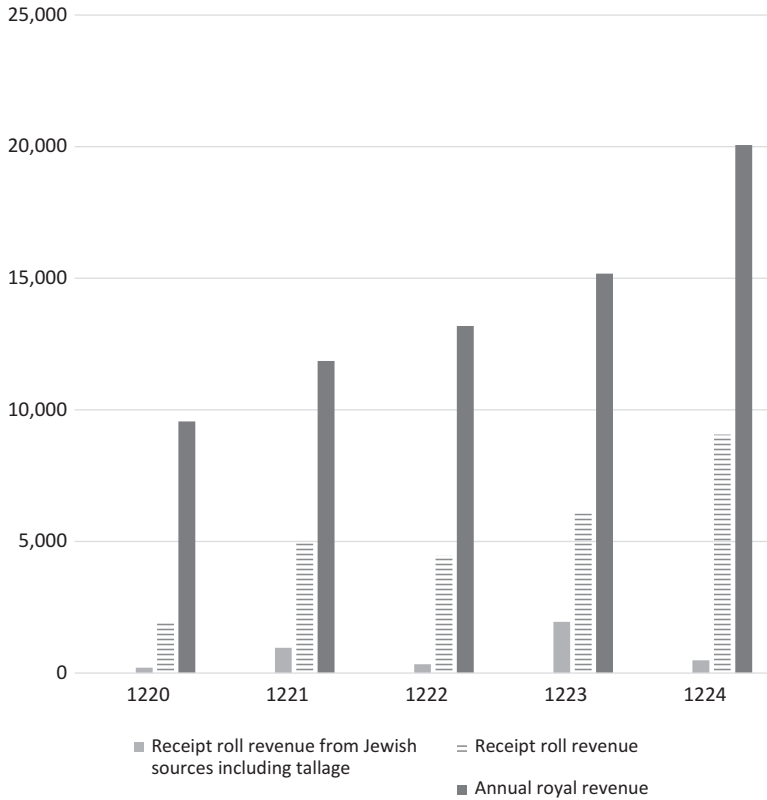
Sources: The information here is drawn from the introduction to Barratt, *Receipt Rolls for 7 and 8 Henry III*, as follows: “Revenue from Jewish Debts” and “New Jewish Tallage” from Tables 13–17, xxix–xxxii, where they are listed as “Jewish (Normal)” and “Jewish (Tallage)”; the “Adjusted Totals” are taken from Table 9, xiii. They match closely the totals given by D.A. Carpenter, *The Minority of Henry III* (Berkeley, 1990), 413 f. As Carpenter notes, “one should stress that the pipe rolls do not include all the king’s income.”

ordered by the Fourth Lateran Council in 1215 and instituted in England in 1218 by the earl marshal. The badge, in the shape of the two tablets of the law, two fingers wide and four long, was to be worn at all times.<sup>56</sup> The fines were for either infringement of the requirement of wearing the badge or relaxation of the requirement.<sup>57</sup>

Additionally, tallages were levied during two of these five years. The sum of £654 was collected in 1221 as an aid for the marriage of the king's sister and £1691 in 1223.<sup>58</sup> When the receipt roll revenue is adjusted on the basis of the pipe rolls to account for the missing terms, the tallages on the Jews account for 5.5 percent and 11 percent of the year's royal revenue.<sup>59</sup> These sums are not large, but not insignificant. It is important to keep in mind, however, that tallages were not taken every year, but at most every second or third year, if not less frequently. Evaluating the significance of tallage within the context of annual revenue may distort the place of tallage. Over two years, the tallage of 1221 contributed 2.5 percent toward the annual royal revenue, and the tallage of 1223 contributed 5 percent of the royal revenue. Over five years, the two tallages together average out to 3.4 percent of royal revenue.<sup>60</sup> The general picture that emerges is one in which Jewish tallage was not extraordinarily large and important, but a small piece of royal revenue.

When "regular revenue" from fines and the like is added to these numbers, the total average for revenue from the Jewish population rises only to 5.6 percent.<sup>61</sup> Figure 5.1 puts this information in visual form, showing in bar graph the relationship between overall royal revenue, the proportion of this revenue recorded in the extant columned receipt rolls, the proportion of revenue derived from the Jewish population including tallage. The chart shows in striking form the limited nature of Jewish revenue as it is documented from our most reliable sources. When these numbers are compared to the returns for the following year (1225), they diminish further. Henry III was granted a lay subsidy in 1225, which jumped total revenue up to £59,780—a sum triple that displayed in Fig. 5.1.

The receipt rolls for Edward I's early reign do not look dissimilar (see Table 5.2). Robin Mundill, in his excellent study on the last decades of Anglo-Jewry, provides a thorough account of the receipt rolls for 1272–1279, a brief period in which Jewish tallage was levied almost every year. The sums collected, when placed in the context of overall royal revenue, contributed 2–6 percent of the annual proceeds. Only the final tallage of 1278–1279, levied at the enormous sum of 20,000m, but collected at only a quarter of this sum, generated 11 percent of the royal revenue.



**Fig. 5.1** Crown revenue, 1219–1224

As noted, the receipt rolls provide the only truly accurate sample of the real extent of Jewish taxation. The two samples of five-year runs of receipt rolls from the thirteenth century, separated by roughly 50 years, reveal that Jewish tallage was a modest piece of royal revenue, neither negligible nor large and important. Overall, the receipt rolls show that Jewish tallage was a small part of a complex and extensive strategy for generating royal revenue. The certain but limited conclusions here can be extended to the greater twelfth and thirteenth centuries by two less reliable but broader means—by placing the tallage assessed on the Jews in the context of known annual royal revenue and by comparing the frequency of tallage on Jews to tallage and other taxes more generally.

**Table 5.2** Jewish tallage in the reign of Edward I analyzed as a percentage of royal revenue

<i>Year</i>	<i>Regnal year</i>	<i>Royal revenue in £</i>	<i>Assessed tallage in £</i>	<i>Collected tallage in £</i>	<i>Collected tallage as percentage of annual royal revenue</i>
1271–1272	56/57	33,579	3333	1290	4%
1272–1273	1	defective	666	no evidence	
1273–1274	2	24,667	2667	1434	6%
1274–1275	3	25,551			
1275–1276	4	24,662	8333	1591	6%
1276–1277	5	46,442	1000	988	2%
1277–1278	6	30,768	2000	no evidence	
1278–1279	7	36,606	13,333	3972	11%

Sources: The numbers for royal revenue are taken from Ramsay, *History of the Revenues of the Kings of England, 1066–1399*, 2:1–90, and include the revenue from both the exchequer and the wardrobe. The numbers for assessed tallage and collected tallage on the Jewish population come from Mundill, *England's Jewish Solution*, 90–1, and are based on the receipt rolls E 401–1567–73, E 101/249/16, E 401/1584–5, NA—UK.

### *Jewish Tallage in the Context of Royal Taxation*

Two examples from the twelfth century illustrate well how Jewish tallage was part of a complex strategy of royal taxation. In the fifth year of his reign (1158–9), Henry II levied an enormous tax known as the Great Scutage of Toulouse. Sir Ramsey suggests it would be more accurately called a tallage, for the scutage which Henry II could legally raise was only £571, while the *donum* (or *auxilium*) amounted to £7696. All sectors of society, whether holding land or not, contributed to the tax, with the barons taxed more lightly and the clergy more heavily. Overall, £8267 was collected. Both towns and counties participated in the levy. London was assessed at £1042 and paid £838. York and Lincoln each contributed £133. Jews were levied as a corporation with donations collected by township, similar to the royal boroughs. London Jews paid £133, or 1.6 percent of the Great Scutage and less than 1 percent of the £18,258 revenue collected that year. The Jewish tallage was a small piece of a much larger pie.<sup>62</sup>

Thirty-five years later, Henry II lay dead, and his son Richard I reigning in his stead had returned from crusading and been released on ransom by Leopold, Duke of Austria, for the enormous sum of 150,000m. The sums demanded from the population for the ransom were large—a fourth of all rents and possibly movables, the wool clip of the Cistercian and Gilbertine orders, and the gold and silver plate of the churches with a promise to repay these.<sup>63</sup> The king's council was

disappointed at the results of the first levy and had to ask for several additional levies.<sup>64</sup> In 1194 Richard was again on English soil, setting justice in order, and collecting *nova promissa* to cover the outstanding sums of the ransom. Among these promises of aid was one from the Jewish community for 5000m made at Northampton. A record of that collection has been preserved in a columned receipt roll and long known to Jewish historians as the “Northampton Donum.”<sup>65</sup> The roll, like other columned receipt rolls, is organized by county and records two installments toward the levied 5000m, totaling £1962, of which part was arrears on older debts to the Crown, particularly payments toward the 3000m levied on the Jewish community for Richard’s ransom in 1193.

One can compare the Northampton Donum to several different figures. If one regards it as an additional levy for the ransom, then the sum raised including old arrears for the ransom contributed less than 2 percent toward the promised ransom. If one combines the assessments of 3000m and 5000m levied for the ransom of 150,000m, they total but 5 percent of the ransom monies, and they surely were not collected in full. If the actual sum recorded in the Northampton Donum (£1962) is compared with the total royal revenue for 1194 (£22,632), Jewish payments yielded 8 percent of the revenue for the year.<sup>66</sup> When one considers the sums collected from the laity and the clergy toward the ransom, the levy on the Jewish community, whether intended for revenue or ransom, appears modest. These two twelfth-century examples taken from years of exceptional taxation align with the test cases from the receipt rolls: the Jewish community’s taxes contributed between 3 and 5 percent on the lower end and 8 and 11 percent on the upper end—no more.

For the thirteenth century, more extensive evidence shows a similar pattern. For the long reign of Henry III, tallages on Jews were assessed frequently, typically as frequently as every three years. By the mid-thirteenth century, a customary rule seems to have emerged which limited the king to levying tallage once in three years.<sup>67</sup> Table 5.3 shows the assessments levied for Jewish tallages averaged over royal revenue for one, two, and three years, since evaluating a tallage over three years gives a much better sense of the real contribution that Jewish tallage made to royal revenue at large.

It should be noted that Table 5.3 looks only at the assessment on the Jewish community, not at the actual payments of tallage. As emphasized

**Table 5.3** Assessed Jewish tallage during the reign of Henry III expressed as a percentage of royal revenue over one, two, and three years

<i>Calendar year</i>	<i>Regnal year</i>	<i>Annual royal revenue (£)</i>	<i>Assessed Jewish tallage (£)</i>	<i>Percentage of 1 year's revenue</i>	<i>Percentage of 2 year's revenue</i>	<i>Percentage of 3 year's revenue</i>
1218–1219	3	21,507				
1219–1220	4	27,145				
1220–1221	5	24,853	654	3%	1%	0.01%
1221–1222	6	38,444				
1222–1223	7	31,905	1691	5%	3%	1%
1223–1224	8	29,246				
1224–1225	9	73,637				
1225–1226	10	29,200	3996	14%	7%	4.6%
1226–1227	11	29,442				
1227–1228	12	27,200				
1228–1229	13	29,200	5328	18%	7%	5%
1229–1230	14	50,074				
1230–1231	15	30,200				
1231–1232	16	28,200	6666	24%	9%	6%
1232–1233	17	43,586				
1233–1234	18	35,238				
1234–1235	19	35,371				
1235–1236	20	34,000	1998	6%	3%	2%
1236–1237	21	40,000	1998	5%	2%	1.6%
1237–1238	22	53,161	3rd (rolled over into 1241 tallage)			
1238–1239	23	34,622				
1239–1240	24	39,000				
1240–1241	25	38,192				
1241–1242	26	50,198	13,333	26.5%	17%	12%
1242–1243	27	29,289				
1243–1244	28	31,181				
1244–1245	29	38,892	40,000 (see discussion in text)			
1245–1246	30	29,704				
1246–1247	31	29,234				
1247–1248	32	48,118				
1248–1249	33	43,405	350	0.8%	0.4%	0.2%
1249–1250	34	41,099				
1250–1251	35	50,425	3330	6.6%	4%	3%
1251–1252	36	35,000				
1252–1253	37	28,273				
1253–1254	38	35,754	666	2%	0.7%	0.5%
1254–1255	39	55,695				
1255–1256	40	35,772				

*(continued)*

**Table 5.3** (continued)

<i>Calendar year</i>	<i>Regnal year</i>	<i>Annual royal revenue (£)</i>	<i>Assessed Jewish tallage (£)</i>	<i>Percentage of 1 year's revenue</i>	<i>Percentage of 2 year's revenue</i>	<i>Percentage of 3 year's revenue</i>
1256–1257	41	21,826				
1257–1258	42	22,040				
1258–1259	43	24,543				
1259–1260	44	23,645	333	1.4%	0.4%	0.3%
1260–1261	45	48,988				
1261–1262	46	26,321				
1262–1263	47	20,721				
1263–1264	48	15,565				
1264–1265	49	20,014				
1265–1266	50	16,740				
1266–1267	51	24,976				
1267–1268	52	48,103				
1268–1269	53	33,683	1000	3%	1.5%	1%
1269–1270	54	31,150	4000	13%	8%	2.3%
1270–1271	55	22,150				
1271–1272	56	33,578				
TOTALS		1,839,505	41,343	=2.2%	per year	

above, only receipt rolls provide accurate documentation of money collected from the Jewish community. In the absence of receipt rolls, however, assessments allow us to extend the analysis to the whole of Henry III's reign. But it is important to keep in mind that tallages typically were not collected in full. Often only half to two-thirds of the sum assessed was actually collected in the first year. Table 5.3 therefore distorts Jewish tallage, representing the *maximum possible* contribution that could have been made, but rarely was. Since this distortion contributes to the perspective against which I am arguing, it will make my final conclusions sounder, rather than weaker.

Table 5.3 lists the Jewish tallages that can be reliably documented for Henry III's reign. It is built on the basis of Hilary Jenkinson's list of Jewish receipt rolls,<sup>68</sup> incorporates Stacey's modifications up to 1242<sup>69</sup> and Rokéah's for 1265–1290,<sup>70</sup> and is supplemented by my own reading of the close and patent rolls for 1242–1265.<sup>71</sup> The royal revenue for each regnal year is that calculated as revenue collected by Sir James Ramsay in his classic study *Revenues of the Kings of England*.<sup>72</sup> As noted, the percentage that assessed Jewish tallage would have contributed to



royal revenue, if paid in full, is then calculated over one, two, and three years of revenue.

Table 5.3 lists the 14 tallages over a 55-year period that can be reliably documented. The assessments, if collected in full, could have contributed to a single year's revenue roughly 1 percent as in 1248–1249 and 1260–1261, or 25 percent as in 1231–1232 and 1241–1242. But typically tallage assessed fell between these extremes, contributing 2–3 percent or 5–7 percent. Occasionally tallage assessed on Jews, if collected in full, could have contributed 13, 14, or 18 percent of royal revenue in a given year. But when tallage assessed on Jews is calculated over three years of royal revenue, the percentage that the Jewish population could have contributed, if they met the assessments in full as rarely happened, drops to between less than 1 percent and 6 percent, except for the year of the Worcester tallage, 1241–1242, when Jewish tallage contributed 12 percent of revenue over a three-year span. When the actual amount of royal revenue is averaged with the assessments levied on the Jewish community, Jewish tallage could have contributed only 2.2 percent to the total revenue of Henry III's reign. Even if one were to double the assessed Jewish tallage to account for potentially lost tallages, the sum contributed by Jewish tallage would still not top 5 percent. But we have no evidence that there were lost tallages. Moreover, because tallages were rarely collected in full, the actual amount collected from the Jewish community must have averaged less than the 2.2 percent of assessed tallage. The conclusion seems clear, even without the ability to trace wholly and accurately the actual sums collected. Jewish tallage did not provide the Crown with a large amount of revenue—the numbers do not justify the image of a Jewish milk cow. Tallage on the Jewish population was only a small piece of a complex revenue system.

### *Frequency of Tallage*

The foregoing discussion has focused on the revenue generated from tallage on Jews and placed it in the larger framework of royal revenue generally to expose the gross exaggerations in interpretations of the importance of Jewish tallage for the Crown. The flip side to the assumption that Jewish tallage served an economic function for the Crown is the presumption that Jews suffered unusual extortion through tallage because they were particularly vulnerable as “royal serfs.” The following discussion will

examine Jewish tallage in the context of tallages levied on royal boroughs, cities, and demesne. Two lines for comparison offer themselves—the frequency with which levies were made and the administrative apparatus for collecting these levies. No attempt can be made to compare the sums levied. This would be comparing apples and oranges, for tallages were levied as lump sums, not fractions of movables, and without a rough estimate of population, there is no basis for comparison. The lurking question of the relative wealth of Christians and Jews, however, was shown to be remarkably equal for urban populations in the last chapter.

Tallage emerged as a new form of taxation in the mid-twelfth century under the Angevins. Tallages on royal boroughs, cities, and demesne were levied nine times during the reign of Henry II, four times during the reign of Richard I, seven times during the reign of John, and 14 times during the reign of Henry III. Edward I, preferring the lay subsidy, levied tallage once only on the general population (1303). The last general tallage by the English Crown was that of 1312 under Edward II, though tallage was twice more raised as a possibility in the first half of the fourteenth century.<sup>73</sup> The Jewish community was tallaged three times in the reign of Henry II (one of which applied to London Jews alone), four in the reign of Richard I, including the ransoms for the king, four in the reign of John, 14 in the reign of Henry III, and seven in the reign of Edward I (see Table 5.4).<sup>74</sup> The frequency of Jewish tallage is quite comparable with that on royal boroughs, cities, and demesne.

Sidney Mitchell, one of the great experts on taxation in medieval England, has noted that neither the frequency nor the occasion for tallages changed between the reigns of Henry II and Henry III. Tallage was used particularly for occasions when the king had great financial need, such as military actions or the payment of debts. Consequently, tallage was often paired with scutage, particularly in the twelfth century. What scutage levied from the rural areas held by feudal vassals tallage levied from the urban boroughs, cities, and the rural areas held directly as royal demesne.

Table 5.4 attempts to show the complex interweaving of varieties of taxes, in order to demonstrate the comparable frequency of Jewish tallage to tallage on boroughs, cities, and royal demesne, and simultaneously to show that tallage, whether Jewish or general, was a part of a broader strategy of taxation. The “non-Jewish tallages” column lists the tallages on the royal boroughs, cities, and demesne, and the “other taxes” column, the lay subsidies, scutages, and other large taxes. Certain telling patterns emerge here. In 1159, when tallage was taken on towns, it was taken on Jews in

nine counties. When it was taken from 24 counties in 1187, a large tallage was levied on the Jewish population. When Henry II levied taxes on movables in 1166 and 1184, he did not take tallage. When the Saladin Tithe (tenth of movables) was levied in 1188, Henry II matched this with a levy of a fourth from the Jewish population. Under Richard I, two of the Jewish tallages (called *auxilium* or *donum*) matched the levies for the ransom of the king. Under John Lackland, the subsidy of the Thirteenth of 1207 was matched with a tallage of 4000m plus a tithe on the bonds of Jews. In 1210, a large tallage on boroughs, cities, and royal demesne

**Table 5.4** Frequency of tallages, Jewish and non-Jewish, and their relationship to lay subsidies and other forms of taxation

<i>Reign of</i>	<i>Year</i>	<i>Jewish tallages</i>	<i>Non-Jewish tallages</i>	<i>Other taxes</i>
Henry II	1159	550m from 9 counties	£2724 on towns only	
	1166			Tax on movables
	1168		£5262 from 34 counties	
	1173		£4654 from 31 counties	
	1174		£1123 from 18 counties	
	1177		£4557 from 25 counties	
	1184			Tax on movables
	1187	Guildford tallage 10,000m	£2715 from 24 counties	
	1188	4th from London Jews only		10th "Saladin Tithe"
Richard I	1190	1000m		
	1191	1000m		
	1193	Ransom of king 3000m		4th ransom of king
	1194	Northampton Donum 5000m		Hideage or carucage of 2s
	1195			
	1196			
	1197			
	1198			Carucage of 5s
	1199		5500m paid	

(continued)

**Table 5.4** (continued)

<i>Reign of</i>	<i>Year</i>	<i>Jewish tallages</i>	<i>Non-Jewish tallages</i>	<i>Other taxes</i>
John	‡1200	4000m confirmation of charter		Carucage of 3s
	[1201]		Tallage in Lincoln and Yorkshire	
	[1202]		Tallage in 8 counties	
	1203		Tallages in some counties	Scutage, 7th on earls and barons, fines <i>pro passagio, dona</i> on religious houses
	1204		5000m from 14 counties	
	1205	<i>Promisum</i> of unknown amount	3000m from 26 counties	
	1206		4000m from 32 counties	
	1207	4000m + 1/10 loan bonds		13th
	1210	Bristol tallage	12,416m paid	
	1214		9163m levied, 4186m paid for withdrawal of interdict	
	1217		2500m levied, 1613m paid, several counties omitted	Carucage of 3s, aid or scutage of 2m
Henry III	1220			Carucage of 2s
	1221	Aid for marriage of king's sister 1000–1500m		
	1222			Aid for king of Jerusalem or subsidy for the Holy Land
	1223	3000m	4680m levied from 24 counties	
	1224			Carucage of 6s 8d and 2s
	1225–1226	6000m		15th

*(continued)*

Table 5.4 (continued)

<i>Reign of</i>	<i>Year</i>	<i>Jewish tallages</i>	<i>Non-Jewish tallages</i>	<i>Other taxes</i>
	1229	8000m		
	1226			
	1230		5400m paid in 30 counties	
	1232	10,000m		40th
	1234		?	
	1235		3400m levied in 30 counties	Feudal aid for marriage of king's sister
	1236	3000m levied		
	1237	3000m levied for brother Richard going on crusade		30th
	1238	3rd—collected 2500–3000m	In place of 30th of 1237 in royal demesne	
	1241	20,000m levied	4240m levied in 20 counties	
	1245		6646m levied in 23 counties	Feudal aid to marry the king's eldest daughter
	1248	350m	6000m levied in 30 counties	
	1251	5000m	7100m silver + 20m gold levied for marriage of daughter	
	1252–1253		<i>Donum</i> or aid for king's crossing	Feudal aid to knight the king's eldest son
	1254	1000m		
	1255		8500m in 28 counties	
	1259–1260	500m	Tallage levied on kingdom divided into two districts	
	1266			10th from clergy
	1268	1000m	Tallage	20th levied on clergy on behalf of disinherited barons
	1269			20th in aid of crusades

*(continued)*

**Table 5.4** (continued)

<i>Reign of</i>	<i>Year</i>	<i>Jewish tallages</i>	<i>Non-Jewish tallages</i>	<i>Other taxes</i>
Edward I	1272	5000m		
	1273	1000m		
	1274	4000m		
	1275			15th
	1276	12,500m		
	1277	1500m		
	1278	3000m		
	1279	20,000m		
	1283			30th
	1290			15th
	1294			10th and 6th
	1295			11th and 7th
	1296			12th and 8th
	1297			9th
	1300			15th levied in Wales
	1301			15th
	1302			Aid to marry the king's daughter
	1303		Tallage	
	1305			Double scutage
	1306			30th and 20th to knight the king's eldest son

Sources: The information for “Jewish tallages” for the reigns of Henry II through John is taken from Richardson, *English Jewry*, 161 f.; for the reign of Henry III, from Jenkinson, “Records of Exchequer Receipts from the English Jewry,” 32–7, and his revision in “Medieval Sources for Anglo-Jewish History,” 291–3. Jenkinson is supplemented by Stacey, “Royal Taxation,” 177 f., for the years 1217–42, and my own review of the chancery and exchequer references cited by Elman, “Economic Causes of the Expulsion of the Jews,” 145–54. Where the chancery and exchequer references are clear, I have included them; where not, I have excluded them. The information under “Non-Jewish Tallages” is taken principally from Mitchell, *Studies in Taxation*, with additions for the pre-John material from Harriss, *King, Parliament, and Public Finance*. The information under “Other Taxes” is taken from Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*.

was matched with the “Bristol tallage” on the Jewish community, as was the case in 1223 during Henry III’s minority.

An important feature of tallage throughout the twelfth and thirteenth centuries is its piecemeal quality. It was typically not levied on all tallageable entities at the same time. Kings chose which counties to tallage in a given year, and the Jews were treated much like a county, if a

non-territorial one. For instance, under John tallage was collected in 14 counties one year, 26 the following year, and 32 in the next. Even parts of the Jewish community were not tallaged when others were: the London Jews alone were tallaged in 1188, and only Jews from nine counties were tallaged in 1159.<sup>75</sup> Thus, Jewish tallage most accurately should be seen as part of the hodgepodge of taxes levied in one fashion or another across the landscape of the British Isles. Before lay subsidies had emerged under Edward I as a broad tax that could be levied almost every year, rulers balanced one type off another, and one taxable entity against another, to generate a steady revenue. Take for instance the years 1220–1225: The Crown pieced together a steady revenue by taking one year a carucage from the rural wealth, in the next an aid from the Jews for the marriage of the king's sister, in the next a subsidy for the king of Jerusalem, the following year a tallage on 24 counties as well as a tallage on the Jews, and in the next a subsidy of a fifteenth matched with a tallage on the Jews. This mindset comes through even in the administrative documents. For instance, the receipt roll for the Easter term of 5 Henry contains two taxes, an aid from the Jewish population for the marriage of the king's sister and a scutage of Byham.<sup>76</sup> Even tallages were not applied uniformly across all counties in a particular year.

Table 5.4 as a whole demonstrates how royal revenue was generated through a complex strategy of taxation that at times included tallages on a select number of counties coupled with scutage, while in another year it was based on a lay subsidy taken as a fraction of movable property. Tallage on Jews appears no more frequently than tallages on royal boroughs and demesne. Both are only parts of a more complex and multifaceted strategy for generating revenue.

### ADMINISTRATIVE MACHINERY FOR TALLAGE

The Crown deployed different forms of taxation for different sectors of the population. Tallage was the principal means for the Crown to draw on the resources of urban society. The main mechanism for expropriating surplus wealth from the Crown's rural demesne would have been through annual services and fees, not tallage. As such, tallage can be seen as a tax levied particularly on the urban burgesses. Stephenson, as mentioned above, saw royal tallage originating as a borough tax, and he insisted that it be distinguished sharply from its close cousin seignorial tallage.<sup>77</sup>

Jewish tallage, I suggest, ought to be seen as a form of tallage on royal boroughs. The implications of this argument are threefold: (1) Jewish tallage was not the milking of a royal cow (or at least the extortion of Jewish wealth did not differ from the extortion of other urban groups). (2) Therefore, Jews did not have a special economic function for the Crown. (3) The imposition of tallage suggests a Jewish legal status equivalent to that of free urban burgesses. The best proof for categorizing Jewish tallage as a form of borough tallage lies in the administration of the tallages. In exploring this evidence, our discussion will be drawn into a new arena—that of Jews as royal officials involved in both fiscal and judicial business.

The administration of taxation over the Christian population has been exhaustively studied by Sydney Mitchell.<sup>78</sup> For each and every tax levied, whether tallage or lay subsidies, Mitchell has documented the local machinery, the methods of assessment, the collection, and the social status of the royal officials, to the degree possible. The experimentation that led to variations in assessment procedures at times makes it difficult to see the forest for the trees. But general shifts can be discerned from the mid-twelfth to the late thirteenth centuries: Under Henry II, tallage was infrequent and assessed by the itinerant justices.<sup>79</sup> Under Richard I and John Lackland, efforts to increase revenue led to a sudden increase in tallage concurrent with the implementation of the name *tallagium*.<sup>80</sup> Justices sent on special eyre were joined in the administrative work by sheriffs, wardens, or local men of prominence.<sup>81</sup> In general, “the assessors were men high in the administration who were concerned primarily with finance and justice, loyal to the central government, and able to bear responsibility...hence it seems likely that the exchequer would keep close watch over the records of the assessors.”<sup>82</sup> Under Henry III, the machinery of tax collection worked through a combination of royal officials and local representatives. The royal officials had to “combine administrative experience, knowledge of local conditions, and fidelity to the king’s interests in order to assure an equitable apportionment of the tax among the taxpayers, and a payment proportionate to the wealth of each area tallaged.”<sup>83</sup> The local representatives were essential for the assessments and collections. County knights, appointed to work together with the royal justices in collecting tallages and subsidies, were sometimes unimportant men appearing only once in the close or patent rolls. Others were “considerable landholders and prominent in the local administrative system... as wardens of lands...as tallagers, as itinerant justices, justices of assize, forest justices.”<sup>84</sup> “The sheriff cooperated as a subordinate [of the royal appointee]. He summoned the men of the locality to appear before the



justices for the assessment; he distrained men to pay the tax; he furnished the transportation for the money; he distrained the collectors to pay the money at the exchequer.”<sup>85</sup>

Examples across the reign of Henry III illustrate the appointment of royal officials and the cooperation of sheriffs. In 1217, the king appointed three clerks, Nicholas de Limesy, Amfred de Dene, and Jacob de Skidimore, to assess tallage on four counties with the help of the county sheriffs.<sup>86</sup> The king specified the order of counties through which the clerks should proceed, and where and when to bring the tallage, but left the decision whether to tax in common or per capita in their hands. Again, in April 1241, the king appointed “Warner Engayne and Eustace de Ludham, with the sheriffs of the respective counties, to assess the tallage in the several cities, boroughs, towns, demesnes and wards of the counties of Nottingham, Derby, Lincoln and York.”<sup>87</sup> In like manner, in 1242, 1245, and 1247, the king appointed two men often specifically with the aid of the sheriffs to assess tallage over as many as four counties or as little as one town.<sup>88</sup> In June 1252, three men were appointed to tallage the city of London.<sup>89</sup> In 1260, for an extensive tallage over the king’s cities, boroughs, and demesne in many counties, pairs of assessors were designated for groups of counties.<sup>90</sup> More difficult to trace are the local representatives that acted in concert with the royal appointees and the sheriffs. But there is no doubt that local representatives worked together with the royal assessors, whether the tax was levied per capita or in lump sum.<sup>91</sup>

Historians of constitutional history have emphasized how the association of royal and local representatives in taxation contributed to burgeoning representative government.<sup>92</sup> Stubbs summarized it thus: “The whole subject of taxation illustrates the gradual way in which king and people were realising the idea of self-government. The application of a representative scheme to the work of assessment, and the recognition that the liability of the payer was based on his own express consent, either to the grant itself or to the amount of his own contribution, marked a state of things in which the concentration of local interests in one general council was all that was needed to secure the tax-payer from arbitrary treatment.”<sup>93</sup>

From the angle of constitutional history, it may come as a surprise to learn that the administrative machinery for collecting tallage from Jews was the same representative machinery used to collect tallage from royal cities, boroughs, and demesne. This suggests that Jews too contributed to the formation of representative government, a fact challenging sharply interpretations of tallage as the extortion wrought by a powerful king on a weak and servile Jewry.

The administration of Jewish tallage during the reign of Henry III, the only reign for which we have extensive information, parallels the institutional structure used for non-Jewish tallage. Jewish tallages were administered through a combination of Jews appointed as royal commissioners working in concert with local Jewish representatives (sometimes designated king's bailiffs), and other local royal officials such as Christian sheriffs and Christian chirographers. The chancery rolls are full of examples in which two or three Jewish representatives from among men of importance were appointed for assessing tallage.<sup>94</sup> The Jewish officials drew on the knowledge of middling- to high-status Jews in local areas and worked together with Jewish bailiffs, Jewish and Christian chirographers, as well as Christian sheriffs.<sup>95</sup> For example, in the 1220s, Isaac of Norwich, Elie of Lincoln, and Josce le Prestre were appointed to assess tallage, and the patent letter instructs the "Chirographers appointed over the Jews of England, whether Christians or Jews" to cooperate with these official appointees in assessing tallage quickly and efficiently.<sup>96</sup> In 1237, five men (of whom at least four were Jewish) were commissioned "to assess generally on all Jews of the land having chattels...the tallage of 3000 marks which the said Jews owe to the king, to be paid within a month of this instant Easter."<sup>97</sup> They were given specific directions similar to those for administering tallages and lay subsidies: "Neither for hatred, love or fear of any are they to forego assessing every Jew according to what goods he has, sparing none nor grieving any except according to his capacity and power so that the tallage be in no part delayed on the day of payment through their default."<sup>98</sup> These five were to act as assessors only, writing down the assessments levied on each individual but not collecting: "When they have made their assessment and written it down, they are to deliver that writing to Aaron of York and his men, whom the king has appointed to make the distraint for the tallage and to collect and receive the same."<sup>99</sup> As has been noted previously, Aaron of York was the arch-priest of the Jews during these years;<sup>100</sup> his role was equivalent to that of a sheriff over a county, for he held the power to distraint for payment of tallage. In 1244, five Jews were placed in charge of the tallage of 4000m. All were important and wealthy Jews—Aaron of York, Benedict Crespin, Aaron son of Abraham, Aaron le Blund, and Moses son of Jacob.<sup>101</sup> They must have been in charge not only of assessing but also collecting the tallage, as the letter patent instructs them to pay out 1000m of the tallage to four Italian merchants of Siena and Florence to whom the king is indebted.

Evidence for the participation of local Jewish representatives in addition to the elite appointees comes from the most extensively documented Jewish tallage, that of Worcester (1241–2). In the documents, brought to light by Robert Stacey, the king can be seen ordering the sheriffs to cause six of the wealthier and more powerful Jews in their counties to come to Worcester along with one or two Jews from each town in which Jews dwell in the county.<sup>102</sup> These are in effect summonses like those made on counties represented by a group of four men, or a small number of knights for legal and fiscal purposes. Regarded in the classic accounts of constitutional history as important bases for representative government, they illustrate the integration of Jewry, as a corporate body, in the representative processes of medieval government.

At the meeting, a parchment roll similar to a muster roll used for “in the field” records was made listing the “jurors” selected for each town.<sup>103</sup> The jurors were responsible for preparing the census list of Jewish residents and the assessment of their movables, excluding bonds and tallies. Perhaps the best evidence for the inclusion of Jews in the common law system is their use as jurors. As Stubbs comments in his classic *Constitutional History of England*:

It is in the new system of recognition, assizes, and presentments by jury that we find the most distinct traces of the growth of the principle of representation; and this in three ways. In the first place, the institution of the jury was itself based on a representative idea; the jurors, to whatever fact or in whatever capacity they swore, declared the report of the community as to the fact in question. In the second place, the method of inquest was in England brought into close connexion with the procedure of the shire-moot, and thus the inquisitorial process, whether its object was the recognition of a right or the presentment of a criminal, was from the moment of its introduction carried on in association with the previously existing representative institutions, such as were the reeve and four best men, the twelve senior thegns, and the later developments of the same practices which have been just enumerated in our account of the formation of the county court and the usage of legal assessment. In the third place, the particular expedients adopted for the regulation of the inquests paved the way in a remarkable manner for the system of county representation in parliament.<sup>104</sup>

Jews were appointed to serve as jurors not only in regard to taxation, but in other legal matters as well. In connection with a case concerning a debt of 17m owed by Sampson Furmentin, a Jew, to the late earl marshall,

one sees the process of inquest involving Jews and Christians in action. The sheriff of Gloucester had been commanded by the justiciar “to make inquest by lawful Christians and Jews.”<sup>105</sup> In 1238, in the wake of coin-clipping charges, a royal inquest was sent out composed of four Christians, all justices appointed for the custody of the Jews, with eight prominent Jews, Aaron and Leo of York, David of Oxford, Benedict Crespin, Aaron le Blund, Aaron son of Abraham, Jacob Crespin, and Elias le Eveske.<sup>106</sup> The use of Jews as jurors, we might also note, is a good indication of their non-servile legal status, for serfs could not serve in jury inquests.<sup>107</sup>

In regard to the Worcester tallage, we find other royal officers appointed from the Jewish community. As Stacey comments: “In a separate column, our document then lists the names of thirteen ‘talliatores’ one from each of the major Jewish communities....These ‘talliers’ were elected by all the Jews present at Worcester, and were usually among the wealthiest members of their individual communities. Presumably they were assigned to supervise the collection of the assessments and to cut the necessary tallies to prove payments.”<sup>108</sup> Between two and ten Jews were appointed sureties for each community, and a small group, perhaps the six wealthiest Jews, were made sureties for the entire Jewish community. For each county two to six Jews were appointed as the king’s “bailiffs” (again, this is the word used) along with the sheriff and commanded to distrain all the Jews of the town for the collection of the royal tallage.<sup>109</sup> As royal bailiffs, these Jews had royal authority to distrain, but also the (sometimes uncomfortable) responsibility for collection.<sup>110</sup> Indeed, at least one bailiff, Bonefey of Bristol, turned fugitive and fled when he could not raise the sum for tallage.<sup>111</sup>

The appointment of Jews as bailiffs was not confined to the Worcester tallage. Several writs from around 1220 suggested to H.G. Richardson that “every recognized Jewish community had its Jewish bailiffs.”<sup>112</sup> In a writ of 1219 likely connected with the tallage of 1219, the king orders his Jewish bailiffs of Lincoln, Stamford, and Nottingham to make inquiry about old debts, “whether on charters, tallies or chirographs,” from before the arrest of Jews made in connection with the 1210 Bristol tallage, and to discover which Jews have made distraint for the debts and which have been pleaded.<sup>113</sup> The Jewish bailiffs are also to distrain Jews through bodies and goods for the arrears of the Bristol tallage. All this seems connected with new collections of tallage. In a writ of Easter term 1221, the king directs the sheriff and Jewish bailiffs of Cambridge to send to the exchequer all the monies for the tallage of 1000m made as a fine with the commune of

the Jews of England.<sup>114</sup> Similar letters are ordered to be sent to 10 towns, suggesting that each town has its own Jewish bailiffs.<sup>115</sup> A writ of 1220 recorded in the plea rolls of the exchequer of the Jews suggests that the Jewish bailiff in Exeter has the powers, normally held by the sheriff, of distraint and arrest over the local Jews, for it gives instruction that Jews who “offend” in any manner “shall be attached by gage and pledge by Deulecresse Episcopus, our bailiff in those parts to be before our Justices assigned to the custody of the Jews at Westminster.”<sup>116</sup> An earlier reference from the 1218 plea rolls of the exchequer of the Jews suggests that under King John, Jews may even have been titled “sheriff.” The legal case in question was connected with the large tallage of 1210 and concerned a starr of acquittance on an old bond of debt paid by the Christian pledge toward the Jewish tallage. “Ursell (the Jew) acknowledges that, being sent to Southampton with mandate to make distraint upon the debtors of the Jews...he, as sheriff and receiver, gave Baldwin his starr of acquittance.”<sup>117</sup>

Responsibility for collection of tallage seems ultimately to have resided in the hands of the most important Jewish royal official, the arch-presbyter. The very earliest reference to the office in 1199 indicates as much. In the “Account of Benedict de Talemunt,” an accounting of all outstanding Jewish debts to the Crown made by the Jewish justice Benedict on Richard I’s demise, Jacob is responsible for “the great debts” of the “commune of the Jews of England.”<sup>118</sup> “By great debts,” Richardson clarifies, “[Jacob] evidently means taxes, fines payable for charters and other common responsibilities...for the small debts—individual fine and ameracements—Jacob disclaims responsibility.”<sup>119</sup> Arch-presbyters were appointed continuously throughout the thirteenth century: Jacob, Jew of London, by 1199, Josceus, Jew of London, in 1207, Aaron of York in 1236, Elias le Eveske in 1243, Hagin son of Master Moses in 1257, and Hagin son of Deulecresse in 1281.<sup>120</sup> What precisely constituted their duties we shall never know with certainty, but there are indications of their judicial as well as financial roles. For, in addition to collecting tallage, or rather perhaps *because* of it, the presbyter would sit at the royal exchequer alongside the justices. With the appointment of Aaron of York, contingencies are made for the occasions when he is “not able to sit at the royal exchequer in the office of presbyter”;<sup>121</sup> then, Josceus son of Copin will sit in his place. The presbyter also seems to have been the keeper of rolls; for the rolls of his predecessor are to be handed on to Aaron.<sup>122</sup> Similarly, when Elias le Eveske is appointed to succeed Aaron, the rolls in the keeping of Aaron are to be handed on to Elias. Hagin son of Master Moses is

“under oath to the King faithfully to assist the King’s justices in the exchequer of the Jews by his advice and in setting forth the king’s rights.”<sup>123</sup> We also learn that Hagin resided at the Tower of London during this period.

Sydney Mitchell emphasized fidelity to the king’s interests as an essential trait of an assessor in addition to his administrative experience and knowledge of local conditions.<sup>124</sup> The fidelity of the elite Jewish arch-presbyters with its full medieval connotation of vassalage emerges clearly in the charters confirming them in their appointments. The charters state that they shall hold the office as long as they live, *libere et quiete, honorifice, et integre*, that is, freely, without hindrance, honorably, and wholly.<sup>125</sup> No one shall presume to inflict an injury on them as “our royal Jew, whom we retain specially in our service” (*tanquam dominico Judaeo nostro quem specialiter in servicio nostro retinuimus*).<sup>126</sup> The language of “retaining in our service” is one of vassalage. The same language is repeated with each of the six appointments, even that of Hagin son of Deulecresse made under Edward I, when so much else would change.<sup>127</sup> In the case of Jacob, Jew of London, a charter of protection even designates him with the heavily laden epithets applied to vassals *dilectus et familiaris* (beloved and familiar).<sup>128</sup> Guarantees are given to the same Jacob to be tried only before the chief justice. The “service,” the *servitio* rendered, renders impossible the status of serf. The equivalent for “our royal Jew” is “our royal man”: *homo*, hence “homage.” Land to be held in fee might also be given, even to Jews. Under Henry II, Isaac son of Rabbi Jo[s]ce acquired the manor Hame “for his service” (*pro servicio suo*), as well as another manor, Thurroc[k], by purchase.<sup>129</sup> An intriguing reference from the 1250s suggests that Jews still held land in fee during the mid-thirteenth century: In January 1258, the lands held by the fourth presbyter, Elias le Eveske, escheated to the Crown on his conversion to Christianity. The lands were then granted as a gift, for a fine of 400m, “by the advice of the lords of the council” to Master Elias son of Moses, Jew of London, whose brother had become the new presbyter after Elias le Eveske was deposed a year earlier.<sup>130</sup> These lands, we are told, are “to be held by the said Master Elias and his heirs by performing the services due to the chief lords of the fee.”<sup>131</sup>

Rewards for service were granted often through exemption from tallages.<sup>132</sup> A grant to the arch-presbyter, Elias le Eveske, reads “for his long and faithful service and for 10 marks of gold.”<sup>133</sup> Another example of exemption for service comes from the year 1257, when the tallage of the Jews had been made over to Richard, Earl of Cornwall, the brother of the king, for a loan of 5000m:<sup>134</sup> Cresse son of Master Moses, Jew of

London, and Hagin his brother, “who have laboured much in the service of the said Richard,” shall be quit for five years from all tallages and aids belonging to the king, for a mark and a half of gold.<sup>135</sup> The chancery rolls are littered with similar examples of Christians closely connected with the royal court being granted limitations or exemptions on tallage as a form of payment for service rendered:<sup>136</sup> Gazo de Chamunt, merchant of York, was exempted for life from all manner of tallage, as was a king’s sergeant in the town of Gildesford.<sup>137</sup> The king exempted his goldsmith from paying more than half a mark of silver when the commune of London was tallaged, and exempted the viewer of the king’s works of Gloucester castle and the keepers of wine at Merleberg from all tallages.<sup>138</sup>

Below the arch-presbyter were a number of other royal officials appointed from the Jewish community. Already mentioned were the bailiffs, talliators, and assessors. Jews also served as “clerks,” “scribes,” and “messengers” connected with the exchequer of the Jews,<sup>139</sup> and Jewish arch-presbyters might have their own “clerks” and “associates.” Some Jewish officials even followed the king’s court during Henry III’s reign.<sup>140</sup> During the reigns of Richard I and John Lackland, one can find Jews being appointed as *custodes*—custodians of the Jews, an office interpreted as the equivalent of the later “justices of the Jews.” These officials illustrate both the intertwining of finance and justice and the Jewish inclusion in the common law system.

Not only did legal institutions provide the skeletal structure for the collection of taxation, but legality underlay the appropriation of wealth that was the essence of taxation. Tallage itself morphed at points into a question of property law configured as a debt owed to the king. If it was unpaid, the legal process of distraint enforced by sheriffs and jurors would kick in to collect payment. The machinery of collection for arrears is, again, comparable across Jewish and Christian tallages, and it illustrates the processes of common law underlying Jewish tallage.

When an individual was in arrears, the sheriff might seize goods to the value of the debt. An extensive example of the process of distraint is recorded in the plea rolls of the exchequer of the Jews.<sup>141</sup> Diaie son of Soleil of Winchester was distrained by the sheriff for arrears of 32s 4d as well as another 25s which fell due for a new tallage. He clearly had no debts in the loan chest, for the sheriff seized his movables—all personal, household items of limited value. Among the goods listed were four spoons, a robe, a cape, a brazen pot, a Hebrew book entitled *Gamaliel*, glosses on the five books of Moses, the five books of Moses, and a bowl of mazer-wood. The

most valuable item was the Hebrew book *Gamaliel* worth 20s and the least valuable, the spoons worth 1s apiece.

Examples like these have been taken out of context and read as brutal extortion of a weak, subject Jewry whose legal status is no better than that of serfs of the king. But, while Diaie of Soleil no doubt suffered personally, the incident set in a proper legal context illustrates Jewish inclusion in the common law system, and Jewish legal rights equivalent to burgesses'. For distraint was the usual legal method for seizing ownership of property to be made over to the rightful owner, and was normally carried out by the sheriff whether on behalf of the Crown or an individual. As such, distraint marks inclusion in the common law system and status as freemen. Underlying the seizure is the principle that tallage like other taxes, rents, and fines was "owed" to the king and was therefore a "debt." The property had rightfully come into the king's ownership and therefore could be collected through distraint. There is no special vulnerability of Jews here. The power to distraint their coreligionists granted to the Jewish bailiffs and arch-presbyters marks this fact.

Just as a legal process was used for the collection of arrears, a legal defense could be made by Jews even against Christian sheriffs, as was done in the unhappy case of Diaie. For it was Diaie who summoned the sheriff of Hampshire to court, claiming that the sheriff wrongly withheld his property. When the sheriff produced a starr in which Diaie "of his own free will" delivered the gages to be sold in default of the 26s payment, Diaie claimed that he was forced to make it by the sheriff and attempted to offer proof. Diaie's witnesses did not bear testimony for him, or at least not sufficient testimony to convince the justices at the exchequer of the Jews. He was imprisoned for bearing false witness and released upon a fine. While the case illustrates the power of the royal apparatus of justice and finance, it equally illustrates the integration of the Jewish community into the processes of common law and the legality that underlay tallage, however oppressive for individuals.

If tallage went unpaid for a whole community, an administrative machinery similar to that for the initial collection went into effect. This machinery, again, was comparable across borough and Jewish tallages. The aldermen of the city of London in 1227 were ordered to select four to six men of each ward who would collect the tallage owed to the king.<sup>142</sup> Similarly, six of the wealthier and more important Jews of the villages of Canterbury and Rochester were to be appointed by the sheriff of Kent to collect arrears of two tallages.<sup>143</sup> In the course of giving instructions for



the collection of arrears of tallage, a letter close orders the justices assigned to the custody of the Jews to appoint for the collection of arrears “a council of honest men from the Jews, as is customary.”<sup>144</sup>

Whole communes like individuals too could make fines with the Crown in lieu of tallage or for limitations on tallage. This process of fines is again a legal process. Just as the Jews in 1269 fined for £1000 that they would not be tallaged for another three years<sup>145</sup> (unless the king or his sons went on crusade), so too the commune of Lincoln made a fine of £1000 and London a fine of 20,000m.<sup>146</sup>

The projected revenue from a commune could be granted by the Crown as a payment for royal debt, just as exemptions to pay tallage were treated as a form of payment for service or fine. Tallage was a transferable asset, a revenue source much like rents. This was true whether the tallage was over cities, boroughs, and demesne or over the Jewish community. Misinterpretations have developed around the granting of Jewish tallage as in 1253, to Richard, Earl of Cornwall, the king’s brother, as repayment for a loan of 1000m<sup>147</sup> or in 1255, when Henry III again borrowed 5000m from his brother, pawning the royal treasure (including the crowns) and assigning to the earl “his Jews of England...that the said Jews shall pay the earl or his executors or assigns £1000.”<sup>148</sup> Not dissimilarly, the Jewish assessors of a tallage in 1244 were ordered to pay out 1000m of a 4000m tallage to the merchants of Siena and Florence to whom the king was indebted.<sup>149</sup>

But the same transference of revenue from tallage could take place with other boroughs, not to mention fees and services on lands. In 1227, Henry III granted to his brother Richard, Earl of Cornwall, tallage from the boroughs and villages of the dowry of Queen Isabel,<sup>150</sup> as well as tallage from the villages of Ilchester<sup>151</sup> and Chichester<sup>152</sup> as maintenance. In 1255, the king assigned three city and borough tallages as partial payment of a debt owed to the merchants of Lucca: 1000m tallaged from the city of London, 150m from the city of York, and 466m 10s 8d from tallage of London due after Michaelmas.<sup>153</sup> The examples comparable across city, borough, and Jewish tallages testify that this was a basic method of transferring wealth in a cash-starved economy.

In this age, when the first stirrings of consensual national taxation were slowly appearing, one might (from a modern perspective) well regard all feudal levies as extortion. It is clear that at times medieval people interpreted not only royal taxation but royal justice too as extortion. For “royal judges were certainly seen by some contemporaries as a public nuisance, rather than as the paragons whom Glanville describes dispensing equal

justice to rich and poor. They were extortioners rather than judges in John of Salisbury's opinion, and the 'wandering judges' (that is the justices in eyre who went from county to county) 'wandered from the path of equity in order to plunder the people.'<sup>154</sup> If royal justices were extortionate, all the more so was royal taxation.

What moderated brute extortion in the system was "custom," which had a legal force. Both the government and the taxpayers recognized the rule of custom. Frequent references in the rolls to the "law and custom of the exchequer" indicate this principle. The parallel phrase the "law and custom of the Jewry" is a clear indication that custom worked to contain abuse in the Jewish case along the same lines as in the Christian.<sup>155</sup> The testimony of Jews on the abuse of justices of the Jews was recorded at length in 1234.<sup>156</sup> At points, the Jews were more vulnerable "as Jews," for "the law and custom of the Jewry" did not prevent kings from levying extraordinarily high tallages in certain years, such as 1187, 1242, and 1279. But nonconsensual tallage through a royal system of administration was not unique.

While royal justice and finance may have been felt by the medieval populace as extortion, they are typically celebrated by modern historians as the roots and shoots of modern representative government. For the use of local bodies in taxation has been regarded as one of the roots of the representative system.<sup>157</sup> One could gloss Jewish taxation as evidence for Jewish participation in representative government from which constitutionalism emerged. The administration of tallages on the Jewish community, like that on non-Jews, was executed through the institutional apparatus of the common law system. Through the tallages, the Jewish community participated in government, as local representatives. The administration of tallage on the Jewish community required the coordination of official royal representatives selected from the wealthiest Jews of the community, with local representatives, sheriffs, chirographers, and the justices appointed to the custody the Jews. This complex network of Jewish and Christian Crown appointees and local prominent men highlights the way in which the Jewish population was the corporate equal of the borough in the administrative and governmental structures of Anglo-Norman England. Tallage on Jews was administered with the same machinery and the same self-representation as that on Christian burgesses.

But the notion of Jewish participation in the growth of representative government seems to run contrary to the brutal end of Anglo-Norman Jewry in the expulsion of 1290. Yet, the historical moment of the mid-thirteenth century itself sustains these paradoxes. The Jews were part of

the emerging representative government of England, and yet they were also marked out as Jews. The paradox perhaps is best understood through the concept of medieval corporatism. Jews were marked off *as Jews*, to use Langmuir's term, through being institutionalized as a corporation. But corporations were the locus for the growth of representative government. Ultimately, the determining factor for the Jewish population was growing hatred for their stigmatized religion. Marked out more and more by the yellow badge, restriction of residence, and ultimately expulsion, Jews, constructed as a corporation, were subject to the vicissitudes of religious hatred. Through the administration of Jews *as Jews*, Jews were separated from the borough and town communities within which they lived through the institutionalization of the exchequer of the Jews and the *archae* for the recording of loans. These institutions are the subject of the next section.

#### THE EXCHEQUER OF THE JEWS AND THE BIRTH OF COMMON LAW

This chapter began by noting that historical interpretations of medieval Anglo-Jewry fuse extortion with protection, treating them as two sides of one coin. The previous section deflated the model of extortion, arguing that the Jewish community was not a "royal milk cow." From the perspective of the royal exchequer, they simply did not provide enough revenue to the Crown for this grand role. From the perspective of the administration of tallage, Jews suffered no exceptional extortion on account of a rightless legal condition. On the contrary, the administration of tallage was intertwined with the institutions of common law. Jews participated both as royal appointees and as local representatives in the administration of taxation that contributed to the growth of constitutional government. The commune of medieval Jewry was the equivalent of a borough, and tallage was rooted in legal *right*, not rightlessness.

This section will argue that the institution of the exchequer of the Jews did not offer exceptional privilege and protection. Rather, the exchequer of the Jews was consonant with the legal privileges of freemen. The exchequer of the Jews emerged as part of the proliferation and specialization of royal justice that we call "the growth of common law." The exchequer of the Jews developed out of the great exchequer as a branch of its financial and judicial business, just as did other branches of royal administration. Properly understood, the exchequer of the Jews was a mechanism for protecting and furthering royal revenue and for administering justice

in judicial disputes that primarily involved Jewish parties.<sup>158</sup> Like the great exchequer of which it was a part, the exchequer of the Jews was concerned with the collection and auditing of royal revenue deriving from Jewish tallage, fines, and amercements on the one hand and with administering justice between its free subjects on the other. Just as Jewish tallage, when taken out of the context of royal taxation generally, gives a false impression of Jewish wealth and its importance for the Crown, so too does the exchequer of the Jews give a false impression of Jewish privilege and protection, when taken out of the context of the great exchequer and the king's courts.

### *The Great Exchequer and the Development of Common Law*

Over the course of the twelfth century the central royal courts rose to "absolute predominance."<sup>159</sup> The royal courts became "the free man's courts of first instance for all the more important and frequent complaints." Underlying the "birth of the English common law" were two processes—centralization and specialization. "Centralization meant that an enormous amount of litigation, that would in earlier times have originated in the local courts and stayed there, now came up before a central body of royal judges." Specialization meant that the old feudal *curia regis* (king's court), the nucleus of an "undifferentiated body of business of all sorts, political, fiscal and judicial, transacted on non-professional, casual lines," underwent a division of labor. The growth of common law was effected through the growth of the royal court system, which included justices in eyre, the common bench at Westminster, the exchequer, and the bench *coram rege*.

The origins and functions of the exchequer itself attest to this process of centralization and murky specialization. The exchequer itself had dual fiscal and judicial functions, which can be explained by the fact that it gradually developed out of the *curia regis*. Hilary Jenkinson has emphasized that although we are used to thinking of the exchequer as a specialized body devoted to audit, it is important "to remember that this body is itself in origin one aspect of an undifferentiated *Curia Regis*."<sup>160</sup> Reginald Poole similarly has emphasized that because "the treasury was the very centre of the administration of the Court" in the twelfth century, "finance and judicature from the first...went together; and...the association continued down to the reforms of the nineteenth century."<sup>161</sup> The exchequer emerged in the early twelfth century during the reign of Henry I.<sup>162</sup> What

marked its separation from the treasury was the “business of account and the higher work of judicature.”<sup>163</sup> This judicial work is evident, for even “in the two earliest examples that have been found of the use of the word exchequer its barons appear as officers of the law.”

The “higher business” the *scientia*, of the Exchequer was throughout judicial...the king look[ed] to it for the consideration of suits which mostly arose over questions of property and possession. The pleas of the crown, criminal justice, he reserved in theory for his own hearing; those which concerned the rights of his subjects he handed over to the Exchequer; and when he dealt with them throughout the country by means of itinerant justices, the justices he employed were not only sheriffs, great churchmen, and other county magnates, but also—sometimes the majority or all of them—were men who acted at the Exchequer board.<sup>164</sup>

Poole is too careful to imply that the court of the exchequer emerged as a full-blown court for revenue cases. He says, “I would rather put it in this way. The barons of the exchequer were invested with judicial power primarily over disputed matters which arose out of claims and counter-claims relating to the king’s revenue. Their experience in such matters led naturally to their being employed in the hearing of suits between subjects, of common pleas; but neither did this create a Court of Common Pleas, for such pleas might be held elsewhere than in the exchequer.”<sup>165</sup> “Many other common pleas continued to be held at the exchequer, and it is not until the reign of John that the justices *in banco*, the justices of the common Bench or, as they were later called, common pleas, definitely make their appearance.” One cannot yet tell whether any distinction is made between this body of judges and those who heard cases *coram rege*.<sup>166</sup> In the late twelfth century, “when the *Dialogus de Scaccario* was written, the exchequer was still an occasion rather than a governmental ‘department.’ It met in various places, and almost all of its personnel had other functions in the royal household that were their primary responsibilities.”<sup>167</sup>

The chancery was closely connected with the exchequer. Its business was carried out in the same building. “The Chancery, the body of clerks under the chancellor who did the king’s secretarial business, sat in the exchequer; and the arrangement was the easier, since the exchequer only sat for a limited time at two periods of the year, and when it sat required clerks from the Chancery to check and ‘control’ the accounts.”<sup>168</sup> Under Hubert Walter, the system of enrolling charters and writs of the chancery was begun in 1199, and the chancery moved into its own building.<sup>169</sup>

The earliest extant memoranda rolls date from this year, suggesting that the division of memoranda from pipe roll was a piece of larger reforms.<sup>170</sup>

When the exchequer “ceased to be a phase of the general governing body of the realm and become a department with a seal and records of its own, a financial department,” it did not lose its judicial aspect.<sup>171</sup> For its judicial business grew out of its function as a financial bureau. The exchequer “calls the king’s debtors before it, hears what they have to say, investigates the truth of their allegations, grants them an acquittance or issues process against them, ‘according to the customs and usages of the exchequer.’...If questions of fact or questions of law arise, it ought to judge impartially between the king and his subjects; but still its duty is to get in what is due to the king.”<sup>172</sup> The earliest references in Fleta and Britton to its judicial business describe it in this way. Britton, for instance, writes: “it is the King’s will that ‘at our exchequers at Westminster and elsewhere our Treasurers and our Barons there have jurisdiction and record of things which concern their office, and to hear and determine all causes relating to our debts and seignories and things incident thereto...; and that they have cognizance of debts owing to our debtors, by means whereof we may the more speedily recover our own.”<sup>173</sup> But this clear definition of specialized function was theoretical rather than descriptive. Specialization happened, but remained murky. As William Blackstone notes, “by a fiction almost all sorts of civil actions are now allowed to be brought in the king’s bench, in like manner by another fiction all kinds of personal suits may be prosecuted in the court of exchequer.”<sup>174</sup>

Mabel Mills notes that the legal reforms of Henry II which have come to be known as the “birth of the common law” “drew an ever-increasing volume of business into the royal courts: they formed an ever-increasing barrier to the transaction of all business at the exchequer. A steady stream of writs issued from the chancery: acting on these, the king’s justices amerced officials, jury, plaintiffs and defendants for defaults of all kinds. The result was a vast body of small debts that had to be collected. The details of fines for the issue of writs, and of the consequent amercedments were forwarded from chancery to exchequer.”<sup>175</sup>

The growth of exchequer business, which included much judicial business, necessitated further divisions and specialization. Further specialization can often be seen first in the record keeping. The memoranda rolls were split off from the pipe rolls by 1200,<sup>176</sup> and the plea rolls from the memoranda rolls by the early 1230s.<sup>177</sup> Each of these splits was precipitated by the massive amount of unfinished business clogging up the rolls. The

proliferation of rolls indicates then a proliferation of judicial hearings in addition to the usual work of audit and collection of revenue. But a split in records does not necessarily reflect an institutional development. There is no evidence that a separation of staff accompanied a separation of plea roll from memoranda roll.<sup>178</sup> As Hilary Jenkinson said in regard to medieval institutional development: “what looks at first like a new administrative institution and a new record is often no more than the gathering together of items hitherto scattered, or the differentiation of a department which had grown inconveniently bulky into a conveniently separate form.”<sup>179</sup>

### *Exchequer of the Jews: Institutional Origins*

From the angle of both institutional origin and institutional function, the exchequer of the Jews appears to be a minor branch of the great exchequer. It mirrored the great exchequer in its dual fiscal and judicial functions, and it emerged from the exchequer itself as part of the specialization the *curia regis* underwent with the growth of the common law and royal administration in the twelfth and thirteen centuries. The following discussion will examine first its institutional origins, then its fiscal and judicial functions.

Our best evidence for the institution of the exchequer of the Jews is the series of rolls generated by this department. The first rolls known as “the plea rolls of the exchequer of the Jews” date to 1218, when the business of the great exchequer was resumed following the death of King John and the reestablishment of order after the baronial war of 1215–1217.<sup>180</sup> These rolls are memoranda rolls, but are customarily called by the misnomer “plea rolls.” They are in fact memoranda rolls with certain sections designated for pleas. Even the plea rolls of the great exchequer would not come into existence for several decades. And the Jewish rolls develop more slowly than the great exchequer rolls.

Hilary Jenkinson, who prepared editions of both the exchequer plea rolls and the plea rolls from the exchequer of the Jews, explains that

large parts of the [Jewish] rolls, as may be easily seen from their membrane headings, contain sections of material which can be exactly paralleled from the ordinary Memoranda Rolls. The rolls are in fact properly Memoranda Rolls of the Jewish Exchequer with sections of Pleas generally... distinguished by separate placing: and as the *Scaccarium Judeorum*, though undoubtedly a separate body with separate seal and probably separate place of session, is

yet unquestionably a part of the whole institution of the Exchequer, so there is little doubt that these Jewish Memoranda are in origin no more than a split-off from the ordinary Memoranda Rolls; and indeed the connection remains so strong that certain classes of entry may from time to time be found indifferently on both.<sup>181</sup>

Jewish membrances continue to appear on the memoranda rolls until after the expulsion and occasionally on the exchequer plea rolls as well.<sup>182</sup>

This suggests that the Jewish exchequer emerged as part of the growth of the common law that generated specialization of the *curia regis* and produced the exchequer, the two benches, and the itinerant justices. The flow of judicial business was clogging the rolls and the courts. Breaking off particular orders of business was an effective way to reduce strain on a department or a series of rolls. Breaking off Jewish business as a separate category made sense, not because Jews were tried under a different law, but because Jews were increasingly being categorized and treated institutionally as a religious corporation.<sup>183</sup> In 1215, the Fourth Lateran Council decreed that Jews throughout Europe be marked with a badge. Henry III was the first secular monarch to impose the badge. Lateran IV also attempted to limit Christians fraternizing with Jews, serving Jews, and granting Jews public office. This ecclesiastical legislation will be discussed at length in the following chapter.

On the basis of the amount of judicial business recorded in the rolls of the exchequer of the Jews, as well as its emergence between the split of the memoranda and pipe rolls, on the one hand, and the memoranda and the plea rolls of the exchequer, on the other, one might well suggest that a significant reason for the emergence of the exchequer of the Jews was to split off a coherent chunk of business from an overwhelmed exchequer court. In this sense, the exchequer of the Jews can be seen as directly emerging out of the common law as centralization spurred growth of judicial business, and this growth spurred the specialization vis-à-vis the development of what would eventually become new departments.

Several markers in addition to the rolls can be used to determine institutional development: an institutional memory, a distinct location, authority, and recognition by contemporaries. Each of these elements emerged in relation to the exchequer of the Jews between 1218 and the early 1240s in the form of rolls, a chamber, a seal, and references to “exchequer of the Jews” in the chancery documents.



An early reference to the rolls that have come to be known as the “plea rolls of the exchequer of the Jews” suggests a development similar to that proposed by Jenkinson in regard to other splits in roll series. In 1222, a letter close addressed to the treasurer and the chamberlain gives instructions for two clerks of “our exchequer” to be paid for making “the rolls of our exchequer concerning the Jewry.”<sup>184</sup> This passage clarifies that it is clerks of the exchequer who have made the roll, and the phrasing “de Judaismo” suggests that there is no independent department of the exchequer of the Jews yet.

The earliest Jewish roll of 1218 similarly gives the impression that the cases are being handled by the justices at the exchequer: “The Justices demand of Amice de Waxham 40 marks of debt of Reginald de Sudfeld, her late husband.”<sup>185</sup> (It is noteworthy that there is no overt Jewish connection in this case.) The next entry reads: “Mandate to the Sheriff to summon before the Justices at Westminster on the morrow of All Souls,” and later in the same passage several of the parties are “put by gage and pledge to be before the Justices on the quindene of St. Martin.”<sup>186</sup> The business carried out is typical exchequer business. There are two separate instances of parties summoned who were bound to acquit individuals “at the exchequer upon ... tallies.” One of the parties has “made a fine with the King.”<sup>187</sup> In the next case, the “King’s Rolls” are to be examined to determine whether a debt is owing to the king or to Isaac of Norwich.<sup>188</sup>

Within another four years, however, the term *scaccarii Judeorum* emerges and is used in reference to “the rolls of the exchequer of the Jews” in 1226,<sup>189</sup> to “the exchequer of the Jews at Westminster” in 1228,<sup>190</sup> and to the king’s justices “at the exchequer of the Jews” in 1231 and 1234.<sup>191</sup> The references to a chamber associated with the exchequer of the Jews confirm both its gradual emergence out of the exchequer and its continued close enmeshment with the exchequer. In 1225, instructions were given to pay 10s to Radulf of Norwich and Elye de Sunning for work on a window “in the chamber of the Jews” (*camera Judeorum*).<sup>192</sup> Elye de Sunning was appointed a justice assigned to the Jews in 1218.<sup>193</sup> In 1235, construction of a *solarium et celarium et caminum* was carried out on the “chamber at Westminster facing west, where Jews sit at the exchequer.”<sup>194</sup> The Jewish commune is to pay for it, and specifications are made. It is significant that the reference here is not to “an exchequer of the Jews,” but rather to “where the Jews sit *at the exchequer*.” This suggests that there was not an institution known as “the exchequer of the Jews.” The chamber may be another instance of the segregation from Christians of

Jews coming to the exchequer or of the Jewish officials who sat on the exchequer. Another reference from the close rolls in 1236 confirms this interpretation. In a mandate appointing Aaron of York presbyter of the Jews of England, arrangements are made for Josce son of Copin to serve in his place on occasions when he cannot “sit at the king’s exchequer.”<sup>195</sup> No mention is made of an exchequer of the Jews, or a chamber of the exchequer of the Jews. The reference to “king’s exchequer” leaves no doubt—Aaron of York is sitting at the exchequer with the justices and other officers. If one wishes to interpolate “exchequer of the Jews” here, one may, but one must concede then that the exchequer of the Jews is considered fully part of the king’s exchequer!

Another marker for the emergence of a distinct department is an official seal for the department by which the authority denominated to the officials is marked on documents and given force.<sup>196</sup> Evidence for a seal of the exchequer of the Jews emerges in the Jewish rolls in 1244 and 1267. Both references describe the seal used in connection with the transfer of chirographs from one local loan chest to another chest. In 1244, by petition of the debtor and lender, “a chirograph under their names for £16 was withdrawn from the London Chirograph-Chest and placed at York under the seal of the exchequer of the Jew, to be there laid up in the chest.”<sup>197</sup> In 1265, chirographs are transmitted to the Exeter chest in a pix sealed with the seal of Sir Robert de Fuleham, a career exchequer official, appointed as a justice assigned to the Jews in 1265,<sup>198</sup> because “the seal of the exchequer of the Jews was stolen during the broils.”<sup>199</sup> These references suggest that the seal was used primarily to confirm the legitimacy of removing and moving chirographs, an act that otherwise would be highly suspicious.

The rolls, chamber, seal, and references to “exchequer of the Jews” in chancery documents mark the emergence of a separate institution—a branch of the exchequer linked to Jewish business. The process of institutional development also reveals how intimately the exchequer of the Jews was tied to the other branches of the royal court system and administration and developed in response to the growth in common law and royal financial business with the extension of taxation. This suggests that the functions of the exchequer of the Jews devolved from the exchequer proper, of which it was a branch and to which it remained subordinate. One can surmise, then, that the primary *raison d’être* for the exchequer of the Jews, as for the exchequer general, was to identify, collect, and audit royal revenue, not to protect Jewish moneylending. Secondarily it was to handle the legal business generated in its wake.

*Exchequer of the Jews: Fiscal Function*

There are plenty of instances of the fiscal role of the exchequer of the Jews in the earliest rolls from the exchequer of the Jews. In the first membrane of the first extant roll from the exchequer of the Jews, the justices demand from a Christian widow repayment of a debt by her late husband of 40m.<sup>200</sup> The very next entry is a mandate to the sheriff of Kent to summon a tenant of Dionisia Wischard to pay her debt now to the king upon Jewish account.<sup>201</sup> Both of these concern debts made over to (or seized by) the Crown in lieu of payment for “debts,” in other words taxes owed by Jews. The collection in no way furthers, protects, or privileges Jewish business. In fact, some historians surmise that the closure of archæ and seizure of bonds upon default of tallage made Jews disinclined to place bonds in the archæ.<sup>202</sup> The plea rolls of the exchequer of the Jews are similarly full of mandates to sheriffs to demand payment from lands which “are the King’s gages for debts” of the landlord “on Jewish account.”<sup>203</sup>

Because revenue due was treated as a loan due to the king, loans due to Jews could be appropriated as payment for the taxes owed by Jews to the king. There was nothing out of the ordinary in this. During the reign of Henry III, the Crown typically transferred revenue (or exempted dues) to solve cash flow problems.<sup>204</sup> It is worth noting that the same strategy was used to handle what we might call “land flow problems” in the feudal economy where grants of land (with their revenue) were still an essential feature of payment for service. Hence, one must be careful not to overread these examples as evidence for the Jewish milk cow. The determining factor must always be context.

Alice Cramer has extensively studied the workings of the exchequer of the Jews in two articles directed specifically to the later rolls.<sup>205</sup> She emphasizes its role as a fiscal office, showing how it operated as a minor branch of the great exchequer in the collection and accounting of royal revenue. Contra scholarship that emphasized solely its judicial function, Cramer shows that fully one-quarter of the 1614 entries in the rolls she analyzed concerned collection or payment of sums to the king. And this number does not include trials where “the king is demandant in a case of disputed accountability for debts fallen into his hands.”<sup>206</sup> Cramer also teases out the fiscal function of the department by noting the many references in the plea rolls of the exchequer of the Jews to payments that are “said to be made ‘in the Wardrobe,’ ‘in the Treasury,’ or—and this most commonly—‘in the King’s Receipt.’” In a number of cases, these pay-

ments are made directly to “Nigel sergeant of the Jewish exchequer, or to the Jewish justices themselves, or to a particular justice.” Furthermore, Cramer deduces that at times the justices of the Jews must have sat in session with the great exchequer, when proffers by the sheriffs were made.<sup>207</sup> On occasion, the justices of the Jews both received payments and disbursed sums.<sup>208</sup> The justices of the Jews also viewed accounts, not only of individuals, but also of sheriffs, as is evident from the days given sheriffs for views. When Edward I took the throne, a full accounting of all Jewish revenue was undertaken at the exchequer of the Jews, for writs went to 29 sheriffs to come “before our Justices assigned to the custody of the Jews... with all the summonses received by them from the exchequer of the Jews for levying of debts in Jewry due to our said father, to render account thereof.”<sup>209</sup>

From the rolls of the exchequer of the Jews published after Cramer wrote, further evidence of fiscal function can be brought. In Hilary term 3 Edward I, many membranes of the memoranda rolls from the Jewish exchequer are given over to the collection of tallage and its arrears.<sup>210</sup> The rolls include long lists of bonds to be returned to local chests at Stamford, London, Northampton, Lincoln, Bristol, Colchester, Worcester, and Hereford, as the Jews named in them have since paid their tallage.<sup>211</sup> The justices are seen issuing orders to sheriffs to distrain, order inquests, and imprison those in arrears, as well as to chirographers to send and return bonds.<sup>212</sup> Many of these documents were used in the previous chapter to analyze the extent of Jewish lending.

Even if one conceives of the exchequer of the Jews as a fully independent branch of the exchequer, a supposition not yet conclusively proven, it is still part of the exchequer general. For Jewish revenue from tallage, fines, and amercements is enrolled on the receipt rolls of the lower exchequer and not included in the memoranda rolls of the exchequer of the Jews. Hilary Jenkinson, who first discovered the series of Jewish receipt rolls rolled up with the exchequer’s receipt rolls, commented that “the large series of rolls of receipts from Jewish sources...can be demonstrated to be the record of a working department of the *ordinary* exchequer of Receipt, whose business was sometimes recorded on the general rolls of that body, sometimes for convenience separated; until the practice of separation hardened into a habit which was maintained even after receipts had sunk almost to nothing.”<sup>213</sup>

The justices assigned to the Jewry often had professional careers closely tied to the exchequer. The first justices assigned to the Jews under Richard

I were two exchequer officials—William de Chimilli and William de Sainte Mère Eglise—along with one Jew, Benedict de Talemunt.<sup>214</sup> William de Chimilli appears in the pipe rolls rendering accounts and serving as a justice on the bench at Westminster. William de Sainte Mère Eglise also often appears in the pipe rolls, after being appointed one of the two escheators of the Crown in 1194, an office created during Hubert Walter's reform of the exchequer to facilitate the collection of royal revenue. These same Williams were responsible for the collection of the Northampton Donum of 1194.<sup>215</sup> Benedict de Talemunt was required in 1199 to render an account of all outstanding Jewish revenue from Richard and Henry II's reign. This account was entered in the pipe rolls.

C.A.F. Meekings, who has closely studied this group of men for the later period of 1218–1265, writes: “The great majority of the justices were experts in administrative matters or in fiscal or financial affairs” with connections to the exchequer.<sup>216</sup> Career exchequer officials were appointed such as Robert de Fuleham, who had served as constable and remembrancer, and Master Roger de Gosebek, who was for some years marshal of the exchequer.<sup>217</sup> Other men, such as Hugh of Bath, William le Breton, Geoffrey of Lewknor, and Adam de Greynvill, served as assize or eyre commissioners or in forest eyres. A few of the justices were common lawyers. “The most distinguished of these few was John de Wyvill who followed a decade at the Jewish exchequer with eight years as a justice in eyre and at the Bench.” William of St. Edmunds, prior to serving as justice at the Jewish exchequer, was a justice in eyre and at the bench. Ralph [Radulf] of Norwich, after serving as justice at the Jewish exchequer, was a judge of the bench and on eyre, and served on a mission to Ireland concerned with the collection of the clerical sixteenth. Meekings' study of the justices between 1218 and 1265 has corrected the view of the justices of the Jews and their administration under Henry III as “chronic corruption tempered by occasional dismissals.”<sup>218</sup> Rather, he says, “their standing and integrity as a whole seems to have been as high as that of other royal servants.”<sup>219</sup> These officials had expertise and experience either in fiscal or judicial business, or both, before and after serving as justices at the Jewish exchequer.

### *Exchequer of the Jews: Judicial Function*

If its *raison d'être* was the collection of royal revenue, as with the exchequer proper, it too mirrored the great exchequer in its dual fiscal and judicial roles. Three-quarters of the entries in the rolls Cramer analyzed

were devoted to judicial business being tried through the common law system.<sup>220</sup> Some of the judicial business concerned the Crown's revenue, but a majority of the legal cases were brought by individuals. These cases were fully part of the common law system, with their basis in the system of writs, forms of pleas, and use of the jury. Hilary Jenkinson was so struck by the preponderance of judicial business that that fact, coupled with the frequent enrollment of Jewish revenue in the exchequer's normal receipt rolls, led him to overemphasize the purely judicial nature of the rolls of the exchequer of the Jews.<sup>221</sup> These facts suggest that the Jewish exchequer emerged as part of the growth of the common law that generated specialization of the *curia regis* by producing the exchequer, the two benches, and the itinerant justices. In short, the flow of judicial business was clogging the rolls and the courts. This judicial function helps explain the emergence of the exchequer of the Jews, and it suggests how Anglo-Jewry's legal status ought to be reconceptualized as equivalent to that of freemen. Breaking off particular orders of business was an effective way to reduce strain on a department or a series of rolls. Breaking off Jewish business as a separate category made sense, because Jews were already categorized and treated institutionally as a commune, and because the local system of *archae* came under the authority of justices assigned to the Jews. It does not imply that they were tried under a different law.

In no way did the exchequer of the Jews privilege or protect Jews in any way differently from freemen in other royal courts. The pleas in the rolls of the exchequer of the Jews give clear evidence of the incorporation (literally incorporation, but not integration) of the Jewish population in the legal system of the common law. For not only are the procedures the same, especially the all-important use of the "writ" to instigate a case, but the very court itself is a branch of the *curia regis*. Most significantly, only freemen had the right to trial by the king's law.

All the evidence from tallage and the legal institutions of loan chests and exchequer of the Jews surrounding its collection indicates that the legal status of Jews was equivalent to that of freemen in royal boroughs and cities. Jewish taxation was a form of tallage commonly levied on freemen of royal boroughs and cities, who were the closest equivalent to Anglo-Jews, as well as their neighbors and fellow townspeople. The exchequer of the Jews was a branch of the great exchequer whose main aim was to collect the revenue which could rightfully be claimed by the Crown. Its legal functions were generated by the necessity of solving legal disputes to collect revenue, and its courts operated according to the common law. The Jewish population

thus had the same legal rights as freemen who could sue in royal courts under common law. Jews were appointed in a variety of royal capacities, not least as jurors in inquests (permitted only for freemen, not for serfs), and through these roles participated in the institutions of representative government. The legal status of Anglo-Jewry when assessed from the broad and extensive evidence of the financial and legal institutions appears to be that of freemen living in royal boroughs and towns, not that of “the king’s most exquisite villeins.”

Jews were freemen, *but* Jews. The sole distinguishing factor was that Jews were administered separately *as a commune of Jewry*, rather than integrated in the local urban population among whom they lived. In short, their definition as a religious commune trumped other possibilities. This institutional organization happened early. Already when the Jewish community comes into view in the late twelfth century during the reign of Henry II, Jews are administered as a commune apart from the urban population.<sup>222</sup> This fact should be treated as a historical puzzle, not a given. Why should Jews have been treated as a religious commune? Why was religion privileged over other categories such as the economic category of urban bourgeoisie? The answer lies not in Jewish history, but in the general history of communes and corporations, and in the history of crusading and Christian zeal; the latter topics will be addressed in the following chapter. But now it is time to conclude this chapter by turning back to the question of serfdom.

### SERFDOM RECONSIDERED

The concept of “Jewish serfdom,” I suggested at the outset of this chapter, has been the third leg upholding the economic function of the Jews together with presuppositions of extortion and protection. It is time now to reevaluate the sparse statutory references which have been the basis for the historiographic debates over Jewish serfdom. With the broader perspective of the thirteenth-century developments in taxation and law before us, the references to “serfs” in Edward I’s 1275 statute may look very different. Before turning to the Edwardian statute, a few general comments on serfdom in twelfth- and thirteenth-century England and the limits of its applicability to the Jews are in order.

There were two kinds of serfdom in twelfth- and thirteenth-century England: servile dues attached to a piece of property and servile legal status defined by birth (bondsmen). The two types of serfdom did not

necessarily go hand in hand. Holders of land with unfree tenure could be “free” themselves. People of servile legal status could acquire pieces of land with free tenure.<sup>223</sup> While these distinctions seem clear and evident in theory, in practice “the small holder often remained in placid uncertainty both of his tenure and of his personal status.”<sup>224</sup> For “neither form of villeinage normally involved oppressive treatment.”<sup>225</sup> Clarification of status (whether servile or free) was often made only in court, where it worked as a legal strategy for claiming rights either by defendant or prosecutor. The primary practical difference (indeed often the *only* difference) between free and unfree was the ability to bring trial in the king’s court (this held whether it concerned an unfree piece of land or an unfree individual). For, as Helen Cam has noted, “To the king’s lawyers and to the feudal landlords the distinction [between legal freedom and legal serfdom] was of practical importance; no villein could avail himself of the new legal procedure in real property cases introduced by Henry II because he had no legal standing in the king’s court.”<sup>226</sup> Even serfs on ancient demesne of the Crown were not permitted to bring suit in the king’s court, but only in the local manorial court.<sup>227</sup> One of the primary applications of a claim of servile status was to throw a lawsuit out of the royal court. A whole area of law denominated by Paul Hyams as “common-law villeinage” arose together with the growth of common law for the half century spanning 1200.<sup>228</sup> As a natural corollary of the exclusion of serfs from royal courts, serfs were not permitted to serve as jurors in inquests.<sup>229</sup>

In regard to “Jewish serfdom,” the category of servile land can be excluded as it has no bearing on legal status of persons. In regard to bondsmen, the application to Jews does not make logical, legal sense for a variety of reasons. First and most importantly, as the primary practical difference between free and unfree was trial under common law, the continual presence of Jews in the king’s court and full integration into the common law system as jurors refutes their status as “bondsmen.” Second, one of the avenues for manumission of bondsmen was dwelling for a year and a day in a royal borough. Because Jews dwelt primarily in royal boroughs, they would have been free by definition. Finally, servile status was defined by an individual’s birth distinguished against the person’s free neighbors. Serfs had no corporate existence. Jews on the other hand were defined first and foremost as a corporate group through their minority religion.<sup>230</sup>

The identification of Jews as royal serfs has been perpetuated in part by several fallacies, some in regard to the nature of bondsmen, some in regard to tallage, and some in regard to medieval Jewry. At the heart of the inter-



pretation of Jews as royal serfs lies the notion that “whatever was acquired of a bondsman was acquired by the lord.”<sup>231</sup> Yet, this legal principle must be understood alongside a contrary legal right, recognized by the king, of the villeins to ownership of their own chattels. H.G. Richardson and G.O. Sayles explain this anomaly through the disappearance of chattel slavery in the later twelfth century and its assimilation to servile status, in which the mark of serfdom was payment of chevage and no other disability.

The unfree were never so much at the mercy of their lords as legal theory implied. The value of the serf lay in the profit to be made out of him, and that could only come from his labour on the land....It was only exceptionally that villeins were removed from their holdings and, if they were, it was in exchange for other holdings. And as for selling a villein, since he could not be sold as a chattel, since he could not be separated from his brood, since the king, if not the lawyer, recognised his right to his own possessions, what could be sold but his services, even if he were removed to another manor?<sup>232</sup>

The quotation from Richardson and Sayles clarifies a second area of fallacy—the assumption that the restrictions on Jewish settlement made in the course of the thirteenth century and their expulsion at the end of the thirteenth century devolved from their legal status as royal serfs. The limitation of Jews’ settlement to particular royal boroughs and their legal banishment cannot be explained via serfdom, for there is no analogical equivalency either between banishment and exceptional transference of a serf to another property or between an individual serf’s legal inability to leave a particular piece of land without permission and a corporate group’s being limited to a royal borough in which settlement implies freedom.

A further area of fallacy, also addressed by Richardson and Sayles, is that of interpreting tallage as evidence of the legal right of a lord to his villein’s chattels. Richardson and Sayles clarify that “the serf, it is true, was liable to tallage by his lord; but in this respect he did not differ from the townsman, the burgess, of whose freedom there was no question. And tallage might be arbitrary and oppressive. But this right of the lord’s in itself implies the ownership by the serf of his means of livelihood.”<sup>233</sup> Tallage then is no indicator of legal status, as it applied to free and unfree alike. Richardson and Sayles here are not concerned with a further distinction drawn by Stephenson between royal tallage and seigneurial tallage, which I followed in the discussion above. Jewish tallage, as argued above, fits into the pattern of royal tallage on corporate boroughs, not seigneurial tallage.

For the Jewish community was organized as a corporation. Evidence for Stephenson's interpretation of royal tallage as different in nature from seigniorial tallage emerges from the fact that it was administered through the machinery of the common law. Royal tallage therefore was not the lord's appropriation of whatever was acquired by the villein, but legally administered taxation, carried out through representative machinery of government in which Jews participated.

A final fallacy is that which has interpreted the king's granting of Jewish tallage to another individual, usually a member of the royal family, as the sale of a bondsman by the lord. In the context of the foregoing discussion, this is obviously a misinterpretation rooted in ignorance of the limits of chattel slavery and of the practice of payment through grants of future revenue. The grant of tallage was part of the typical mechanisms for payment via revenues and dues. Examples of the granting of borough tallage clarify beyond a doubt that Jews were not being sold as chattels: only the legal right to the revenue of their future tallage was being made over as repayment for a loan.<sup>234</sup>

"Jewish serfdom" makes little sense from a medieval perspective, as Langmuir long ago noted. It consequently obscures more than it clarifies. But the unambiguous language of serfdom in the Edwardian statute of 1275 still demands explanation. An analogy from contemporary serfdom can help us here. Nuanced historical literature has shown that serfdom was of importance principally as a legal strategy in which rights and dues were contested. In most cases, "the small holder...remained in placid uncertainty both of his tenure and of his personal status" until a lawsuit necessitated a determination of freedom or servitude.<sup>235</sup> Edward I's claims that Jews were serfs in the statutes of 1275 were a legal strategy to claim particular rights and dues.

### *Jewish Serfdom in the Statute of Jewry (1275)*

The statute uses the phrase "because they [the Jews] are the king's serfs" in three places. Each time it works as a legal justification to buttress new royal claims, claims that would have been open to dispute. The first reference justifies the levy of a new poll tax decreed for the support of the Domus Conversorum, the house for Jews who converted to Christianity: "Every Jew on reaching the age of twelve shall each year at Easter pay to the king whose serfs they are (*ky serfs il sunt*) a three pence tallage, and this is to be understood as applying equally to women."<sup>236</sup> Payment of poll

tax was the most common marker used to determine servile legal status in court. There was no doubt that a serf was obliged to pay poll tax. But the imposition of a poll tax on Jews, and even more a poll tax to support the *Domus Conversorum*, was absolutely new, and could be contested by the Jewish community as contrary to custom. To argue that Jews were serfs was the best legal defense, but it should not be read by historians as a statement of fact describing Jewish legal status for the previous 150 years. The very next lines attest to this, for they deny Jews the right to enfeoff another. The ability to perform homage was a legal mark of freedom; all the more so the right to enfeoff.

The second reference to serfs again uses the phrase *ky serfs il sunt* as a legal argument, not as a statement of fact. “Jews shall neither plead nor be impleaded in any court, nor be challenged or harassed in any court, except in the court of the king, whose serfs they are.”<sup>237</sup> The primary concern here is to assert royal rights of jurisdiction against either borough courts or ecclesiastical courts. The best assertion of the king’s right to jurisdiction over the Jews was as a lord over serfs, but the claim is obviously a strategy. With the growth of the common law, servitude had become an important legal strategy for throwing cases out of royal court back into local manorial courts. But no group had previously been *restricted* to the king’s court. The strategy in this statute was to construct a restriction on Jewish jurisdiction via an analogy of serfs to Jews and lord’s court to king’s court. But it is patently a legal fiction, not a picture of historical reality.

The third reference in the statute again deploys “serfs” as a legal argument for strict royal jurisdiction: “the king wills that they [the Jews] shall not because of their trading be charged scot and lot or tallaged with the inhabitants of the cities and boroughs where they live, because they are liable for tallage to the king as his serfs and to no other than the king.”<sup>238</sup> Here Edward I intends to ward off the claim by boroughs that Jews should be included in borough tallages, rather than paying as a corporation. The advantage to boroughs is obvious. The strategy here is the same as in the previous clause: to use a well-defined legal right over serfs to defend the construction of Jews as a commune rather than incorporate them into boroughs. Tallage provides an excellent analogy to the smallholder in placid ignorance of his and his holdings’ status. Tallage was an ambivalent form of levy. It was claimed as both a royal tax and a seigneurial due. As a royal due it could be claimed on freemen in boroughs (and the Jewry as akin to boroughs). As a seigneurial due, tallage was claimed by a lord from servile tenants. Tallage on Jews clearly did not originate as a seigneurial

due, for they were tallaged as a corporation. But the claim that Jews were serfs worked well to silence counterclaims by boroughs to incorporate Jewish tallage in their borough's tallage.

Appreciating the legal strategy that lay behind the claims made in the 1275 Statute of Jewry can help us understand better that key passage in Bracton which has been so crucial for modern interpretation of "Jewish serfdom" from Maitland on. The text is that that Maitland translated as "The Jew can have nothing that is his own, for whatever he acquires, he acquires, not for himself, but for the king; for the Jews live not for themselves but for others, and so they acquire not for themselves but for others."<sup>239</sup> This formulation is a classic statement of the law that a serfs' property belongs to the lord, yet as noted above, this legal theory stood in contradiction to the king's recognition of a serf's ownership of chattels. In practice, it had little consequence. In applying it to Jews, one should use the same caution interpreting it as with the Statute of Jewry. One should not read it as Maitland did, as a statement defining Jewish status for the foregoing 150 years.<sup>240</sup>

The passage that Maitland knew as Bracton was a later addition and one found only in a few late manuscripts. The understanding of the composition, compilation, and additions to the text known as Bracton has been immeasurably deepened since the days of Maitland by the work of the editor George Woodbine and the translator Samuel Thorne. The older dating of the manuscript between the late 1250s and Bracton's death in 1268 was rejected by Thorne. He suggested that the manuscript was a text composed by a nameless clerk in the service of Martin Pateshull in the 1220s and updated by a succession of clerks, including Henry de Bratton in the 1250s when he served as one of the judges *coram rege*.<sup>241</sup> It is clear that later additions to the text were made as well by other clerks.

The passage so key to the interpretation of Jewish legal status was a late addition to several manuscripts. The passage is missing from most of the 46 manuscripts which were available to the modern editors.<sup>242</sup> It occurs in the marginalia of the manuscript the modern editors denote LA, an important manuscript dated to several decades on either side of 1300, and is incorporated in the body of the text MC dated to c. 1300, as well as in three additional manuscripts deriving from these (LC, LD, LT), all dated like LA. Both LA and MC stem from the same group of manuscripts (group III)<sup>243</sup> and both contain identical material at the end that no other manuscripts do.<sup>244</sup> By this "backmatter," the dates of the manuscripts can be limited to between 1279 and 1307. For the material includes refer-

ences to the reigning King Edward and two entries from the close and patent rolls dating to 1279.<sup>245</sup> The manuscript evidence shows this key passage then to be an addition from the reign of Edward I made at least four years after the statute of 1275, possibly as late as the expulsion or the decade following it.

The addition to Bracton would make most sense as a reflection of the new Edwardian redefinition of Jews as “serfs” made with the statute of 1275. For the peculiar claim of the addition is out of keeping with the other references to Jews found in the text and even with the very lines to which this addition comes to be attached as an amplification.<sup>246</sup> The passage to which the addition is attached concerns taking the value from the warrantor’s land. The addition concerns cases in which warrantors, “Christians or Jews,” do not “have land” by which they can be distrained. The answer—that the sheriff shall then have their bodies. Then follows the peculiar gloss that Maitland took as definitive, but which is rightly considered late and rare: “The Jews can have no property, because whatever he acquires he acquires not for himself but for the king, because they live not for themselves but for others and thus they acquire for others and not for themselves.”<sup>247</sup> The consideration of cases in which a warrantor who is a “Christian or a Jew does not have land (*terram*)” is treated elsewhere in Bracton and seems to have been copied together with the addition and moved to this location. The consideration of circumstances in which Christians and Jews do not have land and yet are warrantors can be interpreted as evidence for (1) the incorporation of Jews into the common law system, acting as warrantors, (2) the knowledge of the author that Jews like Christians hold land by which they can be distrained, and (3) the author’s knowledge that some Jews (like some Christians) might also serve as warrantors without holding land in fee. All these presuppose individuals who are freemen. The very circumstances addressed in Bracton then contradict the statement that “the Jew can have nothing that is his own.” The internal contradiction between the text and the addition together with the addition’s late date confirms that it reflects an Edwardian reform, when the status of Jews was shifting quickly and their legal right to residence would soon be eroded with the expulsion.

The other occasional references to Jews in Bracton concern a hodgepodge of issues, unified only by the fact that they contain no general pronouncements on Jewish legal status. They largely confirm the incorporation of Jews in the common law system and their equal treatment

generally in the legal situations raised. The first two references concern gift giving. “A gift may be made to men of religion just as to others to whom a gift may be made and to Jews as well as Christians, unless the *modus* of the gift is to the contrary.”<sup>248</sup> The second passage illustrates possible limits placed on gifts, as where the giver says, “I give you such a thing to have to yourself and your heirs or to whomsoever you wish to give or assign except men of religion and Jews.”<sup>249</sup> The third reiterates clause 10 of Magna Carta that the debts owed to Jews by an heir who is a minor shall not pay interest as long as he is in his minority, and if these debts come into the king’s hands, the debtor shall owe only the principal.<sup>250</sup> The fourth passage is a list of the chapters that juries shall answer to when justices on eyre make their circuits. Late in the list comes “Of the chattels of slain Jews and their pledges, debts and charters, and who has them.”<sup>251</sup> Two other references to Jews concern legal process: one concerns whom the assize lies against (“Christian or Jew”) and one concerns essoins where both parties are Jews.<sup>252</sup> Several passages thought by the editor to be additions incorporated early in the text concern circumcision, rape, and perjury.<sup>253</sup> In none of these passages does an essential legal definition of serfdom emerge, only the reflection of social and religious differences.

Maitland elevated to a paradigm the late addition to Bracton by linking it with a passage in the Laws of Edward the Confessor and constructing from the two texts an unchanging portrait of Jews as royal serfs. But neither the Laws of Edward the Confessor nor the later Henrician statutes are clear statements of Jews’ legal status as “royal serfs.” Rather they are ambiguous statements, when read with the modern question of “Jewish serfdom” in mind. The distinction either “serf” or “free” was not present to the medieval mind. Rather, the distinctions drawn by the earlier legislation are twofold: that Jews as Jews are a corporate group and that the king has royal rights of jurisdiction over other nobles.

The passage in the mid-twelfth-century Laws of Edward the Confessor states:

It should be known that all Jews, in whichever kingdom they may be, ought to be under the guardianship and protection of the liege king; nor can any one of them subject himself to any wealthy person without the license of the king, because the Jews themselves and all their possessions are the king’s. But if someone detains them or their money, the king shall demand [them] as his own property if he wishes and is able.<sup>254</sup>

Langmuir has argued convincingly that “quia ipsi Iudei et omnia sua regis sunt” here as well as in the Charter of King John (1201) does not assert that the Jews *are* the king’s property, but that “the subject who detains them will stand in the same legal relation to the king as if he had seized royal property, and that the king may therefore demand their return, not for himself, but for the Jews.”<sup>255</sup> And, most significantly, the parallel construction is used for burgesses and burgesses’ property.<sup>256</sup> Even more, there is evidence that particular Jews were vassals of the king, a position that proves beyond doubt their free legal status. In a charter of 1190, Richard I confirmed the liberties granted by his father, Henry II, to Isaac son of Rabbi Jo[s]ce and his sons and men, “namely to reside in our land freely and honorably, and to hold all those things from us which the aforesaid Isaac and his sons held in the time of Henry the King, our father, in lands, and fiefs, and pledges, and gifts, and purchases, viz., Hame, which Henry, our father, gave them for their service, and Thurroc, which the said Isaac bought of the Count of Ferrars, and all the houses, and messuages, and pledges which the said Isaac and his sons had in our land in the time of King Henry, our father.”<sup>257</sup> Provisions from the reign of Henry III dating to 1233 and 1253 use language of service (“servire”) in relation to Jews. In the 1233 statute, “the Jews’ ability to serve the king and find good pledges of their faithfulness” justified their continued residence in England:

No Jew shall remain in our realm unless they are able to serve the king and to find good pledges of fidelity. Any Jews, who have nothing and cannot serve the king, shall be expelled from the realm after the next feast of St. Michael in the 17th regnal year of the aforesaid king; if they cause any delay beyond this time they shall be imprisoned and shall not be liberated without a special mandate of the king.<sup>258</sup>

The language used to explicate “servire” is that of bringing good pledges of faithfulness. “De fidelitate” is reminiscent of feudal service granted by free and noble men, not of servile status. This language recalls the language of the charters appointing Jewish arch-presbyters in the reigns of John and Henry III in which the arch-presbyters are described as “retained specially in the king’s service,”<sup>259</sup> holding their office “freely, unburdened, honorably, and unimpaired” with “all of its appurtenances, and liberties and free customs.”<sup>260</sup> “Bringing good pledges” refers to a legal procedure used under common law of bringing to court an indi-

vidual who guarantees payment. Service here then is the payment of the royal tax of tallage by freemen. If the legal principle was operative that “all that Jews acquire, they acquire for the king,” there would be no need for the legal stipulation that Jews bring good pledges of their faithfulness. All would belong to the king. Rather Jews are akin to free burgesses and their feudal tax collected by the institutional machinery that developed through the common law. Our modern focus on the issue of “serfdom” has made us overlook what is likely the more important issue here—the linkage of “service,” that is, taxation, with continued residence in England. The linkage between continued residence and “service” is given a real bite with orders for expulsion or imprisonment by a particular date, raising real legal and historical issues.

The 1253 statute repeats the linkage of residence for service, elevating it to the opening clause of the statute:

The king has provided and decreed, etc.:—That no Jew shall remain in England unless he or she can serve the King; and that as soon as any Jew is born, whether male or female, they shall serve Us in some way. <sup>261</sup>

It is worthy of note that the linkage of service with right of residence highlights the way in which this “privilege” is the obverse of villeinage. Villeinage bound an individual (not a corporate group) to a holding of land, and generally protected the villein from being ousted by a lord, though in exceptional cases villeins were removed from one holding to another.<sup>262</sup> Serfdom more often worked as a safeguard for the peasant. Like academic tenure today, it meant one could not be removed. As Constance Bouchard notes: “One occasionally reads that medieval peasants were ‘tied to the land’ as though this were some great disadvantage. We could also say that the peasants could not be unwillingly removed from land, and that the land was thus more tied to them than vice versa.”<sup>263</sup> Finally, serfdom refers to individuals not to corporate groups. Serfdom then does not help explain how the expulsion was possible legally.

What is really at stake here is the legal right for Jews’ residence. To explicate this through serfdom clouds more than clarifies. A real interpretive problem lies at the heart of the expulsion of 1290. Legally, as part of the English population, Jews could not be expelled on a whim. Banishment was a punishment that followed a crime. The real intellectual problem then becomes how was expulsion possible legally speaking, not why did expulsion happen. On the “why,” historians are relatively secure—seg-



regation and persecution of Jews, propelled by a growing anti-Judaism, itself part of a broader “formation of a persecuting society.”<sup>264</sup> Even in regard to the English expulsion of 1290, historians have whittled away the economic explanations to a raw core of religious prejudice. The question of “how” will unfold in the following volume as the result of the growth of a discourse on Jews as usurers over the thirteenth century. The crowns of western European justified the expulsions from England, France, and Spain with claims of a Jewish crime, usury. These claims were sustained only by the discursive force of the myth of the Jewish moneylender embedded in a logic of anti-Judaism that ascribed deep enmity to the Jews as a whole.

Chapter 6 complements Chapters 4 and 5 by extending the discussion of Jewish moneylending from Anglo-Norman England to Capetian France, and from the economic and legal evidence generated by secular monarchs to the religious law of the Church councils and back again. But it has been placed in Part Three, because Chapter 6, like Chapters 7 and 8, offers a new interpretation of an old problem. Each chapter takes up one of the three trajectories charted in Chapter 3 to illustrate how the revision of the Jewish narrative can significantly alter our understanding of European history. Chapter 6 returns to the trajectory charted by the work of Stobbe, Roscher, Kisch, and Oelsner, which grappled with the decline in Jewish legal status and posited the Jewish economic function, or in the case of Oelsner challenged it. The chapter demonstrates how dissolving the narrative on the Jewish economic function resolves fundamental issues in our understanding of the church’s usury campaign.

## NOTES

1. H.P. Stokes, *A Short History of the Jews in England* (New York, 1921), 9.
2. William Prynne, *Second Part of a Short Demurrer to the Jewes Long Discontinued Remitter into England* (London, 1656), 128.
3. Sir Frederick Pollock and Frederic Maitland, *The History of the English Law before the Time of Edward I*, 2nd ed., 2 vols. (Cambridge, 1898), 1:468.
4. The two most important articles on the topic, which focus respectively, but not solely, on the German and French context, are Salo Baron, “Medieval Nationalism and Jewish Serfdom,” in *Studies and Essays in Honor of Abraham A. Neuman* (Philadelphia,

- 1962), 17–48; and Gavin Langmuir, “‘Tanquam Servi’: The Change in Jewish Status in French Law about 1200,” in his *Toward a Definition of Antisemitism* (Berkeley, 1990), 167–94. For the other literature, see the references in Baron and Langmuir and the following discussion. The latest contribution to this debate is the important article by Alexander Patschovsky, “Das Rechtsverhältnis der Juden zum deutschen König (9–14 Jahrhundert),” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 123 (1993): 331–71; also published in a shortened English version, “The Relationship between the Jews of Germany and the King (11th–14th Centuries): A European Comparison,” in *England and Germany in the High Middle Ages*, ed. Alfred Haverkamp and Hanna Vollrath (New York, 1996), 193–218.
5. I use here “exchequer of the Jews” as shorthand for its related and subordinate institution of the loan chests. I suggest later in the chapter that the two might have arisen independently and only later become joined.
  6. Langmuir, “‘Tanquam Servi,’” 178. In two ways, I differ from Langmuir. First, he sees a rapid decline from the early thirteenth century on, even from the 1190s. I date the decline from the reign of Edward I in the mid-1270s. Second, Langmuir emphasizes far more than I do “Jews’ need for protection” and what have been regarded as “special privileges.”
  7. *Ibid.*, 193.
  8. Pollock and Maitland, *History of English Law*, 1:493–501.
  9. I give here Maitland’s translation: *ibid.*, 1:494. The text he used is that published by the commissioners of the public records in the nineteenth century: Benjamin Thorpe, ed., *Ancient Laws and Institutes of England* (Clarke, NJ, 2003), 195. A recent new edition with critical apparatus comparing manuscript variations is that of Bruce O’Brien, *God’s Peace and King’s Peace: The Laws of Edward the Confessor* (Philadelphia, 1999), 184–5. The passage will be discussed later in this chapter.
  10. This passage is found in only four of the 46 manuscripts of Bracton’s *De Legibus et Consuetudinibus Angliæ*, trans. Samuel Thorne, *On the Laws and Customs of England* (Cambridge, MA, 1968), 1:417 (f. 386b, ll. 11–7) and 4:208, note 3, all of which are closely associated and date to Edward I’s reign. They will be discussed thoroughly below.

11. Maitland seems at this point in the text to differentiate Jewish serfdom from true serfdom by its “relative condition,” and so he has been read by Jewish historians. But in fact Maitland defines serfdom in the thirteenth century generally as a “relative rightlessness” in which the serf is “free against all but his lord.” See: Pollock and Maitland, *History of English Law*, 1:454.
12. *Ibid.*, 1:494. For the references to Jewish historians, see below.
13. *Ibid.*, 1:495.
14. *Ibid.*
15. *Ibid.*, 1:500.
16. *Ibid.*, 1:501.
17. *Ibid.*, 1:498.
18. William Prynne, *Short Demurrer to the Jewes Long Discontinued Barred Remitter into England* (London, 1656), along with Prynne’s anything but short *Second Part of a Short Demurrer*, has long been the most ancient authority for Anglo-Jewish history, despite its vehement arguments against the readmission of Jews to England on the basis of the danger they pose to Christians’ right belief. Among Prynne’s central arguments were that the “Jews had been great Clippers and Forgers of Mony, and had crucified three of four Children in England at least” (*Short Demurrer*, 5). This ought to have disqualified it long ago as a serious historical authority, yet it did not, because Prynne transcribed an enormous number of passages from the rolls long before they were published in modern editions. Maitland was but following the lead of Jewish historians in using Prynne. It is more surprising that Prynne is still cited after a hundred years of rich explorations in Anglo-Jewish history.
19. D’Blossiers Tovey, *Anglia Judaica; or, The History and Antiquities of the Jews in England* (New York, 1967).
20. Joseph Jacobs, *The Jews of Angevin England: Documents and Records from the Latin and Hebrew Sources, Printed and Manuscript* (New York, 1893).
21. *Papers Read at the Anglo-Jewish Historical Exhibition, Royal Albert Hall, London 1887* (London, 1888).
22. Cecil Roth, *A History of the Jews in England* (Oxford, 1964), 96; Frank Schechter “The Rightlessness of Medieval English Jewry,” *Jewish Quarterly Review* n.s. 4 (1913–4), 121–51.
23. Baron, “Medieval Nationalism and Jewish Serfdom.”

24. Langmuir, “Tanquam Servi,” 172.
25. *Ibid.*, 178.
26. *Ibid.*, 193.
27. *Ibid.*
28. *Ibid.*, 194.
29. *Ibid.*, 193.
30. 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 (Cambridge, MA, 1991), 153–72.
31. The full text in translation of the Statute of Jewry can be found in Robin Mundill, App. 2 to *England’s Jewish Solution: Experiment and Expulsion, 1262–1290* (Cambridge, 1998), 291–3. The text Mundill used is found in *Statutes of the Realm* (London, 1810), 1:220–1.
32. Watt, “Jews, Law, and Church,” 172.
33. Prynne’s phrase is used as the title of Chap. 3 in Mundill’s *England’s Jewish Solution*, 45. Mundill, however, takes a much broader approach to the question of “Jewish status,” for his chapter rather traces changing attitudes towards Jews at various levels of society. Two more recent books which adhere to the main contours of the narrative described here are Robin Mundill, *The King’s Jews: Money, Massacre and Exodus in Medieval England* (London, 2010); and Anna Sapir Abulafia, *Christian-Jewish Relations, 1000–1300: Jews in the Service of Medieval Christendom* (Harlow, 2011).
34. Two of the classic accounts of this centralizing process and its effects for European history are Joseph Strayer, *On the Medieval Origins of the Modern State* (Princeton, 1970); and R.I. Moore, *The Formation of a Persecuting Society*, 2nd ed. (Malden, MA, 2007).
35. G.L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford, 1975); see esp.: Chap. 1.
36. For the development of the forms of taxation, see: *Ibid.*, Chap. 2.
37. Peter Elman, “The Economic Causes of the Expulsion of the Jews in 1290,” *Economic History Review* 7 (1937): 145–54, is the classic statement of extraordinary tallage on the Jews. He argued that when Jewish resources dried up, they were expelled. See also Cecil Roth’s expansion of Elman’s list in Roth, *History of the Jews*

- in England*, 272–3. These arguments have been refuted by several historians: Sir Lionel Abrahams, “The Economic and Financial Position of the Jews in Medieval England,” *JHSET* 8 (1915–7): 171–88, particularly refutes the chroniclers’ exaggerations. Mundill, *England’s Jewish Solution*, Chap. 4, 72–107, has shown, on the one hand, that Jewish revenue did not “dry up” in Edward I’s reign and, on the other hand, that Jews’ financial significance to the Crown was limited. (See also the summary of these points in Mundill’s recent history of Anglo-Jewry, *The King’s Jews*, 40–2.) Robert Stacey, “Royal Taxation and the Social Structure of Medieval Anglo-Jewry: The Tallages of 1239–1242,” *Hebrew Union College Annual* 56 (1985): 175–249, esp. 176, note 3.
38. Inasmuch as they are normal types of legal fines, they are insignificant as an indicator of a special Jewish economic function. An old and unnecessarily narrow view of the exchequer of the Jews has treated all revenue sources, whether tallages, fines, reliefs, or escheats, as evidence of the “Engine of Extortion” (Charles Gross, “The Exchequer of the Jews of England in the Middle Ages,” in *Papers Read at the Anglo-Historical Exhibition, Royal Albert Hall, London 1887*, 192–4, 205). Robin Mundill, in the interests of challenging the same arguments challenged here, has studied each of these sources for the reign of Edward I. His discussion is an important one (Mundill, *England’s Jewish Solution*, 72–107).
39. See, for example: lines 2708, 2725, 2741 of the receipt roll for 1221 (E 401/4, NA—UK) published by Nicholas Barratt, *Receipt Rolls for the Fourth, Fifth, and Sixth Years of the Reign of Henry III, Easter 1220, 1221, and 1222*, Publications of the Pipe Roll Society 90, n.s. 52 (London, 2003), 96–7. On this roll £90 of the total £654 collected in Jewish tallage at the Easter term derived from old tallages.
40. See, for example: the account of Benedict of Talemont in *The Memoranda Roll for the Michaelmas Term of the First Year of King John (1199–1200)*, Publications of the Pipe Roll Society 59, n.s. 21 (London, 1943), 69–72.
41. The origin of the tallage as a borough tax rather than an additional seigneurial burden on the unfree is made absolutely clear in Carl Stephenson’s comparative essay that looks at the develop-

- ment of the English tallage, the French *taille*, and the German *Beden*: “The Origin and Nature of the Taille,” in his *Medieval Institutions: Selected Essays* (Ithaca, 1954), 41–103.
42. Carl Stephenson, *Borough and Town: A Study of Urban Origins in England* (Cambridge, MA, 1933), 161.
  43. *Ibid.*, 162.
  44. Harriss, *King, Parliament and Public Finance*; and M. Jurkowski, C.L. Smith, and D. Crook, *Lay Taxes in England and Wales 1188–1688* (Kew, 1998).
  45. Robert Hoyt, however, has made a compelling argument that the royal demesne was an important aspect of the general transformation of medieval England from an essentially feudal to an essentially national realm, through three developments: “alienation of the royal demesne, centralization of the administrative control of the demesne, *and development of a new kind of taxation on the demesne*,” that is, tallage (Robert Hoyt, *The Royal Demesne in English Constitutional History: 1066–1272* (Ithaca, 1950), 84–5; italics are mine). One might object that Hoyt neglects tallage on royal boroughs and towns. For as Carl Stephenson emphasizes, tallage initiated with the urban boroughs and only then was extended to the rural demesne. Moreover, what marked tallage as medieval was its local nature. See: Stephenson, “The Origin and Nature of the Taille,” and “Taxation and Representation,” in *Medieval Institutions*, 41–103, 104–25.
  46. Harriss, *King, Parliament and Public Finance*, 14.
  47. Stephenson, “Taxation and Representation,” 120.
  48. The Jewish tallages of 1239 and 1275 were assessed at a third. See the discussions in Chap. 4. For the fractional tallage of 1260, see: Sydney Mitchell, *Studies in Taxation under John and Henry III* (New Haven, 1914), 289. For the fractional levies of the 1303 tallage, see: Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, 26.
  49. Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, xxxi.
  50. Harriss, *King, Parliament and Public Finance*, 3–4, mentions all but commercial growth. Others emphasize the importance of commercialization: Stephenson, “Taxation and Representation,” 120, 124; and Sydney Mitchell, *Taxation in Medieval England* (New Haven, 1951), 355–6.

51. Barratt, *Receipt Rolls for 4, 5, and 6 Henry III*; and Nicholas Barratt, *Receipt Rolls for the Seventh and Eighth Years of the Reign of Henry III, Easter 1223 and Michaelmas 1224*, Publications of the Pipe Roll Society 93, n.s. 55 (London, 2007). It is important to note that even though rolls for all these years are extant and in good condition, none are perfectly full records for an entire year owing to damage. See the discussion of contents, condition, and damage of the rolls in *Receipt Rolls for 4, 5, and 6 Henry III*, vii–viii, and *Receipt Rolls for 7 and 8 Henry III*, iii–iv.
52. The editor’s careful analysis of the total number of debts and the amounts paid toward these debts in a financial year shows the reestablishment of exchequer functions and the stabilization of the royal revenue after the last disastrous years of King John’s reign.
53. Although the rolls from 1241 to 1242, used to analyze the economic stratification of the Jewish population in the preceding chapter, are superior in being the first set of complete receipt rolls for a fiscal year during Henry III’s reign, the exceptional tallage of 20,000m collected in that year makes the rolls useless as a gauge of typical Jewish revenue. These rolls were published as Robert Stacey, *Receipt and Issue Rolls for the Twenty-sixth Year of the Reign of King Henry III, 1241–2*, Publications of the Pipe Roll Society 87, n.s. 49 (London, 1992).
54. Barratt, *Receipt Rolls for 4, 5, and 6 Henry III*, xv.
55. *Ibid.*, viii.
56. Roth, *History of the Jews in England*, 95–6.
57. Barratt, *Receipt Rolls for 4, 5, and 6 Henry III*, 97 f. Many of the payments are annotated simply as “pro tabula,” shorthand it would seem for the fuller “pro tabula non portanda.” See: line 2724, where the community of Oxford Jews pays for relaxing the requirement.
58. Barratt, *Receipt Rolls for 4, 5, and 6 Henry III*, 79–92; Barratt, *Receipt Rolls for 7 and 8 Henry III*, 58–66.
59. The tallages of 1221 and 1223 were paid almost in full in the Easter rolls, while the receipt rolls reflect typically only one-third of the revenue for the fiscal year.
60. I am following Barratt’s estimates for royal revenue here, rather than the slightly different estimates by Sir James Ramsay cited below.

61. Regular revenue was likely larger for the year, as the missing term must have included additional fines, payments on arrears, etc., whereas the tallages were collected in whole during the first fiscal period.
62. Sir James Ramsay, *A History of the Revenues of the Kings of England, 1066–1399* (Oxford, 1925), 1:71–5.
63. On the 1193–4 aids for ransom, see: Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, 3–4 (which enumerates the differences among the chroniclers in regard to the levy); Doris Stenton, *Great Roll of the Pipe for the Fifth Year of the Reign of King Richard the First*, Publications of the Pipe Roll Society 41, n.s. 3 (London, 1927), xxi–xxv; William Stubbs, preface to Roger de Hoveden, *Chronica Magistri Rogeri de Houedene*, 4 vols. (London, 1868–71), 3:xciv–xcv.
64. Frederick Maitland, *Three Rolls of the King’s Court in the Reign of King Richard I, A.D. 1194–95*, Publications of the Pipe Roll Society 14 (London, 1891), xx–xxiii.
65. Israel Abrahams, “The Northampton ‘Donum’ of 1194,” *Miscellanies of the Jewish Historical Society of England* 1 (1925): lix–lxxiv. See also: H.G. Richardson, *The English Jewry under Angevin Kings* (London, 1960), 118–9.
66. Ramsay, *Revenues of the Kings of England, 1066–1399*, 1:215–8.
67. Mitchell, *Studies in Taxation*, 340. However, this “customary rule” was not necessarily observed. In the years 20 and 21 of Henry III’s reign, a tallage of 3000m seems to have been taken each year. In 1268, the Jewish community paid a tallage of £1000 with the proviso that they would not be tallaged for the following three years unless the king’s sons went on crusade. With Edward I’s reign, the limits and customs under Henry in regard to both tallage and lay subsidies were abandoned. Edward exacted tallage from the Jewish population every year from 1275 to 1279, just as he would later exact lay subsidies from the general population every year with few exceptions from 1290 to 1306.
68. Hilary Jenkinson, “The Records of Exchequer Receipts from the English Jewry,” *JHSET* 8 (1915–7): 19–54; and his revision “Medieval Sources for Anglo-Jewish History: The Problem of Publication” *JHSET* 18 (1955): 291–3.
69. Stacey, “Royal Taxation,” 177 f.



70. Zefira Rokéah, “A Hospitaller and the Jews: Brother Joseph de Chauncy and English Jewry in the 1270s,” *JHSET* 34 (1994–6): 203–7.
71. As discussed, a reliable record of Jewish tallages is difficult to determine. The first list made by Peter Elman in his article “The Economic Causes of the Expulsion of the Jews in 1290” was made largely on the basis of the close rolls and patent rolls. It is riddled with error, and probably doubles the actual number of tallages. Cecil Roth accepted Elman’s table and supplemented it in his *History of the Jews in England* (273). Powicke and later historians have criticized Roth’s table, noting that it requires “drastic reduction” (F.M. Powicke, *King Henry III and the Lord Edward* (Oxford, 1947), 1:311). I have excluded all references in the chancery rolls that cannot be linked clearly to a particular tallage with an identifiable assessment. It is worth repeating that the establishment of a firm and accurate table of tallage is difficult to the point of being nearly impossible. Two extremely competent British historians, Robert Stacey and Paul Brand, have separately expressed as much: Stacey, “Royal Taxation,” 176, note 3. Paul Brand, who bases his list on Zefira Rokéah’s, marks his hesitancy by titling his appendix “Jewish Tallages and Analogous Payments: A Preliminary List” (PREJ 6:72–3).
72. Ramsay, *Revenues of the Kings of England, 1066–1399*, 1:363. Annual revenue includes the revenue from both the exchequer and the wardrobe. The revenue for 1225 has been adjusted down as per the totals for the Fifteenth given by Fred Cazal, “The Fifteenth of 1225,” *Bulletin of the Institute of Historical Research* 34 (1961): 67–81.
73. Mitchell, *Taxation in Medieval England*, 330. The recent Public Record Office Handbook on Lay Taxes lists five tallages during the reign of Henry II, five during the reign of Richard I, six during the reign of John, and 15 during the reign of Henry III: Jurkowski, Smith, and Crook, *Lay Taxes in England and Wales*, lxvii; see also: xxiii–xxiv. The discrepancy seems to be due to the fact that tallages were often levied only on particular shires and therefore the count of “general tallages” is open to differences of opinion. In Table 5.4, I have included only the most important

- tallages analyzed in Mitchell's chapter "Tallage in the Reign of Henry II," *Taxation in Medieval England*, 236–84.
74. This list incorporates the information from the previous tables and extends it back into the twelfth century with Richardson, *English Jewry*, 161 f.
  75. By the mid-thirteenth century, the Jewish community is typically tallaged as a whole. See Table 5.4 for references.
  76. Barratt, *Receipt Rolls for 4, 5, and 6 Henry III*, 79–92. See especially the endorsement on the roll: "Rotulus Judeorum de auxilio pro Johanna sorore regis maritanda et Mosseo f. Bruni et scutagio de Byham" (*ibid.*, 92). The reference to Mosse son of Bruni refers to what was essentially a ransom for Moses. Richardson discusses this incident in his *English Jewry*, 287.
  77. Stephenson, "Origin and Nature of the Taille," and "Taxation and Representation."
  78. Mitchell, *Studies in Taxation* and *Taxation in Medieval England*.
  79. See: Mitchell's chapter "Tallage in the Reign of Henry II" in *Taxation in Medieval England*, 236–84.
  80. Mitchell, *Taxation in Medieval England*, 285.
  81. *Ibid.*, 291–3.
  82. *Ibid.*, 294.
  83. *Ibid.*, 333.
  84. *Ibid.*, 72.
  85. Mitchell, *Studies in Taxation*, 352.
  86. *Calendar of the Patent Rolls Preserved in the Public Record Office* (London, 1901–40) (hereafter CPR), Henry III 1216–25, 170–1.
  87. CPR Henry III 1232–47, 263. See also: *Calendar of the Close Rolls Preserved in the Public Record Office* (London, 1892–) (hereafter CCR) Henry III 1234–7, 53, for an example of the appointment of two assessors.
  88. CPR Henry III 1232–47, 263, 293, 467, 502.
  89. CPR Henry III 1247–58, 142.
  90. CPR Henry III 1258–66, 75–6.
  91. Mitchell, *Taxation in Medieval England*, 338–41; see also his discussion of how it was assessed, 345 ff.
  92. Mitchell, *Studies in Taxation*, 352, for example, draws heavily on William Stubbs, *The Constitutional History of England in Its Origins and Development*, 5th ed. (Oxford, 1891), 1:652, and

- George Burton Adams, *History of England from Norman Conquest to the Death of King John, 1066–1216* (London, 1905), 386.
93. Stubbs, *Constitutional History*, 1:629.
  94. I judge their importance by their frequent appearance in the chancery and exchequer rolls.
  95. Richardson suggests that each large local Jewish community may have had a local representative denoted as a “bishop”: Richardson, *English Jewry*, 126 f.
  96. CPR Henry III 1216–25, 496.
  97. CPR Henry III 1232–47, 178.
  98. *Ibid.* Many parallels to this language can be found.
  99. *Ibid.*
  100. See: H. Stokes, *Studies in Anglo-Jewish History* (Edinburgh, 1913), 29–30.
  101. CPR Henry III 1232–47, 445.
  102. CCR Henry III 1237–42, 346–7. See: Stacey, “Royal Taxation,” 189.
  103. E 101/249/12, NA—UK, published in Stacey, App. 3–4, “Royal Taxation.”
  104. Stubbs, *Constitutional History*, 1:652.
  105. PREJ 1:12–13. See also: PREJ 2:xv.
  106. CPR Henry III 1232–47, 228.
  107. Stubbs, *Constitutional History*, 1:590.
  108. Stacey, “Royal Taxation,” 191. As with lay subsidies, measures were taken to make sure that the rich paid their share, and that the poor were not unduly burdened. In the case of the Worcester tallage, six of the wealthier Jews worked in concert with six of the middling sort. Oaths were taken by all. Assessors were restricted from assessing any relatives or even servants of relatives. Jews with movables worth less than 40s were to be exempt from taxation.
  109. CCR Henry III 1237–42, 353–5.
  110. The directive to the Jewish appointees concludes, “we will require it from you if anything of our aforesaid tallage is missing at its terms, and will lay our hand so heavily upon you that your punishment will be a terror to all” (*ibid.*; translation from Stacey, App. 5 to “Royal Taxation,” 248–9).
  111. Stacey, “Royal Taxation,” 222. Bonefey owed the king £30 toward the tallage. His debts were sent to Westminster for col-

- lection, and his house and a yearly rent on house, gardens, and bridge were sold.
112. Richardson, *English Jewry*, 125.
  113. E 101/249/13(5), NA—UK, transcribed in Richardson, *English Jewry*, 288–9. Three return writs to this writ are also published in the appendix.
  114. E 368/3, m.1 (2)d; E 159/4, m.9d, NA—UK, transcribed in Richardson, *English Jewry*, 291–2.
  115. *Ibid.* Among these towns are some of the most important sites of Jewish population, such as London, Norwich, Oxford, Winchester, and Bristol.
  116. PREJ 1:18. Richardson also mentions Deulacresse in connection with another exchequer document. See: Richardson, *English Jewry*, 124.
  117. PREJ 1:4. See also evidence of Jews as bailiffs mandated to act with the sheriff to make Samuel of Beverley return to Peter de Barini a horse valued at 1000s (PREJ 1:14).
  118. *Memoranda Roll for the Michaelmas Term of King John (1199–1200)*, 72.
  119. Richardson, *English Jewry*, 121.
  120. Stokes, many years ago, brought to light all the information available on the arch-presbyters and published the charters of their appointments: Stokes, *Studies in Anglo-Jewish History*, 23–47 and 243–7.
  121. *Ibid.*, 244–5. Similar contingencies are made for others as well: *ibid.*, 44.
  122. *Ibid.*, 244.
  123. *Ibid.*, 34; J.M. Rigg, ed., *Select Pleas, Starrs, and Other Records from the Rolls of the Exchequer of the Jews, A.D. 1220–1284* (London, 1902), 73–6.
  124. Cited above verbatim. Mitchell, *Taxation in Medieval England*, 333.
  125. Stokes, “The Official Appointments of the Arch Presbyters,” App. 1 to *Studies in Anglo-Jewish History*, 243.
  126. *Ibid.*
  127. See the six charters published by Stokes, *ibid.*, 243–7.
  128. *Ibid.*, 243.
  129. Richardson, *English Jewry*, 84.

130. We do not know why he was deposed. But the proximity to his conversion suggests either that he was deposed when he converted, or that he converted to save his skin from some charge of corruption. For he was earlier fined for corruption in connection with the London archa. He had long been one of the London chirographers, a position he continued to hold even after his appointment to the post of presbyter of the Jews. See: Stokes, *Studies in Anglo-Jewish History*, 32.
131. *The Calendar of the Charter Rolls Preserved in the Public Record Office*, Henry III–Edward I, 1257–1300 (London, 1903–27), 2:16.
132. CPR Henry III 1232–47, 93, 137; CPR Henry III 1247–58, 72, 128.
133. CPR Henry III 1247–58, 72.
134. For the details of the loan and the granting of the tallage on the Jews, see: *ibid.*, 400–1. See also: CPR Henry III 1258–66, 177.
135. CPR Henry III 1247–58, 555–6. See also: CPR Henry III 1266–72, 205, 211. Hagin is appointed arch-presbyter in 1257. The system of fining to settle a dispute or an outstanding debt here pops up in taxation itself, reminding us how intertwined the two twin axes of royal power were.
136. CPR Henry III 1258–66, 94, 125, 138, 281; CPR Henry III 1266–72, 8.
137. CPR Henry III 1247–58, 76; CPR Henry III 1258–66, 88.
138. CPR Henry III 1247–58, 168; CPR Henry III 1258–66, 446, 449. For other examples, see: CPR Henry III 1266–72, 10, 13, 26, 28, 99–100, 203.
139. For all these offices, see: Stokes, *Studies in Anglo-Jewish History*, 44–7.
140. *Ibid.*, 45.
141. Rigg, *Select Pleas, Starrs, and Other Records*, 17–8.
142. CPR Henry III 1225–32, 132.
143. CCR Henry III 1227–31, 580.
144. CCR Henry III, 1234–7, 387.
145. CPR 1266–72, 345.
146. *Ibid.*, 152 and 10, respectively. Both fines are recorded as having been made by the citizens “to have the goodwill of the king.” It is worth noting that the king ordered the arrears from the fine of Lincoln in the sum of £300 to be paid directly to a merchant, John de Brilaund. Similar transfers of tallage have been misinter-

- preted in regard to the Jewish population as evidence for the Jews' legal status as serfs, as will be discussed below.
147. CPR Henry III 1247–58, 209.
  148. *Ibid.*, 400–1. The same methods of assessment and collection continue even when the proceeds of tallage are granted to another. For in this case, the constable of the Tower of London is to have elected in his presence three Jews of London to assess the London Jews 180m out of the 500m due to Richard, Earl of Cornwall as a penalty for default for each term. *Ibid.*, 439–40.
  149. CPR Henry III 1232–47, 445.
  150. CPR Henry III 1225–32, 140–1.
  151. CCR Henry III 1227–31, 24.
  152. CPR Henry III 1225–32, 191.
  153. CPR Henry III 1247–58, 404.
  154. M.T. Clanchy, *England and Its Rulers, 1066–1307* (Oxford, 2006), 130.
  155. Mitchell, *Taxation in Medieval England*, 342.
  156. Michael Adler, “The Testimony of the London Jewry against the Ministers of Henry III,” *JHSET* 14 (1935–9): 141–85.
  157. Stubbs, *Constitutional History*, 629, 652. On the principle of *lex et consuetudo* regulating tallage on Jews as on Christians, see: Mitchell, *Taxation in Medieval England*, 342.
  158. The dual functions of revenue and legal adjudication need to be understood as one, under the concept of “justice.” Properly understood, this medieval concept of “justice” would make sense out of the mixed business of the curia, as well as the concurrent and mixed development of various types of taxes, such as the “coercive” tallage and “consensual” lay subsidy. Common law from this perspective would look rather different than that praised by the seventeenth-century authors as “the bulwark of individual liberties against what might well be called the irreprehensible monarchic aspirations of kings” (citation from R.C. van Caenegem, *The Birth of Common Law* (Cambridge, 1973), 4).
  159. All the citations in this paragraph are from *ibid.*, 19.
  160. Hilary Jenkinson and Beryl Formoy, eds., *Select Cases in the Exchequer of Pleas* (London, 1932), xxviii.
  161. Reginald Poole, *The Exchequer in the Twelfth Century* (Oxford, 1912), 36–7.
  162. *Ibid.*, 38–9.

163. *Ibid.*, 40–1.
164. *Ibid.*, 177.
165. *Ibid.*, 179.
166. *Ibid.*, 182; Poole adds, “it may be doubted whether even as late as 1258 the king’s Bench can be considered to have been definitively constituted.”
167. Richard fitzNigel, *Dialogus de Scaccario: The Dialogue of the Exchequer*, ed. and trans. Emilie Amt (Oxford, 2007), xiii.
168. Poole, *Exchequer in the Twelfth Century*, 184–5; see also: 113.
169. *Ibid.*, 188.
170. But a split in rolls does not necessarily mean a split in departments.
171. Pollock and Maitland, *History of English Law*, 1:191.
172. *Ibid.*, 1:192. See also: Poole, *Exchequer in the Twelfth Century*, 174–90.
173. Jenkinson and Formoy, *Exchequer of Pleas*, xiii. See also the citation from Fleta in *ibid.*
174. *Ibid.*, xv.
175. Mabel Mills, “Experiments in Exchequer Procedure (1220–1232),” *Transactions of the Royal Historical Society* 8 (1925): 151–70, esp. 153.
176. The earliest memoranda roll in print is *The Memoranda Roll for the Michaelmas Term of the First Year of the Reign of King John (1199–1200)*.
177. The earliest plea roll of the exchequer is from 20 to 21 Henry III. See: Jenkinson and Formoy, *Exchequer of Pleas*, xxi and the discussion on xxxix.
178. *Ibid.*, liii.
179. *Ibid.*, xi.
180. Mills, “Experiments in Exchequer Procedure,” 161–5; Barratt, *Receipt Rolls for 4, 5, 6 Henry III*, xvii–xx. We do not know whether the breaking off of Jewish judicial business that created the rolls of the exchequer of the Jews was first instigated in 1218 or was undertaken earlier in the reign of John. If these rolls are to be traced to the reestablishment of the exchequer following the baronial war in 1215–7, this dating would give all the more evidence for the impetus lying not in some particular difference of the Jewish predication or legal status, but rather in the flood of business that overwhelmed the exchequer. For we do know that

- “when the exchequer reassembled on 12 November 1217, three years’ accounts required auditing” (Mills, “Experiments in Exchequer Procedure,” 161).
181. Jenkinson and Formoy, *Exchequer of Pleas*, xviii–xix.
  182. Zefira Rokéaḥ, *Medieval English Jews and Royal Officials: Entries of Jewish Interest in the English Memoranda Rolls, 1266–1293* (Jerusalem, 2000). Zefira Rokéaḥ’s thick volume of entries from the exchequer memoranda rolls gives much evidence for the use of the exchequer court by Jews and the still-muddied waters of overlapping functions between the exchequer and its branch, the exchequer of the Jews. Unfortunately, Rokéaḥ does not reflect for us on the complex intertwining of these offices. Jenkinson cites evidence of Jewish membrances on exchequer plea rolls: PREJ 3:xviii–xix.
  183. As I have tried to suggest, we do not know when the *archae* came into existence in relation to justices assigned to Jews and the exchequer of the Jews. On the emergence of the exchequer, see: Robin Mundill, “The ‘Archa’ System and Its Legacy after 1194,” and Robert Stacey, “The Massacres of 1189–90 and the Origins of the Jewish Exchequer, 1186–1226,” both in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. Sarah Jones and Sethina Watson (Woodbridge, 2013), 148–62 and 106–24, respectively.
  184. “clericis nostris de scaccario nostro...ad faciendi rotulos scaccarii nostri de Iudaismo”: Thomas Hardy, ed., *Rotuli Litterarum Clausarum in Turri Londinensi Asservati* (London, 1833–44), 1:517.
  185. PREJ 1:1.
  186. PREJ 1:1–2. See also: PREJ 1:3. A writ is addressed: “The King to the Justices greeting” (PREJ 1:2).
  187. PREJ 1:1–2.
  188. One can of course read the reference to justices as intending the longer phrase “assigned to the custody of the Jews.” But even then the phrase is ambiguous about whether a separate institution known as the exchequer of the Jews has emerged at this stage. It seems to me most reasonable to assume a slower, murkier development consonant with the development of other administrative branches. However one reads it, it is evident that these are justices of the exchequer, and that is the main point.



189. Hardy, *Rotuli Litterarum Clausarum*, 2:129.
190. CCR 1227–31, 81.
191. *Ibid.*, 473; CCR 1231–4, 569, respectively. (Later examples can be found as well.)
192. Hardy, *Rotuli Litterarum Clausarum* 2:47.
193. C.A.F. Meekings, “Justices of the Jews, 1218–1268: A Provisional List,” *Bulletin of the Institute of Historical Research* 28 (1955): 173–88, esp. 179.
194. “quod cameram illam apud Westmonasterium versus occidentem, ubi Judei sedent ad Scaccarium”: CCR 1234–7, 100.
195. “ad sedendum ad Scaccarium regis”: Stokes, *Studies in Anglo-Jewish History*, 244–5, and CCR 1234–47, 225.
196. I am following here Maitland’s suggestion to demarcate the emergence of a court by the existence of its own seal and rolls (Pollock and Maitland, *History of English Law*, 1:202).
197. PREJ 1:60.
198. Robert de Fuleham’s career is described in Meekings, “Justices of the Jews,” 173–88, esp. 185.
199. PREJ 1:148.
200. PREJ 1:1.
201. PREJ 1:1. Similarly, we should regard the cases concerning Alice wife of Ralph FitzHel and William son of William de Freges as ones in which the Crown had a direct interest as the party profiting from the repayment of the loan.
202. Stacey, “Royal Taxation,” 188.
203. PREJ 1:9 (two references), 1:12.
204. Sharon Lieberman, “English Royal Policy towards the Jews’ Debtors, 1227–1290” (Ph.D. diss., University of London, 1982).
205. Alice Cramer, “The Jewish Exchequer: An Inquiry into Its Fiscal Functions,” *American Historical Review* 45 (1940): 327–37, and “The Origins and Functions of the Jewish Exchequer,” *Speculum* 16 (1941): 226–9. See esp. page 227 of “Origins and Functions” for Cramer’s rejection of the premise that the function was to protect private debts. Cramer’s argument is directed primarily against the suggestion that the exchequer of the Jews had a judicial function only.
206. Cramer, “Jewish Exchequer: Fiscal Functions,” 330–1.
207. See especially the reference to the sheriff of Kent, Gilbert de Kyrkeby, in *ibid.*, 335, note 44.

208. Ibid., 333–4.
209. PREJ 2:64–5.
210. PREJ 4:70–88.
211. PREJ 4:62–9.
212. PREJ 4:62–9.
213. Jenkinson and Formoy, *Exchequer of Pleas*, xviii–xix. Emphasis mine. Jenkinson’s expertise derived from his work as editor of the *Select Cases of Exchequer Pleas*, the third volume of the *Calendar of the Plea Rolls of the Exchequer of the Jews*, and the lists of Jewish receipt rolls that he found among the receipt rolls of the lower exchequer.
214. Gross, “Exchequer of the Jews of England,” 170–230; and Cramer, “Origins and Functions of Jewish Exchequer,” 227. I follow Cramer’s account closely.
215. Richardson, *English Jewry*, 118–9.
216. Meekings, “Justices of the Jews,” 178; Brand, App. 3 to PREJ 6:19–30, esp. 25.
217. Meekings, “Justices of the Jews,” 185.
218. Ibid., 178.
219. Ibid., 178–9.
220. See the reference to Cramer above.
221. It was against Jenkinson’s overemphasis on judicial business that Cramer reacted in her articles cited above.
222. Hubert Hall, *The Receipt Roll of the Exchequer for Michaelmas Term XXXI Henry II, A.D. 1185* (London, 1899).
223. C.T. Flower, *Introduction to the Curia Regis Rolls*, Publications of the Selden Society 62 (London, 1944), 222–5; Helen Cam, *Liberties and Communities in Medieval England: Collected Studies in Local Administration and Topography* (Cambridge, 1944), 131–4. Flower and Cam give several examples of legal cases in which the status of a tenure or an individual was investigated. See also: Pollock and Maitland, *History of English Law*, 1:437; Paul Vinogradoff, *Villainage in England: Essays in English Mediaeval History* (London, 1927), 59–64.
224. Flower, *Curia Regis Rolls*, 234.
225. Ibid., 233.
226. Cam, *Liberties and Communities*, 134.
227. Ibid. See also: Flower, *Curia Regis Rolls*, 224; Pollock and Maitland, *History of English Law*, 1:439–45.

228. Paul Hyams, *King, Lords and Peasants in Medieval England: The Law of Villeinage in the Twelfth and Thirteenth Centuries* (Oxford, 1980).
229. Vinogradoff, *Villainage*, 67–9; H.G. Richardson and G.O. Sayles, *Law and Legislation from Aethelberht to Magna Carta* (Edinburgh, 1966), 142 ff.
230. This admittedly gets into sticky issues over the degree to which religion or ethnicity defined premodern Jewry. The important point to keep in mind is that the two concepts were not separate until the modern period of emancipation made Judaism into a modern religion of personal choice and private practice. Hence, I attempt to draw a distinction more accurate for the high middle ages between corporate and noncorporate identities.
231. Vinogradoff, *Villainage*, 67–9; Richardson and Sayles, *Law and Legislation*, 142 ff.
232. Richardson and Sayles, *Law and Legislation*, 143–4.
233. Ibid.
234. See, for example: CPR 1266–72, 10 (22 Nov. 1266), 152 (20 July 1267); CPR 1247–58, 358–9 (29 Sept. 1254).
235. Flower, *Curia Regis Rolls*, 234.
236. Watt, “Jews, Law, and Church,” 160. See also: Mundill, *England’s Jewish Solution*, 292.
237. Watt, “Jews, Law, and Church,” 160.
238. Ibid.
239. Pollock and Maitland, *History of English Law*, 1:494. Maitland used the earliest printed edition of 1569.
240. Maitland made this move by assimilating it to the Laws of Edward the Confessor. As noted above, the passage in the Laws of Edward the Confessor is highly ambiguous. For the Laws of Edward the Confessor define the relationship of Jews to king as that of a vassal to a liege lord; it is a relationship of protection not of ownership. See the discussion of Langmuir’s interpretation below.
241. Samuel Thorne, Translator’s Introduction to *Bracton on the Laws and Customs of England* (Cambridge, MA, 1968), 3:xiii–lii. Barton has rejected Thorne’s arguments and reinstated the older attribution of the manuscript to Bracton: J.L. Barton, “The Mystery of Bracton,” *Journal of Legal History* 14 (1993): 1–142. My argument here holds whether one accepts Thorne’s or Barton’s reconstruction of authorship and dating.

242. *Bracton on the Laws and Customs*, 4:208, note 3 and 1:417.
243. Thorne, Translator's Introduction, *Bracton on the Laws and Customs*, 1:xi.
244. *Bracton on the Laws and Customs*, 1:8–9, 14–15.
245. *Ibid.*, 1:9 and note 1. For the documents themselves, see: *Calendar of Documents Relating to Ireland, 1252–1284*, vol. 2 (London, 1875–86), nos. 1549, 1550.
246. It is obviously contradicted by the historical evidence for Anglo-Jewry throughout the twelfth and thirteenth centuries.
247. *Bracton on the Laws and Customs*, 4:208, note 3. (“Judaeus vero nihil proprium habere potest, quia quicquid acquirit non sibi acquirit sed regi, quia non vivunt sibi ipsis sed aliis et sic aliis acquirunt et non sibi ipsis.”)
248. *Ibid.*, 2:55.
249. *Ibid.*, 2:145.
250. *Ibid.*, 2:179; “Magna Carta, 1215,” in *Readings in Medieval History*, ed. Patrick Geary, 3rd ed. (Peterborough, ON, 2003), 782.
251. *Bracton on the Laws and Customs*, 2:331. The articles of the eyre, Thorne says, “seem to be those of Bracton’s own eyre in 1245, clumsily brought up to date by the inclusion of those of the 1246–9 and 1250–51 visitations” (*ibid.*, 2:329, note 3, citin H.G. Richardson, “Azo, Drogheda, and Bracton,” *English Historical Review* 59 (1944): 22–47, esp. 36–7, and H.G. Richardson, “Studies in Bracton,” *Traditio* 6 (1948): 61–104, esp. 78–82, 92, 98). We should note that the reference to “chattels of slain Jews” seems to be carried over by tradition from the lists of chapters recorded in Hoveden’s Chronicle for Richard I’s directions for re-instituting the eyre circuits in 1194 on his return from the crusade and release from imprisonment. In the context of 1194, these chapters on Jews have a simple explanation, that is, bringing justice (and collecting royal revenue) subsequent to the outbreak of violence against Jews in 1190 as Richard was crowned and set forth on crusade. Its reiteration in later chapters suggests the force of conservatism in justice.
252. *Bracton on the Laws and Customs*, 3:41 and 4:111. The passage on essoins is difficult to decipher: “If both essoiners, the demandant’s as well as the tenant’s withdraw, not much notice need

- then be taken of the default, since both are in the same case, nor is there anything so to speak, that Jew may blame on Jew.”
253. Ibid., 2:408, 2:419, and 3:337. In the first passage, Jews are permitted to circumcise their sons, while those of other religions are liable for castration. In the second, the rapist is obligated to marry the woman, if she wishes to marry him, even if she is of low birth and he high. The story of a woman born of Jewish parents and married to a rapist of noble birth is used to illustrate the point. In the third passage, a Jew who says that Christ was born of a virgin is used as an example of one who commits perjury because he goes against his understanding.
254. “Sciendum est quod omnes Iudei, in quocumque regno sint, subtutela et defensione regis ligii debent esse; neque aliquis eorum potest se subdere alicui diuiti sine licencia regis, quia ipsi Iudei et omnia sua regis sunt. Quod si aliquis detinuerit eos uel pecuniam eorum, requirat rex tanquam suum proprium, si uult et potest”: O’Brien, *God’s Peace and King’s Peace*, 184–5. Some versions including the one that Langmuir used read “ligie” in place of “ligii,” suggesting a translation of “liege protection and defense of the king” in place of “protection and defense of the liege king.” (See: O’Brien’s notes on paragraph 25.) In either reading, the presence of the language of “liege” suggests use of the concept of vassalage, not used for people of servile status.
255. Langmuir, “Tanquam Servi,” 176.
256. Ibid.
257. Jacobs, *Jews of Angevin England*, 134–5; Rymer, *Foedera* (1816), 1:51.
258. “Nullus Iudeus remaneat in regno nostro nisi talis sit quod regi possit seruire et bonos plegios inueniat de fidelitate. Alii vero Iudei, qui nichil habent vnde regi seruiant, exeant de regno infra instans festum sancti Michaelis anno regni regis predicti xvij: quod si vterius moram fecerint detrudantur in carcerem et non deliberentur sine speciali mandato regis”: Richardson, *English Jewry*, 294. Translation my own.
259. “quem specialiter in servitio nostro retinuimus”: Stokes, *Studies in Anglo-Jewish History*, 243 and following charters.
260. “Habendum et enendum quamdiu vixerit libere quiete honorifice et integre....Quare volumus et concedimus quod idem Elyas tota vita sua habeat prebiteratum predictum per totam Angliam cum

omnibus pertinenciis et libertatibus et liberis consuetudinibus”:  
ibid., 245.

261. “Rex providit et statuit, etc.:—Quod nullus Judeus maneat in Anglia nisi servitium Regis faciat; et quam cito aliquis Judeus natus fuerit, sive sit masculus sive femina, serviat Nobis in aliquo”: Rigg, *Select Pleas, Starrs, and Other Records*, introduction—App. 2, xlvi–xlix. My translation.
262. Richardson and Sayles, *Law and Legislation*, 143.
263. Constance Bouchard, *Strong of Body, Brave and Noble: Chivalry and Society in Medieval France* (Ithaca, 1998), 51.
264. Moore, *Formation of a Persecuting Society*.

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