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UNDER Innocent III (1198-1216) the Papacy reached the height of its ecclesiastical and political power. This great churchman sought to determine the destinies of all Christendom and, of course, of the comparatively small number of Jews who lived in its midst. Like his papal predecessors he had no intention of destroying Jewry, but he did insist that they, as a merely tolerated "subject" group, were to be granted no special privileges beyond those conceded to them by the earlier Church authorities. The anti-Jewish laws enacted by the Christianized Roman Empire and the Church were to be observed scrupulously so that the repression of the Jew might serve as a horrible example to those vacillating Christians who might be tempted to succumb to the religious influence of this or any other infidel group. He initiated no really new legislation: he merely expanded or sought to enforce older decrees. The general tendency of his legislation, especially in the matter of dress, was to segregate the Jew socially even more than he had been in the past. The expulsions of the Jews from Western Europe in the course of the next three centuries were the direct result of this social isolation which Innocent put into effect. His pontificate thus marks the beginning of a period of social and political decline for the Jew, particularly throughout Western and Central Europe.

The following selections, originally in Latin, are decrees of the Fourth Lateran Council, an international conference of Catholics that met at the call of the Pope in November, 1215 in the Lateran church in Rome.

I. CONCERNING THE INTEREST TAKEN BY JEWS

¶The more the Christian religion is restrained in the exaction of interest so much more does the knavery of the Jews in this matter increase, so that in a short time they exhaust the wealth of Christians. Wishing therefore to provide for Christians in this matter lest they be burdened excessively by the Jews, we ordain through synodal decree that if they hereafter extort heavy and unrestrained interest, no matter what the pretext be, Christians shall be withdrawn from

association with them until the Jews give adequate satisfaction for their unmitigated oppression. Also the Christians shall be compelled, if necessary, through Church punishment from which an appeal will be disregarded, to abstain from business relations with the Jews.

[Innocent, in the preceding paragraph, threatens the Jews with a social and economic boycott if the interest they exact is excessive, and if they refuse to pay back some of the money they have thus received. Those Christians who persist in associating with Jews who exact a high rate of interest will be excommunicated.]

Moreover, we command the princes that they should not be hostile to the Christians because of this, but should rather seek to restrain the Jews from so great an oppression.

[The Christian princes, to whom the Jews were a lucrative source of revenue, encouraged the Jews in their money-lending and supported them with the authority of the state. The princes would resent the interference of the Church.]

And under threat of the same penalty we decree that Jews should be compelled to make good the tithes and dues owed to the churches which the churches have been accustomed to receive from the houses and other possessions of the Christians before they came into the possession of the Jews, regardless of the circumstances, so that the Church be preserved against loss.

[As early as 1068 the Church, at Gerona, Spain, sought to compel the Jews to pay to it a tithe on the produce of Jewish lands which had once been in Christian possession.]

II. THAT JEWS SHOULD BE DISTINGUISHED FROM CHRISTIANS IN DRESS

¶ In some provinces a difference in dress distinguishes the Jews or Saracens from the Christians, but in certain others such a confusion has grown up that they cannot be distinguished by any difference. Thus it happens at times that through error Christians have relations with the women of Jews or Saracens, and Jews or Saracens with Christian women. Therefore, that they may not, under pretext of error of this sort, excuse themselves in the future for the excesses of such prohibited intercourse, we decree that such Jews and Saracens of both sexes in every Christian province and at all times shall be marked off in the eyes of the public from other peoples through the character of their dress. Particularly, since it may be read in the writings of Moses [Numbers 15:37-41] that this very law has been enjoined upon them.

[In Aragon and parts of France, some Jews, even before this time, wore a distinctive dress, and in the Moslem lands they had

been compelled to wear a garb of their own for centuries. Innocent's demand that Jews be easily distinguished shows that Jews in his day were different from Gentiles neither in speech nor in dress. Innocent's reason for insistence on separating Jews from Gentiles was that separation prevented intermarriage and the consequent losses to the Christian religion. The result of this law was that a number of states legislated that the Jews wear the "badge of shame."]

Moreover, during the last three days before Easter and especially on Good Friday, they shall not go forth in public at all, for the reason that some of them on these very days, as we hear, do not blush to go forth better dressed and are not afraid to mock the Christians who maintain the memory of the most holy Passion by wearing signs of mourning.

This, however, we forbid most severely, that any one should presume at all to break forth in insult to the Redeemer. And since we ought not to ignore any insult to Him who blotted out our disgraceful deeds, we command that such impudent fellows be checked by the secular princes by imposing on them proper punishment so that they shall not at all presume to blaspheme Him who was crucified for us.

[As early as 538 the Church, at the Third Council of Orléans, ordered that the Jews stay indoors on the Easter holidays. Innocent demands that Jews who go about well dressed during the days before Easter be punished, for to dress well on the anniversary of the suffering and the crucifixion of Jesus is an insult to Christians.]

III. THAT JEWS NOT BE APPOINTED TO PUBLIC OFFICES

¶ Since it would be altogether too absurd that a blasphemer of Christ should exercise authority over Christians, we, in this chapter, renew, because of the boldness of transgressors, what the Toledo Council has prudently decreed in this matter. We forbid that Jews be preferred for public offices since by pretext of some sort they manifest as much hostility to Christians as possible. If, moreover, any one should thus turn over an office to them, after due warning he shall be checked by a severe punishment, as is fit, by the provincial council which we command to meet every year. Indeed, the association of Christians with such a Jewish official in commercial and other matters shall not be allowed until whatever he has gotten from Christians through the office is transferred to the use of poor Christians, as the diocesan bishop shall carefully direct. And he shall be dismissed in disgrace from the office which he has impiously assumed. We extend the application of this law also to pagans.

[Ever since Theodosius II in 439, the Council of Clermont in 535, and the Third Council of Toledo in 589, Jews were not allowed to hold offices which permitted them to impose penalties on Christians. Innocent decrees that Christians who give offices to Jews are to be punished by church councils, and that the Jewish official is to be boycotted till he surrenders all he has made in his office. Then he is to be dismissed. This law, originally in the Theodosian code, remained on the statute books of Poland till March, 1931.]

IV. CONVERTS TO THE FAITH FROM AMONG THE JEWS MUST NOT OBSERVE THE OLD CUSTOMS OF THE JEWS

¶Some converted Jews, as we understand, who came voluntarily to the waters of Holy Baptism, have not altogether sloughed off the old man in order to put on the new man more perfectly. Since they retain remnants of their earlier rites they confound the majesty of the Christian religion through such a mixture. Since, moreover, it is written [Ecclesiasticus 2:12]: "Woe unto the man that goeth on the earth two ways," and since one ought not to put on a garment woven of both linen and wool [Leviticus 19:19], we therefore ordain that such persons must be restrained in every way by the prelates of the churches from the observance of their old religious rites. For in the observance of Christianity it is necessary that a healthy compulsion should preserve these Jews whom free will has carried to the Christian religion. It is a lesser evil not to know the way of the Lord than to go back, after it has been acknowledged.

[As early as 633 the Fourth Council of Toledo objected to the backsliding of Jewish converts to Christianity. Innocent warns converts against retaining their Jewish customs. Even as they are not allowed to mix their yarns, even so they are not allowed to mix their religions. He ends by saying that, inasmuch as they have come to Christianity voluntarily, they have no excuse for retaining their old habits, and they are to be forced to drop them.]

V. THE EXPEDITION TO RECOVER THE HOLY LAND. . . .

¶If any of those setting out thither [for the Holy Land] are bound by oath to pay interest, we command that their creditors shall be compelled by the same means [ecclesiastical censure] to release them from their oaths and to desist from the exaction of interest. But if any creditor shall compel them to pay interest, we order that he shall be forced, by a similar chastisement, to pay it back.

We command that the Jews, however, shall be compelled by the secular power to remit interest; and until they remit it all faithful

Christians shall, under penalty of excommunication, refrain from every species of intercourse with them. For those, moreover, who are unable at present to pay their debts to the Jews, the secular princes shall provide by a useful delay, so that after they [the crusaders] begin their journey they shall suffer no inconvenience from interest, until their death or return is known with certainty. The Jews shall be compelled, after deducting the necessary expenses, to count the income which they receive in the meantime from the mortgaged property toward the payment of the principal; since a favor of this kind, which defers the payment and does not cancel the debt, does not seem to cause much loss. Moreover let the prelates of the Church who are proven to be negligent in doing justice to the crusaders and their families, understand that they shall be severely punished.

[Innocent, who was anxious to recover the Holy Land, thought it wrong that crusaders should pay interest on debts to Jew or Gentile and therefore ordered that the interest already taken from crusaders be returned. He decreed further that crusaders without means need not pay the principal on their debts to their Jewish creditors until they returned from their crusade. This was a moratorium. And finally the net income of the mortgaged property held by Jews must be applied to the reduction of the principal of the debt.]

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