

The Three Jewish Clauses in Magna Carta



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(Posted By Pastor Eli James In The New Ensign Skype Chat)



IF YOU ASK MOST PEOPLE WHAT THEY ASSOCIATE WITH MAGNA CARTA, they may say: King John, barons, Runnymede, or the beginning of English democracy. What they will not say is: Jews.

Yet three of its clauses directly relate to Jews, and, in particular, their money lending activities. It means that the document not only has enormous significance for English history, but also epitomises the privileges and problems of medieval Anglo Jewry.

Magna Carta was signed on June 15 1215, and there will be many commemorative events for its 800th anniversary next year, but its Jewish roots go back to 1066. It is likely that individual Jews came to this country long before then, as far back as Roman times, whether willingly as traders, or by force as slaves. However, it is impossible to talk of a settled Jewish community until the late 11th century. It was then that William of Normandy brought over Jews from his French territory to help colonise his new kingdom.

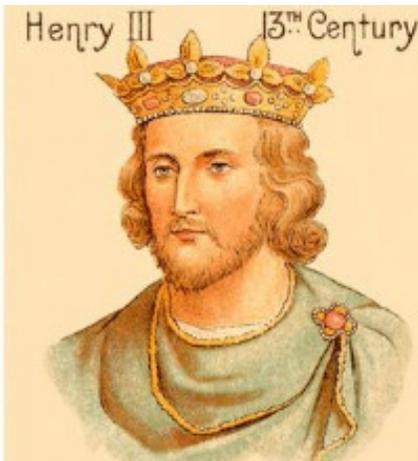
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The first Jews to arrive probably settled in the London area, either because it was one of the nearest points of entry or because it was the seat of royal power. The latter was important as the Jews were outside of the traditional feudal system, which was based on land and allegiance to local overlords, from serfs to squires to nobility to the monarch.

As Jews did not have a set place in this hierarchical chain, a niche had to be created for them, and their right of residence was made dependent on the will of the Crown. It was a two-way relationship: they being answerable directly to the king and the king being their protector.

“The toxic combination of religious and economic hatred led to a breakdown in relationships eventually resulting in the Jews' expulsion”

When their legal status was formalised, they were described as "chattels" of the king and physically belonging to him. In fact, like property, the king could mortgage his entire Jewry when needing to raise revenue. He could also tax them directly without permission of Parliament.



The Crown's fiscal power over Jews meant that it was in the king's interest to ensure their safety, although more for his benefit than theirs. The total subservience of the Jews to the Crown was codified in graphic detail by John's son, Henry III, in his Mandate to the Justices of 1253, which declared: "No Jew remain in England unless he do the king's service, and that from the hour of birth every Jew, whether male or female, serve Us in some way".

William encouraged Jewish migration here for two reasons. First, it was obviously useful having people who were both French speakers and loyal to him. On the continent, Jews tended to be an urban population, not tied to the land and farms, much more mobile than most sections of society, and so were more amenable to uprooting and crossing the English Channel.

Second, many of them performed a very useful economic function as moneylenders. This was not a matter of natural aptitude but of biblical interpretation.

The Bible permits money-lending in principle, but stipulates several times that "you shall not lend upon interest to your brother" (Exodus 22. 24, Leviticus 25. 35, Deuteronomy 23. 20).

This begs the question as to the definition of "your brother". It was understood by rabbinic law to mean a fellow Jew, and that, as an act of kindness to co-religionists, one should not charge them interest, although one could do so to outsiders.

In the Christian world, however, canon law held "your brother" to apply to anyone, and the verses to be an outright ban on levying interest. This may have been admirable in principle, but did not work in practice as there was a constant demand for loans at all levels of society; yet few people were prepared to make loans without charging interest, both so as to make a profit and so as to compensate for defaulters.

With Christians being forbidden to enter such arrangements, here was an important economic vacuum. At the same time, medieval Jews were barred from many other occupations: they could not farm, as they were not allowed to own land in the countryside, while many artisan jobs in towns were closed to them as they could not join the guilds, which had a Christian character and where the admission ceremony involved swearing an oath in the name of Jesus Christ.

The coincidence of these factors led many Jews to engage in money-lending. Unfortunately, it was an occupation that brought them many problems in the long term, for everyone welcomes the money-lender when in need of a loan but tends to resent him when repayment is due.

Thus, anti-Jewish feeling became an inevitable by-product of their economic role in society. In addition, they faced the risk of clients being unable to repay their debts, along with the hazard of the king rewarding his followers by pardoning them of Jewish debts.

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Of course, there were Jews in other trades, too, whether within the community (a teacher or shochet) or in wider society. Money-lending was certainly a Jewish occupation, but not all Jews were money-lenders.

The barons were among those who most disliked Jewish money-lending activities, even though they themselves made full use of them. Not only did they dislike the interest they had to pay, but they were appalled at how Jews were indirectly bolstering the power of the Crown at their expense.

What happened was that, if landowners could not pay their debts to the Jews, they forfeited the property they had put up as collateral. As Jews could not own land, this then reverted to their master, the king, who systematically built up his holdings. It meant that the Jews were accidental agents in a substantial land transfer to the king, and in increasing his powers nationally.

There was another, very particular, concern the barons had: if they were killed in battle or died through some other means before they had paid off their debt to the Jews, it would then fall to their estate to pay and they had seen the effects that mounting interest might have on under-age heirs and widows. This led directly to two "Jewish clauses" in Magna Carta:

10. If anyone who has borrowed from the Jews any amount, large or small, dies before the debt is repaid, it shall not carry interest as long as the heir is under age, of whomsoever he holds; and if that debt falls into our hands [if the Jewish creditor dies and the king takes over his bonds], we will take nothing except the principal sum specified in the bond.

11. And if a man dies owing a debt to the Jews, his wife may have her dower [dowry] and pay nothing of that debt; and if he leaves children under age, their needs shall be met in a manner in keeping with the holding of the deceased, and the debt shall be paid out of the residue, saving the service due to the lords. Debts owing to other than Jews shall be dealt with likewise.

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The fact that these were listed as numbers 10 and 11 among the 62 clauses indicates the importance of the consequences of Jewish loans to the barons. The solution was a freeze on interest payments, while the debt was only to be paid once appropriate living expenses had been guaranteed.

Another clause did not mention Jews by name, but next to these two, insisted that any debts should be paid out of liquid assets rather than land, a clear attempt to halt the king's acquisition of more territory through his Jews.

Magna Carta, however, did not solve the Jewish problem. As well as the animosity arising from money lending, the Church was stirring religious hatred against "Christ-killers" and those whom it labelled as "in league with the devil". Social relations were worsened by the impact of the Crusades, which pitted Christians not only against Muslims, but also against "the infidel" at home.



This toxic combination of religious and economic hatred led to a complete breakdown in social relationships and eventually resulted in Jews being expelled from England in 1290 by Edward I (above)

By this stage, they were financially exhausted from punitive taxes and of no further use to the king. Expelling them brought him several advantages: pleasing the Church, gaining popular acclaim and influencing Parliament to vote for extra taxes to boost royal revenues.

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Unfortunately, England was a trend-setter, being the first country to expel its entire Jewish population, a move subsequently emulated by France and Spain.

The English Jews - approximately 2,500 in number - went to France, the community from which they had originated, assimilated into its midst and disappeared from history as a recognisable group.

Jews did not to return to these shores for another 400 years... and a summer's-day signing by the king and his barons along the banks of the Thames is the clue to that tempestuous period.

Jonathan Romain is rabbi of Maidenhead Synagogue and has recently written 'Royal Jews - A Thousand Years of Jewish Life in and around the Royal County of Berkshire'.



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