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ANGLO-JUDAICA.

AN ANGLO-JEWISH DIVORCE, A.D. 1242.

A SHORT time ago, I was busily engaged at the Public Record Office, studying and consulting one of a series of rolls technically entitled "Close Rolls." I had in hand the bundle relating solely to the year 1242. Glancing carefully through its contents, my eye was attracted by a marginal clue with the words "Pro David de Oxon," and I paused to read with attention. The entry was in all respects novel, interesting and important. The novelty consisted in this feature.

As a rule, a record does not profess to convey history. It simply registers a fact or an incident, gives a copy of a regal order or writ, states the terms and periods conceded to debtors for the payment of their obligations to Jews, speaks of forfeitures, fines, the passing of property from individual to individual, and sundry other matters of an heterogeneous character—in too many cases, mere bald bare statements, sufficient to determine the existence and locale of persons, but otherwise devoid of interest. Thus much, however, must be added. Every entry is contemporaneous with the event recorded, and may be relied on as thoroughly accurate in all its details.

The entry introducing David of Oxford, although small in compass, went far beyond this. Evidently without so intending, it was a vehicle and medium for the conveyance of history, and that too of a highly interesting character. The importance of the few lines may thus be summarised. (1.) It proves the existence of Hebrew learning in England to an extent hitherto unsuspected. (2.) It gives the names and locale of three eminent Rabbis at least, if not more. (3.) It determines the date and floruit of these ecclesiastics, a matter which has been long in dispute. (4.) It confirms the accuracy of a portion, at least, of the chronological tree recently brought to light by Dr. David Kaufmann. (5.) It introduces us bodily to the teacher of Moses ben Isaac, the great English lexicographer, and thus fixes finally the date of these two

worthies. (6.) It shows incontestably that the Jews of England possessed the free exercise of their Mosaic ordinances and rabbinical usages. (7.) It conveys the fact that the Bethdins of England—tribunals of three assessors—were permitted by the secular power to enforce their judgments and decrees even to the extent of excommunicating the highest in the land. (8.) It leads up for the first time to the knowledge that intimate relations were maintained between the Jews of England and the Jews of France. (9.) It betrays the fact that the Paris Bethdin, whosoever may have been their members at the date stated—1242—were regarded as superior to the English Bethdin, and capable of vetoing and revoking their sentences. (10.) Finally, it impresses upon us the conviction that the secular law held a tight grip over Jewish ecclesiastical law, and energetically countermanded it if injustice or oppression were proven. To show all this, it were best to proceed by way of narrative.

It appears, then, that during the entire reign of King Henry III., 1216—1272, and the earlier part of the reign of his successor, Edward I., a notable contingent of Jews resided in the city of Oxford. All details relating to their places of residence, their numerous vicissitudes, their money transactions, their synagogues, burial-grounds, etc.—everything, indeed, of interest attaching to them—all these have been compiled and chronologically arranged by Dr. Neubauer in a manner that reflects great credit on his industry, vigilance, and accuracy. These have been published by the Oxford Historical Society, and are accessible to all interested readers. My references and notes, while comprehending nearly all that Dr. Neubauer has published, contain as much again, and in many particulars confirm and strengthen his assertions. It is needless, therefore, to touch on the history of the Oxon Jews, as the labour has been effected so admirably already.

Among the laymen inhabiting Oxford during the first portion of the reign of Henry III., David of Oxon certainly stands foremost, and on a pinnacle towering above all his contemporaries. Although my references about him amount to so respectable a figure as sixty, it cannot be averred with truth that much is known of him. Subtract the numerous items relating to his financial transactions and his worldly possessions, and the remnant is meagre.

He originally lived in Lincoln, was born there perhaps. Under the designation David of Lincoln, he represented the community of Oxon at the important congress convened at Worcester in 1240—1241, in furtherance of a royal rescript peremptorily issued by the reigning monarch. He was frequently appointed talliator over his brethren,

signifying an imperial officer, commissioned by the crown to assess fairly the amount of taxation recoverable from each individual under his sway. In this capacity he acted on behalf of Richard, Earl of Cornwall, when the latter advanced money to his brother Henry III., and was accorded the outcome of Jewry, in return for his complaisance. While David was an assessor himself, he did not escape assessment, for in 1236, William le Breton, the justiciar, was commanded to watch his interests, and see that he was fairly treated. He is represented in one record as not being ordinarily wealthy, but as one of the *Ante-Majores*—a personage, with half-a-dozen others, exceeding any of his brethren in the possession of opulence.

In worldly matters, then, David of Oxon or Lincoln is a prominent figure; in social, religious or communal life, he does not figure at all, and nothing rises to the surface to identify him with any incident or event affecting his community. His sole relatives are a nepos — grandson or nephew — named Benedict, and a brace of wives, Muriella and Licoriccia respectively.

A brace of wives is a peculiar mode of expression, and is used advisedly; for, curious to relate, the two ladies are contemporaneous, and both and each is cited as “the wife of David of Oxon.” This cannot be possible, for bigamy was a crime at common law, and an abomination in Jewish ecclesiastical law. One little word, apparently insignificant, but withal very forcible, disposes of this difficulty. Muriella’s name appears but rarely, Licoriccia’s very frequently. When Muriella comes on the scene she is not (contemporaneously, be it understood) the lady “*quæ est*” who *is* the wife, but the spouse “*quæ fuit*” who *was* or *had been* such, and was so no longer. We are driven then to the conclusion that Muriella was the *divorced* wife of David, and that Licoriccia was her lawful successor. If it were otherwise, for what purpose did a Bethdin meet and proceed to judgment?

David de Oxon obtained the relief he sought for at the hands of the Jewish ecclesiastics, but the latter seem to have saddled it with certain conditions unnamed to which David refused to subscribe. *They* persisted, and *he* remained obdurate. Acting on the rights accorded them in general terms by the Crown, they threatened the stubborn millionaire with excommunication, an awful sentence in those superstitious times. Not mere boycotting and the imposition of moral leprosy, but something beyond it; for, by the law of the land, the man would become an attainted “felon,” and all his property be confiscated to the Crown.

David de Oxon perceived the pitfall, and the seriousness of his position. He was not the man to yield without a struggle. He enlisted the secular authorities on his behalf, and this brings us at

length to the entry under discussion, translated from the original Latin.

“For David de Oxon. The King to Masters Mosse of London, Aaron of Canterbury, and Jacob of Oxon, Jews, greeting. We forbid you from henceforth holding any plea concerning David of Oxford and Muriell who was (note the *was*, not *is*) the wife of the same. You are not to distraint him under any circumstances either to take or retain her or any other woman as his wife. Know for a certainty that if you do otherwise, you will incur grave punishment.”

Before the narrative proceeds, it is advisable to say a few words with regard to the three eminent men here forming the Bethdin.

1. Master Jacob de Oxon is unknown in Jewish literature and in the Latin records. Persons possessing the name of Jacob abounded in Oxford; it is difficult to distinguish the special Jacob here mentioned. If he were, as is most probable, the son of the first-named, viz., Magister Mosse of London, then he was by far a more important man than his sire. His name and transactions are frequently cited in the Latin records of the period. He has been previously noted in the columns of the JEWISH QUARTERLY REVIEW, both by Dr. Kaufmann and Mr. Jacobs.

It is noteworthy that Moses the Lexicographer, to whom allusion will presently be made, cites a R. Jacob as a professor of learning in England; and it is almost a matter of certainty—it must not be stated as a positive and undeniable fact—that the Abraham ben Chaim, whom he likewise quotes is none other than Abraham of Bristol, the hero of old, who, because he refused to pay King John the sum of 10,000 marks, was tortured by that monster, and had seven of his teeth mercilessly extracted.

It is needless, therefore, to dwell on his career. He forms the middle link between Magister Mosse, his father, and Moses ben Jacob, his son, all of whom appear in the genealogical table of English Jews, recently brought to light by Dr. Kaufmann, and appended to the Calendar emanating from the pen of Moses the younger aforesaid. My references to this Rabbi Jacob of Oxon, and his successor, the compiler of the Calendar, are so numerous that they would readily engross some thirty columns of THE REVIEW. I defer the consideration of these references for some future opportunity. The data at my command naturally include all that have already appeared in print, but go vastly beyond.

The principal items in the history of these two individuals are their incessant contentions with the powers that be over money matters, their frequent incarceration in the Tower of London, the spoliation of the father's property, and the harrying pursuit of the son. Moses.

the Calendar-maker, was on one occasion held as a hostage in the Tower on account of his father's arrears, and in 1290 went into exile. He turns up again at Paris in 1294, and is included in a list of the Parisian Jews tallaged in that year.

2. Magister Mosse, as his description denotes, was originally a London man, subsequently resident at Oxford. All that Dr. Kaufmann and Mr. Jacobs have written about this personage is in every particular accurate; but they have failed to fix his floruit, because it has hitherto evaded inquiry. We note him here alive in 1242. The date is all-important, for a great deal hinges on it. In this way. Moses ben Isaac, the great English lexicographer, was a pupil of this Magister Mosse, and frequently cites him with admiration. This being the case, we must allow a few years' difference between master and pupil, and fix the floruit of the later Moses at 1260. The wrangling contention which passed between such good scholars and able penmen as Dr. Neubauer and Mr. Jacobs, and gave rise to so much spilling of ink—all indeed grounded on assumption—may now receive its quietus, and give way to a clear and guiding date. We must dismiss the presumption that Moses ben Isaac lived in the twelfth century; he could not possibly have sustained intimate relations with Isaac of Russia, who preceded him nearly the length of a century; and he certainly was not the Moses ben Isaac whose tombstone was utilised in the repair of Ludgate in 1215. Mr. Jacobs, who soberly stated these facts as assumptive truths, wrote in perfect good faith, but he confounded the present Magister Mosse with an earlier one who lived in London most assuredly in the twelfth century. The Magister Mosse here alluded to in 1242 was the father of the great English physician Elias, who is also spoken of in the records as "Magister legis judaicæ," master of Jewish law. He was a great personage of later date, and according to the received opinion of our learned Chief Rabbi was father of the poet, Meir ben Elias, of Norwich, whom Dr. Berliner has rescued from obscurity. See again how important a part the date 1242 plays in this connection. For if the grandfather was alive in 1242, and his son Elias was in London in 1280, a physician in marvellous practice, then the grandson—the poet Meir ben Elias—must have flourished early in the fourteenth century.

What follows as a matter of course? We must regard the poet Meir as an exile, and accept his description מנורניץ, not as signifying "of Norwich," but "from Norwich," his poem being written abroad, as doubtless was the Calendar of Moses ben Jacob, the exile dwelling in Paris. Further, Moses ben Isaac, the lexicographer, may have been an exile likewise, and Dr. Neubauer's reading therefore stands good; ממדינת אנגליסירא is not, then, "who is at present of the

realm of England," but who is (in exile) *from* the country called England.

3. There yet remains the third functionary, Rabbi Aaron of Canterbury, a great Tosaphist, hitherto a mere name and myth. I possess him frequently on my notes; his full name was Rabbi Aaron ben Sampson, and his doings are as explicit to me as if he were living at the present date. He also must be relegated to some future opportunity.

We now proceed with our narrative. David de Oxon having gained the day over the Rabbis, remained content with his triumph. The *divorcée*, Muriella, was far from satisfied. She deemed herself harshly treated. Finding that no redress awaited her in England, urged to desperation by her wrongs, and surrounded by friends and partisans, she determined to make an appeal to the Paris Consistory. Unfortunately, all details are lacking. We only know by the sequel that her course of procedure became revealed to the lay authorities, and incited their grave displeasure. Whether a deputation waited on the Paris Rabbonim, or the suit was conducted by correspondence, we have no means of ascertaining. Anyway, it precipitated the emission of the following writ, again translated from the Latin original:—

"For David of Oxford. Whereas by the counsel of the Venerable Archbishop in Christ, W. of York, and sundry of the King's Council, it was provided that henceforward no tribunals (Bethdins?) might be held concerning the Jews in England. And whereas the justices assigned to the custody of the Jews were firmly enjoined on the part of the King to see with regard to all the Jews of England that no chapters should henceforth be held throughout England. Consequently these are to appear before the aforesaid Archbishop and others of the King's Council on the Octave (a week subsequent to) Saint Michael, wheresoever such Council may be in England, to show cause why they sent to France, and to the Jews of France to hold a chapter concerning the Jews of England. Namely, Peytevin of Lincoln, Muriel who *was* the wife of David of Oxford, Benedict son of Peytevin of Lincoln, Vaalin, and Moses of Banbury,¹ Jews.

"And the aforesaid Justices are ordered not to suffer David of Oxon to be coerced by the Jews to take or hold any woman to wife, except at his own free will."

Peytevin of Lincoln was a local Rav, originally (Close Roll, 1230) "de Francia"; hence his connection with his Parisian co-religionists. He is frequently styled "Clericus"—ecclesiastic. He made several journeys to the Metropolis, and was more of a Londoner than a

¹ The original looks like Barbuñ. A Moses of Banbury is cited elsewhere in the records.

Lincoln man. His son Benedict always lived in London, and gave important evidence, in 1234, before the Barons of the Exchequer, when the Justices of the Jews were indicted for extorting bribes from Jewish applicants, remitting their tallage in some instances, increasing it in others, and otherwise turning justice into a farce.

The result of this inquiry, if it ever took place, will possibly never be known, for the record, as will have been noticed, plunges *in medias res*, and concludes *in medias res*. It is unsatisfactory to the extent that it leaves so much untold. Whatever way the affair terminated, one thing is certain. The Rabbis gained the superiority at a subsequent date, and dealt out excommunications with a rigorous hand.

David of Oxford did not long survive the success of his suit. His widow, Licoricia, was mulcted very heavily by the Crown, and a large share of her husband's wealth was pounced upon in order to beautify Westminster Abbey and support the houses of the converts in London and Oxford.

Muriella showed some signs of restlessness, if not vindictiveness, soon after her divorce. She occupied a house of her former husband on a repairing lease, but allowed the premises to fall into a state of dilapidation. All appeals to her were in vain; so the Justices interposed, and peremptorily ordered her to fulfil her contract.

The regulation touching the jurisdiction of a Bethdin must have been relaxed soon after 1242; for in 1250 "the Masters of the Law" in London were empowered to launch forth the high excommunication, if they deemed it expedient. They exercised the function once in 1270, against Sadekin of Northampton, and again in 1275, against Cok Hagin, an eminent Jew of London. In both instances the unfortunate victims of ecclesiastical wrath were denuded of their chattels and possessions, Queen Eleanor preferring a claim to the same on forfeiture—a demand that was instantly recognised, and as readily conceded.

The following is the original text of the document which forms the subject of the present article:—

"Pro David de Oxon.—Rex Magistris Mosse de London, Aaron de Cantuar et Jacobo de Oxon Judeis, salutem. Prohibemus vobis ne de cetero placitum teneatis de David Judeo Oxon et Murell quæ fuit uxor ipsius nec ipsum ad uxorem ipsam vel aliam capiendam vel tenendam aliquatenus dstringatis. Scituri pro certo quod si secus egeretis gravem penam exinde incurreretis.

Pro David de Oxon.—Quia de consilio venerabilis in Christo W. Ebor archiepiscopo et aliorum de concilio R. provisum est quod de cetero nulla capitula teneantur de Judeis in Anglia, mandatum est justic. ad custodiam Judeorum assignatis firmiter injungendo ex parte

R. quatenus omnibus Judeis Angliæ ne de cetero capitula teneant in Anglia. Et Peytevinū de Lincoln, Muriel quæ fuit uxor David de Oxon, Benedictum fil Peytevini de Lincoln, et Vaalyn et Mosseum de Barbuñ Judeos venire faciant coram prefato archiepiscopo et aliis de concilio R. in octabis scī Miche ubicunque fuerint in Anglia responsuri quare miserunt in Francia ad Judeos Franciæ pro capitulo tenendo super Judeos Angliæ. Et mandatum est predictis justic. quod non permittant predict. David de Oxon a Judeis distringi ad aliquam uxorem capiendā vel tenendā nisi de voluntate sua.”

A WRIT OF EDWARD I.

A SOMEWHAT novel and curious phase of Jewish religious life is discoverable in the Exchequer Plea Roll, No. 20, Membrane 3, anno 1275. We there find, *in extenso*, a writ under the Great Seal, directed by Edward I. to the Justices assigned to the custody of the Jews, informing them that the goods and chattels of Cok Hagin, a London Jew, had been confiscated to the Crown, and delivered over as a gift to Queen Eleanor. Cok Hagin had been excommunicated by the Rabbis for an offence against Jewish law, and such excommunication was tantamount to “felony” at Common Law. Hence the forfeiture of his possessions.

The Justices consulted former Rolls, with a view of ascertaining precedents, and they found that in 1270, Sadekin of Northampton had incurred the displeasure of his fellow-Jews, and had been excommunicated, remaining under anathema forty days and more. His goods had consequently been confiscated and handed over to Queen Eleanor.

The Justices, desirous of being set right on the matter, summoned a jury of twelve leading London Jews, and required them, under oath, to examine well the transaction, and report. They did so, and upheld the sentence and judgment of the Rabbis.

The jurors consisted of the following:—Gamaliel of Oxford; Sampson of Northampton; Aaron de la Rye; Benedict of Winchester; Peitavin of Northampton; Isaac of London, from Northampton; Poteman; Manser ben Aaron; Isaac the Evesk; Solomon Bunting; Bonenfaunt of Cruce-rois; and Moses le Blund. It is to be noted that London, then as now, possessed an attractive force for provincials. Two of the jurors, Aaron de la Rye and Solomon Bunting, were subsequently hanged on an alleged charge of clipping the coin.

King Edward thereupon desired Magister Elias, son of Magister Mosse, “Master of the Jewish Law,” to wait upon him, and acquaint him with all the facts. The “Master” obeyed the King’s behest, and