

THE CHURCH AND THE JEWS
IN THE XIIITH CENTURY

A STUDY OF THEIR RELATIONS DURING THE
YEARS 1198 - 1254, BASED ON THE PAPAL LETTERS
AND THE CONCILIAR DECREES OF THE PERIOD

BY

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FOR HEBREW AND COGNATE LEARNING

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To my sister
ROSE GRAYZEL MEISLIN



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Preface

Some years ago the History Department of the Dropsie College projected the publication of a series of historical source-books. In these the emphasis was to be laid upon the reciprocal impact of Jew and non-Jew, so that the contribution of each volume was to be to general mediaeval history as well as to Jewish history. The relations between the Church and the Jews offered the best starting point for this project, and Doctor A. A. Neuman, Professor of History at the Dropsie College, advised me to undertake this work. It turned out to be more than a collection of dry edicts, and more than a chronicle of events. A chapter in the history of the Church's attitude toward non-conformist groups, it also affords a glimpse of many phases of the life of the Middle Ages, since the Jews largely participated in the life of that day.

There would have been an obvious advantage in telling the whole story; that is, in showing the continuous development of the attitude of the Church toward the Jews from the beginning of the Christian Era to the present day. Just as obviously, however, this could not be done in one effort or within the limits of one volume. Succeeding volumes in this series may achieve this aim. For the present, even my original intention of gathering the material for the entire thirteenth century had to be cut by half. But for the fifty-six years that this volume covers it contains all the widely scattered references to the Jews in the official Church documents that I could find. In the first instance, I gathered all the printed material available in American libraries. In this part of my work I had the advantage of using not only the general libraries, but also the Library of the Union Theological Seminary in New York, and the Library of Congress at Washington. I then proceeded abroad, and for more than one year did the greater part of the supplementary work, of gathering both published and unpublished material, in the Bibliothèque Nationale in Paris and the Vatican Library in Rome. I wish to record my gratitude to the authorities of all these institutions, more especially to the authorities of the latter two, for the facilities they so generously placed at my disposal.

After the material had been gathered I was advised to translate it in order to make it available also to the general readers of history. In doing so my aim was to retain the flavor of the original while rendering it into intelligible English.

Finally, it is my pleasant task to thank those of my friends who have aided me in the course of my work. From time to time I had

the valuable advice of my teachers and friends, Professor A. A. Neuman of Dropsie College, and Professor Alexander Marx of the Jewish Theological Seminary. My thanks to them is profound. My gratitude is also extended to Doctor Cyrus Adler, President of Dropsie College, for his encouragement and advice, to Rabbi Mortimer J. Cohen for reading the manuscript, and to Miss Miriam Spiwak for helping me to prepare it for the printer. These good friends, and others, gave generously of their advice and their time, and I hope that the results of my work will not be disappointing to them.

SOLOMON GRAYZEL

Philadelphia, Pa.
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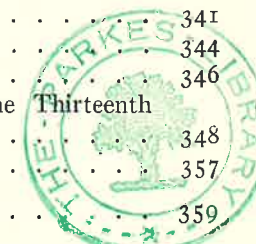
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CHAPTER I

The Importance of the Thirteenth Century

For the Jews as for the general population of Europe, the Thirteenth Century stands out as one of the most important periods in history because of the political, economic, and cultural changes which that Century witnessed. The task of assimilating the barbarian invaders had just been completed, and the energies created by that process, no longer useful in the reconstruction of the western world, had but recently exhausted themselves in three great crusades. The Feudal System was moribund, and definite states stood ready to emerge into conscious nationhood.

A new economic system was in the process of creation. The roads to the East, hitherto used only by pilgrims, were beginning to be used by merchants.¹ Cities blessed with harbors sprang into power and prominence. Inland cities too entered upon a period of rapid growth. Their interests, and not the petty wars of the feudal nobility, now began to hold the center of the political stage. Slowly, during the course of this century, the burgher realized his importance. Resenting the overlordship of the feudal baron who contributed nothing to the town's prosperity, the burgher entered into a long struggle for democracy, or at least, for charter-rights.²

The mind of the Age was therefore exercised by the changing order. On the one hand it was necessary to conserve all that the past ages had produced; that was mainly religious and pietistic. On the other hand it was necessary to find a basis for the newly developed social forces. The King wanted power, the burghers wanted order; consequently great attention was paid to Roman Law. That, however, did not minimize the importance of the religious element in life. Theology and Canon Law were still of great immediate importance, since free entrance into the heavenly life had by no means lost its charm, even though freedom of motion upon earth was now found increasingly alluring. The Thirteenth Century therefore was also the great age for

¹"Though doubtless unaware of the fact, most of the princes who took the Cross were fighting not a Holy War, but one with the object of finding an outlet for the commerce of Europe. The ports of Palestine, not the Holy Sepulchre, was the chief object of most expeditions." Jackson, *An Intr. to the Hist. of Christianity*, p. 158.

²Sedgwick, *Italy in the Thirteenth Century*, vol. I, pp. 200, 335, et passim.

the growth of universities, in order to satisfy the newly awakened mind of Europe.³

All these changes were bound to affect the status of the Jews. Whether or not the Jews of the preceding ages had been as well off as the rest of the population of Feudal Europe, is debatable⁴; but that they had been recognized members of European society, in which they had held an important place, has been proved before⁵ and will be pointed out again in the course of this discussion. But the new social structure was bound to bring the "Jewish Question" of that day very much to the foreground. In proportion as other political groups began to feel a common bond, the more evident became the failure of the Jew to identify himself with them. The decline of the Feudal System raised the problem of the Jew from limited personal bounds to broad national ones. At the same time, the rise of the commercial towns, and the growing importance of the burghers, created for the Jew economic competition armed with political and social advantages, destined to prove too strong for him.⁶ These new political, social and economic forces were bound to result in a search for a redefinition of the Jewish status, and since the most obvious difference between the Jew and his neighbors was in the matter of religion, it was around this element that the changes turned.

The religious forces of that day also showed a remarkable change. The century preceding the Thirteenth had seen a definite growth in the influence of the Church. This was the natural consequence of the age of the Crusades, when everyone had placed the claims of organized Christendom above those of his immediate overlord. The Papacy, however, had not been able to take full advantage of this attitude because of the internal struggles that kept it in a state of weakness. The momentary victory of Gregory VII at Canossa had been dissipated by comparatively weak and inefficient successors. But during the Thirteenth Century the Papacy fell into strong hands. A succession of efficient popes was able to take advantage of every favorable turn of events. At no time was the Papacy stronger than during the first half of this Century.⁷

The power of the Papacy, as evidenced in its direction of the Crusades of this Century, both against Mohammedans and Albigenses, as well as in the field of European politics, as evidenced by its effective interdicts and the final overthrow of the Hohenstaufens, is clearly something to be reckoned with in relation to the Jews of that time.

³ Jackson, pp. 240 ff. Taylor, *The Mediaeval Mind*, vol. II, p. 408.

⁴ Jackson, p. 342.

⁵ Hoeniger in Geiger's *Zeitschrift*, I (1887).

⁶ *Ibid.*, quoting Roscher.

⁷ A. L. Smith, *Church and State in the Middle Ages*, p. 6, says that the middle of this Century saw the climax of Papal power.

What was the attitude of this mighty organization toward a group of people whose very existence was a challenge to the foundations of the Christian World? The answer to this question is all the more important because the attitude of the Church was bound to affect the trend, with regard to the Jews, of those secular forces which were in their infancy during that age. In fact, we read that "The Thirteenth Century began for the Jews the most unfortunate period of their history."⁸

⁸ Schaff, *History of the Christian Church*, vol. V, pt. 1, under Section "Jews"; cf. Graetz, VI, 189. Jackson, p. 161, says: "Judged by the men who were born and flourished within it, the age is one of the most glorious in history", and he cites Innocent III, Dominic, Francis, Aquinas, . . . "but judged by its fruits it is one of the most disastrous in history", and he cites the perversion of the Crusading Movement, the sack of Constantinople, the Inquisition, the Albigensian Crusade, and the destruction of the Hohenstaufens. One might add the degradation of the Jews.

CHAPTER II

The Sources

A. Papal Bulls

A number of Church documents is here presented, for the purpose of shedding light upon the attitude of the Catholic Church of the Thirteenth Century toward the Jews of that day. In presenting them a word must be said about the authority of those who wrote them, as well as of the documents themselves.

In the Catholic Church the pope stands supreme not only because of his position as the "Vicar of Christ," and the successor to Peter, but because by its very nature the Papacy is the supreme institution in the world, where the State shines only in the reflected glory of the Church.¹ The pope thus claimed the right to supremacy not only over the hierarchy of the Church; its archbishops, bishops, and priests,² but also over the secular states; its emperors, kings, and princes. The words of the pope would therefore be the best authority for the Catholic attitude.

The papal correspondence seems to be the likeliest place to look for a definition of the pope's attitude. The popes preached but occasionally, and statements about the Jews and Judaism contained in their sermons are necessarily general. Collections of their statements with regard to various phases of life were incorporated into manuals of Church-Law, which, while casting much more light on the papal attitude, are nevertheless rather limited in number and in scope. The papal correspondence, however, touches upon a great many subjects, and therefore offers a practically complete picture of the papal attitude toward the Jews.

For the period with which we are here concerned, most of the papal correspondence has been preserved; which is not the case for the period preceding the Thirteenth Century. For while it is certain that the popes

¹ Migne I, 377, no. 401: "Porro sicut luna lumen suum a sole sortitur, quare vera minor est illo quantitate simul et qualitate, situ pariter et effectu; sic regalis potestas ab auctoritate pontificali sue sortitur dignitatis splendorem; cuius conspectui quanto magis inheret, tanto majori lumine decoratur." Cf. Schaff, vol. V, pt. 1, p. 775.

² The question of the relative positions of the Papacy and an Oecumenical Council was discussed during the period of the Great Schism in the Fifteenth Century. Papal diplomacy eventually settled the question in favor of the Papacy.

of earlier centuries did not have as much occasion to write letters, they surely wrote more than we possess, but these as yet have not come to light.³ Their correspondence seems to have been dispersed and destroyed. With the pontificate of Innocent III, a new period begins for the Papal Chancery. Not only were modifications and improvements made in the actual form and method of writing, but a real attempt was made to keep a copy of the letters dispatched. Although this was not done quite thoroughly, and although some of the volumes in which the duplicates were copied, have been lost,⁴ we still have the major portion of this pope's correspondence, as well as that of his successors, in bound volumes in the Vatican Archives. In printed form practically all of Innocent III's letters are to be found in Migne's *Patrologia Latina*, volumes 214-217 inclusive^{4a} (after this referred to as Migne I-IV), and for Innocent's successors, in the publications of the *Écoles Françaises* in Rome. These collections must be supplemented by the records of various cities and Orders, and by the writings and collections of Bzovius and Raynaldus.

The collections referred to include all types of papal correspondence, and every one of the types is represented also in our collection of letters about Jews and Jewish affairs. A brief classification of them might therefore prove useful.⁵ There is the "Constitution," a type of papal letter addressed to all the faithful, and dealing with matters of faith and discipline. Of this type No. 5 in our collection is the best example, and is, in fact, headed "Constitutio pro Judeis." The next type is the "Encyclical," a letter addressed to all bishops of Christendom, or to the bishops of any one country, giving orders and directions for their guidance. No. 116 serves as an example of this type. A third type is the "Decree" for the regulation of the Church. Under this head would fall a large proportion of the letters which deal with a particular situation that has arisen in one or another of the dioceses. There is finally the type known as "Decretal," which deals with some specific instance, but is generalized to apply to the entire Church. It is these decretals that form the substance of the Canon Law. Several of them are included

³ About the Registers before the Thirteenth Century see R. L. Poole, *The Papal Chancery*, pp. 30, 40, and especially Appendix VII.

⁴ Cf. Luchaire, *Concile de Latran*, p. 192. For the varied and interesting history of these registers cf. H. Denifle, *Die päpstlichen Registerbände des 13ten Jahrhunderts in Archiv für Litteratur-und Kirchengeschichte des Mittelalters*, vol. II, 1886, as well as the references in the next note.

^{4a} Cf. Luchaire, *Les Registres d'Innocent III* in *Bibliothèque de la Faculté des Lettres de l'Université de Paris*, XVIII, pp. 1-83 (*Troisième Mélangé d'Histoire du Moyen Âge*); L. Delisle, *Les Registres d'Innocent III* in *Bibliothèque de l'école des Chartes*, t. 46 (1885), pp. 84-94.

⁵ Poole's book also gives the best English description of the workings of the Chancery, and analysis of the types of letters. For the same material, more exhaustively treated, see Giry, *Manuel de Diplomatique*, pp. 661-695.

among the letters here presented (e.g. Nos. 3, 11, 59, 79).⁶ Among these last Nos. 3, 11, and 59,⁷ and of the Decrees Nos. 2 and 20, take the form of Responsa. A prelate having turned to the Pope, as to the highest authority on Church doctrine, to ask the law with regard to some definite problem, the Pope replies in the same manner that the rabbis of that very time replied to questions asked of them.

All of these letters go by the name of "bulls" (*Bulla*), because of the seal, or *bullum*, that was affixed to each of them.⁸ In the Papal Chancery before the Thirteenth Century, the correspondence was divided into "Great Bulls" and "Little Bulls." Each kind had its own distinct beginning and ending, as well as its peculiar script, so that one could tell at a glance to which class a document belonged. In general the Great Bull was a grant or a confirmation of rights or privileges, while the Little Bull dealt with a simple donation or concession. The ordinary correspondence was called by the class name of "Litteræ." In time the Great Bull fell into disuse, and practically everything was classed as "letters," divided into "Letters of Grace" by which grants of rights and confirmations were made, and "Letters of Justice" by which was meant administrative orders and official correspondence. The "Constitutio pro Judeis" as repeated by each one of the popes whose correspondence is here included, is clearly a Great Bull (Nos. 5, 35, 81, 111, 118).

The "Constitutio" is a "privilege" granted to all the Jews; it is therefore general in nature, and can tell but little of the real relations between the Papacy and the Jews. The other letters, though some of them deal with matters of minor importance, and may even be simple administrative orders, are more revelatory. Even such letters as do not deal with the Jews or with anything pertaining to them, but merely mention the Jews in one connection or another, have been included, since even the most indirect reference may be indicative of the attitude behind it. In this collection will thus be found statements that display a spirit of leniency, and such as show a spirit of severity; some that command the repression of the Jews, and others that speak with horror of the suffering to which they were being subjected. Naturally this correspondence also sheds light on the inner life of the Jews of the time.

B. The Conciliar Decrees

The papal correspondence alone, however, does not afford a complete statement of the attitude of the Catholic Church. In theory the pope's supremacy was recognized, but his orders did not always gain imme-

⁶ Giry, p. 662.

⁷ In each case see the reference to the *Decretales Gregorii IX*.

⁸ Poole, pp. 114-121.

diat obedience. Besides, the general nature of his orders, as well as differences in local conditions, often necessitated more detailed interpretation of the pope's wishes. For these reasons it seemed advisable to append the acts of the Church Councils of this period.

Councils were of several kinds.⁹ The Universal or Oecumenical Council was a meeting of the prelates of all Christendom, the Eastern Church included. During the first half of the Thirteenth Century two such Councils were held; the Fourth Lateran Council in 1215, and the Council of Lyons in 1245. These were called and presided over by the pope himself. Matters affecting the entire Christian world were discussed at such gatherings. From the decisions there reached, therefore, a fair idea can be obtained of the policy that the Church advocated with regard to the Jews. Decrees of Oecumenical Councils affecting the Jews, which are here included are the following: Nos. IX, X, XI, XII, XIII, and XXXV.

Another type of council is the General Council. This is one called for the Western Church only. To all intents it is indistinguishable from the Oecumenical. As a matter of fact, the two Oecumenical Councils mentioned above were really general, i. e. purely western. The representatives of the Eastern Church who appeared on those occasions came from the Church as it was reorganized after the Fourth Crusade, and therefore did not in the slightest represent the Greek Church. Even the popes were not careful to make the distinction. There were no such councils in the period of which we are treating.

The Patriarchal or Primatial Council is the next in order of importance. As its name implies it was called by the primate of a land. Such were the councils called in Germany during the height of the quarrel between the Papacy and the Empire, or those called in France for the purpose of settling questions that arose out of the suppression of the Albigensian heresy. Generally the pope sent a special legate to preside over and guide the deliberations of the council. References to the Jews in such Councils are to be found under Nos. VIII and XVI.

The Church encouraged the frequent calling of Provincial Councils, i. e. of the clergy of one province or archbishopric. The presiding officer was the archbishop of the province. Occasionally, too, several provinces met together. Decrees of such councils are included as Nos. III, IV, VI, XIV, XVII, XVIII, XX, XXI, XXIV, XXV, XXIX, XXX, XXXI, XXXIII, XXXVII, XXXVIII, XXXIX, XL, XLI.

Diocesan Councils are the most restricted in locality, representing only one bishop's diocese. Not infrequently these councils confined themselves to the re-enactment of the statutes passed in the more inclusive councils. Occasionally, however, their decisions indicate local differences in attitude, which makes them of the greatest importance

⁹ A description of the kinds of councils is to be found in Hefele, I, 4-8, also in Du Cange under *Synodus* and *Concilium*.

in determining the extent to which the announced attitude of the Church was subject to local modification. Sometimes the bishop would publish the decisions of such councils, or his rules for the guidance of the clergy and laity of his diocese, as "Constitutiones." These councils and regulations are here represented under Nos. XV, XIX, XXXIV, XXXVI.

There were, finally, the *Concilia Mixta*, where clergy and laymen were present and participated in the deliberations either in one, or in separate conclaves. The King then published the decisions as royal decrees. Of such we have Nos. II, VII, XXII, XXVII, XXVIII, XLII.

The chief source for the conciliar decrees is of necessity Mansi's *Amplissima Collectio Conciliorum Sacrorum*, which includes practically all that is contained in the older collections. Mansi must, however, be checked up by means of Hefele's *Histoire des Conciles*.

With regard both to the number of references to the Jews, as well as to the nature of these references, the decrees of the Councils differ from the letters of the popes. One might expect that the Councils rather than the popes would have had more to say about the Jews, yet we find the reverse to have been the case. On the other hand, when the Councils did legislate about the Jews, they were harsher than the popes.¹⁰ This may have been so because the popes spoke in generalities whereas the clergy had to find definite means to apply the Church attitude. Besides, living among the masses of Christians, the clergy easily caught the prejudices of the mob. Thus it came about that the attitude of the popes could be formulated on a theological basis, and with a broad view as to Church policy; while the attitude of the lower clergy necessarily had a more personal and social basis. An illustration of this is the expression about the treatment of the Jews by crusaders. While the popes on several occasions, expressed themselves as opposed to mistreatment of the Jews, only one Council spoke on this subject (No. XXXI).¹¹

¹⁰ Rodochanachi, *Le Saint-Siège et les Juifs*, p. 138.

¹¹ In Nos. XVIII and XXXVII the order prohibiting the Jews to show themselves on the street during Easter was motivated in part by a desire to prevent outbreaks while the passions of the populace were aroused.

CHAPTER III

The Papal Attitude

The four men who ruled as popes during the first half of the Thirteenth Century were Innocent III (1198-1216), Honorius III (1216-1227), Gregory IX, 1227-1241), and Innocent IV (1243-1254).¹ Three of them stand out as the greatest and strongest rulers of their time, and among the greatest popes of all time. All of them maintained the Papacy at the height of its power, and ruled Europe in accordance with a most exalted theory of divine right. Of these four, Honorius alone can be described as a lover of peace. The others were organizers, administrators, and very able diplomats.²

Their attitude toward the Jews becomes clearer when contrasted with that of Gregory I (590-604), probably the greatest of their predecessors. One notes that the attitude of the Church remained essentially the same throughout the centuries; the difference lay in that the popes of the Thirteenth Century carried that attitude to its logical conclusions, and, moreover, bent their efforts to realize it in fact. The greater mildness of Gregory I toward the Jews might also be accounted for by his deeper spirituality as well as by the conditions obtaining in his day; for the Jews, then, were not the only non-Catholics scattered over Western Europe.

In theory the position of the Jews among the Christians was to undergo no change.^{2a} Gregory expresses the following as a principle of policy,³ "Just as it should not be permitted the Jews to presume to do in their synagogues anything other than what is permitted them by law, so with regard to those things which have been conceded them, they ought to suffer no injury." This sentence, almost verbatim, was incorporated into the standard Bull of Protection issued by every one of the popes of the Thirteenth Century, the "Constitutio pro Judeis."⁴

¹ Coelestine IV, elected 1241, lived for but three weeks after his election; there then followed an interregnum of twenty months.

² Tout, *The Empire and the Papacy*, pp. 314, 333; Jackson, p. 262; *Cambridge Mediaeval History*, VI, pp. 6 et passim.

^{2a} For a discussion of the relation between the Jews and the Papacy cf. Rodochanachi; also the article by D. S. Schaff, Treatment of the Jews in the Middle Ages in *Bibliotheca Sacra*, 1903, pp. 547-571; and Konrad Eubel, Zu dem Verhalten der Päpste gegen die Juden in *Römische Quartalschrift*, XIII (1899); and Leopold Lucas, Innocent III et les Juifs, *REJ* XXXV (1898), 247-255.

³ *Mon. Germ. Hist.*, vol. VIII, Reg. Greg. I, no. 25.

⁴ Nos. 5, 35, 81, 111, 118.

Thomas Aquinas offered the same thought as a guiding principle also for princes: "They are not to be forced to render any service other than that which they have been accustomed to render hitherto."⁵

But just as Thomas Aquinas went on to make so many exceptions to this principle as to justify the princes in treating the Jews much differently than they used to be treated,⁶ so his contemporaries, the popes of the Thirteenth Century, went on to deduce from the position of the Jews, an attitude quite foreign to Gregory I. Innocent III proceeds to define the theological position of the Jews in the Christian world. The Jews' guilt of the crucifixion of Jesus consigned them to perpetual servitude,⁷ and, like Cain, they are to be wanderers and fugitives.⁸ The same attitude extended to the relation between Church and Synagogue, the former is the Beloved Bride, the latter is the Despised and Rejected Wife. The Synagogue is in the position of Hagar, and her children cannot presume to lay claim to any share in the goods and glories of the world which God reserves for the children of his beloved Church.⁹ With Innocent III all this is no metaphor nor theory. He finds that God is pleased with the conditions that place the Jews under the rule of Christians,¹⁰ and he urges the Christian rulers so to exercise their power¹¹ "that the Jews will not dare to raise their neck, bowed under the yoke of perpetual slavery, against the reverence of the Christian Faith."

The successors of Innocent III on the Papal Throne shared his point

⁵ *De Regimine Principum*, ed. J. Mathis, p. 117: ". . . ab eis coacta servitia non exigantur, que ipsi preterito tempore facere non consueverunt. . . ."

⁶ On the double assumption that the property of the Jews is that of their barons, and that all Jewish wealth had been gained by usury. Cf. Caro, I, 308-313.

⁷ Nos. 18, 24. The attitude was current at the time; thus Thomas Cantiprensis in *De Apibus* explains it in detail (p. 305). When Pilate exclaimed, "Mundus ego sum a sanguine justi huius," the Jews responded, "Sanguis eius super nos et filios nostros." Thomas adds, "Maledictio parentum currat adhuc in filios."

⁸ No. 24.

⁹ Nos. 13, 14, 18.

¹⁰ No. 14.

¹¹ No. 18. For a more extended discussion of Innocent's point of view, especially with reference to the Jews, vide Leopold Lucas in *REJ* XXXV (1898), 247 ff., and the same author in the *Martin Philippsohn Festschrift* (Leipzig 1916). The author of these articles points out that Innocent accused the Jews of the following: 1) They were jealous of the Church for having taken the power, the priesthood, and the Law, away from the Synagogue. 2) They viewed everything with the eyes of the body instead of with the eyes of the heart—it is this that the popes called "velamen cordis"—and therefore made the mistake of rejecting the idea that God could martyrize himself for humanity. But the conversion of the Jews must be striven for, since upon that depends the salvation of humanity. The latest biographer of Innocent III, L. Elliott Binns (*Innocent III*, London, 1931, p. 115), makes the following startling statement, "To them (i. e. Innocent and his contemporaries) the Faith was so precious a thing that they were willing not only to die for it, but to put to death those whose teaching endangered it." Cf. Graetz, VII, 8; Dubnow, V, 15 ff.

of view. Scattered through their correspondence are repetitions of the phrases employed by Innocent, branding the Jews as consigned to perpetual slavery,¹² and urging the Christian princes not to permit them "to grow so insolent."¹³ Nevertheless the reading of their correspondence leaves the impression that none of his three successors was as much absorbed in the problem of degrading the Jews. Honorius III gave but rare utterance to generalizations of the sort of which his predecessor had been fond, and while Gregory IX and Innocent IV did frequently express their disdain for Judaism, and their horror of the fact that Jews still found a certain amount of freedom within Christian society, they not infrequently came to the aid of Jews when these were threatened with destruction.¹⁴

Outside of the general grant of the "Constitutio," Innocent III's hostile attitude is mitigated by but two attempts to protect the Jews, and then only from dangers caused by his own decrees. When he does mention the continued existence of the Jews, it is simply as a theological necessity.¹⁵ It would seem as though Innocent took the prophecy which he quotes—that a remnant of them would be saved and would see the light—as sufficient guarantee that the Jews needed no defenders. It is among his successors that we come across statements to the effect that Christian charity demands the protection of the Jews, and that crimes against the Jews are offensive to God.¹⁶ Only once in these hundred and more letters is the sentiment uttered that¹⁷ "Kindliness must be shown to Jews by Christians, such as we hope might be shown to Christians who live in pagan lands."

These favorable expressions are a welcome relief from the constant flood of accusations and of orders for the degradation of the Jews. They contrast so sharply with the usual attitude, that one can hardly blame the Jewish historian for giving voice to his suspicions that some, at any rate, of these favorable expressions, were bought and paid for.¹⁸ That, however, must remain no more than a suspicion. While it is unfortunately true that the popes never granted protection except upon the insistent pleading on the part of the Jews—as the letters involved themselves testify—nevertheless the pleasant fact stands out that a humanitarian note was occasionally struck.

To their humanitarianism the popes felt called upon to add several theological reasons for protecting the Jews:—

¹² Nos. 41, 49 are examples of this in the letters of Honorius; 69, 71 for Gregory, 104 for Inn. IV, as well as other scattered and inferred references.

¹³ Nos. 49, 69, 71, 73 and others.

¹⁴ Letters defending the Jews, other than the "Constitutio", are the following: Nos. 31, 32, 70, 87, 88, 110, 113, 114, 115, 116, 117, 132.

¹⁵ Nos. 5, 14.

¹⁶ No. 88.

¹⁷ No. 70.

¹⁸ Graetz, VII, 113. Raynaldus, a. a. 1235. § 20. Cf. no. 81 note 2. Rodocanachi, p. 8.

1. The existence of the Jews is of itself proof of the truth of the story of Jesus, and their degraded state is proof of the triumph of Christianity.¹⁹
2. Though the Jews fail to understand their Scriptures, yet they are its guardians.²⁰
3. Jesus demanded that their conversion be awaited patiently.²¹
4. A remnant of them will be saved. Such was a prophecy which must be accepted as a command.²²

These theological reasons are the "reasons of piety" which the popes emphasize far more frequently than the reasons of humanity.²³ It is the same sort of reasoning which is to be found in the far fewer references to the protection of the Jews, in the Counciliar decrees.²⁴

It is in this above all that Gregory I differs from his successors of the Thirteenth Century. His letters, a large number of which are in defense of the Jews, offer no such analyses of reasons for permitting them to live under Christian rule. As a result, his humanitarianism, without being directly mentioned, stands out in bold contrast with the reasoned attitude of the others. For this difference the changed position of the Papacy is responsible more than the difference in the personalities; and even Gregory I, had he lived in the Thirteenth Century, would have had to define anew the position of the Jew in Law and Theology.

¹⁹ Nos. 5, 110. This reason is fully expressed in *Las Siete Partidas*, the legal code formulated by Alphonso the Wise of Castile. ". . . Et la razon por que la iglesia et los emperados et los reyes et los otros principes sufrien à los judios vivir entro los cristianos, es esta:—porque ellos vivieses como en cataverio apra siempre et fuese remembranza à los homes que ellos vienen del linage de aquellos que crucificaron à nuestro señor Jesuscristo." (Partida VII, tit. 24, ley I); Guttman, *Thomas von Aquino*, p. 6; also *REJ*, XIX (1889), 226.

²⁰ Nos. 5, 8, 87, 116.

²¹ 87, 115, 117.

²² 14, 70, 110, 113, 117.

²³ With regard to these reasons for the Church attitude toward the Jews, it is interesting to set side by side the diametrically opposed views of two great scholars. The very anti-Jewish Erler (in Vering's *Archiv für Kirchenrecht*, vol. 48, p. 374) says, "Sie (i. e. die Verhältnisse der Päpste gegen die Juden) folgen mit logischer Consequenz aus dem Wesen und der Aufgabe der Kirche. Mit vielen Dictaten einer falschen Philanthropie und Toleranz, sind sie zwar unvereinbar, entsprechen aber, oder entstammen vielmehr, gerade der wahren Humanität, d. i. jener Menschenliebe welche an erster Stelle das Heil der Seelen sucht und versichern will. . . ." On the other hand, Graetz (VII, 5) speaks as follows about the "Constitutio pro Judeis":—

"So entartet war die Christenheit geworden, das solche Gesetze, eine solche Constitution für die Juden erst erlassen werden mussten, und so verblendet waren ihre Führer, dass das Oberhaupt der Kirche diese Bestimmungen nicht aus dem einfachen Gefühl der Billigkeit und Menschlichkeit traf, sondern aus der verkehrten Anschauung heraus: die Juden dürften nicht ausgerottet, sondern mussten erhalten werden, damit sich an ihnen einst das Wunder ihrer allgemeinen Bekehrung zu Jesus erfüllen konnte."

²⁴ Nos. I, XVI, XXXI.

CHAPTER IV

The Church and Jewish Converts

The extension of Christianity to unbelievers was among the chief aims of the Church.¹ The Thirteenth Century was characterized by great efforts in that direction both through the preaching of the Mendicant Orders, as well as through the sword of the nobility and the Teutonic Order on the eastern boundaries of Germany.² To "enrich the Church with a new child" was for the Pope a matter of great rejoicing.³

The conversion of the Jews would have been an even greater achievement, and productive of even better results, for, as Gregory IX put it,⁴ the Jews are "a branch broken off a sacred root" and are therefore more likely to produce "delightful fruit" than is any other branch grafted on to the tree of Christian Faith. Efforts toward this end began with the beginning of Christianity, and, as we have seen above, were intensified now that the Jews formed the only element of the population of western Europe that still stood away from the otherwise uniformly Christian society. The theological reasons that were cited for the efforts to convert the Jews were; 1—to save the souls of the Jews, since Judaism was an error that rested upon a misinterpretation of Scriptures,⁵ and 2—to hasten the second coming of Jesus and the consequent perfection of Humanity, all of which awaited the day when the Jews would recognize their error, and repent.⁶

A. Forced Conversion

The theory of the Church was that conversion had to be entered into freely, without any external pressure. For, just as Man's fall came about spontaneously, so his redemption must be spontaneous.⁷ Such had been the declared attitude of the occupants of the Papal Throne in earlier times, and Gregory the Great had some very fine things

¹ Nos. 16 and 54.

² *CMH*, VI, 128.

³ Nos. 19, 29, 54.

⁴ No. 85.

⁵ No. 8 and many others which speak of the "Jewish blindness."

⁶ Nos. 14 and 16. Cf. *REJ*, XXXV (1898), 250.

⁷ No. 87, also no. 110.

to say in this connection.⁸ The popes of the Thirteenth Century also expressed their opposition to forcible baptism, by including a sentence about it in the "Constitutio," to the effect that "none can be believed to possess the true faith of a Christian who is known to have come to baptism not of his own free will, but even against his wishes."⁹

The seriousness with which this theory is to be regarded must depend upon the manner of its translation into action. Did the popes order punishment of those who were guilty of forcibly baptizing Jews, and were such Jews permitted to revert to Judaism? In cases where Jews were persecuted the pope does order punishment and the restitution of Jewish property,¹⁰ and the Council of Tours (1236), while it threatens crusaders found guilty of such excesses, with canonical punishment and expulsion from the crusaders' ranks,¹¹ in no case metes out the punishment specifically for forcing conversion, but rather for doing physical violence. Moreover, it is only with regard to the forcible conversion of children that Innocent IV hints that they might be restored to their parents.¹² No such statement is to be found with regard to adults. Gregory I, to be sure, took it for granted that converts by force do relapse,¹³ but if Jews managed to return to their faith, during the incumbency of his successors, it was only because of the protection

⁸—"For it is with sweetness and with kindness, by means of warning and suasion, that one must gather into the unity of the Faith those who are in disagreement with the Christian Religion, lest the sweetness of its teaching and the fear of the approaching Day of Judgment do less to attract them to believe, than terror to repel them . . ." *MGH*, Reg. Greg. I, I, Bk. I, no. 34; also *ibid.* no. 45; *ibid.* IX, no. 195; XIII, no. 15.

⁹ No. 5. Cf. L. Lucas in *Philippson Festschrift*, p. 26.

¹⁰ Nos. 87, 113, 114.

¹¹ No. XXXI.

¹² No. 110. The age at which children may be baptized without the consent of parents or guardians, is set by Erler (*Vering-Archiv*, vol. 48, p. 376) at seven. After that age a child may choose for itself. But even if baptized forcibly before that age, the same author considers the baptism valid, and the child a Christian. The popes of the Thirteenth Century were obviously not so inhuman as this modern. In 1421 Martin V set at twelve the age at which baptism became valid even if done forcibly (*vide Wiener, Regesten*, p. 184, no. 529). Frederick II took the Jews of Germany under his protection in this respect. A paragraph of his "Privilege" granted to the Jews of Worms in 1236, repeating a similar decree of his grandfather, Frederick I, and a like decree granted two years later to the Jews of Vienna, reads as follows:

"No one shall dare force baptism upon their sons and daughters. Should anyone baptize them after having captured, stolen, or forced them, he shall pay twelve pounds of gold into the royal treasury. If, however, anyone of his own free will wants to be baptized, he shall be held back for three days, so that it might be well established whether it is because of the Christian Religion or because of some personal injury that he desires to leave his own Law. . . ."

Vide MGH, Legum, Sectio IV, vol. II, pp. 274 ff.: Cf. Huillard-Bréholles, vol. V, pt. I, p. 221; Wiener, *Regesten*, p. 5, no. 29.

¹³ No. 45 referred to in Note 8.

of the secular rulers.¹⁴ The official Church theory with regard to their reversion is expressed in the letter of Innocent III,¹⁵ where by a process of reasoning in true scholastic spirit, he draws the distinction between adults who kept on voicing objections to being baptized, at the very moment when baptism was being forced upon them, and such as were silent at the time. Only the former could revert to Judaism; the latter were to be compelled to remain Christians. It is obvious, of course, that few indeed of the former would survive that moment. Of the latter, who were assumed to have "voluntarily approached the Baptismal Font," there were so many returning to Judaism, and that with the connivance of the princes,¹⁶ that special paragraph of the decrees of the IV Lateran Council was enacted to cover their case.¹⁷

B. Voluntary Converts

The Church did not neglect peaceful means to persuade Jews to become converted. These means were preaching, and the offer of "temporal benefits."

1. It is strange that preaching as a method for converting the Jews should receive such scant attention in the Church documents here presented. It is clear from other sources that it must have been resorted to rather frequently before this period,¹⁸ and the papal correspondence of later days emphasizes it.¹⁹ Within our period the one reference to

¹⁴ Thus, the VII Council of Niceae, in 787, decreed (Canon 8) but slight punishment for a relapsing Jew. Pope Hadrian I refused to approve this, preferring the legislation of the IV Council of Toledo (633) which imposed severe penalties (*vide Juster, La condition Légale des Juifs sous les rois visigoths*, p. 37; Cf. Hefele, III, 445). Under royal protection the Jews continued to relapse as soon as the particular storm that drove them to baptism was over. Against the frequent relapsing of the victims of the Crusades, Clement III protested (*vide Mansi*, XX, 600). Still earlier in the history of the Church, a Jew who sought baptism had to wait eight months as a test of his sincerity (*The Council of Agde* in 506; Cf. Aronius, no. 16).

¹⁵ No. 12; Cf. Erler in *Vering-Archiv*, vol. 48, p. 376. In 1277, Nicholas III, in answer to a question of a Dominican Inquisitor, replied that Jews baptized while in fear of death, and later reverting to Judaism and refusing to live as Christians even after prolonged imprisonment, must be treated as ordinary heretics, i. e. burned at the stake. This was later repeated by Nicholas IV (*Doat*, vol. 37, fol. 191 and 206). Cf. No. 12.

¹⁶ In 1217, Countess Alice of Montmorency, wife of Simon de Montfort, had all the Jews of Toulouse arrested, their children baptized, and themselves threatened with death unless they also consented. Only 47 agreed. Subsequently Simon freed them all and permitted them to return to Judaism, but the Cardinal-Legate forbade the return of the baptized children to their parents (*Graetz*, VII, 20-21).

¹⁷ No. XII.

¹⁸ Gregory I urges such preaching upon the Bishops of Marseilles (*MGH*, Reg. Greg. I, I, 45).

¹⁹ Cf. Rodocanachi, pp. 274 ff.

preaching is in a royal rather than in a papal decree,²⁰ though this reference indicates that the pope endorsed preaching to the Jews.²¹ One historian of the papal relations to the Jews²² explains that the failure to employ this means widely was deliberate, and was based on a knowledge of human nature, since such preaching to multitudes is bound to arouse but greater loyalty to the principles attacked; the later popes, who did use this method, were ill-advised.

2. It was, however, excellent psychology to offer rewards for becoming a Christian. The III Lateran Council laid it down as a rule

²⁰ No. 105.

²¹ The lower clergy, and especially the new orders of monks, the Dominicans and the Franciscans, frequently forced themselves upon the Jews, and in this were aided by the kings. James I of Aragon, who was otherwise rather favorably disposed to the Jews, considered it his religious duty to compel the Jews to attend Christian sermons. As a result his policy was a somewhat vacillating one. In 1242 he ordered the Jews to attend such sermons (No. 105). In 1257 he freed the Jews from the necessity of listening to sermons of the monks, when these were preached outside the Jewish Quarter, but granted the monks the right to force their way into the synagogues (Amador de los Rios, I, 427). After the disputation with Nachmanides in 1263, the same King granted to Pablo Christiani even greater powers for forcing himself upon the Jews (Wagenseil, *Tela ignea Satane*; Introd. to *Disputation of R. Jehiel*; also *REJ*, LXI (1901), 2, nos. 215-216). Soon, thereafter, at the complaint of the Jews, he granted them the right not to be forced to listen to the monks even when these invade the synagogue (*REJ*, I, c., no. 217; Bofarull, p. 58, No. 34). It seems that the invasion of the synagogues on such occasions took place en masse, the monks bringing along with them a crowd of Christians. For this reason, James I, in 1268, further restricted the preaching activity of the monks by limiting the number of their attendants to ten (Bofarull, p. 76, no. 73; *REJ*, XXVII (1893), 148).

The feelings of the Jews about this matter of preaching by the Dominicans, is expressed in the letter which Elie ben Jacob sent to his former pupil, Pablo Christiani, printed in *Jeshurun*, vol. VI, pp. 18-19.

Checked in Spain, Pablo transferred his activity to France. Louis IX of France seems to have put great hopes in such preaching to the Jews, for when the apostate came to him, in 1269, he granted him the letter addressed to his bailiffs: "Mandamus vobis quatenus Judeos in locis et potestatibus vestris existentes ad requisitionem ipsius fratris faciatis et dstringatis, si opus fuerit, in sua presentia comparire, audituros ab ipso, et sine verborum strepitu, verbum Dei, et ad eum ostenturos libros suos, quos idem frater duxerit requirendos. Super his etiam que ad legem ipsorum pertinet . . . sine calumnia et subterfugio respondere plenius compellatis. . . ." (Bibl. Nat. Fond Duchesne, vol. 56, fol. 214 ro.).

Similar invasions of the synagogues took place in other parts of Europe (Caro, 305 ff.). In *REJ*, I (1880), 115, Loeb quotes a superscription to the Constitutio granted by Nicholas III in 1278 to the Jews of Pampeluna, as follows, "Hoc est translatum littere quam habuimus a Domino Papa, ratione fratrum minorum qui impediebant orationes nostras ratione sermonis." From the last two words Loeb for some reason draws the inference that the Jews were interfering with the sermons in a near-by church, and as a result the monks would disturb the prayers of the Jews. It seems, however, more reasonable to interpret these two words as "because of sermons" which the Franciscans forced upon the Jews while the latter were praying.

²² Rodocanachi, pp. 273-4.

that "converts ought to be in better circumstances than they had been before accepting the Faith,"²³ and Innocent III argued that "a new plant should be strengthened not alone by the dew of doctrine, but nourished also by temporal benefits."²⁴ The natural result of such a policy was that many converts seem to have had nothing more in mind than the attainment of the rewards promised, and when these were not forthcoming they either threatened to or actually did return to Judaism.²⁵ Thereupon the policy was inaugurated for the converts to be supported by the nearest ecclesiastical establishment.²⁶ But the churches and monasteries, upon whom the burden fell, were none too anxious to spend their income in this fashion. The result was that the popes had to urge and to threaten.²⁷ It is, however, quite likely that the converts were too greedy, since churchmen, otherwise considered saintly, wanted to having nothing to do with them.²⁸

From our documents evidence can be had of the nature of some of these converts. There is one who concocted a pretty story of a miracle in order to persuade the Pope that he deserved special treatment, and the Pope did grant him a letter to this effect.²⁹ There are others who went to great expense and undertook long journeys in order to complain about the churches or monasteries that had not given them a sufficient stipend.³⁰ The members of the family of Master B. are an outstanding example. Their activity in acquiring remuneration for their conversion can be followed over a period of twenty-five years. During the Pontificate of Innocent III this family of converts makes its appearance, with a demand that the Cathedral Church of Mainz provide it with an income. Evidently the Archbishop and the Chapter were not at all anxious to do so, for the matter came into the hands of the Papal Legates, of whom one was the Cardinal Hugolino, afterwards Pope Gregory IX. The Legates rendered their decision giving the converts the income from one prebend until such time as the Archbishop on the one hand, and the Chapter on the other, would be ready to share in the support of the converts. But the Church of Mainz disregarded this decision, and the family appealed to Innocent who threatened the church with excommunication. The Archbishop of Mainz being one of the greatest supporters of the papal cause in the then turbulent Germany,³¹ could well afford to disregard such

²³ No. I.

²⁴ No. 29.

²⁵ Nos. 6, 8, 29, 128.

²⁶ Nos. 8, 48, 82, 127, 128.

²⁷ Nos. 6, 8, 76, 82, 102, 102A, 127, 128.

²⁸ No. 6 note 2. In No. 128 we find even the Pope's Chaplain refusing to go on with such a case.

²⁹ No. 29.

³⁰ Nos. 82, 85, 102, 124.

³¹ Siegfried von Eppenstein, the greatest supporter of the Guelf cause. Cf. *CMH*, VI, passim.

threats for so insignificant a cause. Nor is it likely that the Pope meant the threat to be taken seriously. During the Pontificate of Honorius the family of B. was still voicing its complaint, and Honorius ordered the neighboring clergy to enforce the decision of the legates of Innocent's day. By means of legal subterfuges the Church of Mainz succeeded in preventing the converts from reaping the benefits of their act, until Gregory, now Pope, definitely gives two surviving brothers the prebend for life. This was not enough for the converts, and some little time later we find the Pope granting one of the brothers, who is now called a canon of the Church of St. John in Mainz, the income or its equivalent, from a benefice in Fulda. The clergy of Fulda, in their turn, refused to yield despite the excommunication which was placed upon them in consequence. The higher clergy proved to be in league with the lower, and against the convert William, who once more appealed to the Pope. Finally the Abbot of Fulda yielded, and conferred upon William the income from the parish church of Wack. In the meantime William had acquired another parish church in Trebur. When he finally passes out of sight, he is therefore possessed of a prebend in Mainz, and of two parish churches to which he cannot attend since his legal residence had to be in Mainz.³²

The Church was not alone in granting financial aid to converted Jews; in this the secular rulers also sometimes took a hand.³³

C. The Special Privileges of Converts

The Church was also interested in removing any possible obstacle to conversion. Quite naturally the Jews made every effort to prevent apostasy from Judaism.³⁴ They had always exercised the right to disinherit a child, or any other relative, who turned Christian. The struggle against this attitude of the Jews dates from very early times,³⁵ but it was never quite successful. The princes themselves usually took the Jewish side of this question, and if the Jewish community did not prevent the convert from inheriting his patrimony, it was confiscated by

³² The story of the family is told in Nos. 48, 75, 76, 83, 84, 94.

³³ Nos. 124-125. The "Domus Conversorum" was established in England in 1232 and continued to house converts from Judaism for many years after the Expulsion from that country. Cf. C. T. Martin in Transactions of *JHSE*, I (1893-4), pp. 15-24; also M. Adler *ibid.* IV (1899-1901), pp. 16-75. Louis IX of France had a fund especially for them (Langlois in Lavissee, *Histoire de France*, III, pt. II, p. 222; also Le Chanoine Cochard, *La Juiverie d'Orléans*, Orléans, 1895, pp. 59-61).

³⁴ The employment of force to do this is said to have been the cause of the first massacre of the Jews in the City of Frankfort in 1241. Kracauer, *Geschichte der Frankfurter Juden*, vol. I, p. 7.

³⁵ Decree of Theodosius II in 426 against Jews and Samaritans. Cf. Dubnow, III, 236.

the king, for whom the conversion of a Jew meant a financial loss.³⁶ Moreover, conversion broke the feudal relationship that had existed between the King and the Jew, and as a result, the former could treat the convert as a rebellious vassal.³⁷ That is why papal letters as well as conciliar decrees insisted that the property rights of a convert must not be impugned. Every prince was warned to that effect, and sometimes the Church took the property of a convert under its own protection.³⁸

The infinite patience and the high degree of statesmanship with which the Church fostered converts, is to be seen also in the exceptions to canon-law that were made in their favor. Conceivably a man might hesitate to become a convert if he must thereby destroy his family life. But Innocent III decided, and thereby set the precedent for all time, that if a marriage within the degrees of relationship forbidden by the Church had been entered into before conversion, that marriage was not dissolved by conversion.³⁹ He even permitted the continuance of Levirate Marriage which had been contracted before baptism.⁴⁰

³⁶ In the Golden Bulls granted to the Jews by the Emperors Henry IV, Frederick I, and Frederick II, the Jews were granted the right to disinherit an apostate. Among the privileges granted to the Jews of Vienna in 1238 was the clause, "just as he leaves the law of his fathers, so he must leave his inheritance behind." (Huillard-Bréholles, V, pt. I, 221). As late as 1360, the Archbishop of Cologne repeated the same privilege (Höniger, p. 139, no. 7). The same situation obtained in France down to 1381 (Brussel, p. 622). That it likewise obtained in England is evidenced by the Letter of Innocent III (No. 8). The basis for the action of the princes was the fact that money in the hands of the Jew, was potentially in the royal treasury, whereas in the hands of a Christian, who was forbidden to practice usury, it was unproductive for the king (Joseph Jacobs, *Jews in Angevin England*, Intr., pp. XXI ff. and pp. 17-18). The English kings went farther, and confiscated the property of a Jew whom the Jews had excommunicated, and who did not submit within forty days (Rigg, p. XXXV). Cf. Lucas in *REJ* XXXV (1898), 253 note 2. The action of James I of Aragon was, therefore, exceptional (No. 105). Alphonso X of Castile submitted in this respect when, in *Las Siete Partidas* (Part. VII, tit. 24, ley VI), it was enacted that converts must be treated as regular heirs. That this continued to have but little effect is evidenced by the fact that it had to be repeated by James II in 1297, and by a Church Council in 1302 (Tejada y Ramiro, vol. III, p. 373). In France the confiscation of the property of a Jew who was baptized, was not given up until 1392. On April 4th of that year Charles VI issued the following edict:

Notum facimus universis . . . quod cum quadam consuetudine sive usu qui in regno nostro plerisque aliis mundi climatibus diutius inolevit . . . quod cum aliqui sectam tenentes judaicam abinde curant secedere, spiritu illuminati Divino . . . bonis que prehabebant nudantur omnino . . . efficiuntur et remanent pauperes . . . et quosdam ex eis vitam quasi querere mendicatum, in pristina devia relabuntur, ad vomitum dampnabiliter remeando, etc.

He abolishes this state of affairs. One year later he repeated the same edict for France and the Provence. *Ordonances*, VII, pp. 557, 792; Cf. Vuitry, p. 330. For a discussion of subject see Caro, I, 294 f.

³⁷ Pointed out by Bardinet in *Revue Historique*, vol. XII (1880), p. 14.

³⁸ Nos. 8, 85, I, III.

³⁹ No. 2.

⁴⁰ No. 11. Cf. Lucas in *REJ* XXXV (1898), 251-252.

On the other hand, if one of the parties to a marriage refused to be converted, the other was free to re-marry.⁴¹

The privileges of converts extended also to their authority over their children. The case presented to the pope for decision is from a human point of view, almost heart-rending.⁴² The father of a boy of four became a convert, while the mother stayed within Judaism. The mother's claim to the child was based upon the arguments that the child was still an infant that needs a mother's care, that the mother had had the pain of giving birth and therefore she should have the child, and that the child be permitted to grow up and then to decide between the father and mother. The father's arguments were that he was a Christian,⁴³ and that at the age of four the child is sufficiently grown up not to need maternal care. The Pope decided that a child is paternal property since it bears the father's name, that remaining with Jews would endanger his life both here⁴⁴ and hereafter, and that the child must not be deprived of the advantages of being a Christian. Had the mother been the Christian, the Pope would undoubtedly have decided for her.⁴⁵

Aside from being protected in his property rights and his family, the converted Jew also received protection for his sensibilities. The Jews stopped at nothing to prevent the conversion of one of their number;⁴⁶ they certainly did not care to spare the feelings of the convert, and frequently hurled the name "renegade" after him.⁴⁷ The Church applauded the prohibition of this on the part of the King of Aragon.

⁴¹ No. 3.

⁴² No. 59.

⁴³ The popular arguments for even forcible conversion of Jewish infants are presented, though not followed, by Thomas Aquinas in the *Summa*, *Questio* LXVIII, art. X; they are: 1) Is it not a higher duty to save a child from eternal damnation? 2) The Jews being the slaves of their Christian prince, do not their children belong to the prince? 3) Has not God who gave the soul, an even greater claim than the parent who gave the body?

⁴⁴ There was the belief that a Jew would rather kill a child than permit it to be baptised. Cf. Erlcr in *Vering-Archiv*, vol. 48, p. 376.

⁴⁵ Such was the decision of IV Council of Toledo. José de Aguirre, *Collectio Maxima Conciliorum Hispaniæ*, I, p. 436. Another case of child-baptism without the consent of the parents is the one reported in No. XV. The story is told in extenso in Aronius no. 414.

⁴⁶ In Castile we find the following adopted as the law of the land: ". . . If any Jew or Jewess seek to become a Christian, other Jews must not interpose any obstacles, nor prevent it in any way, and if anyone stone the convert, or wound, or kill him because he sought to become a Christian or had been baptised . . . , we order that all the murderers, or the abettors of such a murder or a stoning, shall be burned. . . ." (*Las Siete Partidas*, Part VII, tit. XXIV, ley VI). Repeated by James II in 1297. Note also the case of the Frankfort riots in 1241, which are said to have started because of the attempt of Jews to prevent a conversion (Kracauer, I, pp. 7-8).

⁴⁷ No. 105.

It must also be borne in mind that the above-mentioned were not the only advantages of conversion. More important than any mentioned is the fact that all the restrictions that were placed upon the activity, social, economic and political, of the Jews, were removed once the Jew adopted Christianity.⁴⁸ Not infrequently the convert entered the Church.⁴⁹

D. Results of the Church Policy

The documents here presented offer no clue to the problem of the success of the policy outlined above. There can be no doubt that some of the Jews were honestly persuaded of the truth of Christianity, and voluntarily accepted baptism. One such case is cited in a papal letter.⁵⁰ All the other converts spoken of, and there seem to have been a good many, are certainly not above suspicion of having left Judaism because of ulterior motives; either because of a desire to revenge themselves upon the Jewish community,⁵¹ or because of personal gain.⁵² But the total number of converts, voluntary or forced, must remain a mere guess.

⁴⁸ The *Siete Partidas* also forbade Christians to remind a convert of his origin. They were evidently not popular within the new Faith. Cf. Stobbe, p. 157.

⁴⁹ See the case of William mentioned above; also Nos. 124-125, and 128.

⁵⁰ No. 20.

⁵¹ As in the case of Nicholas Donin, Appendix A.

⁵² Above p. 32 f.; note also the regulation of the German Emperor that a convert must be kept under observation for three days before actual baptism in order to discover his motives (Huillard-Bréholles, V, pt. I, p. 221).



CHAPTER V

The Defense of Christianity

The second part of the papal policy was a result of the responsibility felt by the Church for the salvation of every Christian's soul. As long as the Jews refused to become converted, they were a possible source of infection in favor of Judaism, a situation which, from the Christian point of view, was certainly a danger both to the individual and to the Church.

A. Jewish Proselytizing Activity

The fear of the Church was not altogether groundless. If there were Jews who out of sincere conviction became Christians, there were also Christians who dared to join the Jewish Faith. Yet there is no way of discovering just how numerous and how important these conversions were.¹ There must have been some during every age,² and during

¹In the early Middle Ages proselytization was probably frequent. Charlemagne's complaint, and Church-legislation would seem to indicate this (Cf. Bardinot, *Revue Historique*, vol. XII [1880]). With regard to this period, however, "It is still an open question whether proselytism did not at that time (the time of St. Louis) counterbalance conversions to Christianity" (Langlois in Lavissee, vol. III, pt. 2, pp. 223-224). Newman in his work *Jewish Influences on Christian Reform Movements*, while giving the impression that proselytism was frequent, asserts that it did not counterbalance conversions, and that the Jews lost more than they gained back (p. 394). Saige, in *Les Juifs de Languedoc* (p. 20 note), rightly calls it a very curious fact that there should have been any conversions to Judaism at all, but continues to say that it is from rabbinic sources that the extent of proselytization must be gauged, though he believes that the Thirteenth Century saw a good many. The Jewish sources thus far consulted seem to indicate that the number was exceedingly small. Berliner (*Leben der Juden im Mittelalter*, pp. 108-109) mentions fifty-four (Cf. Joseph Jacobs in *JE* on Race Purity; also Fritz Baer in *Studien zur Geschichte der Juden im Königreich Aragonien*, pp. 51-52). The Jews were threatened with serious danger every time they gained a proselyte (Council of Orleans 541, *MGH, Concilia*, I, p. 94). But while in the early days the general disorganization might have lessened this danger, it was a very real one during the Thirteenth Century. In 1278 Rabbi Isaac Males of Toulouse was burned by the Inquisition, on a charge of proselytization (I. Levy, *Les Juifs et l'Inquisition*, Paris, 1881, p. 7). See also Graetz, VII, Note 7, for the dire results of the proselytization of an English monk. In France the King ordered severe punishment for proselytization (Saige, l. c.), and so did the *Siete Partidas* in Castile (Cf. Lindo, *History of the Jews in Spain*, p. 76). The proselyte himself was subject to treatment like a heretic (*Las Siete Partidas*, VII, tit. XXIV, ley VII, and tit. XXV, ley V; also from the *Responsa*

the latter part of the Thirteenth Century a surprisingly large number of utterances on the subject were made by the popes.³ But during the first half of that century there are but two papal statements that may be fairly interpreted as referring to conscientious conversions to Judaism on the part of Christians of the upper and middle classes.⁴ Had such conversions been numerous, the local Church Councils would surely not have passed them by in silence.⁵

The situation was different where slaves and servants were concerned. Since early times, Jews were forbidden to hold for their own service any Christian slaves.⁶ The rule was, moreover, that a pagan slave who became Christian had to be freed from service to a Jew, though in such a case the Church had to pay the Jew the value of the slave, generally set at 12 solidi.⁷ The same regulations remained in force during the Thirteenth Century. The Jews were not satisfied with the established sum, and claimed the market-value of the slave. In this claim they were supported by the secular authorities, much to the horror of the Pope.⁸ What really happened was that the secular authori-

of Meir of Rothenberg in Zimmels, p. 13). The manner in which the Jews attempted to discourage proselytes may be found in Glassberg, *Zichron Brith ha-Rishonim*, Berlin, 1892, p. 132.

²The sources for the subject are given by Newman, o.c., pp. 403-429. Cf. Rodocanachi, pp. 68 f.

³Note 2 above. The Bull *Turbato Corde* was repeated by Clement IV, Gregory X, Martin IV, Nicholas IV (Bzovius, 1288 § IX).

⁴Of the proselytes mentioned in Jewish sources a large number seem to be high clerics or nobles. Thus the Memorial Book of Mainz (Neubauer, *REJ*, IV (1882), 13) mentions an Abraham ben Abraham, the usual name for a proselyte, and adds that he was "the head of all who walk bare-foot," presumably the monks, although another manuscript has him as "the head of all the nobility" (Cf. Perles, *Monatschrift*, 1873, p. 514). In Spanish lands under Christian rule, Jews were forbidden to make proselytes among the Mohammedans (*REJ*, LX (1910), 164, No. 9). Cf. *Siete Partidas*, VII, tit. XXIV, ley X.

The two utterances of the popes are the statement of Gregory IX (No. 69) that there are some Christians who "of their own free will become circumcized, and publicly go over to Judaism." This statement is made apart from the usual mention of the Judaizing influence exercised over slaves and servants. Second is the statement by Innocent IV (No. 131) who gives permission to the Archbishop of Vienne to expel the Jews. This is taken to refer to the learned Jews; presumably the ones who did not hesitate to present Judaism to Christians. This too cannot be taken to refer to the lowest classes among the Christians, or why only the "learned Jews"?

⁵A few days before the Council of Oxford 1222, a deacon who had become a Jewish proselyte, was caught and hanged. The official report of the Council says nothing about this (M. Paris, *Historia Major*, 1644, p. 217). Cf. Israel Abrahams in *JHSE*, vol. VI (1908-10), pp. 254-60, and F. W. Maitland, *ibid.*, pp. 260-276; Jacobs, p. 283.

⁶*MGH, Concilia*, I, pp. 199, 204; *ibid.*, Reg. Greg. I, IV, 9.

⁷No. 79; *Decr. Gregorii IX*, Lib. V, tit. VI, c. 1; Aronius, nos. 114, 122; *Las Siete Partidas*, VII, tit. XXIV, ley X.

⁸Nos. 17, 19.

ties could not but see the justice of the Jewish claim, since any pagan or Mohammedan slave could attain his freedom by declaring his intention to become a Christian, thus robbing his Jewish owner of the price paid for him. The same was true of the Christian owners as well. That is why the owners, both Jews and Christians, would crowd the Church where the baptism was to take place, in order to prevent it.⁹

The Pope complained not only that the Jews thus prevented the spread of Christianity, but also that the Jews "Judaized" among the slaves, even forcing them to become circumcized.¹⁰ The secular documents deal with pagan slaves,¹¹ and it therefore seems a fair conclusion that the pope, too, had in mind pagan slaves who had become converted.

This does not necessarily apply to the situation in Hungary, where the influence of the Mohammedans, the comparative disorganization within the Christian state, and the newness of Christianity among the masses, made conversion to Mohammedanism, and presumably also to Judaism, attainable with ease and immunity.¹² In other parts of Christian Europe the Jews would have found such action dangerous.¹³ Judging, however, from the frequency of reference to the conversion of pagan slaves, one is led to conclude that the Jews did attempt to convert them to Judaism.¹⁴

⁹No. 19; Cf. L. Lucas in *Philippon's Festschrift*, p. 34. The Church justified the freeing of a slave converted to Christianity, on the ground that the Jews were its slaves, and that, therefore, Jewish property belonged to the Church (Guttman, *Thomas von Aquino*, p. 8). The Jews, on the other hand, claimed that Christians would persuade pagan slaves to run away and be baptized in order that the Jews might afterwards have to sell them at a low price. Hence Frederick II forbade such persuasion on pain of a fine of three pounds of silver and the return of the slave (Huillard-Bréholles, V, pt. I, p. 221). In 1206, when Philip Augustus issued his regulations of Jewish life in France, nothing was said therein on this subject, despite previous papal warnings (Lucas, o.c., pp. 36-37). For the Jews of Majorca, James I decreed, in 1252, that a Saracen slave becoming converted at any time other than Easter, Christmas and Pentecost, must pay 12 marabotins to the royal bailiff (Regné, *REJ*, LX (1910), no. 46), and later (July 21, 1269), that the clergy must not immediately baptize a slave who seeks refuge in a Church, but rather wait the regular period prescribed by canon law, and that even after baptism the slave does not become free, but remains the slave of the King (*REJ*, LXI (1911), 37, no. 433). Cf. Bofarull, p. 104, no. 122.

¹⁰No. 69 and I. Cf. Bardiné, p. 13, and note 4.

¹¹Note 9 above. The situation may have been different in earlier centuries. See Mansi, VIII, col. 132, where the question of Christian slaves seems to have agitated Pope Gelasius (492-496).

¹²Nos. 53, 73.

¹³See above p. 22, note 1.

¹⁴Graetz, V, 60, says that the Jews followed the prescription of the Talmud and converted their pagan slaves. With this Harkavy (*REJ*, V (1882), p. 203) takes direct issue, saying that the Talmud orders no such thing, and citing as proof Maimonides (*Issurei Beah*, XIV, 9), the *Yore Deah* (267, 3) and a *T'shuba* of Hai Gaon. Maimonides, basing himself on the Talmud (*Yebamoth* 47a), says that a pagan slave is not forced to become converted to Judaism, but that the

The problem was most serious where Christian servants and nurses were concerned. The reasons for prohibiting Christians to act as domestics for Jews were the following: 1) that it is absurd for the Children of the Free Woman (the Church) to serve the Children of the Slave (the Synagogue),¹⁵ 2) that such proximity may lead to proselytization,¹⁶ 3) that this proximity may lead to immoral relations.¹⁷ There was little objection to Christians doing small services for Jews, but very insistent objection to their living in Jewish homes and thus becoming part of the Jewish family. The threats of excommunication and refusal of Christian burial were held over those Christians who persisted in living within the Jewish home.¹⁸ The barons and the cities of the Provence were forced to take an oath, as part of their reconciliation with the Church because of the Albigensian heresy, that they would prevent the Jews from keeping Christian servants and nurses.¹⁹ But the problem was not limited to southern France; it

owner may ask him to do so, and if he refuses for a year, must sell him. To this opinion of Maimonides, the *Yore Deah* adds the opinion of the *Mordecai* (martyred at Nürnberg, 1299) that the above applies only to such slave with whom no arrangement about his becoming a Jew had been made; others he need not sell even after that lapse of time. He continues, "and so in these lands where it is forbidden to proselytize any Gentile, we make the assumption that he had agreed with the slave not to convert him to Judaism, and he may retain him thus as long as he likes." One may therefore conclude that even the conversion of pagan slaves was a none too frequent occurrence.

In the Golden Bull, Frederick II permitted the Jews to have pagan slaves, but threatened punishment if the owner tried to proselytize them (Höniger, pp. 136-143). Henry III of England enacted similar legislation (Rymer, *Feodora*, I, 293).

¹⁵No. XVI.

¹⁶Nos. 15, 29, VIII, "the superficial plausibility of their Law may lead Christians astray."

¹⁷Nos. 14, 69, 104. This phase of the question is taken up below.

¹⁸Nos. 15, III, XVI, XXV, XXXIII.

¹⁹Nos. V, VI, XVIII. There is no direct reference in the Church documents here presented, to the influence of the Jews upon the heresies that afflicted the Church at this time. For an exhaustive study of such influences, one should consult Newman's *Jewish Influences on Christian Reform Movements*. It is not necessary to go the full length with Dr. Newman and assume that the influence of the Jews was as great as he describes it, in order to reach the conclusion that the daily intercourse with Jews pointed to the possibility of leading a righteous life even outside the Catholic Church, as well as of a non-orthodox interpretation of the Scriptures. Cf. Gudemann, *Erziehungswesen*, passim. An interesting contrast is drawn by Innocent III between the Jews and the Waldensians of the City of Viterbo. In 1205 the Pope wrote to them (Luchoire, *Rome et l'Italie*, pp. 93-94), "You are more perfidious than Jews and more cruel than pagans. The Jews crucified the Son of God but once, you outrage and crucify Him every day. The Jews at least believe in only One God, the Author of all things visible and invisible, but most of you believe that the earth and material nature are the works of Satan. The Jews and the pagans have an excuse in that they do not recognize the Christ, but you have received the sign of Christianity, etc." There can be no doubt that in the Provence the Jews were held in high esteem

extended to every part of Christian Europe.²⁰ Nor were the efforts made at this time quite successful.²¹

B. Further Methods for Defending Christianity

Two methods by which the Church sought to make Jewish influence innocuous have already been cited above; viz. the treatment of the proselyte as a heretic, and the prohibition to live in Jewish homes. There were several others.

1. The Church tried to prevent private religious discussions between Jews and Christians. Such friendly disputations were frequent as late as the Twelfth Century, and the Jews would speak their mind openly and freely, both publicly and privately.²² It was but natural that the Jews, being a minority group constantly under pressure to become converted, should have been better acquainted with the arguments for their side. Moreover, the Jews were possessed of greater learning.²³ The results could not be very satisfactory to the Church, hence the repeated prohibitions not only for laymen to dispute with

(Jackson, p. 188). Regné, in *Juifs de Narbonne*, pp. 96-97, blames the Albigensian heresy for the changed attitude toward the Jews.

²⁰ Nos. 71, XXIII, XXVIII, XXXIV, XXXVI; Cf. Rigg, pp. XXIX, XLVII; *Las Siete Partidas*, Part. VII, tit. XXIV, ley VIII.

²¹ No. XXXVII; also Scherer, p. 40, for later occasions when similar conciliar decrees had to be promulgated. The opposition to the employment of Christians by Jews was expressed occasionally also by secular rulers. In the Fifth Century Theodosius II and Valentinian II decreed that Christians must not serve Jews "ne occasione dominii sectam venerande religionis immutent." (Aronius, no. 8). At various times during his reign James I of Aragon decreed in similar fashion for his provinces, expressly forbidding Christians to dwell in Jewish homes (Regné, *REJ*, LX (1910), no. 4, for the year 1228, no. 5 for the year 1229). Philip the Fair decreed similarly in 1283 (Fond Doat, XXXVII, fol. 197 vo.). In the Golden Bull, Frederick II forbade the possession of Christian slaves, but permitted Christian servants provided they were not made to work on Sundays and holidays (Cf. Höniger, pp. 136-143). Thus also Henry III of England in 1253 (Rymer, *Feodora*, I, p. 1293). Cf. Rodocanachi, pp. 165-7.

²² There is no proof that the Jews of this time were possessed of great "conversionist zeal," as is claimed by Newman, p. 289. On the contrary, Jewish sources would seem to indicate that the Jews were very careful to avoid this. The discussions mentioned in the next note were in the nature of self-justification rather than attack. Israel Levy (*REJ*, V (1882), 238 ff.) points out that before the Thirteenth Century the Jews disputed frequently, and even provoked such disputes (Cf. Martene & Durand, *Thesaurus*, vol. V, p. 1510). Levy further points out that this is the reason why the Twelfth Century produced so many Christian apologetic works, as well as attacks upon Judaism.

²³ *Ibid.* The complaint of Pierre de Blois to the Bishop of Worcester that the Jews being more familiar with the Bible than are the Christian clergy, generally win in an argument. Cf. also *REJ*, I (1880), 241, and Graetz, VI, 435-439. Cf. Joinville's Chronicle (Everyman's Library), p. 148, for St. Louis' advice to ignorant knights and clerics to use the sword to silence Jewish arguments.

Jews, but even for clerics, unless especially prepared to answer Jewish claims.²⁴

2. Earnest and persistent efforts were made by the Church to prevent Jews from attaining to positions of authority. The reasons cited by the Church were various. To have a Jew hold public office was considered an insult to the Christian Faith, for it meant that a slave was giving orders to a free man.²⁵ The pope even argued that no Jew could be trusted to serve a Christian State, and that the Jewish diplomat would be sure to make common cause with Mohammedans.²⁶ Moreover, the accusation was made that the Jews used their offices to force Judaism upon the Christian population, and oppress them in other ways.²⁷

The problem was an old and difficult one. In earlier centuries the Church had objected to the appointment of Jews to military, judicial, as well as political and financial offices.²⁸ While the former two types no longer came into question during the Thirteenth Century, the latter two continued. It is worthy of note that during this Century the problem was most acute in those countries in which the population was not yet purely Catholic. In the Iberian Peninsula the kings employed the Jews as treasurers, and diplomats.²⁹ In Hungary there were Jewish major-domos, tax collectors, and officers in charge of the mints.³⁰ In the Provence they were frequently appointed as bailiffs.³¹ While the problem existed also in Germany, it was not so serious there.³²

²⁴ Nos. 69, IV, VIII, XIX, XXVII, also No. 14, where Innocent cites a Jewish argument. Thomas Aquinas also advised against the disputations unless publicly organized and managed by the Church (Guttman, pp. 5-6). In 1253 Henry III of England forbade the Jews to dispute with a Christian on matters of faith (Rymer, *Feodora*, I, p. 293). Such disputations were not always of benefit to the Jew (Aronius, no. 414).

²⁵ Nos. 14, 23, 24.

²⁶ Nos. 45, 46; Cf. Erler in Vering—*Archiv*, vol. 44, p. 361, "A Christian State cannot recognize Jews as its representatives."

²⁷ Nos. 71, XI.

²⁸ *MGH, Concilia*, I, pp. 158, 167, 190; IV Council of Toledo in De Aguirre, p. 730. For a letter of Gregory VII (1081) to Alphonso of Spain, on the same subject, see Mansi, XX, col. 341. Erler, l. c., gives a long list of Church references to the same subject (vol. 43, pp. 365 ff.); also Aronius, nos. 8, 40, 57, 60.

²⁹ Nos. 17, 45-46, 71.

³⁰ Nos. 53, 61, 73. For a more detailed account of the situation in Hungary see notes to the letters mentioned. Cf. Saitschik, pp. 10-11.

³¹ Nos. 49, III, XVIII, XXII.

³² No. 69. The most important instance of this sort in the territory of the Empire was in the case of Vienna. Duke Frederick of Austria had found the Jews indispensable, and in 1235 his Jewish financiers actually saved the situation for him (Aronius, no. 476). When the Emperor dispossessed the Duke in 1237, he found it politic to grant to Vienna and to Wiener-Neustadt the privilege of not having Jewish officials, and incidentally offered for this the usual Church reason "ne sub pretextu prefecture Christianos opprimant." (H-B, V, pt. 1, p. 57; Aronius, nos. 509-510). When Duke Fredrick came back he was forced to grant the same privilege to his subjects (Aronius, no. 522). At the death of the

The Church tried to remedy the situation by exhortations, threats, and actual excommunications. The problem was considered important enough to be taken up at the IV Lateran Council, where it was decreed that local clergy must take vigorous measures to combat this evil, and that the persons who hold such offices must be forced to give them up and whatever they may have gained through them.³³ As a matter of fact the local councils did take vigorous measures,³⁴ since this was a situation that affected the local clergy most directly because of the small influence that they were bound to have upon such officials. That is why so much was made of this matter in connection with the fight against Albigensian heretics.

Nevertheless, the Church sometimes found itself unable to overcome the local exigencies that made the appointment of Jews imperative. Sancho II of Portugal evidently could not get along without Jews as taxfarmers, and the Pope had to make an exception in his case, stipulating, however, that the work of the Jew must be done under the supervision of a Christian.³⁵ Hearing of this, King Bela of Hungary requested and obtained a similar privilege.³⁶ With or without permission, such appointments continued to be made as long as the Jews were not completely degraded and driven out of the wider areas of economic life.³⁷

Duke, when Austria once more fell to the Emperor, he repeated the privilege (ibid., 565-566). In 1251 Duke Ottakar once more made the same promise to Wiener-Neustadt (ibid., 584). Yet in 1257 the Duke of Austria is found to have two Jewish brothers as financiers (Stobbe, p. 180). The Council of Vienna in 1267 had to repeat the prohibition (Aronius, no. 725). Thereafter Jews do not appear as officials in Austria (Cf. A. Dopsch, *Verfassungs u. Wirtschaftsgeschichte des Mittelalters*, Wien, 1928, p. 457).

It is well known that even Pope Alexander III employed a Jewish financier (Stobbe, l.c.). Cf. Rodocanachi, pp. 133-135.

In Spain too the cities took up the cry against Jewish bailiffs toward the end of the Thirteenth Century, but the nobility continued to employ them (Baer, *Studien*, pp. 57-58 and 174 ff.). All this despite the fact that as early as 1228 James I of Aragon had decreed that Jews must exercise no public function involving judging, punishing, or executing any sentence against a Christian (Regné, *REJ*, LX (1910), No. 4).

³³ No. 16.

³⁴ Nos. III, V, VI, VII, XVII, XXII, XXIV, XXXVII.

³⁵ No. 64.

³⁶ No. 100.

³⁷ In the conflict between their own interests and the insistent demands of the Church, the princes had to follow an uncertain policy. In 1228, James I of Aragon forbade the Jews to hold public office (*REJ*, XV (1887), 24), but he himself was surrounded by Jews as officials (*REJ*, XIII (1886), 239). In *Las Sieta Partidas* Alphonso forbade their appointment, giving the reason that since their guilt in the Crucifixion they had had no officer nor priest (Part VII, tit. XXIV, ley 3). But that was pure theory. Cf. the charter of Fredrick II to the City of Vienna where the same reason is cited (Sekenberg, *Selecta Juris et Historiarum*, Frank. a. M., 1738, IV, p. 438). Likewise in the case of France, in the treaty with regard to Toulouse in 1229, a clause was inserted against appointing Jews as bailiffs. None the less the king used several Jews in that capacity (*REJ*, LXVI (1913), 80).

3. Christianity had to be defended even more directly, by preventing blasphemous remarks about it on the part of the Jews. In the course of their disputations with Christians, the Jews must have used arguments that made light of fundamental Christian dogma.³⁸ It was quite natural for the Jews to point out the difficulty of belief in a Trinity or in the doctrine of Trans-substantiation then about to become a dogma.³⁹ Nor is it unlikely that the Jews referred to the Toledot Jeshu,⁴⁰ where Jesus' biography is told in no complimentary terms, as to an authentic tradition. The Pope felt called upon to refute the statements made by the Jews.⁴¹ It was naturally in the Provence more than in any other place that the Jews took advantage of their freedom of speech.⁴²

The charge of blasphemy that had the most serious consequences for the Jews was the one that resulted in the persecution of the Talmud.^{42a} It seems to have been news to the Pope that the Jews possessed a book against which two charges could be brought; that it was the source of all those "errors" which the Church charged against Judaism, and that it contained blasphemous remarks about several of the central personalities in Christianity. Clearly the Pope hoped that by destroying this book he would facilitate the conversion of the Jews, but his most outspoken motive was the destruction of a work so antagonistic to Christianity.

Nicholas Donin,⁴³ an apostate from Judaism, called the attention of the Pope, Gregory IX, to the need for destroying the Talmud, and by his hand the Pope sent letters to the Bishop of Paris,⁴⁴ the famous

³⁸ Nos. X, XXIV. On the matter of disputations see Dubnow, V, 36-41.

³⁹ No. XXXII.

⁴⁰ Edition by Kraus, *Das Leben Jesu nach jüdischen Quellen*—Berlin, 1902; J. Klausner, *Jeshu ha-Notzri*, Jerusalem, 1922, pp. 43-48.

⁴¹ No. 14.

⁴² No. XLII. Also in Castile Alphonso IX (*Fuero Real*, Bk. IV, tit. 2), "If a Jew utter anything blasphemous against God, Holy Mary and the saints, he shall be fined ten maravedis for each offense, and the King shall order that one hundred lashes be given him." Cf. Lindo, p. 76. The extent to which Christian church dignitaries were enraged by Jewish statements about fundamental dogmas of Christianity, may be seen from the really terrible letter which Peter the Venerable, the saintly Abbot of Cluny, wrote to Louis VII of France, about 1146 (Migne, 189, cols. 366-368). It is clear, from the frequency of the accusation, that the Jews were indiscreet, but one must remember that they had not yet learned that self-effacement which the subsequent centuries were to teach them.

^{42a} The persecution of Jewish books before this time took place under the Emperor Justinian, who tried to prevent the Jews from the study of books which he called "lacking in any divine element." He therefore, ordered that whatever was read in the Synagogue, and whatever was taught, was to be read and taught in Greek, and that the interpretations given were not to be insulting to Christianity (*Novellae*, p. 146); Cf. Scherer, p. 46. In 712 the Visigothic kings forbade the reading of Hebrew books on the part of converts to Christianity (Zaccaria, *Storia Polemica delle Proibizione de libri*, Rome, 1777, p. 61).

⁴³ See Appendix A.

⁴⁴ No. 95.

William of Auvergne. Three charges were made against the Talmud by the Pope:⁴⁵ 1) that it is the source of the Jewish stiff-neckedness, 2) that the importance attached to it by the Jews is an insult to the Bible and the prophets, 3) that it contains blasphemies against Christianity. The Bishop of Paris was commanded to dispatch the letters to the other clergy of Europe,⁴⁶ so that on one day all copies of the Talmud, in all lands of Christian Europe, should be seized. The day set was a Saturday, while all the Jews would be at synagogue. The books thus seized were to be turned over to the Franciscans and the Dominicans for examination, in order to discover whether the charges made by Nicholas were true.⁴⁷

This papal order was obeyed only in France,⁴⁸ perhaps because of the piety of the King as well as the fact that this was Donin's home. The books of the Jews were seized on Saturday, March 3, 1240, and soon thereafter an order was given the Jews to send representatives who might defend these books against the detailed charges made by Donin. In the presence of many monks and of all the high prelates in and about Paris, the Jewish representatives were asked whether the charges made by Donin were true, i.e., whether the statements which according to him the Talmud contained were actually to be found in that book. There is no means of knowing what the answer of the rabbis was at this preliminary conference. Presumably they argued that the statements might exist, but that they do not have the sense which Donin attributed to them. A public trial of the Talmud was then decided upon,⁴⁹ to take place on June 25, 1240. On that occasion Donin was the accuser, and the Jews, represented by Judah ben David of Melun,⁵⁰ Samuel ben Solomon of Chateau Thierry,⁵¹ Moses of Coucy,⁵²

⁴⁵ No. 96, 104. The point of view of the papal accusation is interesting. The Pope objects to the fact that Jewish children are nurtured on the Talmud, and argues that the Jews do so because they are afraid of the Prophets whose words are clear proof of the truth of Christianity.

⁴⁶ A similar letter, No. 97, was sent to the kings. The entire story, from the Catholic point of view, that the Talmud was a secret book studied in secrecy, and not to be tolerated by Christians, is given by the Dominican R. P. Mortier, *Histoire des maîtres généraux de l'Ordre des Frères Prêcheurs*, vol. I, pp. 426-430 (Paris, 1903).

⁴⁷ The list of charges prepared by Nicholas Donin is given by Loeb in *REJ*, II (1881), 253-270; III (1881), 39-57; and Kisch, pp. 13-17.

⁴⁸ In his own territories the Pope did absolutely nothing about this. In other countries the matter was disregarded.

⁴⁹ Cf. Lewin in *Monatschrift*, XVIII (1869), p. 146; Graetz, VII, 104-5. This preliminary conference is by no means clearly indicated in the letter of Odo, Appendix to No. 119.

⁵⁰ The head of the Rabbinical School of Melun, and probably the teacher of Meir of Rothenberg (Lewin, p. 148; Gross, *Gallia Judaica*, p. 354).

⁵¹ Also known as Sir Morel. Gross (p. 478 ff.) perhaps on the basis of Zunz (*Zur Geschichte und Literatur*, p. 37) identified him with the famous tosafist of Falaise. Graetz does not (VII, 105, 119).

⁵² Moses ben Jacob was born in Coucy near Soissons. He too was one of the

and Yechiel of Paris,⁵³ head of the Talmudic Academy of that city, were the defenders. The judges were Walter, Archbishop of Sens,⁵⁴ William, Bishop of Paris,⁵⁵ Geoffrey of Belleville, Chaplain to the King, and probably also Odo of Chateauroux,⁵⁶ Chancellor of the University of Paris, as well as the Bishop of Senlis.⁵⁷ The Queen-Mother, Blanche, presided; and there were present a large number of nobles and churchmen.

With the memories of recent massacres fresh in their mind, the Jews came to defend their sacred books.⁵⁸ The disputation lasted several days, and, while both sides claimed victory, the resultant condemnation of the Talmud and of the works of Rashi, was a foregone conclusion.⁵⁹ The efforts of the Jews to obviate the calamity were successful for a while,⁶⁰ but on Friday, June 6, 1242,⁶¹ the sentence was

Tosafist School. He was a famous preacher, and after 1235 began a round of travel that carried him through most of the communities of Spain and France. Around 1250 he wrote his great work, the *Semag* (*Sefer Mitzvot Gadol*). Cf. Chones, *Toledot ha-Poskim*, Warsaw, 1919, p. 394; Renan in *Histoire Littéraire de la France*, XXI, pp. 511-513; Graetz, VII, 63; E. Carmoly, *La France Israélite*, Frankfurt a/M, 1858, pp. 100-107.

⁵³ Originally from Maux, but at the time head of the Yeshivah in Paris, where he had three hundred pupils. After the Disputation he was forced to leave France and he went to Palestine where he died. *REJ*, III (1881), 4; Carmoly, o.c., pp. 69-77.

⁵⁴ Walter Cornutus, Archbishop of Sens, 1221-1241, who seems always to have been favorably disposed toward the Jews. Cf. Zadoc Kahn, in *REJ*, III (1881), 12.

⁵⁵ William of Auvergne was far from a friend of the Jews of whom he always spoke with dislike and scorn. In his theological works he frequently made use of Ibn Gabirol and especially of Maimonides whom he quoted without mentioning his name (J. Guttman, *Die Scholastic des 13ten Jahrhunderts*, Breslau, 1902, pp. 13 ff.). His share in the condemnation of the Talmud is described in Noël Valois, *Guillaume d'Auvergne*, Paris, 1880. Cf. Newman, pp. 107-8; Haureau in *Notices et Extraits*, tome XXI, pt. 2, pp. 43-45.

⁵⁶ Odo of Chateauroux—In 1238 he became Chancellor of the University of Paris. In 1244 he was made Cardinal-Bishop of Tusculum (Frascati). The next year he was sent as Legate to preach the Crusade, and in 1248 was appointed spiritual head of the Crusade, accompanying Louis IX on this disastrous expedition. He died in 1273 (*Hist. Lit. de la France*, XIX, 228-232; *Notices et Extraits*, XXIV, pp. 204 ff.).

⁵⁷ Adam de Chambly, Bishop of Senlis, 1228-1259.

⁵⁸ Nos. 81 note, 87, 88; both Donin and R. Yechiel refer to persecutions which had recently taken place.

⁵⁹ Reports of the disputation were published by both sides. The Christian report has been analyzed by Loeb in *REJ*, II (1881), and by Kisch, *Gregor. IX, Anklage gegen den Talmud*, Leipzig, 1874; also in Noël Valois, o.c., pp. 118 ff. discussed in *REJ*, I (1880), 140-5. The Jewish side, written by R. Yechiel himself, has been republished under the name *Sefer Vikuach Rabbenu Yechiel me-Paris*, Thorn, 1873. It has also been analyzed by Lewin in the *Monatschrift*, 1869.

⁶⁰ These efforts were concentrated upon one of the prelates of France, a favorite of the King. Just who this prelate was has been frequently discussed (Thomas of Cantipre; the *Acta Sanctorum* for August 25, pp. 559-60; Valois, op. cit., p. 133; Graetz, VII, note 5). Valois suggests that it was Odo Clement, Archbishop

carried out and twenty-four wagon-loads of Jewish books were publicly burned.⁶²

Nevertheless, the Pope found it necessary two years later again to order the confiscation of Jewish books.⁶³ He urged upon the King of France to show at this time the same zeal that he had shown in the matter several years before. As a result, the copies of the Talmud and its commentaries that had either escaped confiscation in 1239, or had been smuggled into Paris since that year, were seized. The Jews made every effort to save their books, and even sent a delegation to the Pope, which claimed that the Bible would remain unintelligible to them without the Talmud, which they represented to be a commentary on it.⁶⁴ Using this argument as a justification for his action, the Pope thereupon ordered the King of France to return their books to the Jews. But to this, Odo of Chateauroux, then already Papal Legate, interposed strenuous objections. He reviewed the case against the Talmud from its very inception, and lectured the Pope for his leniency.⁶⁵ Another tribunal was set to work by Odo, and again the Talmud was condemned to the flames (1248).

of Rouen, who was never above suspicion of taking a bribe. It has been generally assumed, however, that the man was Walter Cornut, Archbishop of Sens, who was favorably disposed to the Jews.

Whoever the man was, he succeeded in staving off the execution of the decree for more than a year. But his sudden death in the King's presence was enough to make Louis IX give credence to the words of the opponents of the Talmud, that it was the Archbishop's espousal of the Jewish cause which brought about his death. The King thereupon decided to act upon the condemnation. Basing himself on Odo's words (No. 119),

"Omnia vero que interclusa missa fuerunt sub bulla et siggula, et multo plura inventa fuerunt in predictis libris in presentia bone memorie Galteri archiepiscopi Sennonensis et venerabilium patrum Parisiensis, Silvanectensis episcoporum, et fratris Gaufridi de Blevello capellani vestri, tunc Parisiis regentis, et aliorum magistrorum theologie et etiam magistrorum Judeorum, qui predicta in libris suis contineri confessi sunt in presentia predictorum. Facta etiam postea diligenti examinatione inventum est quod dicti libri erroribus erant pleni . . . etc."

Graetz argues that there was a second investigation after the death of the defending archbishop. But the last sentence quoted above may refer simply to the exhaustive collection of all the charges, which seems to have been made by Donin and his co-worker, the Dominican Henry, and which is represented in the manuscript Fond Latin 16558 in the Bibliothèque Nationale. All that was really needed after the archbishop's death was the consent of the King to proceed with the execution (Cf. Graetz, VII, note 5, and pp. 104-105).

⁶¹ The exact year of this event is variously given in the sources. The three years suggested are 1240, 1242, and 1244. Graetz after a long discussion of the subject (VII, note 5) comes to the conclusion that 1242 is the correct date.

⁶² Some say only fourteen wagon-loads (op. cit., p. 105).

⁶³ It is also possible that some of the books had already been returned at the time when the friendly archbishop stood in the way of the execution. No. 104.

⁶⁴ No. 119.

⁶⁵ Ibid., Note.

The Talmud is again spoken of by Louis IX in his rules for the improvement of the Faith in the Provence.⁶⁶

4. General educational and philosophical labor was suspect by the Church. Only that which bore directly upon religion, and was officially recognized by the Church, could be studied.⁶⁷ New philosophical ideas, just then being imported from Arab lands, were forbidden, and this prohibition must have included original works of Jews, and translations made by them.

5. Another instance where Christianity seemed to be in need of defense against the Jews was in the matter of blasphemy against the sacred symbols and ceremonies of the Christian Faith. Thus Innocent

⁶⁶ No. XXXIX; In Aragon the question of the Talmud did not arise until a few years later, when another apostate brought his zeal to bear upon James I. In 1257 it was forbidden to bother the Jews about their books (Amador de los Rios, I, 427), but when Pablo Christiani came and, like Donin before him, sought a disputation with the Jews, the situation of 1239 repeated itself (For the Disputation see Schechter in *JQR* V (1893); *REJ*, XV (1887); and Wagenseil, *Tela Ignea Satanae*). Immediately after this disputation, James I ordered the Jews to erase from their books all blasphemous references to Jesus and Mary, and to permit their books to be examined by Pablo and the Franciscans (Regnè in *REJ* LXI (1911), No. 216, repeated March 27, 1264, *ibid.*, no. 249). Nachmanides too had to suffer for his share in the disputation, especially for the publication of the arguments he had used (*Idem* nos. 262, 303, 315, 316, 323, 324; also Bofarull, nos. 39, 49, 53). The excesses of the monks, and no doubt, too, the influence of the Jews at Court, brought about a modification of the royal edicts to the extent that the Jews were not to be compelled to show their books upon request (Bofarull, nos. 50, 75). In the *Siete Partidas* the law was fixed that Jews must not speak ill of Jesus, and that they were to suffer death and the confiscation of property for attempts to proselytize (Partida VII, tit. XXIV, ley 2). In 1297 James II, in granting the Dominicans the right to preach to the Jews, also ordered ". . . et librorum suorum eis ad veritatem negotii perquirendum copiam facere cum requisiti fuerunt, compellantur. . ." (Tejada y Ramiro, III, p. 429).

For an outline of the subsequent occasions when the Church concerned itself with the Talmud see Scherer, pp. 48-49, and Reinach in *REJ* XL (1900), (Conferences). In 1257 Alexander IV ordered its confiscation in a Bull addressed to the Duke of Bourgogne, the Count of Anjou, and the King of France (Loeb in *REJ* I (1880), 117). In 1286 Honorius IV addressed himself similarly to the English prelates (Doat, XXXVII, fol. 128 vo., 132). In 1320 John XXII referred to the letter of Odo (Doat, XXIX, fol. 288 vo.; Raynaldus, a.a. 1320, §24). Thus likewise Alexander V on August 30, 1409 (Wadding, IX, p. 327). The *Emek Ha-ba-cha* speaks of the Jews in Northern Italy as hiding their copies of the Talmud in wells (p. 57). For our period cf. also Berger's Introduction to the *Registres d'Innocent IV*, t. II, p. CCXV, note 2; and Neubauer, Jewish Controversy and the Pugio Fidei in the *Expositor*, no. 38, pp. 95 ff.

⁶⁷ No. VIII, bearing in mind the sources for the Albigensian heresy (Jackson, pp. 229-230). In a council at Paris in 1209, reported by Mansi, XXII, col. 804, quoting Rigord, some books of Aristotle newly translated from the Greek, were condemned. Charles Jourdain (in *Recherches critiques sur l'âge et l'origine des traductions latines d'Aristotle*, Paris, 1843, p. 197) argues that the books condemned by this Council were based on the *Fons Vitae* of Avicbron. Cf. Graetz, VII, 10.

III complained to the King of France, "On Good Friday the Jews, contrary to ancient custom, run about through streets and squares, as is their habit, and everywhere make sport of the Christians who adore the Crucified One, and by their improprieties attempt to dissuade the Christians from worshipping."⁶⁸ In the IV Lateran Council, Innocent repeated this charge and urged its repression.⁶⁹ The establishment of the Jewish Badge was in part due to this.

The local councils took up this matter, and even went a step further. They forbade the public appearance of Jews during Holy Week, from Friday to Sunday inclusive.⁷⁰ They also forbade the Jews to do any public work on Sundays and holidays, for the work itself was interpreted as a blasphemous infraction of the day sacred to Christianity. Jewish-owned markets were to be closed,⁷¹ and even within their homes Jews were to abstain from meat whenever Christians were forbidden to eat it.⁷²

The attempt to guard against the disdain for religious objects which they felt that the Jew was bound to show, led to two further prohibitions enacted by local councils. One was against leaving with a Jew certain church-articles as security for a debt.⁷³ A prelate in need of money did not hesitate to leave the sacred vestments belonging to his office, or some of the articles used in the celebration of the Mass, with the Jew from whom he received a loan. It may even have happened that a cleric would steal such objects and use them for the same purpose. The Jews were ordered never to receive vestments, altar-covers,

⁶⁸ No. 14.

⁶⁹ No. X.

⁷⁰ Nos. XVII, XVIII, XXXVII. They could leave their homes only by reason of the most pressing necessity. This sort of legislation was neither new to the councils nor confined to them. As early as the Sixth Century such restriction of the movements of Jews is to be found (*MGH, Concilia*, I, pp. 83 and 158; Erlar in *Vering-Archiv*, vol. 43, p. 363, gives a long list of occasions when this was enacted; Cf. also Scherer, p. 41, no. 8). In Gregory's Decretals is cited the demand of Pope Alexander III that on Holy Friday Jews must keep their doors and windows closed (*Lib. V, tit. VI, §4*). The cities also took this up. Thus Avignon in 1243 outside of the above prohibitions, also ordered that a Jew or Jewess above the age of nine must hide from view when meeting a Host-bearing procession, or pay a fine of five soldi (*Nouvelle Revue Historique de Droit Français et Étranger*, 1877, p. 594). The abbot of St. Anthony at Pamiers, in the Concordat entered into with his Jews, had a clause forbidding the Jews to visit the public square on Sundays (*Doat*, 37, fol. 155). By the end of the Fourteenth Century the Jews of Spain were ordered by civil constitution to kneel at the passage of the Host (*Baer, Studien*, p. 55). But a century before then James I of Aragon had already issued such a decree (*Bofarull*, p. 116, no. 146), and also in the *Siete Partidas* responsibility was declined for Jews who suffer harm on the streets between Good Friday and Easter Sunday (*Part. VII, tit. XIV, ley 2*). As a defense measure this prohibition will be discussed later.

⁷¹ Nos. VI, XVIII, XXXVII, XLI.

⁷² Nos. VI, XVIII.

⁷³ Nos. IV, XIX, XXIII.

books, or goblets belonging to a church, and if they had received them unknowingly, to return them as soon as their sacred character was discovered.⁷⁴

Secondly, the Jews were forbidden to enter a church. Because their own homes were so frequently open to attack, and at any rate not particularly safe places to keep valuables, the Jews used to enter into an arrangement with the local churches or monasteries whereby they received the privilege of using these buildings as safe-deposit vaults.⁷⁵ To this the Church objected not because the arrangement was a degradation of the institutions, but rather because the Jew was thus given an opportunity to mock at the sacred objects which he might see within them.⁷⁶

⁷⁴ The struggle of the Church against this practice by the clergy was a hard one. Charlemagne had raised his voice against it (*Mansi*, XVII, 453). At the Council of Toulouse in 1056 the charge is brought against an archbishop that he had stripped the Church of its gold and sold it to the Jews (*Baluze, Concilia Narbonensis*, p. 12). Aronius, no. 394 contains the case of an abbot who gave as a pledge the gilded cross, the candlesticks, and the goblet. For England such a case is mentioned by Madox, *Hist. and Antiquities of the Exchequer*, p. 155, note t. In France the royal decrees of 1206 and 1218 prohibited this (*Vuitry*, p. 320; *Recueil des anciennes Lois*, pp. 214-5). On August 23, 1258 the Pope wrote about this to the clergy of France (*REJ* I (1880), 297). The King of France again spoke about it in 1299 (*Doat*, vol. XXXVII, fol. 161), yet as late as 1368 the matter had to be taken up in a council (*Baluze*, op. cit., p. 224). In Germany during the Thirteenth Century various imperial, ducal, and civic laws forbade the acceptance of these articles by Jews (*Aronius*, 458 §4, 547, 580; *Bondy*, I, p. 19 §5). As late as 1441, however, the ornaments of St. Egidien in Nürnberg were in Jewish hands, and in 1454 Pope Nicholas V had to forbid under pain of excommunication the giving of Church objects as a pledge (*Würfel, Historische Nachrichten von der Judengemeinde Nürnbergs*, p. 28). Toward the end of the Twelfth Century Rabbinic Councils in Northern France forbade Jews to take church vessels in pledge for a debt (*Dubnow*, IV, 326 f.).

⁷⁵ Nos. XVI, XXIII, XXXIV. It is strange that this question did not arise on the Continent. All the three references are to England, where we know that the custom had long existed to use the churches and cathedrals for depositing the bonds and the records of the debts due to the Jews (*Cf. Tovey*, p. 27). Thus in the case of the York Massacre in 1189, the mob not only killed the creditors, but also repaired to the Cathedral and made a bonfire of the records there kept (*Dubnow*, IV, 310).

⁷⁶ No. XXXII. *Cf. Rymer, Feodora*, I, p. 293; *Rigg*, pp. XXIX, XLVIII. *Aronius*, nos. 324, 326, 371, 387. See note above about the practice in England to use the church as a repository for business records (*Tovey*, p. 27). The Jews were not the only ones to make such uses of the churches, others also used them as storehouses (*Jackson*, p. 350), but the Jews because of their defenseless position made more varied use of them. The following is about the Abbey of Bury St. Edmonds, in the Twelfth Century, (*Dugdale, Monasticon Anglicanum*, London, 1846, vol. III, p. 104), "Under the protection of this sacristan they enjoyed free entry and exit, and would walk about the Monastery, wandering by the altar, and around the effigies, while solemn mass was being celebrated. Their money was deposited in our treasury under the care of the sacristan, and their wives and children were in hiding with us in time of war. . . ." He proceeds to relate that the arrival of a new abbot drove the Jews out of the Abbey's territory.

CHAPTER VI

The Jews and General Church Policy

In working out its general policies the Church had to come in contact with the Jews, especially because of the important economic rôle which the Jews were then playing in European society.

A. The Jews and the Tithe

By this period the tithe had become the mainstay of the local ecclesiastical institutions,¹ and the clergy of every diocese did their best to collect it from the land under their jurisdiction. Frequently the rivalry for the income from certain lands was the cause of quarrels between several church bodies.² The land and property belonging to a Jew, however, was not subject to this form of taxation since the Jew was not called upon to support the Christian Church. This the Church at all times recognized, but it could not stand by and watch the Jews increasing their landed estates, since every such increase meant a diminution of the income of the local church or monastery.³ During this period, therefore, the Church tried to establish the rule that the Jew must continue to pay those church taxes which had been paid by the former Christian owner of the land now in the Jew's possession.^{3a}

France had been the first country where an attempt was made to

¹ The Tithe, as its name implies, was modelled after the biblical *ma-aser*. In early centuries it was not obligatory even upon a Christian, and for several centuries Church Councils kept urging Christians to pay it as a matter of conscience ("Dime ecclésiastique" in the *Grande Encyclopédie*). By means of a repeated threat of excommunication it was finally established in the Seventh Century. Pepin and Charlemagne were the first to enforce it by means of civil power, and even then it was several centuries before it became a recognized obligation. By the beginning of the Tenth Century, the Tithe was extended to include income also from sources other than the soil (Cf. Ernest Perles, *Die kirchlichen Zehnten im karolingischen Reiche*, Berlin, 1870).

² Nos. 63, 106, 108, where the Pope had to interfere in such quarrels. Cf. Paul Viard, *Histoire de la Dime ecclésiastique*, Dijon, 1909, pp. 181 ff.

³ Cf. Lavis, *Histoire de France*, vol. III, pt. I, p. 78, stating that in the reign of Philip-Augustus the Jews owned half of Paris and a third of the property of France. Cf. the complaint of Innocent III (No. 14), ". . . ecclesiarum bona et possessiones Christianorum usurpent, sicque illud impletum in Christianorum populo videatur, quod in Judeorum persona propheta deplorat; 'hereditas,' inquiens, 'nostra versa est ad alienos, domus nostre ad extraneos.'"

^{3a} IV Lateran Council—No. IX.

establish this rule,⁴ yet by the end of the Twelfth Century the Jews of France were still not being forced to pay the tithe, although laymen as well as churchmen continued to mortgage their lands with Jews and sometimes fail to redeem them.⁵ The local barons did not seem anxious to enforce the rule since in all western Europe, and above all in France, the princes looked upon Jewish property as potentially their own.⁶ In southern France the churches and the Jews entered upon a private arrangement whereby every Jewish family, whether it owned land or not, paid a stipulated sum to the local church. This they paid presumably in lieu of the tithe.⁷

In the Spanish-Christian lands, where the Jews enjoyed greater liberty and influence, the Pope expressed himself more frequently, and the local councils less, on the subject of the Tithe.⁸ Innocent III berated the King of Castile, Alphonso VIII, for having stood in the way of the collection of the Tithe from Jews, and for having granted them greater opportunities to acquire property.⁹ He ordered the Archbishop of Toledo, the Primate of Spain, to use excommunication if need be, in order to enforce the claims of the Church.¹⁰ In 1217 Honorius had to repeat this order, and again the next year.¹¹ To obviate such payments, the Jews resorted to a policy of destroying houses acquired from Christians, and then built new ones in their place.^{11a} At last in 1219 an agreement was reached between the Archbishop of Toledo and the Jewish Community reminiscent of the arrangement in southern France. Every male Jew was to pay a fixed sum, and in return the property of the Jews was to be free from

⁴ It was Charles the Simple, in 898, who first tried to impose the Tithe upon the Jews of Narbonne (Jean Regné, *Les Juifs de Narbonne*, p. 42). The inclusion of the Jews was insisted upon only when the Church came to rest its claims to the Tithe upon the theory of the supreme ownership of God (ibid., pp. 45-46, 91-92).

⁵ Nos. 13 and 14.

⁶ No. 22. See below p. 124. In the ordinance of 1228 the King of France commanded the payment of the Tithe from those lands from which it had always been paid (Cf. Paul Viard, *Philippe le Bel et les dimes insolites*, Dijon, 1911). The question was finally settled when, in the Fourteenth Century, Jews were forbidden to own property other than their own homes and cemetery ground (Cf. Brussel, p. 621).

⁷ Nos. XVIII, XXIX, XXXVII. Note the statement at the Council of Arles 1234; "ad satisfaciendum ecclesiis pro decimis et oblationibus," as against the statements elsewhere, "ad solvendam ecclesiis decimas et oblationes." Cf. Caro, I, 292.

⁸ Nos. XX and XXI. These are the only two references to Aragon. It would seem that here the royal power did enforce the payment of the Tithe from all productive land (Cf. Baer, *Studien*, p. 59 and notes).

⁹ No. 17.

¹⁰ No. 21.

¹¹ Nos. 33 and 36.

^{11a} No. 37.

the Tithe. This did not include property that might be acquired by a Jew from a Christian after the signing of the concordat, nor property sold thereafter by a Jew to a Christian.¹²

But this Concordat settled matters only for the Jews of the Diocese of Toledo, and not for the rest of the Kingdom of Castile. Again we find the Pope writing on the subject to bishops and rebuking the king (Ferdinand III) for freeing the Jews of certain districts from the obligation of the Tithe. In the case of the Church of Baeza we note the next step in the development of the Church policy with regard to the Tithe.¹³ For, whereas in other places the Church claimed its payment only from those lands that had fallen to Jews from the hands of Christians, here, after the capture of the district from the Mohammedans, the Tithe was to be collected from all property no matter in whose hands.¹⁴

For England we have only one reference to this matter, and it seems to indicate that the payment of the Tithe by Jews was being enforced.¹⁵

In the Germanic countries the Jews who were still engaged in agriculture, as in Silesia, were compelled to pay the full Tithe like their Christian neighbors.¹⁶ The real struggle in this respect went on in the cities; but our documents bring no light to this phase of it.¹⁷

¹²No. 36 note. From the exception made, it would seem that even when a Jew sold land to a Christian such land used to continue to be exempt from the Tithe.

¹³Nos. 60, 62, 126.

¹⁴No. 66.

¹⁵No. XVI.

¹⁶No. 55. For other references to property owned by Jews see Grünhagen, *Regesten zur schlesischen Geschichte*, I, nos. 69, 92, 97. Cf. Aronius, no. 442. In Gregory's Decretals is included a letter of Pope Alexander III (Lib. III, tit. XXX, ch. XVI)

"De terris vero, quas Judei colunt, tue prudentie respondemus, ut eos ad decimas persolvendas, vel ad possessiones penitus renunciandas, cum omni distinctione compellas, ne forte occasione illa ecclesie valeant suo jure fraudari."

¹⁷In cases where the Jews rented houses from churches, there was, of course, no difficulty with respect to the Tithe (Aronius, no. 499). But as early as the time of Louis the Pious the clergy complained about the houses which the Jews rented or acquired from other Christians (R. Saitschik, *Beiträge zur Geschichte der rechtlichen Stellung der Juden*, Frankfurt a/M, 1890, p. 3). Sometimes the Gentile seller would stipulate that the Jew continue to pay the Tithe (Aronius, no. 452), and it was such an arrangement that Archbishop Siegfried of Mainz imposed upon the Christians of Fulda in 1240, when renting a house to a Jew (Aronius, no. 527; S. Neufeld, I, p. 53). The clergy carried their rights a bit far when, as in the case of the Church of St. Andrew of Worms in 1269, they complained that the Jews had robbed them by tearing down several houses for the purpose of enlarging the Jewish cemetery (cf. Carlebach, p. 51).

In the Kingdom of Sicily obstacles were put in the way of the acquisition of land by Jews. Heavy taxes were imposed upon such transactions. This policy goes back to Frederick II (Straus, pp. 31-32).

B. The Jews and the Crusades

The effort to wrest the Holy Land from the hands of the Mohammedans continued throughout the Thirteenth Century to be one of the important elements of Church policy.¹⁸ Again and again the various popes issued calls for new crusades, or appeals for greater support to crusades actually in progress.¹⁹ Among the inducements offered the recruits was not only the spiritual one of a remission of sins, but also the physical one that his property would remain in the existing status until such time as he would return or his death be ascertained.

In many instances, however, those who enrolled in the Crusading armies were more or less in debt to Jews as well as to non-Jews, and it was, from the Church's point of view, unfair to let interest run on until the return of the soldier, or to let his family be burdened with the debt. Every call to a crusade, therefore, contained an order to local clergy to force Christian creditors to remit all interest, and to demand the co-operation of the civil authorities in imposing upon Jewish creditors the following arrangement: a) the charging of interest was to be discontinued until the return of the crusader, b) until then no attempt was to be made to collect the debt from the crusader's family, c) if the pledge for the debt was of such a nature as to produce some kind of income, such income, minus the cost of maintenance, was to be deducted from the principal of the debt.²⁰

The effect of such an arrangement must have been to draw into the crusading armies large numbers of people who were heavily in debt, for the mere taking of the Cross at once freed them from every obligation.²¹ It might, and often did, take years before they actually left for the Crusade, and many more before they returned, and all this time they were free from worry about the money they owed. As to the creditor, at best he had his capital tied up for a long time, while the chances for the ultimate repayment of the debt grew ever slighter.

The enforcement of the Church's policy, at least with regard to the Jews, depended upon the secular power.²² The kings and barons, however, were personally concerned with the continued wealth of the Jews, and therefore tended to mitigate the severity of the demands of the Church. Thus, in preparation for the Third Crusade, Philip Augustus ordered the remission of all interest and freedom from the

¹⁸The foundations of this part of the policy of the Church are discussed in Luchaire, *La Question d'Orient*, p. 3; and Jackson, pp. 149-150 and 158.

¹⁹Nos. 1, 9, 10, 28, 58, 77, 80, 121, 130, II, XIII, XXXV.

²⁰Ibid. Cf. Nübling, pp. LX-LXI.

²¹"On comprend, dès lors, l'empressement de la foule à se croiser." (Luchaire, *ibid.*)

²²Since the Church had no direct way of enforcing its policy with regard to the Jews. See below p. 50.

obligation of immediate repayment, but he and his barons insisted that the debts be repaid before the date set for the departure of the crusaders.²³ In general the situation afforded an opportunity for politics and intrigue on the part of everyone concerned.²⁴

It stands to reason that the privileges granted the crusaders against the Mohammedans of Palestine, were extended to all those who fought the battles of orthodox Christianity. It applied to the recruits in the Albigensian Crusade which was preached throughout Europe,²⁵ and must have been extended also to those non-Spaniards who helped Alphonso VIII win against his own Moslem neighbors, and eventually even to missionaries.^{25a}

The considerable financial contribution which the Jews of Europe thus made to the crusading policy of the Church was not the only contribution made by them. As in England, so probably also in France, the tax known as Saladin's Tithe was collected from the Jews as from the other elements of the population.²⁶ Even for the support of the ill-fated Latin Empire of Constantinople the Jews made large indirect contributions.

The joy with which Innocent III greeted the establishment of that Empire as a long step in the direction of the unification of the two Churches, was not justified by the results.²⁷ For the better part of the century Western Christendom had to come to the aid of the Emperors of Constantinople with men and with money.²⁸ This money frequently was that which the kings confiscated from the Jews and then contributed to the support of Constantinople for their own salvation.²⁹

²³ No. II.

²⁴ No. 89 where the Archbishop of Canterbury is found playing politics with the privilege of crusaders.

²⁵ Nos. 25, 26.

^{25a} No. 112.

²⁶ No. II; Rigg, *Select Pleas*, p. XVII to the effect that in 1188 the Jews of England contributed to this tax £60,000, little less than half of what was collected in all England.

²⁷ No. 16.

²⁸ See No. 90 and note.

²⁹ Nos. 90, 91, 92, 93. Cf. Saige, pp. 26 f.

CHAPTER VII

The Policy of Degradation

When all those elements of the Church's attitude toward the Jews which are more or less justified by the circumstances, and by the rivalry between the two religions, have been listed, there still remain several important phases that require explanation. For where the Church attacked the very foundations of the economic, political, and social life of the Jews, it was going beyond the bounds of self-defense. To be sure, the Church offered as a reason for this activity, its solicitude for the welfare of the individual Christian, but this reason seems insufficient explanation of the strenuous efforts which the Church was making in the direction of eliminating the Jew from Society. Not the safety of the individual Christian, but rather the pursuit of a fundamental Church policy is here involved, the policy, namely, that Jewish life must be such as to prove unmistakably that God had spurned Judaism.¹

A. The Church and Jewish Economic Life

If the documents here presented were to be taken at their word, and if no others were at hand to be consulted, the conclusion would be inevitable that the Jews of this period dealt in nothing but the lending of money,² and that the Church sought to restrain Jewish greed for the purpose of saving the individual Christian from total ruin at the hands of the Jews. Frequently the clergy demanded that the secular powers take steps to free the Christians from the oppression of the Jewish money-lender,³ and Pope Honorius III in granting a privilege to a Jew asserts that he was doing so because this particular Jew had not been guilty of the crime of usury.⁴

A closer reading of these documents alone is sufficient to indicate

¹ Pp. 21-22 above. Cf. Stobbe, pp. 171-81.

² In addition to the documents mentioned above with reference to the Crusaders, the following deal with the question of usury: Nos. 14, 22, 24, 30, 34, 39, 41, 60, 62, 70, 71, 90, 91, 92, 93, 115, 117, VI, IX, XIV, XVIII, XIX, XXIII, XXXIV, XXXVII, XLI, XLII.

³ Thus in the IV Lateran, "Volentes igitur in hac parte prospicere Christianis, ne a Judeis immaniter aggraventur . . ." (No. IX). Also Nos. XVIII, and XXXVII.

⁴ No. 41: "a lucris detestabilibus abstines usurarum, et vires catholicos pro viribus obseques sine querela . . ."

that at this period money-lending was not the sole occupation of the Jews. We learn that they owned land, and frequently engaged in agriculture, despite the difficulties that were involved in such an occupation.⁵ Although they could no longer be considered as having a practical monopoly of trading,⁶ they still engaged in commerce,⁷ and were frequent visitors at the fairs.⁸ So great was their commercial importance in Aragon and in Castile, that the kings of these lands demanded and received a suspension of the decree by which the Jews were to be forced to wear a Badge, since the emigration of the Jews as a result of its enforcement threatened the economic foundations of Christian Spain.⁹ Direct mention is made only of the Jewish trade in meats and wine,¹⁰ but we thus learn indirectly, from the above, that their trade was much more extensive.¹¹ Even manual labor was

⁵ No. 22. When farm-land was given as a pledge for a loan, the Jews worked the land (cf. No. 58). Three conditions made agriculture practically impossible for the Jews in Christian lands: 1) The Feudal System which required a Christian oath. 2) The prohibition to own slaves, which made cultivation unprofitable. 3) The growing insecurity for a Jew, which drove him into cities where he could have the protection of the baron and the aid of other Jews. For purposes of greater security the Jews sometimes gave their land to a Church or Monastery and received it back upon a financial arrangement (Aronius, nos. 341, 342, 348, 350, 371, 383, 387, 388 and many others; Höniger, p. 66).

⁶ In earlier centuries *Judei* and *mercatores* were mentioned as practically identical. Cf. Aronius, no. 98, and S. Neufeld, *Die Juden im thüringisch-sächsischen Gebiet*, I, pp. 48 f.

⁷ The almost invariable phrase "ab eorum commerciis abstinere," by which the Jews were to be forced to observe the decrees of the Church, cannot but mean an economic boycott. See below pp. 78-9. For references to the Jews in commerce see Nos. 31, 32, 38, 40, 44, 53, 61; VI, XI.

⁸ No. 47. The Fairs of Champagne were the most noted during the Twelfth and Thirteenth Centuries (Cf. Bourquelot, *Étude sur les foires de Champagne*). The Jews of the district were among the richest in Europe (ibid., II, p. 167).

⁹ Nos. 38 and 44.

¹⁰ See below p. 99.

¹¹ Caro points out that at all times during the Middle Ages, and certainly at this time, most of the Jews were still occupied in trade and manual labor. Thus for England p. 320, France p. 357, Germany pp. 426-427. The Jews of Italy were not even charged with money-lending; manual labor was still their distinguishing occupation. Cf. same author in *Monatschrift*, 1904, p. 592; also the discussion on the basis of Jewish sources in H. J. Zimmels, pp. 49-53.

Further indications of Jewish commercial activity during the Thirteenth Century are to be found in the following: In the Golden Bull granted by Frederick II to the Jews of Germany in 1236, there is mention of the agricultural activity of the Jews of Germany, as well as of the traveling they used to do for purposes of trade. "Intra ambitum regni nostri libere ac pacifice discurrant negotium et mercimonium suum exercere, emere ac vendere. . . ." (Höniger, pp. 138-139). This was a repetition of an earlier privilege granted by Frederick I. The latter had also granted a commercial privilege to the Jews of Regensburg, which was renewed by King Henry VII, to the same effect (Aronius, nos. 314a and 403). To the Jews of Sicily, Frederick II granted a monopoly of the dyeing and silk industries, which was in all likelihood a legitimatization of an actual state of affairs (Straus, pp. 20 and 36 f.).

far from unknown.¹² As to Jewish usefulness as tax-farmers and managers of the estates of the kings and nobles, the numerous objections of the Church to their appointment as such is an indication of the frequency with which they were found to hold these positions.¹³

But Church doctrine, the economic situation of the time, and human nature, combined to make the money-lending activity increasingly characteristic of the Jew in Christian society. The Church forbade Christians to make any charge for the use of money.¹⁴ Since, however, economic activity is bound to result in borrowing, the Jew was thus given a practical monopoly of lending, and the Church was stating an economic fact rather than, as it thought, a rebuke when, at the IV Lateran Council, it stated, "The more the Christian Religion refrains

With regard to the Jews of Marseilles, who had been left undisturbed during the crusading upheavals, Isidor Loeb in the *REJ*, XVI (1888), 79-83, draws the following conclusions on the basis of documents there given. Jews engage in maritime commerce with every part of the Mediterranean coast. Christians are the money-lenders and the slave-dealers. There are practically no Jewish money-lenders, while the rates and the methods of the Christians are just what the Jews were accused of elsewhere. With regard to the Jews of the same city the citizens of Marseilles entered into an agreement with the Duke of Anjou in 1219, ". . . Christiani, Saraceni, vel Judei, positus et possint libere et secure intrare et manere et exire et ire et redire . . . et negociare, et suas merces et avara vendere et emere et distrahere et tenere ibi ac suas mercimonia exercere. . . ." (Cf. F. Michel, *Histoire des Races maudites*, Paris, 1847, vol. I, p. 322) and to the same effect in 1257 (ibid., and vol. II, p. 277).

In 1297 the Inquisitor of the Diocese of Pamiers granted certain Jews the privilege of coming and going from place to place on a matter pertaining to the Inquisitor's Office, that fact being an indication of the difficulties being already generally put in the way of Jewish trade. "Volumus et vobis concedimus quod ire venire ad nos redire et stare securi possitis pro negotio memorato, et vestra privilegia ostendere et etiam exhibere." (Doat, vol. XXXVII, fol. 159 vo.).

¹² No. VI, "Ne diebus dominicis vel solemnibus publice laborare presumant." Similarly No. XXXVII.

¹³ Nos. 49, 64, and above pp. 27-28.

¹⁴ Thus Innocent III, in 1198, to the Prelates of France:—

"Quam periculosum sit vitium usurarum discretionem vestram non credimus ignorare, cum preter constitutionem canonicas que in eorum odium emanarunt, per prophetam detur intelligi eos qui suam dant pecuniam ad usuram a tabernaculo Domini repellendos, et tam in novo quam in veteri Testamento prohibite sint usure cum Veritas ipsa precipiat, 'Mutuum date, nihil de inde sperantes' (Luke VI) et per prophetam dicatur, 'Usuram et omnem superabundantiam non accipias' (Ez. XVIII). Inde est quod universitati vestre mandamus quatenus manifestos usurarios, eos maxime quos usuris publice renuntiassent, cum aliquis eos convenerit de usuris, nullius permissionis appellacionis subterfugio se tueri." (Migne, 214, col. 376, no. 399; and 216, col. 1237 tit. XXVI).

The fundamental principle of the time with regard to money was that it was unproductive, and therefore deserved no profit. Thus Louis IX defined usury "Usuras autem intelligimus quid quid est ultra sortem" (No. XLII), and in the Council of Treves, 1227, it was defined as 1) anything above the principal, 2) a gift or advantageous exchange, 3) a price for delay in repayment of a debt, 4) a higher price because of failure to pay cash (No. XIX).

from the exaction of usury, the more seriously does the Jewish Perfidy become rooted in it."¹⁵

It must not be supposed, however, that the prohibitions of the Church eradicated money-lending from among the Christians.¹⁶ There were many that continued to lend money at interest, but they did so more or less secretly, and often resorted to subterfuges in order to hide their activities.¹⁷ One of their subterfuges was to deposit money

¹⁵ No. IX. The causes for the development of the business of money-lending among the Jews of the Middle Ages are discussed in the following: Caro, I, passim, and in his article in the *Monatschrift*, 1904; Stobbe, especially pp. 105-131; Hoffmann, *Der Geldhandel unter den Juden*; Höniger; Scherer, pp. 185-216; Nübling, pp. 173 ff.

As outlined in these books and articles the process by which the Jews came to be dealers in money was somewhat as follows: Firstly, money-lending was a direct outgrowth of the international and national trade in which the Jews were engaged during the first millennium, both because they sold goods on credit, and because they were the only ones that had ready cash which could be loaned out. The second factor in this process was the elimination of the Jews from other important economic activities. When Jews first appeared in Europe they engaged in agriculture and trade. Agricultural life was soon made difficult for them on any large and profitable scale by the development of the Feudal System and the insistence of the Church that Jews hold no Christian slaves. The story of their elimination from commerce is a longer one, and is intimately bound up with the rise of the cities and the growth of the burgher class. This phase of the question, as yet insufficiently investigated, has been discussed by Höniger. One need but add the following consideration. Armed as they were with political power, the burghers were already strong enough to overcome the scattered Jewish competition. But to that was added the impoverishment of the Jews resulting from the attacks upon them by the Crusading armies. As a result of these attacks the Jews flocked into the cities where they not only subjected themselves to the rule of the Christian merchants, but where they had to begin life anew. Thus they also learned the lesson that for Jews investment in goods or property was not as safe as the possession of fluid capital.

The high rates charged for money during the Middle Ages will be discussed elsewhere, but the general considerations which made such rates necessary may be set down here. Attention should be called to the fact that the term "usury" has been generally misunderstood, since the Church used it to brand all interest, high as well as low, while we use it nowadays to mean only high rates. But the rates, as they are now, were also at that time regulated by the economic laws of supply and demand and by the risks which the lender incurred. Money was scarce in the Middle Ages, while at the same time the Jews constantly had hanging over them the threats of confiscation and enforced remission of their outstanding debts. The high regular, and the frequent irregular taxes that the Jews had to pay, must also be taken into consideration.

¹⁶ Nos. XIX, XXIV; Christians discovered to be engaged in this business were to be excommunicated and even denied Christian burial. The Church law to this effect was to be read publicly every Sunday. For the extent to which Christians dealt in money-lending see Hoffmann, *Der Geldhandel*, pp. 26-32. Cf. Migne, II, col. 1380. The struggle of the Church to eliminate it from Christian laity and clergy is described by F. X. Funk, *Geschichte des Kirchlichen Zinsverbotes*, Tübingen, 1876; Councils that dealt with subject in general on pp. 19-25, with Jews, 25-26.

¹⁷ Nos. XIX, XXIII, XXXIV. Just as the Jew was Biblically permitted to

with a Jew who was to lend it out at interest and then share the profits with the Christian. Thus the Christian was the gainer while the Jew bore the odium of the business. This was true not only of lay Christians, but also of the clergy; that is why the Church forbade abbots and priors to accept money from a Jew, on pain of the loss of their position.¹⁸ Above all it was the Italian money-lenders who were active at this time, and the popes themselves helped them collect the debts due them in various parts of Europe, even resorting to ecclesiastical excommunication for their benefit.¹⁹

Such activity on the part of the popes is a certain indication that they knew that money-lending was indispensable to the economic system.²⁰ One pope, at least, recognized that the lender was doing the borrower a favor.²¹ The princes surely were aware of this, that is why they quarreled about the possession of Jews, and in some cases helped the Jews collect the debts due them.²² The interference of the clergy was far from welcome to the barons, and they frequently neglected the church regulations, or objected to the enforcement of them.²³ In France the king and the barons compelled the clergy to let the Jews carry on

lend money at interest to non-Jews but forbidden to take interest from Jews, so the Christian was permitted to take interest from Jews and pagans (Cf. Hoffmann, op. cit., p. 25). Because of this Jews, too, would resort to subterfuges in order to charge interest to fellow Jews. Thus Rashi on Lev. XXV, vs. 36: התולה מעותי בנכרי להלוותם לישראל בריבית. A rabbinical Synod before 1220 decreed that they may lend money to fellow-Jews only if the lender is willing to share in the loss (Finkelstein, *Jewish Self-Government in the Middle Ages*, New York, 1924, p. 59).

¹⁸ Nos. XIV, XXV, XXXVIII, Cf. Hoffmann, op. cit., pp. 35-37, 40. In the early Middle Ages, even down to the Eleventh Century, the churches and the abbays were the chief centres for money-lending (Höniger, pp. 84 f.), cf. § 5 of the Council of Montpellier of 1214,

"Nullus clericus taliter pignora pro mutuo recipiat ut fructus pignorum suos faciat, nec alias usuras nec negotiationes exerceat, cum hoc sit sacris canonibus interdictum." (Baluze, *Concilia Narbonensi*, p. 42).

¹⁹ Nos. 52, 56. The popes are generally credited with doing much to develop Italian bankers and merchants. Cf. W. E. Lunt, *The Financial System of the Mediaeval Papacy*, in the *Quarterly Journal of Economics*, vol. 23, p. 272; E. Jordan, *De Mercatoribus Camere Apostolice Seculo XIII*, Paris, 1909. We have it on the testimony of Matthew Paris that the Italian bankers were far more greedy than the Jews (Luard's edition, V, p. 404).

²⁰ Cf. Boissonade, *Life and Work in Mediaeval Europe* (N. Y., 1927). Bourquelot, II, pp. 106, 117, where he points out that none of those who prohibited money-lending in that age, could get along without it, neither Louis IX, nor Frederick II, nor Innocent IV. Cf. also Depping, p. 179. Alexander III had a Jewish financier according to the statement of Benjamin of Tudela, which Erler (vol. 48, p. 391) naturally doubts. Cf. Stobbe, p. 104, who points out that if usury caused persecution, it also made for toleration, since Society found it necessary.

²¹ No. 115.

²² Brequigny, *Tables Chronologiques*, IV, p. 340; Cf. Bourquelot, II, pp. 159-162; Brussel, vol. I, p. XXXIX, No. 17.

²³ Nos. 30, 34, 39.

this business without interference.²⁴ But that does not hold for the pious Louis IX, to whom practical considerations were of less importance than ecclesiastical regulations,²⁵ and he was the only one who was to issue the command that Jews must cease from the practice of usury and thereafter live upon manual labor. It was an empty gesture, since no group can thus overnight transform the economic basis of its life.²⁶ The other princes of Europe did not attempt anything so radical;

²⁴ The Concordat between the King and the barons on the one hand and the clergy of Normandy on the other (1204) reads:

"Clerici non debent excommunicare eos qui vendunt blada vel alias merces diebus dominicis, neque illos qui vendunt Judeis vel emunt ab illis, sed bene volunt (rex et barones) quod meretrices Judeorum excommunicent."

The word "meretrices" is by some read "nutrices." Vuitry, p. 319; Brussel, p. 583; Luchaire, *Royaltes Vassales*, p. 266. A century later in 1302, Philip the Fair ordered his bailiffs to stand in the way of the inquisitors who wanted to interfere in Jewish affairs on the grounds of usury and magic (Brussel, p. 610).

The Jews knew their value to the economic life of the time. Thus we read the defense of money-lending by a Jew of Narbonne in 1246 (Neubauer in *Archives des Missions scientifiques*, 3me Serie, tome I, Paris, 1873, pp. 556-7). A nobleman asked a Jew why the Jews continued to lend money although money-lending was contrary to the laws of God and man. The Jew replied, 1) that the Bible forbade usury but not interest, 2) that it was essential that the peasant have someone to turn to when in urgent need of money, and that not even a Christian would give it to him without a price, 3) that kings and lords constantly borrow money and that many castles would not have been built, and many others would have been lost to him, if the King did not have a Jew to turn to in order to procure money from him, 4) that in spite of everything said about it, the Christians never quite abolish money-lending, simply because they recognize the need for it (Cf. Caro, *Monatschrift*, 1904, p. 599, Saige, pp. 47 f.; Dubnow, V, 31).

²⁵ The arguments before Louis IX are presented by his biographer, William Cornot, *De vita et miraculis Sancti Ludovici*, in *Recueil des Historiens*, XX, p. 34, "Cum autem in contrarium suaderent ei plures de consiliariis suis, asserentes quod populus vivere non poterat sine mutuo, nec terre excoli, nec ministeria vel mercimonia exerceri; et melius esse dicebant ac tolerabilius quod Judei qui jam sunt damnati hujus damnationis exercerent officium, quam aliqui Christiani, qui ex hac occasione etiam majoribus usuris populum opprimebant. Ad hec ipse tanquam vir catholicus respondebat, 'De Christianis, inquiens, foeneratoribus et de usuris eorum, ad prelatos ecclesiarum pertinere videtur. Ad me vero pertinet de Judeis, qui jugo servitutis mihi subjecti sunt, ne scilicet per usuras Christianos opprimant et sub umbra protectionis mee talia exercent. . . Dimittant usuras, aut omnino exeant de terra mea.'" Yet it was not Louis IX that finally expelled the Jews from France; he only threatened, confiscated, expelled, and then recalled. His conscience bothered him that the royal treasury had enriched itself as a result of the confiscations of 1249; so that in 1257-8 he ordered restitution to those who had paid usury (Cf. Vuitry, p. 327). Real hypocrisy in this matter was shown by Louis' brother, Alphonso of Poitiers, who on the one hand forbade usury, and on the other profited from it (Saige, *Bib. de l'École des Chartes*, vol. 39, p. 273).

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they confined themselves to a regulation of the business.²⁷ That the rates which they fixed were invariably high, is a further indication that one must envisage the money-lending activities from the point of view of the conditions of that day, rather than from the point of view of an absolute standard.

It thus seems evident that while the Church still had much to do in order to stop money-lending among Christians, and at the very time that it was in fact yielding to economic exigencies by aiding in the development of the Italian money-lenders, it was making unceasing efforts to destroy this business among the Jews for the salvation of whose souls it did not consider itself responsible. It is a situation unexplainable except on the assumption that in the continuance of this occupation by the Jews the Church feared lest the Jews command power through the wealth amassed. It was about the wealth of the Jews that the Popes complained to the kings of France,²⁸ Castile,²⁹

pointed out the value of Jewish money-lending (see above note 24). The Viscount of Narbonne was present and agreed with the Jewish point of view, as did the Archbishop of the Diocese, William de Brou, although he was not present. The result was that the royal decree was soon forgotten (*REJ*, LIX (1910), 61-62). In 1302, Robert II, Duke of Burgundy, expressed sentiments similar to those of Louis IX (*REJ*, XLVIII (1904), 218). For the failure of a similar order in England see Rigg, pp. XXXIX f.

On the same question another Jew (Jacob ben Elie in his letter to Pablo Christiani (in *Jeshurun*, vol. VI, p. 16), expressed himself as follows: "And how shall a man gather up gold and silver, if not through usury? To be sure the Jews of the East support themselves by manual labor. But then, if the Mohammedan kings are evil and sinful, they at least have sense and understanding enough to take a definite tax annually, and from each one according to his wealth. But such is not the case among us; our kings and princes think of nothing but to fall upon us and take away our gold and silver. . . . Indeed, blessed be our God and the God of our Salvation, who multiplied our wealth by means of which we can defend our lives and the lives of our sons and daughters, and also to frustrate the designs of our enemies and spoil the plots of our opponents. So why should you complain against us?"

²⁷ For an analysis of the French royal decrees with regard to usury see Caro, I, 364-386; Vuitry, pp. 320-330. The rate generally recognized in France was 43%. For an analysis of the Aragonese royal decrees see Regné, *REJ*, LX (1910), nos. 4, 5, 9, 28, 45; Amador de los Rios, I, 411; Pierre Vidal in *REJ*, XV (1887), 23; E. C. Girbal, *Los Judios en Gerona*, Gerona, 1870, pp. 12 and 65. The recognized rate in Aragon was 20% for the Jews and 12% for Christian money-lenders. For German decrees see Caro, I, 424-425; *MGH, Legum*, sectio IV, 2, pp. 578, 583. Aronius, no. 618. There the rate was fixed at 43%. In Austria, however, it rose to as high as 173%. Cf. Aronius, no. 547. For England see Rigg, p. XIII. There too the rate was 43%. Frederick II, in permitting the Jews of Sicily to lend money at interest, excused himself by saying, ". . . sed metam ipsi imponimus, quam eis non licebit transgredi. . . ." (*Lagumina*, I, p. 17.)

²⁸ No. 14; "ad nostram noveris audientiam pervenisse, quod in regno francorum Judei adeo insolescunt, ut, sub specie usurarie pravitate, per quam non solum usuras sed usuras usurarum extorquent, ecclesiarum bona et possessiones Christianorum usurpent. . . ."

²⁹ No. 17; ". . . emendi ampliores possessiones licentiam tribuisti, ut, Synagoga crescente, decrescat ecclesia, et libere preponatur ancilla."

this business without interference.²⁴ But that does not hold for the pious Louis IX, to whom practical considerations were of less importance than ecclesiastical regulations,²⁵ and he was the only one who was to issue the command that Jews must cease from the practice of usury and thereafter live upon manual labor. It was an empty gesture, since no group can thus overnight transform the economic basis of its life.²⁶ The other princes of Europe did not attempt anything so radical;

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pointed out the value of Jewish money-lending (see above note 24). The Viscount of Narbonne was present and agreed with the Jewish point of view, as did the Archbishop of the Diocese, William de Brou, although he was not present. The result was that the royal decree was soon forgotten (*REJ*, LIX (1910), 61-62). In 1302, Robert II, Duke of Burgundy, expressed sentiments similar to those of Louis IX (*REJ*, XLVIII (1904), 218). For the failure of a similar order in England see Rigg, pp. XXXIX f.

On the same question another Jew (Jacob ben Elie in his letter to Pablo Christiani (in *Jeshurun*, vol. VI, p. 16), expressed himself as follows: "And how shall a man gather up gold and silver, if not through usury? To be sure the Jews of the East support themselves by manual labor. But then, if the Mohammedan kings are evil and sinful, they at least have sense and understanding enough to take a definite tax annually, and from each one according to his wealth. But such is not the case among us; our kings and princes think of nothing but to fall upon us and take away our gold and silver. . . . Indeed, blessed be our God and the God of our Salvation, who multiplied our wealth by means of which we can defend our lives and the lives of our sons and daughters, and also to frustrate the designs of our enemies and spoil the plots of our opponents. So why should you complain against us?"

²⁷ For an analysis of the French royal decrees with regard to usury see Caro, I, 364-386; Vuitry, pp. 320-330. The rate generally recognized in France was 43%. For an analysis of the Aragonese royal decrees see Regné, *REJ*, LX (1910), nos. 4, 5, 9, 28, 45; Amador de los Rios, I, 411; Pierre Vidal in *REJ*, XV (1887), 23; E. C. Girbal, *Los Judios en Gerona*, Gerona, 1870, pp. 12 and 65. The recognized rate in Aragon was 20% for the Jews and 12% for Christian money-lenders. For German decrees see Caro, I, 424-425; *MGH*, *Legum*, sectio IV, 2, pp. 578, 583. Aronius, no. 618. There the rate was fixed at 43%. In Austria, however, it rose to as high as 173%. Cf. Aronius, no. 547. For England see Rigg, p. XIII. There too the rate was 43%. Frederick II, in permitting the Jews of Sicily to lend money at interest, excused himself by saying, ". . . sed metam ipsis imponimus, quam eis non licebit transgredi. . . ." (*Lagumina*, I, p. 17.)

²⁸ No. 14; "ad nostram noveris audientiam pervenisse, quod in regno francorum Judei adeo insolescunt, ut, sub specie usurarie pravitatis, per quam non solum usuras sed usuras usurarum extorquent, ecclesiarum bona et possessiones Christianorum usurpent. . . ."

²⁹ No. 17; ". . . emendi ampliores possessiones licentiam tribuisti, ut, Synagoga crescente, decrescat ecclesia, et libere preponatur ancilla."

and Hungary,³⁰ and to the Count of Nevers,³¹ on the ground that it might make the Jews forget the perpetual slavery to which the Church had condemned them.

But the Church could not achieve this directly, since the Jews did not come within its jurisdiction.³² It tried to claim such jurisdiction in cases involving usury.³³ The princes however would not give up their powers over the Jews. Their own loss would have been too great if they denied the Jews the right to charge interest. Some of them were, in fact, accused of deliberately planning to participate in the profits.³⁴

Nevertheless the efforts of the Church bore fruit. It succeeded in destroying the sense of obligation to pay Jewish debts. If the government could be persuaded or bribed to be on the side of the debtor, the Jew had no means to enforce his claim.³⁵ Thus in the Kingdom of Navarre the nobility made common cause to refuse to pay the Jews, and, the king feigning ignorance of the entire matter, the Jews were placed in the peculiar position of being forced to appeal to the aid of the Pope.³⁶ When the upper class sought to free itself from debt, it easily persuaded the kings to declare a moratorium, or even cancel part of the debt.³⁷ Frequently, however, the debtor was by no means the gainer from such reductions or confiscations of the profits of the

³⁰ No. 61, where the pope complains that the contrast in wealth and influence is in favor of the Jews and Saracens.

³¹ No. 24.

³² See below p. 50; No. XLI.

³³ No. 60.

³⁴ See note 24. Thus in IV Lateran Council ". . . Christiani . . . compellantur ab eorum (i. e. of Jewish usurers) commerciis abstinere. Principibus autem injungimus, ut propter hec non sint Christianis infesti, sed potius a tanto gravamine studeant cohibere Judeos." An even more direct accusation is found in the papal letter to the Count of Nevers (No. 24), ". . . quidam principes seculares . . . cum turpe sit ipsis usuras exigere, Judeos recipiunt in villis et oppidis suis, ut eos sibi ministros ad exactionem constituent usurarum. . . ." This participation was not only indirect; the extraordinary taxes imposed upon the Jews were also a means of sharing in Jewish profits. Thus in France in 1200, income from the Jews amounted to £1200, whereas by 1217 it rose to £7550 (cf. Depping, p. 181). For England see *CMH*, V, 276-7. Bedarride makes the following statement (*Les Juifs en France, en Italie, et en Espagne*, 2nd edition, 1861, p. 220), "Les veritables usuriers ce n'étaient pas les Juifs, mais c'étaient les rois et les barons qui s'approprièrent leurs rapines."

³⁵ Kings, princes and prelates never considered the sin of usury when borrowing; they recalled it only when the time came to pay the debt. For the number of such instances see *Académie des Inscriptions*, etc., V, p. 159. For this reason Louis IX made it a rule that a Jew should not lend unless with the security of a pledge (Viолет, *Les établissements de St. Louis*, III, p. 127). In Aragon a debtor could postpone payment of his debt by obtaining a letter from the king freeing him from the obligation. In 1254 James I abolished this for the Jews of Majorca (Regné, *REJ*, LX (1910), no. 51).

³⁶ No. 117.

³⁷ Stobbe, p. 132.

Jews, since the debts paid or to be paid went into the royal treasury.³⁸ The official position of the Church was that the princes sinned in using for their own purposes the money thus confiscated. But they could use it to pay their pious obligations.³⁹

Worse still, the common attitude subjected the Jews to physical violence and to expulsion. We thus have the case of the French nobility who, finding themselves unable to pay their debts even after a four-year moratorium which they had forced upon the Jews, imprisoned and tortured them till they promised to cancel the debts.⁴⁰

A few years later a similar situation arose in Champagne.⁴¹ Even the Pope recognized that charges of ritual murder frequently had as a basis the unwillingness to pay debts.⁴² He sent letters urging the cessation of these persecutions,⁴³ but he could not change the situation which the Church was helping to create, whereby the Jews were being driven out of a lucrative and economically necessary business.

B. The Church and the Civil Status of the Jews

1. Between the Church and the Jews the relationship was an indirect one, the princes being the intermediaries. The test was in the matter of enforcing decisions by means of punishment; that was always up to the particular lord in whose lands the Jews lived, and it was to him that the clergy had to turn whenever they wanted to compel the Jews to obey their decisions. The popes themselves turned to the kings or the nobles urging, pleading, and threatening them with excommunication, in order to obtain their cooperation on almost every point of the policy of the Church with regard to the Jews.⁴⁴ Sometimes these threats were turned upon the more easily amenable local officials.⁴⁵ Even in the case of a Jew using violence against a cleric, it was the

³⁸ No. 90.

³⁹ Nos. 90, 92, 93; in 1256 Alexander IV gave Theobald II of Navarre the right to confiscate all Jewish property gained through usury and restore it to its owners, or use it "for pious purposes" (Amador de los Rios, II, p. 23). Cf. Thomas Aquinas, *De Regimine Judeorum*.

⁴⁰ No. 70.

⁴¹ No. 115.

⁴² No. 116.

⁴³ Caro (p. 304) supposes that Innocent IV used Jewish financiers in his struggle against Frederick II, and that for this reason the Pope demanded that the Count of Champagne force his nobility to pay their Jewish debts. The biographer of this Pope, Mann (vol. XIV, p. 22), speaks of his great need of money which led to the tarnishing of his reputation.

⁴⁴ No. 26; ". . . Quia igitur apud eos districtio forsan proficiet temporalis a quibus super hoc spiritualis inductio non admittitur, illos qui super Judeos in vestris diocessibus permanentes habere noscuntur dominium temporale inducere procuratis ut eos inducant et tradita sibi potestate compellant quod. . . ." Similarly Nos. 25, 27. Cf. Nos. 1, 22, 47, 49, 72, 73, 96, 120.

⁴⁵ Baluze, *Concilia*, p. 81, § 6.

secular power that had to enforce the punishment decreed by the ecclesiastical court.⁴⁶

As in the last case mentioned, the Church encountered difficulties in getting the nobility to do what was demanded of them. It therefore resorted to another method:—that of boycotting the Jews by holding the threat of excommunication over the Christians who continued to have commercial relations with such of them as persisted in disobeying the will of the clergy, whether in respect to money-lending or to the wearing of the Badge, or any other part of the Church's Jewish policy.⁴⁷ This procedure became so characteristic of the relations between the Church and the Jews that when an ecclesiastical institution would be isolated by the prohibition of trade with it on the part of other Christians, the Pope spoke of it as having been "judged with the judgment of the Jews."⁴⁸

It stands to reason that when a prelate was at the same time the civil head of a district, the Church regulations were much more easily enforceable.⁴⁹ But even in such a situation there were exceptions, for we have one case where the prelate legislated in accordance with church policy, and acted in accordance with the secular policy demanded by his economic situation.⁵⁰ Where the prelate had no civil authority he sometimes tried to take the punishment of the Jews into his own hands. Thus, in the Council of Oxford the clergy were urged to inflict upon the Jews not only the regular punishment of the boycott, but also any extraordinary punishments that the local church authorities might devise.⁵¹ In all likelihood this manner of direct punishment of the Jews was frequently resorted to without objection on the part of the secular authorities. In one case, where the Jews had erected a new synagogue, the Pope ordered the bishop of that diocese to have the synagogue destroyed without bothering with the local authorities who had evidently taken the Jewish side in the dispute, but to excommunicate these secular powers if they tried to prevent the execution of the Church's condemnation.⁵² Similarly, in the case of a popular boycott, blaspheming Jews were to be cited before an ec-

⁴⁶ Nos. 27, 47.

⁴⁷ Thus, for example, in the case of public office, Cf. No. XI; the receipt of Church property as pledge, No. XXIII; giving up copies of the Talmud, No. 96; paying the title, Nos. 66, 126; debts of crusaders, Nos. 1, XIII; usury, Nos. XVIII, XXXV, XXXVIII; the Badge, Nos. 49, 107, 120, 122, XXXIX, XLI. Others are 15, 21, 27, 33, 36, 57, 60, 69, and XXIX.

⁴⁸ "Judicio Judeorum," Goffinet, *Cartulaire de l'Abbé d'Orval*, p. 278, no. 253.

⁴⁹ Nos. 27, 131. Such enforcement was even more certain if recommended by *Concilia Mixta*, i.e. where both the Church and State had representatives, e.g., No. XLII.

⁵⁰ No. XVIII and *ibid.* note 1.

⁵¹ No. XVI, ". . . quam ipsos Judeos per poenam canonicam, sive extraordinariam, a diocesano excogitandam, volumus efficaciter induci. . . ."

⁵² No. 50.

clesiastical court despite its lack of jurisdiction over Jews, and if the Jews would not submit to the punishment imposed upon them by this court, they were to be indirectly excommunicated by means of the boycott.⁵³ Sometimes, however, the secular authorities thought that the clergy had overstepped the bounds, and proceeded to frustrate their plans.⁵⁴

2. In the manner described above it was definitely recognized that the Jews were not under Church government, and only the State could rule them and bear the responsibility for them. It was not always advantageous to the Jews to be the only group that the secular rulers had completely in their power. While the rest of the population had the additional recourse to the more or less unprejudiced sense of justice of the Universal Church, the Jews could rely only upon the self-interest of the secular powers and the vague appeal to custom which served as the Fundamental Law of Mediaeval society.⁵⁵

Just when or how this peculiar relationship grew up cannot as yet be told with certainty, but by the beginning of the Thirteenth Century it was definitely the rule in Western Europe, and by the middle of that Century the Emperor spoke of the Jews as "servi camere nostre."⁵⁶ This theory underlies all our documents, and in some cases we have evidence of its specific manifestations. The claim to outright ownership of the Jews by the princes in whose lands they lived, indicates that the Jews had something of the legal status of serfs. The regulation of Louis IX that no baron might retain the Jew of another baron, or even prevent the latter from recapturing a Jew belonging to him,⁵⁷ is strongly reminiscent of the American Fugi-

⁵³ No. XXIV.

⁵⁴ See above p. 46, and No. XVI, note 4, where we hear of Stephen Langton and the other high prelate ordering that the Christians should not even sell food and drink to recalcitrant Jews, and the King at once issues a decree ordering the non-observance of the order of the prelates.

⁵⁵ This every "Constitutio pro Judeis" contained; "Nullus . . . presumat . . . bonas, quas hactenus in ea in qua habitant regione habuerint, consuetudines immutare. . . ." (No. 5). Cf. No. 117, also Aquinas, *De Regimine Judeorum*.

⁵⁶ See discussion of the origin of the Servi Camere relationship under Appendix E below.

⁵⁷ No. XLII, "nec aliquis in toto regno nostro judeum retineat alterius domini, nec impediatur quominus judeum suum possit capere tanquam proprium servum, quantumcumque sub alterius dominio ipse moram fecerit."

In the Thirteenth Century the King of France did not claim any rights over all the Jews of the Realm, nor could the Jews outside of the Crown Domain turn to the King for protection. As the Jews came back to France, upon their recall by Philip-Augustus, they could choose their overlord; but having made that choice they had to remain bound to him. After their return in the next Century, in 1315, the King of France claimed them all as his personal property (Brussel, 613 f.), but at the very end of the Twelfth, and throughout the first half of the Thirteenth, a series of treaties among the great princes of France indicates that they realized the financial value of the Jews, and sought to make their attachment to the royal or baronial treasury permanent (cf. Brussel, pp.

tive Slave Law. Where the Bishop of Maguelonne complains that his enemies had robbed him of several Jews,⁵⁸ or where the Pope utters a similar complaint against the Emperor,⁵⁹ the Jew is obviously considered as chattel property. As such, and on the theory that all the Jews of the Empire belong to the Imperial Court, the Emperor alienates his rights over some of them.⁶⁰

619 f.; Vuitry, p. 317). The Jews on the other hand, tried to retain their freedom of movement, and change their residence whenever they desired. Thus in the case of Champagne, the Jews, either because the counts began to maltreat them, or because they thought they could do better business somewhere else, tried to leave the territory of the Counts of Champagne. The princes into whose territory they went were not averse to receiving them, but recognizing that to grant the Jews so much freedom was dangerous to the prosperity of all, and especially to their ability to mulct them at will, numerous treaties were made among the princes, culminating in the general decree given above. Cf. *Académie des Inscriptions*, vol. V, p. 162; Bourquetot, II, p. 165; Brussel, p. 572; Scherer, 85 f., 93 ff.

Some of these treaties are noted and a brief analysis of them given in *REJ*, III (1881), pp. 210 ff. To illustrate the situation several of them are given in full under Appendix E.

For a similar relationship in Aragon see Amador de los Rios, I, 408 note 1.

⁵⁸No. 101.

⁵⁹No. 86.

⁶⁰No. 109; of such grants there are numerous instances in every part of Europe. In 1211 Frederick II granted the Jews of that City to the Bishopric of Palermo "ut de cetero homines vestri sint" (Scherer, pp. 70-71). In 1225 the same Frederick repeats a grant previously made by his grandfather to the Archbishop of Arles, "quod etiam nostre benignitatis munus ipse suisque successoribus in Judeis qui in civitate Arelatensi commorantur clementer ampliamus, quos camere nostre pertinentes ejus dominio supponimus." (H-B, II, p. 474.) For these and other instances on the part of Frederick II, see Wiener, *Regesten*, nos. 22, 23, 24, 25. Henry VII granted the Count of Juelich all rights over those Jews who came to settle in his territory (Aronius, 441; Boehmer-Will, *Regesten der Mainzer Erzb.*, II, p. 196). Henry Raspe alienated the Jews of Würzburg to Bishop Hermann for the sum of 2300 mark with the privilege of an option over the same Jews on the part of the Church after the Bishop's death (Aronius, nos. 563-564). In 1251 King Conrad pledged the Jews of Rothenburg with Gottfried von Hohenloe (Aronius, 583). For other instances in Germany see Boos, I, p. 90; Aronius, no. 459; H-B, IV, p. 600.

In Aragon, James I presented the Jews singly or in groups (Regné, *REJ*, LX (1910), nos. 11, 35). Alphonso X of Castile made a present to the monastery Santa Maria la Real de Burgos: "Damos et otorgamos al monasterio . . . aquellos judios que moran en el . . . et todos quantos de ellos vinieron de la linea derecha pora siempre jamas." (Ed. de Hinjosa, *Documentos par la Historia*, p. 178 no. 108). Amador de los Rios (I, p. 52 ff.) cites a list of nobles and ecclesiastics who for one reason or another had the right to draw an income from Jews of a particular locality.

In France, too, the selling of Jews, or granting them, was frequent. In 1214 the Lord of Ervy sold his rights over his Jews to the Countess of Champagne (Vuitry, p. 321; Brussel, I, p. 580). The Count of Alençon sold to his brother Philip-Augustus his Jews for the sum of 20,000 petits livres tournois (Brussel, p. 604). In England, Henry III sold the Jews of his kingdom to his brother

Ownership of the person of the Jews carried with it the title to their property. Confiscation of Jewish goods or money required no legal justification other than the will of the prince.⁶¹ From the same point of view expulsion of the Jews meant that their owner was destroying his own property.

On the whole it was a situation that coincided with the attitude of the Church. It gave meaning to the phrase of which the popes were fond, that the Church was the legitimate wife, whereas the Synagogue was the slave.⁶² Innocent III gave expression to his own approval when he said,⁶³ "Although it is not displeasing to God, but is rather acceptable to Him, that dispersed Jewry should live among and serve Catholic Kings and Christian princes . . ." and of this attitude he reminded one of the princes when he wrote,⁶⁴ "But they should be oppressed by the servitude of which they rendered themselves deserving when they raised sacrilegious hands against Him who had come to confer true liberty upon them, and called His blood down upon themselves and their children." It thus seems clear that whatever the origin of this attitude, the Church sought to base it upon the religious difference, thereby affording the princes a welcome ex-

Richard of Cornwall, a sale about which Matthew Paris says: "Vendidit judeos per aliquot annos comito Ricardo, fratri suo, ut quos rex excoriaverat, comes eviscerat."

⁶¹In all the above instances it is clear that the transfer of the Jews was made for financial reasons. It was the income derived from the possession of Jews that people were anxious to obtain. Some of the above cases represent simply the transfer of taxable subjects. But there are numerous other instances where the property of the Jews was disposed of on the principle that it belonged to the lord. Thus in 1242 King Conrad paid a debt of £300 by handing over three Jews and all their property, along with the right to sell this property and extort as much as possible from the Jews (H-B, VI, 2, p. 827). Again in 1243 he ordered one of his vassals to extort 500 mark from the Jews of Sinzig by keeping them in prison until they paid (ibid., pp. 842 and 872). He gave the same rights to Dean Henry of Pfalzal (Aronius, no. 534). For similar instances in France see L. Lucas in Philipson *Festschrift*, p. 37 note 2; L. Delisle, *Cartulaire Normand, Caën*, 1852, p. 161 no. 725; p. 299 no. 216; Kayserling, *Juden in Navarra*, p. 30; Bourquetot, II, p. 166; Brussel, pp. 596 and 611-12; and the chart in B. N. Latin, 5993, fol. 33 vo., where Odo Duke of Burgundy in 1240 assigned to a Jew £300 which he himself could not collect from the Countess of Champagne. Brussel (p. 621) says that during the Thirteenth Century the Jews were *main-mortable*, i. e. in case of death it was always the lord who inherited. The system of taxing the Jews is further indication of this; in fact there was no system, their taxes being changeable at the will of the lord (Regné, *Juifs de Narbonne*, p. 65). Cf. also Finkelstein, p. 60, a Takkanah before 1220, "Any Jew compelled to make a contribution to king or noble shall be aided by the rest of the community to bear the burden, provided the said Jew did not himself help to bring about this demand."

⁶²No. 17; "Synagoga crescente, decrescat Ecclesia, et libere preponatur ancilla."

⁶³No. 14.

⁶⁴No. 24.

cuse for any kind of treatment accorded their Jewish subjects.⁶⁵ Yet on the whole, the financial advantages of having Jews live in their territory prevented the princes from drawing out of the principle fixed by the Church the conclusions which the Church desired.⁶⁶ Philip-

⁶⁵ Thus Frederick II in granting the Privilege to the City of Vienna in 1239 in which he promised restrictions against the Jews, used practically the language of the Church, ". . . cum imperialis auctoritas a priscis temporibus ad perpetrati judaici sceleris ultionem eidem Judeis indixerit perpetuam servitatem." (Aronius, no. 509; cf. Dubnow, V, 157).

⁶⁶ Many of the nobles saw such advantage in the possession of Jews that they considered it a privilege to have them in their territory. In 1232 the Duke of Bourgogne granted the City of Dijon the privilege of attracting other Jews (Leon Galthier, *REJ*, XLVIII (1904), p. 215). The very restriction of their movement is a sign of this (for Aragon see Amador de los Rios, I, 408). Frederick I made the holding of Jews a privilege. In the Privilege granted to Henry I of Austria, he gave him "jus tenendi judeos et usurarios publicos sine molestia et offensa." (A. Würfel, *Historische Nachrichten der Juden-Gemeinde, Nürnberg, Nürnberg, 1755*, p. 2). The same continued as late as the 15th Century (*ibid.*, p. 134). In 1252 Archbishop Conrad of Köln took the Jews of the City under his protection. He gave them the right to choose their residence as they pleased, i. e. even to migrate from his territory, to give them honest judgment, etc. He ends with the expression of a hope that other Jews, seeing the good treatment accorded the Jews in Köln, might come and settle there (Weyden, I, pp. 353-55). Philip-Augustus defended Jewish rights. In May 1217 he wrote to the Archbishop of Rouen, "Preterea concessimus quod placita judeorum teneantur in villa Deppe contra homines de Deppe sicut solent teneri tempore Galteri Archiepiscopo Rothomagensis et tempore Domini Regis Philippi. . . ." (Delisle, *Cartulaire Normand*, p. 39 no. 251). In the County of Narbonne the Jews were the prize for which the Count and the Archbishop were rivals. Each tried to outdo the other in granting them privileges so as to make his Jewry the bigger one (Regné, *Juifs de Narbonne*, pp. 65-66; B. Gaillard, *Une charte inédite de XIII^e siècle en faveur des juifs de Narbonne*, Paris, 1919).

Thus the possession of Jews was so important a source of income that privileges were granted them. For the same reason in all likelihood, or perhaps because of a direct money contribution on their part, the Jews frequently obtained royal and baronial privileges which to some extent nullified the logical inferences of their general position. Thus it was in Champagne (Bourquetot, II, p. 163), thus in the case of Frederick II (Wiener, nos. 29, 30; Aronius, nos. 468, 496, 518). With the money received from the Jews for republishing the Privilege once granted them by Frederick I, Frederick II was enabled to defray the expenses of his marriage with Isabella, sister of Henry of England (Weyden, p. 129). For the Jews as a source of revenue in England see H. Jenkinson in *Transactions of JHSE*, VIII, p. 25; for France, see Lazard in *REJ*, XV (1887), pp. 233 ff.

But in the very act of protecting them the princes showed that they looked upon the Jews as property. James I of Aragon forbade the cities to impose anything upon the Jews, but he gave as his reason the fact that Jews were royal property (Baer, *Studien*, pp. 12-13). The fine for killing a Jew in Aragon was half that of a Christian (*ibid.*, p. 11 note 2) and this fine went to the royal treasury. In the case of the murder of a Jew at Bernay, where the Christians refused to come to the aid of the Jew, "judicatum est quod omnes illi burgenses Bernaio qui erant in villa Bernaui quando judeus interfectus fuit, et qui non venerant ad clamorem, sunt in misa Domini Regis"; but it was all done in the interest of the Treasury (Brussel, p. 602; Vuitry, p. 324 note 3). Also later in the Century, when Philip the Fair and the Count of Toulouse granted them

Augustus is accused of permitting the Jews to enrich themselves.⁶⁷ The Count of Nevers suffers an interdict on his lands for granting commercial privileges to the Jews, and helping them collect their debts, and his appeal to Rome is answered by the exclamation,⁶⁸ "Would not your wrath be kindled against a subject of yours if he proved to be a friend of your enemy? How much more, therefore, ought you to dread divine anger for not being afraid to show favor to those who dared nail to the cross the Only-Begotten Son of God!" Blanche of Champagne frequently gets into trouble because of her protection of Jews.⁶⁹ Alphonso VIII of Castile is threatened with excommunication for the same reason.⁷⁰ Nevertheless, the Church itself was not averse to treating the Jews on a par with other citizens when, as in the case of the payment of a debt for the Church of Worms, its advantage lay in that direction.⁷¹

3. No element in the legal status of the Jews seemed so contrary

protection and privileges, it was done because that was found to be advantageous to the Treasury (Fond Doat, XXXVII, fol. 120, 202, 231 ff.). It became established in the course of the Thirteenth Century, that before the successor to the throne or to a principality would ratify the privileges of the Jews, the latter would have to pay a large sum (Brussel, pp. 607 ff.). In the Privileges granted the Jews of Germany it was stipulated that the fine for killing or wounding a Jew, or for invading his property, was to be paid to the government treasury (H-B, V, 1, p. 222; Aronius, no. 547). The citizens of Frankfort were excused for their murder of the Jews of that City in 1241, on the ground that the king could excuse the destruction of his property (H-B, VI, 2, p. 870). The same had been done before in the case of Eugene of Freiburg against whom the Jews had complained that he had unjustly imprisoned them (*ibid.*, III, p. 424). Stobbe (p. 15) sums up the protection afforded the Jews by the princes, "Die Kammerknechtschaft hatte niemals den Juden einen wirksamen Schutz gegen Verfolgungen geboten" and as a result, "entwickelte man die Theorie dass er (der Jude) schutzlos sein müsse."

⁶⁷ No. 14.

⁶⁸ Nos. 34, 47.

⁶⁹ No. 24.

⁷⁰ No. 17.

⁷¹ Nos. 52, 56. As cities began to appear all residents were on a par, and the Jews participated in civic life along with Christians. In the Thirteenth Century the Jews of Mainz, Worms, Oppenheim, Köln, Strassburg, were considered citizens and as such are mentioned in the treaties (Aronius, nos. 598, 601, 602). In Köln, they took part in the defense of the walls of the City (*ibid.*, no. 586). The same legal standing was theirs also in Speyer in 1344. (Carlebach, p. 65). With regard to Würzburg, Henry VII promised to keep his pledge to all the citizens, including the Jews (H-B, IV, 2, p. 699). In Silesian cities the Jews took part in communal affairs (Grünhagen, *Regesten*, II, p. 254, no. 1630). Marseilles prevented the restriction of the rights of Jews in 1219 and again in 1257 (Michel, I, p. 322, and II, p. 277). It was only as the citizens began to grow conscious of their own economic power and of the competition of the Jews that they began actively to seek the denial of privileges to their Jewish neighbors. In France and Spain this began in the Thirteenth Century. Jews were specifically excluded from privileges in the charters granted many cities in the second half of that Century (Gauthier, *Les Juifs dans les deux Bourgognes*, in *REJ*, XLIX (1904), p. 5; Brussel, p. 601; Kayserling, *Juden in Navarra*, p. 26). In Germany the same thing happened a century later (Stobbe, pp. 21-22).

to the Church doctrine of Jewish inferiority as that which gave them certain privileges in secular courts of law. Long usage applied to the Jews the practice then applicable to all foreign groups of the population, which made a mixed group of witnesses necessary in all cases involving a Jew and a Christian.⁷² The Church objected to both parts of such an arrangement; Pope Gregory called it "an evil custom" that a Jew should have to form one of the two witnesses necessary to convict another Jew,⁷³ and even Innocent III before him had vigor-

⁷²Stobbe (pp. 148-149) points out that the severest legislation in this respect was that of Justinian who forbade Jewish testimony against Christians. Similarly the Visigothic Law, as in the IV Council of Toledo, expresses itself against the credibility of Jewish testimony on the ground that "infirmari ergo oportet eorum testimonium qui in fide falsi docentur . . ." (Juster, p. 56 note 5). But in Christian Europe in the Middle Ages the law that applied to the Jews was that applicable to all foreign groups that a Christian accusing a Jew could not rely exclusively upon Christian witnesses, and a Jew accusing a Christian could not rely exclusively upon Jewish witnesses (Stobbe, pp. 151 and 259-261). That was true in the time of the Carolingians (Aronius, nos. 73, 78, 81, 82, 83), in the Privilege of Henry IV to the Jews of Worms, 1090 (ibid., no. 171), and in Germanic lands in the 13th Century, when it was applicable even to clerics (Höniger, pp. 136-143; Saitchik, *Beiträge*, p. 15; Aronius, nos. 448, 547). Yet the custom was already growing up in Germany of limiting such mixed witnesses to cases where the Jew was the accused; where the accused was a Christian, three Christian witnesses were needed (Stobbe, p. 151, quoting the *Schwabenspiegel*). For Bohemia, Duke Sobeslav II regulated these legal relationships by establishing that the one upon whom rests the burden of proof must have two witnesses of the other's group (Bondy, I, no. 15), and in 1254 Premysl-Ottakar II decreed that a Christian accusing a Jew must bring one Jewish and one Christian witness (idem, no. 19 §1). In France we find the regulation "nus juis n'est receuz en nul tesmignage en contre Cretien," but Viollet calls this a late regulation not found in the codes of the first part of the Thirteenth Century (Viollet, vol. II, p. 251, and I, p. 12), so that one must assume that in our period Jews were credited against Christians, but that, as in parts of Germany, they lost their standing later on when religious differences superseded in importance the national differences. In England, in the reign of Henry III, the Jews had the legal advantage over Christians upon whom was imposed a heavier burden of proof than rested upon the Jews (Rigg, pp. XII and 1). For similar privileges, as in the rest of continental Europe, granted by James I of Aragon, see Regné in *REJ*, XL (1900), nos. 12, 28, 43, 47; *Boletín*, XXXVI, p. 20 no. 4, p. 22 no. 7, p. 25 no. 9; Fidel Fita, II, p. 92; Bofarull, p. 85 no. 86, p. 95 no. 106, p. 100 no. 114. In Portugal a Jew had to prove his case against a Christian by means of one Jew and one Christian, but a Christian could bring a purely Christian set of witnesses against a Jew (Kaysersling, *Juden in Portugal*, pp. 15, 339, 341). In Navarre the City Council of Tudela forced from the king the change that a Christian could not testify in favor of a Jew (Kaysersling, *Juden in Navarra*, pp. 18 note 1; pp. 25, 200). So generally recognized was the right of a Jew to bear testimony against a Christian that even in the territory reconquered by the crusaders they were admitted to such testimony (A. A. Beugnot, *Assises de Jerusalem*, Paris, 1841-3, I, p. 98 n.). For discussion of the subject vide Scherer, pp. 162-170 and 233-315; Baer, *Studien*, pp. 78 ff.; Nübling, pp. 197 ff.

⁷³No. 60 ". . . proponunt tamen se non posse convinci nisi per unius Judei testimonium et alterius Christiani, juxta consuetudinem quendam pravam inolitam in contractibus eorundem." Alexander III had complained (Mansi, XXII, col.

ously complained against the state of affairs which permitted Jewish testimony to convict a Christian but refused Christian testimony against a Jew.⁷⁴ The Church councils dealt with the matter in the same way. But while the Oecumenical Council, the III Lateran, decreed the establishment of equality in the relationship,⁷⁵ i. e. that Christian testimony against Jews be admitted just as Jewish testimony is admitted against Christians, the local councils were much more severe. Some of them decreed that a Jew could not be a witness against a Christian, but that his ability to testify be limited to cases involving another Jew.⁷⁶

Also in the matters of the taking of an oath and the credibility of a document the Church found that the Jews were granted too many privileges. Rather than have the Jew prove by oath that he was not charging an illegal rate of interest, the Council of Albi in 1254 suggested that either the matter be further investigated by other means, or that the Christian prove the charge by taking an oath that the Jew was overcharging him.⁷⁷ As to the document in the hands of the Jew, Innocent III insisted that the testimony of Christian witnesses be sufficient to invalidate it.⁷⁸

356, ch. 2) ". . . et adversos eos magnorum et bonorum virorum non recipiunt testimonium."

⁷⁴Nos. 14 and 24; this must be taken to apply to cases in which the Jew is not involved except as a witness, and that the Pope's objection was to the fact that in cases between Jew and Jew, the Jewish court would not admit Christian testimony, whereas in cases between Christian and Christian, secular courts would admit the testimony of Jews. Any other interpretation would mean that the Pope was misrepresenting the actual and well-known state of affairs, as described above, note 72.

⁷⁵No. I: "Testimonium quoque Christianorum adversus Judeos in omnibus causis cum illi adversus Christianos testibus suis utantur, recipiendum esse censemus."

⁷⁶Nos. VII, VIII, XXIV, XLI; thus approaching the restrictions incorporated in the *Schwabenspiegel* and in the *Établissement de St. Louis*. Note 72 above.

⁷⁷No. XLI. Thus going contrary to mediaeval justice where the burden of proof was on the accused. The validity of the Jewish Oath was recognized everywhere and at all times. Cf. Aronius, nos. 170, 458, 547 §2, 3, 4, 6, 7; Bondy, I, no. 19 §2, 3, 6, 7; Kaysersling, *Juden in Portugal*, p. 341; idem, *Juden in Navarra*, p. 13, 1; *REJ*, LIX (1910), p. 170, no. 43; Regné, ibid. LX, no. 4. Stobbe, pp. 148-159, and Scherer, pp. 293-305, discuss the peculiar form which the Jewish oath took during the Middle Ages. It was in that way rather than by refusal to give it credence that the inferiority of the Jew was emphasized. Cf. even in early times Aronius, nos. 77 and 78, also 633. The general situation at this time was that the oath of a Jew and the oath of a Christian had equal standing. But the oath was imposed upon the Jews too often, thus outraging their sense of the sanctity of the Torah; hence the grant of Premysl-Ottakar making provision for an important and a less important oath (Bondy, I, p. 20). Cf. also Baer, *Studien*, pp. 81 ff.; Weyden, note XV; Saige, pp. 53 f.; *REJ*, VII (1883), 252 ff.

⁷⁸No. 14 ". . . plus creditur instrumento, quod apud eos per negligentiam aut incuriam debitor reliquerat indiscretus, quam testibus introductis. . ." Until this period, and very likely at this time still, the majority of the loans made were

In certain instances the Church went even farther and claimed jurisdiction over the Jews.⁷⁹ Where an ecclesiastic was also their secular overlord, the Jews naturally had to submit to his court, but where the overlord was a baron and the Jews were his in accordance with the generally prevalent relationship,⁸⁰ the Jews would refuse to answer the summons of the ecclesiastical court,⁸¹ and would sometimes even summon a cleric to appear before a secular court.⁸² The enforcement of the privileges of the crusaders gave some of the prelates the opportunity to interfere with the secular jurisdiction over the Jews. Above all, where the Church found that it had the power to do so, it forced the Jew to appear before its court.⁸³ It was thus in the two cases of the

secured by the presence of witnesses, a pledge, or a mortgage. The system of a written document was from this time on becoming more frequent. Thus James I in legislating about the Jews of Barcelona says, "Item, solemni curia approbante statuimus quod non credatur sacramentis Judeorum in debitis exigendis nisi habeant instrumenta confecta legitime vel testes idoneos a probandum, vel habeant pignus mobile vel hypothecam cui incumbant" (Marca, *Hispania*, col. 1415-1416). But it was a comparatively new institution, and the system of witnesses for a debt was still considered superior, a fact of which the Jews also took advantage, as seen from the regulation in Navarre (1164) to the effect that if the Christian had a document executed before a rabbi, the Jew could not deny it, since a document is equal to the prescribed number of witnesses, but must obtain witnesses to the effect that he paid the debt (Kaysersling, *Navarra*, p. 18-19; cf. Lindo, pp. 82, 84). At first the system of documents gained over witnesses or even pledges, because it enabled the king to keep track of the debts due to the Jews, and also formed for him a valuable source for revenue (cf. Jenkinson, *Plea Rolls*, pp. XVI and XLVI). In France a detailed plan for the control of Jewish debts was worked out in 1206 in accordance with which each debt had to be inscribed on a document and sealed with an official seal in charge of two "de probioribus burgensibus" in each town (Brussel, pp. 578 ff.). This served as a model for subsequent similar regulations. For Germanic lands see Scherer, p. 299 ff.; Höniger, pp. 136-143, 145.

⁷⁹ Very frequently the Jews had the privilege of maintaining courts of their own, and that not only for cases between Jew and Jew, but also for such as involved a Christian. Such courts not infrequently consisted of judges representing both faiths. Sometimes a special Christian judge was in charge of all cases involving a Jew. But under any circumstances it was the secular court that had jurisdiction. Cf. Stobbe, pp. 140 ff.; Scherer, pp. 234-285; Baer, *Studien*, pp. 77-81; Brussel, pp. 604 ff.

⁸⁰ Quarrels about jurisdiction over Jews occur in our documents: Nos. 40, 67; but these are cases of claims of civil jurisdiction.

⁸¹ No. 60.

⁸² Complaint of Pope Alexander III in Aronius, no. 313 b.; Mansi, XXII, col. 356, ch. 2—"Judei . . . ad tantam superbiam et elationem pervenerunt quod si . . . inter eos et quamlibet clericum . . . causa emergerit, vos ad secularem iudicium trahunt . . ."

⁸³ No. 39. In other instances the Church tried to interfere. Thus on two occasions Philip the Fair stood in the way of the Church's attempt to exercise jurisdiction over the Jews without the express permission of the royal power (B. N. Fond Doat, XXXVII, fol. 242 and 161). In general the nobility of France resented, and at one time organized to stand against the Church's encroachments on their jurisdiction (No. 30; *Notices et Extraits*, XXIV, 2, pp. 210-211).

children claimed by it for Christianity. These two cases are in themselves indications that in such matters the Church decided from the point of view of the benefit to Christendom, and not with the impartiality that the Jews might have found in the secular courts.⁸⁴

C. The Church and the Social Status of the Jews

From very early times the Church had also sought to prevent the cordial relationships between Christians and their Jewish neighbors.⁸⁵ In this it was for a long time unsuccessful. Cordial relations existed in the Thirteenth Century, so that we still find a Christian girl hiding from her enemies in the home of a Jew,⁸⁶ Christians partaking of a Jewish meal,⁸⁷ and even synagogues built by the side of a church.⁸⁸ Jews mixed with Christians on more or less equal terms socially,⁸⁷ they wore the same clothes, and surely spoke the same language.

What real danger there was in all this for the Church has already been pointed out. The Church did what it could to force the discontinuance of private religious discussions;⁸⁹ it made every effort to prevent Christian men and women from coming into such close contact with Jewish life as to run the risk of being affected by it;⁹⁰ it sought to keep the Jews away from public places on religious occasions lest the lack of respect shown by the Jew influence the Christian who observed him.⁹¹ But not satisfied with all this, the Church tried to drive the Jews completely out of Christian society.

1. The Jews seem to have preferred to live near each other. Jewish districts were to be found wherever a fair-sized community existed,⁹²

⁸⁴ Nos. XV and 59. Another instance where the Jew was forced to obey an ecclesiastical court, after having caused a quarrel between the ecclesiastical and civil authorities, is in No. 47.

⁸⁵ Prohibition to eat at a Jewish table is to be found as early as the Council of Elvira 303, of which canon 50 reads: "Si vero aliquis clericus sive fidelis fuerit qui cum Judeis cibum sumserit, placuit eum a comunione obstinere et debeat emendari" (De Aguirre, *Coll. Conc. Hisp.*, I, p. 726). Similar decrees during the early period are to be found in *MGH Concilia*, I, pp. 22 and 159; Aronius nos. 5, 10, 17.

⁸⁶ No. 7.

⁸⁷ To be seen from the prohibition of this in No. XLI, and from the decrees of Breslau in 1267: "Omnibus Christianis hujus provincie sub poena excommunicationis districtius inhibemus, ne Judeos vel Judeas secum ad convivandum recipiant, vel cum eis manducare vel bibere audeant aut etiam cum ipsis in suis nuptiis vel in conviviis saltare vel tripudiare presument. . . ." So it seems that they used to dance together too (Aronius, no. 724). The Council of Vienna, held in the same year, has a similar restriction (*ibid.*, no. 725). In 1253 Henry III of England forbade a common meal (*Feodora*, I, p. 293).

⁸⁸ No. 14.

⁸⁹ P. 29 above.

⁹⁰ P. 25 above.

⁹¹ P. 27 above.

⁹² A Jewish district is mentioned in Sicily in 977 (Straus, pp. 12-13). In Speyer

but they were not closed districts.⁹³ Moreover those Jews who preferred a more rural life were to be found in the smaller settlements.⁹⁴ For the first time in our period we find an inquiry as to the places where Jews lived,⁹⁵ evidently with the aim of restricting their places of residence. It was the beginning of the ghetto.⁹⁶

2. But long before a real wall was built around the Jews the Church established a wall of sentiment by means of the so-called Jewish

and in Worms there is evidence of the existence of a Jewish quarter surrounded by a wall and having gates, as early as the Eleventh Century; but that did not prevent the Jews from owning property or living anywhere in the city (Carlebach, pp. 47 ff.). In Strassburg there was a similar quarter in 1240 (Wiess, *Juden in Bistum Strassburg*, p. 3). In Rome, too, as in many other cities, the Jews occupied a separate district (Leon Bardinet, *REJ*, I (1880), 267). So the Jews of Paris before 1182 as well as after 1198 (Kahn, pp. 8, 19).

⁹³Scherer, p. 45, nos. 12 and 14. Jewish Responsa of the period also indicate proximity in dwellings. Cf. Nachmanides, *Responsa*, no. 16; Aronius, nos. 393, 371, 724. In 1317 Philip V of France forbade the Jews to rent a habitation to a Christian (*Ordonances*, I, p. 646, no. 6). In 1273 James I of Aragon forbade Jews and Christians to live in the same house (Bofarull, p. 104, no. 122).

⁹⁴In 1277 the Council of Bourges forbade the Jews to inhabit small towns and villages, lest they mislead the ignorant peasants (Lazard, *REJ*, XVII (1888), 215). "De Judeis quorum perfidia plerumque simplices Christianos fraudulententer decipit, et malitiose secum in errorem pertrahit, sacro approbante concilio duximus ordinandum ut nisi in civitatibus, castris, et aliis locis insignibus habitare presument" (Maan, II, p. 209). Another Council in France in 1276 had ordered, "Judei non nisi in civitatibus, castris, et locis insignibus habitent, ob periculum perversionis" (Carranza, III, p. 165).

⁹⁵No. XXVI.

⁹⁶According to the Constitution of the Republic of Avignon in 1243, there already existed a "Juzataria" from which the Jews could not depart on the occasions of religious festivals (*Nouvelle revue de droit*, 1877, p. 594). In other places the passage from a Jewish Quarter to a Ghetto was more gradual, beginning, as the above indicates, with the regulation of Jewish residence. In England of the middle of the Thirteenth Century, the beginning was made with the regulation of the places where immigrants might settle, and then continued to regulate the residence of the inhabitants (Rymer, *Feodora*, I, p. 293; Rigg, pp. XXV, XXIX, XXXV, XLVIII). Cf. Graetz, VII, 191 ff.; also S. Levy, Notes on Leicester Jewry, in *Transactions of JHSE*, V. (1908). In the City of Valence, James I of Aragon first assigned a certain quarter of the city to the Jews, and it was only in 1391 that the very same quarter was closed, thus making a ghetto of it (Loeb, *REJ*, XIII (1886), 40). In France after 1276, the Jews were restricted to *chateaux* and *bonnes-villes* i.e. cities that had a charter from the king or a baron (Brussel, p. 601). To the same effect there is an order of Philip the Fair of the year 1283 (Doat, XXXVII, fol. 197 vo.), and another for the year 1290 (*ibid.*, fol. 211 ro.; cf. Saige in *Bibl. de l'école des Chartes*, vol. 39, p. 270), and upon their return in 1315 they were permitted to settle only in those places where they had lived before the expulsion (*Ordonances*, I, p. 596). In Marseilles, a Jewish district existed in the Thirteenth Century, and as early as 1320 a statute was passed at the instigation of the local inquisitor, that all Jews living outside of this district move into it within the period of ten days. The magistrates seem to have been more lenient (Crémieux, *REJ*, XLVI (1903), 29). Cf. Stobbe, pp. 176-179; Scherer, p. 44 no. 11; Amador de los Rios, I, pp. 403 f.; Graetz, VII, 97.

Badge.⁹⁷ It was at the famous IV Lateran Council that it was first officially established that "Jews and Saracens must be distinguishable from Christians by a difference in their clothes."⁹⁸ The reasons that were

⁹⁷The origin of the idea of separating believers from non-believers by means of special dress for the latter, is laid at the door of the Kalif Omar, who in 634 instituted it "for the sake of the purity of the Faith, and in order to avoid intermingling and mistaken identity between believers and unbelievers," a reason strikingly like that given by the Church. The Kalif's regulation required that unbelievers wear a different type of head-gear and girdle, and a patch on the upper garment or on the shoulders, which in the case of the Jews was to be yellow, in the case of the Christians blue, and in the case of the Magi black. This spread through all Islamic lands (Singermann, *Die Kennzeichnung der Juden im Mittelalter*, Berlin, 1915, pp. 9-10; Scherer, p. 30). Subsequent Kalifs repeated this regulation and made it even more specific. Almutawakkil Ala-l-lahi (847-861) added the wearing of a yellow shawl over the clothes, and a thick rope instead of a girdle. Slaves of Jews were to wear a yellow badge. Jewish women were to wear a yellow shawl enveloping the entire body. The wearing of the "mintak," a metal belt or one made of valuable heavy material, was forbidden (Fagnan, *REJ*, XXVIII (1894), 294-5; Scherer, pp. 30 f.). In the Ninth Century in Sicily the Mohammedans made the Jews and Christians wear white symbols; the Christians with the image of a pig and the Jews with the image of a monkey, and to have the same symbols affixed to the door of their homes. In Egypt in the Eleventh Century the Jews had to wear around their necks the image of the head of a calf, perhaps in memory of the Golden Calf of Mosaic days, and the Christians had to wear a cross (Scherer, pp. 31-32). Both Munk (in *Journal Asiatique*, 1842, t. II, p. 40) and Fagnan (l. c., p. 295) cite an Arab historian to the effect that at the end of the Twelfth Century the Jews of Maghreb were made to wear long-sleeved robes and ugly hats, by the king of the Almohades. After great efforts the Jews succeeded in getting this changed to yellow clothes and a yellow turban, which they were still wearing in 1224. This, too, was subsequently modified to a simple badge of yellow or black, and was imposed upon all the Jews of northern Africa (Fagnan, l. c.). To complete the story for the Mohammedans, it may be added that early in the Fourteenth Century, the King of Granada, learning from the Christians, imposed a badge upon the Jews (Amador de los Rios, II, p. 198; U. Robert, p. 63).

⁹⁸No. X: "statuimus ut tales (Judei, Saraceni) utriusque sexus, in omni Christianorum provincia, et omni tempore, qualitate habitus publice ab aliis populis distinguantur." That the clergy had long sought some method for making a definite social cleavage between Jews and Christians, is attested to by the entire policy of the Church (cf. above, notes 85 and 87). Scherer, p. 43, points out that as early as 1204 Innocent had already suggested a difference in clothes. (I could not trace the reference.) The statement made by Bishop Odo of Paris around 1200, openly says: "Where religions differ there should be no community of spirit" (No. III.) But there is no evidence that a Badge was more than a rare and temporary infliction upon the Jews in any Catholic land prior to 1216 (Rodocanachi, p. 163). Ulysse Robert (p. 3) tries to prove the actual existence of a Badge in France from the words of the Bishop Odo cited above, when, in his Synodical Rules (*ibidem*) he orders "non Judeis prestare rotas." But only by a stretch of the imagination can "rotas" here be taken to mean a Badge; its best meaning in this case being "a pulpit" or the cover of a pulpit. Likewise, Singermann tries to prove the early existence of a Badge in central Europe by reference to an account of a ritual murder accusation given in Hajek, *Boehm. Chronik*, p. 168. The story relates that suspicion was aroused by the fact that a child was noticed "welcher kein judisch Zeichen, nemblich kein Ringel, wie die Juden sonsten

given for this legislation were two:—that Christians sometimes by mistake have sexual relations with Jewish or Saracen women, or Jews and Saracens with Christian women, and that Moses himself had commanded the Jews to wear clothes different from the clothes of the gentiles. Thereafter reminders of this regulation were frequent in papal letters and conciliar decrees of every part of the Catholic world.⁹⁹ In these the second reason is invariably dropped,¹⁰⁰ but the first is almost always mentioned.¹⁰¹ Frequently, too, there is added still a third reason, namely that the Jews wear not only clothes indistinguishable from those of the gentiles, but such as give them an aristocratic appearance. On occasions the church documents complain that Jews are mistaken for members of the clergy and receive the respectful salutation of the rustic folk who may happen to be in the city. In view of this the Church prescribed not only a Badge, but even the cut of the outer garment.¹⁰²

zu tragen pflegten, nicht gehabt." This obviously refers to the "Arba Kanfoth" and not at all to a Badge which a child of that age would at any rate not be expected to wear. What evidence does exist seems to indicate that a clear difference in clothes was demanded but no specific mark. The *Charte d'Allais* of 1200 reads, "Constituimus ut inter Christianos et Judeos . . . in habitu vestium manifestus habeatur delectus, ut facile Judei a quovis discernantur, et eis indicimus et habitum deferant dissimilem habitui Christianorum." (*REJ*, XIX (1889), 267; Robert, p. 7, note 1.) With regard to differences in clothes existing before 1216 see below note 112.

⁹⁹ Nos. 31, 36, 38, 41, 42, 43, 44, 49, 62, 69, 71, 72, 78, 99, 107, 120, 122, 133, X, XVI, XVIII, XX, XXV, XXIX, XXXIII, XXXVI, XXXVII, XXXIX, XLI.

¹⁰⁰ The reference back to Mosaic times was probably meant only as a reminder that the Church was not abandoning the generally recognized doctrine of making no innovations in the status of the Jews. Cf. "Constitutio pro Judeis," No. 5.

¹⁰¹ Scherer, pp. 42-43, emphatically asserts that this was merely an excuse for the establishment of the Badge. He arrives at this conclusion by pointing out that the Council itself says about such occurrences that they happen "interdum," i. e. once in a while, and also by calling attention to the fact that at no time, either before or after in Roman-Christian legislation, was such punishment meted out for this offense. The Council of Breslau in 1267 (Aronius, no. 724) fixes the punishment for the Jew at a payment of ten mark and imprisonment. One might add that the prohibition of sexual relations between Jews and Christian women, made by Henry III of England in 1253 (*Feodora*, I, 293), does not specify any definite punishment, and the conclusion therefore is that the punishment was not severe. In the *Siete Partidas*, however, cohabitation is punished with death (Part. VII, tit. 24, ley IX). The *Siete Partidas* was issued a generation after the IV Lateran, and the situation in Spain was different. On the question of this reason cf. Dubnow, V, 21. He points out that intermarriage was everywhere legally prohibited, whereas not even a Badge could stop prostitution. Hence, he concludes, the aim of the legislation must have been to make pariahs out of the Jews. Nevertheless, Moses of Coucy (*Semag*, §112) testifies that intermarriages did occur in certain parts of Spain.

¹⁰² Nos. XX, XLI, 120. Especially the Council of Albi (XLI) legislated that where the Jews insisted on wearing the wide-sleeved capes characteristic of the

The Jews had tried to prevent such legislation from being passed at the Council,¹⁰³ but having failed in that effort, they depended for the nullification of this decree upon the economic pressure which they could exert, and upon the personal assistance of the local nobility. When strict enforcement threatened in the Kingdom of Castile, the Jews began to emigrate into Moorish lands, thus strengthening the economic foundations of the Mohammedan power.¹⁰⁴ This was an argument to which even the Pope had to submit, and he therefore granted a postponement of the enforcement of the Badge in Castile until a more propitious time. Also the Concordat entered into between the Archbishop of Toledo, the Primate of Spanish lands, and the Jewish community, resulted in a temporary annulment of the decree.¹⁰⁵

In the case of Aragon, this welcome result for the Jews may have been due to the influence of one of the most prominent Jews of the time, Don Isaac Benveniste, personal physician to the King.¹⁰⁶ From

clergy, these capes might not have any ruffles, nor might the sleeves be of comfortable length.

¹⁰³ Cf. note I to No. X.

¹⁰⁴ No. 38. Great efforts were being made at the time to continue the drive against the Moors, who had been disastrously defeated in 1212.

¹⁰⁵ Nothing is said about the Badge in the Concordat (No. 36 note), a fact in itself significant since it indicates that the Archbishop had no intention to enforce it. In addition, the last clause of the Concordat holds out the promise of the prelate to help the Jews and to defend them, which may be taken to mean a promise to be on their side in the matter of the Badge. This promise he kept, since in the letter addressed to him on the subject of freeing the Jews from the Badge (No. 38) the Pope says that not only the King but the Bishop, too, had petitioned him in favor of the Jews.

¹⁰⁶ The personal influence that Isaac Benveniste exercised seems to have made him stand out among the Jews of Aragon and southern France. When trouble threatened for the Jews at a Council in Montpellier either in 1214 or 1215 (cf. Graetz, VI, 405, no. 21, and VII, 15), a meeting was called of two representatives of each of the Jewish communities of the territory affected, to devise means of obviating the evil. At this meeting Isaac was most prominent. Thus we read in the *Shevet Jehudah*, p. 113, "In the year 125, in the month Shevat, all the bishops to the number of nearly two hundred, and all the nobles of the land gathered at Montpellier to the presence of the Cardinal, and there was present there Don Isaac Benveniste as well as two each from all the communities." This time their efforts bore fruit, for this Council had nothing to say about the Jews. One year later, however, an even greater danger threatened from Rome. Clearly the Jews anticipated evil consequences for themselves from the IV Lateran. Again the *Shevet Jehudah* reports (p. 114; Graetz, VI, 406, no. 23), "And in that year individuals gathered from every community from Narbonne to Marseilles in the Chateau of Gilles. This was at the request of the great *Nassi*, the prince of princes, Rabbi Isaac Benveniste, and in the presence of the *Nassi* Rabbi Levi, in order to decide who shall go to Rome to put to nought the plan of the Pope on the day when the bishops gather." (Cf. Graetz, VII, 21; Dubnow, V, 23.) This time they were far from successful. Nevertheless, Don Isaac evidently did not give up the fight, for in the above letters we find him successful in delaying

three sources the Pope was petitioned for an exception to be made in favor of this one man and his family; from Don Isaac himself, from the king, and from the Archbishop of Tarragona, at the time the real power since the king was still a minor.¹⁰⁷ This request the Pope granted on the ground that Don Isaac might thus be induced to embrace Christianity, and that he was a man who sought no harm to Christians. At the very same time the Pope wrote to the Archbishop agreeing to excuse all the Jews of Aragon on the ground that they were already sufficiently distinguishable, yet not failing to mention the real reason for this leniency, namely that the Jews were threatening to leave the Kingdom and move on to Mohammedan territory,¹⁰⁸ an argument which Don Isaac must have used as a last resort.

Thus far, therefore, in Aragon and Castile, and presumably too in the other Iberian kingdoms, the Jews had escaped the consequences of the Church legislation in this respect. The situation continued unchanged till the accession of the more zealous Gregory IX. The lower clergy had never given up the fight to make the Jews submit to the Badge,¹⁰⁹ nor was the political situation any longer such as to demand careful diplomacy with regard to the Mohammedan power, for the success of Christian arms seemed at the moment to be assured. In 1231 and again in 1233 Gregory urged upon the religious powers in Castile and Leon to exert themselves in favor of the establishment of the Badge, and in 1234 he addressed all the royalties of Spain to the same effect.¹¹⁰ In large measure, however, the Jews still escaped it.¹¹¹

the imposition of the Badge not only upon himself, but also upon the Jewish community of Aragon.

See also I. Münz, *Die jüdische Ärzte in Mittelalter*, p. 33, and Scherbel, *Jüdische Ärzte*, p. 31, Jean Regné in the Catalogue des Actes des Rois d'Aragon concernants les Juifs, in *REJ*, LX (1910), p. 162, no. 2, cites a confirmation of income by James I to the widow of Isaac, on the 19th of August 1224.

¹⁰⁷ Nos. 41, 42, 43. One cannot escape the impression that the humiliating plea for a privilege at the hands of the Pope made by such a man as Isaac Benveniste, and the humiliating tone of the grant, are already indications of the level to which the Badge was dragging the Jews. During the Thirteenth Century and thereafter there was great eagerness among the Jews for this type of exemption which the kings granted either for distinguished services or for a sum of money. Cf. Robert, pp. 36-37, 56, 64-65; *REJ*, LVII (1909), 268 ff.; Langlois in *Notices et Extraits*, vol. 34, pt. 1, p. 18, where is cited the case of a Jew expelled from England in 1290 who comes to France and upon payment to the king of an annual stipend receives the following grant: "Concessimus etiam dicto Bono Amico quamdiu vixerit quod signum rote, quod communiter nostri Judei portant non deferat. . . ." Physicians were frequently the recipients of this favor.

¹⁰⁸ No. 44; "propter quod multi Judeorum a terra sua in ipsius et Regni sui detrimentum nonmodicum recesserint et adhuc alios metuit recessivos."

¹⁰⁹ Cf. No. XX where the Badge is not mentioned, but complaint is voiced against the manner of Jewish dress. In the same year, 1228, James I ordered the Jews to wear a yellow patch and round capes. See note III below.

¹¹⁰ Nos. 62, 71, 72, 78.

¹¹¹ Nos. 99, 122. Under the influence of the prelates, whose good-will he needed

In France and Germany the Jews could resort to no such economic threat as they had used so effectively in Spain. They therefore had to rely exclusively upon the negligence of ecclesiastical commands so frequent among the local civil authorities. For the crown lands of France no reminders of this decree seem to have been necessary, the Jews there being already sufficiently distinguishable,¹¹² but on the

in order to keep the kingdom in his youthful hands (Amador de los Rios, I, 391), James of Aragon passed certain anti-Jewish legislation in 1228 at the Cortes of Barcelona (Robert, p. 59). Isaac Benveniste had died some years before (*REJ*, LXX (1920), 74), and there was no restraining hand to prevent the promulgation of an edict establishing the Badge (Bofarull, p. 34; Baer, *Studien*, p. 30, n. 63). He was nevertheless lenient with regard to its enforcement, and permitted the Jews to wear a sign that could barely be seen, as is evident from the privilege which he granted to the Jews of Montpellier on October 25, 1268 (*REJ*, LXI (1911), 31, no. 395) to the effect that their Badge must be as visible as that of the Jews of the neighboring bishopric, but not more visible. (Cf. note 119.) At the same time he granted the Jews of Barcelona freedom from the Badge, limiting their difference in clothes only to a wide cape, with which they might dispense in case of a journey, and which was not to be worn by his Jewish officials (Bofarull, p. 76, no. 71). In 1301 James II renewed the edict about the Badge, and later Church councils repeated it (Robert, pp. 62-63). In Navarre, the Badge was not imposed till 1276 (Kaysersling, *Die Juden in Navarra*, p. 23; Amador de los Rios, II, 22; cf. Robert, p. 60), and in Portugal it remained unapplied till 1325 (Kaysersling, *Juden in Portugal*, p. 51).

¹¹² That is the only reasonable explanation of the extraordinary situation that neither Louis VIII (despite Singermann, p. 19), nor even a king so zealous as Louis IX anywhere, among the fair number of edicts that they issued with regard to the Jews, mention the Badge till 1269. Certainly the latter who was so active in the suppression of usury and in the condemnation of the Talmud, would have insisted upon a regulation of this sort. At the same time, none of the Popes addressed him on the subject, and practically all of the councils dealing with it were in territory close either to England or to Spain. The possibility that the Jews of France were already used to the Badge, as mentioned by Robert and Singermann on other grounds, has no evidence (see above note 98). As far as we know there is only one statement that indicates the existence of the Badge in France soon after the IV Lateran Council (No. 31).

A passage in the *Or Sarua* of R. Isaac ben Moses of Vienna (Zitimir, 1862, part II, p. 39A) reads as follows: "And when I, the author, was in France, we used to wear round signs (wheels) upon the clothes, for thus it was decreed against the Jews at that time. . . . Some used to sew them into the garment. . . . Others used to make a circle from parchment and attach it to the garment by means of a needle. . . . And my teacher, R. Samson of Coucy, . . . adjudged them permissible (for wearing on the Sabbath) because the wheels were attached to the garment." It is generally assumed that Isaac Or Sarua was in Paris c. 1217 (H. Tykocinski, *Monatschrift*, vol. 19 n. s., 1911, p. 560). It would follow, therefore, that but a year after the IV Lateran Council the Jews of the royal domain already wore the Badge. That they had not been acquainted with the Badge before this seems further proved by the fact that the question whether it could or could not be worn on the Sabbath was just then asked of the R. Samson. With regard to the matter of their wearing it at all, at least permanently all through the first half of the Thirteenth Century, this one statement cannot counterbalance the facts that we hear of its being worn nowhere else in royal France, nor at any time till 1269. Our feeling is that it was a purely local measure,

periphery of the royal domain their struggle to avoid obedience to it began at once.¹¹³ The law seems to have been neglected in Germany long beyond this time.¹¹⁴ In England, however, it was enforced almost immediately.¹¹⁵

possibly of a local council, enforced for a brief period immediately after the novelty of the Conciliar command, but permitted to lapse soon thereafter. We are therefore led to say that while French Jews as a whole had never worn the Badge as a distinguishing mark, they yet fell into the category mentioned in the edict of the IV Lateran Council, i. e. "In nonnullis provinciis a Christianis Judeos . . . habitus distinguit diversitas." This is further proved by a Takkanah, of a rabbinical synod held in one of the Rhine cities about the year 1220, where it was decided that "A Jew shall not cut his hair or shave his beard after the manner of the gentiles" (Finkelstein, p. 59). Another paragraph of the same synodical rules reads, "A Jew must not let his hair grow unduly long," which in all probability meant that he must not try to look like a cleric. At that time there was no distinction in point of view between the Jews of France and the Rhine lands.

The existence of these decrees of the Jewish synod may also serve as indications that already a tendency was visible for the younger and more prosperous Jews to catch up with the prevalent style. The warning, sent by Alexander IV to the King and several dukes of France about the enforcement of the Badge, may have been intended to call Louis' attention to the growing similarity in Jewish and gentile forms of dress (Loeb in *REJ*, I (1880), 116). It was, however, only a decade later that Louis felt called upon to establish the Badge. In 1268 he had all the Jews arrested, their property confiscated, preparatory to expelling them from the country. He later changed his mind, but upon granting them their freedom and his permission to stay, he imposed upon them the wearing of the Badge. He did this at the suggestion of the Apostate Pablo Christianus; both men and women were to wear it, a round piece of felt or linen on the outer garment both front and back, a palm long and four fingers wide. Caught without it, a Jew was to lose his upper garment and pay a fine of ten pounds which the king dedicated to pious purposes (Brussel, p. 598; *Ordonances*, I, p. 294). Had the Badge been previously known in France, this decree would have said so.

Once established the Badge was enforced. Occasionally the successors of Louis made slight changes. In 1272 Philip III repeated it in practically Louis' words (*Ordonances*, I, 312; Brussel, p. 599). Philip IV, in 1281, indicates that the Treasury of the King profited from the sale of the only legal type of Badge (Doat, vol. XXXVII, fol. 195 ro.). He repeated the general order in 1283 (*ibid.*, fol. 197 vo.). Philip V in 1317 established the horn-shaped hat, and seems to have made many exceptions in return for an annual payment (Brussel, p. 599). For the subsequent changes see Brussel and U. Robert.

¹¹³ Rouen—Nos. XVII, XXV; Bordeaux—no. 49; Albi—no. XLI. In the Provence it was particularly difficult to enforce because the nobility was so well disposed toward the Jews. In Marseilles, where the commercial importance of the Jews was considerable, the Badge was neglected till long past the middle of the Fourteenth Century, and then but indifferently enforced (*REJ*, XLVI (1903), 24). Cf. for Besançon no. 107. In Avignon, it was incorporated in the *Coûtumes et Règlements*, in 1243 (*Nouvelle revue historique de droit français et étranger*, 1877, p. 595) "Item statuimus quod Judei portent in superiori veste signum rote bene apparentis per quod a christianis decernantur, et illud teneantur portare in sinistra parte supra pectus et non alibi, et quod omnes Judee qui conjugate sunt vel fuerunt deferant oralia."

¹¹⁴ The one reference to it in the Church documents of this period is in No. 69.

Theoretically the Church did not prescribe any definite sign for the Jews to wear; all it sought was to have them differentiated from the Christians by means of the clothes.^{115a} In some districts where such differences existed already,¹¹⁶ the Jews were to be let alone as long

"Et licet in eodem generali concilio caveatur, ut Judei utriusque sexus in omni Christianorum provincia, et omni tempore qualitate habitus ab aliis distinguantur, sic in quibusdam Teutonicis partibus inolevit confusio, quod nulla differentia discernuntur." The expression "in quibusdam" is noteworthy since it indicates that in general the Jews of Germany were recognizable (cf. Berliner, *Aus dem Leben*, pp. 61-68). The difference was, according to Stobbe (pp. 175, 274), that the Jews wore a cone-shaped hat. It was this that was afterwards made obligatory. But the actual Badge does not make its appearance in Germany till the Fifteenth Century (Stobbe, l. c.). The Badge was neglected in the eastern provinces of the Empire, as witness the attempt to revive it by the Council of Vienna in 1267. This, says Scherer (p. 331 note 2), refers to the discontinuance of wearing the cone-shaped hat which the Jews had previously worn of their own will as a national custom. The *Or Sarua* (note 112 l. c.) presupposes that nothing is known of the Badge by his own countrymen, i. e. in Vienna towards 1260.

In Erfurt an attempt was made to force the Badge upon the Jews at the end of the Thirteenth Century (V. F. de Gudenus, *Codex diplomaticus*, etc., Göttingen, 1743, p. 886). In Constance, somewhat closer to southern influence, an attempt to enforce the Badge was made in 1254 (No. 133; cf. Singermann, p. 37). For the Badge in various parts of Germany in the Fourteenth Century see Robert, pp. 90-91. In Hungary, the King promised to enforce the Badge, in 1232 (see note to No. 61; cf. Robert, p. 100). In Sicily, Frederick II undertook as early as 1221, to force the Jews to wear clothes that would set them apart from the Christians: ". . . ut in differentia vestium et gestorum a Christianis discernantur," and also to grow a beard in accordance with one's age (H-B, II, p. 178; Lagumina, I, p. 17 no. 19; *CMH*, VI, p. 142; Straus, pp. 104-5). But not until the end of the Fourteenth or the beginning of the Fifteenth Century did it come into force in the rest of Italy (Singermann, p. 28).

¹¹⁵ Nos. XVI, XXXVI. For the year 1218 we have the following: "Rex vicecomiti Wigorensis salutem: Precipimus tibi quod clamari et observari facias per totam ballivam tuam quod omnes Judei deferant in superiori indumento suo ubicumque ambulaverint aut equitaverint infra villam vel extra, quasi duas tabulas albas in pectore, factas de lineo panno vel de parcamento, ita quod per hujusmodi signum manifeste possint Judei a Christianis discerni." (Rymer, *Feodora*, I, p. 151). It was repeated in 1253 (*ibid.*, p. 293). The statement by Reynaldus, a. a. 1221 §48, about a papal order concerning the Badge, to which Graetz refers (VII, 22) need not necessarily apply to England.

^{115a} Cf. note 98. It may have been in everyone's mind, and was perhaps mentioned privately even by Innocent III (Bouquet, XVIII, 361), but there was no official statement to that effect, as seems intimated by the *Shevet Jehudah* (p. 114). Cf. Singermann, p. 16; No. 78 note.

¹¹⁶ We are now ready to put down the names of those provinces which the participants in the IV Lateran may have had in mind when they said that "in nonnullis provinciis" a difference already existed. In general, central France and Germany must have been meant, the very lands at that time known for their stalwart adherence to the minutiae of Jewish tradition, which, as has happened again in later Jewish history, comes to include also the fashions of the revered fathers, and would certainly include a beard and earlocks. Spain, the Provence, and England, with all the districts easily accessible from these lands, were probably the ones for which the Conciliar Decree was especially intended.

as they made no effort to adopt the general mode of dress. With but one exception¹¹⁷ the papal letters therefore refrain from prescribing what system any province was to use for the purpose of distinguishing the Jews, but rather speak vaguely of *qualitas habitus*, or of *defferendum signum*. The details of the "difference" were left for the local councils and civil power to prescribe. The Badge therefore differed in various lands and at various times. The patch was to be worn also upon the back or only upon the breast;¹¹⁸ it might be circular, oval, or oblong;¹¹⁹ it might be of white material, or of red, or of yellow;¹²⁰ but under any circumstances it was to be easily visible upon the outside garment.¹²¹

¹¹⁷ No. 78.

¹¹⁸ Gregory IX's suggestion (No. 78) was for it to be worn on both chest and back. Such, too, was the order of Louis IX in 1269. The latter was changed in the Fourteenth Century, so that in general it was worn only on the chest.

¹¹⁹ Gregory IX suggested a circle four fingers in width in diameter (No. 78). In Narbonne (No. XVIII), it was a circle only one finger in diameter and therefore barely visible (cf. grants of James I to Montpellier in note 111). In the Provence, it was a circle of three fingers in diameter. The Councils of Beziers and of Albi (Nos. XXXVII and XLI) suggested an oval like that of Narbonne, one finger by half a palm. Louis IX made it four fingers and a whole palm. In England it was an oblong; the Council of Oxford suggested two fingers by four, but Henry III, and following him Edward I, gave it the form of two tablets, six by three. Later this was increased to four by ten (Tovey, pp. 202, 205; Robert, pp. 87-88).

¹²⁰ Gregory IX suggested yellow. White was adopted by Henry of England, but changed to yellow by Edward I. Tovey (p. 205), with his usual facetiousness, suggests that white might have been considered a symbol of purity whereas yellow suggests envy and malice. The outer garment prescribed for the Jews of Sicily in 1221 was "colore celesti" (Straus, pp. 104 f.). Red was the color picked by the Council of Ofen, 1279. It was also the color picked for this purpose by Alexander VI at the end of the Fifteenth Century. He prescribed for the Jews of Avignon a red cloth in the region of the stomach (*Archiv d'Avignon*, no. 2898). Several councils specified no color, presumably the only rule being that the Badge differ from the color of the garment. (Nos. XVI, XXXVII, XLI). Green was worn during the time of John of France (Robert, p. 23). Yellow was, however, the prevalent choice. For Hungary see Bergl, p. 31; for Aquitaine see Gaultieur in *REJ*, XI (1885), 82. From the *Responsa* of R. Meir of Rothenburg (ed. Berlin, p. 8, no. 28) it seems that in France it had the shape of a wheel which was either painted on the garment, or a piece of cloth sewed into the garment, or a piece of leather or parchment sewed or pinned on the garment. The same description is given in *Or Sarua* (l. c. above). Later, the women of Avignon beautified it by making it of silk (*REJ*, V (1882), 307). Also the cone-shaped hat was at various times of different colors (Weyden, p. 120).

¹²¹ On the assumption that the mind of the Middle Ages doted on symbolism, it is difficult to find a reason for the choice of the Badge to stigmatize the Jew. Robert (pp. 112 ff.) seeks for an explanation. He lists the various individuals, of whom there were many, who were in one way or another, stigmatized: heretics, false witnesses, sorcerers, lepers, cagots, prostitutes, and others. Each of these had a mark that expressed the thing he was guilty of. England was logical in this respect, when imposing two tablets which stood for the Mosaic Law. But why a round or oval badge? Robert offers two possible explanations: that the badge

Innocent III himself realized that the wearing of the Badge subjected the Jews to danger, and he therefore ordered that they need not be made to wear it under extraordinary circumstances.¹²² This was interpreted to mean that they might be excused from it when on a journey.¹²³ In their home city, however, they had to wear it whenever they appeared in public. The law applied to men and women, the former above the age of thirteen, the latter above the age of eleven.¹²⁴ In the case of women it was usually not a patch on the clothes, but on the veil that covered their heads.¹²⁵

The decree was forced upon the Jews in the usual manner, by indirect excommunication, or by exhortation and threats to the secular rulers.¹²⁶ In this case the princes saw no direct financial loss, but on

represented a piece of money and hence stigmatized the Jews as usurers, or as partners of Judas Iscariot, or that it represented the wafer which stood for the body of Jesus, and was therefore reminiscent of the Crucifixion. Neither explanation is satisfactory in view of the fact that the Saracens in Christian lands were also made to wear the same type of Badge though of a different color. From a description given in the *Shevet Jehudah* (p. 113) another symbolism might be deduced. "And the form of the sign was one finger in width, made of yellow felt, and the circumference was four fingers, and its surface was the image of a moon in eclipse by a piece of dark cloth." The representation of Judaism eclipsed and in darkness is not foreign to mediaeval theology.

The easiest way out of the difficulty is to assume that, following the suggestion of the Mohammedans (note 97), it was the simplest means that the local clergy dared suggest to stigmatize the Jewish element of the population.

¹²² No. 31—" . . . nec ad talem portandum compellant per quem possint vite dispendium sustinere."

¹²³ This became the usual procedure (cf. Nos. XXIX, XXX; Robert, pp. 37-38; *Ordonnances*, I, p. 646; Langlois in *Notices et Extraits*, vol. 34, pt. 1, p. 17). But, if they stayed in one place more than a month, they had to wear it (Carranza, III, p. 265). Later the term was generally only three days. In England, however, they were ordered to wear it even on a journey, which makes Tovey remark that the Badge must have been forced upon the Jews for their own protection. For Aragon, cf. Bofarul, p. 76, no. 71.

¹²⁴ This, too, was left for the local authorities to regulate. The letter of Gregory on the subject (No. 78) has no suggestion as to age. In England the age was set at seven for both men and women. In Marseilles it was five. After the Thirteenth Century, however, the limits fixed at the Council of Arles (Nos. XXIX, XXX), above thirteen for men and above eleven for women, were generally adopted.

For further general discussion of the Badge, cf. Graetz, VII, pp. 17-19; Rodocanachi, pp. 162-167. A picture of Jews wearing it is taken from a mediaeval drawing in *REJ*, XV, p. 115; XXXVI, pp. 53-64; Nübling, p. LXIV.

¹²⁵ At first few places made any distinction between men and women, the Badge being imposed upon both. A yellow patch on the veil or a veil entirely yellow was prescribed for the women in the subsequent period (cf. No. XXIX). The pointed hat was worn by the women even after the men had been relieved from it and made to wear the Badge (cf. L. Bardinet in *Revue historique*, XII (1880), p. 27). There were in this case, too, peculiarities in various places; thus the Council of Salzburg in 1418 prescribed a cone-shaped hat for the men and a little bell for the women (Carranza, III, p. 514).

¹²⁶ See especially No. XXXIX where the clergy threaten to take matters into their own hands if the civil authorities fail to respond to the demands of this

the contrary a new source of income from fines and monopoly.¹²⁷ Here too there could be no claim of interference with the well established rights of jurisdiction exercised by the secular power. That is why the Jewish Badge won its way with less opposition than met the other efforts of the Church to remove the Jews from Christian society, and remained an open witness of Jewish inferiority in which the masses were so willing to believe.

D. The Church and the Status of the Synagogue

It was axiomatic that the Synagogue was to be considered inferior to the Church. The building of new synagogues had therefore been prohibited at a very early time in the history of the relations between Judaism and Christianity, but the prohibition was not too strictly enforced.¹²⁸ Real enforcement of this attitude was begun toward the end of the Twelfth Century. During the first half of the Thirteenth, the popes did not object to the erection of new synagogues provided they were architecturally not attractive and did not tower above the

decree. In freeing the Jews from the Badge, Viscount Almaric of Narbonne, in 1269, reserved the right to impose it upon them if he were to be forced to do so by an outside power. "Insuper damus vobis et dicte communitate et singulis eiusdem ac concedimus vobis nihilominus promittendo quod nullum signum nec aliquod novum vobis de cetero imponemus nec imponi ab aliquo permittemus, exceptis illis quibus hodie usi estis, nisi inviti nos facere oportet" (B. Gaillard, *Une charte inédite de XIII^e siècle en faveur des Juifs*).

¹²⁷ The clergy of Aragon seem to have been the first to see the possibility of financial gain from the sale of the only official Badge, and their conduct was rebuked by the Pope (No. 44). A money fine was the usual means of enforcing the Badge. The *Siete Partidas* (VII, tit. 24, ley XI) fixed a fine of ten golden maravedi, or ten stripes in public, if the Jews were too poor to pay the fine. Louis IX and his brother Alphonso set the fine at ten livres tournois and let the informer keep the Jew's upper robe that should have had the Badge. The money fine varied with the will and the financial needs of the prince (Robert, pp. 31 ff. and 71-72). Solomon ibn Verga probably exaggerated when he spoke of death as a punishment (*Shevet Jehuda*, p. 114), but enslavement for the third offense is mentioned in Portugal (Robert, pp. 71-72). Alphonso of Poitiers and Philip the Fair were more interested in the income than in the Jews' wearing the Badge, and they did not enforce it if the Jews paid (Vuitry, p. 329 note; Saige, p. 220). During the time of Louis, the income from it was still slight, but his successors put the Badge on sale by the local bailiffs, or farmed it out. The Jew not only had to wear the Badge, but also pay for it (*REJ*, XV (1887), 236-237; Brussel, p. 600; Robert, p. 48). In Sicily, 1221, Frederick II set the punishment as confiscation of property or branding on the forehead (Straus, p. 104).

¹²⁸ The decrees of Theodosius II, in 423 and 439, made the erection of a new synagogue punishable by a heavy fine (cf. Dubnow, III, 237). This was incorporated into the Decretals of Gregory IX, where are cited the similar pronouncements of Gregory VII (Lib. II, tit. 28, ch. VII and XXIX), and the letter of Alexander III to the Archbishop of Bourges (Jaffé, 9331). The paucity of Christian legislation to this effect may indicate that the Jews throughout the first millennium of the Common Era were careful in this respect.

local church, or were not too close to it.¹²⁹ Thus, while denying the title of the Jews to the land upon which it was built, the Pope had no objection to the synagogue at Regensburg.¹³⁰

Under the protection of the civil authorities the Jews sometimes did not hesitate to indulge themselves in the custom of the age to erect beautiful houses of worship, an act particularly offensive to the local clergy. They objected to the synagogue at Bourges, and received the Pope's permission to have it destroyed.¹³¹ They were angry at the permission that the Jews received to erect the famous beautiful synagogue at Cordova, and going over the head of the Archbishop, got the Pope to side with them.¹³² In England too, it was the conciliar decrees that forbade the erection of new synagogues.¹³³

Another manner in which manifestations of Judaism were repressed was to prohibit the Jews from exercising their traditional mode of worship to pray in a loud voice.¹³⁴

As might be expected in an age of faith, the confiscation of a synagogue and its conversion into a church, was greeted with enthusiasm by Christians and with corresponding sorrow by Jews.¹³⁵ The latter had to rely upon their personal, or perhaps financial, influence with the civil powers, in order to maintain their rights.¹³⁶

¹²⁹ Nos. 14, 50, 123.

¹³⁰ No. 57.

¹³¹ No. 50, with a warning to the civil authorities who interfere with the destruction.

¹³² See note to No. 123.

¹³³ Nos. XVI, XXXVI; cf. the royal ordinance in England, 1253, that no synagogues should be erected except on spots assigned for that purpose under King John (*Feodora*, I, p. 293). For a similar situation in the lands along the Rhine see Zimmels, pp. 13, 82. Cf. Fita, *Actas ineditas*, pp. 211-220; and Scherer, pp. 226-7.

¹³⁴ No. 14; also in the English edict of 1253 (l. c.), and in the edict of Philip the Fair in 1283, in which he repeats the usual anti-Jewish legislation: "ne instituant seu construant nova cimiteria, novas sinagogas, vel veteres meliorent, nec alta voce decantent et ubi inventum fuerit contrarium corrigatur." (Doat, XXXVII, fol. 197 vo.) and likewise in 1299 (*ibid.*, 246 vo.). These laws are generally prohibitive of singing in a loud voice, but from the prohibition of Gregory VII (Scherer, p. 52 note 2), and from the statement of Innocent III (No. 14), it would seem that the Jews had to lower their voice only if the synagogue was in the vicinity of a Church. In 589 the Council of Narbonne had forbidden the Jews to sing psalms at a funeral procession; "Judeis non liceat corpus defuncti deducere psallendo." (De Aguirre, I, p. 727.)

¹³⁵ No. 13 and notes.

¹³⁶ Thus Philip IV to the Seneschal of Carcassonne in 1287: "Intelleximus quod Judei nostri seneschallie vestre super antiquis cimiteriis et sinagogis ipsis Judeis ab antiquo concessis ab aliquibus vobis subditis indebite molestantur. Unde mandamus vobis quatinus antiquitates eisdem Judeis super predictis concessas ab antiquo servari faciatis prout hactenus existit usitatum. . . ." (Doat, *ibid.*, fol. 204 vo., again some years later fol. 219.) Upon their return in 1315, Louis X returned the former synagogues provided they were not too big, and provided they could buy them back from those who had acquired them in the meantime

E. General Accusations

Aside from the repressive measures already mentioned, the Church, through councils and popes, encouraged other measures which were bound to arouse in the Christian's mind suspicion of Judaism, and countenanced accusations that served to place the Jew in the light of a public enemy.

1. *Meat*: That the attempt of the Jews to maintain religious separateness was looked upon as insulting to Christianity, has already been pointed out.¹³⁷ This attitude was emphasized by Innocent III when he indignantly called attention to the fact that the Jews sold to Christians those parts of the slaughtered animal which they could not eat.¹³⁸ It is this attitude which led to the prohibition by several Church-Councils for the Jews to sell their meat in the public market.¹³⁹ A Christian

(*Ordonance*, I, p. 596). In 1267 the Jews of Barcelona had to ask royal permission to increase the size and the height of the synagogue (Bofarull, p. 71 no. 61). This was incorporated as a rule in the *Siete Partidas* (VII, 24, IV).

¹³⁷ Note 87.

¹³⁸ No. 24: "Scandalum quoque per eos in Ecclesia Christi non modicum generatur quod cum ipsi carnibus animalium, que mactant fideles, vesci abhorreant ut immundis, istud obtinent principum ex favore quod mactanda carnifices animalia tradunt illis, qui ea ritu Judaico laniantes, ex ipsis accipiunt quanto volunt, relicto residuo Christianis." Jewish religious law forbids the Jew to eat of any meat not slaughtered in the prescribed manner by a very sharp knife, the hind part of any animal (Gen. 32, vs. 33), or any animal which, though properly slaughtered, is found to be in any way internally irregular. Resentment of this fact, that Jews sold to Christians meat which they found undesirable, was expressed by Agobard in his *Insolentia Judeorum* (Migne, 104). From that time on the superstition became current that before selling meat, the Jews have their children urinate on it (see note to No. IV).

¹³⁹ Nos. XVIII, XXXVII, XLI. Buying meat from the Jews was forbidden by the Council of Breslau 1267, on the ground that Jews sought to poison the Christians (cf. M. Braun, *Juden in Schlesien*, p. 12). The constitution of Avignon, in 1243, decreed that meat of an animal slaughtered in the Jewish fashion should be sold only in the Jewish district (*Nouvelle Revue Historique de Droit*, etc., 1877, p. 572). In 1247 St. Louis ordered his Seneschal in Carcassonne ". . . quod non permittatis carnes a Judeis occisas vendi in macellis Christianorum Bitrensium" (*Preuves de l'Histoire de Languedoc*, VIII, p. 1234). Frederick II, in the Constitution granted to Vienna, limited the Jews to the sale of wine, spices, and medicine (Carlbach, p. 42). Henry, Duke of Bavaria, issued an edict in 1256, of which paragraph 12 reads, "Statuimus quod leprose et scorfine carnes solum VII pedibus a macello vendentur, et cum illis carnes Judeorum" (*MGH, Legum*, Sec. IV, vol. 2, p. 603). James I of Aragon did grant the Jews the right to sell foodstuff to Christians in Barcelona, but Jewishly slaughtered meat had to be sold in Jewish streets only (Bofarull, p. 75, no. 69). To the Jews of Mallorca, however, he granted, in 1273, the right to slaughter and prepare animals for Jewish use, in the Christian market-place. In effect this must have been practically permission to sell meat to Christians (*Boletin*, XXXVI, p. 27, no. 10). Most in the spirit of the Pope's objection is another regulation of the Republic of Avignon, where Jews are forbidden to touch any bread or fruit offered up for sale, unless

who wanted to buy meat from a Jew would thus have to go to the home of the Jew.

2. *Wine*: Similar resentment was expressed with regard to the wine which Jews sold, namely that they kept the best for themselves and disposed of the rest to be used not only for the private consumption of the individual Christian, but also for the celebration of the Mass. In the latter case it seemed sacrilege to use wine produced by Jews.¹⁴⁰

3. *Milk*: Innocent III repeated the current accusation that the milk which Jews sold for the nursing of Christian children, was that which nursing Jewish mothers did not use for their own children.¹⁴¹

4. *Christian Nurses*: The same pope stated it as his belief that the Jews refused to permit the Christian nurses of their children to nurse the infants for three days after these nurses had partaken of the wafer and the wine in the celebration of the Mass, but that during these days the nurses had to spill their milk into a latrine.¹⁴²

5. *Desecration of the Host*: The suspicion that the Jews sneered at the Host, which resulted in the order that Jews keep off the streets when it was being carried by the priest, and that they be not permitted to enter a church,¹⁴³ culminated in the belief that the Jews took delight in stealing wafers in order to make sport of them.¹⁴⁴

6. *Magic*: One reason for stealing holy wafers was their use in the practice of magic. Christians as well as Jews were accused of that.¹⁴⁵

the Jews are ready to buy it. "Item statuimus quod Judei vel meretrices non audeant tangere manu panem vel fructus qui exponuntur venales, quod si fecerint tunc emere illud quod tetegerint teneantur" (*Nouvelle Revue*, I. c., p. 599).

¹⁴⁰ No. 24. For the use of the residue of the grape cf. no. IV and note. The Jews paid for the privilege of making wine (Lazard, *REJ*, XV (1887), 235). That is probably why the Pope complains about this to the Count of Nevers. It may also explain why Frederick II specifically granted them the right to sell wine to Christians (see above, also Höniger, pp. 136-143).

¹⁴¹ No. 24: ". . . iis similia Judeis mulierculis facientibus de lacte quod publice venditur pro parvulis nutriendis." Cf. Depping, *Juden in Mittelalter*, Stuttgart, 1834, p. 142.

¹⁴² No. 18.

¹⁴³ Above p. 34.

¹⁴⁴ No. 29. For the numerous persecutions occasioned by this accusation see Dubnow, V, passim. If the Jews believed in the transubstantiation of the wafer they were better Christians than Abelard, if they did not believe it, the accusation was ridiculous; but logic played no part in this.

¹⁴⁵ No. XXXII. The theory of Magic was that by use of a sacred object the powers of darkness might be forced to do the will of the magician, and in this case, where the Jew was the magician, perhaps even upon Christendom. The use of objects representing someone, or which at one time were a part of someone, in order to bring pain or misfortune upon that person, was also laid at the door of the Jews. On this basis, Rigg (*Select Pleas*, p. 136, "Pannus sanguinolentus") explains the prohibition to take as pledge a bloody garment. The *Siete Partidas* (VII, sec. 24, ley II) contain the prohibition for Jews to make waxen images of the crucifixion.

The belief in magic was common during the Middle Ages, among Jews as well

In England and in France the people were particularly warned not to consult Jewish fortune tellers.¹⁴⁶

7. *Physicians*: A frequent warning issued to Christians by Church councils, was against the use of Jewish physicians. This warning was not given on the ground that contact with a Jew might be the cause for sympathy for Judaism, but rather on the ground that a Jewish physician was likely to poison his patient.¹⁴⁷

as among Christians. For the extent to which Jews believed in the existence of magic cf. *REJ*, XI (1885), 201-5, and XLV (1902), 44, also Güdemann's *Frankreich u. Deutschland*, pp. 199-227; Berliner, *Aus dem Leben*, etc., pp. 23-5. But the best minds among the Jews tried to discourage this belief (cf. Maimonides, *Mishneh Torah*, *Akum*, ch. 11). While, however, it cannot be doubted that Jews sometimes practiced it, the identification of Jews with magicians was due to several causes. (1) The assumption that Hebrew was the language best understood by spirits both good and evil (Goldzieher, *ZMG*, vol. 48 (1894), p. 359; Schwab, *REJ*, XLVI (1903), 148-151. (2) The fact that the Jews were usually learned, especially in medicine and in astrology. (3) The legends current about ancient Jewish heroes, especially about Solomon and his ring. (4) The strange customs of the Jews, for which the common people could find no plausible explanation (*REJ*, III (1881), 9), and (5) most important of all, the inevitable connection in the popular mind, between those who are supposed to have executed Him Who came to redeem the world, and the Devil who does not want it redeemed (*REJ*, XLVI (1903), 237-245). Examples of the troubles that this popular superstition brought upon the Jews are the attack upon the Jews of London at the time of the coronation of Richard when the Jews who watched the proceedings were accused of wanting to bewitch the King (Jacobs, p. 100 and note), and the accusation of 1321 that the Jews poisoned the wells by throwing some powder into the water and uttering strange prayers at the same time (*Shevet Jehudah*, p. 47). Cf. Berliner, *Aus dem Leben*, etc., pp. 102 ff.

¹⁴⁶ Nos. XXXLV and XLII. The reference in these two cases is probably to the practice of astrology as well as magic. The future used to be predicted by means of the interpretation of dreams, or by means of testing through small occurrences (cf. Maimonides, *Mishneh Torah*, *Akum*, Ch. 1, par. 4). The prohibition to consult Jews could not have been due to disbelief in astrology or dream-interpretation; it was another instance of separating the Jews from the Christian's life.

¹⁴⁷ Nos. XIX, XXXVII, XLI. Unsuccessful Jewish physicians laid themselves open to serious consequences. In Bohemia, in 1161, eighty-six Jews were burned because of the charge of having poisoned their patients (Bondy, I, no. 14). At the end of the Thirteenth Century Philip the Fair ordered the Bailiff of Rouen to imprison and confiscate the property of Jewish physicians who had given a potion to patients who afterwards died (Langlois in *Notices et Extraits*, vol. 34, p. 19). In 1271 the Medical Faculty of Paris issued the following: "... ne quis aliquis Judeus vel Judea in aliquam personam fidei catholice cyrurgice seu medicinaliter operari presumat" (Denifle, *Chart. Univ. Par.*, I, p. 489). To the same effect article 69 of the Council of Avignon in 1337 (Carranza, III, p. 362), and the edict of King John of France on December 27, 1362 (Brussel, p. 624), and the *Siete Partidas* (VII, sec. 24, ley VIII), where the point is made that a Christian may take the medicine prescribed by a Jew only if a Christian physician is acquainted with the contents. The *Shevet Jehudah* (p. 88) says the following: "In the days of Don Juan the son of King Henry (*Statutes of Valladolid*, July 17, 1412; cf. Baer, *Studien*, p. 35, note 2) . . . severe restrictions were imposed upon those who survived the persecutions, that they should not trade publicly, and that they should not sell food products to Christians, for they were accused

8. *Murder*: The charge of outright murder was also made by Innocent III, who, from the one case which he cited, generalized that the Jews were ever ready to kill all the Christians.¹⁴⁸

9. *Theft*: The same Pope pronounced the Jews thieves and the associates of thieves.¹⁴⁹

10. *Kidnapping*: Gregory IX accused the Jews of kidnapping Christian children and selling them into slavery.¹⁵⁰

11. *General Accusation*: There is to be found, besides the above, the general statement that the Jews were plotting against Christianity, and commit "many enormities" which seemed to be too numerous to mention.¹⁵¹

of putting poison into the preparations and food, and it was decreed that there should not be among them a blood-letter, nor a physician, except a physician to the king. . . ."

The last phrase, non-existent in the original decree, indicates the frequency with which the nobility went counter to the prohibition. Popes and kings usually employed Jewish physicians. Cf. Nos. 41, 42, 43; *REJ*, XVII (1888), 258 ff.; LXVI (1913), 80; LXI (1911), 37, no. 430; LVII (1909), 268. Even the brother of Louis IX, Alphonso of Poitiers, the most anti-Jewish prince of the time, pleaded for the aid of a Jewish physician to save him from blindness (Graetz, VII, 114; Saige, p. 23; Appendix D). On Jewish physicians in the Middle Ages see Rodocanachi, pp. 171-3; Carmoly, *Hist. des Medecins Juifs*, Bruxelles, 1842; Münz, *Die jüdische Ärzte in Mittelalter*, Frankfurt a/M, 1922.

¹⁴⁸ No. 14: "... hospites suos male cum opportunitate captata, Christianos occidunt, sicut nuper dicitur accidisse cum quidam pauper scholaris in eorum latrina mortuus est repertus." During the Thirteenth Century a leper published a poem in which he accused the Jews of having introduced the disease into Europe (Michel, I, p. 257). The accusation of 1321 is another proof of the spread of this belief that the Jews were anxious to kill all the Christians (B. N. Fond Baluze, 212, fol. 123 vo.; Brussel, I, p. 623).

¹⁴⁹ No. 14: "Patent quoque usque ad noctem dimidium ostia Judeorum, nec si quid furto sublatum inventum fuerit apud eos, quisquam de illis potest justitiam obtinere." Obviously the easiest way for a thief, or a murderer, to get rid of the clothes or the objects stolen, was to pawn them with a Jew. The loss to the Jew would thus be incalculable. The ways out of this difficulty were for the Jew not to receive anything in pledge for a loan unless in the presence of witnesses (Bouquet, XV, p. 642; *Ordonances*, I, p. 36), or for the Jew to take an oath that he had received these objects in good faith, and not knowing that they had been stolen (thus Frederick II to Vienna, H-B, V, pt. 1, p. 221; Premysl-Ottakar in 1254, Bondy, I, p. 19 §2, 3, 6, 7; the *Sachsenspiegel*, Aronius, no. 458 §4; Duke Frederick of Austria in 1244, Aronius, no. 547; Gaillard, *Charte inédite*), or for the Jew to be forbidden to receive certain objects such as a bloody garment, a wet garment, and anything belonging to a church, a prohibition found everywhere, and adopted also by the Jews (*Recueil des anciennes lois françaises*, I, p. 215; Würfel, *Hist. Nachrichten*, etc., p. 28; Dubnow, IV, 326 f.; Caro, I, 438 f.).

¹⁵⁰ No. 99. Cf. Scherer, p. 227.

¹⁵¹ Nos. XVI; 18, 69: "Like a mouse in one's lap, a snake around his loins, a fire in his bosom."

CHAPTER VIII

The Extent of Papal Protection

Frequently the popes also defended the Jews. The supreme position which the Papal Court occupied in the Thirteenth Century made the Jews turn there for protection whenever the local powers were unable or unwilling to protect them.

A. *The Constitutio pro Judeis*

Pope Calixtus II¹ (1119-1124) was the first to issue this Bull, perhaps as a result of the suffering that the Jews had undergone at the hands of the crusading armies. It was repeated by Eugene III (1145-1153) immediately after the anti-Jewish upheavals connected with the Second Crusade, and again by Alexander III² (1159-1181) as well as by Clement III (1187-1191) and Coelestine III (1191-1198). But as against these five times during the entire Twelfth Century, the same Bull was issued five times during the years 1199 to 1250. The Jews asked for it in connection with the ascension of a new pope, or as a result of their great need for protection.³

The fact that the popes repeated this formula would seem to indicate that they saw in it an expression of the correct attitude toward the Jews;⁴ and therefore its contents assume significance.⁵ It begins with

¹ Aronius, no. 313a; Migne, 200, col. 1339, no. 243.

² *Ibid.*, no. 334. Nothing but the mention of them in the analogous Bull of their successors indicates that the others also issued this Bull.

³ It was issued by Innocent III on September 15, 1199 (No. 5), soon after his accession, and was requested by the Jews possibly in anticipation of the Fourth Crusade which the Pope had begun to organize (No. 1); by Honorius III on May 17, 1217 (No. 35), immediately after his accession; by Gregory IX on May 3, 1235 (No. 81), also in connection with preparations for a crusade (Nos. 80, 87); by Innocent IV (No. 111) again in connection with a serious persecution (No. 110), and repeated by the same Pope (No. 118) in connection with a ritual-murder case (Nos. 113, 114). The Jews would take this, or any other Bull of Protection received from the Pope, and have it confirmed by the local religious authority, and re-issued under the authority of the civil powers if these were willing to do so. This is seen from the superscription cited by Loeb (*REJ*, I (1880), 116) with regard to the *Constitutio* received by the Jews of Pampelona from Nicholas III in 1278, and from the re-issuance of the *Constitutio* by Ottakar II of Bohemia on March 29, 1254 (No. 118 note). Cf. Caro, I, 288-9; Scherer, p. 35.

⁴ The repetition of this Bull by each of these popes is explained by Regné, *Juifs de Narbonne*, Paris, 1912, p. 30 and note, on the basis of the inability of

the statement that if no new privileges are to be granted to the Jews, they should not suffer restrictions in the rights already theirs.⁶ It then proceeds to enumerate the hardships from which the Jews should be free, namely, attacks upon their life, forcible baptism, interference with their religious worship, desecration of their cemeteries.⁷ Lastly it limits the application of papal protection to such Jews as do not "plot against the Christian Faith."

In effect, therefore, all that this Bull of Protection sought to guarantee to the Jews was life and religious observance.⁸ Significantly, Inno-

the Middle Ages to see the State as a living being quite apart from the life of its ruler. Therefore, since the Feudal System was a personal relationship, the oath of fealty had to be renewed in the case of every successor. Thus also churches and abbeys had their privileges re-affirmed by every incumbent of the Papal Throne. The Jews, it follows, were in the same case. With regard to the working out of this principle in the relations between the Jews and the princes, see Stobbe, pp. 14 f. In the case of the Church and the Jews, however, another factor must be considered. There being no united Jewish People, communities individually turned to the Pope as their need for protection developed. There is no basis for believing that they asked specifically for this "Constitutio," but it is this which the Pope granted, sometimes even more than once during the course of his pontificate, and sometimes not at all.

⁵ Included also in the Decretals of Gregory, Lib. V, tit. VI, ch. IX.

⁶ "Sicut Judeis non debet esse licentia in synagogis suis, ultra quam permissum est lege presumere, ita in his que eis concessa sunt nullum debet prejudicium sustinere. . . ." Illustrative of the same appeal to traditional rights is the following grant of the Inquisitor of Pamiers to the Jews of his jurisdiction in 1297: "Universitati vestre tenore presentium duximus concedendum ut possitis vivere, esse, et conversari secundum modum et usitationem tollerabilem, sicut in Narbonensi provincia Judei communiter conversari et vivere permittuntur; non enim intendimus vobis facere aliquas graves et insolitas novitates" (B. N. Fond Doat, vol. XXXVII, fol. 160 ro.).

⁷ Definitions of the status of the Jews in Spain and Germany generally contained similar guarantees. Cf. *Las Siete Partidas*, Part. VII, tit. 24, ley IV and V; the Golden Bull of Frederick II in Höniger's analysis in Geiger's *Zeitschrift*, I, pp. 136-143; the Privilege of Duke Frederick of Austria in 1244, Aronius, no. 547; the Privilege of Premysl-Ottakar II in 1254, Bondy, p. 20, sections 13, 14, 15; in all these the cemeteries received special mention. See also Stobbe, pp. 169, 146; Regné, in *REJ*, 60 (1910), no. 46; *Boletín*, vol. 36, p. 20, no. 3; Aronius, no. 590; Lindo, p. 77; Scherer, pp. 225-226; Fita in *Actas ineditas*, pp. 221-31.

⁸ The view of the theologians of the time coincided with this statement. Thomas Aquinas in defining the status of the Jews under Christian princes, says that it is that of "civil enslavement," which means that they are not to be excluded from divine and natural rights (non excludit ordinem naturalis vel divini—*Summa*, *Questio LXVIII*, art. X). Alexander von Halles gave it as his opinion that violence must not be tolerated against them, and that Christian lands must not be closed to them, but that their books should be burned and they should be punished for blaspheming (Guttman, *Die Scholastic*, etc., pp. 34 ff.). Oldradus, while saying that they had a right to life and religion, adds that they must be driven out of a land when they become a danger to the soul of Christians (Bardinet in *Revue Historique*, vol. XII, 1880, pp. 33 ff.). Peter the Venerable, Abbot of Cluny, in a letter to Louis VII, objected to massacring the Jews, but granted that they might be persecuted and robbed of everything. ". . . Reservetur

cent III prefaced his Edict with the statement of the theological reason, that the Jews are not to be killed, even though their perfidy merits it, because they are the guardians of the Law of God.⁹ Nor did the first clause of the regular Bull, which seemed to guarantee to the Jews the maintenance of their existing privileges, actually mean any more. In the first place, the rest of the Bull went on to explain that this applied only to the matters mentioned.¹⁰ Secondly, taken in connection with the last statement of the Bull, one could justify any new restriction on the ground that without it Christianity laid itself open to the plotting of the Jews.¹¹ It is no wonder, therefore, that the Jews were not satisfied with the protection afforded them by the Constitutio, but in case of real crises during the Thirteenth Century, begged for a more specific and stronger statement.

B. Protection against Crusaders

The length of time that elapsed between the call to a crusade and the departure for it did much to endanger the Jewish population,¹² since the holy zeal aroused had to express itself somehow. All too frequently the local authorities could not, or would not, take measures to control the crusaders. Moreover, as soon as a man took the Cross he was under the jurisdiction and protection of the Church. Hoping, therefore, to encourage the civil and religious authorities to come to their aid, the Jews would turn to the Pope, and ask for an expression on his part to the effect that attacking Jews was not the business of a crusader. Innocent III issued one such edict, urging the prelates of France to prevent excesses of this nature.¹³ The greatest suffering from the crusaders during this period was felt by the Jews during the year 1236. Gregory IX was horrified by it, and was

eis vita, auferatur pecunia, ut per dextras Christianorum, adjutas pecuniis blasphemantium Judeorum, expugnetur infidelium audacia Saracenorum . . ." (Migne, 189, col. 368).

⁹ Cf. Graetz, VII, 5; Dubnow, V, 15-16.

¹⁰ Compare with that the statement of the Council of Oxford (1222), "and since beyond the decrees of the law, we need show them no favor. . ." which evidently means that any restrictions might be imposed upon them unless it was specifically forbidden.

¹¹ The Jews being looked upon as public enemies (No. 24), every restriction imposed upon them was justified on that ground.

¹² The crusading spirit having fallen rather low during the Thirteenth Century, it took longer to organize an army. Innocent III began to organize the IV Crusade in 1198, but it did not get started till 1202. Frederick II took the Cross in 1215, and after numerous postponements did not actually get started till 1228. The chief troubles, however, did not come from crusading armies properly organized and led, but rather from the fact that the crusade was preached without stop, and people could take the cross at any time and wait till a leader appeared and made an army of them.

¹³ No. 32.

even moved to call the attacks upon the Jews "crimes in the name of virtue." He addressed the prelates and the King, and ordered that ecclesiastical protection be denied to crusaders guilty of these excesses, and that the king force them to return the property of which the crusaders had robbed their victims.¹⁴ At the same time a provincial synod at Tours expressed itself to the same effect, motivating its prohibition to kill the Jews with the explanation that God does not want the death of the sinner.¹⁵ That all this was comparatively useless is evident from the fact that some three years later the Duke of Brittany, where much of the rioting had taken place, was prevailed upon by the clergy to expel the Jews from his duchy, and promise not to prosecute anyone guilty of the murder of a Jew.¹⁶

C. Protection against the Ritual-Murder Charge

Another instance of the Jews turning for special protection to the Pope, was in the case of the charge of ritual-murder, which was becoming more frequent during the Thirteenth Century.¹⁷ Clearly Innocent IV recognized that the underlying motive for the charge was not Christian zeal, but the greed for Jewish property on the part of nobles and prelates.¹⁸ There was no one to assure the Jews an honest investigation, let alone a fair trial.¹⁹ Torture, burning at the stake, forcible baptism of their children, and exile, were the results for the Jews because the accusation afforded an opportunity for legitimized rob-

¹⁴ Nos. 87, 88. The Jews were not the only ones to suffer at the hands of the crusaders. While preparations for St. Louis' first Crusade were in progress, the awaiting crusaders were guilty of such disorder and crime that Innocent IV was impelled to write to his legate, Odo of Chateauroux, to abandon them to secular punishment (Haureau in *Notices et Extraits*, XXIV, 2, p. 209). Cf. Graetz, VI, note 5, pp. 424 ff. for further references.

¹⁵ No. XXXI.

¹⁶ Note to No. 87 and Appendix C; cf. Brunschweig in *REJ*, XIV (1887), 83-84.

¹⁷ A collection of such cases is to be found in *Memoires des Antiquaires de France* by Francisque Michel, X, pp. 358-392; and in *Das Blut* by Hermann L. Strack, Munich, 1900, where (pp. 135-141) it may be observed that the number of such cases increased rather than diminished as the Thirteenth Century wore on. Papal protection hereinafter described would seem to have been completely ineffective.

¹⁸ No. 113: ". . . Christianorum est aut illaudabilis zelus aut detestanda crudelitas qui, rerum cupidi vel avidi sanguinis eorum. . ."

¹⁹ In 1235 when such accusations were made, the Jews did find defenders. Frederick II, his avid curiosity piqued by such a story that caused much trouble to the Jews of Fulda (Graetz, VII, 99 f.; Dubnow, V, 159 f.; Stobbe, p. 184; Caro, I, pp. 410-412), actually set up a commission of experts, i. e. apostate Jews, who reported that the accusation had no basis. Frederick's Golden Bull therefore contained an express prohibition against accusing the Jews of the crime (cf. Aronius, nos. 474, 497; Höniger, pp. 136-143; Salfeld's *Quellen*, III, p. 122). Similarly in 1236 a case, though not exactly of ritual murder, occurred in Narbonne, where the Count saved the Jews, who thereupon established a special Purim on Adar 21 (cf. Regné, *Juifs de Narbonne*, pp. 69-70; *REJ*, XXXII (1896), pp. 129-130).

bery. It was so successful a method that, as the Pope said, "no matter where a dead body is found, their persecutors throw it among" the Jews.²⁰ The charge spread by the Christians, prelates among them, was not only of the use of Christian blood, but of sharing the heart of a Christian child.²¹

Finding protection nowhere else, the Jews came to the Pope and described their suffering to him. On two occasions Innocent IV issued special bulls against the persecution of the Jews on this charge.²² But the Jews were evidently not satisfied with these denials addressed to specific localities and instances, and in order permanently to give the lie to this accusation, they had the Pope attach a special paragraph about it to the *Constitutio*.²³

D. Protection Against Nobility and Burghers

When the natural hatred of the borrower for the lender caused an uprising against the Jews on the part of the populace, the nobility usually came to their defense. But when the nobles themselves were heavily in debt, and especially when the king too was on their side, the Jews found themselves at the mercy of all the ingenious barbarism of the Middle Ages. Such was the case in France in 1233, and in the lands of the King of Navarre in 1247 and 1248.²⁴ In these cases the Jews again turned to the Pope. The description of the suffering they were subjected to, moved both Gregory and Innocent IV.²⁵ Letters were

²⁰ No. 116: ". . . ac eis malitiose objiciunt hominis cadaver mortui si contigerit illud alicubi reperiri."

²¹ Ibid. ". . . Falso imponunt eisdem quod in ipsa solemnitate se corde pueri communicant interfecit. . ." Cf. *Shevet Jehuda*, no. 62, "Some made the accusation that in the house of a Jew, they had found a murdered child, whose body was cut open at the heart; and they further said that the Jews had taken out the heart to celebrate with it. . ."

²² Nos. 113, 114, 116.

²³ No. 118. This was republished by Premysl-Ottakar II in 1254 (Bondy, I, p. 21) with the warning that such cases must be investigated, and that if found groundless the accusing Christian is to suffer the fate he had intended for the Jews. Later popes repeated the defense of the Jews. Thus Gregory X on July 7, 1274, which was in turn republished by Rudolph of Hapsburg (Scherer, p. 39). For later popes who expressed themselves on the subject see Reinach in *REJ*, XXV (1892), pp. 174-5; Stern, *Die Päpstlichen Bullen über die Blutbeschuldigung*, Munich, 1900; Erlen in Vering's *Archiv*, vol. 50, who believes the charge, as he believes everything else ever said against Jews; however, he gives the references on the subject. Less logical than Frederick II, who investigated the matter saying that if the Jews were found guilty he could not tolerate them in his dominions, Alphonso X of Castile included in his *Siete Partidas* (VII, tit. 24, ley II), a statement fixing death for crucifying children.

²⁴ Nos. 70, 115, 117.

²⁵ "Unless they pay them what they ask, they tear their finger-nails and extract their teeth, and inflict upon them other kinds of inhuman torments. . ." (No. 70); cf. Scherer, pp. 223-5.

dispatched to the prelates of France in the one case, and in the other to the King of Navarre, the Count of Champagne, calling upon them to take the Jews under their wing.

Still another element in the status of the Jews laid them open to attack, namely their identification with the particular prince in whose territory they lived. While occasionally they made common cause with their Christian neighbors,²⁶ usually they were on the side of the prince who in practice owned them and was their protector. When, therefore, the prince was disliked by the subjects, it was on the Jews that they vented their rage. Such was the situation in Würzburg in 1253.²⁷ Their protection by the hated bishop endangered them. Again they turned to the Pope, and he ratified the decree of protection which the bishop had given them.

In a sense the prohibition for the Jews to show themselves on the streets whenever a holy procession was in progress, or during the Easter holiday, was a protection for the Jews, since it kept them out of harm's way at a time when the passions of the populace were aroused.²⁸ Essentially, however, that was not the reason for this prohibition, even though it may have been the effect.

E. The Failure of Papal Protection

Thus, it seems undeniable that the popes tried to protect the Jews; nor can it be doubted that their efforts met with some success. It is not difficult to imagine what the fate of the Jews would have been had not the popes made it a part of Church policy to guarantee the Jews life, and rights of religious observance. No doubt some of the prelates and civil authorities were impressed with the limitations placed upon the religious zeal of the crusaders, and by the papal denial of the ritual-murder accusation. It is, however, equally undeniable that papal protection fell far short of even its limited goal. New crusading movements continued to produce attacks upon Jewish life; ritual blood accusations were frequent all through the subsequent centuries. Even the fundamental guarantee of life met with the response of expulsion either into foreign lands or eventually into the ghetto.²⁹

The reasons for this failure inhered in the policy of the Church. It seemed illogical on the one hand to brand the Jews as enemies of Christians and the Christian God, and on the other to protect them because of some fine theological reasons. Besides, the popes

²⁶ Nos. 52, 56.

²⁷ No. 132 and note.

²⁸ Nos. XVIII and XXXVII. The prohibition originated in the Sixth Century. Moreover, its very basis was the supposition that the Jews were incurable blasphemers.

²⁹ Cf. No. 131. For an enumeration of persecutions see Stobbe, pp. 280-3.

really made no efforts to enforce the protection they promised. The letters they sent in defense of the Jews usually end with a plea, those they sent against the Jews end with a threat.³⁰ In their attempt to hold together the heterogeneous elements over which the Papacy tried to make itself supreme, the popes met with more immediately serious problems, and had their authority flouted in matters of greater moment than the problem of Jewish persecution and their authority in matters of Jewish rights. In defending Christianity and establishing the superiority of Christians, the popes were naturally far more zealous than in defending a group which stood out in denial of the very bases of Christianity, and who had no more real claim than the rights of human beings.

³⁰ Compare ". . . that you make every effort to warn all the faithful Christians . . . and to induce them not to harm the Jews in their persons . . ." (No. 70), with the expressed threats of excommunication in other matters.

CHAPTER IX

Conclusion

By the middle of the Thirteenth Century the Jews were well on their way to the complete exclusion from Christian Society which eventually overtook them. Conceivably the same fate would have befallen them had not the organized Church bent its efforts in that direction. There certainly were other, non-religious, factors in the process,—principally racial and economic ones. The Jews persistently refused to mingle their blood with that of their gentile neighbors at a time when racial intermingling was laying the foundations of the modern national state. The new economic order, which followed the age of the crusades, made the Jews dispensable. But the fact is that, by their defiance of the Conquering Cross, the Jews had from the start incurred the bitter hostility of a powerful and ambitious hierarchy, which thereupon developed a philosophy of exclusion for the Jew. The individual elements of that philosophy had existed in the legislation of Theodosius and Justinian; they took more definite shape under the latter Visigothic kings and in the trenchant writings of Agobard. By the end of the Twelfth Century they began to be applied.

The powerful position of the Church in the first half of the Thirteenth Century, made the western world cognizant of its unity under the Catholic Church. In this unity the Jews found no place, in fact they seemed a source of danger to it. Innocent III thereupon gave them a place outside of Christian Society, marking their exclusion by means of the Badge. Relentlessly he and his successors drove them into the place assigned them. It was a policy which eminently fitted in with the other political and economic conditions, and was therefore enthusiastically adopted and carried to its logical conclusion.

PART II

NOTE TO THE DOCUMENTS

1. In all these letters the formula of the salutation has been abbreviated to the bare name and address of the person or persons for whom the letter was meant. Before Innocent III this formula had varied, but by the end of the Twelfth Century it became established so that it always began with the name of the sender—e. g. "Innocentius episcopus, servus servorum Dei"; then followed the name and address of the person to whom the letter was being sent, and finally came the words "Salutem et apostolicam benedictionem." The central portion of the formula varied in accordance with the position of the addressee; Kings were called "Carissimus in Christo filius, illustris rex etc.", other nobles "nobilis vir", while each person in the ecclesiastical hierarchy had a salutation appropriate to his office. Bishops were designated as "Venerabilis frater", lower clerics as "dilectus filius." With regard to Jews, see notes to Letters Nos. 5 and 41.

2. The date of the ordinary Papal Correspondence included the year of the pope's reign. This year began with the date of the pope's accession, but the phrase "pontificatus nostri" has been omitted here. Important Bulls contained also the year of the Indiction.

3. At the end of each document will be found a list of references. This list is not meant to be exhaustive; other publications, where these documents are either given or referred to, may be found in Potthast's *Regesta*, and in many cases in Aronius for Jewish works. All that was attempted here was to give a list of those, usually more recent Jewish works, which make more or less significant use of the particular document. From such a list certain old standard works could not be excluded, as for example Graetz or Kayserling. At least one of the references given is to a book where the particular document may be found in full. Where no such work exists, reference is made to the manuscript from which the document was drawn, either the registers of the various popes found in the Vatican Library (referred to as *Register*), or to the various collections in the Bibliothèque Nationale (referred to under the particular *Fond*).

I.

Innocentius III

August 17, 1198

. Narbonnensi archiepiscopo¹ et suffraganeis eius, abbatibus quoque, prioribus, et aliis ecclesiarum prelatibus, comitibus etiam, et baronibus, et universo populo in Narbonen. Provincia constitutis;—

*Post miserabile.*² Bona insuper ipsorum, ex quo crucem susceperint, sub beati Petri et nostra protectione suscipimus nec non et sub archiepiscoporum et omnium prelatorum Ecclesia Dei defensione consistant: statuentes ut donec de ipsorum obitu vel reditu certissime cognoscatur, integra maneant et quieta consistant. Quod si quisquam contra presumpserit per censuram ecclesiasticam appellatione postposita compescatur. Si qui vero proficiscentium illuc ad prestandas usuras juramento tenentur astricti, vos, fratres archiepiscopi et episcopi, per vestras dioeceses creditores eorum, sublato appellationis obstaculo, eadem districtione cogatis ut eos a sacramento penitus absolventes, ab usurarum ulterius exactione desistant. Quod si quisquam creditorum eos ad solutionem coegerit usurarum, eum ad restitutionem earum sublato appellationis obstaculo districtione simili compellatis. Judeos vero ad remittendas ipsis usuras per vos, filii principes, et secularem compelli precipimus potestatem; et donec eas remiserint, ab universis Christi fidelibus, tam in mercimoniis, quam aliis, per excommunicationis sententiam eis jubemus communionem omnimodam denegari.

Datum Reate, XVIII Kal. Sept., anno primo.

(In eundem modum scriptum est Lugdunen. et Vienen. archiepiscopis abbatibus quoque, prioribus, et aliis Ecclesiarum prelatibus, comitibus et baronibus et universo populo in utraque provincia constitutis. In eundem modum universis de Regno Francie, Anglie, Hungarie, et Sicilie)

(POTTHAST, NO. 347; MIGNE, I, 312, NO. 336; JACOBS, 186).

I.

Innocent III

August 17, 1198

. to the Archbishop of Narbonne¹ and to his suffragans, and also to the Abbots, Priors, and other prelates of the Church, as well as to the Counts and Barons, and all the people of the Province of Narbonne

*Post miserabile.*² Moreover, we take under the protection of St. Peter and of ourselves, as well as of the archbishops, and of all the prelates of the Church of God, the property of these men from the moment they take the Cross. We decree that their property shall remain untouched and undisturbed until the death or the return of the crusader be established for certain. But if anyone dare to act contrary, he shall be restrained through ecclesiastical censure without appeal. If anyone of those about to depart thither be held bound to pay usury, you, brother archbishops and bishops, shall force their creditors in your dioceses, by means of the same measure with no obstacle of appeal, completely to absolve the crusaders from their oath, and to desist from any further exaction of usury. But if any of the creditors should compel them to pay usury, you shall, by similar punishment without appeal, force him to return it. We order that the Jews shall be forced by you, my sons the princes, and by the secular powers, to remit the usury to them; and until they remit it, we order that all intercourse with faithful Christians, whether through commerce or other ways, shall be denied the Jews by means of a sentence of excommunication.

Given at Reate, on the 18th before the Kalends of September, in the first year.

(In the same manner were addressed the Archbishops of Lyons, and Vienne, and also the abbots, priors, and other Church prelates, as well as the counts, barons, and all the people in both Provinces; also the inhabitants of the Kingdoms of France, England, Hungary, and Sicily.)

¹ Berengar II, 1190-1212; Cf. *Gallia Christiana* VI, pp. 58-61.

² Elected in January 1198, Innocent immediately set about preparing another Crusade. The preceding year a large crusading army, mostly German, had gone to Palestine and had made some progress, but news of the death of the Emperor, Henry VI, had quite disorganized them, so that a three-years truce had had to be signed. The letter of which the above is part, begins by reminding the reader of the Christian's duty to save the Holy Land from the hands of the infidel, and then proceeds to describe the lamentable situation of the crusading arms already in Palestine. It grants a remission of sins to those who would take the Cross, and also other privileges of which the above is one.

2.

Innocentius III

December 30, 1198

. Archiepiscopo¹ et capitulo Tyrenensi;

De infidelibus² ad fidem conversis nos consulere voluistis, utrum si ante conversionem suam, secundum legis veteris instituta vel traditiones suas, citra gradus consanguinitatis a canone denotatos coniuncti fuerint, separari debeant post baptismum.³ Super hoc igitur devotioni vestre duximus respondendum quod matrimonium sic ante conversionem contractum, non est post baptismi lavacrum separandum; cum a Judeis Dominus requisitus, si licet uxorem ex qualicunque causa relinquere, (ipsis) responderit: quod deus conjunxit, homo non separet,⁴ per hoc innuens esse matrimonium inter eos.

Datum Laterani, III Kal. Jan., anno primo.

(POTTHAST, NO. 507; MIGNE, I, 475, NO. 514).

3.

Innocentius III

May 1, 1199

. Ferrariensi Episcopo¹

Quanto te magis novimus in canonico jure peritum, tanto fraternitatem tuam amplius in Domino commendamus quod in dubiis questionum articulis ad apostolicam sedem recurris, que disponente Domino cunctorum fidelium mater est et magistra, ut opinio quam in eis quondam habueris, dum alios canonici juris peritiam ediceres, vel corrigatur per sedem apostolicam vel probetur.

Sane tua nobis fraternitas suis litteris intimavit quod altero conjugum ad heresim transeunte, qui relinquitur ad secunda vota transire desiderat et filios procreare, quod utrum possit fieri de jure, per easdem nos duxisti literas consulendos.² Nos igitur consultationi tue de communi fratrum nostrorum consilio respondentes, distinguimus, licet quidam predecessorum nostrorum sensisse aliter videantur, an ex duobus infidelibus alter ad fidem catholicam convertatur, vel ex duobus fidelibus alter labatur in heresim vel decidat in gentilitatis errorem. Si enim alter infidelium conjugum ad fidem catholicam convertatur, altero vel nullo modo vel saltem non absque blasphemia divini nominis, vel ut eum pertrahat ad mortale peccatum, ei cohabitare volente, qui relinquitur ad secunda, si voluerit, vota transibit. Et in hoc casu intelligimus quod dicit Apostolus, "Si infidelis discedit, discedat, frater enim et soror non est servituti subjectus in hujusmodi," et canonem in quo dicitur quod "contumelia creatoris solvit jus matrimonii circa eum qui relinquitur." Si ergo alter fidelium conjugum vel labatur in heresim vel transeat ad gentilitatis errorem, non credimus quod in hoc

2.

Innocent III

December 30, 1198

. to the Archbishop¹ and the Chapter of Tyre

You have sought our advice concerning infidels² converted to the Faith, who before their conversion had been married, in accordance with their (own) ancient laws and traditions, within the grades of consanguinity proscribed by canon law, as to whether such ought to separate after their baptism.³ Concerning this we respond to Your Devotion, that such marriage contracted before conversion is not to be dissolved after the baptism, since when the Lord was asked by the Jews whether it was permitted to put aside one's wife for any cause whatever, He answered them, "Those whom the Lord hath joined together let not man put asunder,"⁴ thus hinting that marriage is binding among them.

Given at the Lateran, on the third before the Kalends January, in the first year.

¹ Archbishop William of Tyre, 1174-1203 (P. B. Gams, *Series Episcoporum*, I, Regensburg, 1873).² It does not follow that the reference here is to Jews. For the 400 Jewish inhabitants of Tyre at this time see L. Lucas, *Geschichte der Stadt Tyre zur Zeit der Kreuzzuge*, Berlin, 1896, pp. 56-57.³ Innocent III's tendency was in the direction of liberalizing the marriage laws. In the IV Lateran he succeeded in limiting the prohibition to four degrees of relationship, instead of the eight within which marriage had been prohibited before his time. (Lucaire, *Le Concil de Latran*, p. 82.) See Introduction, p. 19.⁴ *Matthew*, XIX, vs. 3-6. On the same subject Clement III had, a few years earlier, given the convert the additional privilege of retaining his wife or marrying another as he desires. (Jaffé, *Regesta*, 16595; Migne, 204, cols. 1482, 1493.) Cf. for Jewish view on a similar situation, *Responsa* of Ribash, No. 6.

3.

Innocent III

May 1, 1199

. to the Bishop of Ferrara¹

Just because we know you to be so versed in canon law, the praise in the Lord that we give Your Fraternity is the higher for having turned to the Apostolic Throne in matters of doubt. For thus God ordained it, that it (i.e. the Apostolic Throne) be the mother and teacher of all the faithful. Hence the opinion which you may hold about certain matters should be either corrected or approved by the Apostolic Throne, even though you teach the practice of the canon law to others.

Your Fraternity has inquired of us by letter whether, after one of the parties to a marriage had become a heretic and the other one de-

¹ Ugo, 1190-1210. Under him Innocent III had studied canon law. (Gams, 694)

casu is qui relinquitur, vivente altero possit ad secundas nuptias convolare, licet in hoc casu major appareat contumelia creatoris. Nam etsi matrimonium verum quidem inter infideles existat, non tamen est ratum;³ inter fideles autem verum quidem et ratum existit, quia sacramentum fidei, quod semel est admissum numquam amittitur, sed ratum efficit conjugii sacramentum ut ipsum in conjugibus illo durante, perduret . . . etc.

Datum Laterani, Kal. Maii, anno secundo.

(POTTHAST, NO. 684; MIGNE, III, 1267; *DECRET. GREG. IX*, LIB. IV, TIT. 19, C. VII).

4. Innocentius III

May 20, 1199

. Compostellano Archiepiscopo¹ et Universis Episcopis in Regno Legione Constitutis

*Etsi necesse sit*² . . . unde cum clerici ex his pro majori parte in partibus illis consueverint sustentari, eis subtractis non solum mendicare sed fodere et servire Judeis in Ecclesie et totius Christianitatis opprobrium cogebantur.

Datum Laterani, VII Kal. Jun., anno secundo.

(POTTHAST, NO. 716; MIGNE, I, 612, NO. 75; TEJADA y RAMIRO, III, 297).

¹ Peter Munoz IV.

² The interdict had been laid upon the lands of Alphonso IX of Leon because of his marriage to a cousin. The high prelates sought a mitigation of the ensuing evils. It was not, however, till 1204 that the matter was definitely settled. For the incident see Luchaire, *Les Royautés Vassales du Saint-Siège*, p. 32.

sired to enter upon a second marriage and to have children, it is rightfully permitted him to do so.² We, therefore, with the general advice of our brethren, answer your question by making the following distinction (although some of our predecessors seem to have held a different opinion) between a situation where one of two infidels became converted to the Catholic Faith, and a situation where one of two faithful Catholics lapsed into heresy or fell into pagan error. Thus, if one of the parties to the marriage became converted to Catholicism and the other wishes to cohabit with him (or her), an act impossible without blasphemy to the Divine Name at least to some extent or having as an aim to drag him (her) into mortal sin, then he who remains (a Christian) may, if he wants to, remarry. It is in such a case that we understand the words of the Apostle, "If the unbelieving depart, let him depart; a brother or a sister is not under bondage in this matter," and the canon that says that an insult to the Creator dissolves the marriage bond from him who is left. But if one of a faithful couple either slips into heresy or goes over to the error of Paganism, we do not believe that in such a case the remaining one may marry again as long as the other is alive, in spite of the fact that in this case the insult to the Creator is even greater. For while true marriage does exist among infidels, it is nevertheless, not of a permanent nature;³ whereas among the faithful marriage is both real and permanent, because a sacrament of the Faith, which once admitted never loses its force, makes the marriage sacrament everlastingly binding so that as long as it lasts, marriage lasts between them, etc.

Given at the Lateran, on the Kalends of May, in the second year.

² Baluze, *Epistole Innocentii III*, vol. I, p. 603, applies this letter to the Jews. Cf. Luchaire, *Innocent III: Rome et l'Italie*, p. 250.

³ Since divorce is permitted.

4. Innocent III

May 20, 1199

. to the Archbishop of Compostella¹ and all the bishops of the Kingdom of Leon

*Etsi necesse sit*² . . . since the clergy in those parts are accustomed to find in these gifts their most important means of support, when these gifts are withdrawn, the clergy are forced not only to beg but even to do menial labor and serve the Jews, to the shame of the Church and of all Christendom, it did seem difficult to refuse their petition, etc.

Given at the Lateran, on the eighth before the Kalends of June, in the second year.

5. Innocentius III
September 15, 1199

CONSTITUTIO PRO JUDEIS.¹

Licet perfidia Judeorum² sit multipliciter improbanda, quia tamen per eos fides nostra veraciter comprobatur, non sunt a fidelibus graviter opprimendi, dicente propheta;³ "Ne occideris eos ne quando obliviscantur legis tue," ac si diceretur appertius; ne deleveris omnino Judeos, ne forte Christiani legis tue valeant oblivisci, quam ipsi non intelligentes, in libris suis intelligentibus representant.

Sicut ergo Judeis non debet esse licentia in synagogis suis, ultra quam permissum est lege presumere, ita in his, que eis concessa sunt, nullum debent preiudicium sustinere. Nos ergo, licet in sua magis velint duritia perdurare, quam prophetarum verba, et suarum scripturarum arcana cognoscere, atque ad Christiane fidei et salutis notitiam pervenire, quia tamen defensionem nostram et auxilium postulant, ex Christiane pietatis mansuetudine predecessorum nostrorum felicitis memorie Calixti, Eugenii, Alexandri, Clementis, et Coelestini, Romanorum pontificum vestigiis inherentes,⁴ ipsorum petitionem admittimus, eisque protectionis nostre clypeum indulgemus. Statuimus etiam, ut nullus Christianus invitos vel nolentes, eos ad baptismum per violentiam venire compellat, sed si eorum quilibet sponte ad Christianos, fidei causa confugerit, postquam voluntas eius fuerit patefacta, Christianus absque aliqua efficiatur calumnia. Veram quippe Christianitatis fidem habere non creditur, qui ad Christianorum Baptisma non spontaneus, sed invitatus cognoscitur pervenire. Nullus etiam Christianus eorum personas sine iudicio potestatis terre vulnerare, aut occidere, vel suas illis pecunias auferre presumat, aut bonas, quas hactenus in ea in qua habitant regione habuerint consuetudines immutare. Preterea in festivitatum suarum celebratione quisquam fustibus vel lapidibus eos ullatenus non

¹ The heading—"Constitutio pro Judeis," and the lack of a definite addressee, would seem to indicate that it was given over directly into the hands of the Jews. The pope would not address the Jews, because that would have involved giving them his blessing, since the usual salutation ended with the words: "salutem et apostolicam benedictionem." (Cf. Poole, p. 42.) The successors of Innocent, in giving the same Bull, addressed the Christians.

² "perfidy" is the translation for "perfidia," but the impression is unavoidable that it does not carry altogether the meaning we give it now. It is rather a mixture of "distortion of the faith," and "a deliberate attempt to deny Jesus."

³ Psalm 59, vs. 12.

⁴ Calixtus II, 1119-1124; Eugene III, 1145-1153; Alexander III, date of issue unknown (Jaffe, *Regesta*, no. 13973), but sometime between 1159-1181. Same for Clement III (ibid., 16577) sometime between 1187-1191. Coelestine III, 1191-1198. For this Bull as representative of the entire Christian attitude toward the Jews, see Introduction, pp. 9-10, 76-78.

5. Innocent III
September 15, 1199

AN EDICT IN FAVOR OF THE JEWS¹

Although the Jewish perfidy² is in every way worthy of condemnation, nevertheless, because through them the truth of our own Faith is proved, they are not to be severely oppressed by the faithful. Thus the Prophet says,³ "Thou shalt not kill them, lest at any time they forget thy law," or more clearly stated, thou shalt not destroy the Jews completely, so that the Christians should never by any chance be able to forget Thy Law, which, though they themselves fail to understand it, they display in their book to those who do understand.

Therefore, just as license ought not to be granted the Jews to presume to do in their synagogues more than the law permits them, just so ought they not to suffer curtailment in those (privileges) which have been conceded them. That is why, although they prefer to remain hardened in their obstinacy rather than acknowledge the prophetic words—and the eternal secrets of their own scriptures, that they might thus arrive at the understanding of Christianity and Salvation, nevertheless, in view of the fact that they begged for our protection and our aid, and in accordance with the clemency that Christian piety imposes, we, following in the footsteps of our predecessors of happy memory, the popes Calixtus, Eugene, Alexander, Clement, and Coelestine,⁴ grant their petition and offer them the shield of our protection.

We decree that no Christian shall use violence to force them to be baptized as long as they are unwilling and refuse, but that if anyone of them seeks refuge among the Christians of his own free will and by reason of his faith, (only then,) after his willingness has become quite clear, shall he be made a Christian without subjecting himself to any calumny. For surely none can be believed to possess the true faith of a Christian who is known to have come to Christian baptism not willingly, and even against his wishes.

Moreover, without the judgment of the authority of the land, no Christian shall presume to wound their persons, or kill (them) or rob them of their money, or change the good customs which they have thus far enjoyed in the place where they live. Furthermore, while they celebrate their festivals, no one shall disturb them in any way by means of sticks or stones, nor exact from any of them forced service, except that which they have been accustomed to perform from ancient times. In opposition to the wickedness and avarice of evil men in these matters, we decree that no one shall presume to desecrate or reduce the cemetery of the Jews, or, with the object of extorting money to exhume bodies there buried. If any one, however, after being acquainted with the contents of this decree, should presume to act in defiance

perturbet, neque aliquis ab eis coacta servitia exigat nisi ea, que ipsi preteritis facere temporibus consueverunt; ad hec malorum hominum pravitati et avaritie obviantes decernimus, ut nemo cimiterium Judeorum mutilare vel minuere audeat sive obtentu pecunie corpora humata effodere. Si quis autem, decreti hujus tenore cognito, temere, quod absit, contraire tentaverit, honoris et officii sui periculum patiatur, aut excommunicationis ultione plectatur, nisi presumptionem suam digna satisfactione correxerit. Eos autem dumtaxat hujus protectionis presidio volumus communiri, qui nihil machinari presumpserint in subversionem fidei Christiane.

Datum Laterani, per manum Raynaldi Acheruntini archiepiscopi, cancellarii vicem agentis, XVII Kal. Oct., Indictione II, Incarnationis Dominicæ anno 1199, Pontificatus vero Domini Innocentii pape tertii, anno secundo.

(POTTHAST, NO. 834; MIGNE, I, 864, NO. 302; GRAETZ, VII, 5; DUBNOW, V, 15-16; CASSEL, 77; SINGERMAN, 12-13; STRACK, *DAS BLUT*, 177F.; CARO, I, 289F., 499; SCHERER, 35, 218, 225, 612; NÜBLING, 281; WEYDEN, 108; SCHEID, *HIST. DES JUIFS DE HAGENAU*, 3; REJ, I, (1880), 115 LVIII (1909), 206F.; RODOCANACHI, 131; V. u. R., I, 219, 228-30; BERLINER, *ROM*, I, 2, 33; GÜDEMANN, *ITALIEN*, 87; AMADOR DE LOS RIOS, I, 347-8). *SL. 174*

6. Innocentius III

November 5, 1199

..... Eduensi Episcopo;¹

Ad provisionem P. quondam Judei latoris presentium ad fidem Christi nuper, eodem inspirante, conversi, per litteras apostolicas et mandatum te recolimus invitasse. Sed quod ea penitus obaudieris, ejusdem labor indicat iteratus, sicut decuit non attendens quod personis hujusmodi, ne propter opprobrium paupertatis, quod non consueverunt equanimiter sustinere, post Judaicam perfidiam derelictam retro aspicere compellantur, ab universis sit fidelibus propensius succurrendum, nedum episcopali prebitis dignitate, quorum debet esse propositum indigentibus subvenire, teque in hac parte illa saltem ratione oportuit existere proniorem, quod pro eodem P. tuas nobis preces et litteras destinasti. Nisi autem specialis gratia quam ad personam tuam habuimus et habemus motum nostri animi mitigasset, pro contemptu mandati premissi prius ad te districta ultio quam iterata monitio pervenisset; cum satis appareat qualem in aliis te geris virtutibus,² quandoquidem in operibus pietatis, que, secundum apostolum, provisionem habet vite que nunc est et future, te negligis vel contemnis ad mandatum apostolicum exercere. Ne igitur prefatus P. provisionem apostolicam solatio defraudetur aut tua negligentia remaneat in sapore, fraternitati tue per apostolica scripta precipiendo mandamus quatenus eius paupertati taliter studeas providere quod predictus P. ac M. filia sua, que cum eo unda baptismatis est renata, per tue liberalitatis gratiam

of it (which God forbid), he shall suffer loss of honor and office, or he shall be restrained by the penalty of excommunication, unless he shall have made proper amends for his presumption.

We wish, however, to place under the protection of this decree only those (Jews) who have not presumed to plot against the Christian Faith.

Given at the Lateran by the hand of Raynaldus, Archbishop of Acerenza, acting Vice-Chancellor, on the seventeenth before the Kalends of October in the IIInd Indiction; of the Incarnation of the Lord 1199; and of the Pontificate of Lord Pope Innocent III, the second year.

6.

Innocent III

November 5, 1199

..... to the Bishop of Autun¹

We recall that through Apostolic Letters and mandate we asked you to support P., the bearer of this letter, who was once a Jew and who under the inspiration of Christ, was recently baptized. But his repeated appeal indicates that you should have obeyed this wholeheartedly, for it is fitting that persons like him receive more liberal support from all the faithful, without waiting until the shame of poverty, which they are not accustomed to bear easily, force them to look back to the abandoned Jewish perfidy. Especially ought this to be done by those holding the dignity of a bishop, whose duty it should be to aid the needy. In this case at least, it was proper that you should be more inclined toward this duty because it was you yourself that directed letters to us in behalf of the same P. If, therefore, the special regard which we have and have had for your person had not mitigated the anger of our spirit, you would have received from us severe punishment rather than another warning for disregarding our previous orders. Although it is quite clear that in other matters you conduct yourself properly,² yet you neglect and disdain to bestir yourself for apostolic commands of deeds of piety which, according to the Apostle, hold a promise of life here and hereafter.

Therefore, lest the said P. be denied and cheated of apostolic care, and lest your neglect continue your inactivity, we earnestly instruct Your Fraternity through Apostolic Letters, to take care to allay his poverty, so that the said P. and his daughter M., who was reborn in the baptismal font along with him, should suitably, without any delay whatever, be gladdened by your liberality in all the necessities of food

¹ Gautier II, 1189-1223 (*Gall. Chr.*, IV, 397).

² *Gall. Chr.* (ibid.) says that during his 33 years of office he labored "magna cum pietate."

victus et vestitus necessaria se gaudeant congrue sine dilatione qualibet assecutos; faciens nihilominus ut quod eis propter necessitates suas duxeris, quemadmodum premissum est, assignandum, valeant sine perturbatione qualibet, cum Deus hilarem datorem diligat, obtinere. Alioquin noveris nos venerabili fratri nostro episcopo et dilecto filio abbati Sancti Martini Nivernensis precipiendo mandasse ut, si mandatum nostrum neglexeris adimplere, ipsi te ad ea que premisimus exsequenda per distractionem ecclesiasticam, omni contradictione et appellatione remota, compellant.

Datum Laterani, Non. Nov., anno secundo.

(POTTHAST, NO. 858; MIGNE, I, 754, NO. 206; SCHERER, 157; GÜDEMANN, ITALIEN, P. 77 note; REJ XXXV (1893), 252; CARO, I, 294, 295, 497).

7. **Innocentius III**
December 1, 1199

. Ulixbonensi et Colimbriensi episcopis

*Insinuante V. nobili*¹ Posthac vero dimissis domo et omnibus que habebat, in domo cuiusdam Judei per tres, in ecclesia vero Sancte Marie de Veiga per sex latuit septimanas; ita quod exinde propter necessitates humanas etiam egredi non auderet.

Datum Laterani, Kal. Dec., anno secundo.

(POTTHAST, NO. 884; MIGNE, I, 790, NO. 232).

8. **Innocentius III**
December 5, 1199

. Abbati et conventui Sancte Marie de Prato de Leicestre

Quanto populus Judaice cecitatis superficiem divinarum Scripturarum attendens et negligens puritatem medulle que doctrine spiritualis in se continet intellectum, damnabilius in sua contumacia perduravit et se ipsos adhuc involvi permittunt in barathro tenebrarum, tanto his qui tenent et amplectuntur fidei veritatem et desiderant propagationem nominis Christiani, amplius est in Domino congraudendum,¹ si qui gratia sancti Spiritus illustrati, abrenuntiato errore Judaico, a tenebris se sollicitudine providendum ne inter alios Christianam; et attenta est sollicitudine providendum ne inter alios Christi fidei inedia deprimentur, cum plerique horum pro indigentia necessariorum rerum, post receptum baptismum, in confusionem non modicam inducantur, ita ut plerumque, faciente illorum avaritia qui, cum ipsi abundant, Christum pauperem respicere dedignantur, retro cogantur abire. Hinc est quod cum delectus filius R. lator presentium ad commonitionem cuiusdam nobilis viri, spretis et postpositis omnino divitiis quas

and clothes. You should act so as to guide them in the matter of their necessities that they may be able to get without any trouble whatever is promised or assigned them; for God loveth a cheerful giver. Finally, know that we have earnestly commanded our venerable brother the bishop and our dear son, the Abbot of Saint Martin of Nevers, to the effect that if you neglect to fulfill our order, they should force you, through the ecclesiastical punishment without contradiction or appeal, to do those things which we have commanded you to do.

Given at the Lateran, on the Nones of November, in the second year.

7. **Innocent III**
December 1, 1199

. to the Bishops of Lisbon and Coimbra

*Insinuante V. nobili*¹ After that she abandoned her home and all her possessions, and hid for three weeks in the house of a Jew and for six more in the Church of Saint Mary de Veiga, not daring to go outdoors even for human needs.

Given at the Lateran, on the Kal. of Dec., in the second year.

¹ This is part of the story of a certain noblewoman who had been forced into a marriage, and ran away from her husband.

8. **Innocent III**
December 5, 1199

. to the Abbott and the Convent of Saint Mary de Pratt in Leicester;

The more the people afflicted by Jewish blindness, attends to the superficial meaning of Divine Scriptures and fails to understand the quintessence of purity which these spiritual doctrines contain, the more it persists in its obduracy and permits itself, as up to now, to remain in the darkest shadow, so much the more ought we to rejoice in God because of those (of their number) who hold and embrace the true Faith, and desire the propagation of the name of Christ.¹ If thanks to the light of the Holy Spirit any have given up the errors of Judaism, and turning to that Light have accepted the Christian Faith, care must be taken that they should be solicitously provided for, lest, in the midst of other faithful Christians, they become oppressed by lack of food. For, lacking the necessities of life, many of them, after their baptism, are led into great distress, with the result that they

¹ For similar sentiments expressed by Innocent III in his general writings, see the analysis of his attitude toward Judaism. Loeb, l. c. REJ, 248-251.

habebat,² Christum potius sequi volens quam in luto divitiarum putrescere, baptismi receperit sacramentum, et nunc prefato nobili viro viam universe carnis ingresso qui sufficienter ei necessaria ministrabat, ita paupertate gravetur, ut non habeat unde vite sustentationem possit habere per vos ipsius necessitati provideri volentes, discretioni vestre per apostolica scripta mandamus atque precipimus quatenus, ob reverentiam illius per quem ipse lucem veritatis accepit, taliter ei necessaria ministretis, quod in victu et vestitu convenienter sit ei provisum; scituri pro certo quod graviter et moleste ferremus, nec possemus sub dissimulatione transire, si mandatum nostrum, quod opus in se continet pietatis, relinqueretis aliquatenus imperfectum.

Datum Laterani, Non. Dec., anno secundo.

(POTTHAST, NO. 890; MIGNE, I, 792; *REJ* XXXV (1893), 253; *CARO*, I, 294, 497; *STOBBE*, 268, note 155; *SCHERER*, 157).

² Cf. the III Lateran Council on the subject of the confiscation of the property of converts (No. I). Also Introduction, pp. 18-19.

9.

Innocentius III

December 31, 1199

. Archiepiscopo Magdeburgensi et suffraganeis ejus, abbatibus, prioribus, decanis, archidiaconis, et universis clericis tam subditis quam prelati in Magdeburgensi provincia constitutis

Graves orientalis. Personas insuper eorum et bona eorum etc. Ut supra No. 1.

Datum Laterani, II Kal. Jan., anno secundo.

(In eundem modum scriptum est per totam Alemaniam, per Tusciam, per Lombardiam, per regnum Francie, per regnum Anglie, per regnum Ungarie, per Slavoniam, per Hyberniam, per regnum Scotie.)

(POTTHAST, NO. 922; MIGNE, I, 832, NO. 270; ARONIUS, NO. 347; *JQR*, VII (O. S.), 237; *NÜBLING*, 235).

10.

Innocentius III

January 4, 1200

. Universis Christi fidelibus per Vienensem provinciam constitutis

Nisi nobis. Personas quoque ipsorum etc. (ut supra No. 1.)

Datum Laterani, II Non. Jan., anno secundo.

(In eundem modum scriptum est super hoc universis Christi fidelibus per totam Alemaniam, Tusciam, per Lombardiam, per Regnum Francie, per regnum Anglie, per regnum Ungarie, per Slavoniam, per Hiberniam, per regnum Scotie constitutis.)

(POTTHAST, NO. 935; MIGNE, I, 835, NO. 271; *WEYDEN*, 95).

are often forced to go backward because of the avarice of such as are possessed of plenty—yet scorn to look at the Christian poor.

Thus it is with our dear son R., the bearer of this letter. Despising and forsaking the riches that he had,² and wanting to follow Christ rather than to wallow in the mire of wealth, he received the baptismal sacrament at the persuasion of a certain nobleman. But now that this man, who had supplied him with his necessities, went the way of all flesh, he is so weighted down with poverty that he has not the means by which to sustain his life. Desiring that his wants should be supplied by you, we, through Apostolic Letters, command Your Discretion, and we also warn you by your reverence for Him through whom this man received the light of truth, that you should provide him with his needs so that he may be suitably supplied with food and clothes. Know you this for certain, that we tolerate this situation with regret and with impatience, nor shall we be able to let this pass unnoticed if you should leave in any respect unaccomplished this command of ours, which in itself holds an act of piety.

Given at the Lateran, on the Nones of December, in the second year.

9.

Innocent III

December 31, 1199

. to the Archbishop of Magdeburg and his suffragans, to the Abbots, Priors, Deacons, Archdeacons, and all the clergy both high and low of the Province of Magdeburg

Graves orientalis. We take under our protection etc. (As in No. 1 above.)

Given at the Lateran, on the second before the Kalends of January, in the second year.

(Letters to the same effect were sent throughout Germany, Tuscany, Lombardy, and the Kingdoms of France, England, Hungary, the Slavonic lands, Ireland, and Scotland.)

10.

Innocent III

January 4, 1200

. to all faithful Christians of the Province of Vienne

Nisi nobis. We take under our protection etc. (As in No. 1 above.)

Given on the second before the Nones of January, in the second year.

Germany, Tuscany, Lombardy, the Kingdoms of France, England, Hungary, (Letters to the same effect were sent to all faithful Christians throughout the Slavonic lands, Ireland, and Scotland.)

II.

Innocentius III

April 19, 1201

. Livoniensi Episcopo¹

Deus qui Ecclesiam. Quia vero in matrimoniis contrahendis dispar est ritus eorum^a a nostro, cum in consanguinitate vel affinitate distinctionem canonicam non attendant, et relictas fratrum indistincte sibi consueverint copulare, ne propter hoc a bono proposito, sicut hactenus retrahentur, cum nec quidam eorum voluerint credere nisi relictas fratrum eorum pateremur retinere, nec vos eos, nisi tales dimitterent, recipere volueritis ad baptisma, propter novitatem et infirmitatem gentis eisdem concedimus ut matrimoniis contractis cum relictis fratrum utantur, si tamen fratribus decendentibus sine prole, ut defuncti semen juxta legem Mosaicam suscitarent, cum talibus contraxerunt, ne tales sibi de cetero, postquam ad fidem venerint, copulent prohibentes. Ad hec sancte memorie beati Gregorii Pape predecessoris nostris adherentes vestigiis, ne populus Livonensis a bono quod coepit austeriora metuendo recedat, ut in quarta et ulterius generatione matrimonium contrahant² donec in fide plenius solidentur, cum eis auctoritate apostolica dispensamus, non ea intentione concedentes hoc ipsis ut postquam firma radice in fide fuerint solidati, talibus jungantur.

Datum Laterani, XIII Kal. Maii, anno quarto.

(POTTHAST, NO. 1323, MIGNE, III, 1268; *DECRET. GREGORII IX*, LIB. IV, TIT. 19, C. IX; *REJ XXXV* (1893), 252, note 2).

^a In Livoniensium ecclesia de novo ad fidem catholicam conversorum a nostro. (Decr. ed. Friedberg.)

12.

Innocentius III

Sept.-Oct. 1201

. Arelatensi Archiepiscopo¹

Maiores ecclesie. Item,² vero queritur, utrum hujusmodi dormientibus et amentibus sacramenti saltem character in baptismo imprimatur, ut excitati a somno vel ab egritudine liberati non sint denuo baptizandi. Sunt autem nonnulli, qui dicunt quod sacramenta, que per se sortiuntur effectum, ut baptismus, et ordo, ceteraque similia, non solum dormientibus et amentibus, sed invitis et contradicentibus, etsi non quantum ad rem, quantum tamen ad characterem conferuntur, quum non solum parvuli, qui non consentiunt, sed et facti; qui quamvis non ore, corde tamen dissentiunt, recipiant sacramentum. Sed opponitur talibus, quod qui fuissent inviti et reluctantes immersi, saltem ratione sacramenti ad jurisdictionem ecclesiasticam pertinerent; unde ad servandam regulam fidei Christiane forent ration-

II.

Innocent III

April 19, 1201

. to the Bishop of Livonia¹

Deus qui Ecclesiam. Wherefore, although there is a disagreement between our rites and theirs, for they do not make our canonical distinction in either blood or marriage relationships, and although they are accustomed to have marital relations with a brother's widow, nevertheless, lest on this account they give up their good intentions, as they have until now, since certain ones among them do not want to adopt the Faith unless we permitted them to retain the widows of their brothers, while you in turn did not want to accept them in baptism unless they dismissed such wives, therefore, in view of the newness and the weaknesses of this people, we grant that they may continue in marriages contracted with the widows of brothers if they contracted this marriage in order to raise a seed in the name of the deceased according to the Mosaic law when a brother dies childless, provided they do not enter such a forbidden relationship any more after they had adopted the Christian faith.

In this matter following in the footsteps of Pope Gregory, our predecessor, of blessed memory, and in order to avoid that the people of Livonia fall back from the good achieved, because of their fear of our strictness, we, by apostolic authority, make the following dispensation, that, until the people are more firmly rooted in the Faith, they may contract marriages in the fourth and subsequent generations.² We do not grant this, however, with any intention to permit such marriage after the people shall have been firmly rooted in the faith etc.

Given at the Lateran, on the thirteenth before the Kalends of May, in the fourth year.

¹ Riga—established as a bishopric in 1186. Bishop Albert de Buxhoevden, 1198-1229 (Gams).

² Cf. No. 2, note 3.

12.

Innocent III

Sept.-Oct. 1201

. to the Archbishop of Arles¹

Maiores ecclesie. Likewise,² the question was asked about

¹ Imbertus d'Aiguieres, 1190-1202 (Gams).

² The letter, accepted among the fundamental laws of the Church, is an answer to several questions regarding the need for intention in Baptism. Cf. No. 20. The first part dealt with the efficacy of Baptism upon children, in the case of whom intention is non-existent. The Pope compares and contrasts Baptism with Circumcision.

abiliter compellendi. Verum id est Religioni Christiane contrarium, ut semper invitus et penitus contradicens ad recipiendam et servandam Christianitatem aliquis compellatur. Propter quod inter invitum et invitum, coactum et coactum, alii non absurde distinguunt, quod is qui terroribus atque suppliciis violenter attrahitur, et ne detrimentum incurrat, Baptismi suscipit sacramentum, talis (sicut et is qui fecte ad Baptismum accedit) characterem suscipit Christianitatis impressum, et ipse tanquam conditionaliter volens, licet absolute non velit, cogendus est ad observantiam Fidei Christiane; in quo casu debet intelligi decretum Concilii Toletani,³ ubi dicitur quod qui jam pridem ad Christianitatem coacti sunt, sicut factum est temporibus religiosissimi Principis Sisebuti,⁴ quia jam constat eos sacramentis divinis associatos, et baptismi gratiam suscepisse, et chrismate unctos esse, et corporis Domini exstitisse participes; oportet etiam ut fidem, quam necessitate susceperunt, tenere cogantur, ne nomen Domini blasphemetur, et fides quam susceperunt vilis ac contemptibilis habeatur. Ille vero qui numquam consentit, sed penitus contradicit, nec rem nec characterem suscipit sacramenti, quia plus est expresse contradicere quam minime consentire⁵

Datum Anagnie, anno quarto.

(POTTHAST, NO. 1479; *DECR. GREG. IX*, LIB. III, TIT. 42, C. III).

those who are asleep or who are mad. Does the impression of Baptism remain upon such, or are they to be rebaptized upon waking or when cured? Some there are who say that, since sacraments yield their effects through themselves, as for example Baptism, Holy Orders, or their like, therefore their impress, if not their aim, remains not only upon sleepers or madmen, but even upon the unwilling and the objectors. Thus not only do children, who do not consent, receive the sacrament but even dissimulators, who, if not by word, dissent at least at heart. To such one may answer that those who are immersed even though reluctant, do belong to ecclesiastical jurisdiction at least by reason of the sacrament, and might therefore be reasonably compelled to observe the rules of the Christian Faith. It is, to be sure, contrary to the Christian Faith that anyone who is unwilling and wholly opposed to it should be compelled to adopt and observe Christianity. For this reason a valid distinction is made by some between kinds of unwilling ones and kinds of compelled ones. Thus one who is drawn to Christianity by violence, through fear and through torture, and receives the sacrament of Baptism in order to avoid loss, he (like one who comes to Baptism in dissimulation) does receive the impress of Christianity, and may be forced to observe the Christian Faith as one who expressed a conditional willingness though, absolutely speaking, he was unwilling. It is as applying to such a case that the decree of the Council of Toledo³ should be understood. There it is said that those who had previously been forced into Christianity, as had been done in the times of the very pious Prince Sisebut,⁴ since their association with the divine sacrament had already been established, and the grace of Baptism had been received, and they had been anointed with the sacred oil, and had participated in the body of the Lord, they might properly be forced to hold to the faith which they had accepted perforce, lest the name of the Lord be blasphemed, and lest they hold in contempt and consider vile the faith they had joined. He, however, who never consented, but wholly objected, accepted neither the impress nor the purpose of the Sacrament, for it is better expressly to object, than to give the least consent⁵

Given in the fourth year.

³ IV Council of Toledo, 633; cf. Juster, *La condition légale des Juifs sous les rois Visigoths*, pp. 7 and 37.

⁴ 612-620, cf. *ibid.* p. 5; Graetz, V, 62 f.

⁵ The conclusion is that sleepers or madmen are assumed to continue in the state of mind in which they were when last in possession of their faculties.

13.

Innocentius III

March 23, 1204

. Decano et Canonicis Sancte Crucis de Stampis¹

Loca divinis cultibus mancipata, et ea maxime, que post Judaice perfidie cecitatem lumen gratie sub Christiane fidei titulo perceperunt, apostolicis sunt munienda presidiis, et perpetue donanda munere libertatis, cum constet non jam esse filios ancille, sed libere, qui elegerunt ibi in libertate spiritus Domino deservire. Eapropter, dilecti in Domino filii, predictam ecclesiam vestram, quam carissimus in Christo filius noster, Ph. rex Francorum illustris,³ de assensu bone memorie G. Senonensis archiepiscopi,⁴ in synagoga de qua Judeos ejecerat, in honorem victoriosissime crucis edificari constituit, cum omnibus que inpresentiarum, etc. (usque adipisci,) ad instar felicitatis recordationis Lucii et Urbani,² predecessorum nostrorum, Romanorum pontificum, sub beati Petri et nostra protectione suscipimus, etc. (usque communibus;) statuentes, ut clerici, qui in circumpositis morantur ecclesiis, sicut nihil in loco ipso Judeis possidentibus capiebant, ita deinceps ecclesie inibi constitute, conditionem aliquam vel gravamen in libertatis prejudicium non imponant, ne deterior efficiatur status ecclesie, si ea, que fuerat Judeis inhabitantibus libera, sub observantia fiat Christiane pietatis ancilla, etc.

Datum Laterani, VI Kal. Apr., anno septimo.

(POTTHAST, NO. 2162; MIGNE, II, 312, NO. 30; REJ I (1880), 118; DEPPING, 140; GRAETZ, VI, 247).

14.

Innocentius III

January 16, 1205

. Regi Francorum¹

Etsi non displiceat Domino, sed ei potius sit acceptum ut sub catholicis regibus et principibus christianis vivat, et serviat dispersio Judeorum, cujus tunc tandem reliquie salve fient cum in diebus illis salvabitur Juda, et Israel habitaverit confidenter, vehementer tamen oculos divine majestatis offendunt, qui crucifigentium filios, contra quos adhuc sanguis clamat in Patris auribus, crucifixi Christi coheredibus preferunt, et tanquam ancille filius cum filio libere possit, et debeat heres esse, Judaicam servitutem illorum libertati preponunt, quos Filius liberavit. Sane, ad nostram noveris audientiam pervenisse, quod in regno Francorum Judei adeo insolescunt, ut, sub specie

¹ It seems probable that this letter was the result of the Concordat of 1204 between Philip-Augustus and the clergy of Normandy. (See Introduction, p. 46 note; cf. Caro, 366.)

13.

Innocent III

March 23, 1204

. to the Dean and the Canons of St. Croix of Étampe¹

All places freed for the worship of God deserve to be fortified by apostolic protection and endowed with the gift of eternal liberty; but such places deserve this especially which are divested of the blind Jewish perversion of Faith and receive the light of grace under the name of the Christian religion, since it is clear that they who have chosen to worship God there in freedom of the spirit, deserve no longer to be called the children of a slave, but rather the children of a free mother. Therefore, our dear sons in the Lord, in accordance with the example of the Bishops of Rome, Lucius and Urban² of happy memory, our predecessors, we take under the protection of St. Peter and of ourselves your afore-named church and all that belongs to it, which our dear son in Christ, Philip the illustrious King of France,³ with the assent of Guido,⁴ of happy memory, Archbishop of Sens, decided to build in honor of the Most Victorious Cross, out of a synagogue from which he had ejected the Jews. We decree that just as the clergy of the nearby churches took nothing out of this place while it was in Jewish possession, so they shall not, hereafter, impose upon the church here established any condition or burden in prejudice of its liberty, so that the status of the church shall not be made worse, lest in those respects in which it was free while the Jews inhabited it, it become a slave through observing Christian piety, etc.

Given at the Lateran, on the sixth before the Kalends of April, in the seventh year.

¹ Confiscated probably after the expulsion under Philip-Augustus, 1181.

² See Appendix F, no 1.

³ See Appendix F, no. 2.

⁴ Guide I, 1177-1194. In 1181 he had quarrelled with Philip about the question of Christian slaves of Jews with regard to whom the Archbishop wanted to enforce strictly the decree of the III Lateran (*Gallia Christ.*, XII, 54).

14.

Innocent III

January 16, 1205

. to the King of France¹

Though it does not displease God, but is even acceptable to Him, that the Jewish Dispersion should live and serve under Catholic Kings and Christian princes until such time as their remnant shall be saved, in those days when "Judah will be saved and Israel will dwell securely," nevertheless, such (Princes) are exceedingly offensive to the sight of

usuarie pravitatis, per quam non solum usuras, sed usuras usurarum extorquent, ecclesiarum bona et possessiones Christianorum usurpent, sicque illud impletum in Christianorum populo videatur, quod in Judeorum persona propheta deplorat: Hereditas, inquiens, nostra versa est ad alienos, domus nostre ad extraneos. Preterea, cum in Lateranensi concilio sit statutum,² ut Judei, nec sub alendorum puerorum obtentu, nec pro servitio, nec alia qualibet causa, in domibus suis habere permittantur mancipia christiana, sed excommunicentur qui cum eis presumpserint habitare, ipsi et servos Christianos habere non dubitant, et nutrices, cum quibus eas interdum abominationes exercent, quas te potius punire convenit quam nos deceat explicare. Insuper, cum idem concilium testimonium Christianorum adversus Judeos in communibus causis, cum et illi adversus Christianos testibus Judeis utantur, censuerit admittendum, et anathemate feriri decreverit quicumque Judeos Christianis in hac parte preferret, usque adeo eis defertur in regno Francorum, ut non credatur Christianis testibus contra ipsos, sed ipsi contra Christianos ad testimonium admittantur.

Quod si aliquando hi, quibus suam credunt pecuniam sub usuris, Christianos testes super facta solutione producant, plus creditur instrumento, quod apud eos per negligentiam, aut incuriam debitor reliquerat indiscretus, quam testibus introductis;³ imo, non recipiuntur etiam testes in hoc articulo contra eos, usque adeo etiam, quod cum rubore referimus, insolescunt, ut Senonensi, juxta quandam ecclesiam veterem novam construxerint Synagogam,⁴ ecclesia non modicum altiore, in qua, non, sicut olim priusquam fuissent ejecti de regno,⁵ demissa voce, sed cum magno clamore secundum ritum Judaicum sua officia celebrantes, divinorum celebrationem in eadem ecclesia non dubitant impedire.⁶ Quinimmo, nomen Domini blasphemantes, publice Christianis insultant, quod credant in rusticum quemdam suspensum a populo Judeorum, quem quidem nec nos pro nobis suspensum ambigimus, cum peccata nostra ipse tulerit in suo corpore super lignum, sed rusticum moribus aut genere non fatemur, imo nec ipsi diffiteri valerent quin ipse secundum carnem de sacerdotali stirpe descenderit ac regali, et mores ejus preclari fuerunt, et honesti. In

² III Lateran, No. I.

³ See Introduction, p. 57, note 78. That Innocent's attitude began to prevail as time went on, is seen from the fact that Viscount Almaric of Narbonne gave greater credibility to the Jews:—" . . . quod si discentio inter tradentem Christianum pignora et Judeum recipientem, aliqua oriretur, eadem super capitali tradito et tempore, prout usi estis, credatur Judeo, primo de predictis fideliter fide facta. . . ." (Gaillard, *Une charte inédite*, p. 11.) But by an edict of January 18, 1292, Philip the Fair turned the tables, and it was to be the Christian debtor who was thereafter to be believed (ibid., p. 7).

⁴ Cf. Henri Gross in *REJ*, VI (1883), 172.

⁵ i. e. before 1181.

⁶ The same complaint was frequently repeated. (Bouquet XXI, 761). The Jews were forced to pay heavy fines for this (Brussel, 603).

the Divine Majesty who prefer the sons of the crucifiers, against whom to this day the blood cries to the Father's ears, to the heirs of the Crucified Christ, and who prefer the Jewish slavery to the freedom of those whom the Son freed, as though the son of a servant could and ought to be an heir along with the son of the free woman.

Know then that the news has reached us to the effect that in the French Kingdom the Jews have become so insolent that by means of their vicious usury, through which they extort not only usury but even usury on usury, they appropriate ecclesiastical goods and Christian possessions. Thus seems to be fulfilled among the Christians that which the prophet bewailed in the case of Jews, saying, "Our heritage has been turned over to strangers, our houses to outsiders." Moreover, although it was enacted in the Lateran Council² that Jews are not permitted to have Christian servants in their homes either under pretext of rearing their children, nor for domestic service, nor for any other reason whatever, but that those who presume to live with them shall be excommunicate, yet they do not hesitate to have Christian servants and nurses, with whom, at times, they work such abominations as are more fitting that you should punish than proper that we should specify.

Moreover, although the same Council decided to admit Christian evidence against Jews in law-suits that arise between the two, since they use Jewish witnesses against Christians, and although it decreed that whoever preferred the Jews to the Christians in this matter should be anathematized, yet they have to this day been given the preference in the French realm to such an extent that Christian witnesses are not believed against them, while they are admitted to testimony against Christians. Thus, if the Christians to whom they have loaned money on usury, bring Christian witnesses about the facts in the case, (the Jews) are given more credence because of the document which the indiscreet debtor had left with them through negligence or carelessness, than are the Christians through the witnesses produced.³ Nay, more, in complaints of this nature witnesses are not received against them at all, thus, by this time, and it is with shame that we repeat it, they have become so insolent that at Sens⁴ they have built a new synagogue near an old Church, a good deal higher than the Church. There they celebrate the Jewish rites, not in a low tone, as they used to before they were expelled from the Kingdom,⁵ but, in accordance with their custom, with great shouting;⁶ thus they do not hesitate to hinder divine services in that church.

What is even worse, blaspheming against God's name, they publicly insult Christians by saying that they (Christians) believe in a peasant who had been hung by the Jewish people. Indeed, we do not doubt that He was hung for us, since He carried our sins in his body on the cross, but we do not admit that He was a peasant either in man-

die quoque parasceves, Judei contra veterem consuetudinem per vicos, et plateas publice discurrentes, concurrentes, juxta morem, undique Christianos ut adorent crucifixum in cruce, derident, et eos per improperia sua student ab adorationis officio revocare. Patent quoque latronibus usque ad noctem dimidiam ostia Judeorum,⁷ nec, si quid furto sublatum inventum fuerit apud eos, quisquam de illis potest justitiam obtinere. Abutuntur ergo Judei patientia regia, et, cum inter Christianos positi remaneant, hospites suos male cum opportunitate captata Christianos latenter occidunt, sicut nuper dicitur, accidisse, cum quidam pauper scholaris in eorum latrina mortuus est repertus.⁸ Ne igitur per eos nomen Domini blasphemetur, nec deterior sit Christianorum libertas, quam servitus Judeorum, monemus serenitatem regiam et exhortamur in Domino, et in remissionem injungimus peccatorum, quatenus sic Judeos super his et similibus a sua presumptione compescas, sic abusiones hujusmodi de regno Francorum studeas abolere, quod habere zelum Dei secundum scientiam videaris, et cum leges etiam seculares gravius animadvertant in eos, qui nomen Domini blasphemant, sic animadvertas in blasphemos hujusmodi, quod aliquorum poena metus sit omnium, nec facilitas venie incentivum tribuat delinquendi. Ad eliminandos insuper hereticos de regno Francorum potenter insurgas, nec lupos, ad perdendas oves sub ovina pelle latentes, in terra sua latere permittat regia celsitudo, sed in eorum demonstrat persecutione fervorem quo fidem prosequitur Christianam.

Datum Rome, apud Sanctum Petrum, XVII Kal. Feb., anno septimo.

(POTTHAST, NO. 2373; MIGNE, II, 502, NO. 186; GRAETZ, VII, 6; DUBNOW, V, 16; CARO, I, 223, 296, 366, 497; SCHERER, 303; WEYDEN, 108; NÜBLING, 275; ABRAHAM, *LIFE OF THE JEWS IN THE M.A.*, 27; SINGERMAN, 14; GÜDEMANN, *FRANKREICH u. DEUTSCHLAND*, 64, *ITALIEN*, 88; *REJ*, VI (1883), 172; DEPPING, 183; V. u. R., I, 229).

⁷The extent to which these beliefs were widespread is to be seen from a letter of Peter, Abbot of Cluny, to Louis VII (Dubois, *Historia ecclesiastica Parisiensis*, II, p. 143), "Si fur nocturnus Christi ecclesiam fregerit, si, sacrilegio ausu, candelabra, arceos, thuribula, ipsas etiam sacras cruces vel consecratas etiam calices, apportaverit, cum Christianos fugiat, ad Judeos confugit, et apud eos damnabili securitate securus, non solum latibulas fovet, sed et que sacris ecclesiis furatus fuerit satane synagogis vendit . . . Quia, ut sepe a veracibus viris audivi, eis usibus coelestia illa vasa ad eiusdem Christi nostrumque dedecus nefandi illi applicant, quod horrendum est cogitare, et detestandum dicere. . . ." The last part, at any rate, the good Abbot was thus basing on current hearsay. Cf. p. 75, note 149.

⁸From this V. u. R. draw the conclusion that Innocent believed the charge of ritual-murder (l. c.).

ners or in race. Forsooth, they themselves cannot deny that physically He was descended from priestly and royal stock, and that His manners were distinguished and proper. Also on Good Friday the Jews, contrary to old custom, publicly run to and fro over the towns and streets, and everywhere laugh, as is their wont, at the Christians because they adore the Crucified One on the Cross, and, through their improprieties, attempt to dissuade them from their worship. The doors of the Jews are also open to thieves half the night,⁷ and if any stolen goods be found with them, none can obtain justice from them. The Jews, likewise, abuse the royal patience, and when they remain living among the Christians, they take advantage of every wicked opportunity to kill in secret their Christian hosts. Thus it has recently been reported that a certain poor scholar had been found murdered in their latrine.⁸

Wherefore, lest through them the name of God be blasphemed, and Christian liberty become less than Jewish servitude, we warn, and, in the name of God, exhort Your Serene Majesty, and we join thereto a remission of sins, that you restrain the Jews from their presumptions in these and similar matters, that you try to remove from the French Kingdom abuses of this sort; for you seem to have the proper zeal of God and knowledge of Him. Moreover, since secular laws should be directed with greater severity against those who profane the name of God, you should so turn against these blasphemers that the punishment of some should be a source of fear to all, and ease of obtaining forgiveness serve not as an incentive to evil doers. You should bestir yourself, moreover, to remove heretics from the French Kingdom, nor should your Royal Highness permit wolves who hide in sheep's clothes in order to destroy the ewes, to wander in your realm, but rather by persecuting them Your Highness should display the same zeal with which he follows the Christian Faith.

Given in Rome, at St. Peter's, on the XVII before the Kalends of February in the seventh year.

15.

Innocentius III

January 20, 1205

..... Magistro Petro, presbytero de Sancta Columba¹

Non decet eos quos unda baptismatis regeneravit in Christo et adoptavit in filios vere lucis, ut cohabitent illis quos duritia cordis ab agnitione veri luminis excecavit, ne in eorum obtenebrentur errore quos vera fides introduxit ad lucem. Ea propter, dilecte in Domino fili, qui zelum Dei secundum scientiam videris habere, devotioni tue, auctoritate presentium indulgemus, ut, sublato cuiuslibet contradictionis et appellationis obstaculo, Christiana mancipia que in parocia tua presumpserint cohabitare Judeis, a presumptione possis huiusmodi per excommunicationis sententiam coercere, secundum canonicas sanctiones, ut sic a tali servitio retrahantur, quos a gratia libertatis in servitutis opprobrium redigere nititur Judaismus.

Datum Rome, apud Sanctum Petrum, XIII Kal. Feb., anno septimo.

(POTTHAST, NO. 2378; MIGNE, II, 507, NO. 194).

16.

Innocentius III

January 21, 1205

..... Episcopis et abbatibus, ceterisque clericis, apud Constantinopolim existentibus

Evangelica docente.¹ Sed ne forte pro nimio stupore confundar, notare debeo diligenter, quod Jesus inquit ad Simonem: Noli timere, quoniam ex hoc jam homines eris capiens, quasi dicat:—Pro certo confide, quia, postquam ceperis pisces, id est postquam reduxeris Christianos, extunc homines capies, id est Judeos et paganos convertes. Pisces enim, qui vivunt in aqua, Christianos designant, qui ex aqua et spiritu renascuntur; homines autem, qui vivunt in terra, Judeos et paganos significant, qui terrenis inhiant et inherent. Sed postquam ad obedientiam apostolice sedis omnes omnino reversi fuerint Christiani, tunc multitudo gentium intrabit ad fidem, et sic omnis Israel salvus fiet. etc.

Datum Rome, XII, Kal. Feb., anno septimo.

(POTTHAST, NO. 2382; MIGNE, II, 514, NO. 203).

15.

Innocent III

January 20, 1205

..... to Master Peter, Priest of St. Columba¹

It is not seemly that those who, through the Baptismal Font, were reborn in Christ and thus were adopted as children of the True Light, should dwell with those whom hard-heartedness blinds to the recognition of the True Light, lest they whom the true faith has brought forth into light, be led by the others into the shadow of darkness. Therefore, my dear son in the Lord, who seems to possess the zeal of God and also knowledge of Him, by the authority of these letters we authorize Your Devotion, by sentence of excommunication, and in accordance with canonical sanctions, setting aside any obstacle of opposition and appeal, to compel the servants, who dare to dwell with Jews in your diocese, to withdraw from such service in which Judaism tries to draw them out of the grace of freedom into the shame of slavery.

Given at Rome, at St. Peter's, on the thirteenth before the Kalends of February, in the seventh year.

¹ Probably in France, in the Archdiocese of Sens.

16.

Innocent III

January 21, 1205

..... to the Bishops, Abbots, and other clergy of Constantinople

Evangelica docente.¹ That, however, I may not become confounded by reason of over much insensibility, I ought to note carefully what Jesus said to Simon, "Fear not, for henceforth thou shalt catch men." It is as if he had said, "Thou mayest be absolutely sure that after thou hast caught the fish," that is, after you have led back the Christians, "thenceforth thou wilt catch men," that is, you will convert Jews and Pagans. For "fish," since they live in water, stand for Christians who have a second birth by means of water and the Spirit, while "men," since they live upon the earth, stand for Jews and pagans who breathe and cling to things terrestrial. But, after all Christians shall have returned completely in obedience to the Apostolic Throne, then will the multitude of Gentiles also be drawn to the Faith, and so "will Israel dwell in safety"

Given in Rome, at St. Peter's, on the twelfth before the Kalends of February, in the seventh year.

¹ In this letter Innocent expresses his great joy over the result of the Fourth Crusade, the establishment of Latin Christianity in the East, and the election of a Patriarch of Constantinople who recognizes the supremacy of Rome. The allegory of Luke V is carried right through.



17.

Innocentius III

May 5, 1205

. Regi Castellae¹

Non minus pro illorum peccato qui faciunt, quam pro eorum qui sustinent detrimento, dolemus et graviter conturbamur, quod regia celsitudo illis se gravem exhibet et severam, quibus benigna et propitia deberet adesse, illosque molestat, quos precipue fovere deberet. Accipimus autem, quod, cum universos clericos regni tui ab omni exactione absolveris et collecta, mutata tandem post tempora voluntate, ipsis, pro velle tuo, collectas et exactiones imponis, et, cum servi Judeorum emptitii sive vernaculi convertuntur ad fidem, licet pretium quod pro talibus dari debet, in canone sit taxatum,² per Judeos ipsos tantum facis de bonis episcopalibus detineri, quantum ipsi eosdem servos valuisse firmaverint juramento. Unde, nuper a venerabili fratre nostro. . . . Burgensi episcopo, pro quadam Sarracena, Judei cujusdam ancilla, quam vix asserit decem solidos valuisse, ducentos aureos recipi mandavisti et, licet, super eo quod Judeos et Sarracenos tui regni compelli ad solvendas decimas de possessionibus non permittis, litteras tibi apostolicas duxerimus transmittendas, tu tamen, nedum eos nolueris ad decimarum solutionem inducere, verum etiam liberiores eis decimas non solvendi et emendi ampliores possessiones licentiam tribuisti, ut, Synagoga crescente, decrescat ecclesia, et libere preponatur ancilla.³ Ne igitur, charissime in Christo fili, ecclesiasticam libertatem deprimere, et Synagogam, ac Moskitam extollere videaris, neque in Ecclesiam, sponsam Christi, aut ministros ipsius exerceas que tue fidei puritatem offuscent, serenitatem regiam monemus in Domino et hortamur, quatenus predicta omnia et in te corrigas per te ipsum, et in aliis corrigi concessa tibi facias potestate. Alioquin, quantumcumque personam tuam in Domino diligamus, quia ecclesiarum oppressionem, quarum est nobis cura commissa, pati nolumus nec debemus, ut regi Deo potius quam regi homini deferamus, venerabilibus fratribus nostris. . . . Oscensi, et. . . . Tirasconensi episcopis, et dilecto filio, decano Tirasconensi, nostris litteris nos noveris injunxisse, ut te ad hujusmodi per censuram ecclesiasticam, appellatione remota compellant.

Datum Romae apud St. Petrum, III Non. Mai., anno octavo.

(POTTHAST, NO. 2487; MIGNE, II, 616, NO. 50; GRAETZ, VII. 7; CARO, I, 297, 497; LINDO, 72; NÜBLING, 275).

¹ Alphonso VIII, for whose favorable disposition toward the Jews, Erler (in Vering's *Archiv*, vol. 49, p. 397) can find no better reason than the influence of his Jewish mistress who had been murdered by Castilian nobles many years before.

² The law fixing the price to be paid a Jew for a slave who desired conversion, was passed at the Council of Macon in 581, and fixed at 12 soldi (*Decret. Gregorii*, Lib. V., tit. 6 c. 1; also No. 19 and No. 79).

³ There follow several instances of the mistreatment of churches and prelates by the King.

17.

Innocent III

May 5, 1205

. to Alphonso, King of Castile¹

No less for the sake of those who commit a sin are we pained and much disturbed, than for those who suffer through its commission. For we have heard that Your Royal Highness shows himself stern and severe to those to whom sympathy and kindness are due, and that he troubles those whom he ought eminently to favor. We have heard, moreover, that after you had freed all the clergy of your Kingdom from all exactions and collections, you changed your mind, and wilfully imposed exactions and collections upon them. We have also heard that when slaves of Jews, bought or homeborn, become converted to the Faith, although the price to be paid for them is canonically fixed,² you nevertheless permit the Jews to seize as much of the goods of the bishopric as they (the Jews) affirm by oath that the slaves were worth to them. Whence recently you ordered that 200 aurei be paid by our Venerable Brother the Bishop of Burgos for a certain Saracen woman the servant of some Jew, though the Bishop says she was worth hardly ten soldi. And although in the matter of your not allowing the Jews and Saracens of your Kingdom to be compelled to pay the tithe from their possessions, we have already had apostolic letters sent to you, you nevertheless have not only refused to have them compelled to pay the tithe, but have even granted them greater opportunity not to pay the tithe, and given them greater rights in the buying of more extensive possessions. Thus while the Synagogue grows in power the Church becomes weaker, and the handmaid is openly preferred.³ Therefore, my dear son in Christ, lest you seem to be decreasing the freedom of the Church and to be exalting the Synagogue and Mosque, and lest you seem to be working against the Church, the Spouse of Christ, or its servant,—actions which cause the purity of your faith to become tarnished,—we urge Your Royal Highness in the name of God, that you yourself correct the above-mentioned faults, your own faults through your own self, and the faults of others by the power entrusted to you. Otherwise, no matter how much we love you in the name of God, since we neither want to nor ought to permit oppression of the Church to continue, for that is the task entrusted to us, and since we must pay greater deference to God the King than to a human King, know that we have despatched letters to command our venerable brothers, the bishops of Huesca and Tarrascon and our dear son the Dean of Tarrascon, to compel you to such action by ecclesiastical punishment without appeal.

Given at St. Peter's in Rome, on the third before the Nones of May, in the eighth year.

18.

Innocentius III

July 15, 1205

. Archiepiscopo Senonensi,¹ et Parisiensi Episcopo²

Etsi Judeos, quos propria culpa submitit perpetue servituti,^{2a} cum Dominum crucifixerint, quem sui prophete predixerant ad redemptionem Israel in carne venturum, pietas Christiana receptet et sustineat cohabitationem illorum, quos etiam, propter eorum perfidiam, Saraceni, qui fidem Catholicam persequuntur, nec credunt in crucifixum ab illis, sustinere non possunt, sed potius a suis finibus expulerunt,³ in nos vehementius exclamantes, eo quod sustineantur a nobis, qui ab ipsis crucis patibulo condemnatum Redemptorem nostrum veraciter confitemur, ingrati tamen nobis existere non deberent, ut rependerent Christianis de gratia contumeliam, et de familiaritate contemptum, qui, tanquam in nostram misericorditer familiaritatem admissi, nobis illam retributionem impendunt, quam, juxta vulgare proverbium, mus in pera, serpens in gremio et ignis in sinu, suis consueverunt hospitibus exhibere. Accepimus autem, quod Judei, quos gratia principum in suis terris admisit,⁴ adeo facti sunt insolentes, ut illos committant excessus in contumeliam fidei Christiane, quos non tantum dicere, sed etiam nefandum cogitare. Faciunt enim Christianas filiorum suorum nutrices, cum in die Resurrectionis Dominice illas recipere corpus et sanguinem Jesu Christi contingit, per triduum; antequam eos lactent, lac effundere in latrinam. Alia insuper contra fidem catholicam detestabilia et inaudita committunt, propter que fidelibus est verendum, ne divinum indignationem incurrant, cum eos perpetrare patiuntur impune que fidei nostre confusionem inducunt. Rogavimus igitur charissimum filium nostrum in Christo, Philippum, regem Francorum illustrem,⁵ mandavimus etiam nobilibus viris . . . duci Burgundie,⁶ et . . . comitisse Trecensi,⁷ ut taliter reprimant Judeorum excessus, ne cervicem perpetue servitutis jugo submissam presumant erigere contra reverentiam fidei Christiane, inhibentes districtius, ne de cetero nutrices, vel servientes habeant Christianos, ne filii libere filiis famulentur ancille, sed, tamquam servi a Domino reprobati, in cujus mortem nequiter conjurarunt, se saltem per effectum operis recognoscant servos illorum, quos Christi mors liberos et illos servos effecit; quia, cum jam incoeperint rodere more muris et pungere sicut serpens, verendum est ne ignis receptatus in sinu corrosa consumat. Quocirca, fraternitati vestre per apostolica scripta precipiendo mandamus, quatenus, predictum regem et alios ad hoc ex parte nostra ita diligenter monere ac efficaciter inducere procuretis, quod Judei perfidi de cetero nullatenus insolescant sed sub timore servili pretendant semper verecundiam culpe sue, ac reverentur honorem fidei Christiane. Si vero Judei nutrices et servientes, non dimiserint Christianos, vos auctoritate nostra suffulti, sub excommuni-

18.

Innocent III

July 15, 1205

. to the Archbishop of Sens¹ and the Bishop of Paris²

While Christian piety accepts the Jews who, by their own guilt, are consigned to perpetual servitude^{2a} because they crucified the Lord, although their own prophets had predicted that He would come in the flesh to redeem Israel, and while (Christian piety) permits them to dwell in the Christian midst, although, because of their perfidy, even the Saracens who persecute the Catholic faith and do not believe in the Christ whom the Jews crucified, cannot tolerate the Jews and have even expelled them from their territory,³ vehemently rebuking us for tolerating those by whom, as we openly acknowledge, our Redeemer was condemned to the suffering of the Cross, the Jews ought not be ungrateful to us, and not requite Christian favor with contumely and intimacy with contempt. Yet, while they are mercifully admitted into our intimacy, they threaten us with that retribution which they are accustomed to give to their hosts, in accordance with the common proverb: "like the mouse in a pocket, like the snake around one's loins, like the fire in one's bosom."

For we have heard that the Jews, whom the kindness of princes has admitted into their territories,⁴ have become so insolent that they hurl unbridled insults at the Christian Faith, insults which it is an abomination not only to utter but even to keep in mind. Thus, whenever it happens that on the day of the Lord's Resurrection (Easter) the Christian women who are nurses for the children of Jews, take in the body and blood of Jesus Christ, the Jews make these women pour their milk into the latrine for three days before they again give suck to the children. Besides, they perform other detestable and unheard of things against the Catholic faith, as a result of which the faithful should fear that they are incurring divine wrath when they permit the Jews to perpetrate unpunished such deeds as bring confusion upon our Faith. We, therefore, asked our dearest son of Christ, Philip the Illustrious King of France,⁵ we also ordered the noble Duke

¹ Peter (II) de Corbeil, Archbishop of Sens 1199-1223. While a student in Paris, Innocent was his pupil.

² Odo de Sully, Bishop of Paris 1197-1208, a relative of the Kings of France, England and Navarre (*Gallia Christiana*, VII, 78-86).

^{2a} The phrase is used in a double sense, theological and political. Cf. Caro, I, 308, 372; Intr. p. 53.

³ May refer to the Almohades persecution in Spain and North Africa.

⁴ Referring to the return of the Jews to France in 1197.

⁵ See above, No. 14.

cationis poena inhibeat districte omnibus Christianis, ne cum eis commercium aliquod audeant exercere.

Datum Romae apud St. Petrum, Id. Jul., anno octavo.

(POTTHAST, NO. 2565; MIGNE, II, 694, NO. 121; CARO, I, 296, 307, 497, 499; SCHERER, 52 note 2, 85, 165; *DECRET.*, LIB. V, TIT. 6, C. 13; BRUSSEL, 582; CASSEL, 72, 83; SINGERMANN, 15; DEPPING, 184; *REJ*, XLVIII (1904), 215; GÜDEMANN, *ITALIEN*, 86, 88; V. u. R., 229; RODOCANACHI, 166).

of Burgundy,⁶ and the Countess of Troyes,⁷ so to restrain the excesses of the Jews that they shall not dare raise their neck, bowed under the yoke of perpetual slavery, against the reverence of the Christian Faith; more rigidly to forbid them to have any nurses nor other kinds of Christian servants in the future, lest the children of a free woman should be servants to the children of a slave; but, that rather as slaves rejected by God, in whose death they wickedly conspired, they shall, by the effect of this very action, recognize themselves as the slaves of those whom Christ's death set free at the same time that it enslaved them. For, as soon as they begin to gnaw in the manner of a mouse, and to bite in the manner of a serpent, one may fear lest the fire that one keeps in his bosom burn up the gnawed parts. Wherefore, we command Your Fraternity, by this Apostolic Letter, so far as possible to make haste carefully to warn the aforementioned king and the others to this effect, and on our behalf most zealously to prevail upon them that henceforth the perfidious Jews should not in any other way dare grow insolent, but, under fear of slavery, shall show always the timidity of their guilt, and respect the honor of the Christian Faith. If indeed the Jews do not dismiss the Christian nurses and servants, we give you our authority to forbid any Christian in the district, under penalty of excommunication, to enter into any commercial relations with them.

Given at St. Peter's in Rome, on the Ides of July, in the eighth year.

⁶Odo III was very active in defending the commercial activities of the Jews because of the advantages he was deriving from them (Caro, I, 366).

⁷Blanche, in whose territories in Champagne were some of the most prosperous Jewish communities. She sometimes got into trouble with the Church because she protected them. See No. 39.

19.

Innocentius III

August 26, 1206

. Clero Barchinonensi

Orta tempestate in hoc mari magno et spatioso, et in ea genere periclitante humano, verus Jonas, Dei Filius, Jesus Christus, in altitudinem ejus veniens, se permisit ab ipsa tempestate demergi, ut nos Deo reconciliaret in suo sanguine, ac in suam imaginem transformaret, innovaretque per lavacrum regenerationis ejusdem sanguine consecratum, non excludens conditionem vel sexum, sed, sine personarum acceptione, illud commune instituit sacramentum, per quod in adoptione filiorum Dei ex omni genere poterit assumi.¹ Sane, ad nostram noveritis audientiam pervenisse, quod, cum generale baptismum in ecclesia vestra celebratur, quamplures Saraceni, concurrentes ad ipsum, cum instantia postulant baptisari, quorum domini, tam Judei quam et Christiani, timentes amittere commodum temporale, eos prohibere presumunt ab Ecclesia pretium requirentes pro illis quos regenerat Domino per baptismum, et pignora vobis pro ipsis per violentiam auferentes, inferendo alias gravamina nihilominus et jacturas. Cum igitur Ecclesia quoslibet venientes ad agnitionem fidei, relicto vestustatis errore, recipere debeat et pulsantibus gremium aperire, et auster prohibere non debeat baptizari filios aquilonis, universitati vestre per apostolica scripta precipiendo mandamus, quatenus nemini petenti sacramentum fidei denegetis, sed tam Judeos quam Saracenos, illud humiliter postulantem, in nomine Patris, et Filii, et Spiritus sancti, ad Redemptoris gloriam baptizetis, Christianos, qui presumpserint impedire, vel ab Ecclesia exigere premium pro renatis, ab hujusmodi presumptione cessare, monitione premissa, per censuram ecclesiasticam, appellatione postposita, compellentes. Judeis autem, nisi per charissimum in Christo filium nostrum. . . . Aragonum regem illustrem, ab hac nequitia fuerint revocati, Christianorum commercia per discretionem ecclesiasticam, appellatione postposita, subtrahatis.²

Datum Ferentini, VII Kal. Sept., anno nono.

(POTTHAST, NO. 2873; MIGNE, II, 978, NO. 150).

19.

Innocent III

August 26, 1206

. to the Clergy of Barcelona

Mightily the storm raged in this great and spacious sea, and Mankind was in danger. Then the true Jonah, Jesus Christ, the Son of God, going into the Deep, permitted himself to be overwhelmed by that storm so that He might by his own blood reconcile us to God and transform us into His likeness, and in order that through this bath of regeneration He might, without distinction of sex or person, pour new life into the one consecrated by His blood. He established that all-embracing sacrament by which a man, no matter what his origin, might be adopted among the children of God.¹

Know, then, that we have heard that, when a general baptism is being celebrated in your church, many Saracens, running thither, beg to be baptized at once. The owners of these, whether Jews or Christians, fearing to lose their earthly goods, presume to forbid them to do this, demanding from the Church a price for such as the Lord regenerates through baptism, and by violence carrying off pledges from you for themselves, and adding other charges and expenses besides. Since, however, the Church ought to receive anyone who comes to recognize the Faith and has forsaken the old error, and since it ought to open its bosom to any who knock, and since the South should not prohibit from baptism the children of the North, we command Your University, by admonishing you through Apostolic Letters, to deny the sacrament of the Faith to none who seeks it, but in the name of Father, Son, and Holy Ghost, for the glory of the Redeemer, baptize Jews or Saracens who humbly ask for this. By ecclesiastical punishment without right of appeal, though after giving them warning, you shall compel whatever Christians presume to hinder (the conversion) or to demand a price from the Church in return for the convert, to desist from such presumptions. As to the Jews, unless they be restrained from this iniquity by our dearest son in Christ, the illustrious King of Aragon, you shall take away from them, by ecclesiastical power, the right to hold commerce with the Christians, appeals denied.²

Given at Ferentino, on the seventh before the Kalends of September, in the ninth year.

¹ The letter goes on to describe how a Christian ought to rejoice over converts to the Faith.

² Cf. No. 17.

20.

Innocentius III

August 28, 1206

. Metensi Episcopo¹

Debitum officii pontificalis exsolvis, cum super dubiis juris articulis responso sedis apostolice postulas edoceri. Sane, per tuas nobis litteras intimasti, quod quidam Judeus, in mortis articulo constitutus, cum inter Judeos tantum existeret, in aquam se ipsum immersit, dicendo: Ego baptizo me in nomine Patris et Filii, et Spiritus Sancti. Nunc autem queris, utrum idem Judeus, in devotione Christiane fidei perseverans debeat baptizari? Nos autem, fraternitati tue taliter respondemus, quod, cum inter baptizantem et baptizatum debeat esse discretio, sicut ex verbis Domini colligitur evidenter, dicentes apostolis: Baptizate omnes gentes in nomine Patris, et Filii, et Spiritus Sancti (Matt. XVIII); memoratus Judeus indubitanter est ab alio baptizandus, ut ostendatur, quod alius est qui baptizatur et alius qui baptizat, ad quod etiam designandum, ipse Christus non a se ipso, sed a Joanne voluit baptizari. Quamvis, si talis continuo decessisset, ad patriam protinus evolasset, propter sacramenti fidem, etsi non propter fidei sacramentum. In baptismo quippe illa spiritualis generatio celebratur, de qua veritas ait: Oportet vos nasci denuo, quia, nisi quis renatus fuerit ex aqua et spiritu sancto, non intrabit in regnum Dei (Joan. I). Sicut ergo in carnali generatione, qua proles ex viro et femina nascitur, alius est qui carnaliter gignit et alius est qui carnaliter gignitur, sic et in sacramentali generatione, qua soboles ex aqua et spiritu renascitur, alius debet esse, qui spiritualiter generet, et alius qui spiritualiter generetur. Sane, cum corpus exterius, sive cum cor interius baptizatur, oportet ut utrobique paternitas et filiatio valeant inveniri quibus baptizans et baptizatus ad invicem referantur.

Datum Ferentini, V. Kal. Sept., anno nono.

(POTTHAST, NO. 2875; MIGNE, II, 985, NO. 159; ARONIUS, NO. 369).

20.

Innocent III

August 28, 1206

. to the Bishop of Metz¹

You discharge well the duty of the episcopal office when you ask to be enlightened, with regard to some doubtful points of law, by an answer from the Apostolic Throne. For you have told us in your letters about a certain Jew who, finding himself on the point of death, and since he dwelt among Jews only, immersed himself in water, saying: "I baptize myself in the name of the Father, Son and Holy Ghost." Now, you ask, whether this Jew, continuing in his devotion to the Christian Faith, has to be baptized?

We answer you thus: Since there should be a distinction between the one who baptizes and the one baptized, as can be clearly inferred from the words of the Lord when he says to the apostles, "Baptize ye all the nations in the name of the Father, the Son, and the Holy Ghost," the Jew you mention must undoubtedly be baptized by some one else, in order that it may be clear that there is one who is baptized and another who baptizes. To impress this, Christ himself did not want to be baptized by himself, but by John.

Still, if such a man as you mention, had died immediately, he would at once have gone up to his Father's (home), on account of his faith in the sacrament, although not on account of the sacrament of the Faith. For in baptism is celebrated that spiritual birth about which the Gospel says, "You ought to be born anew, because, unless a man shall be reborn by water and the Holy Ghost, he will not enter into the Kingdom of heaven." Therefore, just as in the carnal birth in which the child is born of man and woman, there is one who gives birth in the flesh, and quite another who is born in the flesh, so too in the sacred birth in which the offspring is born of water and Spirit, there should be one who gives spiritual birth, and a different one who is thus spiritually born. For, whether the body externally or the heart within be baptized, it is fitting that both parenthood and sonship might be told apart, to which the baptizer and baptized are to be compared.

Given at Ferentinum, on the fifth before the Kalends of September, in the ninth year.

¹ Bertold or Bertrand, Bishop of Metz, 1180-1212 (*Gall. Chr.*, XIII, 754-5).

21.

Innocentius III

January 4, 1207¹

. Cantori Seguntinensi

Precibus dilectorum filiorum, decani et capituli Toletani benignum impertientes assensum, Discretioni tue per apostolica scripta mandamus quatinus judeos de partibus illis de possessionibus quas emerunt vel aliquo jure a Christianis devenerunt ad ipsos, de quibus predicti decanus et capitulum decimas consueverunt percipere, ad solvendas eis integre decimas, per subtractionem communionis fidelium, appellatione remota compellas.

Datum Perusii, IIII non, Jan., anno nono.

(AMADOR DE LOS RIOS, I, 553, 360). *Sf.* 175

21.

Innocent III

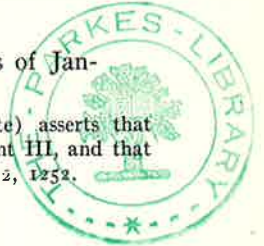
January 4, 1207¹

. to the Cantor of Seguntium

Seeking to give a favorable reply to the prayers of our dear sons, the Dean and the Chapter of Toledo, we command Your Discretion through these letters, that, by removing from them all communication with Christians, and this without chance of appeal, you compel the Jews of those parts to pay in its entirety the tithe from those possessions which they had either bought or had by some other legal means acquired from Christians, and from which possessions this dean and chapter used to get the tithe.

Given at Perusium, on the fourth before the Nones of January in the ninth year.

¹Fidel Fita (in *Estudios Historicos*, Madrid, 1886, V, 51, note) asserts that Amador de los Rios was mistaken in assigning this Bull to Innocent III, and that in reality it is to be credited to Innocent IV, and dated January 2, 1252.



22.

Innocentius III

May 16, 1207

. Episcopo Autisiodorensi¹

Tue fraternitatis discretio postulavit per sedem apostolicam edoceri qualiter contra Judeos illos procedere debeas qui cum villas, predia et vineas emerint, decimas ex eisdem ecclesiis et personis ecclesiasticis debitas reddere contradicunt, cum per censuram ecclesiasticam compelli nequeant, quam contemnunt. Nos autem inquisitioni tue taliter respondemus, quod terre princeps est sollicitate admonendus ut ipsos ad solutionem earum tradita sibi potestate compellat. Quod si forsitan ille id exsequi non curaverit, sub districtione anathematis interdicendum est Christianis ne habeant commercia cum eisdem, donec satisfecerint de premissis. Ceterum cum in dioecesi tua sint quamplurimi usurarii, de quibus minime dubitatur quin sint usurarii manifesti, contra quos propter timorem principum et potentum, qui tuentur eosdem, non apparet aliquis accusator, nec iidem sunt per sententiam condemnati, qualiter procedere valeas contra ipsos, oraculum duxisti sedis apostolice requirendum.² Nos autem fraternitati tue taliter respondemus, quod licet contra ipsos non appareat accusator, si tamen aliis argumentis illos esse constiterit usurarios manifestos, in eos poenam in Lateranensi concilio contra usurarios editam libere poteris exercere.

Datum Laterani, XVII Kal. Jun., anno decimo.

(POTTHAST, NO. 3105; MIGNE, II, 1157, NO. 61; CARO, I, 297, 497).

23.

Innocentius III

May 29, 1207

. Raymundo, Comiti Tolosano

*Si parietem.*¹ quod Judeis publica committis officia in contumeliam fidei Christiane.

Datum Rome, IV Kal. Jun., anno decimo.

(POTTHAST, NO. 3114; MIGNE, II, 1166; GRAETZ, VII, 9; CARO, I, 299, 498; DEPPING, 205).

22.

Innocent III

May 16, 1207

. to the Bishop of Auxerre¹

The discernment of Your Fraternity, has caused you to ask of the Apostolic Throne for instruction how to proceed against those Jews who, having bought up villas, farms and vineyards, deny the tithes due from these properties to the churches and ecclesiastical persons, since the Jews cannot be compelled to do so through ecclesiastical discipline, which they despise. We answer your question as follows: that the prince of the land must be well warned to use the power entrusted him, to force them to make their payments. But if, perchance, he does not want to obey this, then, by the punishment of excommunication, Christians are to be warned not to have any commercial relations with the Jews, unless they bring satisfaction for the above.

Also, since there are quite a few usurers in your diocese, about whom there is little doubt but that they are openly usurers, yet against whom there appears no accuser because of the fear of the princes and lords who protect them, nor are they condemned by public sentiment, you have caused the opinion of the Apostolic See to be asked as to how you could proceed against them.² We answer Your Fraternity as follows: that since no accuser appears against them, if by means of other evidence you establish the fact that they are openly usurers, you can freely use against them the punishment fixed against usurers in the Lateran Council.

Given at the Lateran, on the seventeenth before the Kalends of June, in the tenth year.

¹ William, Bishop of Auxerre, Feb. 1207-1221 (*Gall. Chr.*, XII, 301-3).² Cf. No. 24; also Introduction, p. 47.

23.

Innocent III

May 29, 1207

. to Raymond, Count of Toulouse

*Si parietem.*¹ that in blasphemy against the Christian Faith, you entrusted Jews with public office.

Given in Rome, on the fourth before the Kalends of June, in the tenth year.

¹ In listing the sins of Raymond VI,—that he favored the heretics, oppressed the churches etc.—the Pope also mentions the above. In impassioned language Raymond is threatened with excommunication and with a crusade to be organized against him. Cf. No. VI. and Nos. 25 and 26.

24.

Innocentius III

Jan. 17, 1208

. Comiti Nivernensi¹

Ut esset Cain vagus et profugus super terram, nec interficeretur a quoquam, tremorem capitis signum Dominus imposuit super eum;² quare Judei,³ contra quos clamat vox sanguinis Jesu Christi, etsi occidi non debeant, ne divine legis obliviscatur populus Christianus, dispergi tamen debent super terram ut vagi, quatenus facies ipsorum ignominia repleatur, et querant nomen Domini Jesu Christi. Blasphematores enim nominis Christiani non debent a Christianis principibus in oppressionem servorum Domini confoveri, sed potius comprimi servitute, qua se dignos merito reddiderunt cum in illum manus injecere sacrilegas qui veram eis conferre venerat libertatem, super eos et filios suos esse ipsius sanguinem conclamantes. Verum, sicut nostris est auribus intimatum, quidam principes seculares ad Deum, cui nuda sunt omnia et aperta, oculum non habentes, cum turpe sit ipsius usuras exigere, Judeos recipiunt in villis et oppidis suis, ut eos sibi ministros ad actionem constituent usurarum qui ecclesias Dei et Christi pauperes affligere non verentur. Cum autem Christiani, qui a Judeis mutuum acceperunt, sortem et amplius ipsis solvunt, prepositi et servientes ipsorum potentum sepe captis pignoribus, et interdum eisdem Christianis carceri mancipatis, ipsos compellunt ad solutionem gravissimam usurarum. Quare vidue et pupilli suis hereditatibus spoliuntur, et defraudantur ecclesie decimis ac aliis obventionibus consuetis, cum Judei castella et villas detineant occupata, qui ecclesiarum prelati de parochiali jure contemnunt penitus respondere. Scandalum quoque per eos in Ecclesia Christi non modicum generatur, quod cum ipsi carnibus animalium, que mactant fideles, vesci abhorreant ut immundis, istud

¹ Hervé. Cf. No. 14, this letter probably being an echo of the same situation. Cf. also No. 22.

² I am indebted to my teacher, Professor Louis Ginsberg of the Jewish Theological Seminary, for the reference to Oliver F. Emerson's article on the Legends of Cain in the *Publications of the Modern Language Association*, vol. XXI (1906), pp. 872-3, where this interpretation of the Sign of Cain is given. It has no basis in Jewish legend, but rises from the Septuagint translation of נָע וָנָע as στένων και τρέμων, which was first translated as "gemens et tremens," and only later brought closer to the Hebrew as "vagus et profugus." Nevertheless, the Church Fathers frequently followed the earlier reading, at least in describing "the Sign." Emerson further points out that the most explicit in this connection was Peter Comestor who, in his *Historia Ecclesiastica* (c. 1170) says, "et posuit Deus signum in Cain, tremorem capitis" (*Liber Genesis*, cap. XXVII). Innocent may later have been Peter Comestor's pupil in Paris.

³ The analogy between Cain and the Jewish People was by no means original with Innocent. Peter the Venerable, for example, drew it in his letter to the King of France, c. 1146 (Migne, 189, col. 337).

24.

Innocent III

January 17, 1208

. to the Count of Nevers¹

The Lord made Cain a wanderer and a fugitive over the earth, but set a mark upon him, making his head to shake,² lest any finding him should slay him. Thus the Jews,³ against whom the blood of Jesus Christ calls out, although they ought not be killed, lest the Christian people forget the Divine Law, yet as wanderers ought they to remain upon the earth, until their countenance be filled with shame and they seek the name of Jesus Christ, the Lord. That is why blasphemers of the Christian name ought not to be aided by Christian princes to oppress the servants of the Lord, but ought rather be forced into the servitude of which they made themselves deserving when they raised sacrilegious hands against Him Who had come to confer true liberty upon them, thus calling down His blood upon themselves and upon their children.

But it has been brought to our notice that certain princes do not have their eyes upon the Lord, before Whom all things lie clear and open, for, while they themselves are ashamed to exact usury, they receive Jews into their villages and towns and appoint them their agents for the collection of usury; and they are not afraid to afflict the churches of God and oppress the poor of Christ. Moreover, when the Christians, who had taken a loan from the Jews, have paid them back the principal and more besides, it often happens that these appointees (of the princes) and the servants of their power, after seizing the pledges, and after casting these Christians into prison, compel them to pay most exorbitant usury. Thus are widows and orphans robbed of their inheritance, and churches defrauded of their tithes and other regular sources of income, since the Jews maintain themselves in seized castles and villas and utterly refuse to reply to prelates of the churches in accordance with parochial law.

Another scandal of no mean consequence is created by them in the Church of Christ, in that, while they themselves shrink from eating, as unclean, the meat of animals killed by Christians, yet they obtain it as a privilege from the favor of the princes to give the slaughtering of the animal over to such who cut the animals according to the Jewish rite, and then take of them as much as they desire, and offer the leavings to the Christians.

Similar to this is what the Jewish women do with the milk which is publicly sold for the nourishment of children. There is also another thing, no less detestable to the Christians, that they presume to do. At the vintage season the Jew, shod in linen boots, treads the wine, and having extracted the purer wine in accordance with the Jewish

obtinent principum ex favore quod mactanda carnifices animalia tradunt illis, qui ea ritu Judaico laniantes, ex ipsis accipiunt quantum volunt, relicto residuo Christianis; iis similia Judeis mulierculis facientibus de lacte quod publice venditur pro parvulis nutriendis. Aliud quoque presumunt non minus istis detestabile Christianis, quod vindemiarum tempore uvas calcant Judeus lineis caligis calceatus, et puriori mero juxta ritum Judeorum extracto, pro beneplacito suo retinent ex eodem, residuum, quasi foedatum ab ipsis, reliquentes fidelibus Christianis: ex quo interdum sanguinis Christi conficitur sacramentum. Insuper testes Christianos, quantumlibet bonos et omni exceptione majores, tuti favore potentum, contra se penitus non admittunt. Sane venerabilis frater noster Altisiodorensis episcopus,⁴ ut de sua dioecesi abominaciones hujusmodi removeret, habito prudentum virorum consilio, hec in eadem fieri sub anathematis vinculo interdixit, in solemnibus synodo injungens circumstantibus sacerdotibus quatenus in ecclesiis suis sub excommunicationis poena talia fieri prohiberent. Cui plerique fideles devote parentes elegerunt a premissis abominationibus abstinere. Verum quidam nobiles ac potentes ac eorum ministri attendentes ad munera Judeorum, que ipsorum corda subvertunt, quosdam fidelium, qui propter bonum obedientie ac metum sententie promulgate abstinere a talibus decreverunt, terrere minis et contumeliis afficere presumpserunt, quosdam etiam captos, ut se redimerent compellentes, ac nolentes dimittere nisi ad beneplacitum Judeorum; qui ne per excommunicationis sententiam in personas et interdictum in terras ab hujusmodi compescantur, se tueri nituntur per appellationis obstaculum ad sedem apostolicam interpositum, in elusionem ecclesiastice discipline. Porro Judei, si propter hoc in Christianos aliquando excommunicationis vel interdicti promulgetur sententia, gloriantur pro eo quod occasione ipsorum in salicibus Babylonis ecclesiastica organa suspenduntur, et defraudantur nihilominus suis proventibus sacerdotes. Tu vero, sicut accepimus, qui tanquam vir catholicus et servus Jesu Christi ob ipsius reverentiam deberes Judaicis superstitionibus obviare, ne inimici crucis exaltarentur in semetipsis contra famulos crucifixi, principaliter faves eis, et ipsi te in prenominationis excessibus habent precipuum defensorem. Nonne contra tibi subjectum accenderetur graviter zelus tuus si tuo preberet auxilium inimico? Quanto magis ergo divinam formidare potes offensam, quod favorem prestare non metuis qui unigenitum Dei Filium cruci affigere presumpserunt, et adhuc a blasphemis non quiescunt? Volentes igitur subortum ex hoc in populo scandalum de medio removeri et aboleri tante presumptionis excessum quem in Chris-

⁴Hugo de Noeriis. He took such a keen interest in the problem of the Jews and usury, that he strenuously objected to the edict of 1206 by Philip-Augustus and even went to Rome to arouse the Pope against this edict. But he died soon thereafter without achieving his aim. His anti-Jewish activities showed in other ways too (see Bouquet, XVIII, 271; XIX, 497).

rite, they retain some for their own pleasure, and the rest, the part which is abominable to them, they leave to the faithful Christians; and with this, now and again, the sacrament of the blood of Christ is performed. Moreover, secure in the favor of the mighty, they do not at all admit against themselves any Christian witnesses, no matter how good in character and no matter in what respect superior. Indeed, not long ago our Venerable Brother, the Bishop of Auxerre,⁴ in order to remove such an abomination from his diocese, consulted men of prudence, and under the threat of interdict, forbade such occurrences in the said land, in solemn synod enjoining the clergy that stood around him, to prohibit such practices under pain of excommunication in their churches too.

To him the greater part of the faithful fathers devoutly promised to abstain from the above-mentioned abominations. But certain nobles and princes and their ministers, with their eye to the Jewish gifts that had corrupted their hearts, have tried to terrify by threats, and influence by shame, those of the faithful who, for the sake of obedience and the fear of the sentence promulgated, had decided to abstain from such actions. Some of these latter were captured, and they (the princes) compelled them to redeem themselves, and refused to set them free unless it pleased the Jews. These (nobles), in order that they may not be checked by personal excommunication and an interdict against their lands, try to guard themselves by setting up as an obstacle an appeal to the Apostolic Throne, thereby evading the Church discipline. The Jews, however, rejoice if, because of this, a sentence of excommunication or interdict be pronounced against some Christians, for thus, on their account, the instruments of the churches are hung on the willow-trees of Babylon, and their priests are despoiled of their livelihood.

Certainly you who are, as we have heard, a religious man and a servant of Jesus Christ, ought to keep away from the Jewish superstitions because of your reverence for Him, lest the enemies of the Cross exult among themselves over the servants of Him who was Crucified. Yet you, above all, favor them, and in the aforementioned excesses they have in you a particular defender. Would not your wrath be kindled against a subject of yours if he proved to be of help to your enemy? How much more, therefore, should you dread divine anger because you are not afraid to show favor to those who dared to nail to the Cross the only-begotten Son of God, and to this moment have not ceased to blaspheme (against Him). Wishing, therefore, that the scandal arising among the people as a result of this should be removed from their midst, and that such unbridled presumption which you are said to be committing against Christ and his Church, should be discontinued, we, by Apostolic Letters sent to you, ask, warn, and urge Your Highness in the name of the Lord, that you yourself so

tum et ejus Ecclesiam diceris commisisse, nobilitatem tuam rogamus, monemus, et exhortamur in Domino, per apostolica tibi scripta mandantes quatenus predicta taliter corrigas per teipsum, a similibus de cetero conquiescens, quod zelum orthodoxe fidei videaris habere, ac nos ad correctionem ipsorum non cogamur apponere manus nostras, qui secundum Apostolum in promptu habemus omnem inobedientiam vindicare cum ad hoc simus a Domino constituti ut evellamus que fuerint evellenda et que fuerint plantanda plantemus.

Datum Rome, apud Sanctum Petrum, XVI, Kal. Febr., anno decimo.

(POTTHAST, NO. 3274; MIGNE, II, 1291, NO. 190; GRAETZ, VII, 7-8; DUBNOW, V, 16; CARO, I, 297, 366, 497; DEPPING, 169; GÜDEMANN, *ITALIEN*, 88; GROSS, 388; SINGERMAN, 14).

correct the above, refraining from similar (crimes) of any other kind, as to show that you possess the zeal of the Orthodox Faith, and that we should not be forced to lend our hand to correct this state of affairs. For we must promptly punish all disobedience to the Successor of the Apostle, since we have for this purpose been appointed by God, that we might uproot that which is to be uprooted and plant that which is to be planted.

Given at St. Peter's, on the sixteenth before the Kalends of February, in the tenth year.

25.

Innocentius III

October 9, 1208

. Philippo, illustri Regi Francorum

Ut contra crudelissimos hostes suos Ecclesia sancta Dei, terribilis quasi castrorum acies ordinata, procedat ad exterminandum pravitatis heretice sectatores, que, serpens ut cancer, Provinciam pene totam infecit, presidia militie Christiane de circumpositis regionibus duximus convocanda venerabilibus fratribus nostris Consoranensi et Regensi episcopis, necnon et dilecto filio Cisterciensi abbati, apostolice sedis legatis, deputatis ipsis in duces, ut, defensuri Sancte Trinitatis honorem, sub trino triumphant regimine magistrorum.¹ Quapropter Serenitatem regiam rogandam duximus et monendam, in remissionem sibi peccaminum injungentes quatinus, cum a predictis legatis fueris requisitus, consilium eis ad hoc et auxilium opportunum impendas, populos tibi subditos inducendo ut ad opus tam sanctum per se quam per sua obsequium Deo devotum et subsidium ecclesie necessarium exhibere procurent, scientes remissionem peccaminum a Deo eiusque vicario universis indultam, qui, orthodoxe fidei zelo succensi, ad opus se accinxerint hujusmodi pietatis, ut eis labor tam sanctus ad operis satisfactionem sufficiat super illis offensis pro quibus cordis contritionem et oris confessionem veram obtulerint vero Deo. Quia igitur apud eos districtio forte poterit proficere temperalis, a quibus super hoc spiritualis inductio non admittitur, tuam regalem mansuetudinem in Domino deprecamur, quatinus Judeos sub tuo dominio constitutos inducas, regiaque potestate compellas, ut debitoribus suis in hujusmodi Dei obsequium profecturis omnino relaxent ururas, et terminos ad exsolvendum sortem prefixos, si fieri potest, prorogent competenter, ut, preter subventiones alias quas Ecclesie in tam sancto negotio ministraveris, ex hoc quoque merces tibi eterne retributionis accrescat.²

Datum Ferentini, VII Id., Oct., anno unodecimo.

(POTTHAST, NO. 3511; MIGNE, II, 1470 NO. 159; DEPPING, 185; REJ, VI (1883), 172; NÜBLING, 235; GRAETZ, VII, 8-11).

¹ The work of these three, especially of the Bishop of Riez, is in part shown in the conciliar decrees given below, No. VI.

² Of the same date is a letter addressed "To the Archbishops, bishops, and other Prelates of France," in which the gentile creditors of those who took the cross are mentioned in terms usually referred to in the case of a Crusaders' Privilege. ". . . creditores eorum in vestris diocesibus constitutos, cum ab ipsis fueritis requisiti, per censuram ecclesiasticam appellatione postposita compellatis ut eos a juramento penitus absolventes ab usurarum ulterius exactione desistant. Quod si quisquam creditorum ipsos ad solutionem coegerit usurarum, ipsum ad restituendum easdem postquam fuerint persolute, simili censura, sublato appellationis obstaculo, coercetis, creditores talium diligentius quam poteritis inducentes quate-

25.

Innocent III

October 9, 1208

. to Philip the illustrious King of France

In order that the Holy Church of God, arrayed like a fearful battle-front, may proceed against its cruelest enemies, to exterminate the followers of wicked heresy which, like a serpent or an ulcer, has infected almost an entire province, we have caused garrisons of Christian soldiers to be called together from the surrounding regions, and have appointed our venerable brothers the Bishops of St. Lizier and of Riez, as well as our dear son the Cistercian Abbot, as legates of the Apostolic Throne, deputing them as leaders, so that they who go forth to defend the honor of the Holy Trinity may triumph under the triple guidance of these masters.¹ Wherefore, we consider that Your Serene Majesty should be admonished and urged, joining thereto a remission of your sins, that, when asked by the above-named legates, you should offer them counsel for this purpose, and timely aid, inducing the peoples subject to you personally and by means of their property, to display devoted allegiance to God, and offer the necessary aid to the Church. In the knowledge that a remission of sins has been granted by God and by all his vicars, those who burn with zeal for the true Faith shall gird themselves for a work of such piety, so that a labor of such holiness might serve for them as a satisfaction in works for those offenses for which they brought true contrition of the heart and true confession of the mouth before the true God. But since compulsion by temporal power may accomplish more among those in the case of whom spiritual compulsion is not admissible, we beseech your Royal Clemency in the name of God, to induce the Jews subject to you, and to compel them by your royal power, completely to remit all usury to such debtors as are departing for the service of their God, and also, if it can be done, to make suitable postponement of the time originally set for the payment of the principal. In this way you will receive eternal reward for this as well as for the other help that you will be giving to the Church in so holy a cause.²

Given at Ferentinum, on the seventh before the Ides of October, in the eleventh year.

nus terminos ad solutionem debitorum prefixos donec illi labori vocaverint huiusmodi pietatis, elongent" [Potthast, no. 35 Migne, II, 1469].

The Jewish creditors are referred to in No. 26.

26. Innocentius III

November 11, 1209

. Arelatensi Archiepiscopo¹ et suffraganeis eius

*Gloriantes hactenus.*² Quia igitur apud eos districtio forsitan proficiet temporalis a quibus super hoc spiritualis inductio non admittitur, illos qui super Judeos in vestris dioecesibus permanentes habere noscuntur dominium temporale, diligenter inducere procuretis ut eos inducant, et tradita sibi potestate compellant, quod suis debitoribus in huiusmodi Dei obsequium profecturis omnino relaxent usuras, et terminos ad exsolvendum sortem prefixos, si fieri potest, prorogent competentem.

Datum Laterani, III Id. Nov., anno duodecimo.

(POTTHAST, NO. 3828; MIGNE, III, 159).

27. Innocentius III

June 7, 1212

. Lingonensi Episcopo¹

Postulasti per sedem apostolicam edoceri qualiter contra Judeum procedere debeas qui manus injecit in quemdam presbyterum violentas. Ad quod fraternitati tue breviter respondemus quod si dictus Judeus tue jurisdictionis existit, ipsum poena pecuniaria punias vel alia, secundum quod convenit, temporali, faciens percusso satisfactionem congruam exhiberi. Alioquin dominum ejus moneas et inducas ut passo injuriam et Ecclesie ab eo satisfieri faciat competentem. Quod si dominus ejus id neglexerit adimplere, tu Christianis per censuram ecclesiasticam interdicas ne cum ipso Judeo, antequam satisficiat, presumant commercia exercere.²

Datum Laterani, VII Id. Jun., anno quinto decimo.

(POTTHAST, NO. 4523; MIGNE, III, 630, NO. 118).

26. Innocent III

November 11, 1209

. to the Archbishop of Arles¹ and his suffragans

*Gloriantes hactenus.*² Wherefore, since only physical compulsion can succeed with such in the case of whom spiritual inducements are inadmissible, you shall try to induce those who are known to have temporal power over the Jews in your dioceses, that they in turn shall induce the Jews, and compel them by means of the power they possess, to cancel the usury of those who have set out to do such signal service to God, and, if possible, to have the Jews make suitable extension of the term for the payment of the principal.

Given at the Lateran, on the third before the Ides of November, in the twelfth year.

¹ Michel de Moureze, 1203-1217, took an active share in the negotiations about Raymond VI and the Albigenses. (Fisquet, *La France Pontificale*, I, pp. 555-563).

² This is a long letter, sent to the various bishops of Western Christendom urging them to preach the crusade in support of the work of Simon de Montfort. In all likelihood the same sort of letter was sent also to many others of the French prelates (Potthast, l. c.) as well as to the civil authorities of these places (ibid., no. 3829).

27. Innocent III

June 7, 1212

. to the Bishop of Langres¹

You asked to be instructed by the Apostolic Throne how to proceed against a Jew who had raised a hand of violence against a certain priest. To this request of Your Fraternity we briefly reply that, if the aforementioned Jew lives under your own jurisdiction, you should punish him by means of a money payment or whatever other secular penalty may be in order, giving proper satisfaction to the one struck. Otherwise you should threaten and induce his lord that he should force (the Jew) to give fitting satisfaction for the injury to the sufferer and the Church. Should his lord neglect to execute this, you should interdict the Christians, by means of ecclesiastical punishment, not to dare have commercial relations with this Jew until he brings satisfaction.²

Given at the Lateran, on the seventh before the Ides of June, in the fifteenth year.

¹ William de Joinville, Bishop of Langres, 1208-1219, thereafter transferred to Rheims (Eubel, also *Gall. Chr.*, IV, 597-600).

² For a similar case see below, No. 47.

28.

Innocentius III

April 22, 1213

..... universis Christi fidelibus per Coloniensem Provinciam constitutis

*Quia maior.*¹ Quod si quisquam creditorum eos ad solutionem coegerit usurarum, eum ad restitutionem earum simili cogi animadversione mandamus. Judeos vero ad remittendas ipsis usuras per secularem compelli precipimus potestatem, et donec illas remiserint, ab universis Christi fidelibus tam in mercimoniis quam in aliis, per excommunicationis sententiam eis omnino communio denegatur.

Datum Laterani, X Kal. Mai., anno sexto decimo.

In eundem modum scriptum est universis Christi fidelibus per fere totas provincias Europe.

(POTTHAST, NOS. 4718, 4721, 4725; MIGNE, III, 819, NO. 28; ARONIUS, NO. 390; HÖNIGER, 96; NÜBLING, 236; STOBBE, 132; WEYDEN, 108, 352).

29.

Innocentius III

June 10, 1213

..... Archiepiscopo Senonensi¹

Operante illo qui semper suam fecundat Ecclesiam nova prole, dilectum filium N. latorem presentium, qui ad nos de partibus tuis Judeus accesserat, ad te remittimus Christianum: cujus conversationis modum et ordinem, quia delectat Deo magnalia enarrare, presenti pagine secundum quod accepimus ab eodem duximus inserendum. Nuper igitur in domo patris ejusdem habitabat quedam mulier Christiana, que a Catholica fide adeo facta fuit Judeis seducentibus aliena ut constanter assereret, erroris Judaici tenebris obvoluta, quod Christus sibi nec prodesse poterat nec obesse, ac tantum valere panem de cujuslibet mensa sumptum quantum Christianorum hostia que sumitur in altari. Hec poenam incurrere metuens si fidem Christi publice abnegaret, in festo Resurrectionis Dominice tunc instantis ad Ecclesiam cum Christianis accessit, et acceptam eucharistiam, ac reservatam in ore, in manu patris predicti N. qui tunc Isaac vocabatur projiciens, in hec verba prorupit: Ecce Salvator meus, ut asserunt Christiani. Qui cum in quadam pyxide vacua, quam habebat in arca, reponere vellet illam, idem, quodam ad ostium suum interim vocante, formidans ne inveniretur casu fortuito apud ipsum, in alia pyxide, in qua erant septem libre Parisienses, ipsa nescienter pre festinatione reposita, pulsanti ostium reseravit. Cum expeditus ab eo rediisset ad arcam, et in pyxide vacua, in qua se dictam hostiam posuisse credebat, non inveniret eamdem, inspecta reliqua, in qua pecuniam posuerat antedictam, eam non utique

28.

Innocent III

April 22, 1213

..... to all the faithful Christians of the Province of Cologne

*Quia maior.*¹ If anyone of their creditors force them to pay usury, he shall, by the same punishment, be forced to restore it. As to the Jews, we order that they shall be compelled by the secular power to restore to them the usury taken, and that until they do so, the Jews shall, by a sentence of excommunication, be cut off from all commercial as well as other intercourse with the faithful Christians.

Given at the Lateran, on the tenth before the Kalends of May, in the sixteenth year.

In the same way were addressed all the Christian faithful throughout practically all the provinces of Europe.

¹ Since the first call in 1198 (above, No. 1), the situation in the Holy Land had grown worse. The Crusade which had gotten under way in 1203 had been deflected to Constantinople, and while the Pope saw some good in that (see No. 16), the fact remained that, far from being a help to the reconquest of the Holy Land, the existence of the Latin Empire actually absorbed much of the human and economic power needed for the conquest of Palestine and for the assistance of the weak, tottering, and quarrelsome Christian states. The General Council, for which Innocent was already laying plans, was to have the organization of a new Crusade as the most important part of its agenda. The call given here evoked no appreciable response.

29.

Innocent III

June 10, 1213

..... to the Archbishop of Sens¹

Having done that which always enriches the Church with a new child, we send back to you as a Christian our dear Son N., the bearer of this letter, who came to us from your land as a Jew. We have caused to be added to this document also that which we have heard from him, the substance and sequence of his story, for it is pleasant to relate the wonders of God.

Recently a certain Christian woman was living in the home of this man's father, and, by Jewish seductions, she was estranged from the Catholic Faith, so that she constantly asserted, while she was under the shadow of the Jewish error, that Christ could not profit or injure her, and that bread taken from any ordinary table is as efficacious as the host of Christ which is taken at the altar. Fearing the punishment she would incur if she were publicly to deny the Christian Faith, she pressed on to the church along with the other Christians on the Feast of Resurrection, then at hand, and she received the eucharist, and hid it in her mouth. Then, giving it into the hands of the father of the

¹ Peter, see above No. 18.

denariis, sed hostiis, vidit plenam. Amicos igitur stupefactus et trepidus convocavit, et eis revelans per ordinem supradicta, coepit in eorum presentia hostias vertere cum festuca, ut illam quam viderat aliquantum humefactam, cum tradita sibi fuit, ab aliis segregaret, sperans denarios ad naturam redire propriam, hac amota. Quo eam discernere ab aliis non valente, circumstantes magnitudinem divini miraculi advertentes, deliberaverunt ad fidem accedere Christianam. Sed aliis cum Abrahe pueris ex spectantibus, idem N. nobili viro regio marescallo uxorem suam filiosque commendans, et rogans eundem ut eos omnes faceret baptizari, ad nostram duxit presentiam (accedendum) quem post multas collationes super lege ac prophetis habitis cum eodem venerabilis frater noster Tusculanus episcopus diligenter instructum in fide catholica baptizavit.² Cum igitur hujusmodi nova plantatio non solum rore doctrine riganda sit, sed etiam temporalibus beneficiis nutrienda, ut ei Dominus tribuat incrementum, fraternitati tue per apostolica scripta mandamus quatenus ei ac familie sue ad fidem Christianam converse taliter facias in vite necessariis provideri quod pro defectu temporalium retro aspicere non cogantur vel propter hoc ad sedem apostolicam denuo laborare, inquisiturus super premissis miraculo plenius veritatem, et eam nobis fideliter rescripturus.³ Tu denique, frater archiepiscopo, super te ipso. etc.

Datum Laterani, VI Id. Jun., anno sexto decimo.

(POTTHAST, NO. 4749; MIGNE, III, 886, NO. 84; *REJ*, XXXV (1897), 251, note 4, 254; *CARO*, I, 294, 497).

² In accordance with canon law, instruction in the fundamentals of Catholicism must precede baptism.

³ The frequency with which such miracles occurred is evidenced by the number of them cited in Bouquet (see vols. XXI, pp. 127, 132 and XXII, pp. 32 f.).

30. Innocentius III

May 14, 1214

. Philippo, regi Francie illustri

Quanto melior est anima corpore, tanto spiritualia sunt temporalibus preferenda, unde commodum temporale non est cum spirituali damno querendum, ne unde lucrum queritur temporale inde spirituale periculum oriatur, teste Veritate que dicit: Quid prodest homini si universum mundum lucretur, anime vero sue detrimentum patiatur?

Auditis itaque litteris quas tu et quidam barones tui contra dilectum filium R.¹ tituli Sancti Stephani in Coelo-Monte presbyterum caradiversas querimonias continentes; protinus nobis et querelas contra eundem legatum propositas, et responsiones ipsius fecimus explicari, easque tibi probabiliter moderatas presentibus litteris mittimus indinalem, apostolice Sedis legatum, super variis articulis, destinastis,

¹ Robert de Curzon, not really consecrated till 1216 (Eubel).

above-mentioned N. (then called Isaac), she burst forth in these words: "Behold my Savior, as the Christians say". Just as he wanted to put this into a certain empty box which he had in the closet, he was called to his door, and fearing lest someone by chance come into his house, he unwittingly and on account of his haste, placed it into another box in which were seven Parisian livres. He then opened the door to the one who was knocking. When hurrying from the door he returned to the closet and did not find it (the wafer) in the empty box in which he believed he had placed the said host, he looked into the other in which he kept the money, and he saw it full—not with coins—but with wafers. Astonished and trembling he called together his friends and after telling them the above story as it happened, he began in their presence to turn the wafers with a straw, in order to see the one that had been somewhat moist when given to him, that he might separate it from the others, hoping that, after this one had been removed, the coins would turn back to their original nature. When he was unable to distinguish this one from the others, the people standing about perceived the greatness of the divine miracle, and decided to become converted to Christianity. Entrusting his wife and children to a noble, the Marshal of the land, and asking him to have them all baptized, the same N. with other sons of Abraham from among the onlookers, hastened to our presence. They held much discussion in the laws and the prophets with him, then our venerable brother, the Bishop of Tusculum carefully instructed him, and baptized him into the Catholic Faith.²

Since, however, a new plant of this kind should be strengthened not alone by the dew of doctrine, but also nourished by temporal benefits, so that God may show him an increase, we order Your Fraternity, through our Apostolic Writings, so to arrange matters that he and his family, also converted to Christianity, should be provided with the necessities of life; so that because of lack of temporal goods they should not be forced to look backward, nor on this account to bother anew the Apostolic Throne.

After you have found out more of the truth about the above-mentioned miracle, faithfully write of it to us,³ etc.

Given at the Lateran, on the sixth before the Ides of June, in the sixteenth year.

30. Innocent III

May 14, 1214

. to Philip, the illustrious King of France

As much as the soul is superior to the body, to that extent are things spiritual preferable to things temporal. Whence it follows that temporal benefits should not be sought that involve spiritual harm, lest from the search for temporal profit there arise peril to the soul. Witness the

terclusas,² hoc tue serenitati breviter respondentes; quod licet idem legatus a nobis super usurariis non acceperit speciale mandatum, quia tamen in regno tuo plus solito usuraria pestis increverit, in tantum facultates ecclesiarum, militum, aliorumque multorum devorans et consumens, quod nisi tanto languori adhiberetur efficax medicina, intendere non sufficerent ad subsidium terre sancte, propter quod ipsum duximus specialiter destinandum; unde ipse tamquam spiritualis medicus adversus hanc mortiferam pestem, de consilio virorum prudentum in diversis conciliis ad curandas animas salubre remedium adinvenit; quo circa non decet tuam regalem prudentiam, que inter ceteros principes seculares Christianitatis titulo est insignis, pro aliquo temporali commodo spiritualem impedire profectum, sicut per quasdam litteras ad diversas communias destinatas te fecisse dolemus, quas ut prudentiori retractes consilio, presenti pagine fecimus intercludi, serenitatem regiam exhortantes, quatenus nec impedias nec facias impediri quominus in regno tuo ecclesiastica jurisdictio valeat exerceri. Nos enim predicto legato precipimus ut adhuc super his, quantum cum Deo potest, necessarium adhibeat moderamen, ne in aliquo modo excedat honestas consuetudines et usus rationabiles non immutans, limam omnium generali concilio reservando. Unde volumus et mandamus ut interim idem negotium hinc inde modeste procedat, quia tunc super his et aliis cum sacri approbatione concilii statuemus, quod spiritualiter et temporaliter videmus expedire.

Datum Rome, II Id. Mai., anno septimo decimo.

(POTTHAST, NO. 4922; MIGNE, IV, 229, NO. 190).

² Erler (Vering's *Archiv*, vol. 48, p. 401) judges this to apply to Jews. That one may be permitted to doubt, since the Pope has no reason not to mention them by name. But whether or not it means Jews, it is significant to what extent the Princes were concerned with usury.

31.

Innocentius III

1215-1216

..... Archiepiscopis et episcopis per Regnum Francie constitutis¹

Mandatur ut permittant Judeos talem gestare habitum per quem possint inter Christianos discerni, nec ad talem portandum compellant, per quem possint vite dispendium sustinere.²

(POTTHAST, NO. 5302; MIGNE, III, 994; V. u. R., I, 229; SINGERMANN, 16).

¹ This represents only the rubric of the letter, the message itself is lost. See intr. p. 5.

² The distinction involved probably represents all that the Jewish representations of the danger in which conspicuousness placed them, could gain from the Pope in mitigation of the decree of the IV Lateran, Intr. p. 69.

Gospel which says: "What doth it profit a man if he gain the whole world, but suffer harm to his soul."

Now, we listened to the letters on a variety of matters which you and some of your barons transmitted to us, containing various complaints against our dear son R.,¹ titular Cardinal-Priest of St. Stephen's in Coelo-Monte, the Apostolic Legate. Thereupon we had presented to us at length both the complaints made against the said Legate, as well as his answers. To some extent regulated, we now return to you these matters enclosed herein.² Briefly we reply to Your Serenity as follows. Even though the said Legate had not received a special mandate from us in the matter of usurers, nevertheless, since in your kingdom the pest of usury has grown to unusual proportions, consuming and devouring the potentialities of the churches, the knights, and of many others to such an extent that, unless an effective medicine be found for so great a disease, there would not be enough for a subsidy to the Holy Land, the special purpose for which we had sent him, therefore, he, like a physician of the soul, and with the advice of prudent men given in various Councils, found this wholesome remedy against the death-dealing pest, for the salvation of souls. Wherefore it is not seemly for Your Royal Prudence, who bears a distinguished reputation among the other secular princes of Christendom, for the sake of a physical benefit to stand in the way of achieving a spiritual one, as we regret to find that you have done by means of certain letters dispatched to various communities. In order that, better advised, you may recall these letters, we have caused to be enclosed within this document an exhortation of Your Royal Serenity not to hinder, or cause to be hindered, that ecclesiastical jurisdiction be practiced in your realm. We have likewise ordered the said Legate, in so far as he can in the name of God, to exercise all necessary moderation in these matters, lest he in any way exceed proper custom, and not to change reasonable usage while maintaining every intent of the General Councils. Wherefore, we desire and command that in the meantime he push this affair ahead with discretion, since we, with the approbation of the Sacred Council, have decreed about these and other things, what we deemed expeditious both spiritually and physically.

Given at Rome, on the second before the Ides of May, in the seventeenth year.

31.

Innocent III

1215-1216

..... to the Archbishops and Bishops of France¹

The order is given them to let the Jews wear clothes by which they might be distinguished from Christians, but not to force them to wear such as would lay them open to the danger of loss of life.²

32.

Innocentius III

1215-1216

..... Archiepiscopis et episcopis per Regnum Francie constitutis¹

Mandatur ut inhibeat universis Christianis, maxime cruce signatis, ne Judeos seu eorum familias molestant.

(POTTHAST, NO. 5257; MIGNE, III, 994; V. u. R., I, 229).

33.

Honorius III

January 27, 1217

..... Episcopo¹ et abbati Fusillensi,² Placentine diocesis, et decano Toletano

Cum in generali concilio³ provida fuerit deliberatione statutum Judeos per subtractionem communionis fidelium specialiter in commerciis compellendos ad satisfaciendum ecclesiis pro decimis et oblationibus debitis quas a Christianis de domibus et possessionibus aliis percipere consueverant antequam ad Judeos quocumque titulo devenissent, adjecto ut a Christianis Judei per diversitatem habitus distinguantur; Judei commorantes in dioecesi et civitate Burgen, nec se a Christianis per habitus qualitatem distinguere, nec pro decimis et oblationibus supradictis satisfactionem curant ecclesiis exhibere, sicut venerabilis fratris nostri Burgensis episcopi⁴ oblata nobis petitio patefecit. Ideoque discretioni vestre per apostolica scripta mandamus, quatenus Judeos ipsos ad observanda predicta secundum formam expressam in ipso concilio compellatis, in Christianos qui eisdem efficere recusantibus contra prohibitionem vestram communicare presumpserint censura ecclesiastica monitione premissa, juxta formam eiusdem concilii exercentes. Quod si non omnes.

Datum Laterani, VI Kal. Febr., anno primo.

(HORROY, II, 218, NO. 177; PRESUTTI, I, 51, NO. 285; DUBNOW, V, 76 F.).
54-177

32.

Innocent III

1215-1216

..... to the Archbishops and Bishops of France¹

It is commanded them to forbid all Christians, especially crusaders, to hurt the Jews or their families.

¹This is only the rubric, the letter itself being lost. (See Introduction, p. 5. Cf. No. 31, notes).

33.

Honorius III

January 27, 1217

..... to the Bishop¹ and Abbot of Fusillens² in the Diocese of Plasencia, and to the Dean of Toledo

Although in the General Council³ it had been decided after careful deliberation, that Jews shall be compelled, by means of denial to them of intercourse with the faithful, especially in matters of commerce, to pay to the churches the tithes and offerings [due], which they (the churches) were wont to receive from Christians from their homes and other possessions before these had, under whatever title, come into Jewish hands, and although it had been further decided that the Jews shall be distinguished from Christians by means of a difference in dress, yet the Jews living in the diocese and city of Burgos do not take care either to separate themselves from the Christians by the kind of garments they wear, or to offer restitution for the said tithes and offerings, as is stated in the petition of our venerable brother the Bishop of Burgos,⁴ which was brought to us. Therefore, we command Your Discretion through Apostolic Letters, to compel the Jews to observe the above-mentioned regulations according to the manner set down in that Council. You shall use the ecclesiastical punishment in accordance with the form (decided on) at the same Council against Christians who in spite of your prohibitions dare to hold intercourse with them etc.

Given at the Lateran, on the sixth before the Kalends of February, in our first year.

¹Bishop Dominic of Plasencia, 1214-1233.

²Name not to be found.

³The IV Lateran, below Nos. IX, X.

⁴Maurice, 1213-1238, who began the construction of the Cathedral (Flórez, XXVI, 300-316).

34. **Honorius III**
January 28, 1217

..... abbat¹ et priori Sancte Genovese Parisiensis, et magistro G. canonico Bituricensi²

*Cum olim nobilis*³ et habentes pondus et pondus illud in crucesignatis et Judeis in terra eiusdem committisse morantibus iisdem noluerunt concedere quod Phillipo illustri regi Francorum in his qui domaniam terram ipsius inhabitant concesserunt⁴

Datum Laterani, V. Kal., Feb., anno primo.

(POTTHAST, NO. 5437; HOROY, II, 222, NO. 180; PRESSUTTI, I, 51, NO. 288).

¹ Jean de Toucy, c. 1200-1223 (*Gall. Chr.*, VII, 723-733).

² Girard de Cros, made bishop the following year (Eubel, I, 138), at this time resident in Paris.

³ This is part of a letter asking for an investigation into the complaints of Blanche of Champagne against the Archbishop of Sens and his suffragans, because of their exorbitant claims to jurisdiction in her territory. Cf. Arbois de Jubainville, V, no. 1037.

⁴ They were in all likelihood trying to restrict money-lending to narrower limits than those regulated by Philip-Augustus in 1206. Cf. Nos. 30, 39.

35. **Honorius III**
November 7, 1217

..... Fidelibus Christianis

*Sicut Judeis non*¹ mansuetudine predecessorum nostrorum et Innocentii² in subversionem fidei Christiane.

Datum Laterani per manum Raynerii sancte Romane ecclesie vice-cancellarii, septimo Id. Nov., indictione quinta, incarnationis Dominice anno millesimo ducentesimo decimo-septimo, pontificatus vero domini Honorii Pape Tertii anno secundo.

(POTTHAST, NO. 5616; HOROY, II, 532, NO. LV; PRESSUTTI, I, 147, NO. 866; ARONIUS, NO. 406; CARO, I, 499; SCHERER, 35; NÜBLING, 282; V. u. R., I, 231; RODOCANACHI, 132, 322, 297; BERLINER, *ROME*, I, pt. 2, 36; AMADOR DE LOS RIOS, I, 456). 54.178

36. **Honorius III**
January 26, 1218

..... Archiepiscopo Toletano¹

In generali concilio² provida fuit deliberatione statutum ut Judei Christianis per habitus differentiam distinguantur et compellantur ad satisfaciendum ecclesiis pro decimis et oblationibus debitis quas a Christianis de domibus et possessionibus aliis percipere consueverant ante-

34. **Honorius III**
January 28, 1217

..... to the Abbot¹ and the Prior of St. Genevieve of Paris, and to the Canon of Bourges²

*Cum olim nobilis*³ and using double weights, they (The Archbishop of Sens and his suffragans) refuse to permit to her the very same privileges with regard to crusaders and the Jews, who live in the territory of this Countess, which they permitted to Philip, King of France with regard to the Jews who live in his domains⁴

Given at the Lateran, on the fifth before the Kalends of February, in the first year.

35. **Honorius III**
November 7, 1217

..... to all faithful Christians

*Sicut Judeis*¹ in accordance with the custom of our predecessors and Innocent² who plot against the Christian Faith.

Given by the hand of Raynerius, Vice-Chancellor of the Holy Roman Church, on the seventh before the Ides of November, in the fifth Indiction, in the 1217th year of the Lord's Incarnation, and of the Pontificate of the Lord Pope Honorius III, the second year.

¹ From that point to the end like no. 5.

² The only addition to the list of predecessors.

36. **Honorius III**
January 26, 1218

..... to the Archbishop of Toledo¹

After careful deliberation it was established in the General Council² that by their clothes Jews are to be distinguishable from Christians, and that they are to be compelled to give satisfaction to the churches for the tithes and offerings which these churches were wont to receive from the houses and other possessions of the Christians before these had come, under any title, into Jewish hands. We have learned that the Jews who dwell in your province, supported as they are by the favor of certain Christians, do not take care to observe this. Wherefore, we order you by the authority of these letters that, by removing from them the possibility of relationship with Christians, you force

¹ Roderic, 1209-1248.

² See below IV Lateran Nos. IX, X.

quam ad Judeos quocumque titulo devenissent; que sicut accepimus, Judei existentes in tua provincia quorundam Christianorum favore suffulti observare non curant. Ideoque presentium tibi auctoritate mandamus quatinus tam illōs quam quoslibet alios Judeos infra tue legationis terminos consistentes per subtractionem participii Christianorum ad observanda predicta compellas; Christianos qui contra prohibitionem tuam illis participare presumpserint per censuram ecclesiasticam appellatione postposita compescendo.³

Datum Laterani, VII Kal. Febr., anno secundo.

(PRESSUTTI, I, NO. 1026; FITA, *ACTAS INEDITAS*, 232; DUBNOW, V, 76; CARO, I, 498; AMADOR DE LOS RIOS, I, 358-360). *Sf. 179*

these Jews, and any others who dwell within the limits of the territory over which you are legate, to observe the said decree. Christians, who in spite of your prohibition, shall dare to have relations with them, you shall restrain by ecclesiastical punishment, appeals denied.³

Given at the Lateran, on the seventh before the Kalends of February, in the second year.

³As a result a Concordat was made on June 16, 1219 between Roderic and the Jews. The following were its terms:

1. Every male Jew of twenty or over, and if married, even below twenty, shall pay to the Archbishop an annual sum of one sixth of an aureum.
2. Every dispute regarding age shall be settled by two elders from the Jewish community of Toledo and two from another synagogue that the Archbishop may pick.
3. Jews shall be freed from the payment of tithes and offerings which the Lateran Council imposed.
4. The last provision shall apply to all property in Jewish hands at the time of the making of the Concordat.
5. It shall apply also to property sold by a Jew to a Christian, provided this property is within the diocese covered by the Concordat.
6. Property, however, sold by a Christian to a Jew after the establishment of the Concordat shall be subject to the tithe.
7. The above shall not include houses built or to be built. Cf. No. 37.
8. The elders of the Synagogue shall be responsible for the payment of the tax by any Jew, so that the Archbishop may claim from the elders what any individual refuses to pay.
9. The tax shall be paid annually from the Feast of St. Michael to that of St. Martin (September 29-November 11, hence immediately after the holiday of Sucoth).
10. The Archbishop promises in the name of God, and upon his own honor, to defend and help the Jews as much as will be in his power (Amador de los Rios, I, pp. 357-359; Eduardo de Hinojosa, *Documentos para la historia de las instituciones de Leon y de Castilla*, Madrid, 1919, p. 120, no. 72).

The Throne countersigned this agreement.

37.

Honorius III

March 18, 1219

. Archiepiscopo Toletano

Ad audientiam nostram noveris pervenisse quod Judei per tuam provinciam constituti, constitutionem concilii generalis (qua fuit provida deliberatione statutum ut ipsi Judei cogantur ad satisfaciendum ecclesiis pro decimis et oblationibus debitis quas a Christianis de domibus et possessionibus aliis percipere consueverant antequam ad Judeos quocumque titulo devenissent), evacuare suis adinventionibus molientes, domos novas edificant, de quibus nolunt ecclesiis, in quarum parochiis construuntur, juxta predictam constitutionem aliquatenus respondere. Volentes igitur commento fraudis huiusmodi obviare, fraternitati tue per apostolica scripta mandamus quatinus constitutionem predictam, tam circa domos constructas seu construendas ab ipsis Judeis, quam circa emptas sive conductas ab ipsis, per provinciam tuam, ac etiam per terram in qua commissum est tibi legationis officium, facias per poenam in concilio ipso statutam, appellatione remota, firmiter observari.¹

Datum Laterani, XV Kal. Apr., anno tertio.

(FITA, *ACTAS INEDITAS*, 233).

37.

Honorius III

March 18, 1219

. to the Archbishop of Toledo

Know that it has reached our ears that the Jews who dwell in your Province exert themselves by means of their subterfuges, to get around the decree of the General Council (where, after long deliberation, it was decided that the Jews be compelled to make satisfaction for the tithes and gifts due to the churches, which they used to receive from the homes and other possessions of the Christians before these had, under one or another pretense, fallen into the hands of the Jews), by building new houses, for which they refuse to answer, in accordance with the said decree, to the churches in whose parishes the houses are constructed.

Wherefore, wishing to get around a device of such fraudulent nature, we, by Apostolic Letters, order Your Fraternity to use the penalties decreed in that very Council, and without right of appeal, to make the said decree strictly observed with regard to houses built or to be built by the Jews, as well as with regard to those bought or rented by them, throughout your province and the land in which you hold the office of legate.¹

Given at the Lateran, on the fifteenth before the Kalends of April, in the third year.

¹ Cf. No. 36 and note.

38. Honorius III

March 20, 1219

. Archiepiscopo Teletano¹

Ex parte karrissimi in Christo filii nostri Fernandi² illustris regis Castelle, ac etiam ex tua, fuit propositam coram nobis quod Judei existentes in regno Castelle, adeo graviter ferunt quod de signis ferendis ab ipsis statutum fuit in concilio generali ut nonnulli eorum potius eligant ad Mauros confugere quam signa hujusmodi bajulare, alias occasione hujusmodi conspirationes et conventicula facientes, ex quibus ipsi regi, cujus proventus in Judeis ipsis pro magna parte consistunt, grave posset generari dispendium et in ipso Regno scandalum suboriri. Quare nobis fuit tam ex dicti regis quam ex tua parte humiliter supplicatum ut executioni constitutionis super hoc edite tibi supersedere de nostra permissione liceret, cum absque gravi scandalo procedere non valeas in eadem. Volentes igitur tranquillitati dicti Regis et Regni paterna sollicitudine providere, presentium tibi auctoritate mandamus quatinus executionem constitutionis supradicte suspendas quamdiu expedire cognoveris,³ nisi forsitan super exsequenda eadem apostolicum mandatum reciperes speciale, nullis litteris obstantibus harum tenore tacito a Sede Apostolica impetratis.

Datum Laterani, XIII Kal. Apr., anno tertio.

(AMADOR DE LOS RIOS, I, 554, 361; PRESSUTTI, I, NO. 1943; FITA, *ACTAS INEDITAS*, 233-234; CARO, I, 498; ROBERT, 59). 56-189

¹ Roderic, Primate of Spain.² Ferdinand III, 1217-1252, subsequently canonized.

³ Amador de los Rios points out the probable arguments that moved the Pope from his attitude of the year before (No. 36)—(1) An economic crisis because of the sudden departure of some of the wealthiest merchants. (2) A falling off of the state taxes. (3) Above all, a weakening of the Kingdom which was so anxious to follow up the advantage over the Moors gained in 1212 (ibid., p. 361). Cf. Introduction, p. 63. Two years later, the special order spoken of was received (No. 51).

39. Honorius III

June 21, 1219

. Dilectis filiis S. Johannis in Vineis Suessionensis¹ et Vallissecræ,² Premonstratensis ordinis, Suessionensis diocesis abbatibus, et G. Decano Sues-sionensis³

Dilecta in Christo filia nobilis mulier Blanca, Comitissa Campanie, nobis conquerendo monstravit, quod, cum in generali concilio⁴ provide

¹ Raoul.² Conrad.³ Guy.⁴ IV Lateran, see No. XIII.

38. Honorius III

March 20, 1219

. to the Archbishop of Toledo¹

On behalf of our dearest son in Christ, Ferdinand,² the illustrious King of Castile, as well as on behalf of yourself, we have been informed that the Jews who reside in the Kingdom of Castile are so seriously wrought up over that which was decided with regard to them in the General Council in the matter of wearing a sign, that some of them choose rather to flee to the Moors than to be burdened with such a sign. Others conspire because of this, and make secret agreements. As a result, the King, whose income in large measure derives from these very Jews, can hardly raise his expenses, and serious misfortune may befall the kingdom. Wherefore we have been humbly petitioned both on behalf of this King as well as yourself, that our permission be given you to set aside the execution of this edict, since you cannot proceed to its enforcement without great trouble.

Therefore, since in our paternal solicitude we desire to assure the peace of this King and his Kingdom, we, by these letters give you authority to suspend the execution of the said decree for as long as you may think fit,³ unless you receive a special Apostolic mandate with regard to it in the future. Other letters notwithstanding, you shall ask the Apostolic Throne with regard to anything about which this letter is silent.

Given at the Lateran, on the thirteenth before the Kalends of April, in the third year.

39. Honorius III

June 21, 1219

. to the Abbots of St. Jean de Vignes¹ of Soissons, and of Valsecret² and to the Dean of Soissons³

Our dear daughter in Christ, the noblewoman Blanche, Countess of Champagne, proved to us that, while it was specifically decreed in the General Council,⁴ that Jews should be compelled by secular lords to return the usury to crusaders, nevertheless, certain archbishops and other prelates of the Church, usurping undue jurisdiction over the Jews in the lands of the said Countess,⁵ by new devices and under pretext of ecclesiastical freedom, not content with the decrees promulgated by this Council, greatly harass and disturb the land of this Countess and her Jews, beyond the decrees of the Council mentioned above. Wanting, therefore, to preserve the complete rights of this Countess, we, through Apostolic Letters, order Your Discretion that by our authority you shall expressly prohibit these archbishops and

fuerit ordinatum, ut Judei ad remittendum cruce signatis usuras cogere per dominos temporales, quidam archiepiscopi et alii ecclesiarum prelati, in Judeos terre ipsius Comitisse sibi jurisdictionem indebitam usurpantes,⁵ novis adinventionibus, pretextu libertatis ecclesiastice, non contenti statutis in ipso concilio promulgatis, terram ipsius comitisse ac suos plurimum aggravant et molestant contra statuta concilii memorati: Volentes igitur ipsius Comitisse jura illibata servare discretioni vestre per apostolica scripta mandamus, quatenus ipsis archiepiscopis et prelati aliis auctoritate nostra inhibeatis expresse, ne in predictis formam excedant concilii supradicti. Si qui vero secus fecerint, vos, quod super hoc contra ipsius concilii formam inveneritis esse factum, in statum debitum revocetis, contradictores, si qui fuerint, vel rebelles, monitione premissa districtione qua convenit, appellatione postposita, compescentes.

Datum Reate, XI Kal. Jul., anno tertio.

(POTTHAST, NO. 6089; BOUQUET, XIX, 688; PRESSUTTI, I, NO. 2120; BOURQUELOT, 26).

⁵ See above Letter No. 34, and below Letter No. 47, which is an example of the Jews as a source of friction between the Countess and the clergy. At this time the County of Champagne had a great many Jews, and they were a source of prosperity to the inhabitants and the Counts (Bourquetot, l. c.).

40.

Honorius III

August 21, 1220

. episcopo Portuensis

In nostra constitutus presentia.¹ Preterea grave damnum ecclesie irrogavit eidem, et super jure quod eadem habet ecclesia in pedagio, foro, leuda, et judaica,² et super jurisdictione Judeorum. etc.

Datum apud Urbem Veterem, XII Kal. Sept., anno quinto.

(POTTHAST, NO. 6335; HOROY, III, 512, NO. 29; PRESSUTTI, I, NO. 2634).

41.

Honorius III

August 26, 1220

. Azzacho Avenvenisti, Judeo Barchinonesi¹

Sedes Apostolica pia mater ubera charitatis, quibus filios suos nutrit, ad alienos interdum studio pietatis extendit, quos locum sui tabernaculi dilatando in fide nititur parturire, ut si forsitan ad emulationem quomodolibet provocati in adoptionem veniant filiorum, Christusque formetur in illis, et ipsi conformentur eidem, adorentque ipsius pedum vestigia, qui ei aliquando detrahebant. Inde est quod licet Judeorum

other prelates from exceeding the regulation of the said Council with regard to the above-named matters. If any should disobey, you shall restore to its proper status whatever you find to have been done in these matters contrary to the regulation of the said Council. If there are any opponents, or rebels, after giving them warning, you will restrain them by whatever punishment is proper, without appeal, etc.

Given at Reate, on the eleventh before the Kalends of July, in the third year.

40.

Honorius III

August 21, 1220

. to Conrad, Bishop of Porto, Apostolic Legate:—

"*In nostra constitutus.*"¹ Besides he inflicted grave injury upon the said church in connection with the rights that the said church has in the matter of tolls, market-taxes, merchandise-taxes, and taxes on Jews,² and also in the matter of jurisdiction over the Jews.

Given at Orvieto, on the twelfth before the Kalends of September, in the fifth year.

¹ Bernard de Conciaco, Bishop of Beziers, 1215-1248, complained that the Count of Toulouse had caused him many injuries, and among them also the above.

² A special tax on the Jews had existed in Beziers for a long while. It is mentioned in a charter granted by Alexander III in 1187 (Du Cange, *Judaica*).

41.

Honorius III

August 26, 1220

. to Isaac Avenveniste, a Jew of Barcelona¹

The Apostolic Throne, the pious Mother, in her love of piety at times extends the breasts of charity by which she nourishes her own children, also to the strangers whom, widening the place of her tabernacle, she tries to bring forth into the Faith, so that if they be at all stirred to emulation, they might be adopted as her children, that thus might Christ be formed in them and they conform to Him, and they who at one time disparaged Him, might come to adore His footsteps. Therefore, although the perfidy of the Jews, condemned as it is to perpetual slavery because of the cry by which they wickedly called down the blood of Christ upon themselves and their children, has rendered itself unworthy of being replenished by the breasts of her

¹ The salutation of the letter continues ". . . Alfakimo karrissimi in Christo filii nostri, illustris regis Arragonum ad lucem a tenebris et ab erroris invio ad viam veritatis venire." The Salutation does not end with the usual "salutem et apostolicam benedictionem." Cf. No. 5, note 1. For Isaac Benveniste see Intr., p. 63, note 106; p. 64, note 107.

perfidia perpetua servitute dampnata ob acclamationem qua Christi sanguinem super se ac filios suos dampnabiliter clamaverunt repleti ab uberibus consolationis euis reddiderit se indignam, quia tamen tu divino timore correptus, sicut ex litteris venerabilium fratrum nostrorum . . . Terraconensis archiepiscopi, et . . . Illerdensis et Dertonsensis episcoporum² accepimus, a lucris detestabilibus abstines usurarum et viris catholicis pro viribus obseques sine querrela secundum legem Mosaycam conversaris, ac ex quadam devotione, licet informi, defensionem nostram et auxilium postulas, nos, karrissimi in Christo filii nostri Jacobi Aragonum Regis illustris et predictorum archiepiscopi et episcoporum precibus annuentes, petitionem tuam admittimus ex mansuetudine Christiana, tibi que protectorionis nostre clypeum indulgemus, prohibentes ne quisquam te a Christi et fidei eius blasphemis et Christianorum injuriis abinentem, in persona vel rebus presumat temere molestare. Nulli ergo. . . . Si quis autem. . . .

Datum apud Urbemveterem, VII, Kal. Sept., anno quinto.

(POTTHAST, NO. 6340; REGISTER, XI, FOL. 14 ro., NO. 60; PRESSUTTI, I, NO. 2648; HOROY, III, 516, NO. 34; GRAETZ, VI, 405, VII, 21; DUBNOW, V, 83). 54/141

42.

Honorius III

August 27, 1220

. . . . Illustri Regi Aragonum¹

Cum te sicut carissimum et in Christo filium sinceritatis brachiis emplexemur, nos tibi libenter favorabiles exhibemus in quantum cum Domino et nostra possumus honestate. Receptis igitur litteris quas nobis per Azzacho Judeo Barchinonensis, Alfakimo tuo regalis devotio destinavit; licet preces tuas pro illo porrectas usque quacumque nequiverimus exaudire, tamen ex parte prout decuit easdem admisimus, illique interventu ipso protectionis nostre clypeum duximus indulgentum.² Monemus itaque Serenitatem regiam, et exhortamur in Domino, quia in devotione apostolice sedis firmiter perseverans, te talem studeas exhibere quod ipsius favor et gratia tibi merito augeatur.

Datum apud Urbemveterem, VI Kal. Sept., anno quinto.

(POTTHAST, NO. 6341; REGISTER, XI, FOL. 14 vo., NO. 61; PRESSUTTI, I, NO. 2649; GRAETZ, VI, 405; DUBNOW, V, 83). 54/142

(The Apostolic Throne's) consolation; nevertheless since, as we have learned from the letters of our venerable brothers the Archbishop of Terracona, and the Bishops of Lerida and Tortosa,² you have been seized by the fear of God, and abstain from despicable gain through usury, and show regard to Catholics in proportion to your abilities, and conduct yourself in accordance with Mosaic law while quarreling with no one, and since out of a certain, even though wrong, kind of religiousness, you beg for our protection and help, we, with Christian charity, yielding to the prayers of our dear son in Christ, James, the illustrious King of Aragon, and of the above-named archbishop and bishops, admit your petition and grant to you the shield of our protection. We forbid anyone to dare molest you in person or property as long as you refrain from blaspheming against Christ and His Faith, and from injuring Christians. Let no one, therefore, dare to act contrary to the tenor of this our grant; and if anyone dare act to the contrary he shall be restrained by ecclesiastical punishment, appeal denied.

Given at Orvieto, on the seventh before the Kalends of September, in the fifth year.

²Terracona, Sparago de Braca, 1215-1233; Lerida, Berengarius de Eril, 1205-1235; Tortosa, Pontius de Torrella, 1212-1254.

42.

Honorius III

August 27, 1220

. . . . to the illustrious King of Aragon¹

Since we embrace you with arms of sincerity as our dearest son in Christ, we also willingly show ourselves favorable to you in so far as we can do so with integrity to God and ourselves. We have received the letters which, in your royal grace, you sent to us about Isaac, a Jew of Barcelona, your physician; and although we could not heed your prayers in his favor in every respect, nevertheless we have granted whatever seemed proper, and in view of your intercession we caused to be extended to him the shield of our protection.² At the same time we warn your Serene Majesty, and we urge you in the name of God, to continue firm in your devotion to the Apostolic Throne, and try to show yourself such as would merit ever greater favor and kindness at its hands.

Given at Orvieto, on the sixth before the Kalends of September, in the fifth year.

¹James I, the Conqueror, King from 1213-1276. At the time of this letter he must have been but twelve years old.

²That the King's favor was not shortlived is evident from the fact that even after Isaac's death, his widow received a royal grant, in 1224 (*REJ*, 70 (1920), 74).

43.

Honorius III

September 3, 1220

. Archiepiscopo Terraconnesi¹

Illum te gerere concedimus ad Romanam Ecclesiam matrem tuam devotionis affectum, ut illos studeas propensius honorare quos ipsa benignitate gratie sue fovet. Hinc est quod devotionem tuam rogandam duximus et monendam per apostolica scripta mandantes, quod Azzachum Judeum Barchinonensi karissimi in Christo filii nostri J. illustris regis Aragonum Alfakimum, cui ad preces eiusdem regis gratiam specialem fecisse dinoscimur. Habens nostrarum precum intuitu commendatum, non permittas eundem et suos² a Christi et fidei eius blasphemis et Christianorum injuriis abstinere contra ritus eorum et terre consuetudinem quantum in te fuerit ab aliquibus injuste gravari.

Datum apud Urbemveterem, III Non. Sept., anno quinto.

(REG., XI, FOL. 18 ro., NO. 87; PRESSUTTI, I, NO. 2671; GRAETZ, VI, 405; DUBNOW, V, 83). *5^e 1023*

¹ Sparago de Braca (1215-1238).

² Raynaldus (a.a. 1220, §48) in mentioning the fact that the Pope sent a letter to the Archbishop, mentions also the letter freeing the other Jews from the Badge (No. 44).

44.

Honorius III

September 3, 1220

. Archiepiscopo Terraconensi¹ et suffraganeis euis

Ad audientiam nostram karissimo in Christo filio J.² Aragonum rege illustri significante pervenit quod licet terre sue sexus utriusque Judeos diversitas habitus a Christianis sic ab antiquo³ distinxit et distinguat quod Judei Christianis et Christiani Judeis mulieribus ignoranter commisceri non possint; quidam tamen vestrum pretextu generalis concilii, non propter excessus hujusmodi evitandos, sed ut tali potius occasione possint pecuniam extorquere, ad portandum eosdem nituntur compellere nova signa; propter quod multi Judeorum a terra sua in ipsius et Regni sui detrimentum non modicum recesserint, et adhuc alios metuit recessidos.⁴ Nolentes igitur ut quod statutum est ad dampnande commixtionis sub erroris velamine periculum excludendum, convertatis ad questum, fraternitati vestre per apostolica scripta mandamus quatinus

¹ See above, No. 43.

² James I. See above Nos. 42, 43.

³ Perhaps still a result of the restrictions imposed by the Mohammedans. See intr., p. 61, note 97.

⁴ Raynaldus (ibid.) . . . ascribes this to the influence of Isaac Benveniste. It seems, moreover, a natural attempt at obtaining a privilege already granted to Castile (No. 38). Cf. Dunbow, V, 83.

43.

Honorius III

September 3, 1220

. to the Archbishop of Tarragona¹

We grant that you possess a loving devotion to your Mother, the Roman Church, in that you try ever the more readily to honor those to whom She, in her benign grace, shows favor. That is why we ask and warn Your Devotion, and by Apostolic Letters command you with regard to Isaac, a Jew of Barcelona, physician to our dearest son in Christ, the illustrious King James of Aragon, to whom at the request of the said King, we agreed to grant special favor. Considering yourself bound by the charge of our requests, you shall do all in your power not to permit any injustice, whether with regard to their rites or to the customs of the land, to be done to him or his,² by anyone as long as they (Isaac and his family) refrain from blaspheming against Christ and his Faith and from injuring Christians.

Given at Orvieto, on the third before the Nones of September, in the fifth year.

44.

Honorius III

September 3, 1220

. to the Archbishop of Tarragona¹ and his suffragans:

Our dearest son in Christ, James,² King of Aragon, called the following to our attention. Although in his land the difference in the clothes of either sex has from ancient times³ set apart and distinguished and still distinguishes Jews from Christians, so that it is impossible for Jews to have relations with Christian women or Christians with Jewish women, nevertheless, under the pretext of the General Council, certain ones among you try to force them (the Jews) to wear a new sign not so much in order that such crimes should be avoided, as because they thus have the chance to extort money. For this reason many Jews withdraw from his land, much to his loss and that of his Kingdom, and he fears that still others have by this time departed.⁴

Wherefore, not wanting that you should convert to this end that which was established in order to prevent the danger of wicked intercourse under the cloak of error, we command you by Apostolic Writings to the effect that you no longer trouble them about the wearing of a new sign, if indeed their clothes distinguish them from Christians to such an extent that they cannot, by error, have forbidden intercourse. Otherwise you shall compel them to be set apart by the nature of their clothes in accordance with the decree of the General

si eos a Christianis habitus sic distinguit ut hinc in dampnabiliter commisceri nequeant per errorem, ipsos super novis signis portandis nullatenus mollestetis. Alioquin cogatis eosdem iuxta statuta concilii a Christianis publice per habitus qualitates distingui, non ut ex hoc proprium commodum procuretis, sed obvietis potius periculis animarum.

Datum apud Urbemveterem, III Non. Sept., anno quinto.

(REG., XI, FOL. 27 vo., NO. 104; PRESSUTTI, I, NO. 2681; CARO, I, 498). *56-184*

45.

Honorius III

November 4, 1220

. Illustri Regi Aragoni

Ad audientiam nostram noveris pervenisse, quod multa dispendia eveniunt Christianis ex eo quod, cum contingit te ad nobilem virum Miramamolinum,¹ seu ad subditos eius, tuos nuntios destinare, numquam, aut raro transmittis alios, quam Judeos, qui eis consilia, et statum Christianorum exponunt, ac secreta revelant;² ideoque circumspeditionem tuam sollicitandam duximus, et monendam, quatenus cum incumbet tibi hujusmodi nuncios destinare, potius destines Christianos, cum tibi non sit de infidelium fidelitate sperandum: nec verisimile sit, quod qui negaverunt impie ipsum Christum, fideles esse debeant Christianis.

Datum Laterani, II Non. Nov., anno quinto.

Scriptum est in eundem modum Regi Legionensis (monitoribus vero ipsius Legionensis et Zamorensis episcopis et Abbati de Mareola Cisterciensis Ordinis Zamor. dioc.) In eundem modum scriptum est Regi Castelle (monitoribus vero ipsius, Archiepiscopo Toletano A. S. L. et Burg. et Palent epis.)

In eundem modum scriptum est Regi Navarre sine monitoribus.

(POTTHAST, NO. 6385; HOROY, III, 558, NO. 84; PRESSUTTI, I, NO. 2758; GRAETZ, VII, 21-22.) *56-185*

¹ At this time the Miramoline, or Emir, was Jessuf abu Yaku.

² One must bear in mind on the one hand that at this period the Jews suffered far more at the hands of the Almohades than of the Christians. On the other hand, this was but a few years after the great victory of Las Navas de Tolosa, and the Pope, above all, was anxious that nothing impede a continuation of the successful effort.

46.

Honorius III

November 4, 1220

. Legionensi,¹ et Zamorensi² Episcopis et Abbati de Morerola Cisterciensis Ordinis Zamorensis Dioecesis

Ad audientiam nostram noveritis pervenisse, quod carrissimus nobis in Christo filius A., Legionensis rex illustris, cum contingit ad nobilem virum Miramamolinum seu ad subditos eius nuncios destinare, num-

Council. (This you shall do) not in order to derive material benefit from it, but rather to prevent danger to many souls.

Given at Orvieto, on the third before the Nones of September, in the fifth year.

45.

Honorius III

November 4, 1220

. to the Illustrious King of Aragon

Know that we have heard that much loss has come to Christians from the fact that whenever you have to send your messengers to the noble Miramoline¹ or to his subjects, never, or rarely, do you send others than Jews, who expose to him the plans and the state of the Christians and reveal their secrets.² Therefore we have thought that your caution ought to be aroused and warned that when you have to send such messengers, you should rather send Christians, since you ought not to hope for faithfulness from the unfaithful. Nor does it seem plausible that those who impiously deny Christ Himself should be faithful to Christians.

Given at the Lateran, on the second before the Nones of November, in the fifth year.

In the same manner were addressed the King of Leon and his advisors, the Bishops of Leon and Zamora and the Abbot of Moreola of the Cistercian Order; also the King of Castile and his advisors, the Archbishop of Toledo, Apostolic Legate, and the Bishops of Burgos and Palencia; also the King of Navarre.

46.

Honorius III

November 4, 1220

. to the Bishops of Leon¹ and Zamora,² and to the Abbot of Morerola of the Cistercian Order, of the diocese of Zamora

Know that we have heard that when our dearest son in Christ, Alphonso, the illustrious King of Leon, has to send messengers to the noble Miramoline or to his subjects, he never, or rarely sends other than Jews, who betray his counsel and the status of the Christians, and reveal his secrets. As a result of this he suffers much loss. We, wishing, in so far as possible, to avoid this evil, have written to this King asking and warning him rather to dispatch Christians when he has need to send messengers. He should not think that he has the loyalty of the unfaithful, or that those who have no faith in Christ can be faithful to Christians. In order to hasten these matters along, which we have no doubt will turn out desirably for himself and for the good

¹ Roderic Alvarez, Bishop 1209-1232.

² Martin Arias, Bishop 1216-1239.

quam, aut raro, transmittit alios, quam Judeos, qui eis consilia, et statum Christianorum exponunt, ac secreta revelant, ex quo multa dispendia ipsis contingunt. Nos autem volentes, quantum in nobis est, huic malo obviare, ad eundem regem scribimus, rogantes, et momentes, quatenus cum opus habuerit eiusmodi nuntios destinare, potius destinet Christianos; nec sibi putet de infidelibus fidendum, aut eos, qui infideles fuerunt in ipsum Christum, fideles posse existere Christianis. Ut ergo hec, que expedire ipsis atque universo nomini Christiano, non dubitamus, desideratum effectum sortiantur, discretioni vestre per apostolica scripta mandamus, quatenus ipsum regem cum nostris litteris personaliter adeuntes ad id monere attentius et efficaciter inducere studeatis.³

Dat. ut. supra.

(POTTHAST, NO. 6386; HOROY, III, 561, NO. 88; PRESSUTTI, I, NO. 2758; GRAETZ, VII, 21). 51.186

47.

Honorius III

January 15, 1221

..... Abbati¹ et Priori Sancti Victoris et Decano² Parisiensi

Ex parte dilecte in Christo filie nobilis mulieris Blanche Commitisse Campanie fuit propositum coram nobis quod cum quidam clericus apud Castrum Theodorici commorans cuidam vellet vendere quendam equum, et quidam Judeus ipsius Castri ne illum emeret consulendo dissuasisset eidem, clericus ira motus, post multa verba contumeliosa et probra quibus Judeum affecit, addidit demum minas quod si extra Castrum inveniret eundem, ipsi personalem injuriam irrogaret. Sic ergo ambo pariter incitati, et ad invicem contendentes, castrum exire coeperunt, et existentibus illis in ponte, clericus urgens calcaribus equum suum irruit in Judeum, cujus impetum idem Judeus compescuit freno manibus apprehenso. Cumque loci archidiaconus ex parte diocessani episcopi³ asserentis Judeum manus violentas in clericum injecisse, multisque affecisse contumeliis, monuisset eandem prorsus hujus facti ignaram ut hec faceret emendari, ac demum propter ignorantiam rei, tam ipsi quam archidiacono placuisset ut per bailivum Castri et dictum Archidiaconum inquisitio fieret super istis, et predicta emendarentur per eam cognita veritate. Licet hec archidiaconus acceptasset, numquam tamen inquisitionem sic factam ei voluit aperire ut secundum quantitatem et qualitatem excessus procederet in Judeum. Idque dicto episcopo juxta inquisitionem eandem vel aliam iterum offerens se facturam ne occasione hujusmodi dictus episcopus in ipsam vel terram

¹ John I, 1203-1229 (*Gallia Christiana*, VII, 673-677).

² Stephen.

³ James (Jacques), Bishop of Soissons. For the constant quarrels between Blanche and the clergy see also Nos. 34 and 39.

name of all Christians, we, by our Apostolic writings, order Your Discretion personally to go to this King, with our letters, and carefully and effectively try to warn him with regard to this.³

Given at the Lateran, on the second before the Nones of November, in the fifth year.

³ Similar letters were dispatched to the prelates of the rest of Spain (Raynaldus a. a. 1220, §49), No. 45.

47.

Honorius III

January 15, 1221

..... to the Abbot¹ and Prior of St. Victor, and to the Dean² of the Church of Paris

On behalf of our dear daughter in Christ, the noblewoman Blanche, Countess of Champagne, the following case has been placed before us. A certain cleric who resides in Château Thierry wanted to sell a horse to someone. A Jew of the same Château, when asked for his opinion, dissuaded the buyer. Angered, the cleric belabored the said Jew with many evil words and insults, adding the threat that should he find the Jew outside the Château, he would do him personal injury. Thus, both equally excited and quarreling in the street, began to go out. While they were on the bridge, the cleric spurring his horse, rushed upon the Jew, which onrush the latter restrained by grasping the bridle with his hands.

When, however, the local archdeacon, speaking for the local bishop,³ (later) asserted that the Jew had put hands of violence upon the cleric, and had hurled many insults at him, and when the archdeacon warned her (the Countess), who was quite ignorant of this fact, that she should have amends made for it, it was agreed between herself and the archdeacon that, because of her ignorance of this, an investigation of the affair should be made by the bailiff of the Château and by the said archdeacon, and that after learning the truth she would have the above set to rights. Although the archdeacon accepted this arrangement, he never wanted to disclose to her (the results of) the investigation thus made, so that she might be able to proceed against the Jew in accordance with the extent and the nature of his crime. (Therefore) while assuring the said bishop that she was ready to do this in accordance with the investigation made, or of another to be made, she lodged an appeal with the Apostolic Throne, in order to prevent the bishop from using this affair as an excuse for issuing a sentence of excommunication against herself, her lands, or her men. Nevertheless he, asserting that the use of violence by the Jew had been established, promulgated a decree of excommunication against all who had dealings with the said Jew, and an interdict against the

aut homines suos aliquam sententiam fulminaret, Sedem Apostolicam appellavit. At ipse asserens sibi de violenta manuum injectione constare, in omnes communicantes Judeo excommunicationis ac in dictum Castrum et aliam terram Commitisse prefate in sua diocesi constitutam interdicti sententias promulgavit, quas ipsa tanquam post appellationem ad nos interpositam promulgatas petiit irritari. Procuratur vero episcopi proposuit ex adverso quod cum Judeus predictus in Ecclesie contemptum et cleri, prefatum clericum verbis affecisset contumeliosis et probris ac postmodum manus violentas iniecisset in eum, episcopus super hoc audita ipsius querela et presente supradicto Baillivo inquisitione facta per archidiaconum diligenti, cum id videretur esse sufficienter probatum, monuit Commitissam ut ad honorem Dei hec faceret emendari, sed ipsa per annum et amplius dilationibus frivolis emende terminum prorogante, idem cum propter hoc tam in populo quam in clero scandalum oriretur, terram in eius diocesi constitutam supposuit sententie interdicti. Verum cum manifesta sit offensa Judei et ratione delicti jurisdictioni ecclesiastice debeat subjacere dictus petiit procurator ut Commitissa Judeum faceret in iudicio comparere, censura ecclesiastica compellatur, et antequam procedatur ad relaxationem sententie memorate ab ipso Judeo passo injuriam et ecclesie satisfiat.

Quocirca Discretioni Vestre de utriusque partis procuratorum assensu negotium committentes, per apostolica scripta mandamus quatinus si vobis constiterit Commitissam prefatam paratam fuisse juxta inquisitionem prescriptam vel aliam tunc rationabiliter faciendam contra memoratum Judeum procedere super injuria quam sibi dicebat ab eo illatam clericus antedictus, predictas sententias post appellationem hujusmodi promulgatas irritas nuntietis; alioquin eisdem juxta formam ecclesie relaxatis, et injuncto ipsi quod de jure fuerit injungendum audiatis utrobique si quid fuerit questionis, et appellatione remota sine debito terminetis, facientes quod decreveritis autoritate nostra firmiter observari. Testes autem qui fuerint nominati, si se gratia odio vel timore subtraxerint, per censuram ecclesiasticam, appellatione cessante, cogatis veritati testimonium perhibere.^a Quod si non omnes etc.

Datum Laterani, XVIII Kal. Febr., anno quinto.

(POTTHAST, 6484; N. B. FOND LATIN, 5993A, FOL. 27 ro.; 500 COLBERT, 59, FOL. 78 ro.; PRESSUTTI, I, NO. 2983.)

^a I., Dei gratia Suessionensis episcopus, omnibus ad quos presentes littere pervenerint, in Domino salutem:

Noverit universitas vestra quod cum terram Domine Commitisse Campanie supposuissemus interdicto pro forisfacto cujusdam Judei sui Pinonis nomine, tandem in virum venerabilem B. vicedominum Remensem,⁴ non tanquam iudicem

⁴ Cf. No. 67.

said Château and the other lands of the Countess in his diocese. She, therefore, petitions that the decrees be annulled as having been promulgated after an appeal had been taken to us.

The representative of the bishop, on the other hand, sets forth the other side. Since it seemed to the bishop well proved by the report of the quarrel heard by himself, and by the careful investigation made by the archdeacon in the presence of the bailiff, that the aforementioned Jew had uttered evil words and insults to the said cleric and afterwards extended hands of violence to him in contempt of the Church and the Clergy, he warned the Countess to have amends made for this, for the honor of God. But she by frivolous delays, postponed the time for setting this right, for an entire year and more. Thereupon he, since the affair had become a scandal among the people as well as the clergy, placed the interdict over her lands in his diocese. Indeed, since the Jew's offense is clear, and since because of his crime he ought to submit to ecclesiastical jurisdiction, this procurator requests that by ecclesiastical punishment, the Countess be forced to make the Jew appear in court, and that before steps are taken to relax the sentence, the sufferer and the Church be given satisfaction by the Jew.

Wherefore, with the consent of the representatives of both sides we commit the matter into the hands of Your Discretion, and by Apostolic Letters we order you as follows: If you establish that the said Countess was ready after the investigation made or another one then properly to have been made, to proceed against the Jew in the matter of the injuries which the aforementioned cleric said had been done him, you shall pronounce annulled the said decrees promulgated after an appeal had been lodged. Otherwise, you shall relax them in accordance with ecclesiastical form, and shall have the power to impose upon her whatever (punishment) you legally may. If there be any further question on either side, you shall settle it without chance of appeal or exception, using our authority to force the strict observance of whatever you decree. If any witnesses be named who stay away because of hatred or fear, you shall force them by ecclesiastical sentence, appeal denied, to produce testimony of the truth.^a

Given at the Lateran, on the 18th before the Kalends of February, in the fifth year.

^a By the grace of God, the Bishop of Soissons, to all whom these letters may reach, Greetings in the Lord. . . .

Know ye that although we placed the lands of our Lady, the Countess of Champagne, under the interdict because of the outrage committed by one of her Jews, Pino by name, against the venerable B. Vicar-General of Rheims,⁴ we now, not as a matter of judgment or arbitration, but rather as a friendly settlement, have compromised on pain of one hundred mark, promising that we shall keep our word; she in the matter of the edict about the said Jew's misdemeanor, and

vel arbitrium sed tanquam amicabilem compositorem compromisimus sub poena centum marcarum promittentes quos eius ordinationem super forisfacto dicti Judei et interdictio teneremus. Ipse autem pro bono pacis non per sententiam, sed pro sua voluntate procedens ordinavit et voluit ut dictus Judeus publice apud Castrum Theodorici super legem suam promitteret et iuraret quod satisfaceret ad arbitrium nostrum injuriam passo et quod de cetero manum in clericum non mitteret nisi se defendendo vel nisi eum cum uxore aut filia turpiter inveniret, et quod diocesum nostram egrederetur et non rediret nisi de nostra voluntate. Profitemur autem quod ex ea ordinatione nolumus Domine Commitisse aut filio eius aliquod in posterum prejudicium fieri, aut aliquam consuetudinem vel possessionem consuetudinis propter hoc induci. In quorum testimonium litteris presentibus sigillum nostrum duximus apponendum.

Actum anno gratie MCC vicesimo,^a mense Novembri.

(FOND LATIN, 5993, FOL. 151 vo.).

48. Honorius III

April 15, 1221

. Decano, Scholastico, et Godescalo canonico Burnensis, Coloniensis diocesis

Cum olim venerabilis frater noster H.¹ Ostiensis episcopus, et dilectus filius noster L.² titulus Sancte Crucis presbyterus cardinalis, tunc Apostolice Sedis legatus, uxori et filiis magistri B. quondam Judei ad fidem Christianam de infidelitate conversi, proventus unius prebende vacantis in majori ecclesia Maguntini de consensu venerabilis fratris nostri S. Archiepiscopi³ et capitoli eiusdem loci precipiendos tamdiu auctoritate apostolica concessissent donec in perpetuis redditibus octo marcarum argenti provisum esset eisdem ab Archiepiscopo et capitulo memoratis, tandem bone memorie I. predecessor noster abbati Novi Castri et conjudicibus suis precipiendo mandavit ut quod factum fuerat super provisione ipsorum per legatos predictos per censuram facerent ecclesiasticam sublata cujuslibet contradictione et appellatione obstante, firmiter observari, prohibens insuper ne quis ad prebendam cujus precipiebant ipsi proventus a capitulo eligeretur in fratrem quousque ab Archiepiscopo vel capitulo foret ipsis provisum sicut superius est expressum. Postmodum vero idem predecessor noster dato super hoc bone memorie J.⁴ titulo Sancte Praxedis presbytero cardinali eiusdem B. filiis et ipsius procuratori capituli constitutis apud Sedem Apostolicam auditore ita intellectis hinc inde prepositis duxit inter cetera pro-

¹ Hugolinus, afterwards Gregory IX, was destined to hear more of this family. See Nos. 75, 76, 83, 84, 94.

² Leo Brancaleo.

³ Siegfried von Eppenstein, Archbishop of Mainz, 1200-1230. (*Gall Chr.*, V, 481-483; Will, *Regesten zur Geschichte der Mainzer Erzbischöfe*, II, 122 ff.). He was always on the papal side in the imperial quarrels, and in 1206 rose to the cardinalate, why then should he have delayed in so simple and pious an affair? It seems, therefore, that converting Jews as a theory, and some converted Jews as a fact, were entirely different matters. See Introduction, p. 18.

⁴ John de Columna, 1212-1245.

I about the interdict. Thus she, for the sake of peace, proceeding not because of the interdict but of her own free will, ordered and desired that the said Jew shall publicly in Château Thierry, promise and swear upon the Law that in accordance with our judgment, he will give satisfaction to the injured one for his injury, and that hereafter he will not stretch forth his hand against a cleric unless in self-defense, or unless he find him shamefully with his wife or daughter, and that he will leave our diocese not to return except with our permission. We, for our part, announce that we do not wish that the Countess or her son be made to suffer in the future as a result of the decree, or that any custom or the possession of a right be deduced therefrom. In testimony of which we have caused our seal to be attached to these presents.

Done in the Year of Grace 1220,^a in the month of November.

^a The date in the manuscript seems erroneous. It should be 1221.

48. Honorius III

April 15, 1221

. to the Dean, the head of the School, and the Canon Gottschall, of the Church of Bonn in the diocese of Cologne

When at one time our venerable brother H.¹ Bishop of Ostium, and our dear son L.² titular Cardinal-Priest of St. Cruce, the legates of the Apostolic Throne, with the consent of our venerable brother S. the Archbishop,³ and of the Chapter of that place, granted to the wife and sons of Master B., once Jews, but now converts from this unbelief to the Christian Faith, the income of one vacant prebend in the Diocesan Church of Mainz, they commanded by apostolic authority that this continue until such time as a perpetual income of eight marcs of silver be granted the aforementioned by the said Archbishop and Chapter. Then Pope Innocent of good memory, our predecessor, strictly ordered the Abbot of Neuburg and his fellow judges, that, brooking no contradiction and no obstacle of appeal, they should by ecclesiastical punishment enforce the observance of what had been decided by the above-named legates with regard to the provision of these people. He (the Pope) also forbade that anyone be elected by the chapter as a member, for the prebend, the income of which these people were enjoying, until they had been otherwise provided for by the Archbishop and Chapter as explained above. Later on the same predecessor of ours having granted a hearing in this matter before the Apostolic Throne in the presence of J.⁴ of good memory, titular cardinal priest of St. Praxedis, and of the sons of the said B., and of the advocate for the Chapter, and having heard all their proposals, decreed the following among other things, that the family of the said B. shall enjoy the income of this benefice until such time as the Archbishop would pay four marcs and the Chapter an equal sum. This he ordered that they be warned and induced to do, and, if necessary, that they be compelled by ecclesiastical punishment.

Wherefore, since we have learned from the report of the same family,

videndum ut familia prenominati B. tamdiu perceptore hujusmodi stipendii letaretur, donec G. Archiepiscopus in quatuor marcarum redditibus et capitulum in totidem provideret, quos ad hoc moneri et induci mandavit, et si necesse foret per censuram ecclesiasticam coactari. Quia vero nondum sicut familia ipsa referente didicimus Archiepiscopus vel capitulum adimplere curavit quod super hoc a dicto fuit predecessore nostro provisum, eadem plurimum metuens ne quis provisione hujusmodi non secuta ad prebendam eligatur eandem, vel iamdicta familia super ipsius proventibus molestetur, nobis humiliter supplicavit ut dignaremur ei super hoc eundem nostrum imitando predecessorem misericorditer providere. Quocirca discretioni vestre per apostolicas scriptas precipiendo monemus quatenus donec Archiepiscopus et capitulum familie ipsi providerint juxta formam ab eodem predecessore nostro prescriptam, vos auctoritate nostra suffulti non permittatis eandem super eiusdem prebende proventibus molestari ut quemquam ad eam eligi vel affirmi. Contradictores per censuram ecclesiasticam appellatione postposita compescentes. Nulli litteris etc.

Datum Laterani, XVII Kal. Mai., anno quinto.

(REGISTER, XI, FOL. 107 vo., NO. 526; PRESSUTTI, I, NO. 3245; CARO, I, 294, 497).

49. Honorius III

April 29, 1221

..... Archiepiscopo Burdegalensi et suffraganeis eius¹

Ad nostram noveritis audientiam pervenisse quod Judei quidam in Provincia Burdegalense, degentes signa, per que a Christianis diversitate habitus distinguantur, prout statutum est in Concilio Generali, deferre contemnunt. Quare preter alia enormia que inde contingunt Christiani Judeis mulieribus, et Judei Christianis nefarie commiscuntur. Nobiles quoque ipsius Provincie minime attendentes quod Christi blasphemii libenter, cum possunt, opprimunt Christianos, eis, ut a Christianis officiant efficaciter, publica commitunt officia exercenda, et ut servi dominis dominantur, ipsos contra Concilii predicti statuta, in castris preficiunt, et in villis. Cum igitur non solum sit impium, verum etiam abusivum, ut Judei taliter inolescere permittantur, Fraternitati Vestre per Apostolica scripta mandamus, quatenus circa hec predicti statuta Concilii facientes inconcussa servari, Judeos, ut a Christianis diversitate habitus se distinguant, per subtractionem communionis, et nobiles, ne illis publica officia exsequenda committant, vel alias eos Christianis preficiant, modo premissis per censuram ecclesiasticam, appellatione remota, cogatis.

Datum Laterani, III Kal. Mai., anno quinto.

(POTTHAST, NO. 6641; HOROY, III, 784, NO. 350; PRESSUTTI, I, NO. 3309; CARO, I, 498; SCHERER, 43; V. u. R., I, 231; RODOCANACHI, 132, 164, 169, 372).
54-187.

that the Archbishop and the Chapter have not yet taken care to fulfill that which was decreed by the said predecessor of ours with regard to this matter, and since the family, fearing that without obeying this decree, (the Chapter) may elect another to the prebend, and thus the said family be deprived of its income, humbly prayed us that, imitating our predecessor, we mercifully deem it worthy to take care of them in this matter; therefore we especially warn you by Apostolic Letters that, until the Archbishop and Chapter provide for this family in the manner fixed by our predecessor, you, supported by our authority, shall not permit them (the family) to be disturbed in the income from the prebend, nor that anyone be elected or assigned to it. You shall restrain opponents by ecclesiastical punishment without appeal, etc.

Given at the Lateran, on the seventeenth before the Kalends of May, in the fifth year.

49. Honorius III

April 29, 1221

..... to the Archbishop of Bordeaux and his suffragans¹

Know that we have heard with regard to certain Jews of the Province of Bordeaux, that they scorn to wear the prescribed signs by which they are to be distinguishable from the Christians through the difference in their clothes, as was decreed by the General Council. For this reason, aside from other enormities that arise out of this situation, it also happens that Christians mingle with Jewish women, and Jews wickedly mingle with Christian women. Also, the nobles of the said Province, heedless of the fact that blasphemers of Christ, will, whenever possible, eagerly oppress Christians, entrust to them (the Jews) the exercise of police office. They (the nobles) place them over their castles and estates, contrary to the statutes of the said Council, and the result is that the Jews effectively stand in the way of the Christians, and the slaves thus have dominion over the masters.

Therefore, since it is not only impious but even an abuse that Jews should be permitted to grow so insolent, we command Your Fraternity through these Apostolic Letters, to have the statutes of the said Council with regard to these matters observed strictly, and to compel the Jews, by denying them communication with the Christians, to differentiate themselves from the Christians by a difference in dress, also to compel the nobles in the usual manner, by ecclesiastical punishment without appeal, not to entrust them with public office, nor to appoint them over Christians in other ways.

Given at the Lateran, on the third before the Kalends of May, in the fifth year.

¹ Guilielmus de Genève, 1207-1227 (*Gall. Chr.*, VII, 385-390).

50.

Honorius III

May 19, 1221

. archiepiscopo Bituricensi¹

Pervenit ad audientiam nostram, quod Judei in tua dioecesi habitantes, synagogas de novo contra sanctiones canonicas construere presumpserint, ideo fraternitati tue per apostolica scripta mandamus, quatenus, si ita est, synagogas ipsas facias demoliri, fideles si qui se opposuerint, per censuram ecclesiasticam, appellatione postposita, compescendo.

Datum Laterani, XIV Kal. Jun., anno quinto.

(POTTHAST, NO. 6665; HOROY, III, 814, NO. 392; PRESSUTTI, I, NO. 3388; V. u. R., I, 231). *Sz. 188.*

51.

Honorius III

November 24, 1221

. Archiepiscopo Toletano¹

Cum in generali concilio, cujus statuta volumus illibata servari, fuerit constitutum ut ubique terrarum Judei a Christianis diversitate habitus distinguantur, ne illorum isti et istorum illi mulieribus possint dampnabiliter commisceri; et Judei hoc in diocesi Toletana, sicut a dilecto filio Gundisalvo fratre Hospitalis Jerusalemiani² accepimus, non observent,³ propter quod dampnate commixtionis excessus sub erroris potest velamento presumi, fraternitati tue per apostolica scripta mandamus quatinus Judeos eosdem ad ferendum, quo a Christianis distinguantur habitum per poenam a generali concilio contra Judeos editam, appellatione remota, compellas.⁴

Datum Laterani, VIII Kal. Dec., anno sexto.

(FITA, *ACTAS INEDITAS*, 234).

¹ See No. 36 note.

² A personal friend of Innocent III (F. Fita, *ibid.*, p. 235).

³ This marks a rapid change from the release granted the Jews about a year before (cf. No. 38). It may be due to the influence of Gundeslav, or to the discovery by the Pope that the Jews really did not differ in their clothes to the extent to which the petitions of the King and the Archbishop had led the Pope to believe.

⁴ For the effect of this letter upon subsequent legislation by Alphonso, see F. Fita, *ibid.*, p. 236.

52.

Honorius III

July 8, 1225

. Archiepiscopo Maguntino¹

Cum olim tibi nostris dederimus litteris in mandatis, ut omnes omnino proventus et redditus Wormaciensis ecclesie colligi faciens, eos in

50.

Honorius III

May 19, 1221

. to the Archbishop of Bourges¹

We have heard that, contrary to canonical decree, the Jews who live in your province have dared to build new synagogues. Wherefore, by Apostolic Letters we order Your Fraternity, that, if this is so, you are to cause these synagogues to be destroyed. If any faithful Christians oppose you in this action, you may restrain them by means of ecclesiastical punishment without appeal.

Given at the Lateran, on the fourteenth before the Kalends of June, in the fifth year.

¹ Simon de Sully, Archbishop, 1218-1232 (*Gallia Christ.*, II, 65-67).

51.

Honorius III

November 24, 1221

. to the Archbishop of Toledo¹

Since in the General Council, whose statutes we would have observed in every detail, it has been decided that by the difference in clothes the Jews of all lands should be distinguished from the Christians, lest each sinfully mingle with the women of the other, and since we have heard from our dear son Gundeslav of the Friar Hospitalers of Jerusalem,² that the Jews of your diocese do not observe this,³ with the result that under the veil of error this damnable sin of intermingling may be committed, we, by Apostolic Letters, order Your Fraternity to compel the Jews by means of the punishment fixed against them in the General Council, without appeal, to wear clothes by which they may be distinguishable from Christians.⁴

Given at the Lateran, on the eighth before the Kalends of December, in the sixth year.

52.

Honorius III

July 8, 1225

. to the Archbishop of Mainz¹

In our letters we once gave you complete authority to cause the entire produce and income of the Church of Worms to be collected and sent to Troyes in France, so that thence satisfaction might be given to our beloved son Matthew of Wido Marro (?) and to his associates, citizens of Rome, for the money for which the church of Worms

¹ Siegfried von Eppenstein, 1202-1230.

Franciam mitteres apud Trecas, ut exinde dilecto filio Matheo Widonis Marroni et eius sociis civibus Romanis satisfaceret de pecunia, in qua est eis Wormaciensis ecclesia obligata, quia, sicut intelleximus, proventus eius adeo sunt exiles, quod vix longo tempore posset ex eis a debitis eadem ecclesia liberari, fraternitati tue per Apostolica Scripta mandamus, quatenus proventus eosdem studeas obligare, ecclesiarumque prelatos, canonicos, et alios clericos civitatis et diocesis Wormaciensis, nec non cives et vassalos ecclesie, ut in hoc eidem subveniant, moneas propensius et inducas et, si necesse fuerit, per censuram ecclesiasticam, ac Judeos,² tam civitatis quam diocesis Wormaciensis, per subtractionem cumunionis fidelium ad id appellatione remota compellas, ita quod usque ad proximum festum resurrectionis Dominice³ mille sexcentas et viginti marcas colligas, computatis in ipsis quadringentis et triginta marcis jam collectis, et eas in tuto loco deponas et collecta pecunia ipsa nobis festines quantotius intimare, ut dictis Romanis de pecunia sibi debita celerius satisfiat et ecclesia ipsa facilius liberetur.⁴

Datum Reate, VIII Id. Jul., anno nono.

(POTTHAST. NO. 7437; HOROY. IV. 879. No. 183; PRESSUTTI. II. NO. 5547; V. u. R., I, 232; ARONIUS, NO. 430; CARO, I, 407; NÜBLING, 282).

53.

Honorius III

August 23, 1225

..... Colocensi Archiepiscopo¹ et eius suffraganeis,

Intellecto jamdudum, quod karissimus in Christo filius noster . . . Ungarie Rex Illustris alienationes quasdam fecit in prejudicium Regni sui, et contra Regis honorem, nos super hoc affectione paterna consulere cupientes, eidem Regi dirigimus scripta nostra,² ut alienationes predictas, non obstante iuramento, si quod fecit de non revocandis eisdem, studeat revocare, quod cum teneatur et in coronatione sua iuraverit et iura Regni sui et honorem corone illibate servare; illicitum profecto fuit, si prestitit de non revocandis alienationibus hujusmodi iuramentum, et propterea penitus non servandum. Quocirca fraternitati vestre per Apostolica Scripta firmiter precipiendo mandamus, quatenus dictum Regem ad id moneatis attente, ac diligenter inducere procuretis.

¹ Urgrinus, Archbishop, 1219-1241 (Eubel). In the *Decret. Honorii*, ed. Cironius, Lib. V, tit. 3, ch. i (Potthast, no. 7835), the same is cited as addressed to all the prelates of Hungary.

² A similar letter had already been addressed to the same Archbishop, on July 15, 1225 (cf. Horoy, IV, 886, no. 190; Pressutti, II, no. 5560), and particularly to Bela, the heir-apparent, who, rather than his father, was striving to maintain the royal dignity (cf. Theiner, I, 60, no. 126).

is indebted to them. In view of the fact that, as we have heard, its income is so small that for a long time this church will hardly be able to free itself of the debt, we now, by Apostolic Letters, command Your Fraternity, to do what you can to mortgage this income, and also to urge and induce, if necessary by ecclesiastical censure, that the prelates of the churches, the canons and the other clergy of the province and diocese of Worms, and also the citizens and the vassals of the church, should come to its assistance in this matter. The Jews too,² whether of the city or the diocese of Worms, shall be compelled to the same end, by denial to them of communication with the faithful, without appeal, so that by the next Easter³ you may collect sixteen hundred and twenty marks, counting in this the four hundred and thirty marks already collected, and you shall deposit this in a safe place, and hasten to make known to us the sum of money collected, so that satisfaction to the said Romans on account of the money due them may be made more quickly, and the said church be the more easily freed.⁴

Given at Reate, on the eighth before the Ides of July, in the ninth year.

² Several other, secular documents, prove that the Jews of Worms were considered citizens of the town. Boos, I, 90, no. 115; 171, no. 254; 176, no. 265.

³ April 19th.

⁴ Cf. No. 56.

53.

Honorius III

August 23, 1225

..... to the Archbishop of Colosza¹ and his suffragans

Realizing that our dearest son in Christ (Andrew) the illustrious King of Hungary alienated certain rights, much to the prejudice of his Kingdom and of the royal honor, we, wishing to act in this matter in paternal affection, have directed our letters to this King² that he should completely revoke the said alienations notwithstanding any oath which he may have taken not to revoke them. For since he is bound, and since he swore at his coronation, to preserve intact both the laws of his Kingdom and the honor of the crown, it was illegal for him to have vowed not to revoke these alienations, and this is therefore not to be obeyed at all. Wherefore, we, in Apostolic Letters, firmly order Your Fraternity carefully to warn the said King to this effect and to make every effort to induce him to obedience.

In another matter we marvel at your conduct, and we have cause to be surprised at it and to threaten you for it. For although it was decided in the Council of Toledo,³ and afterwards re-affirmed in the General Council, that a blasphemer of Christ should not be given preferment in public office,⁴ since it is quite absurd that any such

Ad hoc de discretione vestra miramur, causam contra vos admirationis et comminationis habentes, ex eo, quod cum in Toletano concilio statutum fuerit,³ et in generali postmodum innovatum, ne Christi blasphemus publicis officiis preferatur,⁴ cum nimium sit absurdum, ut talis in Christianos vim exercent potestatis, vos, ut intelleximus, coniventibus oculis sustenetis, per Judeos atque paganos statutum hujusmodi violari quamquam publice in sinodis vestris protuleritis excommunicationis sententiam in omnes, qui eisdem officiis proficerent infideles, et idem Rex vobis jamdudum direxerit scripta sua, in quibus lege perpetuo duratura se statuisse dicebat, ne in Regno Ungarie ullo unquam suo vel heredum suorum tempore tales proficiantur officiis supradictis.⁵ Audivimus insuper, quod Sarraceni per dissimulationem vestram multa in partibus vestris habeant mancipia Christiana, que cum emant libere, quando volunt, pro arbitrio suo dominantur eisdem, secundum ritum ipsorum ea vivere compellentes. Preterea, quod est plurimum miserabile, nonnulli rustici Christiani sponte se transferentes ad ipsos, et eorum ritum sectantes, Sarracenos se publice profitentur, ex eo quod in plurimis levior Sarracenorum condicio quam Christianorum existit. Quia vero negligere, cum possitis perturbare perversos, nihil est aliud, quam fovere, ac consentire videtur errantibus, qui vitiis et peccatis, que debet corrigere, non occurrit; ita in hoc negligentiam vestram redimatis per diligentiam subsequentem, quam maiorem solito adhibere curetis, ne Christiani nominis contumelia in vos cadere dinoscatur, et nos peccatum hujusmodi negligentie tam intollerabilis, que cum sit nimia, culpe annumerari potest, non cogamur durius exprobare. Nephas est enim, ut sacri baptismatis unda renatus, infidelium ritu vel conversatione foedetur, aut religio Christiana subjecta infidelibus polluat, seu blasphemus ipsius redemptum sanguine Christi Domini, obnoxium detineat servituti.

Datum Reate, X Kal. Sept., anno decimo.

(POTTHAST, NOS. 7466, 7835; PRESSUTTI, II, NO. 5611; HOROY, IV, 887 NO. 190, 916 NO. 19; CARO, I, 498; FRISS, 6, NO. 10; BERGL, 30; V. U. R., I, 232).

³ IV Council of Toledo, 634; and again the V Council in 636.

⁴ IV Lateran, below No. XI.

⁵ The Golden Bull granted by Andrew in 1222 contained the following paragraph (no. 24): "The Keepers of the Royal Treasury, the directors of the salt and of other revenues must be nobles of the Kingdom. No Israelite or Jew may be named." Cf. Bergl, p. 30.

54-

Honorius III

December 11, 1225

. Universis Christifidelibus in Rothomagensi provincia constitutis

*Ineffabilis providentia Dei.*¹ Ceterum quia caritate frigescente ab exercitio hujusmodi boni operis torpet catholicus, errore devio

should exercise power over Christians, you, so we understand, have permitted this statute to be violated under your very eyes by Jews and pagans, although publicly in your synods you hurled the sentence of excommunication against all who give preferment to infidels in these offices, and although this same King long ago directed his letters to you in which he announced that he had decreed in an immutable law that in the Kingdom of Hungary during his own lifetime or that of his heirs no such persons shall be given preferment in the said offices.⁵ Moreover, we have heard that Saracens do, in your territory and with your connivance, hold many Christian slaves. Since they purchase them freely whenever they wish, they rule over them at will, (even) compelling them to live in accordance with their rites. Furthermore, what is most pitiful of all, many Christian country folk of their own free will transferring themselves to them and following their rites, publicly profess themselves Saracens, because in many ways the condition of Saracens is easier than that of Christians. Since, however, to neglect the perverse when you are able to disquiet them, is nothing less than to encourage them, and he who does not oppose the crimes and faults which he ought to correct, seems to approve of the sinner, therefore you should attempt by your diligence in the future to atone for your negligence, and take care to exhibit this diligence in greater measure than has been your wont, so that insults to the name of Christ shall cease from among you, and that we shall not have to chastise more severely the intolerable sin of this negligence, which should rather be called culpability. For it is a crime that those who were reborn in the baptismal font should associate in the rites and conversation of infidels, or that the Christian Religion should be polluted by being subjected to infidels, or that a blasphemer should retain in servitude one redeemed by the blood of the Lord Christ.

Given at Reate, on the tenth before the Kalends of September, in the tenth year.

54-

Honorius III

December 11, 1225

. to all Christians in the Province of Rouen

*Ineffabilis providentia Dei.*¹ Hence, because the Catholic, his spirit of charity having grown cold, has become inactive in the exercise of good works; because the heretic, misled by error, acts foolishly; because the Jew,² his heart still covered by a veil, gropes blindly;

¹ This is a passage of the Bull of canonization of St. Lawrence O'Toole, Archbishop of Dublin, 1161-1180. His day is November 14th.

² In the same spirit, i. e. that the saints and their works serve to persuade Jews and others who deny the Roman faith, is a similar letter of canonization (ibid., V, 54, no. 119).

abducente, delirat hereticus, cecutit, velamine adhuc super cor permanente, Judeus,² et in tenebris ambulat, sidere lucis nondum sibi oriente paganus; misericors Dominus, qui neminem vult perire, signa interdum innovat, et mirabilia miseratus immutat, ex numero illorum, quos in ecclesie triumphanti glorificat, aliquorum fidem et merita in militanti miraculis declarando. Ut per ea Catholicis, mentis torpore discusso, ad boni operis excitentur instantiam, heretici, errore dimisso, ab invio reducuntur ad viam; Judei atque Pagani, vero lumine cognito, de tenebris et umbra mortis currant ad Christum, lucem, viam, veritatem et vitam. . . .

Datum Reate, III Id. Dec., anno decimo.

(POTTHAST, NO. 7505; HOROY, IV, 961, NO. 63; PRESSUTTI, II, NO. 5749).

55.

Honorius III

March 2, 1226

. . . . S. Georgii Numburgensis et de Buch Misnensis diocesis abbatibus, et decano Misnensi

Dilectus filius, nobilis vir, dux Zlesie,¹ sua nobis insinuante monstravit quod venerabilis frater noster Wratelaviensis episcopus,² homines volentes in sui ducatus finibus nemora et alia loca inculta inhabitare ac deducere ad culturam, adeo gravat indebitis exactionibus nomine decimarum, contra terre consuetudinem, quam observant episcopi convicini, quod non solum ad incolenda et excolenda loca ipsa dubitant convenire, verum etiam hii qui ex hiis ad aliqua jam convenerant excolenda, ea, propter difficultates quas eis ingerit, deserentes ad alias se transferunt regiones, in prius (dicti) ducis non modicum detrimentum, cum per hoc non solum loca ipsa deserta remaneant, sed etiam ducatus sui termini occupantur et inter ipsum et vicinos nobiles, ad quorum terras eius coloni se transferunt, graves interdum discordie oriantur; denique cum predecessores episcopi memorati quibusdam servis eiusdem ducis, qui Smardi vulgariter appellantur, decimas omnino remiserint, quibusdam ex servis ipsius eiusdem condicionis cum certis possessionibus ab eisdem in decimarum recompensatione receptis, dictus episcopus nihilominus ab eis decimas contra justitiam exigit et extorquet, alias multipliciter existens sibi et suis difficilis et molestus; quare nos ipsi episcopo nostris damus litteris in mandatis, ut super premissis et aliis sic studeat abstinere ab ipsius ducis indebito gravamine ac suorum, quod idem de ipso justam non habeat materiam conquerendi.

¹ Henry I.

² Bishop Lorenz. Cf. Aronius, no. 436, where the same bishop helps to decide the taxes for the Duchy of Oppeln, among these the tax to be imposed upon traveling Jews.

and because the pagan, the Star of Light not having as yet risen for him, walks in darkness;—therefore does the Lord in His mercy, wanting none to perish, renew his signs, and in his pity, cause his wonders not to cease, when He strikingly and miraculously displays the faith and merit of those whom he glorifies for the triumph of the Church, that in this way Catholics, breaking through their mental sloth, may at once be aroused to good deeds; heretics forsaking their errors, may from the wrong road be led back to the right; that Jews and Pagans, recognizing the true Light may from the darkness and shadow of Death, run to Christ, the Light, the Way, the Truth, and the Life. . . .

Given at Reate, on the third before the Ides of December, in the tenth year.

55.

Honorius III

March 2, 1226

. . . . to the Abbots of St. George of Nauburg and of Buchau in the diocese of Meissen, and to the Dean of Meissen

Our dear son, the noble Duke of Silesia¹ pointed out to us in his complaint, that our venerable brother the Bishop of Breslau² has oppressed the people who desire to settle within the limits of his Duchy, within its forests and its other uncultivated places, in order to bring them under cultivation. His exactions, in the name of the tithe, have been so unwarranted and contrary to the customs of the land as observed by the neighboring bishops, that not only do new settlers hesitate to come for the purpose of settling and cultivating these places, but that even some of those who have already come for the purpose of cultivating them, have abandoned their lands on account of the difficulties which he had imposed upon them. They have transferred themselves to other regions, much to the hurt of the said Duke, since thus not only do his lands remain deserted, but also the boundaries of his Dukedom are occupied, and serious disputes arise between him and the neighboring nobles into whose territory his colonists have transferred themselves. Finally, although the predecessors of the said bishop had completely remitted the tithe for certain of the Duke's serfs, generally known as Smardi, and had accepted in compensation for their tithe some of his serfs of the same condition, along with their possessions, nevertheless, contrary to justice, he demands and extorts the tithe from them, and in many other ways continues to be harsh and troublesome to him and his. Wherefore we are giving our letters of command to the said Bishop, that he should be so careful to abstain, with regard to the above matters and

Quocirca discretioni vestre per Apostolica scripta mandamus quatinus, si dictus episcopus mandatum nostrum neglexerit adimplere, vos audiatis, que dux ipse contra eum et que idem episcopus contra ducem duxerit proponenda, et diligenter intendatis ad sapiendas compositione amicabile et honesta hujusmodi questiones, et si per vestrum studium ipsa nequiverit compositio provenire, questiones ipsas curetis, si de partium voluntate processerit, per definitivam sententiam mediante justitia terminare.³ Quod si forte partes concordare nequiverint.
Testes autem. . . . Quod si non omnes.

Datum Laterani, Vi Nonas Mar., anno decimo.

(POTTHAST, NO. 7543; STENZEL, *URKUNDEN ZUR GESCHICHTE DES BISTHUMS BRESLAU*, I, p. 1, NO. 1; PRESSUTTI, II, NO. 5849; BRANN, *GESCH. DER JUDEN IN SCHLESSEN*, BRESLAU, 1896, p. 8; STOBBE, 276, note 171; HOROY V, 43, NO. 108).

³ The decision finally rendered by the judges seems on the whole favorable to the Bishop. The phrase there to be noted is that which reads, "Liberi vero, et Judei, ubicumque in dicta Bytomiensi Castellatura araverint, decimam solvent ex integro." With regard to this Stenzel (l. c.) remarks that Jews had settled there long before. It is to be noted that they were farmers.

56.

Honorius III

June 4, 1226

. Archiepiscopo Maguntino¹

Ex parte tua fuit coram nobis expositum, quod cum, sicut a nobis in mandatis acceperas, ad Wormaciensem accedens ecclesiam, ecclesiarum prelatos, canonicos, et alios clericos civitatis et diocesis Wormaciensis, nec non cives, vassalos et Judeos ecclesie monueris diligenter, ut usque ad festum resurrectionis Dominice proximo preteritum in mille sexcentis et viginti marcis colligendis a te, computatis in ipsis quadrigentis et triginta marcis jam collectis, eidem ecclesie subvenirent pro solutione debitorum, quibus est plurimum aggravata,² ipsi hoc facere contempnentes in vocem appellationis frustratorie proruperunt, quam tu reputans frivolam et inanem, in eos excommunicationis sententiam promulgasti. Sed predicti prelati et clerici sententiam ipsam pertinaciter contempnentes, excommunicati excommunicatis presumunt divina officia celebrare in animarum suarum periculum et scandalum plurimorum. Ne igitur illi de sua valeant contumacia gloriari, fraternitati tue per apostolica scripta mandamus, quatinus dictam excommunicationis sententiam, sicut rationabiliter est prolata, facias usque ad satisfactionem condignam auctoritate nostra sublato appellationis obstaculo inviolabiliter observari, et si forte aliqui voluerint satisfacere, ipsis juxta formam ecclesie beneficium absolutionis impendas, et cum clericis, qui taliter celebrarunt, ad mandatum tuum humiliter

their like, from causing unwarranted injury to the Duke and his subjects, that they should have no just cause for complaint against him. Through Apostolic Letters we command Your Discretion that, if the said bishop neglects to fulfill our orders, you shall hear what the Duke brings forward against him, and what the bishop brings forward against the Duke, and you shall make an earnest effort to allay this dispute by means of an amicable and just agreement. But if no agreement can be brought about through your effort, you shall take care to make an end to this matter by means of a definitive sentence arrived at through a process of justice, if this meets with the will of both sides.³ But if.

Given at the Lateran, on the sixth before the Nones of March, in the tenth year.

56.

Honorius III

June 4, 1226

. to the Archbishop of Mainz¹

We were told on your behalf that when, in accordance with the orders that you received from us, you went up to the Church of Worms and took care to warn the prelates, canons, and other clerics of the province and diocese of Worms, as well as the citizens, vassals, and Jews, that by the Easter just past they would have to come to the aid of the said Church in the matter of paying the debt with which it is heavily burdened, to the extent of one thousand six hundred and twenty marc to be collected by you, including the four hundred and thirty marc already collected,² they, scorning to do this, broke forth into calling you such libellous names that you, considering their cry frivolous and base, promulgated against them an edict of excommunication. Nevertheless, the above prelates and clergy, brazenly disdaining the very sentence of excommunication, dare, even while excommunicated, to celebrate the divine offices for other excommunicates, to the peril of their own souls and to the general scandal.

Wherefore, lest they be able to glory in their disobedience, we, by Apostolic Letters, order Your Fraternity, that by our authority and with no obstacle of appeal, you shall cause this sentence of excommunication which has been justly imposed, to be observed rigorously until proper satisfaction is given. If some express a desire to render satisfaction, you shall give them absolution in accordance with ecclesiastical form. Power is also granted you to deal mercifully with the clergy who thus celebrate the office, and who in humility shall re-

¹ Siegfried. Above No. 52.

² A. Schulte, *Geschichte des Mittelalterlichen Handels und Verkehrs*, Leipzig, 1900, vol. I, p. 249, points to this letter as an example of the particular care with which the Papacy enforced Italian debt-claims.

redeuntibus tibi liceat misericorditer dispensare. Illos autem qui perduraverint contumaces, canonica disciplina castiges.

Datum Laterani, II Nonas Jun., anno decimo.

(POTTHAST, NO. 7582; HOROY, V, 106, NO. 158; PRESSUTTI, II, NO. 5976; V. u. R., I, 232; ARONIUS, NO. 434; CARO, I, 407-8.)

57.

Gregorius IX

March 31, 1227

. Abbati et Priori de Prules et Preposito Ripensi Ratisponensis diocesis

Querelam dilectorum filiorum abbatis et conventus Sancti Emmerani recepimus, continentem quod Judei Ratisponensi quasdam terras ipsius Monasterii detinentes contra justitiam occupatas, Synagogam construxerint, et mortuos suos sepeliunt in eisdem, in ipsorum et dicti Monasterii injuriam et contemptum, alias sibi graves et injuriosi non modicum existentes.¹ Ideoque Discretioni vestre per apostolica scripta mandamus quatenus, si est ita, dictos Judeos ut terras ipsas dictis abbati et conventui restituant, et de aliis satisfaciant ut tenentur, monitione premissa, per subtractionem communionis fidelium, appellatione remota, cogatis. Quod si non omnes.

Datum Laterani, II Kal. Apr., anno primo.

(POTTHAST, NO. 7870; LIBER PROBATIONUM MONASTERII ET PRINCIPALIS STI EMMERANI RATISBONE, p. 163, NO. LXV; ARONIUS, NO. 440; WIENER, REGESTEN, 23, NO. 147; A. FREIMANN IN MONATSCHRIFT, LIII (1909), 593; NÜBLING, 184).

spond to your commands. Those, however, who will continue in their disobedience you shall punish with canonical discipline.

Given at the Lateran, on the second before the Nones of June, in the tenth year.

57.

Gregory IX

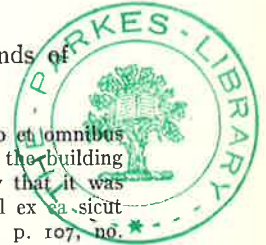
March 31, 1227

. to the Abbot and the Prior of Pruel and to the Provost of Ripen in the Diocese of Regensburg:

We have noted the complaint of our dear sons the Abbot and the Convent of St. Emmeran, setting forth that the Jews of Regensburg are unjustly holding some of the land belonging to that monastery, that they have built a synagogue there, and are using it (the land) also for a cemetery, much to the injury and contempt of the complainants and the monastery, and that in other ways too the Jews are burdensome and injurious to them.¹ Wherefore, we order Your Discretion by Apostolic Letters that, if this is true, you force the said Jews to restore this land to the said Abbot and Convent, and to give them satisfaction with regard to the other matters, or, after due warning, relations with the faithful be refused them, appeal denied.

Given at the Lateran, on the second before the Kalends of April, in the first year.

¹ The property had been sold to the Jews in 1210, "Abraham Judeo et omnibus Judeis Ratisponensis," for the specific purpose of a cemetery. While the building of a synagogue was not specifically mentioned, the document did say that it was sold to the Jews "ad omnem commoditatem et usum quem in ea vel ex ea sicut de proprio suo habere decreverint . . ." (Aronius, no. 381; Wiener, p. 107, no. 19). On what ground the return of this property was demanded is unknown. Possibly this was part of the general effort to rehabilitate the Monastery, since in the same year the Pope ordered the restitution of other lands that had been alienated by St. Emmeran (Lang, *Gesta Boiaca*, II, pp. 164 and 238). The Jews, moreover, were not the only ones to have legal troubles with St. Emmeran (ibid., pp. 222, 224). It seems, however, that the Jews subsequently came to an understanding with the Monastery, and retained their synagogue and cemetery (Train in Ilgen's *Zeitschrift für historische Theologie*, p. 49). This settlement may have been brought about by, it was certainly referred to in, the grant that Henry VII made to the Jews of Regensburg in 1230: "Quecumque bona in potestate eorum decem annis habuerint et tranquille possederunt, absque contradictione cujuslibet postmodum possidebunt et habebunt" (H-B, III, 421; Aronius, no. 448).



58.

Gregorius IX

October 21, 1228¹. Clero Francie²

Ardenti desiderio aspirantes., si qui illuc proficiscentium ad prestandas usuras juramento tenentur astricti, creditores eorum, ut remittant eis prestitum juramentum, et ab usurarum exactione desistant, ecclesiastica districtione cogatis. Quod si quisquam creditorum eos ad solutionem coegerit usurarum, ad eorum restitutionem simili censura compellatis eosdem. Preterea Judeos ad remittendum usuras per secularem faciatis potestatem compelli et, donec eas remiserint, communionem sibi fidelium denegari. Porro si qui cruce signatorum Judeis solvere debita nequeunt in presenti, laborare curetis ut iudices seculares sic eis de utili dilatione provideant, quod post iter peregrinationis arreptum, quousque de ipsorum obitu vel reditu certissime cognoscatar, usurarum incomoda non incurrant, compellendis nihilominus Judeis proventus pignorum, quos interim ipsi perceperint in sortem, expensis deductis necessariis, computare. Debitores quoque cruce signatorum ad ea in quibus tenentur eisdem, cogatis, usuris cessantibus, persolvenda, creditores ipsorum ad prorogandum terminos solutioni debitorum prefixos, prout necesse fuerit, inducentes

Datum Perusii, XII Kal. Nov., anno secundo.

(POTTHAST, NO. 8267; AUVRAY, NO. 230; CARO, I, 498; V. u. R., I, 233).

¹The call is for another attempt to clear Southern France of heretics. Auvray has doubts about the exactness of the date as above, though that is the date set by Potthast. Vogelstein and Rieger, I, p. 233, confuse this letter with a similar one about the Holy Land in 1234.

²Specifically addressed to the Archbishops of Rheims (Henry de Dreux, 1227-1240), Sens (Walter Cornutus, 1222-1241), Rouen (Theobald d'Amiens, 1222-1229), Tours (Jughellus de Mathefelon, 1228-1229), Bourges (Simon de Sully, 1218-1232), Bordeaux (Gerald de Malemort, 1227-1261), Auch (Amanian de Gerisinbac, ?), Narbonne (Peter Amelius, 1226-1245), Lyons (Robert d'Auvergne, 1227-1234), Embrun (Bernard, 1212-1235), Tarantaise (Hernuin de Chiguin, 1224-1248), Besançon (Nicholas de Flavigny, 1227-1235), Aix (Gallard d'Orthey, 1215-1235), Arles (Hugo Beroardus, 1218-1232), and Vienne (John de Bernin, 1218-1266) and to their suffragans, and to the Abbots, and priors, and to the Chapters, and to all other prelates in their respective dioceses.

59.

Gregorius IX

May 16, 1229¹. Argentinensi episcopo²

Ex litteris tuis accepimus prelatam fuisse ad synodum tuam hujusmodi questionem, quod quidam videlicet de Judaice cecitatis errore ad Christum lumen verum adductus, uxore sua in Judaismo relicta, in iudicio postulavit instanter ut eorum filius quadriennis adsignaretur

58.

Gregory IX

October 21, 1228¹. to the clergy of France²

Ardenti desiderio aspirantes. We order and command that if anyone of those setting forth on this journey is held bound by oath to the payment of usury, you shall by ecclesiastical censure compel their creditors to rescind this oath, and to desist from the exaction of usury. But if anyone of the creditors should force them to pay, you shall by similar punishment compel them to restore it. Moreover, by means of the secular powers you shall cause the Jews to be forced to remit their usury, and until they do so remit it, they shall be denied communion with the faithful. Moreover, if any of the crusaders cannot at the present time repay their debts to the Jews, you shall see to it that the secular judges provide for them such a beneficial moratorium, that from the time of their departure until their death or return will be known for certain, they shall not incur the burden of usury. You shall, moreover, force the Jews to reckon into the principal the income from the pledge, which may accrue in the meantime, after necessary expenses have been deducted. You shall also compel the debtors of the crusaders to pay them that by which they are bound to them (though) without the interest; and you shall induce their creditors to extend the time of the said debts to the extent to which this may be necessary.

Given at Perusium, on the twelfth before the Kalends of November, in the second year.

59.

Gregory IX

May 16, 1229¹. to the Bishop of Strassburg²

We learned from your letters that the following question was brought up at your Synod. A certain man, having been saved from the error of the Jewish blindness and brought to the true light of Christ while his wife was left in Judaism, has insistently brought suit to have their son, four years old, assigned to him with a view to having him brought up in the Catholic faith, which he himself had accepted. He argues that because of the grace of the Christian Faith and because the boy had not yet reached the age of discretion, the child ought to follow him and his Faith rather than the mother and her error. To this she

¹Hartzheim, *Concilia Germanie*, III, 536, gives the date of the letter as of May 16, 1230. Mentioned by Raynaldus as 1229 (§60); by Potthast as 1229; by Aronius as May 10, 1229.

²Berthold of Tech, 1223-1244 (*Gal. Chr.*, V, 802).

eidem ad fidem catholicam quam ipse susceperat perducendus, asserens quod favore religionis Christiane et quia puer infra discretionis annos erat potius ipsum ad fidem suam quam matrem et eius errorem sequi deberet. Ad quod illa respondit, quod cum puer adhuc infans existat, propter quod magis materno indiget solacio quam paterno, sibi que antea partum onerosus, dolorosus in partu, post partum laboriosus fuisse noscatur, ac ex hoc legitima coniunctio maris et foemine magis matrimonium quam patrimonium nuncupetur, dictus puer apud matrem quam apud patrem ad fidem Christianam de novo productum transire debebat, aut saltem neutrius sequi priusquam ad legitimam etatem perveniat voluntatem hinc inde multis aliis allegatis. Tu autem predicto puero medio tempore in tua potestate retento quid tibi faciendum sit in hoc casu nos consulere voluisti. Cum vero filius in patris potestate consistat cujus sequitur familiam et non matris, et in tali etate quis non debeat apud illas remanere personas de quibus possit esse suspicio quod saluti vel vite insidientur illius, et pueri post triennium apud patrem non suspectum ali debeant et morari; materque pueri si eum remanere contingeret apud ipsam facile illum posset adducere ad infidelitatis errorem, fraternitati tue in favorem maxime Christiane fidei respondemus, patri eundem puerum adsignandum.³

Datum Perusii, XVII Kal. Jun., anno tertio.

(POTTHAST, NO. 8399; AUVRAY, NO. 298; REGISTER, XIV, FOL. 204 ro., NO. 13; HARTZHEIM, *CONCILLIA GERMANIE*, III, 536; ARONIUS, NO. 445; CARO, I, 303, 498; A. GLASER, *GESCH. DER JUDEN IN STRASSBURG*, STRASSBURG, 1924, p. 22).

³ In full, as given in the translation above, the letter is to be found only in Register XIV, fol. 204 ro., no. 13. The decision was adopted into Gregory's Decretals, Lib. III, tit. 33, Chap. II.

60.

Gregorius IX

October 11, 1229

. Episcopo Palentino¹

Ad audientiam nostram te significante pervenit quod Judei in tua civitate ac diocesi commorantes de domibus et possessionibus de quibus Christiani consueverant exhibere oblationes et decimas ecclesiis ad quas pertinent eas solvere contempnentes, et injicientes manus in clericos violentas, nec extorquere verentes a Christianis immoderatas usuras, super hiis nolunt in foro ecclesiastico respondere,² et si respondeant aliquando in eodem proponunt tamen se non posse convinci nisi per unius Judei testimonium et alterius Christiani, iuxta consuetudine quamdam pravam inolitam in contractibus eorundem, propter quod eorum temeritas contra ecclesias et viros ecclesiasticos fortius insolescit. Ideoque fraternitati tue per Apostolicas litteras mandamus quatenus

¹ Tello, Bishop of Palencia, 1212-1246 (Gams).

² For the legal privileges of the Jews see Introduction, pp. 55-59.

replied that since the boy is still an infant, and therefore needs the care of a mother more than of a father, and that because the burden of bearing him, and the pain of giving him birth, and the toil of the time after his birth, are known to have been hers, reasons for which the lawful union of husband and wife is called matrimony rather than patrimony, therefore, the said boy ought more fittingly remain in the care of the mother than go to the father who had recently become a Christian; at least the boy ought to follow neither until he arrives at the age of maturity, and among other things will express his desire also in this. You, however, retaining the child in your own power, have sought our advice how to act in such a case.

Now, since a child remains in the father's power, following his family and not that of the mother, and since this child is at such an age when he ought not to remain among people about whom it may be suspected that they are plotting against his salvation or his life, and since the boy is past the age of three, he therefore ought to be supported by and live with the father who is not under suspicion. As to the mother of the boy, if he should happen to remain with her, she may easily mislead him into the error of faithlessness. To the greatest advantage of the Christian faith we reply to Your Fraternity that this boy should be assigned to the father.³

Given at Perusium, on the eighteenth before the Kalends of June, in the third year.

60.

Gregory IX

October 11, 1229

. to the Bishop of Palencia:¹

Through you the following matter has come to our attention. The Jews who dwell in your state and diocese disdain to pay the gifts and tithes from the houses and possessions for which the Christian owners used to pay these contributions to the churches of the diocese to which (these places) belong. The Jews also raise violent hands against the clergy. Nor do they fear to extort immoderate usury from Christians. For all this they refuse to answer before the ecclesiastical court,² and when they do answer they on occasions assert that they cannot be convicted unless it be by the testimony of one Jew and one Christian in accordance with an evil rule once established in their contracts. On account of this their boldness against the Church and against churchmen has increased greatly.

Wherefore, we, by Apostolic Letters, command Your Fraternity that, supported by our authority, and despite this custom which better deserves the name corruption, you shall proceed against them in accordance with canonical sanctions.

auctoritate nostra suffultus predicta consuetudine non obstante, que dici debet potius corruptela, adversus illos procedas in hiis secundum canonicas sanctiones.

Datum Perusii, V. Id. Oct., anno tertio.

(AUVRAY, NO. 356; REGISTER, XIV, FOL. 140 vo., NO. 70; V. u. R., I, 233; GRAETZ, VII, 27; KAYSERLING, PORTUGAL, 4). *Se. 189*

61.

Gregorius IX

March 3, 1231

..... Archiepiscopo Strigoniensi¹

Cum illius vices divina dignatione teneamus in terris, qui mittet angelos suos ad omnia de Regno eius scandala colligenda officii nostri debitum exigit, ut de Regno Dei, quod est ecclesia, scandala colligi et prava in directa dirigi faciamus quo inoffenso pede ad bravium vocationis celestis liberius currere filii Regni possint. Horrendus siquidem ex tua et quamplurium aliorum relatione ad nos rumor ascendit,² diro doloris gladio nos transfigens, quod talia in Regno Hungarie peccatis exigentibus committuntur, quibus nisi per apostolice sedis remedium fuerit obviatum, ibidem pene penitus fides perit, libertas conculcatur, ecclesie et dignitati Regie non modicum derogatur. Nam inter alia, que divine ac humane legi obviant manifeste, propter oppressionem Christianorum pauperum, et Sarracenorum Judeorumque in Christo fidelibus dominatum, multi Christianorum oneribus importabilium exactionum gravati, videntes Sarracenos melioris conditionis et maioris libertatis prerogativa gaudere, sponte se transferunt ad eosdem, et ritum suscipientes eorum, ut pari cum eis gaudeant libertate; non solum per errorem Christiani Sarracenorum, et Sarraceni Christianorum mulieribus commiscuntur, verum etiam illas ducunt dampnabiliter in uxores, Emunt preterea Sarraceni mancipia Christiana, et de hiis tamquam de suis omnem voluntatem et voluptatem suam explentes, ipsas apostatare compellunt, et eorum non sinunt filios baptizari; pauperes nihilominus Christiani quandoque sic oneribus et exactionibus affliguntur, quod filios ac filias cogantur vendere Sarracenis, et sic liberi fiunt servi et Christiani quodammodo Sarraceni. Ad hec quidam eorum, cum revera sint Sarraceni, se Christianos mendaciter confingentes, qui iuxta verbum propheticum arcum rem amaram intendunt, ut sagittent innoxios in

¹ Robert, 1226-1238.

² This letter represents the result of another move in the long struggle for supremacy between the nobility and Bela, the heir-apparent. The latter sought to make the nobility and their leader Dionysus, the Palatine, lose standing with the clergy. To this end he called the attention of the Archbishop of Gran to the fact that the promise made in the Golden Bull (see above No. 53) with regard to Jews and Saracens was not being kept. The Archbishop then wrote to the Pope, in March 1231, that the condition of the infidels was better than that of the faithful (Engel, pp. 240-245). Cf. Graetz, l. c.

Given at Perusium, on the fifth before the Ides of October, in the third year.

61.

Gregory IX

March 3, 1231

..... to the Archbishop of Gran¹

Since upon earth we, by divine favor, hold the place of Him who sends His messengers to remove all scandals from His Kingdom, the duty of our office demands that we cause these scandals to be checked in the Kingdom of God, which is the Church, and to set the wrong to rights, so that the children of the Kingdom may be able the more freely, with unoffending foot, to hasten to the Heavenly call.

For horrifying news has reached us through what you and several others have related,² and it transfixed us with the dire sword of grief, to hear that in the Kingdom of Hungary terrible sins are being committed which, unless they are removed by the help of the Apostolic Throne, will cause the Faith to perish there almost completely, Liberty to be crushed, and the Church and the dignity of the Kingdom in great measure to be destroyed. For among other things which are obviously contrary to divine and human law, are the following: On account of the oppression of the Christian poor and the dominion of Saracens and Jews over the faithful Christians, and because these Christians are weighted down by intolerable exactions, and because they see the Saracens enjoying the prerogative of a better status and greater freedom, many Christians openly transfer themselves to the former, and observe their rites in order to enjoy freedom like theirs. Christians mingle with Saracen women, and Saracens with Christian women, not only through error, but wickedly even to take them to wife. Furthermore, Saracens buy Christian slaves, and after satisfying their will and their passion upon them as if they were of their own people, they compel them to apostasize, and do not permit them to baptize their children. The poor among the Christians are so afflicted with burdens and exactions, that they are forced to sell their sons and daughters to Saracens, and thus the free become the slaves, and those who were once Christians become Saracens. For these reasons certain ones, though really Saracens, feign to be Christians, and in accordance with the word of the prophets, they bend their bow with a bitter thing, so as out of hiding to shoot the innocent. Under the mask of piety they deceive many simple-minded Christians, and lead even some astute ones astray, by wickedly attracting them to the error of disbelief. And when, presumably as Christians, they have contracted marriage with Christian women, they compel these women, after marriage, to become apostate. And although certain Cumanians³ have forsaken the error of unbelief, and are by this time enlightened by the Faith, and while others are still trying to escape from the darkness and shadow of

occultis, sub palliata specie pietatis multos Christianorum decipiunt simplices, et nonnullos seducunt astutos, illos ad infidelitatis errorem nequiter attrahendo, et dum tamquam Christiani cum Christianis mulieribus contrahunt, illas, postquam duxerint in uxores, apostatare compellunt. Et cum nonnulli Cumanorum,³ relicto infidelitatis errore iam sint illuminati per fidem, quidam vero ipsorum de tenebris et umbra mortis currere cupiant ad Christum, lucem, viam, veritatem et vitam, prefati Sarraceni eos ementes in servos et baptizatos cogunt retro respicere, et baptizandos venire ad agnitionem fidei non permittunt: ad quorum liberationem, si presumptores hujusmodi cogentur, sicut dicitur, firmiter est sperandum, Cumanos ex hoc ad fidem Catholicam provocari. Et licet in Toletano Concilio provide sit statutum ne Judei publicis officiis preferantur, cum nimis obsonum videatur, ut Christi blasphemus in Christianos vim exercent potestatis, in Regno tamen eodem passim Judei ac Sarraceni publicis officiis preponuntur, qui sub tali pretextu et dampna gravia ecclesiis inferunt, et christiano nomini plurimum sunt infesti. Libertas quoque ecclesiastica adeo in Regno ipso subversa esse dicitur et emersa, quod non solum ecclesiarum hominibus, sed etiam ipsis ecclesiis et personis ecclesiasticis collecte ac tallie imponantur a laicis, et respondere cogantur sub examine iudicis secularis. Possessiones quoque et redditus, quos ex donatione Regum a longis retroactis temporibus pacifice possederunt, eisdem ecclesiis contra justitiam auferunt, ac per immensas donationes, quas de novo quibusdam nobilibus Regalis fecisse dicitur celsitudo, non modicum aggravantur. Et quamvis cause matrimoniales ad examen ecclesiasticum pertinere noscantur, hujusmodi tamen cause ibidem ad secularem iudicem perferuntur et per secularem iudicem matrimonia separantur: sicque fit, ut ipsius Regni ecclesie tot afficiuntur iniuriis atque dampnis, tot tribulationum angustiis affliguntur, quod nisi celeriter succurratur eisdem, vix poterunt respirare. Nolentes igitur tantam Creatoris contumeliam, tantamque Jhesu Christi iniuriam et ecclesiarum gravamina ac obprobria christinai nominis in patientia sustinere, fraternitati tue per apostolica scripta in virtute obedientie districte precipiendo mandamus, quatenus prefatos christiani nominis inimicos per subtractionem communionis fidelium et aliis modis, quibus expedire videris; christianos vero per censuram ecclesiasticam invocato ad hoc si opus fuerit auxilio brachii secularis, a tam presumptuosis excessibus taliter studeas coercere, quod dilligentiam tuam possimus merito commendare, Contradictores, si qui fuerint, vel rebelles per censuram ecclesiasticam sub apostolica obedientia compescendo.⁴

Datum Laterani, V. Non. Mar., anno quarto.

(POTTHAST, NO. 8671; AUVRAY, NO. 561; FRISS, NO. 12; GRAETZ, VII, 29; DUBNOW, V, 185; CARO, I, 498-9; SCHERER, 59; SAITCHIK, 10).

³ The most recently converted pagans, it was but a few years before that the Pope took them under his special protection.

death, to Christ, the Light, the Way, the Truth and the Life, yet Saracens buy them for slaves and force those baptized, to turn back, and do not allow those who want to be baptized, to go to a public profession of their Faith. There is, however, good reason to hope, it is said, that if only those who presume such things were to be compelled to grant liberty to the Cumanians, the latter would then be attracted to the Catholic Faith.

Furthermore, although it was clearly decreed in the Council of Toledo that the Jews should not be given preferment in public office, since it seems thoroughly out of harmony that blasphemers of Christ should exercise authority over Christians: yet everywhere in the Kingdom, Jews and Saracens without distinction are placed in office. Under this pretext, they bring outrageous burdens upon the churches, and are very injurious to the Christian name. Even the freedom of the Church is said to have been so subverted and destroyed in your Kingdom that laity impose taxes and tolls not only upon men belonging to the churches, but upon the churches themselves and upon ecclesiastical persons, even compelling the clergy to submit to examination by secular judges. Also such property and income which, through royal grant, they peacefully possessed from very ancient times, are unjustly being taken away from these churches, which besides are greatly harmed by huge gifts which His Royal Highness is said to have made to certain nobles. Moreover, although it is well known that a case involving marriage belongs to ecclesiastical jurisdiction, yet even such cases are brought before secular judges, and it is by secular judges that marriages are dissolved. Thus it happens that the churches of that Kingdom undergo such injuries and oppression, and are afflicted by such dreadful tribulations, that unless help come quickly, they may hardly be able to breathe.

Wherefore, not wanting to tolerate patiently any such insult to God, such injury to Jesus Christ, such trouble to the Church, and such shame to the name of Christian, we, by Apostolic Letters, especially impressing upon you the virtue of obedience, order Your Fraternity that by forbidding them intercourse with the faithful, and in other ways which you may think proper, you shall do your utmost to force the enemies of the Christian name to refrain from any further presumptions. You shall restrain Christians by ecclesiastical punishment, calling in for that purpose even the secular arm, if need arise. Thus may we be able to command your diligence deservedly, when, by the use of ecclesiastical censure you have brought under the grace of Apostolic obedience those who disagree, if there be any, or those who rebel.⁴

Given at the Lateran, on the fifth before the Nones of March, in the fourth year.

⁴ The King replied by making more promises. See No. 73.

62. **Gregorius IX** April 4, 1231

..... Episcopo Burgensi¹ et Burgensi et Calagurritano decanis

Miramur si vera sunt que de karissimo in Christo filio nostro illustri rege Castelle nuper nostris auribus sunt relata.² Audivimus enim quod idem rex, jura et libertates Calagurritane ecclesie multipliciter conculcando, statuta quedam in subversionem ipsius ecclesie promulgavit sub pena rerum et gratie sue, novo ab ipso promulgato precepto quod nullus in dioecesi Calagurritana donare presumat seu vendere de cetero ipsi ecclesie cathedrali aliquas possessiones, aut monasteriis vel aliis ejusdem diocesis piis locis; et hoc non contentus, occupari et confiscari jussit possessiones sine auctoritate litterarum suarum vel avi sui locis predictis venditas vel donatas, a tempore quo apud Nayaram idem avus suus curiam celebravit; alias etiam ipsi ecclesie et locis religiosis possessiones, suas auferens, indebitas exactiones imponi permittit eisdem. In contemptum insuper statuti editi de Judeis in concilio generali, pro sue prohibuit arbitrio voluntatis, ne signa ipsi Judei deferant, quibus a fidelibus discernantur,³ aut de hereditatibus que ad ipsos a Christianis pervenisse noscuntur, decimas exhiberi debeant, cum super hoc statuta ipsius concilii venerabilis frater noster episcopus Sabinensis, tunc Apostolice Sedis legatus, preceperit observari, propter quod plures parochiales ecclesie fere ad nihilum sunt redactę, cum possessiones de quibus eisdem decime prestari solebant, vęse sunt per pravitatem usurariam ad eosdem. Dicitur etiam precepisse quod omnia bona decedentium clericorum ecclesiastica devolvantur ad eorum filios vel heredes: qua occasione in servitutis obprobrium redigens Calagurritane ecclesie libertatem, utendo precepto predicto, spoliavit eam quibusdam possessionibus cujusdam canonici sui, qui decesserat intestatus, licet eas aliquamdiu pacifice possedisset. Quia vero quanto personam suam abundantiori caritate diligimus, tanto minus hec, si vera sunt, vobis convenit in nostrum et suum periculum sustinere, serenitatem regiam monendam duximus propentius et hortandam, obsecrantes per unigenitum Dei filium Jhesum Christum, et bona fide nihilominus consulentes quatenus, sicut rex Christianus et Catholicus princeps, attendens quod non ideo sibi Dominus gladii contulit potestatem, ut illum exerat in ecclesias quas tenetur potius ab aliis defensare, et a premissis enormitatibus, quas, etsi taceatur verbo, notoria ipsius ecclesie gravamina profitentur, nec non ab aliis dampnis et injuriis ejusdem pro suo honore quiescens et omnino de-

¹ Mauritius, Bishop of Burgos, 1213-1238.

² Ferdinand III, King of Castile and Leon, 1217-1252, afterwards canonized.

³ Cf. No. 51.

62. **Gregory IX** April 4, 1231

..... to the Bishop of Burgos¹ and to the Deans of Burgos and Calahorra

We wonder whether the reports are true that have come to us recently about our dearest son in Christ, the illustrious King of Castile.²

For we have heard that this King in many ways abuses the rights and liberties of the Church of Calahorra, and that under penalty of fine and loss of his favor he has newly promulgated a certain decree to the ruin of that Church. In the new decree promulgated by him, he ordered that no one in the diocese of Calahorra shall henceforth dare to give away or to sell any property to the Cathedral Church or to monasteries or other holy places of the same diocese. And not content with this, he ordered the properties sold or presented to the said places without the authority of his letters or those of his grandfather from the time that his grandfather held court at Nayara, to be seized and confiscated. After robbing this Church and these holy places of other possessions, he permitted undue exactions to be levied upon them.

Furthermore, in contempt of the decrees passed in the General Council about Jews, and upon his own authority, he annulled the regulation that required the Jews to wear signs by which they might be distinguished from the faithful,³ or to pay tithes from the estates which are known to have come into their possession from Christians, although in this connection our venerable brother the Bishop of Sabine, then legate of the Apostolic Throne, enjoined that the statutes of the said Council should be observed. Because of this many parish churches have been reduced to almost nothing, since the properties from which tithes used to be paid them, have through wicked usury been turned over to Jews.

He is said also to have decreed that all ecclesiastical property of deceased clerics should fall to their sons or heirs. In this manner he reduced the Church of Calahorra from independence to shameful slavery. By using the said edict he despoiled it of certain possessions of one of its canons who had died intestate, although he had for some time been in peaceful possession of the said property.

Wherefore, since the greater the affection with which we love his person, the less is it fitting for you to tolerate these things (if they are true) to our and his peril, therefore we have thought that his Serene Majesty should be diligently admonished and urged, imploring him in the name of the only begotten Son of God, Jesus Christ, and also advising him in good faith that as a Christian and Catholic prince he should remember that the Lord did not give him the power of the sword that he might use it against the churches which it is his duty

sistens, propter Deum et anime sue salutem ablata cum integritate restituat, et tam statuta quam precepta et prohibitiones husjusmodi non differat revocare, ita quod Deum placare valeat, quem in hiis non dubitamus offensum, et Ecclesia Romana, que in Calagurritana ecclesia tanquam in membro graviter videtur esse concussa, prosequi hec aliter non cogatur. Ideoque discretioni vestre per apostolica scripta mandamus quatenus eundem regem ad id ex parte nostra diligentius moneatis ac inducere procuretis, quod super hiis inveneritis nobis sine more dispendio rescripturi. Quod si non omnes etc., tu, frater episcopo, cum eorum altero, etc.

Datum Laterani, II Non. Apr., anno quinto.

(AUVRAY, NO. 594).

63. **Gregorius IX**

August 23, 1231

. Turonensi et Rothamagensi Archiepiscopis, et episcopo Parisiensi.

*Nimis iniqua*¹ Ab eis etiam de ortorum fructibus decimas nec non de habitaculis fratrum, sicut de Judeorum domibus, contendunt redditus extorquere, asserendo quod, nisi fratres morarentur ibidem, eis ab aliis habitatoribus proventus aliqui solverentur, etc.

Datum Reate, X. Kal. Sept., anno quinto.

(POTTHAST, NO. 8788; AUVRAY, NO. 707; ARONIUS, NO. 455; CARO, I, 499; NÜBLING, 277; NEUFELD, 52).

64. **Gregorius IX**

October 20, 1231

. Astoricensi et Lucensi episcopis, et decano Lucensi²

Ex speciali quem erga karissimum in Christo filium nostrum illustrem regem Portugalie² gerimus caritatis affectu, ipsius in annis adhuc minoribus constituti zelamur diligentia paterna salutem optantes ut adolescentie sue primitias exercens in timore divini nominis et amore, ad eum intuitum suum elevet qui solus dominatur in regno hominum deponens de sede potentes et erigens humiles in sublimi, quatenus post presentis vite necessarium exitum, de regno temporali transeat feliciter in eternum Sane venerabilis frater noster Ulixbonensis episcopus³

¹ Nunius, Bishop of Astorga, 1226-1241 (*España Sagrada*, XVI, pp. 231-5); Michael, Bishop of Lugo, 1225-1272 (ibid., XLI, pp. 59-72); Velascus, Dean of Lugo (ibid., p. 361).

² Sancho II, born 1207, ruled 1223-1248.

³ Probably Payo, who was elected that year (Gams).

to defend against others. From those enormities which, though it is silenced, the notorious oppressions of the church (themselves) proclaim, he shall, for the sake of his honor, completely and forever desist, and from all other oppressions and molestations of the Church; and he shall, for the sake of God and the salvation of his soul, restore intact the confiscated property. He shall without delay revoke all statutes, orders and prohibitions, so that he may appease God whom we have no doubt he has offended in these matters, and in order that the Church of Rome which seems to be severely wounded in its limb, as it were, the Church of Calahorra, shall not be compelled to prosecute his actions in other ways.

Therefore we order Your Discretion by these Apostolic Letters, on our behalf diligently to urge the said King to this course, and to make every effort to persuade him; and you shall report to us, without loss of time, all your investigations in the matter etc.

Given at the Lateran, on the second before the Nones of April, in the fifth year.

63. **Gregory IX**

August 23, 1231

. to the Archbishops of Tours and of Rouen and to the Bishop of Paris

*Nimis iniqua*¹ They (the clergy) also try to extort from them (the friars) tithes from the fruit of their gardens, and even revenue from their dwelling places, as if from houses of Jews. They assert that had the friars not been living there, some income would have accrued to them from other inhabitants etc.

Given at Reate, on the tenth before the Kalends of September, in the fifth year.

¹ Part of a letter in which the Pope urges tolerance of the newly established mendicant orders on the part of the regular clergy. Cf. nos. 106, 108. For the unpopularity of the Order with the regular clergy, cf. Sedgwick, *History of Italy*, I, p. 369.

64. **Gregory IX**

October 20, 1231

. to the Bishops of Astorga and Lugo and the Dean of Lugo¹

Because of the particular affection that we cherish for our dearest son in Christ, the illustrious King of Portugal,² we cared for his welfare zealously and with paternal solicitude during the years of his minority. Desiring his safety, we hoped that by training the first vigor of his youth in the fear and love of the Divine Name, he would ever raise his thoughts unto Him Who is the sole Ruler of the kingdom

in nostra et fratrum nostrorum presentia proposuit conquerendo quod⁴ Sed et Judei in episcopatu Ulixbonensi publicis passim preferentur officiis, contra statuta concilii generalis, in opprobrium fidei Christiane et grave scandalum plurimorum

Nos tamen, eiusdem regis saluti, quam in Domino affectamus, necnon et fame sue ac ecclesiarum et clericorum indemnitati consulere cupientes, discretioni vestre presentium auctoritate, in virtute obedientie, precepiendo mandamus quatinus ad regem eundem personaliter accedentes, moneatis eum diligentius et sollicitè inducat⁵ nec in officiis publicis Judeos Christianis preficiat, sicut in generali concilio continentur, et si forte, secundum quod responsum ex parte sua extitit,⁶ redditus suos Judeis vendiderit vel paganis, Christianum tunc deputet, de gravaminibus inferendis clericis et ecclesiis non suspectum, per quem Judei sive Sarraceni sine Christianorum injuria, jura, regalia consequantur. . . .

Datum Reate, XIII Kal. Nov., anno quinto.

(POTTHAST, NO. 9673; AUVRAY, NOS. 733 and 5001; CARO, I, 303, 498-9; CASSEL, 72; AMADOR DE LOS RIOS, I, 277; KAYSERLING, PORTUGAL, 4).

⁴The complaints of the Bishop were numerous, dealing mostly with the infringement by the king and his officers upon the rights and liberties of the Church of Portugal. According to Amador de los Rios (l. c.) the inclusion of the complaint about the influence of the Jews was a result of the envy which their favorable position under this king excited in the clergy.

⁵From this point to the end the passage is included in the *Decret. Gregorii IX*, Lib. V, tit. 6, ch. XVIII. Cf. No. 100.

⁶The clause "according . . . behalf" is omitted in the Decretal.

65.

Gregorius IX

September 17, 1232

. . . . Stephano Capellano nostro

Monasterii Casinensis gravamina que officiales carissimi in Christo filii Frederici illustris Romanorum Imperatoris semper Augusti, Hierusalemiani et Sicilie Regis, jugiter inferre dicuntur, Apostolice Sedes auribus inculcata, nec dissimulare licuit, nec silere deceret; dum judecam Sancti Germani mense dilectorum filiorum monachorum eiusdem monasterii ab antiquo specialiter deputatam auferre callide moliantur, asserentes quod quidquid vel eorum industria qualitercumque judece memorate accedit, imperiali sit camere applicandum. Licet autem gloriosi confessoris merita Benedicti ad hujusmodi revocanda gravamina, eisque jura confovenda in melius apud excellentiam imperialem sufficiant, tamen, ut nostris precibus excitatus devotius accendatur, eundem Imperatorem rogamus, monemus, et hortamur atente, ut ob reverentiam divinam et nostram, premissa taliter jubeat

of man, Who deposes the mighty from their seat and raises the humble to the very heights, in order that after his inevitable departure from this life, he might happily pass from a temporal kingdom unto the one which is eternal.

Now our venerable brother the Bishop of Lisbon³ placed before us and our brothers, the complaint that⁴ in the Bishopric of Lisbon Jews are given preferment in public office, which is contrary to the statutes of the General Council, an insult to the Christian Faith, and scandalous (in the eyes of) many We, therefore, desirous to do our best for the said king's salvation, which we cherish in the Lord, as well as for his reputation and the security of the churches and the clergy, strictly order Your Discretion by the authority of these presents, and in the name of the virtue of obedience, personally to approach the said king, urgently to warn him and to induce him⁵ not to prefer Jews to Christians in public office, in accordance with the decree of the General Council, and that if by chance, [according to the defense which was entered on his behalf,⁶] he sell his revenues to Jews or pagans, he shall appoint a Christian under no suspicion of bringing hardships upon clergy and churches, so that through him the Jews and Saracens might follow up the royal dues without injury to Christians

Given at Reate, on the thirteenth before the Kalends of November, in the fifth year.

65.

Gregory IX

September 17, 1232

. . . . to our Chaplain Stephen

It is not permitted us to overlook, nor proper to keep silent about the oppressions which the officials of our dear son in Christ Frederick, the illustrious and ever august Roman Emperor, King of Jerusalem and Sicily, are said to impose upon the Monastery of Monte-Cassino, when these oppressions come to the notice of the Apostolic Throne. For these officials make shrewd efforts to take away the Jewish section of St. Germanus, which from ancient times has been specifically considered the property of our dear sons the monks of that Monastery. These officials assert that whatever property or gainful activity happens to exist within the said Jewish district, is to be considered as belonging to the imperial treasury.

Now, although the merits of the glorious St. Benedict should suffice for his Imperial Excellency to have these oppressions stopped, and to favor the rights of his (monastery), nevertheless, in order that he might be aroused by our prayers to greater devotion, we request and warn the said Emperor, and insistently urge him for the sake of the

emendari, locum monasterii Casinensis, et Roccam Janule in eo libertatis statu dimittens, qui in forma pacis habetur expressus: etc.

Datum Anagnie, XV Kal. Oct., anno sexto.

(POTTHAST, NO. 9003; TOSTI, II, 308; CARO, I, 513).

66.

Gregorius IX

January 13, 1233

..... Episcopo Beatensi¹

Justis petentium Significasti siquidem nobis quod cum Beatiensis ecclesia longo tempore fuisset a Sarracenis miserabiliter captivata, nuper faciente Domino ea restituta cultui Christiano, plures tam ecclesiastice quam seculares persone Sarraceni etiam et Judei tue diocesis amplas in eadem diocesi possessiones habentes decimas prout de jure tenentur prestare ac aliis ecclesiis eiusdem diocesis solvere contradicunt. Quare nobis humiliter supplicasti ut eos ad solutionem decimarum ipsarum procuratores videlicet episcoporum et alios Christianos per censuram ecclesiasticam, Sarracenos vero et Judeos per subtractione communionis fidelium auctoritate nostra valeas coercere. Licet igitur ad hoc ordinaria jurisdictione tibi sufficere videatur, tuis tamen supplicationibus inclinatus auctoritate presentium tibi concedimus postulata. Nulli ergo concessionis nostre Siquis autem

Datum Anagnie, Id. Jan., anno sexto.

(REGESTA, XVI, FOL. 74 ro., NO. 253; AUVRAY, NO. 1052; CARO, I, 499).

¹ At the time Baeza was on the confines of Christianity, having been reconquered from the Saracens only a few years before. Even the limits of the bishopric had not yet been established. In fact, this is the first letter addressed to its bishop (Eubel, I, p. 130, note).

67.

Gregorius IX

January 20, 1233

..... H. de Sarchos, archidiacono Remensi

Ea que judico Sane petitio tua nobis exhibita continebat quod, cum B., vicedominus Remensis,¹ te super jurisdictione quam in Judeos civitatis Remensis se proponebat habere ac rebus aliis, coram Radulfo de Codun., archidiacono Suessionensi, et collega suo, in causam, litterarum nostrarum auctoritate, traxisset, tu tandem a quadam interlocutoria, qua iudices ipsi pronuntiaverunt inter te et eundem vicedominum, per quedam verba quibus usus fueras coram eis, litem esse, cum revera non fuerit, contestatam, audientiam nostram appellans, nostras super appellatione hujusmodi ad venerabilem fratrem nostrum episcopum Silvanectensem² et collegas suos litteras impetrasti;

reverence due to God and to ourselves, to order the above to be adjusted, and to restore the place of the Monastery of Casino and Rocca Janula to the state of freedom which is definitely expressed in the general peace

Given at Anagni, on the fifteenth before the Kalends of October, in the sixth year.

66.

Gregory IX

January 13, 1233

..... to the Bishop of Baeza¹

Justis petentium You have pointed out to us that since the Church of Baeza was unfortunately for a long time enslaved to the Saracens, and has only recently, by the help of God, been restored to Christian worship, many people, churchmen as well as laymen, Saracens as well as Jews of the diocese, who have large possessions in it, refuse to pay the tithes which according to law they should pay to the said and to the other churches of the diocese. Wherefore you have humbly besought us that you be granted our authority to force them to pay the tithe; the financial agents of the bishops and other Christians (to be compelled) by means of ecclesiastical punishment, and the Saracens and Jews by denying them the intercourse with the faithful. Although your ordinary powers seem to be sufficient, nevertheless, yielding to your request, we, by these letters, grant you the authority asked for, etc.

Given at Anagni, on the Ides of January, in the sixth year.

67.

Gregory IX

January 20, 1233

..... to H. de Sarchos, Archdeacon of Reims

Ea que Your petition, shown to us, stated as follows: B. Vice-General of Reims¹ summoned you by the authority of our letters before Radulf of Coudun, Archdeacon of Soissons, and his colleague; in a case relating to the jurisdiction which he claimed to have over the Jews of the district of Reims and with regard to other matters. You then asked for a hearing before us, in appeal from an interlocutory decree in which, because of certain words of which you had made use in their presence, the said judges pronounced the case between you and the Vicar-General duly proved, though in fact it was not so.

¹ Quarrels over jurisdiction between Archdeacons and Vicar-Generals, a comparatively new office in the Church, were frequent in the Thirteenth Century, since the bishops were anxious to destroy the independent authority of the Archdeaconate. For the personality of B. see No. 47 above.

qui processum dictorum iudicum irritarunt, iustitia exigente. Sed dictus vicedominus antea, ut dicitur, ad Apostolicam Sedem accedens, apostolicas ad venerabilem fratrem nostrum episcopum Suesionensem³ et eius coniudices sub certa forma litteras obtinuit destinari. Cum autem, eisdem episcopo Silvanectensi et coniudicibus suis, lite coram eis super premissis legitime contestata, causam cum processibus tam coram primis quam coram secundis iudicibus habitis, et quibusdam attestacionibus et actis, ad examen apostolicum remittentibus, nos procuratoribus propter hoc apud Sedem Apostolicam constitutis dilectum filium nostrum G., tituli Sancti Marci presbyterum cardinalem,⁴ dederimus auditorem: Idem cardinalis, visis rationibus et allegationibus utriusque partis, actisque a iudicibus ipsis transmissis diligenter inspectis, deliberatione quoque habita diligenti, cassatis processibus supradictis, ab impetitione prefati vicedomini sententialiter te absolvit. Nos igitur, quod ab eodem cardinali super hoc factum est, ratum et gratum habentes, id auctoritate apostolica confirmamus.

Datum Anagnie, XIII Kal. Febr., anno sexto.

(AUVRAY, NO. 1063).

68. **Gregorius IX**

February 15, 1233

. Abbati et Conventui Monasterii Casinensis

Iustis petentium desideriis dignum est non facilem prebere consensum et vota que a rationis tramite non discordant, effectu prosequente complere. Cum igitur, sicut ex parte vestra fuit propositum coram nobis, dilectus filius Egidius subdiaconus, et capellanus noster, domos et iudecam cum apothecis quas idem suis et bone memorie P. Norvuicensis episcopi fratris sui sumptibus in solo monasterii apud Sanctum Germanum construxit pro emendis tunicis fratrum de ipsarum proventibus annuatim vobis et monasterio vestro pia liberalitate donavit ad usus hujusmodi perpetuo possidendas. Nos vestris devotio supplicationibus inclinati etc.

Datum Laterani, XV Kal. Mar., anno septimo.

(TOSTI, II, 308).

About this appeal you obtained letters from us addressed to our venerable brother the Bishop of Senlis² and his colleagues. As justice demanded, they declared void the proceedings of the aforementioned judges. But the said Vicar-General having apparently besought the Apostolic Throne, had previously obtained Apostolic Letters addressed to the Bishop of Soissons³ and his fellow judges. The case with regard to the above complaint having been duly proved before the Bishop of Senlis and his fellow judges, they sent the case together with the proceedings as conducted before the first and second groups of judges, together with certain attestations and documents, for Apostolic review. We thereupon gave them as a referee with full Apostolic power, our dear son G.⁴ titular Cardinal Bishop of St. Mark. The said Cardinal having reviewed the arguments and attestations of both sides, and having carefully examined the documents transmitted by the judges, after careful deliberation, annulled the said proceedings, and released you from the claims of the said Vicar-General. We, therefore, by Apostolic authority, confirm the acts of the said Cardinal in this case, and pronounce them as having our approval.

Given at Anagni, on the thirteenth before the Kalends of February, in the sixth year.

² Adam de Chambly, Bishop of Senlis, 1228-1259.

³ Jacques de Bazoches, 1219-1242.

⁴ Gottfried Castillionaeus, 1227-1239.

68. **Gregory IX**

February 15, 1233

. to the Abbott and Convent of the Monastery of Cassino

It is but fitting to grant our consent to the just demands of petitioners and to fulfill such requests as are not discordant with the ways of reason. Thus, it has been laid before us, on your behalf, that our dear son the subdeacon Egidius, our Chaplain, constructed at his own expense and that of his brother, the Bishop of Novara, of happy memory, houses and a Jewish district with warehouses upon the ground of the Monastery of St. Germain, for the purpose of having the income from these used to purchase the garments of the friars. With pious liberality he presented it to the Monastery for its perpetual possession and use. We, favorably inclined to your petition.

Given at the Laterani, on the fifteenth before the Kalends of March, in the seventh year.

69. Gregorius IX

March 5, 1233

. archiepiscopis et episcopis, et aliis Ecclesiarum prelati per Theutonium constituti

Sufficere debuerat perfidie Judeorum, quod eos pietas Christiana solius humanitatis intuitu receptat et sustinet, quos hii qui fidem catholicam persequuntur, et nomen Domini non noverunt, in suam cohabitationem et consortium non admittunt. Ipsi enim ingrati gratie ac beneficiorum obliti, nobis pro gratia contumeliam exhibent, et de benignitate impia retributione contemptum, qui ex sola misericordia in nostram familiaritatem admissi, sue deberent agnoscere jugum ex culpa propria perpetue servitutis. Accepimus siquidem, quod non sine dolore narramus et scribimus cum pudore, quod Judei per Theutonian constituti facti sunt adeo insolentes, ut illos excessus committere in contumeliam Christiane fidei non pavescant, quod non solum dicere, sed etiam est nefarium cogitare.¹ Habent etenim mancipia Christiana, que circumcidi faciunt, et Judaizare compellunt: nonnulli etiam non re, sed solo nomine Christiani sponte se transferentes ad ipsos, et eorum ritum sectantes circumcidi permittunt, et Judeos se publice profitentur. Et cum in Toletano concilio² sit statutum, et in generali³ nihilominus innovatum ne Christi blasphemus publicis preferatur officiis cum nimium sit absurdum ut talis in Christianos vim exercent potestatis, nihilominus eis dignitates seculares et publica officia committuntur, quorum occasione in Christianos seviunt, et nonnullos servare faciunt ritum suum. Habent preterea nutrices et famulas in domibus propiriis Christianas, que apud eos illa committunt enormia, quod abominationi sunt audientibus, et horrore. Et licet in eodem generali concilio caveatur, ut Judei utriusque sexus in omni Christianorum provincia, et omni tempore qualitate habitus ab aliis distinguantur, sic in quibusdam Theutonie partibus inolevit confusio, quod nulla differentia

¹ Caro (l. c.) finds that this Bull cannot be explained on the basis of the situation described in it, since the individual complaints of the Pope could have had no real basis in fact in the Germany of that day, except perhaps on the eastern border of the Empire. The reasons for the tone and the accusations he finds in the following two factors in the situation of that time: (a) In the renewed attempt of the Dominicans to clear the land of heresy. In this Caro's opinion is strengthened by the statement of a Christian preacher of the day who described the dangers facing Christendom in Germany from the combined power of the Jews and the heretics (*Études Franciscaines*, XIII). (b) In the smoldering quarrel between the Pope and the Emperor. That is the reason suggested also by Dubnow (l. c.). The Pope was preparing the ground for the accusations against the government which seemed favorably disposed to the Jews.

² Council of Toledo in 589, and frequently renewed thereafter. Cf. Mansi, IX, 996.

³No. XI.

69. Gregory IX

March 5, 1233

. to the archbishops and bishops, and to the other prelates of the Church of Germany

It should have been enough for the perfidy of the Jews that Christian piety receives and tolerates them purely out of kindness, while even they who persecute the Catholic Faith, and who do not know the name of God, do not admit them into neighborliness or companionship. Yet the Jews, ungrateful for favors and forgetful of benefits, return insult for kindness, and a reward of impious contempt for goodness; they, who out of mercy only are admitted into intimacy with us, and who ought to know the yoke of perpetual enslavement because of their guilt!

Indeed, we have heard things which we speak of not without sorrow, and which we write of with shame, that the Jews living in Germany have become insolent to such a degree, that they are not afraid to commit excesses insulting to the Christian Faith, such as it is sinful not only to mention but even to think of.¹ For they have Christian slaves whom they force to become circumcized, and compel to become Jews. Some, however, Christians not in fact but in name only, of their own free will, adopt their faith, follow their rites, and permit themselves to be circumcized, publicly professing themselves Jews. And although it was decided at the Council of Toledo² and likewise renewed at the General Council,³ that a blasphemer of Christ should not be given preferment in public office, since it is absurd that such should exercise power over Christians, nevertheless secular dignities and public offices are committed to their care, and as a result they vent their rage against the Christians and force some of them to adopt their rites. They have, moreover, Christian nurses and maid-servants in their homes, and they commit among these servants enormities that are an abomination and a horror to hear. And although it was announced in the same General Council that Jews of either sex should, in all Christian provinces and at all times, be distinguished from others by the nature of their clothes, yet such a disgraceful situation obtains in some parts of Germany, that no difference is discernible.

Since, therefore, it is a crime that one reborn in the baptismal font should be defiled by the rites or familiarity of an unbeliever, and that the Christian Religion should be oppressed by the dominion of the unfaithful when a blasphemer holds in service an unfortunate man redeemed by the blood of Christ, therefore, we especially order Your University that each one of you in his own diocese, church, and parish, cause the above-named and similar excesses of the Jews to be completely suppressed; and in order that they should not again

discernuntur. Cum igitur nefas sit, ut sacri baptismatis unda renatus, infidelium ritu vel conversatione fedetur, ac religio Christiana perfidorum prematur dominio, si blasphemus sanguine Christi redemptum obnoxium detineat servituti, universitati vestre precipiendo mandamus, quatenus singuli vestrum in dioecessibus ecclesiis et parochiis suis premissos et consimiles Judeorum excessus omnino reprimi faciatis, ne cervicem perpetue servitutis jugo submissam presumant erigere in contumeliam Redemptoris; districtius inhibentes ne de fide, vel ritu suo cum Christianis presumant aliquatenus disputare,⁴ ne sub pretextu disputationis hujusmodi in erroris laqueum, quod absit, simplices delabantur, invocato ad hoc, si opus fuerit, auxilio brachii secularis: contradictores Christianos videlicet per censuram ecclesiasticam; Judeos vero per sublationem communionis fidelium appellatione postposita compescendo.

Datum Anagni, tertio Non. Mar., anno sexto.

(POTTHAST, NO. 9112; AUVRAY, NO. 1159; RODENBERG, I, NO. 515; ARONIUS, NO. 460; DUBNOW, V, 41, 158; CARO, I, 408-10, 498-9; STOBBE, 273, note 164; SCHERER, 44, 60, 327F.; NÜBLING, 156, 161; V.u.R., I, 233; RODOCANACHI, 132, 166, 322). 56/91

⁴ Cf. Zadok Kahn in *REJ*, I (1880), p. 223.

70.

Gregorius IX

April 6, 1233

..... Archiepiscopis et Episcopis per Regnum Francie Constitutis

Etsi Judeorum sit reprobanda perfidia, utilis tamen est et necessaria quodammodo Christianis conversatio eorundem, qui Salvatoris nostri habentes ymaginem, et ab universorum Creatore creati, a creaturis suis, videlicet Christi fidelibus, non sunt, prohibente Domino, perimendi; nam quantumcumque sit eorum perversa medietas, amici Dei sunt ipsorum patres effecti, et etiam reliquie salve fient. Hec autem quidam regni Francie Christiani minime attendentes, diversis gravaminum et intollerabilium molestationum generibus Judeos ipsos afficiunt et affligunt, et in eos debacchantes crudeliter et ad bona inhiantes ipsorum, fame, siti [intollerabilium] carceralibus angustiis et intollerabilibus corporum cruciatibus ipsos immaniter persecuntur. Audivimus siquidem quod nuper est in quibusdam eiusdem regni partibus quadam adinventione statutum ut, protelata per quatuor annos solutione debitorum in quibus Christiani tenebantur eisdem, ea ipsis particulariter solverentur singulis annis, et nullus eis teneretur aliquid solvere ultra sortem contra pactiones inter eos super hiis habitas publice veniendo. Predictis vero quatuor annis elapsis, iidem Judei capti et tamdiu arte fuerunt carcerali custodie mancipati, donec, universis debitis que debebant a Christianis recipere, assummatis, quod eos super

dare to straighten their neck bent under the yoke of perpetual slavery in insult against the Redeemer, you are to prohibit most stringently that they should at any time dare to dispute with Christians about their faith or their rites, lest under pretext of such disputation the simple-minded slide into a snare of error, which God forbid.⁴ You may call in for this purpose, if necessary, the aid of the secular arm, restraining Christian opponents by ecclesiastical punishments, and Jews by removing communication with the faithful, without appeal.

Given at Anagni, on the third before the Nones of March, in the sixth year.

70.

Gregory IX

April 6, 1233

..... to the Archbishops and Bishops of the Kingdom of France

Although the perfidy of the Jews is to be condemned, nevertheless their relation with Christians is useful and, in a way, necessary; for they bear the image of our Savior, and were created by the Creator of all mankind. They are therefore not to be destroyed, God forbid, by His own creatures, especially by believers in Christ, for no matter how perverse their midway position may be, their fathers were made friends of God, and also their remnant shall be saved.

But certain Christians of the French Kingdom, heeding this circumstance not at all, persecute and afflict the said Jews with many kinds of oppressions and with many unbearable burdens. Cruelly raging in their midst, and longing for their property, they torture them horribly by means of hunger and of thirst, by the privations of prison and by intolerable tortures of the body. Indeed, we have heard that recently in certain parts of the same kingdom it was enacted by means of a certain device, that after postponing for a period of four years the payment of the debts which Christians owed them, they agreed to pay them in annual instalments, not being bound to pay anything above the principal, though all this was contrary to the contracts into which they had publicly entered. At the end of the four years, however, the Jews were seized and were kept for so long under custody in prison, until, having pooled all the debts which were due them from the Christians, they gave the Lord of the place whatever security he thought proper that within a stated period of time they would not demand any payment on their debts whether these were being paid or not. Whence, some of the Jews, unable to pay what security was considered sufficient in their case, perished miserably, it is said, through hunger, thirst, and privation of prisons, and to this moment some are held in chains. Certain ones of these lords, rage among these Jews with such cruelty, that unless they pay them what they ask, they

solutione debitorum ipsorum infra certum tempus nequamquam impeterent, utrum ea solverent sive non, cautionem que locorum dominis placuit, prestiterunt. Unde Judeorum ipsorum aliqui, ad solutionem eorum, que exigebantur ab eis sufficere non valentes, fame, siti et aliis angustiis carceralibus miserabiliter, ut asseritur, perierunt, et adhuc nonnullis detentis in vinculis, quidam dominorum ipsorum in Judeos ipsos adeo crudeliter seviunt, quod, nisi eis quod petunt exsolvant, findunt ungues et evellunt dentes eorum, aliaque ipsis inferunt inhumaniter genera tormentorum, et ad exterminium Judeorum ipsorum nonnulli nobiles prefati regni temere intendentes, quod servari non facient ipsis pactiones initas vel ineundas inter Christianos et illos, feruntur temere juravisse. Quare cum ipsi Judei, a prefatis dominis de suis terris ejecti, pro eo quod nequeunt satisfacere cupiditatibus eorumdem, ab aliis qui eos vident a suis dominis sic ejectos, occiduntur, spolientur et alias multipliciter in personis et rebus patiantur injurias et jacturas, nec sit qui congrua eis protectione subveniat vel de hiis sibi faciat justitiam exhiberi: ad Apostolice Sedis presidium confugerunt nobis humiliter supplicantes ut, cum in hiis in quibus videntur Christianis esse molesti, parati sunt, quoad contractus, ne videlicet usuras vel aliquid aliud in fraudem recipiant usurarum, alias nichil exercendo in ignominiam fidei Christiane, inter ipsos vivere secundum legitimas et canonicas sanctiones, subvenire ipsis super hiis apostolica providentia dignemur. Cum igitur ex iniuncto nobis apostolatus officio simus sapientibus et insipientibus debitores, mandamus quatenus, si est ita, iuramenta hujusmodi, ex calore iracundie potius quam animi iudicio facta nuntiantes penitus non tenere, universos Christi fideles per vestras dioceses ex parte nostra monere attentius et inducere procuretis, ne Judeos ipsos in personis offendere, bona deripere, vel occasione pecunie de suis terris eicere, absque rationabili causa vel manifesta eorum culpa quoquomodo presumant, sed secundum legem suam vivere in solito statu permittant, dummodo nichil machinari presumant in ignominiam fidei Christiane, et captivis Judeis libertati pristinae restitutis, servent, usuris omnino cessantibus, contractus seu pactiones legitimas quas ineunt cum eisdem. Est autem Judeis a Christianis exhibenda benignitas, quam Christianis in Paganismo existentibus cupimus exhiberi.

Datum Laterani, VIII Id. Apr., anno septimo.

(AUVRAY, NO. 1216; RODOCANACHI, 132; V. u. R., I, 233-234; CARO, I, 513; STRACK, *DAS BLUT*, 178). *St 192*

tear their finger-nails and extract their teeth, and inflict upon them other kinds of inhuman torments. Some nobles of the kingdom, boldly intending to exterminate the Jews, are said to have vowed that they would not suffer the agreements entered upon, or to be entered upon, between Jews and Christians, to be held valid.

Wherefore, since the Jews, driven out from their lands by these lords because they cannot satisfy their greed, are being killed, robbed, or suffer other damage and injury to person and property at the hands of others who see them thus driven out by their own lords, and since there is no one who would afford them proper protection, or see to it that justice is shown them, they fled to the protection of the Apostolic Throne, begging us humbly to deign to take them under apostolic supervision in view of the fact that with regard to the matters in which they seem annoying to Christians they are ready, according to their agreement, to live among themselves as prescribed by legal and canonical regulations: that they will take no usury nor anything else in order to cover up their usury, nor do anything insulting to the Christian Faith. Wherefore, since we are, by the duty which the Apostolic Office lays upon us, under obligation alike to wise and foolish, we order that, if this be so, you shall pronounce the oaths, made in the heat of passion rather than in the coolness of judgment, not at all binding, and that you make every effort carefully, in our name, to warn all the faithful Christians in your dioceses and to induce them, not to harm the Jews in their persons, nor to dare rob them of their property, nor, for the sake of plunder, to drive them from their lands, without some reasonable cause or clear guilt on their part, but rather to permit them to live in pursuance of their laws and their former status, as long as they do not presume to insult the Christian Faith. After the captive Jews have been restored to their former liberty, they are to observe the legitimate contracts and agreements which are made with them, though without the exaction of any usury. Such kindness must be shown to Jews by Christians, as we hope might be shown to Christians who live in pagan lands.

Given at the Lateran, on the eighth before the Ides of April, in the seventh year.

71.

Gregorius IX

May 18, 1233

. Archiepiscopo Compostellano¹ et suffraganeis ejus

Judei, quos propria culpa submisit perpetue servituti, dum illum crucis patibulo affixerunt, quem prophete sui predixerant ad redemptionem Israel esse venturum, condicionis sue miseriam deberent agnoscere, et hiis qui eos ex sola pietate receptant et sustinent, existere non infesti, sed ipsi, exhibite sibi humanitatis ingrati, Christianis pro gratia contumeliam et pro familiaritate contemptum impia compensatione rependunt. Sicut enim nostris fuit auribus intimatum, Judei in Hispania existentes facti sunt adeo insolentes, ut illos excessus committere non pavescant, quod sustineri eos a Christi fidelibus non solum indignum est, sed etiam inhumanum. Nam licet in generali concilio provida fuerit deliberatione provisum, ut tales utriusque sexus in omni Christianorum provincia et omni tempore qualitate habitus publice ab aliis populis distinguantur, id tamen in Hispaniarum partibus, ut dicitur, non servatur; propter quod verendum est ne illorum isti vel istorum illi mulieribus dampnabiliter misceantur. Et cum in concilio fuerit Toletano statutum et in generali nihilominus innovatum ne Judei publicis officiis preponantur, quoniam sub tali pretextu Christianis plerumque nimium sunt infesti, cum sit nimis absurdum ut Christi blasphemus in Christianos vim exercent potestatis, nihilominus eis dignitates seculares et publica officia committuntur, quorum occasione in Christianos seviunt et nonnullos servare faciunt ritum suum. Ad hec prefati Judei filiorum suorum nutrices faciunt Christianas et servientes utriusque sexus secum detinent et mancipia Christiana. Immoderatas quoque a Christianis usuras extorquent contra statuta concilii generalis, alias insuper contra fidem catholicam detestabilia et inaudita committunt; propter que fidelibus est timendum ne divinam indignationem incurrant, cum eos perpetrare talia patiuntur que fidei nostre confusionem inducunt. Ut igitur karissimum in Christo filium nostrum regem Castelle et Legionensem illustrem² sui contumelia Creatoris tangere videatur, eundem rogandum duximus attentius et hortandum, ac in remissionem iniunximus peccatorum ut predictos Judeorum excessus in Castelle et Legionensi regnis taliter reprimat et castiget, faciens ipsos Judeos a Christianis morari penitus separatos, quod cervicem perpetue servitutis

¹Bernard, Archbishop of Compostella, 1231-4.

²St. Ferdinand. The tone of the letter is reminiscent of No. 69 addressed to the prelates of Germany. Perhaps the Pope had greater basis for his complaints in the case of the Jews of Spain. Two years before the Pope had addressed the same King with regard to the Jews of Castile (No. 62). Since then Ferdinand had become also King of Leon at the death of his father in 1231. The fact that the Pope here turns to the Archbishop of Compostella would seem to indicate that he had Ferdinand's new territory particularly in view.

71.

Gregory IX

May 18, 1233

. to the Archbishop of Compostella¹ and to his suffragans

Since their own sin consigned them to eternal slavery when they nailed Him to the cross Who, as their prophets had predicted, would come to redeem Israel, the Jews ought to acknowledge as just the misery of their condition, and ought to live without troubling those who accept and tolerate them out of kindness alone. Yet, they, ungrateful for the kindness shown them, wickedly repay favors with insults and intimacy with contempt.

For, it has reached our ear that Jews who live in Spain have become so insolent that they are not afraid to commit excesses which it would be not only improper but even inhuman for the faithful of Christ to tolerate. For although in the General Council it was decreed after careful deliberation, that of these people both sexes should in all Christian provinces and at all times be publicly distinguished from other people by the nature of the clothes, yet this, it is said, is not observed in Spanish parts. On account of this it is to be feared that they (Christians and Jews) will wickedly mingle with one another's women. And although it had been decreed in the Council of Toledo as well as renewed in the General Council, that Jews should not be placed in public office, since under such a pretext they are very dangerous to Christians, and since it is absurd that one who blasphemes against Christ should exercise power over Christians, nevertheless secular dignities and public offices are entrusted to them, by the use of which they rage against the Christians and cause some to observe their rites. For this purpose the above-named Jews make Christian women nurses for their children, and they keep Christian servants of both sexes and Christian slaves. They also extort exorbitant usury from Christians in spite of the decree of the General Council. They also do other unspeakable and unheard of things against the Catholic Faith. Because of all this the faithful must fear that they may arouse divine wrath when they suffer them to perpetrate such things that bring disgrace upon our Faith. Therefore, in order that it may be evident that the insults to his Creator affect our dear son in Christ, the illustrious King of Castile and Leon,² we have had him insistently asked and urged, and we join thereto a remission of his sins, that he should suppress and punish the above-named excesses of the Jews in Castile and Leon, causing those Jews and Christians to remain apart, so that they shall not dare to straighten their necks, bent under the yoke of perpetual slavery, against the honor of the Christian Faith. Wherefore, we order that you shall try in our name so carefully to warn and induce the said King to this effect, that the perfidious Jews shall never

jugo submissam non presumant erigere contra reverentiam fidei christiane. Quocirca mandamus quatenus predictum regem ad hoc ex parte nostra ita diligenter monere et inducere procuretis, quod Judei perfidi de cetero nullatenus insolescant, sed sub timore servili pretendant semper verecundiam culpe sue. Quod si nec sic ab hujusmodi presumptione destiterint, singuli vestrum per civitatem et diocesim suas eos per subtractionem communionis fidelium, omni occasione ac excusatione postposita, compescatis.

Datum Laterani, XV Kal. Jun., anno séptimo.

(In eundem modum scriptum est super hoc eiusdem regis monitorie³).

(AUVRAY, NO. 1426; CARO, I, 499). 56/194

³ Berengaria, Ferdinand's mother, who exercised great influence over him.

72.

Gregorius IX

June 7, 1233

..... Regi Navarre¹

Cum in sacro generali concilio² provida fuerit deliberatione statutum ut ubique terrarum Judei a Christianis diversitate habitus distinguantur, ne illorum isti et istorum illi, mulieribus possint dampnabiter commisceri, et Judei regni tui hoc, sicut accepimus, non observent, propter quod dampnate commixtionis excessus sub erroris protest velamento presumi, serenitatem tuam rogamus et monemus attente, quatinus Judeos eosdem ad deferendum quo a Christianis habitum discernantur, per subtractionem communionis fidelium, tradita tibi a Domino potestate compellas.

Datum Laterani, VII Id. Jun., anno septimo.

(CADIER, 33; STOBBE, 174; ROBERT, II, 30, 19-20, 59 note 3; AMADOR DE LOS RIOS, I, 362). 56/193

73.

Gregorius IX

August 12, 1233

..... A(ndree) illustri Regi Ungarie

Quanto personam tuam inter Reges Catholicos et principes Christianos sincerioris affectionis brachiis amplexamur, tanto amplius de tua salute solliciti et ad honorem tuum ferventius aspiramus: et quo universalis ecclesie sollicitudo principaliter nobis incumbit, eo de honestate ipsius tenemur sollicitius cogitare, ne per incuriam vel negligentiam nostram, quod absit, notam alicuius detractionis incurrat, que non debet habere maculam neque rugam. Olim siquidem venerabilis frater noster Strigoniensis Archiepiscopus, intellectis quibusdam enormibus abusioibus seu enormitatibus abusivis, que in Regno Ungarie tunc fiebant,¹ videlicet quod propter oppressionem pauperum Christianorum,

in the future grow insolent, but that in servile fear they shall ever publicly suffer the shame of their sin. But if they do not desist from presumptions of this nature, you shall, each one of you in his district and diocese, restrain them through denial of intercourse with the faithful on all occasions and without exception.

Given at the Lateran, on the fifteenth before the Kalends of June, in the seventh year.

In the same manner letters were addressed to the advisor of this King.³

72.

Gregory IX

June 7, 1233

..... to the King of Navarre¹

Although it was decreed in the General Council,² after due deliberation; that the Jews everywhere must be made distinguishable from Christians by a difference in their clothes, lest there result a wicked mingling on the part of the Jews with Christian women, or on the part of Christians with Jewish women; yet, so we have been told, the Jews of your Kingdom do not observe this decree, and as a result the crime of wicked intercourse can be presumed under the cloak of error. Wherefore, we beg and earnestly warn Your Serene Highness to compel the Jews, by the power given you by God, and by denying them any relations with the faithful, to wear garments by which they may be told apart from Christians.

Given at the Lateran, on the eighth before the Ides of June, in the seventh year.

¹ Sancho VII. Cadier (l. c.) says that the reason why the Badge was not enforced was that there was already a law in Navarre which made prostitution on the part of the people of different faiths punishable with burning. (Ibid., p. 16.) In any event, Sancho was friendly to the Jews throughout his reign (cf. Kayserling, *Juden in Navarra*, pp. 21-22).

² Cf. No. X.

73.

Gregory IX

August 12, 1233

..... to Andrew, the illustrious King of Hungary

The more we hold your person, among the other Catholic Kings and Christian princes, in the sincere embrace of our affectionate arms, the greater the solicitude with which we hope for your salvation, and the fervor with which we look to your honor: and in so far as the entire care of the Church falls principally upon us, to that extent, out of sheer honesty, we are bound very carefully to plan that no one who should be spotless and unsullied, suffer the mark of any detrac-

ac Sarracenorum et Judeorum in Christi fidelibus dominatum, multi Christianorum oneribus importabilium exactionum gravati, videntes Sarracenos mellioris conditionis et maioris libertatis prerogativa guadere, sponte se transferebant ad eos et ritus suscipientes eorum, ut pari cum eis libertate gauderent; non solum per errorem Christiani Sarracenorum et Sarraceni Christianorum mulieribus miscebantur, verum etiam ducebant eas dampnabiliter in uxores. Emebant preterea Sarraceni mancipia Christiana, ut de hiis tamquam de suis omnem voluntatem et voluptatem suam explerent, que apostatare cogebant, et eorum non permittebant filios baptizari; pauperes nichilominus Christiani quandoque sic oneribus et exactionibus gravabantur, quod filios et fillias cogebantur vendere Sarracenis, et sic liberi fiebant servi et Christiani quodammodo Sarraceni. Quidam quoque ipsorum cum essent Sarraceni, revera se Christianos mendaciter simulantes, sub palliata specie pietatis multos Christianorum decipiebant simplices, et nonnullos seducebant astutos illos ad infidelitatis errorem nequiter atrahendo; et dum tamquam Christiani contrahebant cum mulieribus Christianis, illas apostatare, postquam eas in uxores duxerant, compellebant; et cum nonnulli Cumanorum, relicto infidelitatis errore, iam essent illuminati per fidem, quidam vero ipsorum de tenebris et umbra mortis currere ad lucem, que Christus est, affectarent, prefati Sarraceni eos ementes in servos, et baptizatos cogebant retro respicere et baptizandos venire ad agnitionem fidei non sinebant. Judei insuper ac Sarraceni publicis proponebantur officiis contra Concilium Turonense, qui sub tali pretextu et dampna gravia inferebant ecclesiis et Christianos plurimum infestabant. Libertas etiam ecclesiastica in Regno ipso subversa erat adeo et eversa, quod laici non solum ecclesiarum hominibus, sed etiam ipsis ecclesiis et personis ecclesiasticis collectas ac tallias imponebant, compulsis clericis nichilominus respondere sub examine iudicis secularis. Possessiones denique ac redditus, quos ex donatione Regum a longis retroactis temporibus possederant, sine lite predictis ecclesiis laici contra justitiam auferebant.² . . . etc.

¹ See above No. 53.

² Jacobus de Pecorroria (Eubel), Bishop-Elect of Praeneste had been sent as legate. The bitter complaint of the Pope against King Andrew was evidently an outburst of long pent-up resentment, for on the very same day the Pope wrote to the Apostolic Legate that if the King does not yield at once, he shall permit the decree of excommunication held ready by the Archbishop of Gran (Theiner, I, p. 115, no. 196), to go into effect. At this threat, however, the King seems to have taken fright and made peace by means of the Concordat which in part, ran as follows:

" . . . We shall in the future not appoint Jews, Saracens or Ishmaelites over our treasury or our mint, or our salt-tax, or general taxes, nor to any other public office, nor shall we associate them to our major-domos, nor by means of a subterfuge give them any kind of office by which they may oppress Christians. Likewise, we shall not permit that Jews, Saracens or Ishmaelites be given any public office anywhere in our kingdom. Likewise,

tion through any negligence or carelessness on our part, which God forbid. Now, some time ago our venerable brother, the Archbishop of Gran, noted certain grave wrongs and serious abuses that were in existence in the Kingdom of Hungary.¹ Because of the oppression of the Christian poor, and because Saracens and Jews were holding power over faithful Christians, many of the Christians were weighted down by the burden of insupportable exactions. When these saw that the Saracens were enjoying the prerogatives of better conditions and of greater liberty, they would willingly transfer themselves to them, and would assume their rites in order to enjoy freedom equal to theirs. Not only did Christians and Saracens have intercourse with the women of the other faith through error, but they would even wickedly take them to wife. Moreover, Saracens would buy Christian slaves, in order to work their will upon them as though they had been of their own; they would force them to apostasize, and would not permit them to baptize their sons. Moreover, the Christians were often oppressed by such exactions and burdens that they were forced to sell their sons and daughters to the Saracens; and thus the free used to become slaves, and Christians occasionally turn Saracens. Certain ones among them, although they were Saracens, in their falseness simulating Christianity, would under a mask of piety, deceive the simple-minded among the Christians, and would seduce even some of the more astute among them, by wickedly attracting them to the error of disbelief. When, moreover, as Christians they would contract marriage with Christian women, they would compel them to apostasize after marriage. Also when some of the Cumanians, forsaking the error of disbelief, were already enlightened by the Faith, some of them even desiring to run from the darkness and the shadow of death to the Light which is Christ, then the said Saracens buying them for slaves, would force the baptized to turn their eyes backward, and would not permit those about to be baptized to go to be definitely adopted into the Faith. Moreover, contrary to the Council of Tours, Jews and Saracens used to be placed in authority by being given public office, and under this pretext they would bring serious injury upon the churches, and would in many ways offend the Christians. Also the liberty of the Church was subverted and injured in that Kingdom because laymen would impose contributions and taxes not only upon the churches, but even upon churchmen, and would compel clerics to answer at an inquest of a lay judge. Finally, the property and income of which they had been in possession through the gift of kings of very long ago, would be taken away from them by laymen, without law, or justice, etc.²

we shall force all Jews, Saracens or Ishmaelites to be hereafter distinguishable and recognizable from Christians by means of some sign. Likewise, we shall not permit Jews, Saracens or Ishmaelites to buy, or in any other way come into possession, of Christian slaves. Likewise, we promise for ourselves and

Datum Anagine, II Id. Aug., anno septimo.

(POTTHAST, NO. 9272; AUVRAY, NO. 1498; FRISS, 15-18, NO. 16; GRAETZ, VII, 29; DUBNOW, V. 185-6; CARO, I, 498-9; SCHERER, 59).

for our successors to appoint and provide each year, our Palatine or some other one of our nobles, whom we shall know to be a zealous Christian, and we shall make him take an oath that he will faithfully fulfill our decree as set forth, namely, to free Christians from slavery or living together with Saracens whenever the bishops, in whose diocese Jews, Saracens or Ishmaelites may be dwelling, shall ask him to do so. If in spite of this there be found Christians who live with Saracens or Saracens who possess Christian slaves, or Christians or Saracens who have intercourse with the women of the other under any pretense whatever: whether as matrimony, or anything else, both parties, Christians, Jews, or pagans shall have their property confiscated, and in addition be condemned by the King to perpetual slavery to Christians. . . .
(Ibid., p. 117, no. 198; Friss, p. 12, no. 13.)

Despite these promises, the same complaints were repeated on July 28, 1234, aggravated this time by the breach of the above Concordat (l. c., p. 126, no. 214). Again the King promised to live up to the Concordat (ibid., no. 215), but

74.

Gregorius IX

January 23, 1234

. Abbati Cluniaci

Ad similitudinem Dei.¹ quidam archiepiscopi, episcopi, et alii ecclesiarum prelati, ac eorum officiales, (tam in Imperio, quam in regno Francie existentes) in premissas personas et alias, que ipsis vel emendo seu vendendo, aut molendo in molendinis vel in furnis eorum coquendo aliterque communicant, interdicti, suspensionis et excommunicationis ferre sententias, contra indulta Sedis Apostolice, auctoritate propria, ne dicamus potius temeritate, presumunt, ut sic sevientes in istos, illos sine culpa culpabiliter puniant innocentes, efficientes per hoc deterioris conditionis eos quam perfidi sint Judei, quos, culpa propria perpetue servituti subjectos, ex sola misericordia pietas Christiana receptat, dum eis subtrahunt communionem fidelium, qui ab ipsorum Judeorum participio non arcentur.² Cum igitur nobis principaliter injuriari probentur,

Datum Laterani, X Kal. Febr., anno septimo.

(AUVRAY, NO. 1741).

Given at Anagni, on the second before the Ides of August, in the seventh year.

soon King Andrew died and King Bela, who during his father's life had been ardent against the employ of the unfaithful, in his turn begged the Pope for permission to employ them. Regretfully the Pope granted this. Vide below No. 100. Cf. Potthast, nos. 9273, 9274; Auvray, nos. 1499, 1500; Caro, I, 496-8.

In 1272, in preparation for the General Council called by Gregory X soon after his accession, the Bishop of Olmütz answered as the Pope required with a letter to the Pope telling of the state of Christianity in Bohemia and Hungary. (Ibid., p. 310, no. 535.) There we read as follows:

" . . . About the Jews we say the following: They have Christian nurses, they openly take usury and impose unusual burdens upon their debtors, so much so that within a year the usury exceeds the principal. They exercise public office, toll-collecting, the charge over mints, and, being disbelieving in other respects, they serve the Faith but little in these capacities. . . ."

Thus it seems clear that the threats and efforts of the Popes were of no avail. For the results upon the status of the Hungarian Jews, cf. Scherer, pp. 58-60.

74.

Gregory IX

January 23, 1234

. to the Abbot of Cluny

Ad similitudinem Dei.¹ Certain archbishops and bishops and other prelates of the Church or their officials (whether in the Empire or in the Kingdom of France) promulgate against their persons (Cistercian friars) and against whomever it may be that has communication with them either by buying or selling, grinding in their mills, or cooking in their furnaces, or in any other way, the sentence of the interdict or of suspension, or of excommunication. They dare to do so on their own authority or rather, temerity, without permission from the Apostolic Throne. Thus they rage among them, sinfully punishing the innocent, putting them into worse condition than even the perfidious Jews, who are by their own guilt condemned to perpetual slavery, and are received into our midst solely out of Christian mercy and pity: for these friars are cut off from communion with the faithful from which even Jews are not shut out.²

Given at the Lateran, on the tenth before the Kalends of February, in the seventh year.

¹ The letter is in answer to the complaint of the Cistercian Order against the regular clergy.

² Cf. Intr., p. 51.

75.

Gregorius IX

July 3, 1234

. Majoris Ecclesie et Sancte Marie ad Gradus Prepositis, et Decano Sancti Petri Maguntini

Apostolice Sedis benignitas provide pensans merita singulorum nonnumquam grata devotorum obsequia retributione gratuita merito recompensat, quia illorum remunerata devotio hilarescit, et alii eorum exemplo animantur ad fideliter obsequendum. Cum igitur dilectus filius Willelmus¹ canonicus Ecclesie Sancti Johannis Maguntini, natus quondam Magistri B. Judei, nobis et ecclesie Romane se multipliciter obsequiosum exhibuerit et devotum, nos, obsequia et devotionem attendentes ipsius, presentis mandamus quatenus omni contradictione et appellatione cessante per nostram et apostolice sedis reverentiam faciatis eidem ab. . . . Abbate et Conventu Monasterii Fuldensis Herbipolensis diocesis in decem maracrum puri argenti reddito providi, tandem ei vel procuratori eius sive presens sive absens fuerit, in festo Sancti Micheli annis singulis Maguntie persolvendo, donec per eos sibi provisum fuerit in equivalenti ecclesiastico beneficio vel maiori. etc.

Datum Reate, V. Non. Jul., anno octavo.²

(REGISTER, XVII, FOL. 192 ro., NO. 143; AUVRAY, NO. 1996).

76.

Gregorius IX

October 20, 1234

. Decano Sancte Marie in Campis, et V. canonico Sancti Johannis, Fratribus, Maguntinis, natis Magistri B. quondam Judei

Constitutis apud Sedem Apostolicam te, fili decane, et quondam C., fratre vestro, ac B., procuratore canonicorum ecclesie Maguntine, felicitatis recordationis Innocentius Papa, predecessor noster, dilectum filium nostrum Johannem, tituli Sancte Praxedis presbyterum-cardinalem, auditorem concessit utrisque. Coram quo fuit ex parte vestra propositum quod, cum nos, dum in minori (eram) officio constituti,¹ et bone memorie L., tituli Sancte Crucis presbyter-cardinalis, legatione in illis patribus fungeremur, vobis et reliquis de familia magistri B., quondam Judei, ad fidem Christianam de Judaismo conversi, fructus unius prebende in Maguntina ecclesia obtinuerimus assignari tamdiu percipiendos a vobis, donec consequeremini perpetuos redditus octo marcarum, per venerabilem fratrem nostrum. . . . archiepiscopum vel capitulum Maguntinum; eis postmodum fructus subtrahentibus antedictos, vos, licet restituti fueritis ad eosdem, quia tamen E., canonicus Maguntinus, prosecuturum se appellationem quam emiserat, proponebat, et pro parte vestra petebatur ut super hoc vobis in posterum

75.

Gregory IX

July 3, 1234

. to the provosts of the Cathedral, and of St. Mary ad Gradus, and to the dean of St. Peter's at Mainz:

The Apostolic Throne in its graciousness weighs the merits of each one, and ever voluntarily grants reward for the free-willed obedience of its every devotee, and since their devotion, once rewarded, continues joyously, others also are aroused by their example to faithful obedience.

Wherefore, since our dear son William,¹ Canon of the Church of St. John in Mainz, son of Master B., who was a Jew, has in many ways proved himself obedient and devoted to us and to the Church of Rome, therefore, we, having noted his obedience and devotion, order you by these letters, to the effect that setting aside all contradiction and opposition, by the reverence due us and the Apostolic Throne, you shall compel the Abbot and the Monastery of Fulda, in the diocese of Würzburg, to provide him with an income of ten marc of pure silver. This shall be paid to him or to his agent, in Mainz, whether he himself be present or absent, annually on the Feast of St. Michael, until such time as he will be provided by them with a church benefice as valuable or of greater value, etc.

Given at Reate, on the fifth before the Nones of July, in the eighth year.²

¹ See above No. 48 below Nos. 76, 83, 84, 94.

² The date is uncertain.

76.

Gregory IX

October 20, 1234

. to the Dean of St. Mary of the Field, in Mainz, and to W. Canon of St. John of Mainz, his brother: the sons of Master B., formerly a Jew:

In the presence, before the Apostolic Throne, of yourself my son the Dean, and of the deceased C., your brother, as well as of B. the advocate for the canons of the Church of Mainz, our predecessor, Pope Innocent, of happy memory, appointed our dear brother John, the titular Cardinal-Priest of St. Praxedis, as the referee for both sides. Before him it was stated on your behalf that while we, still in lower orders,¹ and L. of happy memory, the titular Cardinal-Priest of St. Cruce, were exercising the function of legates in those parts, we managed to have assigned to you and to the others of the family of Master B. formerly Jews, but now converted to Christianity, the income of one prebend of the Church of Mainz, to be enjoyed by you until this

¹ See above Nos. 48, 75.

caveretur, ad. . . . abbatem de Castro Novo suosque conjudices executorias et quasi conservatorias ab eodem predecessore nostro litteras impetrastis; sed cum iidem canonici nihilominus fructus subtraxerint nominatos, quos ab executoribus ipsis ammoniti restituere non curarunt, appellationem frustratoriam pretendentes, ipsi excommunicationis in eos sententiam protulerunt; qua contempta nihilominus celebrarunt. Procurator vero predictus ex adverso respondit quod tantum ad prosequendam appellationem procurator erat a capitulo destinatus, propter quod litem super principali contestari non poterat nec volebat. Porro predictus predecessor noster, hiis et aliis que coram cardinali eodem fuerunt proposita plenius intellectis, ita providit² ut videlicet plena vobis fieret restitutio de subtractis et tamdiu perceptione fructuum predicti stipendii gauderetis donec archiepiscopus in quatuor marcarum redditibus et capitulum in totidem vobis providere curarent, et ne quod super hoc provisum erat ab eo, cujuslibet auderet temeritas infirmare, idem predecessor per litteras suas . . . abbati de Hensterbach et conjudicibus suis precipiendo mandavit ut archiepiscopum et capitulum ad providendum juxta formam predictam, et capitulum ad restitutionem vobis plenariam faciendam, attentius inducerent et monerent, ipsos ad id, si necesse foret, per censuram ecclesiasticam appellatione postposita, compescendo. Nos autem, hujusmodi gratiam quam obtinere meruistis amore fidei Christiane, nunc etiam ipsius intuitu ampliare volentes, devotioni vestre de benignitate solita indulgemus ut vos, fratres, et alii qui residui sunt de familia nominata, fructus eiusdem prebende habeatis libere vita vestra, ita quod quicumque vestrum superstites vel superstes existunt, cum omni integritate percipiant, quoad vixerint, fructus stipendii supradicti. Nulli ergo³

Datum Perusii, XIII Kal. Nov., anno octavo.

(AUVRAY, NO. 2176; CARO, I, 294, 497).

would be changed for you by our venerable brother the Archbishop and by the Chapter of Mainz into a perpetual income of eight marcs. The latter afterwards refused to give the said income, and although it was restored to you, nevertheless, because E., a canon of Mainz, announced that he would follow up the appeal which he had made, and because also on your behalf the request was made that you be protected in this matter for the future, you obtained letters from our said predecessor to the Abbot of Chateauneuf and his fellow judges as executors and guardians. Since, however, despite all that, the said canons denied you the income above-named, and even after being warned by the executors did not take care to restore it, claiming an appeal that set your demands at nought, the executors excommunicated them. The canons, however, treated this with contempt and continued to celebrate holy offices. Indeed, the said procurator for the other side answered that he had been sent by the Chapter only to follow up the appeal, and therefore could not and would not permit the case to be tried on its original merits. Whereupon our predecessor above-named, having learned all this and whatever else had taken place in the presence of the cardinal, provided as follows:² that full restitution be made you for that which had been taken away, and that you shall enjoy the income of the said stipend until such time as the Archbishop will take the trouble to provide you with an income of four marc, and the Chapter with a like sum. And lest anyone's temerity dare nullify what he had decreed, the said predecessor, by his letters, especially ordered the Abbot of Heisternach and his fellow judges, even more carefully to induce and warn the Archbishop and the Chapter, and if necessary to force them by means of ecclesiastical censure without appeal, to observe the provisions as outlined above, and the Chapter to make complete restitution to you.

We, moreover, wishing in accordance with his intention, to extend this favor which you deservedly obtained because of your love for the Christian Faith, with usual benignity grant Your Devotion, that you, the brothers, as well as the others who are left of the said family, shall freely enjoy the income of this prebend during your lifetime, so that whoever of you survive or are present, shall receive in its integrity for their entire lifetime, the income of the said stipend. Let none therefore.³

Given at Perusium, on the thirteenth of Kalends of November, in the eighth year.

² Ibid.

³ Cf. Nos. 83, 84, 94.

77.

Gregorius IX

November 17, 1234

..... universis Domini nostri Jhesu Christi fidelibus per Regnum Francie constitutis¹

*Rachel suum videns.*² Si qui vero proficiscentium.³
Judeos vero ad remittendas ipsas usuras.

Datum Perusii, XV Kal. Dec., anno octavo.

(POTTHAST, NO. 9525; RODENBERG, I, 491, NO. 605; ARONIUS, NO. 465).

¹ Potthast and also Mansi (XXIII, 69), following M. Paris, give this letter as having been addressed to England, II Non. Sept.

² On the 18th of February, 1229, a treaty had been signed between the Moslems and Frederick II, by virtue of which Jerusalem was surrendered to the Christians. The treaty was to expire in 1239. As the Pope states in this very letter, he was unwilling to wait till the last minute, but was beginning betimes to organize another Crusade to wrest the Holy Land definitely from Moslem hands. As a result of this, Richard of Cornwall and Simon de Montfort-Leicester took the Cross (1236), though they did not actually get to Palestine till 1240 (cf. Roehricht, p. 850).

³ This agrees almost verbatim with No. XIII.

78.

Gregorius IX

1234

..... Regi Navarre¹

..... Quoniam volumus quod Judei a Christianis discerni valeant et cognosci, vobis mandamus quatenus imponatis omnibus et singulis Judeis utriusque sexus, signa, videlicet unam rotam de feltro sue panno croceo in superiori veste consutam ante pectus et retro ad eorundem cognitionem, cujus latitudo sit in circumferentia quatuor digitorum.²

Datum.

(AMADOR DE LOS RIOS, I, 362, II, 22, 197; KAYSERLING, PORTUGAL, 23 note; U. ROBERT, 19; LINDO, 83).

79.

Gregorius IX

1227-1234

Nulli Judeo¹ baptizatum, vel baptizari volentem, emere liceat vel in suo servitio retinere, quod si quem nondum ad fidem conversum causa mercimonii emerit, et postmodum factus sit vel fieri desideret Christianus, datis pro eo XII solidis,² ab illius servitio protinus subtrahatur. Si autem intra tres menses ipsum venalem non exposuerit, vel ad sibi serviendum emerit eundem, nec ipse vendere, nec alius audeat comparare sed nullo dato pretio perducatur ad premia libertatis.

Datum.

(POTTHAST, NO. 9674; MANSI, XXIII, 150, NO. 152; ARONIUS, NO. 467; CARO, I, 499; SCHERER, 161).

77.

Gregory IX

November 17, 1234

..... to all the believers in our Lord Jesus Christ who dwell in the Kingdom of France¹

*Rachel suum videns.*² If any from among those who have undertaken the journey.³ etc.

Given at Perusium, on the fifteenth before the Kalends of December, in the eighth year.

78.

Gregory IX

1234

..... to the King of Navarre¹

..... Since we desire that the Jews be recognizable and distinguished from the Christians, we order you to impose upon each and every Jew of both sexes a sign, viz. one round patch of yellow cloth or linen, to be worn on the uppermost garment, stitched over the heart and another behind it, in order that they may thus be recognized. The full size of this sign shall be four digits in circumference.²

Given.

¹ Thibaut I of Navarre, in the first year of his reign. Amador de los Rios says (ibid.) that despite this letter, the Jews continued to be free of the Badge, for some time at any rate, till Navarre was joined to France in 1276 by marriage of Philip the Fair to the widow of the King of Navarre (cf. Singermann, p. 26, and Kayserling, l. c.). The same letter was sent to the other Kings of the Peninsula (cf. also Amador de los Rios, *Études*, p. 50, note).

² Nowhere else is a letter of any one of the popes so explicit. Du Cange, under *Judei*, gives the same wording for an order of Alphonso of Poitiers in 1269.

79.

Gregory IX

1227-1234

No¹ Jew may buy or retain in his service a baptized slave, or one who desires to be baptized. Should he, for purposes of business, buy a convert, or if the slave bought afterwards becomes or desires to become converted, the Jew shall receive twelve solidi² for him, and he shall be withdrawn from his service at once. But if he does not put the slave up for sale within three months, or if he buys him for his own service, he shall not presume to sell the slave, nor shall anyone else presume to buy him, but without any compensation the slave shall be set free.

Given.

¹ Among the decretals collected and instituted by Gregory (*Decr. Greg. IX*, Lib. V, tit. 6, c. XVIII).

² The decree goes back to the V Council of Arles in 554 (Carranza, *Summa Conciliorum*, I, 667; Hefele, III, 10), and the III Council of Toledo, can. 14 (Juster, p. 34). Cf. No. 17, where a higher price was asked.

80. Gregorius IX

April 13, 1235

. . . . Archiepiscopis et episcopis et aliis ecclesiarum prelati ad quos littere iste perveniant¹

*Pravorum molestiis eum.*² creditores ipsos ut remittant eis prestitum juramentum et ab usurarum exactione desistant ac restituant sic extorta, censura (ecclesiastica) simili compellatis, Judeos ad remittendum usuras per subtractionem communionis fidelium nihilominus compellentes. Hii vero qui Judeis debita solvere nequeunt in presenti, usque quo de ipsorum obitu vel reditu certissime cognoscatur, usurarum incommoda non incurrant, compulsis Judeis proventus pignorum quos interim ipsis percipient, in sortem, deductis expensis necessariis computare.³

Datum Perusii, id. Apr., anno nono.

(POTTHAST, NO. 9878; AUVRAY, NO. 2511, 2512-2517; REJ, XIV (1887), 84).

¹ Letters in the same form were addressed also to the King of Navarre, to the King and the nobility of France, the Countess of Flanders, and Philip and Almaric de Montfort (Auvray, l. c.).

² The object of this letter, as explained by Raynaldus (a. a. 1235, §45, where this letter is given in part), was to remove the many personal difficulties which were then being placed in the way of the crusaders, just as the Pope was then busy in removing the international difficulties that might prevent the resumption of hostilities with the Moslems in 1239 (cf. No. 77).

³ The letter continues with an emphasis upon the privilege of a crusader to be tried before an Ecclesiastical Court. For the consequences of this for the Jews, cf. No. 87 and note, also No. XXXI; Leon Brunschvig in *REJ*, XIV (1887), 83-84.

81. Gregorius IX

May 3, 1235

. . . . Fidelibus Christianis

*Sicut Judeis non.*¹ mansuetudinem predecessorum nostrorum felices memorie Calixti, Eugenii, Alexandri, Clementis, Coelestini, Innocentii, et Honorii Romanorum Pontificum vestigiis inherentes in subversionem fidei Christiane.²

Datum Perusii, per manum fratris Joseph ordinis Florentis, Domini Gregorii Pape IX notarii, V. Non. Mai., Indictione VII, Incarnationis Domini MCCXXXV, pontificatus eiusdem Domini Gregorii Pape, anno nono.

(POTTHAST, NO. 9893; RODENBERG, I, NO. 638; ARONIUS, NO. 471; GRAETZ, VII, 92-3; CARO, I, 304, 499; SCHERER, 35; NÜBLING, 282; SAIGE, 22, 26; V.u.R., I, 234; BERLINER, *ROME*, I, pt. 2, p. 35; CHWOLSON, *DIE BLUTANKLAGE*, 232; AUVRAY, NO. 2535). 5f. 195

80. Gregory IX

April 13, 1235

. . . . to the archbishops and bishops and other prelates of the Church to whom these letters may come¹

*Pravorum molestiis eum.*² By means of like (ecclesiastical) punishment you shall force the said creditors to free them from their oath, to desist from the exaction of usury, and to restore the interest already collected. The Jews shall be forced to do this by removing them from intercourse with the faithful. Those (of the crusaders) who are at present unable to pay their debts to Jews, shall not incur the burden of usury until such time as their death or return is definitely known; and the Jews shall be compelled to count into the principal, after necessary expenses had been deducted, the income from the pledge which they have received.³

Given at Perusium, on the Ides of April, in the ninth year.

81. Gregory IX

May 3, 1235

. . . . to all faithful Christians

*Sicut Judeis non.*¹ and adhering to the custom of our predecessors of happy memory Calixtus, Eugene, Alexander, Clement, Coelestine, Innocent, and Honorius, the Roman pontiffs in subversion of the Christian Faith.²

Given at Perusium, by the hand of Friar Joseph of the Order of Flore, notary of the Lord Pope Gregory IX, on the fifth before the Nones of May, in the seventh Indiction, in the 1235th Year of the Lord's Incarnation, and the 9th of the Pontificate of the said Lord Pope Gregory.

¹ Cf. nos. 5 and 35.

² Matthew Paris (ed. Luard, vol. III, 309) refers to this Bull as follows: "Eodem anno (i. e. 1235) Judei privilegium impetrarunt a pontifice Romano ne a regibus aut principibus pro exactione pecunie turpiter tractarentur, vel in carcere traderentur." Raynaldus, too (a. a. 1235, §20), speaks of the conditions that called this Bull forth, namely that certain ones "religionis pretextu ac specie pietatis, gravissima ipsis mala intulerant." He goes on to say that because of this Bull many Christians accused the Pope of having accepted bribes from the Jews, and of aiming to weaken the power of the kings whom he thus forbade to extort money from their Jewish subjects. All this Raynaldus refutes by citing the anti-Jewish utterances of the Pope in connection with Spain and Hungary. The statement of Matthew Paris would seem to fit No. 87 much better than it does here, and I am inclined to believe that he confused the two Bulls of Protection which followed so quickly one upon the other. But this Bull too was not unsolicited by the Jews. Graetz connects it with the Blood Libel and the persecution of Lauda on January 2nd of the same year (vol. VII, 92, and note 4 at the end of the volume).

82. Gregorius IX

May 9, 1235

maioris ecclesie, et sancti Thome Stregoniensis prepositis,

Sua nobis Newronius et Anselmus laici petitione monstrarunt, quod, cum eis de Judaice pravitatis errore ad fidem conversis orthodoxam, dilectus filius abbas Sancti Martini de Monti Pannonie, in quadam pecunie summa et rebus aliis promiserit, quoad vixerint, annis singulis providere, prout in litteris suis perspeximus contineri, ipse id efficere denegavit.¹ Unde eidem abbati nostris damus litteris in mandatis, ut dictis Newronio et Anselmo juxta promissionem suam sic liberaliter studeat providere, quod eos ad fidem Catholicam non peniteat accessisse, et nos devotionem suam debeamus merito commendare. Ideoque discretioni vestre per apostolica scripta mandamus, quatenus id dictus abbas mandatum nostrum neglexerit adimplere, vos eum ad id monitione premissa per censuram ecclesiasticam, appellatione remota, previa ratione cogatis.

Datum Perusii, sept. id. Mai., anno nono.²

(FRISS, 20, NO. 19).

83. Gregorius IX

July 27, 1235

. Willelmo, canonico Sancti Johannis Maguntini, filii quondam Magistri B. Judei¹

*Apostolice Sedis benignitas*² obsequendum. Sane tua nobis devotio supplicavit ut in parochiali ecclesia de Triburem quam de novo te proponis canonicè assecutum serviendi per alium cum in jure sit posita teque oporteat in ecclesia Sancti Johannis Maguntini ratione prebende tue residentiam facere personalem,³ licentiam tibi concedere dignaremur. Nos igitur attendentes quam obsequiosum te nobis et ecclesie Romane probetis et devotum, devotionis tue supplicationibus inclinati, auctoritatem tibi presentium indulgemus ut in eadem ecclesia de Tribure vicarium perpetuum valeas deservire, proviso ut aliarum cura ullatenus negligatur, et ecclesia ipsa debito servitio non faludetur. Nullus ergo. Si quis autem.

Datum Perusii, VI Kal. Aug., anno nono.

(REGISTER, XVIII, FOL. 59, NO. 174; AUVRAY, NO. 2711).

¹ See Nos. 48, 75, 76.

² As above No. 75.

³ The holding of several benefices was rather common among the canons of Mainz. Till the year 1254, however, every canon had to live there (*vita communis*), so that their other prebends necessarily had to be administered by vicars (Elard Friedrich Biskamp, *Das Mainzer Domkapital bis zum Ausgang des 13ten Jahrhunderts*, Marburg, 1909, pp. 9-11).

82. Gregory IX

May 9, 1235

. to the provosts of the Cathedral, and of St. Thomas, of Gran

Certain laymen, Newronius and Anselm, have shown us in their petition that, although our dear son the Abbot of St. Martin of Mt. Pannonia, when he converted them from the depravity of the Jewish error to the Catholic Faith, promised to provide them with a certain sum of money and with other things every year as long as they lived, just as we have seen contained in his own letters, he now refuses to do this.¹ Wherefore, we have sent letters to this abbot ordering that he should try to take care of the said Newronius and Anselm in accordance with his promise, and with such liberality that they should never be sorry for having joined the Catholic Faith, and that we should find it just to commend his devotion. We likewise, through Apostolic Letters, order Your Discretion that, if the said abbot neglects to fulfill our command, you shall after due warning, force him by means of ecclesiastical censure without appeal, to do this according to his original plan.

Given at Perusium, on the seventh before the Ides of March, in the ninth year.²

¹ See No. 85.

² Friss (l. c.), though dating the letter as "anno nono," yet assigns it to the year 1236, which would make No. 85 rather difficult to explain.

83. Gregory IX

July 27, 1235

. to William, Canon of St. John of Mainz, son of the former Jew, Master B.:¹

*The Apostolic Throne*² in its graciousness obedience.

Wherefore, Your Devotion besought us to deign to grant you the right to employ a substitute for yourself in the parish church of Trebur which you say that you recently obtained according to canonical regulations, since according to law you have to fix your actual domicile in the church of St. John of Mainz on account of your prebend.³ We, therefore, knowing that you have proved yourself most obedient and devoted to us and to the Roman Church, are well disposed to the request of Your Devotion, and grant you by the authority of these letters, the power to make use of a perpetual vicar in the Church of Trebur, provided no other cure is thereby neglected, and that this church itself is not deprived of the service due it. Let no one etc.

Given at Perusium, on the sixth before the Kalends of August, in the ninth year.

84.

Gregorius IX

December 13, 1235

. Maioris Ecclesie et Sancte Marie ad Gradus Prepositis et Decano Sancti Petri Maguntinis

Dilectus filius W.¹ canonicus Ecclesie Sancti Johannis Maguntinis, natus quondam magistri B. Judei, proposuit coram nobis quod cum vobis nostris dederimus litteris in perceptis ut ab. Abbate et Conventu Fuldensis Herbipolensis diocesis in decem marcarum reddito provideri faceretis eidem donec ei provisum per eos foret in equivalenti beneficio ecclesiastico vel maiori, contradictores censura ecclesiastica compescendo, vos in eosdem abbatem et conventum, cum sepe moniti se exhibuerint contumaces, excommunicationis sententiam promulgastis, quam cum illi per annum et amplius pertinaciter duxerint contempnendam. Postmodum dictus Abbas simplici verbo offerens quam juri in reddito canonici predicti parebit per quorundam impressionem potentum ipso apud Sedem Apostolicam constituto nullaque cautione vel satisfactione promissa de facto obtinuit non absque temeritatis nota a vobis eandem sententiam relaxari. Unde postulavit a nobis ut providere sibi super hoc misericorditer dignaremur. Quocirca firmiter presentis mandamus quatenus si dicta sententia est a vobis taliter relaxata, relaxationi hujusmodi non obstante predictos abbatum et conventum ut super hiis pro quibus excommunicati fuerunt sufficientem exhibeant formam ecclesiasticam cautionem et satisfaciant pro contumacia dicto canonico de expensis, monere et inducere procuretis eos ad hec si necesse fuerit per censuram ecclesiasticam appellatione postposita compellendo.

Datum Viterbii, Id. Dec., anno nono.

(REGISTER, XVIII, FOL. 97 ro., NO. 345; AUVRAY, NO. 2916).

85.

Gregorius IX

May 5, 1236

. Nivelloni et Anselmo, quondam Judeis, nunc vero discipulis Jhesu Christi

Etsi universis qui ad fidem veniunt Christianam aperiamus paterne viscera pietatis cum salutem omnium affectemus carius tamen amplectimur de Judaismo conversos, sperantes quod cum naturalis oleaster interdum quam naturam in bonam olivam insertus fructus preferat gratiosos, multo magis rami a sacro radice confracti qui secundum naturam sue olive melius inseruntur. Hinc est quod cum vos Judaica relicta perfidia sitis ad Christum eo inspirante conversi, nos vestris justis precibus inclinati, personas vestras et domum quam in Civitate

84.

Gregory IX

December 13, 1235

. to the Provosts of the Cathedral Church and of St. Mary of the Steps, and to the Dean of St. Peter's of Mainz

Our dear Son W.,¹ canon of the Church of St. John of Mainz, son of the deceased Master B., a Jew, asserted in our presence that although we have by our letters commanded you, if need be, to use Church discipline for the purpose of having him provided, by the Abbot and Convent of Fulda in the Diocese of Würzburg, with an income of ten marc, until such time when he shall be provided by them with a church benefice of equal or greater value, and that they, although warned, proved contumacious, and you promulgated the sentence of excommunication against the said Abbot and Convent, which sentence they stubbornly continued to treat with contempt for a year and more. Then the said Abbot, though offering mere words in place of an income justly due the aforesaid canon, boldly obtained from you a relaxation of the sentence without giving any guarantee or satisfaction about the matter, by giving the impression of having some influence with the Apostolic Throne. Wherefore, the canon begs us mercifully to deign to take care of him in this matter. We, therefore, firmly command by these letters that, if the sentence was really thus relaxed, then in spite of this relaxation you shall try to warn and induce the said abbot and Convent to produce, in accordance with ecclesiastical form, sufficient guarantee and satisfaction for those matters through which and for the sake of which they had been excommunicated, and for their disobedience with regard to what is due to the said canon. If need be you shall warn them and force them to this by the use of ecclesiastical punishment without appeal; you shall nevertheless proceed in the matter in accordance with the forms prescribed to you. But if

Given at Viterbo, on the Ides of December, in the ninth year.

¹ Cf. Nos. 48, 75, 76, 83.

85.

Gregory IX

May 5, 1236

. to Nivello and Anselm, formerly Jews, but now disciples of Jesus Christ

Although we open the bowels of paternal compassion to all who come to the Christian faith, since the salvation of everyone is dear to us, nevertheless we cherish converts from Judaism with even greater affection, because we hope that if a branch of a naturally wild olive-tree, when contrary to its nature it is grafted on to a good olive-tree,

Strigoniensis ad opus vestrum et aliorum Judeorum qui fidem Catholicam receperunt et sperantur auctore divino suscepturi asseritis vos emisse,¹ cum omnibus que in presentiarum juste et legitime possidetis aut in futurum poteritis adipisci sub beati Petri et nostra protectione suscipimus, et per scripta patenta communimus auctoritate presentium statuentes ut possessiones in Judaismo habitas² ex licito acquisitas possitis post susceptionem fidei retinere cum non debeatis inde sustinere jacturam unde divinam et humanam debetis gratiam permereri. Nulli igitur Si quis autem

Datum Viterbii, III Non. Mai., anno decimo.

(REGISTER, XVIII, FOL. 154 vo., NO. 72; AUVRAY, NO. 3144).

86.

Gregorius IX

August 17, 1236

Series gravaminum Ecclesie contra Imperatorem, quam Papa Episcopo Prenestino transmisit.¹

De Judeis ablatis quibusdam ecclesiis.²

Datum³ XVI Kal. Sept., anno decimo.

(POTTHAST, NO. 26265; AUVRAY, NO. 2482; R. STRAUS, 21F., 108).

¹ Jacobus Pecorari, 1231-1244 (Gams), was to present these charges as Papal Legate before the Imperial Curia.

² The answer which Frederick made to this charge was as follows: "Judeos autem etsi tam in Imperio quam in Regno nobis communi jure immediate subjaceant, a nulla tamen ecclesia illos abstulimus, que super eis jus speciale pretenderet, quod communi jure nostro merito preferretur" (Aronius, no. 498).

³ Since this list of charges was appended to the letter addressed Episcopo Pelestrino, A. S. L., commencing "*Qualiter super*" and dated Reate, XVI, Kal. Sept., anno decimo, the date of the charges is assumed to be the same (Potthast, Addenda, no. 10227a).

brings forth delightful fruit, all the more so will branches broken off a sacred root when grafted on, and such as are naturally better. That is why, when you, under God's inspiration, left Jewish perfidy behind and became converted to Christianity, we, sympathetic to your just prayers, take under our protection and under the protection of Saint Peter, your persons as well as the house and all its appurtenances which you say you bought or may in the future acquire, in the province of Gran for your own use and the use of other Jews who, with God's help have adopted or are expected to adopt, the Catholic Faith;¹ by our letters patent we fortify your claim, decreeing by the authority of these presents, that you may retain after your adoption of the Faith, whatever possessions you had legally acquired while you were Jews.² For you should not suffer any injury when you rather deserve to be promised divine and human thanks. Let none, therefore, rashly dare to act contrary to this our grant of protection: should anyone so dare he will be restrained by ecclesiastical punishment, appeal denied.

Given at Viterbo, on the third before the Nones of May, in the tenth year.

¹ Cf. No. 82. It seems then that the Abbot of St. Martin heeded the order of the Pope, and helped these two converts not only by providing for themselves, but by having them establish a sort of *Domus Conversorum*, and also by aiding them in the fight for the property they had possessed as Jews.

² Cf. No. I.

86.

Gregory IX

August 17, 1236

The series of charges made by the Church against the Emperor, which the Pope transmitted to the Bishop of Preneste.¹

In the matter of the Jews of whom certain churches were deprived.²

Given³ on the 16th before the Kalends of September, in the tenth year.

87.

Gregorius IX

September 5,¹ 1236

. . . . Archiepiscopo Burdegalensi, et Xanctonensi, Engolismensi, et Pictavensi episcopis²

Lachrymabilem Judeorum in regno Francie commorantium,³ et miseratione dignam recepimus questionem, quod cum crucesignati⁴ civitatum vestrarum et diocesum debuerint corda et corpora preparasse ad proelium Domini proeliandum, ac hereditatem Christi liberare de manibus paganorum, qui exigentibus culpis populi Christiani detinent et coinquant templum Dei; et quanto hujusmodi proelium specialius est ipsius, tanto timorem sui nominis et amorem humiliter amplexari ne, quod absit, in suis noxiis desideriis ambulantes divinam contra se patientiam provocarent; iidem cum aliis crucesignatis adversus Judeos eosdem impia consilia cogitantes nec attendentes, quod quasi ex archivis ipsorum Christiane fidei testimonia prodierunt, et propheta testante, si fuerint velut arena maris, ipsorum tandem reliquie salve fient, quoniam non repellent in sempiternum Dominus plebem suam;⁵ delere ipsos de terra facie pene penitus moliendo, ex inaudite ac insolite crudelitatis excessu duo milia et quingentos⁶ ex ipsis tam magnos quam parvos, mulieresque pregnantes hostili rabie trucidarunt, nonnullis lethaliter vulneratis, et conculcatis aliis equorum pedibus sicut lutum,

¹ The date is sometimes given as September 9th.

² Bordeaux—Gerald de Malemort, 1227-1262; Saintes-Peter IV, 1234-1246?; Angoulême—William (Gams, p. 490, gives Joannes Guilloti); Poitiers—Joannes de Melum, 1235-1257.

³ Raynaldus (a. a. 1236, §48) quotes Matthew Paris that at the same time there took place a great massacre of the Jews of Spain, and that the Jews of England thereupon took fright, and by means of a large sum of money obtained protection from the king. Graetz (VI, 408) points out that the provinces with which this letter deals were English possessions, and it was therefore natural for the Jews across the Channel to fear for their own safety. Graetz also proposes to change the reading in M. Paris from "Hispania" to "Vasconia" (Gascony), particularly since no persecution in Spain is known at this time.

⁴ Cf. No. 80.

⁵ Cf. Romans IX, vs. 27-28; Psalms 94, vs. 14.

⁶ The figures are not far from those quoted in the description of the same event in the *Shevet Jehudah* (Wiener, p. 114). "In the year 189 all the wicked ones of the provinces of Anjou, Poitou, and Brittany, took counsel against the sons of our people, to change their honor. But they held on to their faith, and sanctified the Heavenly Name, and more than three thousand of them were killed, while some slaughtered their children and others killed themselves. Also more than five hundred became converted. Woe unto us, for we have sinned!" In order to reconcile the date of this reference with the date of the letter, Graetz (ibid.) suggests the change of the Ain to a Tzadi and the Tet to a Vav. The first change is easy enough, but the second is practically impossible. Perhaps, however, Ibn Verga confused the event of 1236 with that of 1239, which was after all an outgrowth of the former. In 1239 the Jews were expelled from Brittany (cf. Appendix C).

87.

Gregory IX

September 5,¹ 1236

. . . . to the Archbishop of Bordeaux and to the Bishops of Saintes, Angoulême and Poitiers²

We have received a tearful and pitiful complaint from the Jews who live in the Kingdom of France.³ It shows that although the crusaders⁴ of your districts and dioceses should have prepared heart and body to fight the battles of the Lord, and to liberate the heritage of Christ from the hands of pagans who, because of the enormous sins of the Christian people, hold and defile the Temple of God, and although to the extent that such a battle is especially Christ's, so much the more humbly should they be filled with fear and love of His name, lest, God forbid, they steep themselves in their evil desires and arouse against themselves Divine displeasure; yet (despite all this) these very ones, along with others who have taken the Cross, plot impious designs against the Jews, and pay no heed to the fact that the proof for the Christian faith comes, as it were, from their archives, and that, as the prophets testified, although they should be as the sands of the sea, yet in the end of days a remnant of them shall be saved, because the Lord will not forever spurn His people.⁵ But (the crusaders) try to wipe them almost completely off the face of the earth. In an unheard of and unprecedented outburst of cruelty, they have slaughtered in this mad hostility, two thousand and five hundred of them;⁶ old and young, as well as pregnant women. Some were mortally wounded and others trampled like mud under the feet of horses. They burned their books and, for greater shame and disgrace, they exposed the bodies of those thus killed, for food to the birds of heaven, and their flesh to the beasts of the earth. After foully and shamefully treating those who remained alive after this massacre, they carried off their goods and consumed them. And in order that they may be able to hide such an inhuman crime under the cover of virtue, and in some way justify their unholy cause, they represent themselves as having done the above, and they threaten to do worse, on the ground that they (the Jews) refuse to be baptized.⁷ They do not sufficiently consider that when a storm arose in this great and spacious sea, and humankind was endangered by this tempest, then the true Jonah, Jesus Christ, the Son of God, came into these depths and permitted Himself to be submerged in this storm, so that by His blood He might win us back to God and renew us through the font of regeneration which is consecrated by it. He does not make distinctions of condition of life or of sex, as a result of which, anyone of any people, can be raised into adoption among the children of God. But those to whom God wants to be merciful are not to be compelled to the grace of baptism unless they want it voluntarily,

ac libris eorum incendio devastatis, ad maius opprobrium et ignominiam eorundem morticina taliter occisorum escas volatilibus coeli, et carnes eorum terre bestiis exponentes, ac illos qui ex occisione hujusmodi remanserunt, viliter et ignominiose tractantes, bona ipsorum auferunt, et consumunt, et ut tam immane flagitium possint virtutis pallio fibulare, ac iustificare utcumque sue impietatis causam, fingunt se premissa fecisse ac peiora facere comminantur, pro eo quod renuunt baptizari;⁷ non considerato prudenter, quod licet orta tempestate in hoc mari magno et spatioso, ac in ea periclitant humano genere, verus Ionas Dei Filius Jesus Christus in eius altitudine veniens, se permiserit ab ipsa tempestate demergi, ut nos Deo recociliaret in suo sanguine, ac innovaret per lavacrum regenerationis, eiusdem sanguine consecratum, non excludens conditionem, vel sexum, per quod in adoptionem filiorum Dei ex omni gente possit assumi. Quia tamen, cui vult Dominus miseretur, non sunt ad baptismi gratiam, nisi sponte voluerint, compellendi, quia sicut homo propria voluntate arbitrii suggestioni serpentis obediens cecidit, sic vocante se Dei gratia liberum arbitrium debet apponere ut resurgat. Propter que quasi sub nova egyptica servitute positi, suum exterminium metuentes, ad Apostolice Sedis clementiam duxerunt humiliter recurrendum. Ne igitur tante temeritatis audacia si repressa non fuerit, transeat aliis in abusum, mandamus quatenus excedentes hujusmodi in vestris diocesis commorantes ad satisfactionem de perpetrata iniquitate, ac ablatis Judeis eisdem congruam impendendam singuli vestrum monitione premissa per censuram ecclesiasticam appellatione remota cogatis.

Datum Reate, Non. Sept., anno decimo.

In eundem modum Sagiensi et Abricensi episcopis, et electo Rothomagensi (Auvray, no. 3309), Archiepiscopo Turonensi, et episcopis Cenomanensi, Andegavensi, Redonensi, Nannetensi, et Corisopitensi (ibid., no. 3310), et electo Bituricensi (ibid., no. 3311).

(POTTHAST, NO. 10243; AUVRAY, NO. 3308; FOND MOREAU, 1191, FOL. 116 vo.; GRAETZ, VI, 407, VII, 100-1; CARO, I, 377, 508; REJ, XXIX (1894), 233-4; GROSS, 63, 451, 659; AMADOR DE LOS RIOS, 363 note). 54/196

88. Gregorius IX

September 5, 1236

... . . . regi Francie¹

Lachrymabilem Judeorum in regno Francie commorantium, et miseratione dignam recepimus questionem, quod cum Crucesignati Andeganensi, Pictovensi, Cenomanensi, Turonensi, et Briocensi Civitatum et Diocesium debuerint corda et corpora preparasse ad proelium Domini proeliandum, ac hereditatem Christi liberare Ad Apostolice Sedis clementiam duxerunt humiliter removendam.

Quia vero Regum est proprium facere iudicium et justitiam, cum

and just as man fell of his own free will when he succumbed to the serpent's guile, even so, when called by the grace of God, he ought to bring about his own rise in complete freedom of will.

Wherefore, placed as under a new Egyptian enslavement, and fearing their extermination, the Jews turned to, and humbly besought mercy from the Apostolic Throne.

Therefore, lest such great temerity if unpunished, continue to injure still others, we command that each one of you force the inhabitants of your dioceses who commit such excesses, to bring proper satisfaction for the crimes perpetrated against the Jews and for the property stolen from them. After giving due warning you may use ecclesiastical punishment without appeal.

Given at Reate, on the nones of September, in the tenth year.

In the same manner were addressed the Bishops of Sées, Avranches, and the Archbishop-Elect of Rouen; also the Archbishop of Tours, and the Bishops of Le Mans, Angers, Rennes, Nantes, and Quimper; and the Archbishop-Elect of Bourges.

⁷ Guimar in *Annales Nantaises*, p. 140, says that the Crusaders aided by the clergy, forced the Duke not only to cancel Jewish debts, but to forgive the murder of the Jews, and to exile those who remained after the massacre. Their action, he continues, "fait croire qu'il y avait plus d'interêt que de zèle pour la religion et le bien public dans cette démarche." The final decree was issued in 1239 (cf. Leon Brunschvigg, *Les Juifs de Nantes*, Nantes, 1890, pp. 6-7).

88. Gregory IX

September 5, 1236

... . . to the King of France¹

We have received a tearful and pitiful complaint from the Jews who live in the Kingdom of France. (It shows) that although the crusaders of the dioceses and provinces of Angers, Poitiers, Le Mans, Tours, and Bourges should be prepared heart and body etc. (as in preceding till the words "besought mercy from the Apostolic Throne").

Since, however it is for kings to render judgment, and do justice, for in the words of the Prophet—"The honor of a king loves judgment, and justice and judgment are the foundations of his throne," and, "to free the oppressed from the hand of those who pursue them with force," therefore, we ask Your Royal Excellency and we warn you and urge you in the name of the Lord, to use the power with which God entrusted you, to correct and to punish those who in their rashness dare commit these crimes so unspeakably and terribly offensive to God in whose image the victims were created, and so injurious to the Apostolic Throne whose privileges they have been granted. Force the crusaders to restore to the Jews all that has been stolen: that you may prove

¹ Louis IX.

secundum Prophetam honor Regis iudicium diligit et justitia et iudicium sint preparatio Sedis eius, ac liberare de manu calumpnationis vi oppressos, Regiam Excellentiam rogamus, monemus, et hortamur in Domino, quatinus excessus huiusmodi tam detestabiles et enormes in offensam divinam, ad cuius imaginem sunt formati, ex Apostolice Sedis injuriam, cuius sunt muniti privilegio, propria temeritate presumptos taliter tradita tibi potestate a Domino, corrigas et castiges eisdem Judeis oblata restitui faciens universa, quod te odire iniquitatem et diligere justitiam operum exhibitione demonstres, et nos sinceritatis tue zelum possimus in Domino merito commendare.

Datum Reate, Non. Sept., anno decimo.

(FOND MOREAU, 1191, FOL. 117; AUVRAY, NO. 3312; GRAETZ, VII, 100-101; CARO, I, 377, 498; STRACK, *DAS BLUT*, 178). *54/197*

89. Gregorius IX

January 5, 1237

. Episcopo Cicestrensi electo Valentino in Anglia commoranti,
et abbati Sancti Augustini Cantuariensis¹

Dilectus filius magister Robertus de Gavernia clericus proposuit coram nobis quod, cum ecclesia de Einesford(ia) sibi dudum canonicè auctoritate nostra collata, officialis Cantuariensis, ad presentationem karissimi in Christo filii nostri. Anglie regis illustris, post appellationem ad nos legitimam interpositam, Willelmum de Plessi clericum, plura ecclesiastica beneficia quibus cura est animarum annexa, sine dispensatione apostolica detinentem, in eius prejudicium, in prefatam ecclesiam intruisset; idem magister, ad presentiam nostram accedens, ad venerabilem fratrem nostrum, Wigorniensem episcopum² ejusque collegas nostras reportavit litteras, continentes ut, vocatis qui fuerunt evocandi, et auditis hinc inde propositis, quod canonicum esset, statuere procurarent. Verum cum, medio tempore, dictum W. ab ipsa ecclesia venerabilis frater noster. Cantuariensis archiepiscopus³ amovisset, idem archiepiscopus, ut ipsi magistro adversarium constitueret fortiorem, magisrum Willelmum de Cemeia, defectum natalium patientem, super quo non erat secum per Sedem Apostolicam dispensatum, de facto, cum de jure non posset instituit in eadem; qui eam detinet, in ipsius magistri Roberti prejudicium et gravamen. Cumque dictus magister Robertus ipsum detentorem coram eisdem iudicibus convenisset, prefato rege, ad instantiam detentoris ejusdem, ipsis iudicibus, ne procederent, et eidem magistro, ne prosequeretur huiusmodi negotium, inhibente, non est in negotio ipso processum, sicut duo ex iudicibus ipsis, tertio ad totam causam, ut dicitur, excusato, nobis per suas litteras intimarunt, nuntiis iudicum ipsorum ad prefatum detentorem citationis litteras deferentibus, quorum unus erat clericus, de mandato detentoris ipsius graviter vulneratis. Adjecit etiam insuper

yourself by an exhibition of good works, to be one who hates iniquity and loves justice. Thus may we be able to commend to God the meritorious zeal of your sincerity.

Given at Reate, on the Nones of September, in the tenth year.

89.

Gregory IX

January 5, 1237

. to the Bishop of Chichester, and the Bishop-Elect of Valence, and to the Abbot of St. Augustine at Canterbury:¹

Our dear son Master Robert of ~~Glover~~¹, a cleric, placed the following matter before us: Although some time ago the Church of Einesford was granted to him legitimately and by our authority, nevertheless, the administrator of the Archbishopric of Canterbury, at the recommendation of our dearest son in Christ (Henry) the illustrious King of England, and in spite of the fact that a legitimate appeal had been lodged with us, imposed, to his detriment, upon the said church the cleric William of Plessy who already held, without apostolic dispensation, several ecclesiastical benefices to which a cure of souls was attached. The said Master then appeared before us, and took back with him letters to our venerable brother the Bishop of Worcester² and his fellow judges, ordering them to call whomever should be called and to hear whatever testimony might be offered, so as to establish what was in accord with Canon Law. In the meantime, although our venerable brother the Archbishop of Canterbury³ had removed the said William, yet, in order to create a stronger rival to Master Robert, he installed in that church Master William of Cerneia, installing him there only de facto, since he could not do so de jure because of his lack of a birth-certificate, he never having received a dispensation from the Apostolic Throne with regard to his birth. By the latter this church is still held, much to the disadvantage and loss of Robert. When Master Robert summoned this usurper before the said judges, the King, at the instance of the usurper, forbade the judges to proceed with the case, and the said Master Robert to prosecute it and the case was therefore not continued. According to the letters of two of the judges, (the third it is said having entirely excused himself from the case,) the messengers of the said judges, of whom one was a cleric, who were carrying to the said usurper the summons to court, received serious physical hurt at the command of the usurper.

The same Master Robert has entered another complaint against the said Archbishop, whose anger was aroused against Master Robert because he was defending his right in this matter against the usurper whom the Archbishop was protecting with all his power. When, there-

¹ Gloucester. So Roth, *Jews of England* p. 53.

idem magister Robertus, adversus dictum archiepiscopum inculcando querelam, quod idem archiepiscopus, prefatum detentorem pro posse defendens, quia ipse Robertus jus suum prosequitur in hac parte contra eum rancore concepto, cum idem Robertus pro se et Willelmo ac Ph fratribus suis, cruce signatis, contra quosdam Judeos super immoderato gravamine usurarum nostras ad ipsum archiepiscopum litteras impetrasset, et, cum litteris ipsis ad presentiam ejus accedens, peteret ut procederet per easdem, idem archiepiscopus non solum ipsas litteras recipere noluit, sed etiam ingressum curie sue sibi sine rationabili causa penitus interdixit. Quare dictus magister se ac eosdem fratres suos gravissima dampna asserit incurrisse, cum propter justitiae defectum libros suos et hereditatem dictorum fratrum vorago absorberit usurarum. Et cum ipse magister, olim apud Sedem Apostolicam constitutus, in causa quam dictus Willelmus de Plessi adversus archiepiscopum ipsum habebat super eo quod amoverat eum a dicta ecclesia, partem dicti archiepiscopi defendere procurasset, idem archiepiscopus, licet gratum et ratum habuerit quod utiliter gestum fuerat ab eodem, de expensis tamen propter hoc factis sibi satisfacere denegavit. Unde, cum nequeat in partibus illis de pari contendere cum archiepiscopo et intruso predictis, nobis humiliter supplicavit ut super hoc providere sibi misericorditer dignemur. Cum igitur nos pati non deceat ut dictus magister, nostram gratiam prosequendo, propter quod jam extrema laborat inopia, taliter confundatur, mandamus quatenus archiepiscopo et Willelmo jamdictis prefigatis terminum peremptorium competentem, quo per se vel per procuratores idoneos se nostro conspectui representent, facturi et recepturi quod dictaverint ordo juris. Quod si non omnes etc. . . . tu ea, frater episcopus etc. . . .

Datum Interamne, non. Jan., anno decimo.

(AUVRAY, NO. 3419).

90.

Gregorius IX

October 6, 1237

. Illustri Regi Francie¹

Ex parte tua nostris est auribus intimatum quod, cum a Judeis regni tui et eorum debitoribus Christianis,² et ipsorum nomine, non modicam

¹ Louis IX.

² Cf. the following from a letter of St. Louis to the Seneschal of Carcassonne in July, 1246: "From those Jews who belong to us whom you hold captive . . . you will take what you can, because we want to have from them as much as possible, and you will report to us the sum that you were able to obtain, at the same time taking care that the money is well and safely guarded. . . . You shall forbid the Jews, in our name, and under threat to their persons and property, ever more to dare to extort usury, but to earn their livelihood in a different way" (*Preuves de l'histoire de Languedoc*, VIII, 1191). Cf. also St. Louis' edict of Dec. 1254 given under Council No. XLI. This attitude of St. Louis is given high

fore, the said Robert, on behalf of himself and William and Philip his brothers, all of whom were enrolled among the crusaders, obtained from us letters addressed to the said Archbishop against certain Jews because of their burdensome and immoderate usury, and when coming into his presence with these letters, he begged that the Archbishop proceed in accordance with them, the said Archbishop not only refused to accept the letters, but strictly and without reasonable cause forbade him to enter his court. Wherefore the said Master states that he and his brother have incurred serious loss, since, for lack of justice, the abyss of usury has swallowed up his books and the heritage of his brothers.

Likewise, although the said Master Robert at one time presented himself before the Apostolic Throne and tried to defend the cause of the said Archbishop in the case started against him by William of Plessy in the matter of the latter's removal from the church mentioned above, and although the said Archbishop had cause and reason to know that he had acted usefully on his behalf, nevertheless he refused to give him satisfaction for the expense incurred in doing this. Wherefore, since he cannot contend with the Archbishop and the said intruder on equal terms in their own land, he humbly prays us mercifully to deign to care for him in this matter.

Now, since we ought not suffer that this Master in seeking our favor, wherefore he is now in the sorest need, should be so confounded, we order that you shall set a definite time limit for the said Archbishop and William, within which they shall present themselves before us either in person or by proxy: to do and to hear whatever the legal proceedings may dictate, etc.

Given at Terni, on the Nones of January, in the tenth year.

¹ Ralph de Neville, Bishop of Chichester, 1222-1243. Guillaume de Savoie, Bishop-Elect of Valence-Dié, 1225-1239 (Eubel), who was in England at the time. Robert de Bello, Abbot of the Monastery of St. Augustine, 1224-1253.

² William of Bley, 1218-1236.

³ Edmund Abingdon, 1233-1240.

90.

Gregory IX

October 6, 1237

. to the illustrious King of France¹

On your behalf we have been told that, since you have received no small sum of money from the Jews of your Kingdom and from their Christian debtors² and in the latter's name, and since this money acquired by the Jews bears the stigma of usury, you desire to bring satisfaction for the said money for fear lest the sin of it be imputed to you and you be punished for it.³ Wherefore, you humbly pray us that, in view of the fact that many from whom the said Jews have

acceperis pecunie quantitatem: quia hujusmodi pecunia ab ipsis Judeis acquisita creditur nomine usurarum, tu, ne peccatum eorum tibi reputetur ad penam, satisfacere de pecunia desideras supradicta.³ Quare nobis humiliter supplicasti ut, cum multi a quibus Judei predicti extorsissent usuras, cognosci non possint, et pecuniam quam istis restituere tenereris, velis in subsidium Constantinopolitani imperii⁴ destinare, serenitati tue quod id tibi efficere liceat, et per hoc apud Deum nihilominus proficiat ad salutem, tuque juxta quantitatem hujusmodi subsidii a satisfactionis debito libereris, indulgere de benignitate Sedis Apostolice curaremus. Tuis igitur precibus inclinati, auctoritate tibi presentium concedimus postulata.

Datum Viterbii, II Non. Oct., anno undecimo.

(AUVRAY, NO. 3899). *St. 198*

praise by his biographer, William Cornot (*De Vita et miraculis Sti. Ludovici*, Bouquet, XX, 34): "Si quid autem erat residuum quod probari non posset, aut inveniri, cui vel quibus deberet restitui, illud cum dispensatione ecclesie in pios usus et ecclesias erogabat."

³ Cf. the statement of Thomas Aquinas in his letter *De Regimine Judeorum* to the Duchess of Brabant—" . . . cum ea que Judei per usuras ab aliis extorsissent, non possint licite retinere, consequens est ut, si etiam vos hec acceperitis ab eis, non possitis licite retinere, nisi forsitan essent talia que a vobis vel antecessoribus vestris hactenus extorsissent. Si qua vero habent que extorsissent ab aliis, hec ab eis exacta illis debetis restituere quibus Judei restituere tenebantur; unde si inveniuntur certe persone a quibus extorsissent usuras, debet eis restitui, alioquin

91.

Gregorius IX

March 22, 1238

. Archiepiscopo Senonensi et Episcopo Silvanectensi¹

Ex parte karissimi in Christo filii nostri regis Francorum illustris fuit propositum coram nobis quod ipse ac progenitores eius, quorum heres existit, a Judeis et Christianis, pro Judeorum debitis in quibus tenebantur eisdem, maximam quantitatem pecunie receperunt, que acquisita creditur per usuras.² Verum, cum quantum et a quibus dicti Judei receperunt, ignoretur, si dictus rex, ut asserit, laboraret ad certitudinem predictorum, plurimi forsitan falso assererent a Judeis se multa recepisse, vel solvisse ipsis, nomine usurarum; preterea, cum nulle inde certe probationes existant, perjuriam exinde et gravia scandala orientur. Cum igitur progenitores ipsius de hujusmodi pecunia tam in Terra Sancta quam Albigensium pro negotio pacis et fidei magnam partem expenderint, et multum ex ipsa in ultima voluntate sua pauperibus erogarint, idem rex super hoc petiit sibi salubriter per

¹ Galterus Cornutus, Archbishop of Sens, 1222-1244. Adam de Chambly, Bishop of Senlis, 1228-1259.

² See above No. 90.

extorted usury can no longer be discovered, and that you want to send the money, which you are bound to restore to them, as a subsidy to the Empire of Constantinople,⁴ we shall, in the benignity of the Apostolic Throne, take the trouble to grant to Your Serene Highness permission to do this, so that, by doing it, the matter may redound to your salvation in the sight of God, and that because of the great amount of such assistance you may be free from the obligation of repayment. Therefore, inclined to your prayers, we grant to you by these letters, the authority asked for.

Given at Viterbo, on the second before the Nones of October, in the eleventh year.

debet in pios usus . . . vel etiam in communem utilitatem terre . . . erogari. Nec esset illicitum, si a Judeis exigeretis talia de novo, servata consuetudine predecessorum vestrorum, hac intentione, ut in predictos usus expenderentur."

⁴ This letter with all that it implies was probably the result of the trip undertaken in 1236 by Baldwin II, Emperor of Constantinople. The ill-fated Roman Empire of the East, founded by the misdirected Fourth Crusade, was rapidly disappearing under the attacks of the Greeks. Baldwin, a boy of 20, came to beg for western aid. Louis responded generously, as we see above. He continued to respond: for Baldwin's appeals were as never-ceasing as his misfortunes. In 1245 he undertook to sell the sacred relics that Constantinople still had; a fact which may explain Note 2 above. It is even said that Louis IX wept with pity for the unfortunate Emperor (Villeharduin, *Conquête de Constantinople*, Paris, 1874; and G. W. Cox, *The Crusaders*, N. Y., 1875).

91.

Gregory IX

March 22, 1238

. to the Archbishop of Sens and to the Bishop of Senlis¹

On behalf of our dearest son in Christ, the illustrious King of France, it was reported to us that he and his forefathers, whose heir he is, have received a huge sum of money from Jews and from Christians on account of debts by which they were held bound to Jews, and that this money is believed to have been gathered through usury.² But, since he does not know the exact amount, nor the persons from whom the said Jews had received it, and if the said King, as he states, were to try to ascertain these facts, many would perhaps falsely claim that they had borrowed much money from the Jews, or that they had paid them usury; furthermore, since no clear proof exists with regard to the matter, perjury may result, and a disgraceful situation may arise therefrom, therefore, since his forefathers had in large measure expended such money both for the Holy Land as well as against the Albigenses, for the purpose of attaining peace, and for the good of the Faith, and since in their last will they had bequeathed some of it to the needy, this King petitions that he should be properly instructed in this matter by the Apostolic Throne.

Sedem Apostolicam provideri. Quocirca mandamus quatenus dicto regi super hiis, prout, secundum Deum, anime sue saluti expedit, auctoritate nostra providere curetis. Quod autem dandum ab ipso pro satisfactione illorum qui commode inveniri non possunt, duxeritis ordinandum, converti volumus in subsidium imperii Romanie. Vos, igitur, nobis vestris exposituri litteris pecunie quam propter hoc dari contigerit, quantitatem, illam, ad dictum imperium secundum nostrum beneplacitum transmitendam, conservari fideliter faciatis, ita quod ipsum imperium super hoc aliquo modo non fraudetur.³

Datum Laterani, XI Kal. Apr., anno duodecimo.

(AUVRAY, NO. 4205). *St. 199*

92.

Gregorius IX

November 29, 1238

. Abbati de Joiaco, Cisterciensis Ordinis, Senonensis dioecesis¹

Ex parte karissimi in Christo filii nostri illustris regis Navarre, comitis Companie,² fuit nobis humiliter supplicatum ut, cum ipse, in necessitatis articulo constitutus, tam ab hominibus suis quam a Judeis terre sue magnam habuerit pecunie quantitatem, quam nequit restituere, ipsis vel eorum heredibus non inventis, proponatque ipsam expendere, cum aliis bonis suis, in subsidium Terre Sancte,³ super hoc ei salutare consilium impendere curaremus. Cum igitur idem rex in servitio Jhesu Christi devoverit se ac sua, et per hoc favere sibi quantum cum Deo possumus, intendamus, Discretioni tue per Apostolica scripta mandamus quatenus, inquisita super premissis diligentius, veritate, super hiis provideas eidem prout anime sue saluti videris expedire.⁴

Datum Laterani, III Kal. Dec., anno duodecimo.

(POTTHAST, NO. 10673; AUVRAY, NO. 4601; CARO, I, 498).

¹ Garnerius, 1235-? (*Gall. Christ.*, XII, 224).

² Thibaut I of Navarre, IV of Champagne, 1201-1253. Cadier, *Bulles originales de XIII^eme Siècle*, p. 54, gives a letter of Alexander IV to Thibaut II, under date of October 13, 1257, in which the pope grants authority to confiscate Jewish property. Cf. Amador de los Rios, II, 23.

³ Cf. Nos. 90 and 91.

⁴ At the time Thibaut was preparing to go on a crusade (Potthast, no. 10676). In effect, therefore, he was asking permission to use this confiscated money to defray more or less private expenses.

Wherefore, we command that, by our authority, you shall take care of this King with regard to this affair in a manner that may, please God, redound to the salvation of his soul. That money, moreover, which he must give to make up for his inability to find (the rightful owners), and which you shall have caused to be set aside, we want converted into a subsidy for the Roman Empire. In your letters, therefore, you are to place at our disposal the amount of money which shall be given for this purpose for transmission, at our pleasure, to the above-named Empire. You are to have this money carefully watched, so that the Empire may not be defrauded of it in any manner.³

Given at the Lateran, on the eleventh before the Kalends of April, in the twelfth year.

³ The General Council of Lyons (1245) ordered even the clergy to contribute to the support of the Christian states in the East.

92.

Gregory IX

November 29, 1238

. to the Abbot of Joigny, of the Cistercian Order, in the Diocese of Sens¹

On behalf of our dearest son in Christ, the illustrious King of Navarre, Count of Champagne,² we were humbly petitioned to the effect that, since he finds himself in the difficult situation of having in his possession a large sum of money belonging to his own people as well as to the Jews of his lands, which money he is unable to return because he has not found its owners or their heirs, and since he proposes to spend it along with some of his own property, in aid of the Holy Land,³ we would advise him in this matter in a way that would redound to the salvation of his soul. Wherefore, because this King has devoted himself and his possessions to the service of Jesus Christ and we therefore intend to show him favor as much as, with God's help, we can, we, by Apostolic Letters, order Your Discretion that, after the truth about the above has been carefully investigated, you shall look to these things for his sake, even as you have been known to provide for the salvation of his soul.⁴

Given at the Lateran, on the third before the Kalends of December, in the twelfth year.

93.

Gregorius IX

December 10, 1238

..... Archiepiscopo Senonensi et Episcopo Silvanectensi

Cum karissimo in Christo filio nostro L(udovico), regi Francorum illustri, duxerimus concedendum ut pecuniam quam ipse et progenitores eius a Judeis et Judeorum debitoribus, qui eam ex usuris extorsisse creduntur, habuerant, posset in subsidium Constantinopolitani imperii destinare, dum tamen eos quibus debet fieri restitutio, invenire nequiret, vobisque nostris dederimus litteris in mandatis, ut pecuniam ipsam usque ad nostrum beneplacitum servaretis; mandamus quatenus pecuniam quam vobis ob id idem rex assignavit vel duxerit assignandam, nobili viro B(alduino), heredi imperii Romanie et comiti Namucensi, in ipsius imperii proficiscenti succursum, integre assignare curetis.¹

Datum Laterani, IIII Id. Dec., anno duodecimo.

(AUVRAY, NO. 4641). *St. 200*

¹ See above Nos. 90, 91.

94.

Gregorius IX

May 18, 1239

..... Willelmo, Canonico Sancti Johannis Maguntini, nato quondam Magistri B. Judei¹

Cum sicut asseris dilectus filius. . . . Abbas Fuldensis Monasterii vacantem ecclesiam in Wack, Maguntini diocesis, ad donationem ipsius spectantem et habentem curam animarum annexam tibi contulerit, devotionis tue supplicationibus inclinati retinendi eam cum ecclesia de Tribur quam obtinentem similem curam te proponis canonice assecutum,² auctoritate tibi presentium liberam concedimus facultatem, ita tamen quod eedem debitis obsequiis non fraudentur. Nullatenus ergo. . . . Si quis autem. . . .

Datum Laterani, XV Kal. Jun., anno decimo tertio.

(REGISTER, XIX, FOL. 107, NO. 53; AUVRAY, NO. 4855).

¹ Cf. Nos. 48, 75, 76, 83, 84.

² Cf. No. 83.

95.

Gregorius IX

June 9, 1239

..... Parisiensi Episcopo¹

Fraternitati tue presentium auctoritate mandamus, quatenus litteras nostras² ad negotium super libris Judeorum tibi, et collegis tuis a nobis

¹ William of Auvergne, see Introduction, p. 31, note 55.

² No. 96.

93.

Gregory IX

December 10, 1238

..... to the Archbishop of Sens and to the Bishop of Senlis

Since we saw fit to grant this favor to our dearest son in Christ, Louis, illustrious King of France, that he may set aside, for the purpose of aiding the Empire of Constantinople, money which he and his ancestors had obtained from Jews and from their debtors, and which is believed to have been extorted through usury, though he cannot find those to whom restitution of it ought to be made, and since we have given you our letters ordering you to guard this money at our pleasure: we order that you take care to turn over intact to the noble Baldwin, the inheritor of the Roman Empire and Count of Namur, the money which this King has assigned or caused to be assigned for this purpose, since he (Baldwin) is departing to aid the said Empire.¹

Given at the Lateran, on the fourth day before the Ides of December, in the twelfth year.

94.

Gregory IX

May 18, 1239

..... to William, Canon of St. John's of Mainz, the son of the deceased Master B., a Jew:¹

Since you inform us that our dear son, the Abbot of the Monastery of Fulda, conferred upon you the vacancy of the Church of Wack in the Diocese of Mainz, of which he has the right to dispose, and which carries with it a cure of souls, we, assenting to the prayers of Your Devotion, freely grant you by the authority of these letters, the right to retain this church along with the Church of Trebur which you say you have legitimately acquired,² and which also has a cure of souls, provided, however, that the churches be not deprived of the religious services which are their due. Let none, therefore. . . .

Given at the Lateran, on the fifteenth before the Kalends of June, in the thirteenth year.

95.

Gregory IX

June 9, 1239

..... to the Bishop of Paris¹

By the authority of these presents we order Your Fraternity devoutly to receive our letters² given to you by our dear son, Nicholas,³

commissum spectantes tibi ex parte nostra per dilectum filium Nicolaum³ quondam Judeum, latorem presentium, presentandas devote recipiens, ipsas venerabilibus Fratribus Archiepiscopis, et karissimis filiis nostris, Francie, Anglie, Aragonie, Navarre, Castelle, ac Legionum, et Portugallie Regibus illustribus destinatas a nobis,⁴ transmittas cum videris expedire.

Datum Laterani, V Id. Jun., anno tertidecimo.

(POTTHAST, NO. 10760; QUETIF & ECKARD, I, 128; GRAETZ, VII, 103; DUBNOW, V, 41-44, 200; N. VALOIS, *GUILLAUME D'AUVERGNE*, 123; *MONAT-SCHRIFT*, XVIII (1860), 107; SCHERER, 46, NO. 21; *REL*, I (1880), 116; *JQR* II (O. S.), 105-6; XIII (O. S.), 440; GÜDEMANN, *FRANKR. U. DEUTSCHLAND*, p. 78; NÜBLING, 157; V.u.R., I, 235-7; DEPPING, 188).

³ Nicholas Donin, see Appendix A.

⁴ No. 97.

96.

Gregorius IX

June 9, 1239

. . . . Archiepiscopis per Regnum Francie constitutis, ad quos littere iste pervenerint,

Si vera sunt, que de Judeis in regno Francie, et aliis provinciis comorantibus asseruntur, nulla de ipsis esset poena sufficiens, sive digna; ipsi enim sicut accepimus, lege veteri, quam Dominus per Moysen in scriptis edidit, non contenti, immo penitus pretermittentes eadem, affirmant legem aliam, que Talmut, id est Doctrina, dicitur, Dominum edidisse ac verbo Moysei traditam; et insertam eorum mentibus mentiuntur tamdiu sine scriptis servatam, donec quidam venerunt, quos Sapientes, et scribas appellant, qui eam, ne per oblivionem a mentibus hominum laberetur, in scripturam, cujus volumen in immensum excedit Textum Bible, redegerunt; in qua tot abusiones, et nefaria continentur, quod pudori referentibus, et audientibus sunt horrore. Cum igitur hec dicatur esse causa precipua, que Judeos in sua tenet perfidia obstinatos, Fraternitatem vestram monendam, duximus, et hortandam, per Apostolica vobis scripta precipiendo mandantes, quatenus primo Sabbato quadragesime proximo venture,¹ mane, quando Judei in Synagogis conveniunt, universos libros Judeorum vestre Provincie auctoritate nostra capi, et apud Fratres Predicatores, vel Minores faciat fideliter conservari; invocato ad hoc, si necesse fuerit, auxilio brachii secularis; nihilominus in omnes tam clericos, quam laicos vestre jurisdictioni subjectos, qui libros Hebraicos, si quos habent, per vos generaliter in Ecclesiis, vel specialiter moniti noluerunt assignare, excommunicationis sententiam promulgando.²

¹ March 3, 1240.

² Cf. Nos. 95, 97, 98, 104, 119.

formerly a Jew, the bearer of these letters, and, as soon as you deem it expedient after having examined them, to transmit the said letters which we sent about the matter which we committed to your care and to the care of your colleagues with regard to the books of the Jews, to our venerable brothers the archbishops, and to our dear sons the Kings, of France, England, Aragon, Navarre, Castile, Leon, and Portugal.⁴

Given at the Lateran, on the fiftteenth before the Ides of June, in the thirteenth year.

96.

Gregory IX

June 9, 1239

. . . . to the archbishops throughout the Kingdom of France, whom these letters may reach:

If what is said about the Jews of France and of the other lands is true, no punishment would be sufficiently great or sufficiently worthy of their crime. For they, so we have heard, are not content with the Old Law which God gave to Moses in writing: they even ignore it completely, and affirm that God gave another Law which is called "Talmud," that is "Teaching," handed down to Moses orally. Falsely they allege that it was implanted within their minds and, unwritten, was there preserved until certain men came, whom they call "Sages" and "Scribes," who, fearing that this Law may be lost from the minds of men through forgetfulness, reduced it to writing, and the volume of this by far exceeds the text of the Bible. In this is contained matter so abusive and so unspeakable that it arouses shame in those who mention it and horror in those who hear it.

Wherefore, since this is said to be the chief cause that holds the Jews obstinate in their perfidy, we thought that Your Fraternity should be warned and urged, and we herewith order you by Apostolic Letters, that on the first Saturday of the Lent to come,¹ in the morning, while the Jews are gathered in the synagogues, you shall, by our order, seize all the books of the Jews who live in your districts, and have these books carefully guarded in the possession of the Dominican and Franciscan Friars. For this purpose you may invoke, if need be, the help of the secular arm; and you may also promulgate the sentence of excommunication against all those subject to your jurisdiction, whether clergy or laity, who refuse to give up Hebrew books which they have in their possession despite your warning given generally in the churches, or individually.²

Given at the Lateran, on the fifth before the Ides of June, in the thirteenth year.

Datum Laterani V Id. Jun., anno tertiodecimo.

In eundem modum archiepiscopis Anglie, Castelle, et Legionum (Quetif and Eckard).

(POTTHAST, NO. 10759; QUETIF AND ECKARD, I. c.; GRAETZ, I. c.; DUBNOW, I. c.; V. u. R., I. c.; AMADOR DE LOS RIOS, I, 278, 363; KISCH, 6; E. CARMOLY, *LA FRANCE ISRAËLITE*, 73, 101; *MONATSCHRIFT*, XVIII (1869), 107).

97.

Gregorius IX

June 20, 1239

..... Regi Portugallie¹

Si vera sunt, que de Judeis in Regno Portugallie² etc. Cum igitur hec dicatur esse causa precipua, qua Judeos in sua perfidia retinet obstinatos, Serenitatem Regiam monemus attentius, et hortamur; quatenus primo Sabbato Quadragesime proximo venture mane, quando Judei in Synagogis conveniunt, universos libros Judeorum Regni tui, tam tibi quam nobilibus Regni eiusdem tuis fidelibus subjectorum, auctoritate nostra capi, et apud dilectos filios Fratres Predicatores, seu Minores faciatis conservari.³

Datum Laterani, XII Kal. Jul., anno tertiodecimo.

(In eundem modum scripsit Regibus Francie, Anglie, Aragonie, Castelle, ac Legionum, et Navarre.)

(POTTHAST, NO. 10768; QUETIF & ECKARD, I. c.; GRAETZ, VII, 103-4; DUBNOW, V, 200; *MONATSCHRIFT*, XVIII (1869), 107; KISCH, 6; KAYSERLING, *PORTUGAL*, 4, *NAVARRA*, 22; AMADOR DE LOS RIOS, I, 278, 363F.; CARO, I. 304; SCHERER, 47; *REJ* I (1880), 116).

98.

Gregorius IX

June 20, 1239

..... Episcopo, et Priori Predicatorum, et Ministro Minorum Fratrum, Parisius

Si vera sunt, que Judeis in Regno Francie etc.¹ Cum igitur hec dicatur esse causa precipua, que Judeos in sua perfidia retinet obstinatos, discretioni vestre per apostolica scripta precipiendo mandamus, quatenus universos Judeos in Regno Francie, Anglie, Aragonie, Navarre, Castelle, Legionum, ac Portugallie commorantes ad exhibendos omnes libros suos facientes compelli brachio seculari, illos quos inveneritis errores hujusmodi continere, faciatis incendio concremari. Contradictores per censuras ecclesiasticas appellatione postposita compescendo. Nobis quidquid inde feceritis fideliter rescripturi. Quod si non omnes iis exequendis poteritis interesse, alter vestrum ea nihilominus exequatur.²

Datum Laterani, XII, Kal. Jul., anno tertiodecimo.

(POTTHAST, NO. 10767; QUETIF AND ECKARD, I. c.; KISCH, 8; SEE ALSO REFERENCES TO NOS. 95 AND 97).

In the same manner were addressed the Archbishops of England, Castile, and Leon.

97.

Gregory IX

June 20, 1239

..... to the King of Portugal¹

If what is said about the Jews is true, etc.²

Wherefore, since this is said to be the most important reason why the Jews remain obstinate in their perfidy, we earnestly urge and warn your Royal Serenity that on the first Saturday of the Lent to come, in the morning, while the Jews are gathered in the synagogues, you, by our authority, shall seize all the books belonging to the Jews of your Kingdom, those (Jews) subject to your authority as well as those subject to the authority of your vassals, the nobles of the said Kingdom; and you shall have these books held in custody of our dear sons, the Dominican and Franciscan Friars.³

Given at the Lateran, on the twelfth before the Kalends of July, in the thirteenth year.

In the same manner were addressed the Kings of France, England, Aragon, Castile and Leon, and Navarre.

¹ Sancho II.

² As above in No. 96.

³ Cf. Nos. 95, 96, 98, 104, 119.

98.

Gregory IX

June 20, 1239

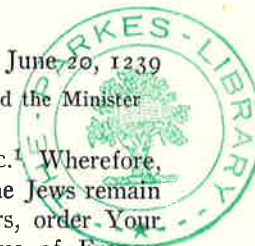
..... to the Bishop, and to the Prior of the Dominicans, and the Minister of the Franciscan Friars, in Paris:

If what is said about the Jews is true etc.¹ Wherefore, since this is said to be the most important reason why the Jews remain obstinate in their perfidy, we, through Apostolic Letters, order Your Discretion to have the Jews who live in the Kingdoms of France, England, Aragon, Navarre, Castile, Leon and Portugal, forced by the secular arm to give up their books. Those books, in which you will find errors of this sort, you shall cause to be burned at the stake. By Apostolic Power, and through use of ecclesiastical censure, you will silence all opponents. You will also report to us faithfully what you have done in the matter. But, should all of you be unable to be present at the fulfillment of these instructions, someone of you, none the less, shall carry out its execution.²

Given at the Lateran, on the twelfth before the Kalends of July, in the thirteenth year.

¹ As in letter No. 96.

² Cf. Nos. 95, 96, 97, 104, 119.



99.

Gregorius IX

August 29, 1239¹. episcopo Corduensi²

Significantibus dilectis filiis clericis Cordubensis et Beatiensis civitatum et diocesum, nos noveris accepisse quod cum frequenter oporteat Christianos earundem civitatum et diocesum domos et proprias possessiones exire et permanere in persequendo et expugnando Sarracenos diutius extra eas, interim Judei civitatum et diocesum predictarum per civitates et oppida discurrentes, nullum signum notorium deferunt, et, ut magis decipiant, se asserentes existere Christianos, Christianorum filios et alia que possunt furtive subripiunt et vendunt etiam Sarracenis, et alia multa enormia ibidem committere non verentur in injuriam nominis Christiani et multorum scandalum et ruinam. Cum igitur ut hujusmodi malitiis posset facilius et efficacius obviari, in Generali Concilio provida fuerit deliberatione statutum quod Judei utriusque sexus in omni Christianorum provincia, et tempore omni, a Christianis qualitate habitus distinguantur, Fraternitati tue per Apostolica scripta mandamus quatenus Judeos Cordubensis et Beatiensis civitatum et diocesum quod ad deferenda juxta statutum prefatum signa per que a Christianis distingui valeant, per subtractionem communionis fidelium, ad quod illos per auxilium brachii secularis, si necesse fuerit, compelli volumus, sublato appellationis impedimento compellas.

Datum Anagnie, IV Kal. Sept., anno tertio decimo.

(FIDEL FITA IN *BOLETIN DE LA REAL ACADEMIA*, V, p. 364; *REJ X* (1884), 245). 56291.

100.

Gregorius IX

December 10, 1239¹. Regi Ungarie²

Quia inter ceteros orbis principes personam tuam specialis prerogativa dilectionis amplectimus, libenter illa effcimus, in quibus regalis honoris commodum credimus procurari. Hinc est, quod cum nobis duxeris supplicandum, ut sicut olim clare memorie. . . . Regi Portugalie quod redditus suos Judeis vel paganis possit vendere, indulsumus, ut in decretali nostra plenius continetur,³ sic serenitati tue idem concedere curaremus; tuis precibus inclinati, Regie celsitudini juxta formam decretalis eisdem concedimus postulata; verum tamen honori Regio credimus potius expedire, ut si poteris, vendas dictos redditus Christianis. Tenor autem decretalis ipsius talis est.⁴ Ex speciali, quem erga illustrem regem Portugalie gerimus, caritatis affectu et inclinatione mandamus, quatenus illum sollicito inducatis, ne in officiis publicis Judeos Christianis preficiat, sicut in generali concilio continetur. Et si forte red-

99.

Gregory IX

August 29, 1239¹. to the Bishop of Cordova²

Know that at the instance of our dear sons the clerics of the districts and dioceses of Cordova and Baeza, we have learned that whenever, as often happens, the Christians of these districts and dioceses have to leave their homes and property and remain away for a long time occupied in fighting and pursuing the Saracens, the Jews as often run about the districts and cities of these provinces and dioceses, bearing no visible sign, and, in order to deceive the Christians even more, claiming that they are themselves Christians. They thus kidnap Christian boys, and steal whatever else they can, and sell them to the Saracens. Nor are they afraid to commit other enormities likewise in injury of the Christian name and the scandalization and ruin of many. Wherefore, since, in order that evils of this sort might be the more easily and completely avoided, the General Council decided after careful deliberation, that Jews of either sex shall in all Christian lands and at all times be distinguished from Christians by the nature of their clothes, we, by Apostolic Letters, inform Your Fraternity that we desire you to compel the Jews of Cordova and of the province and diocese of Baeza to wear the said sign, in accordance with the decree, by which they may be distinguished from Christians. You shall do so by removing them from communication with the faithful, who shall be forced to obedience by the secular arm if need be. You may grant no appeal.

Given at Anagnie, on the fourth before the Kalends of September, in the thirteenth year.

¹ Fidel Fita in *Boletin*, V, p. 363, gives the date as September 10 (IV idus Septembris).

² Lupus de Fitero, 1237; 1245 (Eubel). The object of the Bull seems to have been, according to Fidel Fita (l. c.), to remedy the situation in the provinces but recently won from the Arabs.

100.

Gregory IX

December 10, 1239¹. to the King of Hungary²

Because we embrace your person with the privilege of special affection among the other princes of the world, we are willing to do those things by which we believe that your royal honor will be enhanced. That is why when you petitioned us that, just as at one time we granted the King of Portugal, of distinguished memory, the right to sell his revenues to Jews and pagans, as is fully set forth in our

ditus suos Judeis vendiderit vel Paganis, Christianum tunc deputet de gravaminibus inferendis clericis et ecclesiis non suspectum, per quem Judei sive Sarraceni sine Christianorum injuria jura regalia consequantur.

Datum Laterani, IV Id. Dec., anno terdecimo.

(POTTHAST, NO. 10829; FRISS, NO. 20; AUVRAY, NO. 5001; DUBNOW, V, 186; CARO, I, 303, 498).

101.

Gregorius IX

April 24, 1240

. Percentori, Raimundo Peroneti et Willelmo de Claromonte, canonicis Lodovensibus,

*Transmissa nobis.*¹ Insuper, ipsius domum episcopi,² eo ibi existente, subito cum multitudine invadentes, et fractis januis, eduxerunt, in ejus ignominiam, quosdam exinde violenter; plures etiam Judeos et Christianos de prefati dominio episcopi tenuerunt pro sua voluntate captivos; jurisdictioni spirituali ac temporali quam in eadem villa obtinet, plurimum derogando,

Datum Laterani, VIII Kal. Mai., anno quaterdecimo.

(AUVRAY, NO. 5155).

decretals,³ so, yielding to your petition, we should concede the same privilege also to Your Serene Highness. In accordance with the form of the decretal, we do grant this request to your Royal Highness, although we believe that it will redound more to the royal honor, if possible, to sell the said revenues to Christians.

The wording of the decree itself, however, is as follows:⁴ "Because of the special affection and regard that we have for the illustrious King of Portugal, we command that you should, in your solicitude, induce him not to give preferment in office to Jews and pagans, as was decreed in the General Council; and if by chance he should sell his revenues to Jews or pagans, he shall appoint a Christian, under no suspicion of bringing hardships upon the clergy and the Churches, and through him the Jews or Saracens may gather the royal dues and taxes without injury to Christians."

Given at the Lateran, on the third before the Ides of December, in the thirteenth year.

¹ The date is sometimes given as December 11th, cf. Potthast; or the 12th, cf. Friss.

² Bela, see above Note 3 of No. 73.

³ *Decret. Gregorii IX*, Lib. V, tit. 6, c. XVIII.

⁴ No. 64.

101.

Gregory IX

April 24, 1240

. to the Cantor and to Raimond Perones, and William of Clairmont, Canons of Lodève.

*Transmissa nobis.*¹ Moreover, while he himself was within, they, with a great multitude, all of a sudden invaded the home of the said bishop,² and after breaking the gates, they drove out certain people, much to the bishop's shame. They also held captive at their own will, several Jews and Christians of the said bishop's territory, very seriously damaging the temporal and spiritual authority which he exercises in that town.

Given at the Lateran, on the eighth before the Kalends of May, in the fourteenth year.

¹ Gregory threatens the City of Montpellier with the interdict for maltreating the Bishop of Maguelonne.

² John de Montlaur, 1234-1247.

102.

Gregorius IX

April 10, 1241

..... Abbatisse et Conventui Jotrensis, Ordinis Sancti Benedicti, Meldensis Diocesis

Religionis in qua sub regulari habitu Domino deservitis favor ex-
pescit, et devotionis vestre merita nos inducunt, ut petitionibus vestris
quantum cum Domino possumus annuamus. Cum igitur Monasterium
vestrum quod ad Romanam ecclesiam nullo pertinet mediante, ex
provisione quorundam clericorum et unius quondam Judee ad fidem
converse de mandato nostro, ut proponitis, plurimum sit gravatum,
nos vestris devotionis precibus inclinati, auctoritatem vobis presentium
indulgemus ut si est ita nulli de cetero teneamini per nostras litteras
providere, nisi de indulgentia hujusmodi in eisdem litteris plena mentio
habeantur. Nulli igitur. . . . Si quis autem. . . .

Datum Laterani, IV Id. Apr., anno quintodecimo.

(REGISTER, XX, FOL. 65 ro., NO. 12; AUVRAY, NO. 5963).

102A.

Innocentius IV

January 29, 1244

..... Abbati Sancti Dionisii Parisiensis

Ad audientiam nostram dilectorum filiorum abbatis et conventus
Cluniacensis querela gravis et stupenda pervenit, quod quidam archiepiscopi,
episcopi, archidiaconi et alii ecclesiarum prelati ac eorum of-
ficiales in ipsos et monachos eius ordinis ac ecclesias¹ excom-
municationis et interdicti sententias ferre contra indulta Sedis
Apostolice, auctoritate propria presumunt, bona ipsorum
capiunt. . . . Compellunt etiam ipsos ad provisionem conversorum
de judaismo et aliorum clericorum vel laicorum per litteras apostolicas,
licet de ordine Cluniacensi nulla fiat mentio in eisdem.²

Datum Laterani, IV Kal. Febr., anno primo.

(BERGER, NO. 411).

102.

Gregory IX

April 10, 1241

..... to the Abbess and the Convent of Juarre, of the Order of St.
Benedict, in the Diocese of Maux

Our love for the Order, in which under regular habit you serve
the Lord, demands it, and the merit of Your Devotion persuades us,
to grant your petition in so far as God gives us the power to do so.
Wherefore, since you assert that your Monastery, which holds directly
of the Roman Church, is seriously burdened by the fact that by our
order it must provide for certain clerics and for one woman formerly
a Jewess but now converted to the Faith, we, therefore, attending to
the prayers of Your Devotion, by these letters grant you the right,
if this is so, hereafter not to be bound by our letters to make pro-
visions for anyone, unless they (those provided) have in their letters
a clear mention of an indulgence such as this. Let none, therefore,
etc.

Given at the Lateran, on the fourth before the Ides of April,
in the fifteenth year.

102A.

Innocent IV

January 29, 1244

..... to the Abbot of St. Denis of Paris

A serious and astonishing complaint has come to us from the Abbot
and the Convent of Cluny, that certain archbishops, bishops, arch-
deacons, and other prelates of the Church and their officials, dare, con-
trary to the grant of the Apostolic See, to place the sentence of excom-
munication and interdict upon them, their monks, and churches
and¹ They seize their property They even compel
them by means of Apostolic Letters, to provide for certain converts
from Judaism, and for other clerics and laymen, although in these let-
ters no mention is made of the Order of Cluny.²

Given at the Lateran, on the fourth before the Kalends of
February, in the first year.

¹ He goes on to enumerate the persons and activities of the Convent with which
there is interference. Cf. No. 103.

² The Pope proceeds to order an investigation.

103.

Innocentius IV

March 7, 1244

. abbati et conventui monasterii Aureevallis, Cisterciensis ordinis
diocesis trevirensis,

Cum a nobis. Ex parte siquidem vestra fuit propositum coram nobis quod nonnulli ecclesiarum prelati, vestris libertatibus invidentes, cum eis non liceat ex apostolice Sedis indulto in vos excommunicationis vel interdicti sententias promulgare, in familiares, servientes et benefactores, ac illos qui molunt in molendinis, vel coquunt in furnis vestris, quique vendendo seu emendo vel alias vobis communicant,¹ sententias proferunt memoratas, sicque, non vim et potestatem privilegiorum vestrorum, sed sola verba servantes, vos quodammodo excommunicant, dum vobis alios communicare non sinunt, et ex hoc judicari videmini iudicio Judeorum,

Datum Laterani, Non. Mar., anno primo.

(GOFFINET, *CARTULAIRE DE L'ABBAYE D'ORVAL*, 278, NO. 253; CF. POTT-
HAST, NO. 11282; ARONIUS, NO. 545).

104.

Innocentius IV

May 9, 1244

. regi Francie

Impia Judeorum perfidia, de quorum cordibus propter immensitatem eorum scelerum Redemptor noster velamen non abstulit, sed in cecitate, que contingit ex parte, in Israel adhuc manere permittit, prout convenit, non attendens, quod ex sola misericordia pietas ipsos Christiana receptet et cohabitationem illorum sustineat patienter, illa committit enormia, que stupori audientibus et referentibus sunt horrore. Ipsi enim ingrati Domino Jhesu Christo, qui conversionem eorum ex sue longanimitatis affluentia patienter expectat, nullam pretendentes verecundiam culpe sue, nec reverentes honorem fidei Christiane, omissis, seu contemptis lege Mosaica et prophetis, quasdam traditiones seniorum suorum sequuntur. Super quibus eos in Evangelio Dominus objurgat dicens: "Quare vos transgredimini mandatum Dei, et irritum fecistis propter traditiones vestras, hominum doctrinas et mandatum docentes."¹

In hujusmodi namque traditionibus que Talmud Hebraice nuncupantur, et magnus liber est apud eos, excedens textum Bible in immensum, in quo sunt blasphemie in Deum et Christum eius, ac Beatam Virginem manifeste intricabiles fabule, abusiones erronee, ac stultitie inaudite, filios suos docent ac nutriunt, et a legis, et prophetarum doctrina reddunt ipsos penitus alienos. Verentes ne veritate, que in eisdem lege ac prophetis est, intellecta, aperte de unigenito Dei Filio venturo in carnem testimonium perhibente, convertantur ad fidem, et ad Redemptorem suum humiliter revertantur.

103.

Innocent IV

March 7, 1244

. to the Abbot and the Monastery of Orval, of the Cistercian Order,
in the Diocese of Treves

Cum a nobis. On behalf of some of you we have been told that several prelates of the Church, jealous of your liberties, and, although they may not, because of a grant of the Apostolic See, promulgate the sentence of excommunication or interdict against you, do, nevertheless, utter such sentences against your friends, servants, and benefactors, as well as those who grind in your mills, or cook in your ovens, or who have any relations with you through buying or selling.¹ Thus in a measure, they excommunicate you through not permitting others to have dealings with you, and in this fashion you seem to be judged with the judgment of Jews.

Given at the Lateran, on the Nones of March, in the first year.

¹ Cf. No. 102a.

104.

Innocent IV

May 9, 1244

. to the King of France

The wicked perfidy of the Jews, from whose hearts our Redeemer has not removed the veil of blindness because of the enormity of their crime, but has so far permitted to remain in blindness such as in a measure covers Israel, does not heed, as it should, the fact that Christian piety received them and patiently allows them to live among them through pity only. Instead, it (the perfidy) commits such enormities as are stupifying to those who hear of them, and horrible to those who tell them. For, ungrateful to the Lord Jesus Christ, who, in the abundance of His kindness, patiently expects their conversion, they, displaying no shame for their guilt nor reverence for the honor of the Christian Faith, throw away and despise the Law of Moses and the prophets, and follow some tradition of their elders. On account of these same traditions the Lord reproves them in the Gospel saying: "Wherefore do you transgress the law of God, and render it void because of your traditions, teaching doctrines and commands of men?"¹

In traditions of this sort they rear and nurture their children, which traditions, are called "Talmud" in Hebrew. It is a big book among them, exceeding in size the text of the Bible. In it are found blasphemies against God and His Christ, and obviously entangled fables about the Blessed Virgin, and abusive errors, and unheard of follies.

¹ Paraphrasing *Matthew*, XV, 3.

Et his non contenti, faciunt Christianas filiorum suorum nutrices in contumeliam fidei Christiane, cum quibus turpia multa committunt. Propter que fidelibus est verendum, ne divinam indignationem incurrant, dum eos perpetrare patiuntur indigne, que fidei nostre confusionem inducunt.

Et licet dilectus filius concellarius Parisiensis,² et doctores regentes Parisiis, in sacra pagina, de mandato felicitis recordationis Gregorii Pape predecessoris nostri, tam predictum abusionis librum, quam alios quosdam cum omnibus glossis suis perlectis in potestate, ac examinatos ad confusionem perfidie Judeorum, publice coram clero et populo, incendio concremarint, prout in litteris eorum perspeximus contineri,³ quibus tu tanquam Catholicus Rex, et princeps Christianissimus, impendisti super hoc auxilium congruum, et favorem, pro quo regalem excellentiam dignis in Domino laudibus commendamus, ac prosequimur actionibus gratiarum.⁴

Quia tamen nondum Judeorum ipsorum abusio prophana quievit, nec adhuc dedit eis vexatio intellectum; celsitudinem regiam attentius rogamus, moniendo, et obsecramus in Domino Jhesu Christo, ut qui excessus hujusmodi detestabiles, et enormes, commissos in contumeliam Creatoris, et injuriam nominis Christiani, prout pie incepisti laudabiliter prosequendo, facias debita severitate percelli. [Et] tam predictos abusionis libros, reprobatos per doctores eosdem, quam generaliter omnes cum glossis suis, qui per ipsos examinati et reprobati fuerint, mandes per totum regnum tuum, ubicumque reperiri poterunt igni cremari.

Firmiter inhibendo ne de cetero nutrices, seu servientes habeant Christianos, ne filii libere filiis famulentur ancille, sed tamquam servi reprobati a Domino, in cuius mortem nequiter conspirarunt, saltem per effectum operis, servos se recognoscant illorum, quos Christi mors, et istos liberos, et illos constituit esse servos; ut proinde sinceritatis tue zelum possimus in Domino dignis laudibus commendare.

Datum Laterani, Septimo Id. Maii, anno primo.

(POTTHAST, NO. 11376; BERGER, NO. 682; REJ, I (1880), 116; GRAETZ, VII, 441; DUBNOW, V, 44; CARO, I, 304, 499; SCHERER, 47; MONATSSCHRIFT, XVIII (1869), 105, 200; STRACK, DAS BLUT, 181; ZACCARIA, STORIA POLEMICA DELLE PROIBIZIONI DE LIBRI, ROME, 1777, pp. 81-82; V.u.R., I, 237; RODOCANACHI, 133, 166, 322).

² Odo of Chateauroux, cf. *Intro.*, p. 31, note 56, also No. 119.

³ This passage Graetz (l. c.) quotes to prove that the auto-da-fé had already taken place. Vogelstein u. Rieger, on the other hand, disregard this statement when they assume that the copies of the Talmud confiscated in 1239 and convicted then, were not burned until after this letter, an impossible explanation in view of Odo's failure in his exposition of the case, to mention this letter before the first burning (no. 119 note). Yet, if Graetz is right, it is difficult to fit this letter into the sequence of the story, unless one assumes that there was another burning in 1244. Our theory is that the zealous Odo wrote to Innocent soon after the latter's accession, just as the wording at this point seems to imply, whereupon the Pope sent this letter in which he agreed to another confiscation of books. It is the books thus confiscated that figure in No. 119 (cf. p. 32).

But of the laws and doctrines of the prophets they make their sons altogether ignorant. They fear that if the forbidden truth, which is found in the Law and the Prophets, be understood, and the testimony concerning the only-begotten Son of God that He appeared in the flesh, be furnished, these (children) would be converted to the Faith and humbly return to their Redeemer.

And not content with these things, they make Christian women nurses for their children, in insult to the Christian Faith, and with these women they commit many shameful actions. On account of this, the faithful must beware lest they incur divine indignation, since they shamefully suffer them to do things which bring confusion upon the Faith.

Indeed our beloved son the Chancellor of Paris,² and the doctors, the Regents of Paris, after having at the command of our predecessor, Pope Gregory of happy memory, as expressed in a sacred decree, read the above-named book of abuse, as well as others which, along with their glosses, they had in their possession, and after having examined them, they consigned them to the flames, in the presence of clergy and laity, to the confusion of the perfidy of the Jews, as we have seen in their letters.³ You, also, Catholic King and most Christian Prince, have given fitting help in these matters and extended your favor, and on account of this we commend the Royal Excellency with fitting praise to God, and bestow our gratitude upon you.⁴ Nevertheless, because the blasphemous abuse of these Jews has not yet ceased, nor their troubles as yet given them understanding, we ask your Royal Highness and we beseech you in the name of the Lord Jesus Christ, to strike down with merited severity all the detestable and heinous excesses of this sort which they have committed in insult of the Creator and to the injury of the Christian name, and which you have with laudable piety begun to prosecute. Also the above-mentioned abusive books, condemned by these doctors, as well as all the commentaries which have been examined and condemned by them, should, at your order, be burned in fire wherever they can be found throughout your kingdom.

You should stringently forbid them hereafter to have any Christian nurses, or other Christian servants, lest the children of the free-born serve the children of the maid-servants, but, since they were condemned to slavery by the Lord for whose death they sinfully plotted, they shall recognize themselves, as a result of this act, as slaves of those whom the death of Christ set free while condemning them to slavery; so that henceforth we may with fitting praise be able to commend to God the zeal of your sincerity.

Given at the Lateran, on the seventh before the Ides of May, in the first year.

⁴ Cf. Nos. 95, 96, 97, 98.

105.

Innocentius IV

August 20, 1245

. Archiepiscopo Tarraconensi¹

Ea, que ad Regis eterni gloriam et Christiane Religionis augmentum terreni Reges, seu Principes ordinant, statuunt, vel disponunt tanto ferventius, et libentius a quibuslibet sunt fidelibus cujuscumque dignitates, conditionis, vel ordinis irrefragabiliter observanda, quanto potius Divine creduntur placida Majestati, et ex his Christum colaudantium agmina potiora noscuntur suscipere incrementa. Tua sane jucunda Nobis ferens petitio continebat, quod karissimus in Christo Filius noster Illustris Rex Aragonum,² a Domino benedictus toto mentis affectu illi placere desiderans, in cujus manum sunt omnes potestates, et omnium jura Regnorum, et ab illo dignitatem Regiam recognoscens: illique totum, quod est attribuens, et quod habet, qui fecit omnia solo verbo, illiusque menti sue timorem pariter, et amorem, a pueritie sue flore vehementer infigens, ad augmentandum Domino Populum, per quem per amplius, et perfectius nomen glorificari valeat Crucifixi, deliberatione sancta induxit, et provida, statuendum ut in omni terra sue dominio jurisdictionis subjecta Saracenus quilibet, et Judeus, de ignorantie tenebris ad viam veritatis, que Christus est, per sancte regenerationis lavacrum se convertens omnia sua bona mobilia, et immobilia, que ante suam ad Christum conversionem habebat, integre ac libere sine impedimento ac contradictione cujusquam retinere possit auctoritate regia, et perpetuo possidere; statuto, prohibitione, vel pacto Predecessorum Regis eiusdem, seu cujuslibet alterius, aut obtenta super hoc consuetudine non obstante; prout in ejusdem Regis litteris confectis exinde prospeximus plenius contineri. Nos igitur Statutum hujusmodi tam sanctum, atque laudabile ratum et gratum habentes illud auctoritate Apostolica confirmamus, et presentis Scripti patrocinio communimus. Tenorem autem litterarum ipsarum fecimus presentibus insequi, qui talis est.

“Noverint universi, quod Nos Jacobus, Dei gratia Rex Aragonum, Majoricarum, et Valentie, Comes Barchinonis, et Urgelli, et Dominus Montis Pessulani, per Nos et omnes Successores nostros, tam in Aragonia, et Catalonia, Majoricis, Minoricis, Monte-Pessulano, quam in Regno Valentie, ac universo dominio, ac jurisdictione nostra, quam alicubi nunc habemus, vel in posterum Nos, et Successores nostri, auxiliante Domino, habituri sumus, pro amore Domini Nostri Jhesu Christi, et gloriose Virginis Matris Sue, et remedio anime nostre in perpetuum statuimus, quod quicumque Judeus, vel Saracenus Spiritus Sancti gratia Fidem voluerit orthodoxam recipere, ac Baptismi lavacrum salu-

105.

Innocent IV

August 20, 1245

. to the Archbishop of Tarragona¹

All Statutes, which Kings of the earth or its princes ordain, decree, and establish to the glory of the Eternal King and for the increase of the Christian Faith, should be rigorously observed by all the Faithful of whatever social standing or condition or order, and with the greater fervor and joy, as these statutes are believed to be the more pleasing to the Divine Majesty, and are known to inspire greater strength into multitudes of those who worship Christ with praise. Your petition, that brought us joy, stated that our dearest son in Christ, the illustrious King of Aragon,² may God bless him, desiring with all his soul to please Him in Whose hands is all power and the rights of kingdoms, and recognizing that royal dignity comes from Him (alone), and attributing all that there is and all that he has to Him Who created everything with one word, and cherishing in his mind since the flower of his youth, alike His fear and His love, caused it to be enacted after careful and holy deliberation, that, in order to increase the people of the Lord through whom the name of the Crucified might be glorified, the more widely and abundantly, (therefore) any Saracene or Jew in all the land subject to his rule and jurisdiction, who through the font of holy regeneration becomes converted from the shadows of ignorance to the way of truth, which is Christ, can, by the authority of the King, retain and hold in perpetuity, unimpaired, and free from burden or hindrance on the part of any one, all his goods, real and chattel, which were his before his conversion to Christ. No statute, prohibition, or agreement of the predecessors of this King, or of any other, nor any custom that obtained before with regard to this, shall stand in the way. Thus we have seen it fully set forth in the letters of the said King. We, therefore, considering this statute as holy and possessed of highly praiseworthy sense and favor, confirm it by Apostolic Authority, and by these presents take it under our protection. We, moreover, cause the tenor of those letters to be repeated here as follows:

“Know all, that we, James, by the grace of God, King of Aragon, Majorca, and Valencia, Count of Barcelona and Orgel, and Lord of Montpellier, for the love that we bear our Lord Jesus Christ and the glorious Virgin, His Mother, and for the salvation of our soul, decree for ourselves and for all our successors forever, that throughout Aragon and Catalonia, Majorca, Minorca, in

¹ Peter de Albalte, 1238-1252.

² James I, called the Conqueror.

taris libere, et absque contradictione ullius possit hoc facere; non obstante Predecessorum nostrorum vel alicuius Statuto, prohibitione, vel pacto, vel etiam super hoc obtenta consuetudine, ita quod propter hoc nihil de bonis suis mobilibus ac immobilibus, que prius habebat, amittat, immo universa secure, ac libere habeat, teneat, et possideat auctoritate nostra, salva legitima filiorum, et jure proximorum conversi; ita videlicet, quod de bonis conversi dicti filii, seu proximi nihil ipso vivente, sed post mortem ejus illud solum, et nihil amplius petere valeant, quod si decessisset in Judaismo, vel Paganismo, petere rationabiliter potuissent. Ut sicut tales Divinam ex hoc gratiam promerentur, sic et nostram, qui Dei voluntatem, et beneplacitum imitari debemus, obtinere noscantur.³ Statuimus insuper in perpetuum, et firmiter sub poena pecuniaria arbitrio iudicis infligenda prohibemus, ne alicui de Judaismo, vel Paganismo, ad Fidem nostram Catholicam converso presumat aliquis cuicumque improperare conditionem suam, dicendo, vel vocando eum "Renegat," vel "Jornadiz," vel consimile verbum. Volumus etiam, et statuimus, quod quandocumque Archiepiscopus, Episcopi, vel Fratres Predicatores, et Minores accesserint ad villas, vel loca ubi Saraceni, vel Judei moram fecerint, et verbum Dei dictis Judeis, vel Saracenis proponere voluerint, ipsi ad vocationem ipsorum convenient, et patienter audiant predicationem eorum, et Officiales nostri, si gratis venire noluerint, eos ad hoc omni excusatione postposita compellant. Mandamus itaque Vicariis, Bajulis, Curiis, et nostris subditis, et officialibus universis presentibus, et futuris, quatenus omnia supradicta ubique teneri, et observari inviolabiliter faciant, si de nostris confidunt gratiis, et amore. Datum Illerde, Anno a Nativitate Domini MCCXLII, IV Id. Mar."

Nulli ergo omnino hominum liceat hanc paginam nostre confirmationis infringere, vel ei ausu etc.

Datum Lugduni, XIII Kal. Sept., anno tertio.

(POTTHAST, NO. 11822; SBARALEA, I, 376, NO. 90). *St. 202*

Montpellier, as well as in the Kingdom of Valencia, and in all the dominions and in all the lands under our jurisdiction wherever we now possess them or that we and our successors may with the help of God possess in the future, as follows:—

"Any Jew or Saracen, who, by the grace of the Holy Ghost, may want to accept the Orthodox Faith, and the font of baptismal salvation, shall be able to do so freely and without hindrance on the part of anyone, all statutes, prohibitions, or agreements of our predecessors or of anyone else, or any established custom regarding these matters to the contrary notwithstanding.

"He shall not, on this account, lose aught of the real or chattel property which was his before, but, on the contrary, shall have it and hold it wholly, securely, and freely, and shall, by our authority, possess himself of his patrimony and of property due to the convert by right of kinship. Moreover, the children and relatives of the said convert shall be able to claim nothing of his property while he is alive, and after his death only that which they would have been able to claim reasonably if he had died a Jew or a pagan. For even as these (converts) merit the grace of God, so shall they be known to have ours, whose duty it is to imitate His Good-Will and Favor.³

"Likewise, we decree in perpetuity, and we firmly prohibit under pain of a fine to be imposed at the discretion of a judge, that no one shall dare taunt with his condition, any convert from Judaism or Paganism to our Catholic Faith, by saying or calling to him "renegade," or "Jornadiz," or any similar name.

"Likewise, we desire and we hereby decree, that whenever the Archbishop, bishops, or Dominican or Franciscan Friars, visit a town or a place where Saracens or Jews dwell, and whenever they want to preach the word of God to the said Jews or Saracens, these shall gather at their call, and shall patiently listen to their preaching. And our officers, if they want to attain our favor, shall, heedless of excuse, compel them to do this.

"Wherefore, we order the Vicars, Bailiffs, City-Elders, as well as our subjects and all officials, now and in the future, to follow all the above instructions everywhere, and to observe them strictly if they rely upon our favor and our love."

Given at Lerida, in the 1242nd Year of the Nativity, on the ninth of March.

Let none, therefore, break this our edict of confirmation etc. . . .

Given at Lyons, on the thirteenth before the Kalends of September, in the third year.

³ Cf. Nos. 85 and I.

106. **Innocentius IV**
September 17, 1245

..... Prelatis ecclesie Sicilie¹

Nimis iniqua

Datum Lugduni, XV, Kal. Oct., anno tertio.

(POTTHAST, NO. 11878; RIPOLL, I, 153, NOS. 100-111; ARONIUS, NO. 552).

¹The same letter was addressed to every part of Europe, and of the Latin principalities in the East. Cf. No. 108.

107. **Innocentius IV**
October 23, 1245

..... Archiepiscopo Bisuntino¹

Cum in sacro generali concilio provida fuerit deliberatione statutum ut Judei a Christianis habitu distinguantur, ne illorum isti et istorum illi mulieribus valeant obmisceri, fraternitati tue per Apostolica scripta mandamus quatinus Judeos tue civitatis et diocesis ut juxta prefati statuta concilii habitum deferre (teneantur) monitione premissa per subtractionem communionis fidelium appellatione remota compellas.

Datum Lugduni, X Kal. Nov., anno tertio.

(U. ROBERT, 9; REJ, VII (1883), 2-3, XLIX (1904), 2).

¹William de la Tour, 1245-1268 (*Gall. Christ.*, XV, 70-74).

108. **Innocentius IV**
May 9, 1246

(No. 106 repeated)

(POTTHAST, NO. 12104; ARONIUS, NO. 553a).

109. **Innocentius IV**
August 11, 1246

..... Episcopo Massiliensi¹

Que gratia inspirante divina sacris Dei ecclesiis et personis ecclesiasticis principum munificentia elargitur, dignum muniri credimus Apostolici roboris firmitate². . . . Fredericus, divina favente clementia Romanorum imperator augustus:— Cunctis nostri imperii fidelibus volumus esse cognitum quod nos tibi, Petre, venerande Massiliensis episcopo, cuncta jura cunctasque possessiones ad te vel ad tuam ecclesiam pertinentes tibi confirmamus videlicet civitatem episcopalem de Massilia, Roccam Barbaram cum

106. **Innocent IV**
September 17, 1245

..... to the Prelates of Sicily¹

Nimis iniqua (as no. 63)

Given at Lyons, on the fifteenth before the Kalends of October, in the third year.

107. **Innocent IV**
October 23, 1245

..... to the Archbishop of Besançon:¹

Since, after careful deliberation, it has been decreed in the General Council that the Jews shall by their clothes be distinguishable from the Christians, lest Christians and Jews be able to have sinful intercourse with women of the other faith, we, therefore, through Apostolic Letters, order Your Fraternity to compel the Jews of your province and diocese to wear clothes in accordance with the decree of the said Council. After duly warning them, you shall compel them to this by shutting them off from communication with the faithful, appeal denied.

Given at Lyons, on the tenth before the Kalends of November, in the third year.

108. **Innocent IV**
May 9, 1246

(No. 106 repeated)

109. **Innocent IV**
August 11, 1246

..... to the Bishop of Marseilles¹

Whatever is granted to the sacred churches of God and to religious persons by the munificence of princes under inspiration of divine grace, we believe worthy of being fortified by the firm backing of Apostolic strength.² "Frederick, by divine grace and favor August Emperor of Rome: We desire it to be known to all faithful subjects of our Empire that we confirm to you, Peter, Venerable Bishop of Marseilles, all the rights and possessions appertaining to you and to your

¹Benedict d'Alignano, 1229-1267. He had a good many Jews in his employ (*Gallia Chr. Novissima*, II, 167).

²The Pope confirms to the Bishop a privilege granted by Frederick II to Bishop Peter III in May, 1222, which in turn was a confirmation of what Frederick I had, on April 17th, 1164, granted to Bishop Peter II.

omnibus territoriis suis de Monte Judaico.³ super
Judeos Arelatenses dominium et consuetum censum, Judeos omnes de
Massilia tam de episcopali villa quam de vice-comitali.⁴

Datum Lugduni, III Id. Aug., anno quarto.

(RODENBERG, II, 175, NO. 236).

³ Mont-Juif; it contained a Jewish cemetery. Cf. Gross, *Gallia Judaica*, p. 367.

⁴ For the Jews of Marseilles, cf. Loeb in *REJ*, XVI (1888), 73.

IIO. Innocentius IV

October 7, 1246

. Regi Navarre¹

Religioni convenit Christiane Judeis eo libentius contra persecutores
ipsorum debitum prestare subsidium quo specialius sunt in testi-
monium Orthodoxe Fidei reservati. Ad audientiam siquidem nostram
Regni Navarre Judeis tuam commendantibus celsitudinem que se ipsis
ut asserunt benivolam exhibet et benignam noveris pervenisse quod tu
eos humaniter tractans clementer conservas eosdem et facis per alios
conservari. Quod ad tuam cedit gloriam et honorem cum testante pro-
pheta reliquie credantur salve fieri eorundem. Quocirca Serenitatem
Regiam rogamus et monemus attente quatinus ob reverentiam Aposto-
lice Sedis et nostram ipsos eorumque liberos cum bonis suis huc usque
tue gratie favore defensos sic per te ac tuos favorabiliter tuereris quod
ab tribulationibus et pressuris tuo mediante suffragio se gaudeant
respirasse et tua Celsitudo proinde valeat merito commendari; prohibeas
etiam quantum in te fuerit ne in baptizandis eorum filiis ipsis violentia
inferatur, cum sacrificium voluntarium esse debeat, non coactum.

Datum Lugduni, Non. Oct., anno quarto.

(POTTHAST, NO. 12291; FOND LAT. (B. N.), 5993 A, FOL. 50 ro.; JUBAIN-
VILLE, NO. 2762; CARO, I, 449).

¹ Theobald I, 1234-1253. The king was favorably disposed to the Jews and tried
to protect them, since they were his property. But a rebellion, which broke out
at the beginning of his reign, forced him to agree to many restrictions upon them.
Cf. Kaysersling, *Juden in Navarra*, pp. 25-27, also Nos. 115 and 117. *St 203*

III. Innocentius IV

October 22, 1246

. Fidelibus Christianis

*Sicut Judeis non.*¹ mansuetudine predecessorum et
Gregorii² in subversionem fidei Christiane.³

Datum Lagduni, per manum magistri Marini sancte Romane
Ecclesia vice-cancellarii, XI Kal. Nov., Indictione V, incarna-

Church namely,—the episcopal city of Marseilles, Rocca Bar-
bara, and all its territories Mons Judaicus³. and
the rule over the Jews of Arles and the usual taxes, and all the Jews
of Marseilles, whether of the episcopal or viscomital townships.⁴”

Given at Lyons, on the third before the Ides of August, in the
fourth year.

IIO. Innocent IV

October 7, 1246

. to the King of Navarre:¹

It is fitting that the Christian Faith afford the Jews the protection
due them against their persecutors, and that it do so the more willingly
as they have been preserved specifically to testify to the orthodox
Faith. Know therefore what we have heard from certain Jews of the
Kingdom of Navarre who have praised Your Royal Highness. They
said that you show yourself kind and benign, that you treat them
humanely, and mercifully take care of them and cause them to be
taken care of by others. All this redounds to your glory and your
honor, for according to the Prophet, it is believed that a remnant of
them will be saved.

Wherefore, in the name of the reverence due the Apostolic Throne
and to ourselves, we ask and urgently warn Your Royal Serenity to
guard them, their children and their property as you have by your
favor guarded them until now, so that through the intervention of your
help they may rejoice to draw a breath of freedom from tribulation and
oppression, and that through this Your Highness may obtain deserved
praise. You shall do all in your power to prevent any violence from
being committed against them in the matter of baptizing their children,
for this should be a voluntary offering, not a forced one.

Given at Lyons, on the Nones of October, in the fourth year.

III. Innocent IV

October 22, 1246

. to all faithful Christians

*Just as.*¹ in accordance with the custom of our predecessors
. and Gregory² who plot against the Christian Faith.³

Given at Lyons, by the hand of Master Marinus, Vice-
Chancellor of the Holy Roman Church, on the eleventh before
the Kalends of November, in the fifth Indiction, in the 1246th

¹ As in No. 81.

² The only addition to the list of predecessors.

³ Aronius mistakenly assumes that at this time Innocent made the addition
contained in the re-issue of the same Bull the year following. Cf. No. 118.

tionis Domini anno MCCXLVI, pontificatus vero domini Innocentii pape IV, anno quarto.

(POTTHAST, NO. 12315; ARONIUS, NOS. 556, 603; WIENER, *REGESTEN*, 9, NO. 54; CARO, I, 499; SCHERER, 35; STOBBE, 45; WEYDEN, 135, 352, NO. 5; NÜBLING, 168, 250, 282; SAITCHIK, *BEITRÄGE*, 14; V.u.R., I, 238F). *Sl. 204*

112. Innocentius IV

April 3, 1247

..... Lupo Episcopo Marrochitano

Cum laicorum obsequiis concedimus ut laicis qui de tua familia existentes tecum ad partes accesserint Africanas et tecum ibidem commorati fuerint . . . veniam valeas elargiri que proficiscentibus in Terre Sancte subsidium in Generali Concilio est concessa.

Datum Lugduni, III Non. Aprilis, anno quarto.

(POTTHAST, 12470; SBARALEA, I, 451, NO. 188; *BOLETIN*, XXXVI, 19).

113. Innocentius IV

May 28, 1247

..... Archiepiscopo Viennensi¹

Divina justitia nequaquam populum Judaicum sic abjecit, quin reservaverit ejus reliquias in salutem. Propterea Christianorum est aut illaudabilis zelus aut detestanda crudelitas qui, rerum cupidi vel avidi sanguinis eorundem, ipsos contra Catholice religionis mansuetudinem, que illos in suam cohabitationem admittens in propriis decrevit ritibus tolerandos, sine judicio spoliavit, lacerant et occidunt. Sane Judei degentes in tua provincia flebilem nuper ad Sedem Apostolicam querimoniam detulerunt quod quidam prelati et nobiles ejusdem provincie, ut in ipsos haberent materiam seviendi, eis cujusdam puelle que apud Valria furtim perempta dicitur interitum imponentes, quosdam ipsorum non convictos legitime nec confessos flammis ignium inhumaniter cremaverunt, quosdam vero a suis ejecerunt finibus rebus omnibus spoliatos, eorum quoque filios invitos cogunt contra morem libere matris generantis in libertatem liberos baptizari. Nolentes igitur hec, sicut nec cum Deo possumus, sustinere, mandamus quatenus que super premissis inveneris contra eosdem Judeos per prelatos et nobiles et rectores temere attentata in statum debitum legitime revocato, non permittas ipsos de cetero super his vel similibus ab aliquibus indebite

¹ See notes to No. 114.

year of the Lord's Incarnation, and of the Pontificate of the Lord Pope Innocent IV, the fourth year.

112.

Innocent IV

April 3, 1247

..... to Lupus, Bishop of Morocco

Cum laicorum obsequiis we grant that to laymen who are of your immediate circle, and who are to accompany you to Africa and will remain there with you, you may extend such privileges as have been granted by the General Council to those departing for the Holy Land.

Given at Lyons, on the third before the Nones of April, in the fourth year.

113.

Innocent IV

May 28, 1247

..... to the Archbishop of Vienne¹

Divine justice has never cast the Jewish people aside so completely that it reserves no remnant of them for salvation. Therefore, it is either unpraiseworthy zeal or detestable cruelty on the part of Christians, who, covetous of their possessions or thirsting for their blood, despoil, torture, and kill them without legal judgment, contrary to the clemency of the Catholic religion which allows them to dwell in the midst of its people and has decreed tolerance for their rites. For, the Jews who live in your district have recently brought to the Apostolic Throne a tearful complaint that certain prelates and nobles of that province, in order to have cause for raging among them, blamed upon them the death of a certain girl who is said to have been secretly killed in Valria. Certain ones among them (Jews), though they were not legally convicted, nor had they confessed, were inhumanly burned at the stake. Certain others, despoiled of all their possessions, were even driven out from their territory. Furthermore, their children were forced to be baptized against their wishes, contrary to custom with regard to children born into freedom of a free mother. Therefore, since we do not wish to tolerate such things as we cannot tolerate in God's name, we command that you shall lawfully restore to the proper status whatever you find, with reference to the above matters, to have been attempted overboldly by the prelates and nobles and rectors against the Jews, and that you shall not permit them in the future to be molested by any-

molestari, molestatores hujusmodi, etc. non obstante constitutione de duabus dietis edita in concilio generali.

Datum Lugduni, V. Kal. Jun., anno quarto.

(BERGER, NO. 2838; STERN, 6; STRACK, 137, 179; CARO, I, 499; SCHERER, 36-7; REJ, IX (1884), 236; V.u.R., I, 238). 56-207.

114.

Innocentius IV

May 28, 1247

..... Archiepiscopo Viennensi¹

Si diligenter attenderet religio Christiana et recte discuteret examine rationis quam inhumanum sit et dissonum pietati ut reliquias Judeorum, quibus Salvatoris benignitas sue salutifere passionis mortisque victricis relictis testibus salutis gratiam repromisit, variis affligat molestiis vel diversis gravaminum conterat nocumentis, non solum ab ipsorum injuria manus retraheret, verum etiam eis, quos habet quasi tributarios, saltem pietatis obtentu et ob Christi reverentiam, humanitatis solatia exhiberet. Sane lecta coram nobis universitatis Judeorum provincie Viennensis petitio continebat quod nobilis vir Draconetus³ dominus Montis Albani, Vasionensis diocesis, imposito nuper Judeis habitantibus in loco suo qui Valrias vulgariter appellatur ipsos quandam puellam, que mortua in quodam fossato reperta extitit,² crucis patibulo affixisse,

¹ John I, de Bernin, Archbishop, 1218-1267. For his attitude toward the Jews see No. 131. Gregory IX had appointed him Legate over several French provinces (Eubel, I, 527, note). For his biography see *Gallia Christ.*, XVI, 91-96, also U. Chevalier, *Jean de Bernin*, Paris, 1910.

² The story is discussed, and documents connected with it given in, Ulysse Chevalier, *Regeste Dauphinois*, 1913, nos. 8316, 8318, 8320, 8333; J. Chevalier, *Quarante années de l'histoire des évêques de Valence au moyen âge*, Paris, 1889, pp. 68-70; Berger in the Introduction to the *Registres d'Innocent IV*, pp. CCXVII ff.; A. Prudhomme in *REJ*, IX (1884), 231 ff.; the minutes of the inquest have been published by August Molinier in the *Cabinet Historique*, II (1883), 121-133.

In brief the story is as follows: On March 26th, 1247, a little girl, aged two, by the name of Meilla, was lost in the town of Valreas. As she searched, the mother was told that the child had last been seen in the street of the Jews. The local baron, Draconet, refused to have the Jews searched. Early the next day the child's body was found in a ditch, and brought to the marketplace. Everyone believed that the Jews had murdered the child for ritual purposes, and two Franciscan monks, who happened to be present in the town, took charge of the matter. Three Jews were arrested. They denied all knowledge of the affair. Then torture was applied, all the more cruel because the legal instruments were not at the disposal of this self-appointed court. After seven days of this, the Jews yielded. Then only did Draconet assume legal charge of the affair. In the presence of a large gathering the Jews were once more questioned. They had been warned to say nothing about the manner in which their confession had been obtained, and they were afraid of further torture. They repeated their previous confession. Under torture other Jews corroborated these statements. Only one had the strength to withstand, and continued to deny the entire story. All of them, however, re-

one without cause in these or similar matters. Such disturbers you shall restrain by means of ecclesiastical punishment without appeal; etc.

Given at Lyons, on the fifth before the Kalends of June, in the fourth year.

114.

Innocent IV

May 28, 1247

..... to the Archbishop of Vienne¹

If the Christian religion were to give careful heed and rightly analyze by use of reason, how inhuman it is and how discordant with piety for it to afflict with many kinds of molestations, and to smite with all sorts of grave injuries, the remnant of the Jews, to whom, left as witnesses of His saving passion and of His victorious death, the benignity of the Savior promised the favor of salvation, it would not only draw back its hands from harming them, but as a show of piety and for the sake of the reverence of Christ, it would, at least, extend the solace of human kindness to those whom it holds, as it were, in tribute. For, a petition of the Jews of the entire province of Vienne, read in our presence, said, that after the Jews who live in his place (which is commonly called Valria), had been recently accused of having nailed to the cross a certain girl who had been found dead in a certain ditch,² though they were not convicted, nor had they confessed, nor had they even been accused by anyone, the noble Draconet,³ lord of Montauban in the diocese of Vaison, despoiled them of all their goods and cast them into a fearful prison, and without admitting the legitimate protestation and defense of their innocence, he cut some of them in two, others he burned at the stake, of others he castrated the men and tore out the breasts of the women. He afflicted them with other divers kinds of torture, until, as it is said, they confessed with their mouth what their conscience did not dictate,⁴ choosing to be killed in one moment of agony than to live and be afflicted with torments and tortures. And

fused to involve Jews from other places. The wording of the confession indicates that it consisted in repeating the wording of the questions put by the monks. It was to the effect that bleeding a Christian is a recognized ritual, that each year lots are cast to pick the place where a Christian, child or man, was to be murdered, that the blood is gathered in a vessel and then distributed among the neighboring communities, that the body is then hung up, on Good Friday, in mockery of the Crucifixion. The results of the trial are described in the letter above.

³ Draconet de Montauban took part in the first crusade of St. Louis. For the branches of the family, and the mention of an ancestor who participated in the Albigensian Crusade, see Paul Meyer's edition of *La Chanson de la Croisade contre les Albigeois*, Paris, 1875, II, p. 207, notes 1 and 2.

⁴ The use of torture was legally forbidden in the case of Jews, though in cases of this sort this privilege was generally disregarded (Stobbe, 153).

eos non convictos, nec confessos, nec etiam aliquo accusante, bonis omnibus spoliatos diro carceri mancipavit, ipsosque, innocentie sue excusatione ac defensione legitimis non admissis, quibusdam ex eis cesis per medium, aliis igne combustis, aliquorum virorum extractis testiculis, et mulierum mammellis evulsis, tamdiu penarum aliarum diversarum tormentis affixit, donec ipsi id quod eorum conscientia non didicit ore,⁴ sicut dicitur, sunt confessi, uno necari tormento potius eligentes, quam vivere et penarum afflictionibus cruciari. Et ut adderetur afflictis afflictio, venerabilis frater noster, Tricastrinus episcopus,⁵ comestabulus Valentinus, ac nonnulli nobiles et potentes ejusdem provincie, occasione hujusmodi Judeos quoslibet in eorum terris et dominio commorantes bonis ablatis omnibus in carcere retrudentes, eos quos Apostolica Sedes sub sua protectione recepit diversis macerant augustiis et pressuris. Quare nobis humiliter supplicarunt ut ipsorum innocentie super hiis consulere pie previsionis remedio misericorditer curaremus. Cum igitur nulli pena, ni delictum precesserit, debeatur, nec sit quis pro delicto alterius puniendus, nos, moti erga ipsos paterne compassionis affectu, quibus ex suscepto servitutis officio convenit nos adesse, ac nolentes eos occasione premissorum, que si forsitan vera forent, incorrecta non deberent nec possent aliquatenus remanere, indebitis molestiis agitari, mandamus quatinus si est ita, predictos episcopum et comestabulum et alios moneas et inducas ut predictos Judeos pristina restituant libertati, ipsisque de ablatis rebus et dampnis illatis ut tenentur competenter sine difficultate qualibet satisfacto, permittant ipsos in terra sua libere commorari, contradictores, etc. . . . non obstante constitutione de duabus dietis edita in concilio generali.⁶ Testes autem etc.

Datum Lugduni, V. Kal. Jun., anno quarto.

(BERGER, NO. 2815; *GALLIA CHRIST. NOVISS.*, IV, 81; STERN, 2-3; STRACK, 136-7; *REJ*, IX (1884), 231-5, XXV (1892), 173; GROSS, 641; CARO, I, 499; V.u.R., I, 238; RODOCANACHI, 133). *Sl 206*

⁵ Bishop Laurentius of Saint-Paul-Trois-Châteaux, 1240-1251. Cf. *Gallia Chr. Nov.*, IV, 63; also Boyer de Sainte-Marthe, *Hist. de l'église cathédrale de S. Paul-Trois Châteaux*, Avignon, 1710, 1730; *Gall. Christ.*, I, 716-7, where he is called "vir aeque doctus et munificus in ecclesiam suam."

⁶ It is a pity that we have not the report of the Bishop. It is not impossible, however, that No. 131 is a result of the investigation.

as if to add affliction to the afflicted, our venerable brother, the Bishop of Trois-Châteaux,⁵ the Constable of Valentinois, and several nobles and potentates of the same province, taking advantage of an excuse of this kind, threw into prison whatever Jews dwell in their lands and dominions, after having robbed these Jews of all their property. Thus by many afflictions and oppressions they tormented those whom the Apostolic Throne had taken under its protection. That is why, they humbly implore us that, by the aid of our benevolent supervision, we should mercifully care to consider their innocence in this matter.

Wherefore, since no one deserves punishment unless he has first committed a crime, nor should anyone be punished for the crime of another, therefore we, moved by the power of paternal compassion toward those whom, since they have assumed the role of slaves, we ought to help, and whom we do not want disturbed by unjust molestations in a manner like the above, which, if it be true, ought not and cannot at all remain uncorrected, command you, if this is so, to warn the above-named bishop and constable and the others, and to cause them to restore the said Jews to their former liberty, and to render due satisfaction to them without any hindrance whatever, as they shall upon due reckoning be held liable for the property stolen and for the damage done, and to permit them freely to dwell in their lands. Those who refuse etc. without permitting the laws of the two days' journey enacted in the general council to stand in the way,⁶ etc. . . .

Given at Lyons, on the fifth before the Kalends of June, in the fourth year.

115.

Innocentius IV

June 12, 1247

. regi Navarre

Ex parte Judeorum Campanie¹ nobis est oblata querela quod ipsi nonnullos Christianorum subjectorum tibi, quos ex eo quod se in mutuacione pecunie illis exhibent liberales versa vice debent sibi benignos et favorabiles invenire, contrario tanquam retribuentes mala pro bonis sibi odiosos sentiunt et malignos. Idem enim Christiani non solum pecuniam dictis Judeis eis ab ipsis liberaliter mutuatam solvere ac pactiones legitimas hinc inde initas inter eos observare indebite non procurant, verum etiam maligne sevientes in eos, et ipsos inhumaniter protractantes, graves se illis exhibent et molestos. Propter quod ipsi duxerunt ad Apostolice Sedis providentiam recurrendum. Quantumcumque igitur fuerit eorum perfidia, quia tamen ille qui neminem vult perire, conversionem misericorditer expectat ipsorum, quoniam non repellet in eternum Dominus plebem suam, Serenitatem tuam monemus et hortamur attente quatinus dictos Christianos tibi subjectos ut eisdem Judeis de pecunia eis debita satisfaciant et iam dictas pactiones observare studeant ut tenentur, ac ab eorum gravaminibus et injuriis conquiescant, tradita tibi a Domino potestate compellas; ita quod iniquitatem odire ac equitatem deligere comproberis, ipsique Judei jus suum tua mediante potentia consequantur.

Datum Lugduni, II Id. Jun., anno quarto.

(POTTHAST, NO. 12563; FOND LATIN (B. N.), 5993 A, FOL. 49 ro.; 500 COLBERT, 59, FOL. 146 ro.; JUBAINVILLE, NO. 2799; CARO, I, 304, 499). *58-209*

116.

Innocentius IV

July 5, 1247

. Archiepiscopis et episcopis per Alemanniam constitutis

Lachrymabilem Judeorum Alemannie¹ recepimus questionem, quod nonnulli tam ecclesiastici quam seculares principes, ac alii nobiles et potentes vestrarum civitatum et dioecesum, ut eorum bona iniuste diripiant et usurpent, adversus ipsos impia consilia cogitantes, et fingentes occasiones varias et diversas; non considerato prudenter quod quasi ex archivio eorum Christiane fidei testimonia prodierunt, Scriptura divina inter alia mandata legis dicente; 'Non occides,' ac prohibente illos in solemnitate paschali quicquam morticinium non contingere, falso imponunt eisdem quod in ipsa solemnitate se corde pueri communicant interfecti,² credendo id ipsam legem precipere, cum sit legi contrarium manifeste: ac eis malitiose obiciunt hominis cadaver mortui, si con-

115.

Innocent IV

June 12, 1247

. to the King of Navarre, Count of Champagne

On behalf of the Jews of Champagne¹ a complaint was made to us that some of your Christian subjects, to whom the Jews had shown themselves liberal in a money transaction and who ought therefore to be kind and well-disposed toward them, have on the contrary repaid evil for good, and consider them odious and despicable. These same Christians not only make no effort to repay to the said Jews the money so liberally loaned, nor to observe the legitimate contracts entered into with regard to this, but they even wickedly rage in their midst, conducting themselves with inhumanity, showing themselves oppressive and injurious. That is why the Jews have had recourse to the protection of the Apostolic Throne.

Wherefore, no matter how great their perfidy may be, since He Who wants none to perish, mercifully still awaits their conversion, for God will not forever forsake His people, therefore, we warn and urge Your Serenity to use the power granted you by God to compel the said Christians your subjects to give satisfaction to the Jews for the money due them, and to try to observe the contracts above-named, and to desist from oppressing and injuring them. Thus will you prove that you hate iniquity and love justice, when even the Jews may enjoy their rights under the protection of your power.

Given at Lyons, on the second before the Ides of June, in the fourth year.

¹ Cf. No. 117.

116.

Innocent IV

July 5, 1247

. to the archbishops and bishops of Germany

We have received the tearful plaint of the Jews of Germany¹ that some princes, both ecclesiastical and lay, and other nobles and rulers

¹ No specific case of a Ritual-Murder accusation is here mentioned. That and the fact that the Bull was sent broadcast over France as well as Germany would seem to indicate that the Jews here obtained a statement of the Church's attitude toward the charge that was beginning to be levelled against them with ever greater frequency (cf. *Introd.*, p. 81). Taking advantage of the Pope's proximity, and perhaps also of his great need for money to continue the struggle against the Hohenstaufen (cf. *Graetz*, l. c.), the Jews may have organized an effort to obtain this Bull. Contrary to Aronius, l. c., it is much more likely that this was the first papal utterance on the subject, and that the addition made to No. 118 was not made to No. 111. Caro (l. c.) offers as explanation of the Pope's willingness to issue this statement, that here an opportunity offered to make the Church

tigerit illud alicubi reperiri. Et per hoc et alia quamplura figmenta sevientes in ipsos, eos super hiis non accusatos, non confessos, nec convictos, contra privilegia illis ab apostolica sede clementer indulta spoliant contra Deum et iustitiam omnibus bonis suis; et inedia, carceribus ac tot molestiis, tantisque gravaminibus premunt ipsos, diversis poenarum affligendo generibus, et morte turpissima eorum quamplurimos condemnando, quod iidem Judei, quasi existentes sub predictorum principum, nobilium, et potentum dominio deterioris conditionis, quam eorum patres sub Pharaone fuerint in Egypto, coguntur de locis inhabitatis ab eis, et suis antecessoribus a tempore cujus non extat memoria, miserabiliter exulare; unde suum exterminium metuentes duxerunt ad apostolice sedis providentiam recurendum. Nolentes igitur prefatos Judeos injuste vexari, quorum conversionem Dominus miseratus expectat, cum testante propheta credantur reliquie salve fieri eorumdem, mandamus quatenus eis vos exhibentes favorabiles, et benignos, quicquid super premissis contra eosdem Judeos per predictos prelatos, nobiles, et potentes inveneritis temere attemptatum, in statum debitum legitime revocato, non permittatis ipsos de cetero super hiis, vel similibus ab aliquibus indebite molestari.³ Molestatores etc.

Datum Lugduni, III Non. Jul., anno quinto.⁴

In eundem modum archiepiscopis et episcopis per regnum Francie constitutis.

(POTTHAST, NO. 12596; BERGER, NO. 3077; ARONIUS, NO. 568; BONDY, I, 10, NO. 21; GRAETZ, VII, 114-115; DUBNOW, V, 161; CRACAUER, *URKUNDENBUCH*, 4, NO. 13; CARO, I, 422; SCHERER, 37, 39, 319, 341; STOBBE, 185; WEYDEN, 135; NÜBLING, 168; V.u.R., I, 238; STERN, 10). 52-2/0.

rather than the Empire the protector of the Jews, thus bringing them under ecclesiastical jurisdiction.

² Cf. *Shevet Jehuda*, no. 61 (ed. Wiener, p. 94) for a similar instance.

³ Weyden, p. 135, expresses the opinion that the results of this Bull were beneficial, and that because of it the Jews were included in the general peace that soon thereafter was established in various parts of western Germany. It may, indeed, have helped in that direction.

⁴ It was renewed by Gregory X, July 7, 1274. In the *Orient* for 1843, p. 167, it is given with the Vidimus of Albertus Magnus. Emperor Rudolph confirmed it on June 4, 1275 (Ennen u. Eckertz, *Quellen*, III, no. 107), with the significant addition "Adjicimus, ut nulla omnino causa damnari possint vel debeant, nisi legitimo Judeorum et Christianorum testimonio convincantur" (Scherer, 39). The citizens of Köln recognized it only in 1287 (*Orient*, *ibid.*). Cf. Kracauer, *Urkundenbuch der Juden Frankforts*, I, p. 4, also Weyden, o. c., p. 353, note.

of your districts and dioceses are plotting evil plans against them and are devising numerous and varied pretexts so as to rob them unjustly and seize their property, without stopping to consider that it is from the archives of the Jews, as it were, that the testimony for the Christian faith has come forth. Despite the fact that, among other things, Divine Scriptures pronounce the law 'Thou shalt not kill,' and despite the fact that it prohibits the Jews, while solemnizing the Passover, to touch any dead body, nevertheless they are falsely accused that during this very festival they share the heart of a murdered child.² This it is believed their Law enjoins, although it is clearly contrary to the Law. No matter where a dead body is found, their persecutors wickedly throw it up to them. Because of this and many other imaginary crimes, they rage in their midst, although the Jews are not accused of these crimes, nor do they confess them, nor are they convicted of them. Contrary to the privileges mercifully granted the Jews by the Apostolic Throne, and in subversion of God and justice, the Jews are robbed of all their goods. These rulers oppress them by denial of food, by imprisonment, and by so many injuries and oppressions, by afflicting them with various kinds of punishment and by condemning an enormous number of them to a most shameful death, that the Jews are living, as it were, under the rule of the said princes, nobles, and potentates, in worse condition than did their ancestors under Pharaoh in Egypt. From places inhabited by them and by their ancestors from time immemorial, they are forced to go into miserable exile. Wherefore, fearing total extermination, they thought to have recourse to the protection of the Apostolic Throne. Now, since we do not want the said Jews to be unjustly harassed whose conversion our Lord in His mercy expects, for, in accordance with prophetic testimony, we should believe that a remnant of them will be saved, therefore, we command that you show yourself favorably disposed and kindly towards them, and that, after finding out whatever you can about the above, whatever may have been rashly attempted against the Jews by the said prelates, nobles and rulers, and after restoring everything to its usual status, you shall not permit the Jews to be molested undeservedly any further by anyone with regard to the matters mentioned above or with regard to similar ones.³

Given at Lyons, on the third before the Nones of July, in the fifth year.⁴

In the same manner were addressed the archbishops and bishops of France.

117.

Innocentius IV

July 6, 1247

. regi Navarre, comiti Campanie

Ex parte Judeorum regni Navarre¹ nobis est oblata querela quod nonnulli Christiani eorum emuli tibi subjecti, non attendentes prudenter quod misericors Deus qui neminem vult perire, quantumcumque sit eorum duritia, ipsorum tamen conversionem expectat, quoniam non repellat in eternum Dominus plebem suam, cum testante propheta illorum relieque salve fient, non solum eos indebite inquietant verum etiam mansuetudinem regiam contra ipsos ad iracundiam et offensas provocare nituntur, ut te illis more solito favorabilem non exhibeas et benignum. Cum enim iidem Judei pecuniam suam dictis mutuarent² Christianis, Christiani prefati ut eorum exhauriant facultates, pretextu quorundam iuramentorum que Barones Regni Francie de non cogendis eis ad solutionem ipsius pecunie prestitisse dicuntur, pecuniam ipsam eisdem solvere,³ te id dissimulante, penitus contradicunt, ipsos inter eos vivere secundum legitimas et canonicas sanctiones minime permittendo. Quia vero regum est proprium facere iudicium et iustitiam dicente propheta, 'honor regis iudicium diligit', et, 'iudicium et iustitia sunt preparatio sedis eius', ac 'Liberare de manu calumpniantium in oppressos', regalem Celsitudinem rogamus et monemus attente quatinus predictos Judeos solito more prout tuam decet clementiam tractans humaniter et a tuis faciens protactari mutuam ab eis pecuniam non obstantibus talibus iuramentis a Christianis sicut quibuslibet tuis subditis facias sibi reddi et conservari eos in bonis consuetudinibus predecessorum tuorum temporibus observatis. Molestatores eorum super premissis potestate tibi a Domino tradita compescendo; ita quod te odire iniquitatem ac deligere iustitiam, operum exhibitione demonstres. Ipsique Judei tua eos protegente potentia sub allarum tuarum umbra valeant respirare.

Datum Lugduni, II Non. Jul., anno quinto.

(FOND LATIN, 5993 A, FOL. 50 ro.; 500 COLBERT, 59, FOL. 149 ro.)

¹ Cf. No. 115 in more or less identical terms for Champagne.² Throughout this letter the word usury is not used, not even "prestare," but rather "mutuare."³ Since the accession of Thibaut Count of Champagne to the throne of Navarre, the nobility, always closely affiliated with the nobility of southern France, naturally came under French influence to an even greater degree. Cf. supra No. 70.

117.

Innocent IV

July 6, 1247

. to the King of Navarre, the Count of Champagne

On behalf of the Jews of the Kingdom of Navarre¹ the complaint was brought to us that some of the Christians, your subjects, envious of them and not heeding the fact that the merciful God who wants no one to perish still expects their conversion no matter how great their hard-heartedness may be, for God will not forever repel His people, since even the prophets testified that their remnant would be saved: not only themselves disturb them unduly, but even try to change the royal clemency into wrath and opposition toward them, so that you no longer display toward them your wonted benign favor. Although the said Jews make honest loans of their money² to these Christians, the latter, in order to drain from them all their wealth, while you feign ignorance of the matter, refuse to repay this money to them under pretext of a certain oath, which the barons of the Kingdom of France are said to have taken, that they are not to be compelled to repay the money of the Jews.³ They do not even permit them to live among them according to legitimate and canonical regulation.

Wherefore, since it is proper that a King should act righteously and do justice, as the prophet says, "The glory of the King loveth justice", and, "Equity and judgment are the foundation of his Throne", and "To free the oppressed from the hand of those who oppress them for no cause", therefore, we ask and urgently warn Your Royal Highness to treat the said Jews humanely and as you used to do, in a way befitting your merciful nature, and that you cause the money borrowed from them to be protected by your officials and to be returned to them notwithstanding any oath taken by any Christians as, for example, by some of your subjects. You shall observe with regard to the Jews the good customs established during the time of your predecessors. Those who molest them with regard to the above should be restrained by the power granted you by God. Thus shall you by your actions show that you hate iniquity and love justice, when even the Jews, protected by your might, are able to breathe freely under the shadow of your wings.

Given at Lyons, on the second before the Nones of July, in the fifth year.

118.

Innocentius IV

July 9, 1247¹

. Fidelibus Christianis

*Sicut Judeis non.*² corpora humata effodere, nec etiam aliquis eis obiciat, quod in ritu suo humano utantur sanguine, cum tamen in veteri testamento preceptum sit eis, ut de humano sanguine taceamus, quod quolibet sanguine non utantur, cum apud Fuldam et in pluribus aliis locis³ propter huiusmodi suspicionem multi Judei sunt occisi; quod auctoritate presentium, ne deinceps fiat, districtius inhibemus. Si quis autem decreti hujus tenore cognito, temere, quod absit, contraire temptaverit, honoris et officii sui periculum patiatur, aut excommunicationis ultione plectatur, nisi presumptionem suam digna satisfactione correxerit; nos autem dumtaxat hujus protectionis presidio volumus communiri qui nihil machinari presumpserint in subversionem fidei Christiane.⁴

Datum Anagnie, VIII Id. Jul., anno quinto.

(ARONIUS, NO. 567; BONDY, I, 25; DUBNOW, V, 179F.; CARO, I, 305, 499; SCHERER, 319, 612; STOBBE, 185; WIENER, *REGESTEN*, 9, NO. 54; STERN, 14; SCHAAB, *GESCH. DER JUDEN ZU MAINZ*, MAINZ, 1853, p. 49; CELAKOVSKY, 9; WEYDEN, 136; NÜBLING, 159).

¹ Ennen, *Quellen*, II, 254, gives the "Constitutio" as of June 10, 1247, and Aronius as of June 9th. While it is not impossible that copies of the Bull were given to various communities on dates other than those of an official re-issue, the first addition against the Ritual-Murder charge was more likely to have been made in connection with No. 116.

² Cf. No. 111.

³ Valria, 1232; Frankfort, 1241, etc., etc.

⁴ Stern in *Päpstliche Bullen über die Blutbeschuldigung*, p. 14, gives the same Bull as of September 25, 1253; and confirmed by Ottokar II of Bohemia on March 29, 1254. As a matter of fact it is quite likely that the Pope re-issued the Bull at this time, in view of what we note in Letter No. 132. The same Bull, with an even longer addition, was given by Gregory X on October 7, 1272 (*ibid.*, p. 19), and one still longer by Martin V, on February 20, 1422 (*ibid.*, p. 25). It was confirmed by Premysl Ottakar II of Bohemia on October 23, 1254 (Bondy, l. c.), and by Rudolph I on June 1, 1275 (Wiener, l. c.). The former added the interesting regulation that no Jew might be convicted of such a crime except by three Christian and three Jewish witnesses. Should the Jew be cleared, the Christian accuser must suffer the fate he had planned for the accused.

119.

Innocentius IV

August 12, 1247

. illustrissimi Regi Francie¹

Ad instar animalium que vidit in Apocalipsi Joannes plena oculis ante et retro, summus pontifex, oculatus undique circumspiciens tamquam sapientibus et insipientibus debitor, nulli debet injuste nocere,

118.

Innocent IV

July 9, 1247¹

. to all faithful Christians

Just as.² nor dig up buried bodies; nor shall anyone accuse them of using human blood in their religious rites, since in the Old Testament they are instructed not to use blood of any kind, let alone human blood. But since at Fulda and in several other places³ many Jews were killed because of such a suspicion, we, by the authority of these letters, strictly forbid the recurrence of such a thing in the future. If anyone knowing the tenor of this decree should, God forbid, try to oppose it, he shall be in danger of loss of honor and office, or be placed under a sentence of excommunication, unless he makes proper amends for his presumption. We want, however, that only those be fortified by this our protection, who dare plot nothing against the Christian Faith.⁴

Given at Avignon, on the seventh before the Ides of July, in the fifth year.

119.

Innocent IV

August 12, 1247

. to the most illustrious King of France¹

Like the animals which John saw in the apocalypse, which were covered with eyes both front and rear, so the Supreme Pontiff, many-eyed, looks all about him; debtor alike of wise and foolish, he must harm no one unjustly, but is in justice bound to exact what is just, and to render to each his due. When, therefore, the Jewish masters of your Kingdom recently asserted before us² and our brothers, that without that book which in Hebrew is called "Talmut", they cannot understand the Bible and their other statutes and laws in accordance with their faith, we then, bound as we are by the Divine command to tolerate them in their Law, thought fit to have the answer given them that we do not want to deprive them of their books if as a result we should be depriving them of their Law. Whereupon we directed our letters to our venerable brother, the Bishop of Tusculum,³ Legate of

¹ Louis IX.

² As a result of No. 104. On account of the Popes coming to Lyons, the Jews found him more accessible (Loeb in *REJ*, I (1880), 295).

³ Unfortunately this letter could not be found. But Odo's answer to it seems to fit in here since it offers the next link in the chain of circumstances:

. Sanctissimo patri ac domino Innocentio, Dei gratia summo pontifici, Odo, divina miseratione Tusculanensis episcopus, apostolice sedis legatus.

Sanctitati vestre placuit mihi dare nuper in mandatis, ut mihi facerem exhiberi Thalmud et alios libros Judeorum, et ipsos inspicere, et inspiciens diligenter eosdem

sed juste quod justum exequendo tenetur reddere cuilibet jura sua. Sane magistris Judeorum regni tui nuper proponentibus coram nobis² et fratribus nostris quod sine illo libro qui hebraice Talmut dicitur,

tolerarem in his, in quibus secundum Deum sine fidei Christiane injuria viderem tolerandos, et magistris restituerem Judeorum. Ut autem sanctitatem vestram non lateat processus quondam habitus circa libros predictos, et ne contingat aliquem circumveniri in isto negotio astutia et mendacii Judeorum, noverit sanctitas vestra, quod tempore felicitis recordationis D. Gregorii pape quidam conversus, Nicolaus nomine, dicto summo pontifici intimavit, quod Judei lege veteri quam Dominus per Moysen in scriptis edidit non contenti; imo prorsus eandem pretermittentes, affirmant legem aliam que Thalmud, id est doctrina, dicitur, Dominum edidisse, ac verbo Moysi traditam et insertam eorum mentibus, dicunt tandiu sine scriptis servatam, donec quidam venerunt quos sapientes et scribas appellant, qui eam ne per oblivionem a mentibus hominum laberetur, in scripturam cujus volumen in immensum excedit textum Bible, redegerunt: in qua tot abusiones et tot nefaria continentur, quod pudori referentibus, et audientibus sunt horrore; et hanc esse causam precipuam que Judeos in sua perfidia retinet obstinatos. His auditis placuit summo pontifici scribere universis archiepiscopis per regnum Francie constitutis in hunc modum . . . (si vera sunt) . . . In consimili forma scribit universis archiepiscopis in regnis Anglie, Castelle et Legionum. Direxit etiam scripta sua regi Portugallie in hec verba . . . (si vera sunt) . . . Direxit etiam predictus summus pontifex mandatum Parisiensi episcopo sub hac forma . . . (fraternitati tue) . . . Item dedit in mandatis episcopo et priori Predicatorum et ministro Minorum fratrum Parisius, prout inferius continetur . . . (si vera sunt).

Omnia vero que interclusa missauerunt sub bulla et siggula, et multo plura inventa fuerunt in predictis libris in presentia bone memorie Galteri archiepiscopi Senonensis, et venerabilium patrum Parisiensis, Silvanectensis episcoporum, et Fratris Gaufridi de Blevello capellani vestri, tunc Parisius regentis, et aliorum magistrorum theologie et etiam magistrorum Judeorum, qui predicta in libris suis contineri confessi sunt in presentia predictorum. Facta etiam postea diligenti examinatione inventum est quod dicti libri erroribus erant pleni, et est velamen positum super corda ipsorum in tantum, ut non solum ab intellectu spirituali Judeos avertant, immo etiam a litterali, et ad fabulas et quedam fictitia convertant. Unde manifestum est magistros Judeorum regni Francie nuper falsitatem sanctitati vestre, et venerabilibus patribus dominis cardinalibus suggestisse, dicentes quod sine illis libris, qui Hebraice Talmut dicuntur, bibliam et alia instituta sue legis secundum fidem ipsorum intelligere nequeunt. Facta vero predicta examinatione, omnium magistrorum theologie et juris canonici, et aliorum multorum habito consilio, juxta mandatum apostolicum omnes predicti libri, qui tunc haberi potuerunt incendio fuerunt tunc cremati. Et esset scandalum non minimum, et Sedis Apostolice sempiternum opprobrium, si libri coram universitate scholarium et clero et populo Parisiensi tam solemniter et tam juste concremati, mandato Apostolico tolerarentur, vel etiam magistris Judeorum redderentur, hec enim tolerantia quedam approbatio videretur. Dicit enim beatus Hieronymus loquens de leprosis, quos dominus curavit, quod nulla est adeo perversa doctrina que aliqua vera non contineat: similiter non inveniuntur heretici qui de aliquo symboli articulo bene non sentiant. Quia tamen libri aliqui insertos errores habebant, quamvis multa bona et vera continerent, auctoritate tamen conciliorum sunt damnati: similiter diversi heretici sunt damnati licet in omnibus non errarent. Sic quamvis predicti libri aliqua bona contineant, licet rara, nihilominus sunt damnandi. Hec doctrina est illa deuterosis, de qua facit beatus Hieronymus super evangelium Matthei mentionem, que irritum facit mandatum Dei, ipso domino attestante. Hec sanctitati vestre presentibus intimavi, ut ad plenum de libris

the Apostolic Throne, ordering him to cause the Talmud as well as other books to be shown to him, and to have them carefully inspected; of these he should tolerate such as he will find may be tolerated, in

predictis sanctitati vestre veritas innotescat. A magistris autem Judeorum petii ut Talmud et omnes alios libros suos mihi exhiberent, qui tantum quinque mihi volumina vilissima exhibuerunt, que juxta formam mandati vestri facio inspicere diligenter.

To the most Holy Father and Lord, Innocent, High Priest by the grace of God, from Odo, by Divine Goodness Bishop of Tusculum, Legate of the Apostolic Throne:

Recently it pleased your Holiness to order me to have the Talmud and other books of the Jews displayed before me, to inspect them, and, after having inspected them, to show tolerance to the Jews with regard to those books which may seem worthy of tolerance because they are not injurious to the Christian Faith, and to return these to the Jewish teachers. In order that the proceedings which at one time took place about the said books may not be hidden from Your Holiness, and lest it happen that anyone be fooled in this affair by the shrewdness and falsehoods of the Jews, let Your Holiness know that at the time of the Holy Pope Gregory of happy memory, a certain convert, by the name of Nicholas, related to the said Pope that the Jews, not satisfied with the ancient Law which God had transmitted in writing through Moses, and even completely ignoring it, assert that a different Law, which is called "Talmud," that is "Teaching," had been given by God; and, they say, that it was handed down to Moses verbally and was implanted in their minds. It was thus preserved unwritten until certain men came whom they call "Sages" and "scribes," who, lest this Law disappear from the minds of men through forgetfulness, reduced it to writing the size of which by far exceeds the text of the Bible. In this are contained so many unspeakable insults that it arouses shame in those who read it, and horror in those who hear it. This too is the chief factor that holds the Jews obstinate in their perfidy. When he heard of these things, the Pope saw fit to write to all the archbishops of the kingdom of France, as follows:

(Here follows Gregory's letter to Archbishops of France, No. 96, above.)

In the same manner he wrote to all the archbishops of the kingdoms of England, Castile and Leon. He also sent his letter to the King of Portugal in the following words:

(Here follows Gregory's letter to the King of Portugal, No. 97 above.)

The said Pope also sent an order to the Bishop of Paris, as follows:

(Here follows letter to the Bishop of Paris, No. 95 above.)

Likewise he sent orders to the Bishop and the Prior of the Dominicans and to the Minister of the Franciscan Friars of Paris, as follows:

(Here follows Gregory's letter to the above-named; No. 98 above.)

All books that had been intercepted were put under stamp and seal, and much more was found in the said books in the presence of Walter, Archbishop of Sens of happy memory and of the venerable fathers of Paris, of the Bishop of Senlis and of the Friar Godfried de Blevel, your chaplain, then regent of Paris, and of other teachers of theology, and even of Jewish teachers who, in the presence of these men, confessed that the above-named things were contained in their books.

bibliam et alia statuta sue legis secundum fidem ipsorum intelligere nequeunt, nos qui juxta mandatum divinum in eadem lege ipsos tolerare tenemur, dignum eis duximus respondendum quod sicut eos ipsa lege sic

A careful examination having afterwards been made, it was discovered that the said books were full of errors, and that the veil covers the heart of these people to such a degree, that these books turn the Jews away not only from an understanding of the spirit, but even of the letter, and incline them to fables and lies. From this it is clear that the Jewish teachers of the Kingdom of France uttered a falsehood to Your Holiness and to the sacred fathers, the Lords Cardinals, when they said that without these books, which in Hebrew are called "Talmud," they cannot understand the Bible and the other precepts of their laws, in accordance with their faith. After the said examination had been made, and the advice of all the teachers of theology and canon law, and of many others, had been taken, all the said books which could then be gotten hold of, were consigned to the flames in accordance with the apostolic decree.^a

It would therefore be most disgraceful, and a cause of shame for the Apostolic Throne, if books that had been so solemnly and so justly burned in the presence of all the scholars, and of the clergy, and of the populace of Paris, were to be given back to the masters of the Jews at the order of the pope,—for such tolerance would seem to mean approval. Saint Jerome, speaking of the lepers whom the Lord cured, says that there is no perverse doctrine that does not contain some truth, and so likewise no heretics are to be found who do not think well of some one article of the Faith. There are books that contained errors, and hence no matter how much good they contain, they were, nevertheless, condemned by the authority of the councils, in the same way that heretics are condemned although they do not err in everything. Thus, although these books contain some good things, though not many, nevertheless they deserve condemnation. This is the very teaching of which Saint Jerome^b made mention in the Gospel of Matthew, that it makes errors into commands of God, as the Lord Himself bore witness.

All this have I recounted to Your Holiness in these presents in order that the whole truth about the said books may be revealed to Your Holiness. I have moreover asked the Jewish masters to show me the Talmud and all their other books; and they have exhibited to me five most vile volumes which I shall have carefully examined in accordance with your command.

(ECKARD & QUETIF, *SCRIPTORES ORDINIS PREDICATORUM*, I, 128).

^a Cf. No. 104, note 3.

^b Migne, *Pat. Lat.*, vol. 26, cols. 105-6.

Either that the Pope changed his mind and ordered Odo to proceed, or that the latter used his own authority, is evident from the following judgment rendered by the legatine court.

"Odo, miseratione divina Tusculanensis episcopus, Apostolice Sedis legatus, universis presentes litteras inspecuturis, salutem in Domino.

Noverit universitas vestra quod nos Parisius anno Domini MCCXLVIII idus^a Maii, super quibusdam libris Judeorum, qui Talmut appellantur, presentibus magistris Judeorum et ad hoc vocatis, diffinitivam sententiam protulimus in hunc modum.

In nomine Patris, et Filii, et Spiritus Sancti, amen—Exhibitis nobis auctoritate apostolica a magistris Judeorum regni Francie, quibusdam libris qui Talmud^b appellantur, quos inspeximus et per viros discretos et expertos in talibus, Deum timentes et zelum habentes fidei Christiane, fecimus inspicere diligenter. Quia eos

accordance with divine command, without injury to the Christian Faith, and he shall restore them to the Jewish masters, doing so by quieting their opponents by means of ecclesiastical censure without appeal. Wherefore, we have caused Your Royal Serenity to be asked and urged to find favorable and acceptable whatever will be done in this

invenimus errores innumerabiles, abusiones, et^c nefaria continere que pudori referentibus et audientibus sunt horrore, in tantum quod predicti libri secundum Deum sine fidei Christiane injuria tolerare^d non possunt; de consilio bonorum quos ad hoc specialiter duximus evocandos, pronuntiamus predictos libros tolerandos non esse, nec magistris Judeorum restituti debere, et ipsos sententialiter condemnamus. De aliis vero libris nobis non exhibitis a magistris Judeorum, licet a nobis super hoc pluries fuerint requisiti, vel etiam non inspectis, plenius cognoscemus loco et tempore et faciemus quod fuerit faciendum.

. . . . quorum sigilla apposita sunt presentibus una cum nostro in testimonium hujus rei.

Datum anno MCCXLVIII, mense Maio.

^a B. N. Fond Doat, 37, fol. 126 vo., 128 vo., has "quarto Idus Maii."

^b Ibid., "talmut."

^c Ibid., add "blasfemias et."

^d Ibid., "tolerari."

Odo, by the grace of God, Bishop of Tusculum, Legate of the Apostolic Throne, to all whom these presents may reach, Greetings in the Lord—

Know ye all, that in Paris, on the Ides of May, in the year of our Lord 1248, we inspected certain Jewish books called Talmut, and, in the presence of the Jewish masters and of those called for this purpose, we pronounced definite judgment as follows:

"In the name of Father, Son, and Holy Ghost, amen—

Certain books by the name of Talmut having been presented by the Jewish masters to us armed with Apostolic Authority, we have examined these books and caused them to be carefully examined by men of discretion, expert in these matters, God-fearing, and zealous for the Christian Faith. Whereas we found that these books were full of innumerable errors, abuses, blasphemies and wickedness such as arouse shame in those who speak of them and horrify the hearer, to such an extent that these books cannot be tolerated in the name of God without injury to the Christian Faith, therefore, with the advice of those pious men whom we caused to be gathered especially for that purpose, we pronounced that the said books are unworthy of tolerance, and that they are not to be restored to the Jewish masters, and we decisively condemn them. We are also possessed of full knowledge as to the place and time of other books not shown to us by the Jewish masters nor by us examined, although we have often made demands for them; and we shall do what there is to be done with regard to them.

(Here follow the names of 44 ecclesiastics, Albertus Magnus among them, by whose consent the above was issued: Cf. Denifle, *Chart. Par.*, I, 209-11, esp. note 1).

"Whose seals are affixed to these presents along with our own, in testimony of this matter."

Given in the year of our Lord MCCXLVII, in the month of May.

(ECKARD, *SUMMA SUO AUCTORE VINDICATA*, p. 599).

perconsequens suis libris nolumus injuste privare. Unde venerabili fratri nostro episcopo Tusculano,³ Apostolice Sedis legato, direximus scripta nostra ut tam ipsum Talemur quam alios sibi faciens exhiberi libros, ac eos inspicere et inspiciens diligenter eosdem toleret in his in quibus secundum Deum sine fidei Christiane injuria viderit tolerandos, et magistris restituat supradictis, contradictores per censuram ecclesiasticam appellatione postposita compescendo. Quocirca serenitatem regiam rogandam duximus attentius et hortandam propter quod per eundem legatum factum fuerit in hac parte gratum habeas et acceptum, ac facias firmiter observari.

Datum Lugduni, II Id. Aug., anno quinto.

(*REJ*, I (1880), 295; *GRAETZ*, VII, 116-117; *DENIFLE*, *CHARTULARIUM UNIVERSITATIS PARIENSIS*, T. I, p. 201, NO. 172; *DUBNOW*, V, 45).

120. **Innocentius IV** July 7, 1248

. Episcopo Magalonensi¹

Tua nobis fraternitas intimavit quod Judei tue diocesis et circumpositorum locorum non sine ordinis clericalis injuria capas rotundas et largas more clericorum et sacerdotum deferre presumant.² Propter quod sepe contigit ut a peregrinis et advenis eis tamquam sacerdotibus honor et reverentia indebita prebeatur. Nolentes igitur ut ab ipsis de cetero talia presumantur, mandamus quatenus prefatos Judeos ut capis hujusmodi omnino dimissis, habitum eis congruentem deferant, quo non solum a clericis, verum etiam a laicis distinguantur, etiam per subtractionem communionis fidelium. Nobiles vero Christianos, in quorum terris ipsi Judei habitant, ut ipsos ad hoc, si necesse fuerit, temporali restrictione compellant cogere non postponas.³

Datum Lugduni, Non. Jul., anno sexto.

(*POTTHAST*, NO. 12976; *BERGER*, NO. 4123; *GRAETZ*, VI, 408; *DUBNOW*, V, 25; *CARO*, I, 499; *CASSEL*, 75; *STRACK*, *DAS BLUT*, 181; *WEYDEN*, 119).

121. **Innocentius IV** July 21, 1248

. Episcopo Tusculanensi¹

Pravorum molestiis.² (ut supra no. 80.)

Datum Lugduni, XII Kal. Aug., anno sexto.

(*POTTHAST*, NO. 12986; *BERGER*, NO. 4664).

¹ Odo of Châteauroux, Introduction, p. 31, note 56. This was one of several Bulls given Odo in preparation for his departure for the Crusade.

² In preparation for the Crusade undertaken by Louis IX. This was an almost purely French crusade, for the state of feeling between the Papacy and the Empire precluded the possibility of participation by Frederick II. Conditions in

matter by the said legate, and that you shall cause it to be carefully observed.

Given at Lyons, on the second before the Ides of August, in the fifth year.

120. **Innocent IV** July 7, 1248

. to the Bishop of Maguelonne¹

Your Fraternity has told us that certain Jews of your diocese and of the surrounding places presume, not without injury to the Clerical Orders, to wear round and wide capes after the manner of clerics and of members of the holy orders.² As a result it often happens that sacerdotal honor and undeserved reverence is paid them by travelers and strangers. Since we do not want them to presume to do anything of this sort, we order that the said Jews, having discarded any such capes, shall wear a habit befitting them, one by which they may be distinguished not only from clergy, but even from laity. This you are to achieve by denying them intercourse with the faithful. Nor are you to delay compelling the nobles, on whose lands these Jews live, to force them to this by temporal power if necessary.³

Given at Lyons, on the Nones of July, in the sixth year.

¹ Rainerius, 1248-49, considered of high calibre (*Gall. Christiana*, VI, 767-768).

² Cf. No. XX.

³ Graetz (VI, 408) refers this letter to a notice in *Shevet Jehuda* (ed. Wiener, p. 114) to which he could find no other parallel, and therefore identifies the apostate there mentioned, with Nicholas Donin, and the "evil decree" with this letter. Gross in *Gallia Judaica*, p. 4, however, offers a more convincing identification of that apostate with Pablo Christianus, who in 1269 appeared in southern France armed with a Bull of Clement IV granted him on July 15, 1267 (*Potthast*, no. 20081; *Ripoll*, I, 487) and with two letters from Louis IX; one about the imposition of the Badge (*Ordonances*, I, 294), and the other about confiscation of the Talmud and the right to preach in the synagogues (U. Robert, in *REJ*, III (1881), no. 40; *Bib. Nat. Fond. Duchesne*, tome 56, fol. 214 ro.). One might therefore conclude that this letter was local and temporary in its effects, and had no such importance as Graetz gives it.

121. **Innocent IV** July 21, 1248

. to the Bishop of Tusculum,¹ the Papal Legate

Pravorum molestiis.² (as above No. 80.)

Given at Lyons, on the thirteenth before the Kalends of August, in the sixth year.

the Holy Land were at this time worse than ever. With the aid of the Turks, the Egyptians had inflicted a crushing defeat upon the Knights, and by 1247 the Moslems were masters of practically everything (Röhricht, pp. 860-868).

122.

Innocentius IV

April 13, 1250

. Episcopo Corduensi¹

Licet in sacro generali concilio provida fuerit deliberatione statutum ut Judei a Christianis habitu distinguantur, ne illorum isti vel istorum illi mulieribus possint damnabiliter commisceri, Judei tamen in Corduensis civitate et diocesi commorantes statutum hujusmodi, sicut accepimus, non observant, propter quod dammate commixtionis excessus sub erroris potest velamento presumi. Volentes igitur statutum ipsum firmiter observari, Fraternitati tue per apostolica scripta mandamus quatinus si est ita, Judeos ipsos ad deferendum signum quo a Christianis qualitate habitus distinguantur² monitione premissa per subtractionem communionis fidelium, sublato appellationis impedimento compellas.

Datum Lugduni, Id. Apr., anno septimo.

(AMADOR DE LOS RIOS, I, 364, 369; U. ROBERT, 58; *BOLETIN*, V, 239, 365).

123.

Innocentius IV

April 13, 1250

. Episcopo Corduensi¹

Contra inhibitionem filiorum archidiaconi et Capituli Cordubensium, sicut accepimus, Judei Cordubensis civitatis Sinagogam² superflue altitudinis temere ibidem construere de novo presumunt in grave Christi fidelium scandalum et cordubensis ecclesie detrimentum. Quare humiliter petebatur a nobis ut provide super hoc misericorditer curaremus, qua cura Fraternitati tue per apostolica scripta mandamus quatinus contra Judeos eosdem super hoc officii tui debitum, cessante appellationis obstaculo exsequaris.

Datum Lugduni, Id. Apr., anno septimo.

(BOLETIN, V, 241, 365; FITA, *ACTAS INEDITAS*, 214; AMADOR DE LOS RIOS, I, 368, 556; *REJ*, IX (1884), 157, X (1885), 244-5).¹ Cf. No. 122.² Cf. Amador de los Rios, I, 369; Fidel Fita in *Boletin*, V (1884), 241. Neither the King nor the bishop were so intolerant, therefore the clergy went over their head. It seems that this bull was effective.

122.

Innocent IV

April 13, 1250

. to the Bishop of Cordova:¹

Although after careful deliberation it was decreed in the General Council that Jews should by their clothes be distinguishable from Christians, lest Christians and Jews be able to have sinful intercourse with women of the other faith, nevertheless, we have heard, the Jews who live in the Province and Diocese of Cordova do not observe this statute, and as a result they may dare to indulge in the sin of forbidden intercourse under the veiling (excuse) of error. Therefore, desirous that this decree should be rigidly observed, we, through Apostolic Letters, command Your Fraternity that if this is so, you shall compel the Jews to wear a sign, so that by their clothes they may make themselves distinguishable from the Christians.² This you shall do after warning them, by shutting them off from communication with the faithful, without granting the right of appeal.

Given at Lyons, on the Ides of April, in the seventh year.

¹ Gutierre Ruiz Dolea (Fidel Fita in *Boletin*, l. c.).² Cf. no. 99.

123.

Innocent IV

April 13, 1250

. to the Bishop of Cordova¹

We have learned that in spite of the prohibition of our dear sons the Archdeacon and the Chapter of Cordova, the Jews of the Province of Cordova are rashly presuming to build a new synagogue² of unnecessary height, thereby causing a scandal among faithful Christians, and much harm to the Church of Cordova. Wherefore, we have been humbly petitioned mercifully to make this matter our particular concern. Hence, we, because of this concern, by Apostolic Letters command Your Fraternity to execute against the Jews the duties of your office in this regard, and to do so without the obstacle of an appeal.

Given at Lyons, on the Ides of April, in the seventh year.

2. In nomine I'

A ril 21 12 0

In nomine Iesu Christi filii Dei... In nomine Iesu Christi filii Dei...

In nomine Iesu Christi filii Dei...

IN NOMINE Iesu Christi filii Dei...

2. In nomine I'

A ril 21 12 0

In nomine Iesu Christi filii Dei... In nomine Iesu Christi filii Dei...

In nomine Iesu Christi filii Dei...

IN NOMINE Iesu Christi filii Dei...

I 4. In nomine I'

P 2 , 15

In nomine Iesu Christi filii Dei... In nomine Iesu Christi filii Dei...

In nomine Iesu Christi filii Dei...

In nomine Iesu Christi filii Dei...

In nomine Iesu Christi filii Dei... In nomine Iesu Christi filii Dei...

I 5. In nomine I'

P 2 , 15

In nomine Iesu Christi filii Dei...

In nomine Iesu Christi filii Dei... In nomine Iesu Christi filii Dei...

In nomine Iesu Christi filii Dei...

IN NOMINE

126.

Innocentius IV

April 27, 1250

. Decano et Sacriste ecclesie Toletane

Conquesti sunt nobis venerabilis frater noster episcopus¹ et dilecti filii capitulum et clerus civitatis et diocesis Cordubensis quod nonnulli Judei et Saraceni civitatis et diocesis earundem, de decimis cathedrali et aliis ecclesiis loci eiusdem debitis pro terris et possessionibus suis de quibus ille sibi a Christianis antiquitus solvebantur antequam ad eosdem Judeos et Saracenos terre ac possessiones hujusmodi pervenissent, sibi satisfacere omnimode contradicunt. Quocirca discretioni vestre per apostolica scripta mandamus quatinus, si est ita, prefatos Judeos et Saracenos quod de prefatos Judeos et Saracenos quod de prefatis decimis eisdem ecclesiis satisfaciant ut tenentur,² monitione premissa, per subtractionem communionis fidelium, appellatione remota, cogatis. Testes autem qui fuerint nominati, si se gratia odio vel timore subtraxerint, per censuram ecclesiasticam appellatione cessante, cogatis veritati testimonium perhibere, non obstante constitutione de duabus dietis edita in concilio generali, ita quod ultra tertiam vel quartam aliquis extra suam diocesim auctoritate presentium ad iudicium non trahatur.

Datum Lugduni, V. Kal. Mai., anno septimo.

*(BOLETIN, V, 366; REJ, V (1882), 245).*¹ Cf. Nos. 122, 123.² Fita in *Boletin*, V, p. 369, points to an edict of Alphonso the Wise, of March 28, 1254, as a result of this papal command. In that edict the King orders the payment of the tithe by the Jews.

127.

Innocentius IV

July 15, 1250

. Officiali Remensi

Sicut dilecta in Christo filia Maria mulier Remensis diocesis coram nobis exposuit, olim pro ipsa, de Judaice cecitatis errore ad fidem Christianam conversa, venerabili fratri nostro archiepiscopo Remensi litteras nostras sub ea forma direximus ut, si alibi non scripsissemus pro ea, ab aliquo monasteriorum civitatis vel diocesis Remensis sibi subjecto, quod non esset de mandato nostro super simili provisione gravatum, faceret eidem in vite necessariis provideri, ita tamen quod in eiusdem monasterii obsequiis moraretur; contradictores, etc. Postmodum autem archiepiscopo ipso committente tibi super hoc totaliter vices suas, tu dilectis filiis abbati et conventui Sancti Dionisii subjecti predicto archiepiscopo mandavisti ut prefate mulieri juxta dictarum

126.

Innocent IV

April 27, 1250

. to the Dean and Sacristy of the Church of Toledo

Our venerable brother the bishop,¹ and our dear sons the Chapter and the clergy of the Province and Diocese of Cordova, have complained to us that some of the Jews and Saracens of that province and diocese absolutely refuse to pay to the Cathedral and to the other churches of that place, their due tithe for the lands and possessions out of which in former times they used to draw an income from the Christians, before these lands and possessions came into the hands of the Jews and Saracens. Wherefore, we command Your Discretion through Apostolic Letters that, if this is so, you compel the Jews, by shutting them off from all communication with the faithful after due warning had been given, but then without right of appeal, to make satisfaction to these churches for the said tithes.² Moreover, if any witnesses are named, should they withdraw themselves either because of hate or of fear, you shall obtain freely the evidence of the truth by means of ecclesiastical censure, appeal denied, and this in spite of the decree of the General Council with regard to a two days' journey. But no one shall by the authority of these presents be dragged to court beyond three or four days' journey outside of his diocese.

Given at Lyons, on the fifth before the Kalends of May, in the seventh year.

127.

Innocent IV

July 15, 1250

. to the Administrator of the diocese of Reims

Our dear daughter in Christ, Mary, a woman of the diocese of Reims, has declared before us that at one time we directed our letters to our venerable brother the Archbishop of Reims in her behalf as a convert from the blindness of Judaism to the Christian Faith. These letters were to the effect that "if we had not written elsewhere in her favor, he should see to it that she be provided with the necessities of life by some one of the monasteries subject to him in the district and diocese of Reims, which by our order had not been inconvenienced by such arrangements before, but that she should remain under the rules of that monastery. Those who oppose etc."

Afterwards the said Archbishop turned over to you all his power to act in the matter, and you thereupon ordered the Abbot and Convent

litterarum tenorem de vite necessariis providerent; et quia ipsi sibi ab Apostolica Sede ostendebant indultum quod ad provisionem alicujus per litteras apostolicas non facientes de indulto hujusmodi mentionem minime tenerentur, tu in negotio ipso ulterius procedere noluisti, propter quod eadem mulier duxit iterum ad benignitatem Sedis Apostolice recurrendum. Cum autem intentionis nostre non fuerit nec existat quod per indulgentias hujusmodi personarum illarum provisio debeat impediri, que converse ad cultum fidei Catholice sunt plene caritatis studio confovende, mandamus quatinus non obstante predicta indulgentia seu qualibet alia, que premissis provisionis impedire aut retardare possit effectum, super premissis procedas juxta priorum continentiam litterarum.

Datum Lugduni, Id. Jul., anno octavo.

(BERGER, NO. 4761; CARO, I, 294, 497).

128.

Innocentius IV

November 13, 1250

. Priori Sancti Nicolai Nivernensis

Pro dilecto filio, Johanne clerico, de Judaismo ad fidem Christianam converso, litteras nostras dudum venerabili fratri nostro Archiepiscopo Bituricensi sub ea forma dicimur direxisse, ut eidem clerico in aliqua ecclesiarum Bituricensis civitatis vel diocesis de competenti ecclesiastico beneficio provideret vel faceret provideri. Postmodum dilecto filio priori Sancti Ursini Bituricensis, cui dictus archiepiscopus commiserat super hoc totaliter vices suas, auctoritate dictarum litterarum sibi de parochiali ecclesia de Senaceio, eiusdem diocesis, providente, quia id ex beneficio litterarum ipsarum fieri non potuit, idem archiepiscopus eum ad ipsam admittere recusavit, propter quod nos eidem priori scripta nostra direximus, ut provisione hujusmodi utpote invalida non obstante ad provisionem ipsius clerici procederet juxta priarum continentiam litterarum. Cumque tandem dictus prior in ecclesia Sancti Aniani in Bituria, prefate diocesis, clerico providisset eidem, ipsumque in ea recipi mandasset in canonicum et in fratrem, dilectis filiis priore et canonicis ecclesie jamdicte ad Apostolicam Sedem ex sufficienti gravamine appellantis, ac negotio hujusmodi ad nostram audientiam revocato, dilectus filius Magister M. de Alperino Capellanus noster, quem super hoc dedimus auditorem, sibi super receptione ac provisione hujusmodi duxit perpetuum silentium imponendum. Quia vero sepedictus clericus in prosecutione hujusmodi cause graves labores pertulit et expensas, nos ei propter hoc paterno compatientes affectu, mandamus quatinus eidem clerico in predicta civitate vel diocesi de beneficio ecclesiastico etiam curam animarum habente juxta priarum provideas per te vel per alium continentiam litterarum; non obstantibus primis processibus, vel si ecclesia in qua sibi duxeris providendum

of St. Dionysus, which is under the jurisdiction of the said Archbishop, to make arrangements for the woman's necessities of life in accordance with the tenor of the said letter. Since, however, they showed that they possessed an indulgence by which they were released from providing for anyone unless instructed to do so by an Apostolic Letter mentioning such provision specifically, you refused to proceed any further in this matter. Whereupon the said woman found it necessary to appeal again to the benignity of the Apostolic Throne.

In view of the fact that it never has been and is not now part of our intention that such indulgences should impede the maintenance of persons who have been converted to the Catholic Faith, and who ought to be zealously encouraged by all possible kindness, we order that, notwithstanding the said indulgence nor any other which may impede or retard the purpose of the said maintenance, you shall proceed in the said affair in accordance with our previous letter.

Given at Lyons, on the Ides of July, in the eighth year.

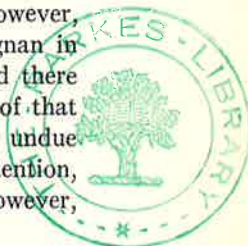
128.

Innocent IV

November 13, 1250

. to the Prior of St. Nicholas at Nevers

We are informed that some time ago we dispatched a letter to our venerable brother the Archbishop of Bourges in behalf of our dear son the cleric John, a convert from Judaism to the Christian Faith. The purport of the letter was that the Archbishop provide this cleric or cause him to be provided with a suitable ecclesiastical benefice in one of the churches of the Province or Diocese of Bourges. Somewhat later our dear son the Prior of St. Ursinus of Bourges, whom the said archbishop had empowered to act in his place in this regard, used the authority of our letters to provide the cleric with the parish-church of Senczich in the same diocese. But because of a grant contained in their privileges this could not be done, and the archbishop refused to admit him to this status. In view of this, we directed our letters to the said prior that, despite the invalidity of the provision which he had made for him, he shall nevertheless proceed to provide this cleric in accordance with the contents of our previous letters. When, however, the said prior provided for the cleric in the Church of St. Aignan in Bourges (in the same diocese), and ordered that he be received there as a canon and a friar, our dear sons the Prior and the canons of that church appealed to the Apostolic Throne on the ground of an undue burden. The entire matter being thus brought back to our attention, we appointed our chaplain, M. de Alperino, as arbiter. He, however, imposed upon himself perpetual silence.



certum habeat canonicorum numero iuramento sue quacumque alia firmitate vallatum, seu si pro aliis ibidem scripta nostra direximus, quibus auctoritate presentium (prejudicium) generari nolumus, aut si aliquibus a Sede Apostolica sit indultum quod suspendi vel interdicti aut excommunicari, seu ad receptionem vel provisionem alicuius compelli non possint, sive aliqua indulgentia Sedis ejusdem, per quam hujusmodi gratia impediri vel differi valeat, et de qua in litteris nostris plenam et expressam oporteat fieri mentionem; contradictores etc.

Datum Lugduni, idibus Novembris, anno octavo.

(BERGER, NO. 5366; CARO, I, 295, 497).

129.^a Innocentius IV

1252

..... Universis Christi fidelibus

*Afflicti corde pro.*¹ Si quis vero proficienscentium.
Judeos vero. Hiis autem qui Judeis debita solvere nequeunt
..... quod debitum non absorbet.

Datum (?)

(POTTHAST, NO. 14821; RYMER, *FEODORA*, I, 280).

¹Cf. Nos. 121 and 130.

130. Innocentius IV

April 2, 1253

..... Priori fratrum Predicatorum

*Planxit hactenus non*¹ Si qui vero proficienscentium
Quodsi quisquam creditorum. Judeos vero ad restituendas
usuras ea qua convenit precipimus censura compelli, et donec illas
remiserint fidelium eis communitio denegatur.

Datum Perusii, IV Non. Apr., anno decimo.

(POTTHAST, NO. 14935; BERGER, NO. 6469).

Since the said cleric has incurred much trouble and expense in the prosecution of his case, we, moved by paternal sympathy for him because of this, do command that the said cleric be provided by yourself or another with an ecclesiastical benefice in your Province or diocese, even though a cure of souls be connected with it, as was stated in our former letters. This you shall do notwithstanding all that happened, or that the church wherein you may have him provided already have the full number of canons, or that it is protected by an oath or some other defense (against such burdens), or (notwithstanding) that we had sent our letters thither in behalf of others the authority of which letters we do not now seek to impair by these presents, or that the Apostolic Throne may have granted to them that they could not be placed under the interdict or be excommunicated or be compelled to receive or provide for anyone, or that any other indulgence may have been granted by the Apostolic Throne as a result of which a kind deed of this sort could be hindered or set aside, and with regard to which full and definite mention should be made in our letters.

Given at Lyons, on the Ides of November, in the eighth year.

129.^a Innocent IV

1252

..... to all faithful Christians

*Afflicti corde pro.*¹ as in No. 80 above.

Given (?)

^a See No. 21, note 1.

130. Innocent IV

April 2, 1253

..... to the Prior of the Dominicans of Paris:

*Planxit hactenus non.*¹ But if any of those as in No. 121.

Given at Perusium, on the fourth before the Nones of April, in the tenth year.

¹ The arrival of Louis IX in the East had raised the hopes of Christians everywhere. Since Palestine was held by Egyptian rather than by Syrian power (No. 121), Louis decided to repeat the strategy of 1218 and attack Egypt (No. XIII). Successful at first, the Christian army soon suffered a crushing defeat, and the King was made prisoner. In the peace that followed, the Christians received generous treatment. King Louis retired to Acco and remained there till 1254, but neither the expected opportunity to renew the war advantageously, nor the hoped-for re-enforcements from Europe, was forthcoming. It is for the latter that the Pope pleads. This letter orders the Dominicans to urge Christians to come to the aid of Louis IX and his army who had suffered serious defeat in the conflict with the Mohammedans.

131.

Innocentius IV

July 23, 1253

. Viennensi Archiepiscopo¹

Sicut tua nobis fraternitas intimavit, ex conversatione² Judeorum in tua provincia, quos aliquamdiu de mandato sedis apostolice in eadem provincia non sine Christianorum dispendio et multorum scandalo, tolerasse te asseris, gravia ipsis Christianis animarum noscantur pericula imminere, nos ad animarum salutem totis affectibus aspirantes expellendi de ipsa provincia predictos Judeos vel per te vel per alios, presertim cum statuta contra eos a Sede predicta edita, sicut accepimus, non observent, plena tibi auctoritate presentium concedimus facultatem. Contradictores etc.

Datum Assisi, X Kal. Aug., anno undecimo.

(POTTHAST, NO. 15064; BERGER, NO. 6980; *GALLIA CHRIST.*, XVI, 50-1; CARO, I, 304, 499; *REJ*, IX (1884), 232, 237; *V.u.R.*, I, 239; *RODOCANACHI*, 133; *NÜBLING*, 249; *CHEVALIER, REGESTES DAUPHINOIS*, II, NO. 8966).

¹ See nos. 113-114. The reason for the request which the Archbishop made is unknown. It may be that this is an echo of the Vâlreas Affair (Cf. No. 114 note). It may be that it was due to the economic needs of the Archbishopric which in 1245 had been so serious as to cause the closing of the Chapter to newcomers for a period of several years. (Cf. M. C. Charvet, *Histoire de la Sainte Eglise de Vienne*, Lyons, 1761, p. 393). On January 14, 1253, the Archbishop returned from a two-year stay in Italy, and he must have made the request almost immediately. Raynaldus (l.c.) connects this with a general persecution of the Jews which is reported by M. Paris for this year.

² Raynaldus says that this decree referred only to the "litterarum periti." Prudhomme (*REJ*) says that there were two decrees, one against the rabbis, and another as above. That the Jews of the Province were either not expelled in toto, or were soon permitted to return, is evident from the Statutes of Vienne of 1289, where the usual restrictive measures were passed (Charvet, p. 677).

132.

Innocentius IV

September 25, 1253

. decano Erbipolensi

Obviare non credimus ecclesiastice honestati, si Sedes Apostolica, pia mater, Judeos quos inter filios sui uteri sub propriis ritibus eorumdem salutem expectans misericorditer patitur conversari sui expertes favoris et presidii non relinquat. Sane sicut Judeorum civitatis et diocesis Herbipolensis¹ petitio nobis exhibita continebat, venerabilis frater noster Herbipolensis episcopus considerans quod nonnulli Christianorum eiusdem civitatis et diocesis dictos Judeos indebitis molestiis et exactionibus contra indulta privilegii dicte sedis inhumaniter affligant, ac pia super hiis gestans vicera erga eos, volensque ipsorum quieti consulere in hac parte, ac dictorum Christianorum providere

131.

Innocent IV

July 22, 1253

. to the Archbishop of Vienne¹

Since Your Fraternity tells us that the souls of the Christians are known to be threatened with serious danger because of intercourse² with the Jews of your Province whom you say that you have tolerated in that Province until now because of the command of the Apostolic Throne, though not without loss to Christians and scandal on the part of many, we, aspiring wholeheartedly toward the salvation of souls, grant to you, by the authority of these letters, full power to expel the said Jews from your province, either through your own power or that of others, especially since, as we have heard, they do not obey the above-named statutes issued against them by the Apostolic Throne.

Given at Assisi, on the tenth before the Kalends of August, in the eleventh year.

132.

Innocent IV

September 25, 1253

. to the Dean of Würzburg

We do not believe that it is contrary to the honor of the Church if the Apostolic Throne, as a kindly mother, mercifully permits the Jews, with a view to their salvation, to hold intercourse with the children of her own womb, though these Jews remain subject to their own rites, and if it does not leave them deprived of her favor and protection. For, as the petition presented to us by the Jews of the City and Diocese of Würzburg¹ set forth, our brother, the venerable

¹ The background of this letter is a rebellion against the Bishop, Hermann of Lobdenburg (1225-1254), on the part of the citizens. At one time the citizens attacked the Bishop and threatened to throw him into the river. On September 19, 1253, Innocent sent a letter in which he commanded the citizens of Würzburg to stop going to neighboring dioceses for religious ministrations, but to resume attending the churches in their own diocese (*Monumenta Boica*, Munich, 1905, vol. 46, p. 31, no. XVIII). At the time the Jews belonged to the Bishop, having been granted to him by Henry Raspe in 1247 (Aronius, no. 564). Since he drew support from the Jews, and in turn protected them, the citizens attacked them. Thus the Chronicle of Lorenz Fries (J. P. Ludwig, *Geschichtsschreiber von dem Bisthum Würzburg*, Frankfort, 1713, pp. 565-567): "Dagegen satzen sich die Bürger mit fürwendung ihrer erlangten Freyheit, und huben an ihren Herrn dem Bischoff, seine Münz, die er der Zeit hat machen lassen, zu verschlagen; sie hielten ihm die Steuer für, sie fungen und straften etliche, die des Bischoffs geleidt hatten, sonderlich die Juden, gegen die sie noch einen neuen Hass trugen, von der grausamen. Tat wegen die sie in Kurz verschiedenen Jahren an etliche Christenkinder in der Stadt Fulda begangen hatten." From the fact

saluti, in civitate et diocesi predictis per subditorum suorum loca duxit generaliter statuendum ac etiam inhibendum ne aliquis subditorum suorum clericus vel laicus, in quos ipse spirituale vel temporale jurisdictionem obtinet, Judeos ipsos in parte aliqua, in personis, rebus, vel familiis eorumdem aliquatenus audeat ledere, invadere, vel etiam in aliquo molestare, prout in litteris confectis exinde ac ipsius episcopi sigillo munitis plenius dicitur contineri. Nos itaque predictorum Judeorum precibus inclinati, quod ab eodem episcopo super hoc proinde factum est, ratum habentes, discretioni tue per Apostolica scripta mandamus quatenus eosdem Judeos contra predictorum statuti et inhibitionis tenorem non permittas super hiis ab aliquibus indebite molestari; molestatores hujusmodi per censuram ecclesiasticam appellatione postposita compescendo, non obstante si aliquibus a Sede Apostolica sit indultum quod absque nostro speciali mandato excommunicari aut interdici nequeant aut suspendi.

Datum Asissi, VII Kal. Oct., anno undecimo.

(POTTHAST, NO. 15143; ARONIUS, NO. 593; BONDY, I, 27; CARO, I, 423, 499; DUBNOW, V, 166; SCHERER, 38; STRACK, *DAS BLUT*, 136, 180).

that the Dean of the Chapter is addressed, the conclusion may be drawn that the Chapter was suspected by the Jews of planning to join in league with the citizens. For the history of the Jews of Würzburg see Heinrich Epstein in the *Monatschrift*, XXVII (1880), 193-204.

133.

Innocentius IV

March 14, 1254

. Episcopo Constantiensi¹

Licet in sacro^a generali concilio provida fuerit deliberatione statutum ut Judei a Christianis qualitate habitus distinguantur ne illorum isti vel istorum illi mulieribus possint damnabiliter commisceri, Judei tamen tue civitatis et diocesis, sicut est nostris auribus intimatum, statutum hujusmodi non observant propter quod damnate commixtionis excessus sub erroris potest velamento presumi. Volentes itaque statutum hujusmodi firmiter observari, fraternitati tue per Apostolica scripta mandamus quatenus si est ita, Judeos ipsos ad deferendum signum, quo a Christianis qualitate habitus distinguantur, monitione premissa per subtractionem communionis fidelium, sublato appellationis impedimento, compellas.

Datum Laterani, II Id. Mar., anno undecimo.

(*FREIBURGER DIOECESAN ARCHIV*, VOL. X, 364; ARONIUS, NO. 596; DUBNOW, V, 163; SCHERER, 328; NÜBLING, 161).

^a The source evidently has "facto."

¹ Eberhard von Waldburg, 1248-1274.

Bishop of Würzburg, noted that certain Christians of the said City and Diocese had been inhumanly oppressing the said Jews with undeserved persecution and exactions, in defiance of the indulgences and privileges granted by the Apostolic Throne. The bowels of compassion toward them were then moved within him, and he wished to take counsel for their safety in this region, and for the salvation of the said Christians. He then issued a general decree throughout the lands of his subjects in the said City and Diocese, prohibiting any of his subjects, clerical or lay, over whom he held spiritual or temporal jurisdiction, to presume in any way to injure the said Jews wherever they live, in respect to their persons, property, or family, nor to attack, nor to molest them in any way, just as it is said to be set forth in full in the letters then composed and confirmed over the seal of the said bishop.

Wherefore, we, swayed by the prayers of the said Jews, and deeming valid that which has been done by the said Bishop, instruct Your Discretion, by these Apostolic Letters, not to permit the said Jews to be undeservedly molested in regard to these matters by anyone in defiance of the tenor of the said statute and prohibition. Such offenders are to be restrained by ecclesiastical censure without right of appeal, even if anyone has an indulgence from the Apostolic Throne that he cannot be excommunicated, interdicted, or suspended without a special mandate from ourselves.

Given at Asissi, on the Seventh before the Kalends of October, in the eleventh year.

133.

Innocent IV

March 14, 1254

. to the Bishop of Constance¹:

Although, after careful deliberation, it was decreed in the sacred General Council that the Jews should be distinguishable from the Christians by their clothes, lest Christians and Jews be able to have sinful intercourse with women of the other faith, nevertheless, we have been informed, the Jews of your Province and Diocese do not observe this decree, and as a result they may dare to commit the sin of forbidden intercourse under the veiling (excuse) of error. Wanting, however, that this statute should be rigorously observed, we, through Apostolic Letters, command Your Fraternity, if this is true, to compel the Jews to wear the Sign so that by their clothes they may make themselves distinguishable from Christians. This you shall do by shutting them off from communication with the faithful, after due warning, but without the right of appeal.

Given at the Lateran, on the second before the Ides of March, in the eleventh year.

I. Concilium Lateranense III¹

March 5, 1179

§26—Judei sive Saraceni nec sub alendorum puerorum suorum obtentu, nec pro servitio, nec alia qualibet causa, Christiana mancipia in domibus suis permittantur habere. Excommunicentur autem, qui cum eis presumpserint habitare.²

Testimonium quoque Christianorum adversus Judeos in omnibus causis, cum illi adversus Christianos testibus suis utantur, recipiendum esse censemus: et anathemate decernimus feriendos, quicumque Judeos Christianis voluerint in hac parte preferre, cum eos subjacere Christianis oporteat, et ab eis pro sola humanitate foveri.³

Si qui preterea Deo inspirante ad fidem se converterint Christianam, a possessionibus suis nullatenus excludantur; cum melioris conditionis conversos ad fidem esse oporteat, quam antequam fidem acceperunt habebantur. Si autem secus factum fuerit, principibus vel potestatibus eorumdem locorum sub poena excommunicationis injungimus, ut portionem hereditatis et honorum suorum ex integro eis faciant exhiberi.⁴

(MANSI, XXII, 231; HEFELE, V, 1105-6; ARONIUS, NO. 310; REJ, I (1880), 115, VI (1882), 171, XXXV (1897), 251F., 253; GRAETZ, VI, 281F., 400, NO. 6; ERLER, XLIII, 373; GÜDEMANN, ITALIEN, 75; CARO, I, 289, 359F., 294, 497; NÜBLING, 197; STOBBE, 149, 172; V.U.R., I, 226F.; RODOCANACHI, 37F.; AMADOR DE LOS RIOS, I, 360, 412 note, 469; JACOBS, 62F.; GOLDSCHMIDT, JUDEN IN ENGLAND, 28F.; SCHERER, 40 NOS. 3 AND 4, 45 NO. 15, 49 NOS. 22, 54, 55, 157, 165).

¹ Called and presided over by Pope Alexander III, the Council was representative of the Western Church, and also had delegates from Palestine (Hefele, *ibid.*, 1086-7). Graetz (VI, 400) cites a passage from *Shevet Jehudah* (ed. Wiener, p. 113) which reads as follows: "In the year 139 (1179) the Pope gathered all his cardinals and priests from France and from Spain; and all the communities feared greatly, and they fasted three days in succession. Then God heeded them, for nothing but good was uttered." Graetz ascribes the success to the influence of R. Yechiel, treasurer to the Pope. There is no means of knowing what the Jews feared at this time. Perhaps it was such legislation as was passed in the IV Lateran. These conciliar decrees were afterwards incorporated into the Decretals of Gregory IX (lib. V, tit. VI, c. V).

II. Concilium Parisense¹

March 27, 1188

Constitutum est a domino Philippo Francorum rege, consilio archiepiscoporum, et baronum terre sue, quod episcopi et prelati, et clerici conventualium ecclesiarum, et milites qui signum crucis assumpsissent, de debitibus suis reddendis, que debebantur tam Judeis quam Christianis, antequam crucem rex assumpsisset,² respectum habebant a proximo festo omnium sanctorum post diem motionis domini regis in duos annos. Ita videlicet, quod primo festo omnium sanctorum creditores habebunt tertium debiti, et sequenti festo omnium sanctorum alium

I. III Lateran Council¹

March 5, 1179

§26—Jews and Saracens shall not be permitted to have Christian slaves in their homes; neither for the purpose of nursing their children, nor for domestic service, nor for any other purpose. Those who dare live in the homes of Jews or Saracens, shall be excommunicated.²

We furthermore decree that the testimony of Christians against Jews shall be accepted in all cases, since the Jews employ their own witnesses against Christians; and we decree that those who in this matter want to give Jews greater privileges than Christians shall be placed under anathema, for the only fitting condition is that Jews be placed below Christians, and that they be treated kindly by the latter solely because of humanitarian reasons.³

If, moreover, with God's inspiration, anyone become a convert to Christianity, he shall under no condition be deprived of his property. For converts ought to be in better circumstances than they had been before accepting the Faith. If, however, any act to the contrary be found, we command the princes and the potentates in their respective places that, under pain of excommunication, they shall cause the hereditary portion and property of these converts to be restored to them intact.⁴

² Cf. Introduction, p. 24.³ Cf. Introduction, p. 56; also Vering's *Archiv für Kathol. Kirchenrecht*, vol. 43, p. 373.⁴ Cf. Introduction, p. 17; No. 105.II. The Council of Paris¹

March 27, 1188

Advised by the Archbishops and barons of his lands, the Lord Philip, King of France, decrees that the bishops and prelates and the clergy of the assembled churches, and the soldiers who have taken the Cross, shall be granted alleviation in the repayment of debts which they owed either to Jews or Christians before the king took the cross.² This is to extend for two years from the next All Saints' Day after the departure of the Lord King. Thus, the creditors shall have one third of the debt

¹ The Council was called by Philip Augustus in imitation of a similar council that had been called by Henry II in England, to establish the tax that was to be known as "Saladin's Tithe". (Hefele, V, 2, pp. 1142-3). In the measures taken by this Council, Henry II concurred and joined (L. Delisle, *Catalogue des Actes de Philippe-Auguste*, Paris, 1856, p. 51, no. 210).² This was not the usual procedure in the matter of Crusaders' debts (cf. Introduction, p. 39). Note also that in this case clergy and nobility who did not take the Cross were included.

tertium debiti, et tertio festo omnium sanctorum ultimum tertium debiti: usura autem non currit super aliquem a die qua ipse crucem assumpsit de debitis prius contractis, etc.

(MANSI, XXII, 578; HEFELE, V, pt. 2, 1142-1143; *ORDON. DES ROIS DE LA TROISIÈME RACE*, XI, 255).

III. Concilium Mospeliense¹

December, 1195

§9.—Decrevit etiam, ut Judei sive Saraceni nullam super Christianos habeant potestatem, nec eos Christianis preficere quiquam presumant, neque sub alendorum puerorum obtentu, nec pro servitio, nec alia qualibet causa, in domibus suis servientes Christianos aut Christianas permittantur habere. Excommunicavit autem illos, juxta Lateranense concilium et alia sacrorum canonum instituta, qui contra hec venire presumpserint, et commoniti noluerint emendare.

§10.—Si quis preterea ad fidem Deo inspirante se convertit Christianam, juxta memoratum Lateranense Concilium a possessionibus suis nullatenus excludatur: cum melioris conditionis esse oporteat conversos ad fidem, quam antequam fidem susciperent, habebantur. Si autem secus factum fuerit, principibus et potestatibus eorundem locorum, ubicumque sint sub poena excommunicationis injunxit, ut conversorum eorundem portionem hereditatis atque bonorum ex integro eis faciant exhiberi, eosque in omni benignitate et caritate pertractent, si desiderant excommunicationis laqueum evitare, ecclesiarum nihilominus prelati in hoc suam exercentibus potestatem.

§11.—Recepit denique sub protectione beatorum Petri et Pauli apostolorum, domini Coelestini pape, dominorum cardinalium, universorum archiepiscoporum, episcoporum, et aliorum prelatorum sancte ecclesie, ac sua legatus ipse, omnes illos de provinciis legationis sue, qui conversi fuerint de Judaismo vel paganismo ad fidem Catholicam, ex quo ipse Roma exivit, aut convertentur adhuc donec ad ecclesiam Romanam revertatur: et sub excommunicatione districte prohibuit, ne quis eos aut bona eorum aliqua temeritate perturbet.

(MANSI, XXII, 669; HEFELE, V, pt. 2, p. 1171).

on the next All Saints' Day, and another third of the debt on All Saints' Day following, and the last third of the debt on the third All Saints' Day. From the day, however, upon which the debtor took the Cross, no additional interest shall accrue upon any part of the debt previously contracted, etc.

III. The Council of Montpellier¹

December, 1195

§9.—Furthermore, he decreed that Jews or Saracens shall exercise no office over Christians, nor shall any one presume to give them preferment over Christians, nor shall they be permitted to have Christian men or women servants in their home under pretext of having them nurse their children or for domestic service, or for any other reason whatsoever. In accordance with the decree of the Lateran Council and the other sacred canons, he excommunicated those who dare to act contrary to the above, and who, though warned, refuse to correct their ways.

§10.—If, moreover, anyone through God's inspiration, convert himself to Christianity, he shall by no means be excluded from his possessions, for thus it was decreed in the said Lateran Council,² in view of the fact that converts to the Faith ought to be in better circumstances than they had been before they had accepted Christianity. Lest anyone act to the contrary, he enjoined the princes and others who are in power within their respective places, wherever situated, that, under pain of excommunication, they cause to be restored to these converts their patrimony and their goods intact, and if they would avoid the noose of excommunication they shall treat the (converts) themselves with all kindness and charity. The prelates of the Churches shall use their power in this matter.

§11.—Finally, he took under the protection of Blessed Apostles Peter and Paul, of the Lord Pope Coelestine, of the Lords the cardinals, and of all the archbishops, bishops, and other prelates of the Holy Church, and of himself the Legate, all persons of the provinces over which he is legate who had become converted to Christianity from Judaism or Paganism, from the time he had left Rome, or shall be converted from now until such time as he shall return to the Church at Rome. And, under pain of excommunication, he strictly forbade anyone to dare disturb their property.

¹ Mansi gives a report of this council called by the Papal Legate Michael primarily as part of the campaign against heresy in the Provence. (Hefele, V, 2, p. 1171).

² No. I.

IV. Odonis Episcopi Parisiensis Synodice Constitutiones¹c. 1200²

§15.—Nullus clericus fidejubeat Judeo vel foeneratori, nec obliget pro pignore aliquo modo ornamenta ecclesie vel libros Judeo.

§37.—Prohibeant sacerdotes per excommunicationem, et maxime tempore vindemiarum, singulis diebus dominicis, ne aliquis Christianus retineat apud se marchum vindemiarum³ quem Judei calcant aliquo modo, propter illam horribilem immunditiam quam in contemptum sacramenti altaris faciunt: et si remanserit, detur porcis, vel expandant ad opus pro fimo.

§38.—Prohibeant per excommunicationem sepe ne carnifices permittant Judeos laniare carnes suas, nisi totum detineant Judei.

§60.—Precipimus ut moneatur, non Judeis prestare rotas,⁴ secundum quod preceptum est: alioquin compellantur per excommunicationem.

(MANSI, XXII, 681, 683; GRAETZ, VI, 253).

Addenda

1.—Prohibeant sacerdotes publice laicis sub anathemate cum Judeis commercia facere, mutuo ab eis pecuniam ad usuram rei aliquid accipere, eis vendere vel mutuum dare, vel ab ipsis emere; quorum enim dispar est cultus, nullus debet esse animarum consensus.

2.—Insuper laicis prohibeatur sub poena excommunicationis ne presumant disputare cum Judeis de fidei Christiane articulis.

3.—Item, omnes illos Christianos qui cum Judeis cohabitavit et annua stipendia ab eis accipiunt, ipsis in domibus eorum serviunt, excommunicatos haberi, et a sacra communione arceri precipimus.

(MANSI, XXII, 685).

¹Odo de Sully, 1197-1208, cf. No. 18.

²These first two paragraphs are discussed at length by Sauval in a letter to be found in B. N. Fond Baluze, 212, pp. 124 ff. He places the time for the Synod between 1198 and 1208. Probably it was nearer the former date because of the reason given for the laws themselves. Sauval argues that it was a result of the recall of the Jews to France by Philip Augustus, who, after having driven them out in 1181, permitted them to return in 1198. Naturally, the clergy were angry, but could not openly protest. In order, however, to make the Jews odious to the Christians, the first Council after their return passed these edicts. Graetz (VI, 437) places it in 1197.

³Why the raisin skin should be forbidden and not the wine itself, and what is the horrible practice of which the Jews are accused, Sauval admits he is at a loss to explain. He suggests, as to the former, that wine is purified, whereas the raisin skin is not boiled and not purified. The only "horrible practice" he suggests with regard to the raisins is the one which he quotes Buxtorf as suggesting as an

IV. The Synodical Rules of Odo¹c. 1200²

§15.—No cleric shall go surety for a Jew or for a usurer, nor shall he in any manner pledge to a Jew the books or the ornaments of a church.

§37.—On each Sunday, especially during the vintage season, the clergy shall publicly, and with threat of excommunication, announce that no Christian shall have in his possession the residue of the grape³ which the Jews had pressed in any way, because of the horribly filthy practices which they commit to the disgrace of the sacramental altar. If any such (residue) remain it shall be given to the swine, or spread as fertilizer in tilling the soil.

§38.—They shall often forbid by excommunication that butchers permit Jews to slaughter meat for them, unless the Jews retain it all.

§60.—We order that warning be given that the round pulpits⁴ shall not be pledged to the Jews, for thus it is decreed. Otherwise, they shall be compelled to obey by excommunication.

Addenda

1.—Priests shall under pain of excommunication forbid laymen to have commerce with Jews, to receive any money from them for usury or any other purpose, sell to them or give anything in exchange or buy anything from them; for, where the religions differ, there ought to be no community of spirit.

2.—Moreover, laymen shall, under pain of excommunication, be forbidden ever to dare dispute with Jews about the articles of the Christian faith.

3.—Likewise, we order that all those Christians who live together with Jews, and receive from them annual support and serve them in their homes, shall be held excommunicate, and be shut out from holy communion.

explanation for the second prohibition, the buying of meat which Jews themselves do not eat. On those parts of the animal's body which to Jews are forbidden, says Buxtorf in the name of all the Jews who had become converted to Christianity, "illos hanc carnem primum inquinare, ab illorum filiis et filiabus urina conspurcari" in order that meat of this sort may bring a "Mitha M'shuna" upon the Christians.

Baluze, however, sees the difficulty that for this a pecuniary punishment upon the Jews would seem more logical than excommunication of the Christians. But, he answers, that that sort of punishment was often resorted to.

⁴Among the numerous meanings of "rota" given by Du Cange the only two here possible are those which explain the word as either a certain round part of the clerical garments, or a round, rotating pulpit. Certainly there is here no reference to the Badge. Ulysse Robert in his work on *Les Signes d'Infamie* seems entirely mistaken when he cites this decree as proof that the Jewish Badge was known in France before 1215.

V. Concilium Montiliense¹

June, 1209

A. Juramentum Raymundi Comitis:—Ego Raymundus juro quod quiquid nuncius vel legatus mihi precepit super universis capitulis quibus excommunicatus fui vel sum, bona fide adimplebo Item quod Judeis publica commissi officia (col. 770).

Precepta Raymundo a Milone facta:—in nomine Domini, Ego Milo, domini pape notarius, apostolice sedis legatus, precipio tibi Raymundo comiti Tolosano, sub debito prestito juramento sub eadem poena tibi precipio, ut universos Judeos in tota terra tua et ab omni administratione publica vel privata prorsus amoveas, nec umquam eos ad ipsam vel aliam restituas, vel alios Judeos ad aliquam administrationem adsumas, nec eorum consilio ullo tempore contra Christianos utaris (col. 770).

B. Juramentum comitum et baronum:—Nos juramus tibi, magistro Miloni quod stabimus omnibus mandatis ecclesie vel tuis super istis capitulis que inferius exprimuntur Item super Judeis ab omni administratione seu officio perpetuo amovendis, et ullo numquam tempore restituendis, vel aliis Judeis ad aliquam administrationem assumendis (col. 771).

Precepta facta baronibus:—Item ut Judeos ab omni administratione publica et privata removeatis omnino, et nullo umquam tempore eos ad eandem vel ad aliam restituatis, nec alios Judeos ad administrationem aliquam assumatis, nec eorum consilio contra Christianos utamini (cols. 775, 779).

C. Juramentum consulum Argentarie:²—Nos consules et omnes homines Argentarie juramus super sancta Dei evangelia Item Judeos ab omni administratione publica vel privata omnino removebimus et nullo umquam tempore eosdem vel alios ad eandem administrationem vel aliam assumemus, nec eorum consilio, contra Christianos utemur, nec in domibus suis Christianos vel Christianas ad servitium eorum permittemus habere. Et si contra hanc prohibitionem habuerint vel tenuerint, tam Judeorum quam Christianorum morantium cum eis bona omnia infiscabimus. (col. 782).

(MANSI, XXII, p.c.; HEFELE, V, pt. 2, 1280F.; CATEL, *HISTOIRE DES COMTES DE TOLOSE*, 245, 249; GRAETZ, VI, 244, 401, VII, 9; DUBNOW, V, 17F.; SAIGE, 19; CARO, I, 299, 498).

¹The council of the clergy of southern France was held by the new papal legate, Milo, in order to dispose of the problem of the relationship between the nobility of the Provence, and especially of the Count, Raymond VI, to the Albigenses and other heretics. While it began with a session of clergy at Montelimar, a meeting with Raymond was held at Valence, and the oaths were finally

V. The Council of Montelimar¹

June, 1209

A. The oath of Count Raymond:—I, Raymond, swear that I shall fulfill in good faith all the articles that the nuncio or the legate will set before me, and because of which I have been and am excommunicated Item, that I have committed public office to Jews

The injunctions set forth to Raymond by Milo:—In the name of God, I, Milo, secretary to the Lord Pope, legate of the Apostolic See, enjoin upon you, Raymond Count of Toulouse, under the oath administered to you On pain of the same punishment I enjoin upon you at once to remove the Jews from the administration of public and private affairs in all your lands, nor ever to restore them to the same or to other offices, nor to take any Jews for any administrative office, nor ever to use their advice against Christians

B. The oath of the counts and barons:—We swear to you Master Milo that we shall remain under the command of yourself and the Churches with regard to those articles hereinafter detailed Item, with regard to forever removing the Jews from all administration and office, nor ever to restore them, nor to accept other Jews for any office.

The injunctions set forth for the barons:—Item, that you shall remove Jews from any and all public and private administrative office, and never at any time restore them to these or to others, nor take other Jews for any administrative office, nor shall you use their counsel against Christians.

C. The oath of the consuls of Argentiere:²—We the consuls and all the men of Argentiere swear upon God's Holy Gospel (Item), we shall remove Jews from any and all public and private administrative office, and never at any time take these or others for these or other administrative offices, nor shall we use their counsel against Christians, nor shall we permit them to employ Christian men or women in their homes as servants. And if, despite this prohibition, they have and hold them, we shall confiscate all the property of both the Jews and the Christians living with them.

given at St. Gilles. For the excellent position in which the Jews had been in the Provence see Graetz, VII, 8-9, and Saige in the *Bibl. de l'école des chartes*, vol. 39. It was at St. Gilles, after the completion of the deliberations of this Council, that Raymond appeared and took the oath dictated by Milo. The lesser nobility followed. Cf. Newman, *Jewish Influences on Christian Reform Movements*, pp. 131 ff.; Dubnow, V, 17; Graetz, VII, 8-10.

²Catel, *Histoire des comtes de Tolose*, Toulouse, 1623, p. 249, gives the same oath for the City of Montpellier.

VI. Concilium Avenionense¹

September 6, 1209

§2.—Quia omnes non obediunt in Evangelio, ad supplementum gladii spiritualis, materialis auxilium sepius ab ecclesia imploratur; decernimus quod quilibet episcopus cives suos, comites, castellanos, milites, et alios parochianos suos, de quibus viderit expedire, per censuram ecclesiasticam, si opus fuerit, jurare compellat, sicut illi de Montepessulano juraverunt,² precipue circa exterminandos hereticos excommunicatos perdurantes in sua pertinacia peculiariter puniendos; Judeos a publica vel privata administratione privandos, et quod numquam ad suum ministerium in domibus propriis permittantur habere Christianos.

§4.—De Judeis usurariis illud statuit concilium, ut per excommunicationis sententiam in Christianos qui eis in commerciis, seu alio modo participaverint, ab usurarum exactionibus compescantur; et secundum constitutionem domini Innocentii pape III ad remittendas easdem compellantur.³ Quibus etiam prohibemus, et jubemus, per episcopos poena simili prohiberi, ne diebus Dominicis et solemnibus publice laborare presumant; nec carnibus, abstinentie diebus, vescantur.

(MANSI, XXII, 785; HEFELE, V, pt. 2, 1283; GRAETZ, VII, 11; DUBNOW, V, 19; SCHERER, 41 NO. 5, NO. 8, 44 NO. 10, 49 NO. 23; NÜBLING, I, 230).

VII. Ad Conventum Apamiensem¹

December 1, 1212

§12.—Item, nullus credens hereticus, licet sit reconciliatus, fiat prepositus, aut bajulus, aut assessor, in judicio testis, aut advocatus. Et idem prorsus sit de Judeo, excepto hoc quod Judeus poterit contra Judeum testimonium ferre.

(MANSI, XXII, 858; HEFELE, V, pt. 2, 1291-2; DUBNOW, V, 19).

VI. Council of Avignon¹

September 6, 1209

§2.—Because all do not obey the Gospel, the secular sword is often asked by the Church to supplement the sword of the spirit. Therefore, we decree that each bishop shall (if the need should arise) use ecclesiastical discipline to compel his subjects, the counts, castellans, knights, and others of his parishioners whom he may see fit, to take an oath such as those of Montpellier have taken,² especially with regard to the extermination of excommunicated heretics and to the punishing of such as remain hardened in their rebelliousness; also to deprive Jews of the administration of public and private affairs, and not to permit them at any time to have Christians in their homes as servants.

§4.—About the usury of Jews the Council decreed as follows:—that the Jews should be restrained from the exaction of usury by excommunicating those Christians who enter into commercial relations with them or deal with them in any other way, and that in accordance with the law of the Lord Pope Innocent III,³ the Jews be compelled to remit what they had gained through usury. We also prohibit them, and order that it be prohibited them by the bishops on pain of similar punishment, to presume to work in public on the Sundays or festivals. Nor shall they eat meat on days of abstinence.

¹The Council called by Hugo, Archbishop of Riez (1202-1223), was part of Milo's plan to continue the struggle against heresy in the Provence. It was attended by many other prelates. (Hefele, I. c.). The Council was attended by the Archbishops of Vienne, Arles, Embrun, Aix, and by twenty bishops.

²No. V.

³Decretals, Lib. V, tit. XIX, c. 12-13.

VII. The Convention of Pamiers¹

December 1, 1212

§12.—Likewise, no heretical Christian, even though already reconciled with the Church, shall be made a provost, a bailiff, or an assessor, or a witness in a law-suit, or a legal representative. And the above shall hold true of the Jews, except that a Jew may bring testimony against another Jew.

¹This Council was called by Simon de Montfort and the prelates of the Provence, while the Albigenses Crusade was at its height, in order to reorganize the territory reconquered for Catholicism.

VIII. Concilium Parisiense¹1213²

Statuimus sub poena excommunicationis, ne nutrix Christiana nutriat filium Judei, et ne Christiane obstetrices intersint puerperio Judeorum, nec alii Christiani eis serviant, ne per superficalem legis sue probabilitatem, quam prave exponendo pretendunt, servientes Christianos secum commorantes in sue incredulitatis inducant baratrum.

Cum foeneratores et maligni ecclesie persecutores ubique erigant synagogas malignantium,³ contradictionibus suis contra Deum et ecclesiam propositis, ipsi de novo erexerunt novas scholas filiorum suorum et doctrinas illorum contra vera rudimenta scholarum, facientes eos informari ad scribenda debita patrum suorum per usuram adquisita; ideoque statuimus, ut a modo non liceat illis hec artificia scribendi, sed veram doctrinam addiscere cum nulli liceat locupletari jactura alterius.

Cum nulla institutio principis possit infringere statuta novi et veteris testamenti; aut instituta canonum, precipimus ut in omni causa liceat cuilibet fidei inducere testes fideles contra Judeum et infideles.⁴

(MANSI, XXII, 850; HEFELE, V, pt. 2, 1308-1316; GRAETZ, VII, 14).

¹ Called by Robert de Courçon, Cardinal-Legate to France. The above canons, however, are not included in the recognized text of the Council as given in Mansi, l. c., pp. 827-843, nor as discussed by Hefele, V, 2, pp. 1308-1316, but are given in parts of a variant edition of the same council. This is discussed by H. Finke in his *Konzilienstudien*, pp. 45-46, where he argues convincingly that the above statutes are really a part of a Council held at Rheims rather than Paris.

² According to Hefele the year is uncertain, and may have been 1212. Finke (l. c.) has no doubts about the correctness of 1213.

³ Not religious but rather financial institutions; *L. Lucas in Philippsohn's Festschrift*, p. 37, note 3.

⁴ Cf. No. I; Intr., pp. 56-57.

IX. Concilium Lateranense IV¹November 11,² 1215

§67.—Quanto amplius Christiana religio ab exactione compescitur usurarum, tanto gravius super his Judeorum perfidia³ insolescit, ita quod brevi tempore Christianorum exhauriunt facultates. Volentes igitur in hac parte prospicere Christianis, ne a Judeis immaniter agraventur, synodali decreto statuimus, ut si de cetero quocumque pre-textu Judei a Christianis graves immoderatasve usuras extorserint, Christianorum eis participium subtrahatur, donec de immoderato gravamine satisfecerint competenter, unde Christiani, si opus fuerit, per censuram ecclesiasticam appellatione postposita, compellantur ab eorum commerciis abstinere. Principibus autem injungimus, ut propter hoc non sint Christianis infesti,⁴ sed potius a tanto gravamine studeant cohibere Judeos.

VIII. Council of Paris¹1213²

We decree, under pain of excommunication, that no Christian woman shall nurse Jewish children, and that no Christian midwives shall assist at a Jewish childbirth; nor shall any other Christian serve them, lest through the superficial plausibility of their law, which they wickedly pretend to explain, they may lead into the pit of their disbelief the Christian servants who dwell with them.

Since usurers and wicked persecutors of the Church everywhere raise up synagogues for the wicked,³ flaunting their rebelliousness against God and the Church, and have now again erected schools for their children where they teach them their doctrines which are contrary to the true fundamentals of learning, and where they instruct them so that they may write down the debts due to their parents which these obtain through usury, therefore we decree that it is not permitted them to learn this art of writing, but rather the true doctrine, for no one is permitted to enrich himself to the disadvantage of another.

Since no regulation of a prince can rescind the laws of the Old and the New Testaments or the canonical decrees, we order that in all cases it shall be permitted any faithful Christian to produce Christian witnesses against Jews and infidels.⁴

IX. IV Lateran Council¹November 11,² 1215

§67.—The more the Christian religion refrains from the exaction of usury, the more does the Jewish perfidy³ become used to this practice, so that in a short time the Jews exhaust the financial strength of the Christians. Therefore, in our desire to protect the Christians in this matter, that they should not be excessively oppressed by the Jews, we order by a decree of this Synod, that when in the future a Jew, under any pretext, extort heavy and immoderate usury from a Christian, all relationship with Christians shall therefore be denied him until he shall have made sufficient amends for his exorbitant exactions. The Christians, moreover, if need be, shall be compelled by ecclesiastical punishment without appeal, to abstain from such commerce. We also impose this upon the princes, not to be aroused against the Christians because of this,⁴ but rather to try to keep the Jews from this practice.

¹ See Introduction, p. 7.

² This is the date of the first public session. There were two other such sessions on the 20th, and the 30th of November.

³ "Judeorum perfidia" in contrast with "Christiana religio".

⁴ The loss to the Jew being also the loss of the Prince. Cf. Introduction, p. 45.

Ac eadem poena Judeos decernimus compellendos, ad satisfaciendum ecclesiis pro decimis et oblationibus debitis, quas a Christianis de domibus et possessionibus aliis, percipere consueverant, antequam ad Judeos quocumque titulo devenissent ut sic ecclesie conserventur indemnes.

(MANSI, XXII, 1054; HEFELE, V, pt. 2, 1385; *DECRETALES*, LIB. V, TIT. 19, CH. 18; ARONIUS, NO. 395; GRAETZ, VI, 406, VII, 15-18; CARO, I, 291; STOBBE, 106, 215 note 42; DUBNOW, V, 19-23, 76; CASSEL, 74; SCHERER, 40 NO. 4, 49 NO. 23, 189, 327; NÜBLING, 177F., 231; V.u.R., 230; GÜDEMANN, *ITALIEN*, 89; RODOCANACHI, 223; BAER, *STUDIEN*, 30; AMADOR DE LOS RIOS, I, 391, 410). 54. 176

X. Concilium Lateranense IV¹

November 11, 1215

§68.—In nonnullis ecclesie provinciis a Christianis Judeos, seu Saracenos habitus distinguit diversitas;² sed in quibusdam sic quedam inolevit confusio, ut nulla differentia discernantur. Unde contingit interdum quod per errorem Christiani, Judeorum, seu Saracenorum, et Judei seu Saraceni Christianorum mulieribus commisceantur. Ne igitur tam damnate commixtionis excessus per velamen (-tum) hujusmodi erroris, (ulterius) excusationis possint habere diffugium, statuimus, ut tales utriusque sexus in omni Christianorum provincia, et omni tempore qualitate habitus publice ab aliis populis distinguantur cum et per Moysen hoc ipsum eis legatur iniunctum.

In diebus autem lamentationis [et] dominice passionis, in publicum minime prodeant,³ eo quod nonnulli ex ipsis talibus diebus (sicut accepimus) [et] ornati⁴ non erubescunt incedere, ac Christianis, qui sacratissime passionis memoriam exhibentes, lamentationis signa pretendunt, illudere non formidant.

Illud [autem] districtissime inhibemus, ne in contumeliam Creatoris Redemptoris aliquatenus prosilire presumant. Et quoniam illius dissimulare non debemus obprobrium, qui probra nostra delevit; precipimus presumptores hujusmodi per principes seculares condigne animadversionis adiectione compesci, ne crucifixum pro nobis aliquatenus blasphemare presumant.

(MANSI, XXII, 1055; HEFELE, V, pt. 2, 1386; *DECRETALES*, LIB. V, TIT. 19, CH. 5; ARONIUS, NO. 395; GRAETZ, VI, 406, VII, 15-18; DUBNOW, V, 20-21, 76; REJ, I (1880), 114, 116; CASSEL, 74; CARO, I, 290; NÜBLING, 6, 161, 163; SCHERER, 41 NO. 7 & 9, 42 NO. 3, 60, 327, IDEM, *NACHTRÄGE*, XVIII; *MONATSCHRIFT*, 48 (1904), 588; GÜDEMANN, *FRANKR. u. DEUTSCHLAND*, 88F., 137; STOBBE, 170, 173F.; WEYDEN, 119; ROSENTHAL, *HEIMATGESCHICHTE DER BADISCHEN JUDEN*, 9; SINGERMAN, 15; SAIGE, 21F.; ROBERT, 7 NO. 2; GROSS, 368; BERLINER, *ROME*, 34; V.u.R., I, 230; RODOCANACHI, 163, 168; STRAUS, 50, 104F.; BAER, *STUDIEN*, 30; AMADOR DE LOS RIOS, I, 275F., 361, 468F.; KAYSERLING, *NAVARRA*, 23). 54. 176

We decree that by means of the same punishment the Jews shall be compelled to offer satisfaction to the churches for the tithes and offerings due them and which these churches were wont to receive from the houses and possessions of Christians before these properties had under some title or other passed into Jewish hands. Thus shall this property be conserved to the Church without any loss.

X. IV Lateran Council¹

November 11, 1215

§68.—Whereas in certain provinces of the Church the difference in their clothes sets the Jews and Saracens apart from the Christians,² in certain other lands there has arisen such confusion that no differences are noticeable. Thus it sometimes happens that by mistake Christians have intercourse with Jewish or Saracen women, and Jews or Saracens with Christian women. Therefore, lest these people, under the cover of an error, find an excuse for the grave sin of such intercourse, we decree that these people (Jews and Saracens) of either sex, and in all Christian lands, and at all times, shall easily be distinguishable from the rest of the populations by the quality of their clothes; especially since such legislation is imposed upon them also by Moses.

Moreover, they shall not walk out in public on the Days of Lamentation³ or the Sunday of Easter; for as we have heard, certain ones among them do not blush to go out on such days more than usually ornamented,⁴ and do not fear to poke fun at the Christians who display signs of grief at the memory of the most holy Passion.

We most especially forbid anyone to dare to break forth into insults against the Redeemer. Since we cannot shut our eyes to insults heaped upon Him who washed away our sins, we decree that such presumptuous persons shall be duly restrained by fitting punishment meted out by the secular rulers, so that none dare blaspheme against Him Who was crucified for our sake.

¹ As in the case of the III Lateran in 1179, the Jews now tried to forestall the anti-Jewish legislation which they saw coming (I, note 1; and Note 106, p. 63, on Isaac Benveniste). But Innocent III was not as amenable as Alexander III, nor was there a Yechiel as treasurer.

² Cf. Introduction, p. 66, notes 113 and 116.

³ The last three days of Holy Week.

⁴ Attention has frequently been called to the fact that these days generally coincide with Passover (cf. Dubnow, I. c.).

XI. Concilium Lateranense IV

November 11, 1215

§69.—Cum sit nimis absurdum, ut blasphemus Christi in Christianos, vim potestatis exerceat, quod super hoc Toletanum concilium¹ provide statuit, nos propter transgressorum audaciam in hoc generali concilio innovamus, prohibentes, ne Judei publicis officiis preferantur; quoniam sub tali pretextu Christianis plurimum sunt infesti. Si quis autem eis officium tale commiserit, per provinciale concilium, quod singulis annis precipimus celebrari, monitione premissa, districtione qua convenit, compescatur. Officiali vero hujusmodi, tamdiu Christianorum communio in commerciis et aliis denegetur, donec in usus pauperum Christianorum, secundum providentiam dioecesi episcopi convertatur, quidquid fuerit a Christianis adeptus occasione officii sic suscepti; et officium cum pudore dimittat, quod irreverenter adsumpsit. Hoc idem extendimus ad paganos.

(MANSI, XXII, 1058; HEFELE, V, pt. 2, 1387; ARONIUS, NO. 395; *DECRETALES*, LIB. V, TIT. 6, C. 16; GRAETZ, VII, 15-18; DUBNOW, V, 19-23, 76; CASSEL, 72; CARO, I, 293; SCHERER, 41 NO. 5, 327; STOBBE, 278, note 173; NÜBLING, 140F.; V.u.R., I, 230; BAER, *STUDIEN* 30; AMADOR DE LOS RIOS, I, 391F.). 54-176

XII. Concilium Lateranense IV

November 11, 1215

§70.—Quidam, sicut accepimus, qui ad sacri undam baptismatis voluntarii accesserunt,¹ veterem hominem omnino non exuunt, ut novum perfectius induant: cum prioris ritus reliquias retinentes, Christiane religionis decorem tali commixtione confundant. Cum autem scriptum sit. "Maledictus homo qui terram dōbus viis ingreditur"² et indui vestis non debeat lino lanaque contexta; statuimus ut tales per prelatos ecclesiarum ab observantia veteris ritus omnimodo compescantur, ut quos Christiane religioni libere voluntatis arbitrium obtulit, salutarifere coactionis necessitas in ejus observatione conservet;³ cum minus malum existat viam Domini non agnoscere, quam post agnitam retroire.⁴

(MANSI, XXII, 1058; HEFELE, V, pt. 2, 1388; *DECRETALES*, LIB. V, TIT. 9, C. 4; ARONIUS, NO. 395; GRAETZ, VII, 15-18; DUBNOW, V, 22, 76; CARO, I, 293; NÜBLING, 157; SCHERER, 327; V. u. R., I, 230; GÜDEMANN, *ITALIEN*, 78; BAER, *STUDIEN*, 30). 54-176

XI. IV Lateran Council

November 11, 1215

§69.—Since it is quite absurd that any who blaspheme against Christ should have power over Christians, we, on account of the boldness of the transgressors, renew what the Council of Toledo¹ already has legislated with regard to this. We forbid that Jews be given preferment in public office since this offers them the pretext to vent their wrath against the Christians. Should anyone entrust them with an office of this kind, he shall be restrained from so doing by the Council of the Province (which we order to be held every year). Due warning having been given him, he shall be restrained (therefrom) by such means as the Council deems fit. These officials themselves, moreover, shall suffer the denial of all intercourse, commercial and otherwise, with Christians until they shall have turned for the use of poor Christians in accordance with the dispositions of the bishop of the diocese, all that they may have earned from the Christians through the office they had undertaken. Disgraced, they shall lose the office which they had so irreverently assumed. This shall apply also to pagans.

¹ III Council of Toledo, 589; Hefele, III, 48 ff.

XII. IV Lateran Council

November 11, 1215

§70.—We have heard that certain ones who had voluntarily approached the baptismal font,¹ have not completely driven out the old self in order the more perfectly to bring in the new. Since they retain remnants of their former faith, they tarnish the beauty of the Christian Religion by such a mixture. For it is written "Cursed be he who walks the earth in two ways,"² and even in wearing a garment one may not mix linen and wool. We decree, therefore, that such people shall in every possible manner be restrained by the prelates of the churches, from observing their old rites, so that those whom their free will brought to the Christian religion shall be held to its observance by compulsion,³ that they may be saved. For there is less evil in not recognizing the way of the Lord than in backsliding after having recognized it.⁴

¹ Dubnow (l. c.) asserts that the reference here is to those who had become baptized during the Albigensian Crusade. Cf. Introduction, p. 15.

² *Ecclesiasticus*, III, 28.

³ Cf. No. 12.

⁴ Introduction, p. 15, notes 15 and 16.

XIII. Concilium Lateranense IV

November 11, 1215

. . . .¹ Si quis proficiscentium. . . . Quod si quisquam. . . .
Judeos vero His autem qui Judeis debita quod
debitum non absorbet. . . .

(MANSI, XXII, 1063; HEFELE, V, pt. 2, 1388; CARO, I, 293; NÜBLING, 236).
56.176

XIV. Concilium Melodunense¹

1216

§IV. Eidem poene (adjiciatur a prioratu) subjaceat prior qui quam-
cumque summam pecunie receperit a Judeo.

(MANSI, XXII, 1088; HEFELE, V, pt. 2, 1399).

¹ The Council was called by Peter, Archbishop of Sens [Hefe].

XV. Concilium Coloniense

1222¹

(MANSI, XXII, 1181-2; HEFELE, V, pt. 2, 1436).

¹ Finke, pp. 47 f., argues for the year 1220, and is for calling this a Provincial rather than a Diocesan Council.

² For a detailed account vide Aronius, no. 414.

XIII. IV Lateran Council

November 11, 1215

. . . .¹ We order that the secular powers shall compel the Jews to remit their usury, and until the Jews have done so they shall be denied commercial intercourse with Christians, the latter being forced to do so under pain of excommunication. Moreover, for those who are unable at the present time to pay their debts to the Jews, the princes shall procure the needed moratorium, so that, until their death or return be definitely established, they shall not suffer any inconvenience of accruing interest. The Jews shall be compelled to count into the capital, the income from the gage, minus the cost of maintenance, which it will yield in the meantime. . . .

¹ Since one of the prime reasons for calling the Council was to organize another crusade, the Council issued the call of which the above is a part. (Cf. Note 1 to No. 28, Luchaire, *Le Concil de Latran*, pp. 57-8.) Every effort was to be made to have this Crusade start in June 1217. The response to the call came mainly from Austria, Hungary, and Southern Germany. [R. Röhrich, p. 722.] There was actual fighting both in Palestine and in Egypt. For a while the Christians held Damietta at the mouth of the Nile, but gave it up in the temporary peace which was signed in 1227.

XIV. Council of Melun¹

1216

§4.—The same punishment (removal from office) shall be imposed upon any Prior who accepts any sum of money from a Jew.

XV. Council of Cologne

1222¹

The sole decision known of this Council is reported by Mansi (ibid.) as follows: "At this time a certain Jewish girl was miraculously² converted to Christianity and was led to accept the monastic life. Thomas Cantipratensis and Caesar of Heisterbach continue to tell that after she had been baptized under the name of Catherine, and received the veil of virginity in a nunnery of the Cistercian Order near Louvain, her relatives tried to draw her out of there, for they were armed with an order from Ugolinus, Bishop of Liege, who had been corrupted by them. Their claim was that the child had been under age at the time of her conversion. The girl, however, did not accede to their desire, but rather clung tenaciously to her new faith. In the following year the Bishop of Liege was accused, because of this affair, in the presence of Engelbert, the Archbishop of Cologne and his Synod. There the Bishop was ordered never again to bother the said monastery about the baptized girl."

XVI. Ad Oxoniense Concilium¹

April 17, 1222

§39.—Quoniam absurdum est, quod filii libere ancille filiis famulentur, et quoniam ex cohabitatione Judeorum cum Christianis non modicum solet in ecclesia Dei scandalum plurimorum suboriri; precipimus ut Judei de cetero non habeant mancipia Christiana; ad quod observandum tam ipsa mancipia per censuram ecclesiasticam, quam ipsos Judeos per poenam canonicam, sive extraordinariam, a diocesano excogitandam, volumus efficaciter induci: et quoniam supra statuta juris non habent a nobis foveri, utpote qui per multa enormia his diebus commissa probantur multipliciter nobis ingrati;² prohibemus, ne de cetero construant synagogas, sed precipimus, ut super decimis et oblationibus ab interesse teneantur ecclesiis in quarum parochiis comorantur.

§40.—Quoniam in partibus istis, sicut inter Christianos et Judeos confusion inolevit, ut fere nulla differentia discernatur, propter quod nonnunquam contingit, quod Christiani Judeis mulieribus, vel e contra commiscantur; precipimus auctoritate presentis concilii generalis, ut omnes omnino Judei, tam masculi quam foemine,³ in veste superiori antepectus tabulas laneas alterius coloris, quam vestis sit, deferant manifeste; ita quod utraque tabula duorum digitorum mensuram habeat in latitudine, et quattuor in longitudine; et ad hoc faciendum per censuram ecclesiasticam compellantur. Ecclesias etiam de cetero nullatenus intrare presumant. Et ne occasionem habeant ingrediendi, inhibemus districte, ne deposita eorum in ecclesiis conserventur, et si contra presumptum fuerit, per episcopum loci corrigatur.⁴

(MANSI, XXII, 1172; HEFELE, V, pt. 2, 1429F.; WILKINS, I, 591F.; GRAETZ, VII, 22; DUBNOW, V, 61; CARO, I, 350, 502; *JHSE*, VII (1908-1910), 30, 260-276; RIGG, XXIX; SCHERER, 40 NOS. 3, 4, 45 NO. 16, 49 NO. 23; ROBERT, 86).

¹ Hefele in discussing this Council (V, 2, pp. 1429 ff.) omits these references to the Jews.

² According to Walter of Coventry, a deacon who had become converted to Judaism was at this Council condemned to be burned. Cf. Rigg and *JHSE*, I. c. (Cf. H. Finke, p. 50), and it is to this that Graetz (I. c.) thinks the Council here refers.

³ The wearing of a Badge also by the women did not receive royal enforcement till the accession of Edward I (Tovey, p. 208). The reason for this, given by Rigg (I. c.), is that till 1253 the Jews were useful to the Treasury.

⁴ After promulgating the above decrees Stephen Langton and Hugo de Welles, Bishop of Lincoln, and also the Bishop of Norwich, published an injunction to the effect that no Christian shall have any communication with the Jews, or sell them provisions, under pain of excommunication. But the King defeated this by the following:

To the Sheriff of Lincoln and to the Mayor of Canterbury, Greetings.

Our Jews of Lincoln have shown to us that by an edict of our venerable fathers the Archbishop of Canterbury, and the Bishop of Lincoln, it is decreed about

XVI. The Council of Oxford¹

April 17, 1222

§39.—Since it is absurd that the children of a free woman shall be slaves to the children of a bondswoman, and since no little scandal in the case of many regularly arises in the Church of God from Jews and Christians living under the same roof, we decree that in the future Jews shall not possess Christian slaves. For the observance of this injunction we wish the servants to be effectively constrained by ecclesiastical censure, and the Jews by regular punishment or such extraordinary punishment as may be devised by the diocesan official; and since beyond the decrees of the law we need show them no favor, and inasmuch as, by the many enormities which they have committed at this time, they have been proved to be most ungrateful,² we forbid them to construct synagogues in the future, but we enjoin that they shall be held bound to the churches, in whose parishes they dwell, in respect to tithes and contributions out of their usury.

§40.—Since in these parts such confusion had arisen between Christians and Jews that they are barely distinguishable, and as a result it sometimes happens that Christians cohabit with Jewesses or vice versa, we decree by the authority of the present general Council, that each and every Jew, whether male or female,³ shall wear clearly exposed on the outer garments, on the chest, a linen patch of a different color from that of his garment, so that each patch shall measure two fingers in width and four in length; and that they shall be compelled, by ecclesiastical censure, to observe this regulation. They shall moreover not presume to enter churches in the future. And lest they have occasion to enter, we strictly forbid them to deposit and keep their property in churches; and if anyone dare act to the contrary, he shall be corrected by the local bishop.⁴

the Jews that no one shall sell them any food, nor have any communication with them, nor receive anyone who sells them anything. Therefore we command you that, after seeing our letters, you shall, on our behalf, cause it to be ordered and proclaimed throughout your district that food shall be sold to them. And if you find anyone who shall refuse to sell them food and other necessities in the district of Canterbury or anywhere else, you shall capture him and keep him in safe custody until further orders. (Tovey, *Anglia Judaica*, pp. 83-4.) Similarly some of the lower clergy disregarded order of both Council and Bishops. "At this time the prior of Dunstable granted several of them free liberty to reside within his Lordship and to enjoy all the privileges of it, in consideration of the annual payment of two silver spoons." (Tovey, p. 83).

XVII. Concilium Rothomagense

March 27, 1223

(MANSI, XXII, 1197-1200).

XVIII. Concilium Provincie Narbonense¹March-April, 1227²

§2.—Item quia Judei usurariis exactionibus plurimum opprimunt Christianos, cum a Domino generaliter prohibeantur usure; synodali concilio duximus providendum, ne Judei aliquatenus a Christianis immoderatas aliquatenus usuras accipiant. Quod si fecerint, eas restituere ab ecclesia compellantur: videlicet per excommunicationem in Christianos, qui cum eis in commercio vel aliis participationem habebunt. Nec in domibus suis habeant Christiana mancipia, vel nutrices; nec carnis publice vescantur, vel vendant eas in diebus, quibus abstinent Christiani. Nec in bajuliis, vel aliquibus officiis preesse Christianis permittantur. Carnes etiam, quas ipsi faciunt, privatim tantum in domibus suis vendant, et non in Christianorum macellis.

§3.—Ad hoc ut Judei possint ab aliis discerni, statuimus, et districte precipimus, ut in medio pectoris deferant signum rote, cujus circulus sit latitudinis unius digiti, altitudo vero unius dimidii palmi³ de canna. Nihilominus inhibemus iisdem diebus Dominicis et festivis publice operari. Et ne Christianos scandalizent, vel scandalizentur ab iis, volumus et mandamus, ut in septimana sancta nullatenus, nisi causa necessitatis, exeant domos suas; et prelati faciant eos a Christianorum vexationibus custodiri, maxime in septimana predicta.

¹ This Council, under Peter III (1226-1245), is said by Hefele [V, 2, p. 1452] to have been called for the purpose of continuing the struggle against the Albigenses, and of reforming the provincial Church. The paragraphs about the Jews seem to repeat those of the Lateran Council. Cf. also No. XXXVII, an almost literal repetition. Jean Regné, in *REJ*, LVIII (1909), 208ff., raises the question of the extent to which the canons against the Jews were meant to be enforced. There was in this respect a distinct cleavage between the Archbishop and the lower clergy. Says Regné, "After the success of the Albigensian Crusade the minor clergy found the Jews the only outlet for the hatred engendered." The Archbishops of Narbonne, on the other hand, could not but adopt a favorable policy, since Narbonne had two Jewries, one belonging to the Viscount, and the other to the Archbishop. The two princes rivalled each other to attract Jewish settlers. Peter III continued this policy, and it is more than likely that he did not enforce the above decrees. Indeed, he got along so well with the Jews that they often brought gifts to him and to his Cathedral. In 1241 the lower clergy brought charges against their Archbishop and mentioned the receipt of Jewish gifts. "It was a settled policy on the part of the Archbishops of Narbonne during the thirteenth century," continues Jean Regné, "to pass restrictive laws against the Jews and then not to enforce them." It ended with the grant of a very liberal charter to the Jews in 1284. The Viscount had already, in 1217, granted a liberal charter to his Jewry.

XVII. Council of Rouen

March 27, 1223

Called by Archbishop Theobald, this Provincial Synod passed nineteen articles given in Mansi which do not contain any reference to the Jews, though the articles do in a way summarize the work of the IV Lateran. (Cf. Hefele, V, 2, p. 1438). Erler in Vering's *Archiv für Kath. Kirchenrecht*, no. 43, p. 363, however, asserts that the law against Jews mingling with the rest of the population was also passed here, and likewise the law against office-holding (*ibid.*, p. 368). Scherer also cites this Council to the same effect (*Rechtsverhältnisse*, p. 41, no. 7). A declaration of obedience to the regulations of the General Council was frequent, e. g. the Scottish Synod (Mansi, XXII, 1223), the Synod of Lodi (*ibid.*, XXIV, 881-886).

XVIII. Council of the Province of Narbonne¹March-April, 1227²

§2.—Furthermore, because the Jews severely oppress Christians by the exaction of usury, and since usury has been universally forbidden by the Lord, we have caused it to be decreed by the Council that Jews shall never receive any immoderate usury from Christians. Should they continue to do so, the Church shall compel them to restore it by excommunicating the Christians who enter into business or any other relations with them. Nor shall they have Christian servants in their homes, nor nurses. Nor shall they publicly enjoy meat, nor sell it on days when Christians abstain from it. Nor shall they be permitted to be placed in authority as bailiffs over Christians, or in any other office. Moreover, the meat which they prepare they shall sell privately in their own homes and not in Christian market-places.

§3.—In order that Jews may be told apart from others, we decree, and we order it most emphatically, that in the center of the breast (of their garments) they shall wear an oval badge the width of which shall be of the measure of one finger and the height one half a palm.³ Besides, we forbid them to work publicly on Sundays and on festivals. And lest they scandalize Christians or are scandalized by Christians, we desire, and hereby order, that during Holy Week they shall not venture out of their homes at all unless because of pressing necessity,

² During Lent.

³ Cf. Saige, *Bibliothèque de l'École des Chartes*, vol. 39, p. 270ff.; U. Robert, *Les Signes d'Infamie*, p. 11. The *Shevet Jehudah* (Wiener, p. 114), in speaking of the Badge, mentions its establishment in southern France in the year 1217, but says that this order was soon rescinded, a fact which Graetz (VI, 406) ascribes to the victory of Raymond over Simon de Montfort in September 1217. The description of the Badge there given, agrees with the above. This assumption of a previous imposition of the Badge becomes unnecessary if one corrects the date given in the *Shevet Jehudah* from 177 to 187, either as a scribal error, or as a result of confusion in the mind of the author.

§4.—Statuimus insuper, ut Judei singulis annis in festo Dominice resurrectionis, sex denarios Melgorensis monete per singulas familias, pro oblatione eccelsie parochiali persolvant.⁴

(MANSI, XXIII, 21; HEFELE, V, pt. 2, 1452; GRAETZ, VI, 406, VII, 25F.; DUBNOW, V, 24, 34; CARO, I, 292; SCHERER, 40 NOS. 3, 4, 41 NO. 5, 9, 44 NO. 10, 49 No. 23; NÜBLING, 230; SAIGE, 20, 22, 23, 270; REJ, LVIII (1909), 208; ROBERT, 11).

XIX. Concilium Treviense¹

March 1, 1227

§8.— Item sacerdotes numquam exponant aliquid de ornamentis ecclesiasticis, nec aliquid religiosi audeant exponere Judeis sine nostra licentia speciali. . . . Item precipimus quod sacerdotes illiterati non conferant cum Judeis coram laicis, et Sacerdotes precipiant omnibus subditis suis ne aliquam potationem, vel medicinam ab eis sumant. . . .

§10.—Item precipimus districte, ut omnes usurarii restituant, queque ultra sortem perceperunt sub poena contra eos in Lateranensi Concilio edita,² item precipimus districte, ne in mutuo ultra sortem aliquid exigant, et ne propter moram solutionis aliquid petant; ne etiam propter inducias sua mercimonia carius vendant, et ne pecuniam suam ad cawercinos vel Judeos ponant propter lucrum, et ne ex pacto procurent sibi fieri remunerationes, quia non excusantur apud Deum. . . .

§11.— Item dominis terre precipimus, aut Judeis suis, ut eos cogant sub aliqua poena ut non intromittant se de aliqua medicina, nec aliquam potionem dent Christianis. . . .

(MANSI, XXIII, 32; HEFELE, V, pt. 2, 1455; ARONIUS, NO. 439; DUBNOW, V, 158; CARO, I, 437F.; SCHERER, 41 NO. 6; NÜBLING, 154, 186; I. MÜNZ, JÜDISCHE ÄRZTE IM MITTELALTER, 167, note 312).

¹ Hefele [V, 2, p. 1455] believes that this was not a provincial but a diocesan Council. It was called by the Archbishop Theodoric.

² III Lateran, can. 25.

XX. Concilio de Valladolid¹

1228

Mandamos que daqui en adelante con mayor diligencia sean aguardados los establecimientos del sancto Concilio General,² los cuales en gran partida non sin grave peligro son despreciados,

Item^a establecemos que así los Moros como los Judios sean constrenidos por el poder de la Iglesia que dein a las Iglesias diezmos et

^a Given in Mansi, XII, 1091, under the heading "Concilium incerti loci in Hispania post annum 1215." This one paragraph reads as follows:—"Precipimus ut tam Judei quam Sarraceni ad solvendam ecclesiis decimas et oblationes debitas pro terris et domibus et aliis possessionibus que ad ipsos a Christianis quocumque modo devenerint, per districtiorem ecclesiasticam compellantur."

and the prelates shall have them guarded from vexation by Christians especially during the said week.

§4.—Moreover, we decree that every year on the Feast of the Lord's Resurrection, the Jews shall pay for each family six denarii of Melgorensian money as an offering to the parish churches.⁴

⁴ This too is mentioned in the *Shevet Jehudah* (l. c.). Caro (l. c.) suggests that this general tax was imposed as a way out of the difficulty of determining which house had at one time been in Christian hands and which had not. Jews had been property-owners in the Provence from time immemorial.

XIX. Council of Treves¹

March 1, 1227

§8.—Furthermore, the clergy shall never leave out of their possession any of the church ornaments. Nor shall they dare to give up to Jews any religious article without special permission from us. We furthermore decree that ignorant clergymen shall not dispute with Jews in the presence of laity; and the clergy shall instruct all those under their control not to take any drink or medicine from the Jews.

§10.—Furthermore, we emphatically decree that all usurers shall restore whatever they have taken above the principal. This they shall do under punishment decreed against them in the Lateran Council.²

Furthermore, we emphatically decree that they shall not exact anything in exchange beyond the principal, and that they shall not demand anything for delay in payment, and that they shall not sell their merchandise for a higher price on account of purchase on trust, and that they shall not leave their money with Caorcini or Jews for the purpose of gain, and that they shall not out of such an agreement make any profit for themselves, for God will not forgive them.

§11.—Likewise, we order the lords of the land to compel their Jews, and force them to this by some punishment, not to occupy themselves with medicine, nor to give any kind of potion to Christians.

XX. Council of Valladolid¹

1228

We decree that from now on, all the decrees of the sacred General Council² shall be observed with greater diligence. For these are now in large measure neglected, not without serious danger. . . .

We decree that, by ecclesiastical compulsion, Jews and Saracens shall be forced to pay to the churches the tithes and offerings due for the

¹ Called by the Cardinal-Legate Juan de Alegrin, and attended by the prelates of Castile and Leon. Cf. Tejada y Ramiro, III, p. 327.

² The IV Lateran. Fita (l. c.) connects this statement with Nos. 36, 37, 38.

oblaciones por las tierras, cosas, et otras posesiones que de los Christianos ovieron en qualquier manera.

Item establecemos et firmamente mandamos que los Judios non traian capas cerradas como traen los clerigos, ca cosa desaguisada seria, que los Judios qui han de ser destremados et departidos de los Christianos por alguna senal, traian habito de clerigos, et que se lo fagan facer por el poder de la Iglesia.

(TEJADA Y RAMIRO, *COLLECCION DE CANONES DE LA IGLESIA DE ESPAÑA*, VOL. III, 327; FIDEL FITA, *ACTAS INEDITAS*, 235; HEFELE V, 2, p. 1502).

XXI.

Concilium Illerdense¹

March 29, 1229

§15.—Precipimus ut tam Judei quam Saraceni ad solvendam ecclesiis decimas et oblaciones debitas pro terris et domibus et aliis possessionibus, que ad ipsos a Christianis quomodocumque devenerint, per distractionem ecclesiasticam compellantur.²

(MANSI, XXIII, 205-206; TEJADA Y RAMIRO, III, 335; HEFELE, V, pt. 2, p. 1504; AMADOR DE LOS RIOS, I, 394).

¹The Council was called by the same Cardinal-Legate who had called the Council of Valladolid the year before (XX); the two sets of decrees are therefore to a large extent identical. Cf. Hefele, V, 2, p. 1504. Mansi, XXIII, 205-206, gives only a brief summary.

²Amador de los Rios (l. c.) says that the questions of usury and cohabitation of Christian servants with Jews were also discussed in this Council.

XXII.

Conventus Parisiensis

April 12, 1229¹

. . . .² Instituet etiam bailivos, non Judeos, sed Catholicos in terra, et nullius heresis suspicione notatos. Et tales prohibiti nec possunt admitti ad emendum reditus civitatum, et villarum, vel castrorum, vel pedagiorum.³ Et si forte talis ignoranter institutus fuerit, expellet eum et puniet, dum super hoc fuerit certificatus. . . .

(MANSI, XXIII, 165; HEFELE, V, pt. 2, p. 1492; GRAETZ, VII, 26; SAIGE, 20).

XXIII. Constitutiones Domini Willelmi de Bleys

1229

§17.—. . . . Prohibemus ne Judei libros vel vestimenta vel alia ornamenta ecclesiastica loco pignoris vel alio modo recipiant; quod si fecerint nisi commoniti ea restituerint ecclesiis, de quibus surrepta fuerint, subtrahatur eis participium Christianorum, secundum tenorem Concilii.

Item prohibemus sub interminatione anathematis, ne mulieres Chris-

lands and houses and other possessions which they had in any way acquired from Christians.

We likewise decree and order most emphatically, that the Jews shall not wear a wide cloak of the kind worn by the clergy, for it is highly improper that the Jews, who should be set apart and separated from the Christians by some definite sign, wear the garments of clerics. They shall be forced to do this by the power of the Church.

XXI.

Council of Lerida¹

March 29, 1229

§15.—We order that Jews and Saracens shall be compelled by ecclesiastical pressure to pay to the churches the tithes and offerings due from the lands, houses and possessions of Christians whose property has in some way fallen into the hands of the Jews and Saracens.²

XXII.

The Paris Convention

April 12, 1229¹

. . . . Moreover,² he will appoint Catholics, and not Jews, as bailiffs of the land, and such men suspected of no sort of heresy. Those who are prohibited from holding office shall also not be permitted to buy up the state taxes, nor the taxes of the cities, nor of the castles, nor even of travelers.³ If any such be unwittingly appointed he (Raymond) will remove him and punish him as soon as he (Raymond) shall be fully informed on this fact. . . .

¹Mansi gives the date as 1228. So does Catel, *Hist. des Comtes de Tolose*, p. 333. Hefele, however, *ibid.*, p. 1491, gives April 1229. Cf. note in Hefele, p. 1492.

²While the above is part of a proclamation issued by St. Louis announcing that he had made peace with Raymond, it was really of greater importance as a Church document marking another move in the Albigensian episode. The Papal Legate, Romain, had conducted the negotiations, and at Notre Dame in the presence of a Church gathering, Raymond took an oath to observe the demands made upon him by the Church.

³Pedagium—the tax for entrance into or passage through a land.

XXIII.

Regulations of Lord William of Bley,
Bishop of Worcester

1229

§17.—We forbid the Jews to receive ecclesiastical books, vestments, or other ornaments, as pledges, or for any other reason; but should they do this, after having been warned, and fail to return these objects to the churches from which they had been stolen, the Jews shall be cut off from intercourse with Christians, in accordance with the decree of the Council.

Furthermore, under threat of excommunication we forbid Christian

tiane nutrant pueros Judeorum, nec habeant Judei servientes mulieres Christianas, que in hospitibus eorum pernocent.

Item ne Christiani accipiant pecuniam Judeorum ad deponendam in ecclesiis quasi res proprias, ut magis salvo custodiantur.

Item ne Christiani accipiant pecuniam Judeorum ad deponendam in ecclesiis quasi res proprias; ut magis scilicet mutuo prestent denarios Judeis, ut eos tradant ad usuram spe lucri recipiendi.¹

(MANSI, XXIII, 121; WILKINS, I, 626).

XXIV. Concilium Apud Castrum¹

1231

§31. Item districtius inhibemus ne Judei efficiantur bailivi, nec eis contra fideles aliqua districtio committatur. Et si contra hoc factum fuerit, delinquentes ad desistendum per censuram ecclesiasticam compellantur.

§32. Coerceantur etiam Judei, ne quid faciant vel dicant in contemptum fidei Christiane, et blasphemiam Slavatoris. Et si contra hoc factum fuerit, et coram iudice ecclesiastico convicti fuerint, vel confessi; quousque ecclesie satisfecerint competenter, a fidelium communione priventur.²

§33. Quia novimus quod de testimoniis Judeorum contra Christianos perveniunt multa mala: prohibemus districtius ne testimonia Judeorum contra Christianos admittantur de cetero. Et iudex secularis per dioecesanum ad statutum hujusmodi observandum per censuram ecclesiasticam compellatur.

(MANSI, XXIII, 231; HEFELE, V, pt. 2, 1530-33; GRAETZ, VII, 28; SCHERER, 41 No. 5, 165; NÜBLING, 230, 237; CARO, I, 510; REJ, XVII (1888), 215 note 1, XXIX (1894), 235; DEPPING, 195).

¹ In Maan, *Sancta et Metropolitana ecclesia Turonensis*, Tours, 1667, pt. II, p. 51, these paragraphs are numbered 29, 30, 31. The paragraph immediately preceding this (Mansi, no. 30) orders that every Sunday in the churches, usurers shall be denounced as excommunicate. A Christian found guilty of it shall do public penance, or even Christian burial would be denied him. This was the most drastic statement against usury thus far made, and served as a precedent for later councils (cf. Bourquelot, II, 115). Juhel de Mayeune, Archbishop of Tours, presided over this Council of his archdiocese.

Erlar in Vering's *Archiv*, vol. 43, p. 363, says that at this Council were repeated all the restrictions of the IV Lateran, including the one about public appearance during Holy Week.

XXV. Concilium Provinciale Rothomagense¹

1231

§1.—² Eidem poene (remotus a prioratu) subjaceat Prior, qui quantamcumque summam pecunie mutuo receperit a Judeis. Abbas autem, qui sine licentia episcopi sui pecuniam a Judeo receperit mutuo, suspendatur, nec nisi per Provinciale Concilium relaxetur.

women to nurse Jewish children. Nor shall Jews have Christian women as servants who lodge in their hospices.

Furthermore, Christians shall not receive the money of Jews in order to hide it in Churches for greater safety, just as if it were Christian property.

Furthermore, Christians shall not exchange money with Jews, putting the Jewish money in the churches as if it were their own, and giving their own (Christian) money to the Jews in order that these may put it out on usury to the Christian's gain.¹

¹ Wilkins (*ibid.*, p. 570-571) gives other Constituciones of the same bishop for the year 1219. The above passage is found there almost verbatim.

XXIV. Council of Château-Gontier¹

1231

§31. Furthermore, we emphatically prohibit that the Jews be made bailiffs, and that any power be granted them which they might use against the faithful. And if anything be done to the contrary, the disobedient ones shall, by ecclesiastical censure, be forced to desist.

§32. Furthermore, the Jews shall be forced not to do or say anything in contempt of the Christian faith, or in blasphemy against the Saviour. And if anything be done to the contrary, and the accused be convicted before an ecclesiastical judge, or if he confess, until he shall have rendered proper satisfaction, he shall be deprived of intercourse with the faithful.

§33. Because we know that much evil results from the testimony of Jews against Christians, we emphatically forbid any one hereafter to admit Jewish testimony against Christians. The diocesan prelate shall, by ecclesiastical censure, force the secular judge to observe such statutes.

XXV. Council of the Province of Rouen¹

1231

§1.—² The same punishment (loss of priory) shall be meted out to a prior who receives any sum of money from Jews. Also an abbot who, without permission of his bishop, shall exchange money with a Jew, shall be suspended and not restored except through the Provincial Council.

§49.—We decree that, in accordance with the statutes of the General Council, all Jews shall be differentiated from Christians by the nature of their clothes, and that they shall be compelled to wear an

¹ Held under the presidency of the Archbishop Maurice. Erlar in Vering's *Archiv* (43, 363), claims that the decrees of the IV Lateran were here repeated.

² Hefele, V, 2, p. 1524, calls attention to the fact that this is a repetition of a decree of a Synod of Sens in 912.

§49.—Precipimus ut, juxta statuta Generalis Concilii, Judei omnes propter qualitatem habitus a Christianis disjungantur, et signa deferre manifesta in pectore compellantur: Christiani vero, sive Christiane eisdem non serviant; et ad hoc per censuram ecclesiasticam compellantur.

(MANSI, XXIII, 213, 219; HEFELE, V, pt. 2, 1524; GRAETZ, VII, 28; DUBNOW, V, 24; SCHERER, 40 NO. 3, 41 NO. 9; CASSEL, 75; ROBERT, 9, note 2).

XXVI. Inquisitiones Per Archidiaconatus Episcopatus Lincolniensis, a Singulis Archidiaconis Faciende

C. 1233

Questio 42.—An Judei morentur alicubi ubi non consueverunt morari?¹

(MANSI, XXIII, 329).

XXVII. Conventus Tarraconensis¹

February, 1233

§1.— Irrefragabiliter statuentes decernimus et firmiter inhibemus, ne cuique laice persone liceat publice vel privatim de fide catholica disputare; et qui contra fecerit, cum constiterit, a proprio episcopo excommunicetur; et nisi se purgaverit tamquam suspectus de heresi habeatur

§22.—Item statuimus quod Saracenus et Saracena non possit fieri Judeus et Judea, vel Judeus et Judea non possit fieri Saracenus vel Saracena, et qui hoc fecerint, amittant personas suas.

(MANSI, XXIII, 329-332; HEFELE, V, pt. 2, p. 1559; REGNÉ, in *REJ*, LX (1910), NO. 9; AMADOR DE LOS DIOS, I, 406, note 1).

XXVIII. Concilium Maguntini¹

July 25, 1233

§4.—Christianos quoque qui cum Judeis habitant, eis serviendo,² excommunicamus, suffraganeis ecclesie Maguntinensis precipiendo, ut et eos in suis diocessibus excommunicent et faciant a suis subditis hujusmodi sententiam firmiter observari.

(*ZEITSCHRIFT FÜR DIE GESCHICHTE DES OBERRHEINS*, III, 136; HEFELE, V, pt. 2, p. 1546; ARONIUS, NO. 463; DUBNOW, V, 158; SCHERER, 328).

¹ Under the presidency of the Archbishop of Mayence. Cf. *Notices et Extraits*, XXIV, pt. 2, pp. 177-180.

² Scherer (l.c.) connects this Council with No. 69 (March 4, 1233).

easily distinguishable badge upon their chest. Christian men and women shall not serve them, and shall be forced to refrain from so doing through ecclesiastical punishment.

XXVI. Investigation Made by Each Archdeaconate of Lincoln

C. 1233

Question 42.—Do Jews live in any place where they did not live before?¹

¹ On the question of the limitation of Jewish residence in England during this period, see Dubnow, V, 62. Cf. Tovey, p. 205, also *Intr.*, p. 60. Rigg, p. XXV, attributes to the large immigration from the Continent the policy of the government to restrict residence. The reasons of the Church were different, but the effect was the same.

XXVII. Council of Tarracona¹

February, 1233

1.— We decree absolutely forbidding any lay person to dispute about the Catholic faith whether publicly or privately. Whoever shall be found acting contrary to our prohibition shall be excommunicated by his own bishop, and, unless he purges himself, shall be suspected of heresy.

§22.—Furthermore, we decree that no Saracen, man or woman, may adopt Judaism, and that no Jew or Jewess may turn Saracen, and those who do this shall lose their liberty.

¹ Rather than a Council in the usual sense, this was a convention (*conventus*) where James I of Aragon promulgated certain edicts which had been worked out by the prelates and the King. Mansi and Amador de los Rios place this Council in 1234, but Hefele, p. 1559, Tejada y Ramiro, III, p. 362, Martene, VII, 125, all place it in 1233.

XXVIII. Council of Mainz¹

July 25, 1233

§4.—We also excommunicate such Christians as choose to live in Jewish homes in order to act as their servants.² We order our suffragans in the Church of Mainz to excommunicate such Christians in their dioceses, and to make this decision thoroughly observed by their subjects.

XXIX. Concilium Arelatense¹

July 8, 1234

§1.—Quoniam ex obedientie debito constitutiones Romanorum pontificum tenemur fideliter observare, mandamus omnibus suffraganeis nostris, et districte precipimus, ut canonicas regulas et statuta Concilii Lateranensis IV, a Domino Papa Innocentio III promulgata, diligenter observent, et a suis subditis faciant observari.

§16.—Item decernimus,² quod Judei masculi a XIII annis et supra, deferant extra domos in superiori veste, in pectore signum celle, latitudinis trium vel quattuor digitorum, nisi sint in viagio constituti. Mulieres autem Judee a XII annis et supra, oralia deferant extra domos. Si vero Judei quocumque pretextu contra fecerint, Christianorum eis participium denegetur. Hac eadem poena Judeos decernimus compellendos ad satisfaciendum ecclesiis pro decimis et oblationibus de domibus et possessionibus quas noscuntur in ipsis parochiis possidere.

(MANSI, XXIII, 340; HEFELE, V, pt. 2, 1560-1; DUBNOW, V, 24; SCHERER, 41 NO. 9; NÜBLING, 230; RODOCANACHI, 223; ROBERT, 11, 16, 26, 37).

¹ Presided over by Archbishop John de Bausson. Rodocanachi (l. c.) says that these canons were passed at the request of the Pope. He probably refers to No. 69. For a history of the Jews of Arles see H. Graetz in the *Monatschrift*, vol. 27 (1878), pp. 145-160, 377-384, vol. 31 (1882), pp. 465-471.

² Canon 15 deals with consulting magicians. It makes no mention of Jews. Cf. No. XXXIV, §15.

XXX. Concilium Arelatense

November, 1236

(MANSI, XXIII, 342 note; HEFELE, V, pt. 2, 1561; DUBNOW, V, 24; SCHERER, 41 NO. 9).

XXXI. Concilium Turonense¹

June 10, 1236

§1.—Statuimus quod si cruce signati occasione alicuius delicti a iudice seculari detenti fuerint, per competentem iudicem ecclesiasticum repetantur: ad ipsos restituendos, si opus fuerit, detentorem per censuram ecclesiasticam compellendo. Quibus restitutis, si in foro ecclesiastico de homicidio, vel alio enormi delicto de cetero perpetrando, legitime convicti fuerint vel confessi nullis privilegiis cruce signati gaudentes, cum reatus omnem honorem excludat, signis crucis per eundem iudicem ecclesiasticum exuantur. Si autem alias delinquentes, in crimine objecto convicti fuerint vel confessi, secundum qualitatem et quantitatem criminis a iudice ecclesiastico puniantur. Nos autem districtius inhibemus, ne cruce signati vel alii Christiani Judeos occidere, seu verberare, vel bona eorum invadere, vel auferre, vel quascumque

XXIX. The Council of Arles¹

July 8, 1234

§1.—Since we are bound faithfully to observe our debt of obedience to the legislation of the Roman Pontiffs, we command all our suffragans, and earnestly order them, carefully to observe the canonical regulations and the statutes of the IV Lateran Council promulgated by the Lord Pope Innocent III, and also that they cause these statutes to be observed by their subordinates.

§16.—Furthermore,² we decree that male Jews from the age of thirteen and up, when outside their homes, except when on a journey, must wear upon the outer garment, upon the breast, a round badge of three or four fingers in width. Jewish women from the age of twelve and up, shall wear veils when outside their homes. If the Jews shall, under any pretext, act contrary, they shall be denied intercourse with the Christians. We decree that under the same penalty the Jews shall be compelled to satisfy the churches for the tithes and gifts from the houses and properties which they are known to possess in these parishes.

XXX. The Council of Arles

November, 1236

The statutes of the Council of Arles of 1234 were repeated.

XXXI. Council of Tours¹

June 10, 1236

§1.—We decree that, if crusaders shall, by reason of any crime, be detained by a secular judge, they shall be reclaimed by a competent ecclesiastical judge. If need be, their detainers shall be forced by ecclesiastical punishment to return them. After they had been returned, if they be convicted in an ecclesiastical court of homicide or any other crime that they might commit, or if they confess, they shall no longer enjoy the privileges of a crusader, since such a charge destroys all honor; they shall be deprived of the sign of the Cross by the ecclesiastical judge. If, however, they be convicted of other irregularities of criminal nature, or if they confess them, they shall be punished by the ecclesiastical judge in accordance with the nature and extent of the crime. We, furthermore, emphatically prohibit any crusader or other Christian to dare kill Jews, or to flog them, or to invade their property, or to carry it off, or bring any other kind of injury upon them. For the Church tolerates the Jews, since it does not want the death of the sinner, but rather that he return and live. Know, that whoever dares act otherwise will not evade canonical punishment.

¹ Presided over by Archbishop Juhel.

injurias eidem inferre presumant: cum ecclesia Judeos sustineat, que non vult mortem peccatoris, sed ut magis convertatur et vivat: scituri quod si contra presumpserint, ultionem canonum non evadent.

§13.—² Dissonant episcopi in suis diocesibus qualiter de novo conversi erudiantur in fide, et commode sustententur, sicut viderint expedire; ne sub paupertatis pretextu ad vomitum redire cogantur.

(MANZI, XXIII, 411; HEFELE, V, pt. 2, pp. 1572-3; REJ, XVII (1888), 215, XVIII (1889), 262).

² Following Maan, *Historia Ecclesie Turonensis*, L. Lazard in REJ, XVII (1888), 215, note 5, puts this canon in a Council of 1233. For the history of the Jews of Tours see also L. Grandmaison, REJ, XVIII (1889), 262.

XXXII. Constitutiones Domini Alexandri Conventrensis Episcopi

c. 1237

Ad hec cum nihil carius reliquerit nobis Deus in terris post ascensionem suam ad coelos, quam sacramenta in quorum visione ipsius habetur memoria, ipsa debemus venerari in tantum, ut contra ipsa, immo contra ipsorum auctoritatem, nulla possit fieri blasphemia. Quia ergo solent quidam propter opprobria Christi, ut increduli, quidam, qui propter minimum contemptum descenderunt in profundum abyssi, quidam autem, qui propter veneficia, ut mali Christiani et Judei, aliqua turpia circa Eucharistiam et Chrisma et oleum sanctum, ausu temerario, immo nimis ausi, presumere; precipimus ut sub optima clausura clavium reponantur in diversis vasis, prout decet honestius.¹

(WILKINS, I, 640; MANZI, XXIII, 430).

¹ Cf. Synod of Breslau 1248, can. 27, and Synod of Buda 1279, can. 24, in Hube, *Antiquissimi Constitutiones Synodales Provinciae Gneznensis*, Petropole, 1856, p. 46 and 88, where similar orders are given without mentioning the phrase "mali Christiani et Judei."

XXXIII. Tarraconense Concilium¹

April 18, 1239

§4.—Item, statuimus, quod Judei et Saraceni a Christianis in habitu distinguantur, et nutrices vel mulieres non teneant Christianas. Et si que sunt Christiane, que Judeis vel Saracenis cohabitent, nisi infra duos menses a tempore publicationis istius constitutionis recesserint, quantumcumque poenitentiam fecerint, numquam tradantur ecclesiastice sepulture, nisi de metropolitani licentia speciali.²

(MANZI, XXIII, 513; HEFELE, V, pt. 2, 1606; SCHERER, 40 NOS. 2, 3, 41 NO. 9).

§13.—² Bishops shall take care that new converts in their diocese are instructed in the Faith, and that they are supported liberally, by such means as the bishops deem proper, lest under pretext of poverty the converts return to their vomit.

XXXII. Regulations by Alexander of Stavenby, Bishop of Coventry, Made for the Government of His Diocese

c. 1237

Since God left us for this purpose nothing more valuable upon earth after his ascension to heaven than the sacraments in the sight of which his memory is preserved, we ought to venerate them to such an extent that no blasphemy ever exist against them or against their authority. Yet there are certain persons who, on account of their disdain of Christ, as for example skeptics or others who on account of their contempt, descend into the profound abyss, or others, as for example, wicked Christians and Jews, who, on account of their practice of magic, are accustomed to try with outrageous daring various shameful acts against the eucharist and the holy oil. We therefore command that these objects shall be placed in separate vases, and kept under the most efficient lock.¹

XXXIII. Council of Tarracona¹

April 18, 1239

§4.—Furthermore, we decree that Jews and Saracens shall be differentiated from Christians by their clothes, and that they shall not keep Christian nurses or women. And, if there are any Christian women who live with Jews or Saracens, unless they separate themselves within two months after the publication of this Rule, no matter how much penance they may do, they shall never receive Christian burial unless by special permission of the Archbishop.²

¹ Cf. Hefele, V, 2, p. 1606. The above paragraph was not a new enactment of the Council, but rather part of the "Constitutiones" of the Cardinal-Legate John, Bishop of Saint-Sabine; Finke, *Konzilienstudien*, p. 75, places this paragraph among the decrees of the Council of Tarracona of May 13, 1242. Tejada y Ramiro also has this date. Present were the bishops of Barcelona, Tortosa, Gerona, Urgel, Vich, Huesca, Lerida.

² Finke (pp. 77f.) reports another Council of Tarracona on May 5, 1243. He refers to Tejada y Ramiro, VI, 36ff. I could not trace the reference. The statutes of this Council that have to do with the Jews are:—(§4) to avoid communication with Jews, because of the danger of heresy; (§5) a repetition of a statute of James of Aragon about the retention of their property by converted Jews and Saracens.

XXXIV. Synodus Wigorniensis¹

July 26, 1240

§15.—Sortiarii autem et sortiarie cum detecti fuerint, maxime autem, qui Judeos consuluerint super vita, vel actibus sorte discutiendum; ad episcopum destinentur, pro sue discretionis arbitrio, puniendi.² . . .

§56.—Prohibemus etiam, sub interminatione anathematis, ne mulieres Christiane pueros nutriant Judeorum, nec habeant Judei famulos Christianos, in eorum hospitiiis pernoctantes.

§57.—Prohibemus etiam, ne Christiani recipiant pecuniam Judeorum, quasi res proprias, ut magis salvo custodiantur, in ecclesiis deponendas.

§58.—Quia vero parum refert, an quis per se, vel per alium in crimen incidat usurarum: prohibemus, ne quis Christianus Judeo pecuniam committat, ut eam Judeus, simulate, suo nomine proprio, mutuet ad usuram. In aliis autem, statuta conciliorum circa Judeos volumus et precipimus firmiter observari.

(MANSI, XXIII, 530; WILKINS, I, 671, 675; HEFELE, V, pt. 2, 1611; SCHERER, 49 NO. 23).

XXXV. Concilium Lugdunense Generale ab Innocentio IV celebratum

June 28, 1245

*Si qui vero.*¹ (et infra ad) quod debitum non absorbet.

(MANSI, XXIII, 630; HEFELE, V, pt. 2, 1656; ARONIUS, NO. 551; DEPPING, 195; NÜBLING, 237).

XXXVI. Statuta Synodalia Cicestrense¹

1246

Judei vero districte compellantur ad ea observanda, que de personis illorum in generali et speciali concilio continentur, ut nec synagogas erigant novas, et quod tabulam in loco eminenti in signum cognitionis portent. Prohibemus autem ne Christianus vel Christiana cohabitent cum eisdem.

(MANSI, XXIII, 714; WILKINS, I, 693).

XXXIV. Synod of Worcester¹

July 26, 1240

§15.—When men and women magicians shall be found, and also such as consult Jews for the purpose of finding out by magic about their life or actions, they shall be brought before the bishop to be punished in accordance with his decision.²

§56.—Moreover, under threat of anathema, we prohibit Christian women to nurse Jewish boys, and Jews to have Christian servants lodging in their quarters.

§57.—Moreover, we forbid Christians to receive Jewish money as if it were their own, and to deposit it in churches for greater safety.

§58.—Because it amounts to the same thing whether a man falls into the crime of usury by his own action or through someone else, we forbid any Christian to entrust money to a Jew that he might lend it on usury under his own name. In other matters, too, we desire that the decrees of the Councils with regard to the Jews, shall be strictly observed.

¹ This was a council of the Diocese of Worcester called by Bishop Walter de Cantilupe.

² For magic and the Jews see Introduction, p. 73.

XXXV. General Council of Lyons (Under Innocent IV)

June 28, 1245

If anyone.¹

¹ Cf. the Call issued by the IV Lateran (XIII). Hefele, V, 2, 1656: During the 28 years between the two Oecumenical Councils several attempts were made to recapture the Holy Land. But, although the Popes kept up a constant agitation, no real effort was made. In 1228 Frederick II gained Jerusalem; in 1244, however, it was again lost. Hence the new call issued by the Council of Lyons, which was to bear fruit in the effort of St. Louis.

XXXVI. Synod of Chichester¹

1246

. The Jews, moreover, shall be compelled to observe without fail that which the general and special councils have decreed with regard to them, that they shall not erect new synagogues, and that they shall wear a badge prominently displayed as a sign of recognition. Moreover, we forbid any Christian, man or woman, to dwell with them.

¹ Statutes issued under the name of Richard II, Bishop of Chichester.

XXXVII. Concilium Biterrense Provinciale¹

April 19, 1246

§37.—Quia Judei usurariis exactionibus plurimum opprimunt Christianos, cum a Domino generaliter prohibeantur usure: provinciali concilio duximus providendum, ne Judei a Christianis aliquatenus immodicas usuras accipiant. Quod si fecerint, eas ab ecclesia restituere compellantur, videlicet per excommunicationem in Christianos, qui cum eis in commercio vel aliis participationem habebunt.

§38.—Nec in domibus suis habeant Christiana mancipia vel nutrices, nec carnes venales teneant publice diebus quibus abstinent Christiani, nec in bajuliis, vel aliquibus officiis, Christianis permittantur preesse. Carnes etiam quas ipsi faciunt privatim tantum in domibus suis vendant, et non in Christianorum macellis.

§39.—Ad hoc ut Judei a Christianis discerni possint, statuimus et districte precipimus, ut in medio pectoris deferant signum rote, cuius circulus sit latitudinis unius digiti, altitudo vero unius dimidii palmi de canna.

§40.—Nihilominus inhibemus eisdem, diebus Dominicis et festivis publice operari, ne Christianos scandalizent, vel scandalizentur ab eis.

§41.—Volumus et mandamus ut in septimana sancta a die coene mane usque ad diem resurrectionis Domini, nullatenus, nisi causa necessitatis, exeant domos suas: et prelati tunc faciunt eos a Christianorum vexationibus custodiri, maxime in septimana predicta.

§42.—Statuimus insuper, ut Judei singulis annis in festo Dominice resurrectionis sex denarios Melgoriensis monete, pro singulis familiis, pro oblationibus, ecclesie parochiali persolvant.

§43.—Preterea excommunicentur Christiani, qui in infirmitate positi, causa medicine se committunt cure Judeorum.²

(MANSI, XXIII, 701; HEFELE, V, pt. 2, 1694-98; GRAETZ, VII, 112-3; DUBNOW, V, 24; SCHERER, 40 NOS. 3, 4, 5, 41 NOS. 6, 7, 8, 9, 44 NO. 10, 49 NO. 23; SAIGE, 22-3; RODOCANACHI, 171; MÜNZ, JÜDISCHE ÄRZTE, 67, 127; ROBERT, 12).

¹ Presided over by William Archbishop of Narbonne, in the presence of all his suffragans, for the purpose of strengthening the Inquisition and extirpating heresy. (*Hist. Gen. de Languedoc* VI, p. 779). Cf. no. XVIII.

² Graetz (l. c.) says that this canon aimed particularly to destroy the influence of the Jews with the nobility.

XXXVIII. Concilium Parisiense¹

1248

§9.—. . . .²Eidem poene subiaceat prior qui quamcumque summam pecunie recepit a Judeo.

(MARTENE, *VET. SCR. COLLECTIO*, VII, 140; HEFELE, VI, pt. 1, p. 71; MANSI, XXIII, 766).

XXXVII. Council of the Province of Beziers¹

April 19, 1246

§37.—Because the Jews severely oppress the Christians by the exaction of usury, in spite of the fact that usury was completely forbidden by God, therefore we caused the Provincial Council to provide that the Jews shall not receive immoderate usury from Christians. Should they continue to exact it, the Church shall compel them to restore it by excommunicating the Christians who have commercial or any other dealings with them.

§38.—Nor shall they have Christian servants or nurses in their homes. Nor shall they offer meat for public sale on days when Christians abstain. Nor shall they be permitted to be superiors to Christians as bailiffs or in any other offices. Moreover, meat which they prepare, they shall sell privately in their own homes and not in Christian marketplaces.

§39.—In order that Jews may be told apart from Christians, we decree and emphatically order that they shall wear a round sign in the center of their breast. Its circumference shall be one finger in width, and of the measure of one half a palm in height.

§40.—Nevertheless we forbid them to work publicly on Sundays and on festivals, that they may not scandalize Christians, nor be scandalized by them.

§41.—We desire and we command that during Holy Week, from the day of the Lord's supper until the day of the Resurrection, none shall leave his house unless by reason of necessity. Prelates shall then have them guarded from molestation by Christians, especially during the said week.

§42.—Moreover, we decree that each year, at the Feast of Resurrection, the Jews shall pay for each family six denari of Melgoriensian money as an offering to the parish churches.

§43.—Furthermore, those Christians shall be excommunicated who because of illness, entrust themselves for healing to the care of Jews.²

XXXVIII. Council of Paris¹

1248

§9.—²A prior who received any sum of money from a Jew shall suffer the like punishment (i. e. removal).

¹ Presided over by Giles, Archbishop of Sens. Cf. No. XL.

² This is part of a prohibition that a prior engage in any sort of business. Cf. No. XXV, §1.

XXXIX. Concilium Valentinum¹

December 5, 1248

§5.—Item de Judeis etiam concilia et constitutiones servantur: et si domini seculares admoniti non compellunt eos signum portare, prelati procedant contra ipsos Judeos, interdicendo commercia Christianorum cum eis, et alias puniendo, sicut in concilio et constitutionibus continetur.²

(MANSI, XXIII, 722; ROBERT, 8; SAIGE, 22; SCHERER, 41 NO. 9).

¹ Presided over by Peter, Cardinal-Bishop of Albans, and Hugh, Cardinal-Priest of St. Justine, both papal legates. The archbishoprics of Narbonne, Vienne, Arles, Aix, were represented, in all four archbishops and fifteen bishops. (Cf. J. Chevalier, *Quarante années de l'histoire des évêques de Valence au Moyen Age*, Paris, 1889, p. 78).

² Another result of the Valria Ritual-Murder case of 1247. Cf. Nos. 113, 114.

XL. Concilium Provins

1251

(MANSI, XXIII, 794; HEFELE, VI, pt. 1, 71).

XLI. Concilium Albiense¹

1254

§63.—Adjicientes ut Christianos ad solvendum Judeis, vel aliquibus aliis, usuras aliquas, non compellat ullus iudex ecclesiasticus, vel etiam secularis. Statuimus insuper, si sit dubium, an sit aliquid de usuris illis debitis, que interdum a Christianis postulant sibi solvi, iidem Judei veritatem prius dicere juramento super legem Mosaicam astringantur, rationibus aliis convenientibus, que ad probandas usuras inducte fuerunt, non rejectis, etiam hoc de mutuis cum ipsis Judeis usque modo contractis, observandum. Statuimus et mandamus, in his, aut que deinceps mutuaverint Judei Christianis, Christianorum ipsorum stetur simplici juramento, an quicquam usurarium sit in eis, et in eo quod usurarium esse dixerint, sic jurati absolvantur.

§64.—Et quoniam ex capis rotundis, quas Judei portant communiter, honor vehementer confunditur clericorum, qui capis rotundis ex more utuntur, presentis approbatione concilii duximus statuendum, ut Judei aliqui deferre capas rotundas de cetero non presumant; sed capas portent de cetero et deinceps manicatas, ita quod manice longe sint adeo sicut cape, nec in eisdem manicis plicatura sit aliqua atque ruga.²

§65.—Portent insuper rotam amplam continuo et publice ante pectus, cujus circulus sit latitudinis unius digiti, ac unius palmi dimidii altitudo.

§66.—Carnes quoque, quas ipsi privatim faciunt in domibus suis, in macellis Christianorum vendere non attentent; et quia in con-

XXXIX. Council of Valence¹

December 5, 1248

§5.—Furthermore, the decisions and regulations about the Jews shall be observed. And if the secular nobility, after having been warned, will not compel them to wear the badge, then the prelates shall take steps against these Jews by forbidding Christians to have commercial relations with them, and by punishing them in other ways, as is decreed in the Councils and in the regulations.²

XL. Council of Provins

1251

Repeats no. XXXIX

XLI. Council of Albi¹

1254

§63.—Furthermore, no ecclesiastical or secular judge may compel the Christians to pay any usury whatsoever to Jews or to any other persons. Moreover, we order that in cases where there is a doubt whether any usury forms part of those debts which now and then the Jews demand that the Christians shall pay them, the said Jews shall first be bound to tell the truth by taking an oath over the Law of Moses. This does not mean that any other methods which have been found for the discovery of usurious practices shall be given up. This is also to be observed in case of loans contracted among the Jews themselves. We decree and order that in the case of such loans, and in the case of loans hereafter to be made to Christians by the Jews, a simple oath by the said Christians shall be sufficient to establish whether there is any taint of usury about them; and in cases where they state that there is usury, those who have so sworn shall be absolved from payment.

§64.—And since by reason of the round capes which Jews generally wear, the respect due the clergy is seriously impaired, for they (the Clergy) use round capes habitually, we decree, with the approbation of this Council, that in the future Jews shall not dare to wear round capes. They may, however, in the future wear capes with long sleeves, the sleeves being as long as the capes, but in these sleeves there must be no folds or creases.²

§65.—They shall, moreover, continually and publicly wear a cir-

¹ A very important Council held under presidency of Zoën, Bishop of Avignon, and Papal Legate. The Council was to continue the fight against the heresy from which the Provence had not yet become free. (Hefele, l. c.).

² Cf. No. XX.

temptum nostrum Judei aliquibus cibus nostris et potibus non utuntur, firmiter inhibemus, ne aliqui Christiani audeant uti suis.

§67.—Abusum quarundam partium abolentes, districtius precipimus et mandamus, ne Christiani contra Judeos in testimonium in omnibus contractibus et in omnibus curiis admittantur.

§68.—Ne autem Christianos scandalizent, vel scandalizentur ab eisdem, diebus Dominicis et festivis operari publice non presumant.

§69.—Excommunicentur preterea Christiani qui causa medicine cure se commiserint Judeorum.

§70.—Adjicientes, ut Judeorum domini predictorum, per censuram ecclesiasticam compellantur, ut Judeos suos portare faciant continue et publice rotam et habitum supradictum: ipsos quoque Judeos, per excommunicationem in Christianos, qui in commercio, vel aliis, participationem habebunt aliquam cum eisdem.

(MANSI, XXIII, 850; HEFELE, VI, pt. 1, 77-82; CARO, I, 508; SCHERER, 41 NO. 6, 9, 48, 53F.; CASSEL, 76; NÜBLING, 237; WEYDEN, 119; DEPPING, 192, 195; SAIGE, 22; ROBERT, 12; RODOCANACHI, 171; MÜNZ, *JÜDISCHE ÄRZTE*, 128).

XLII. Concilium Biterrense Provinciale¹

May 6, 1255

§23.—Ceterum ordinationem factam de Judeis observari districte precipimus, que talis est:—Judei cessent ab usuris et blasphemis, sortilegiis. Et Talmud quam alii libri, in quibus inveniuntur blasphemie, comburantur. Et Judei qui hoc servare noluerint, expellantur, et transgressores legitime puniantur. Et vivant omnes Judei ex laboribus manuum suarum, vel de negotiationibus sine terminis et usuris.

§27.—Preterea statutum a nobis de consilio baronum nostrorum apud melledunum edictum² observari precipimus firmiter et teneri. Videlicet quod nullum debitum haberi faciant barones, ballivi, vel alie quecunque persone Judeis, nec aliquis in toto regno nostro Judeum retineat alterius domini; nec impediatur quo minus Judeum suum possit capere tanquam proprium servum, quantumcumque sub alterius dominio fecerit ipse moram.³

§28.—De Christianis vero, sicut in eodem statuto continetur, prohibemus districte quod nullas usuras haberi faciant barones, ballivi nostri, vel alie quecunque persone Judeis. Usuras autem intelligimus quicquid est ultra sortem.

(MANSI, XXIII, 882; HEFELE, VI, pt. 1, 83-84; CARO, I, 380, 508; SCHERER, 48).

¹ This was a "Mixed Council", at which the King proposed his decrees. Although this Council was held during the Pontificate of Alexander IV, and is therefore outside our period, it is nevertheless included because it represents a fitting close.

² In December 1230, *Ordonances des rois*, I, 53 ff.

³ Cf. *REJ*, XVII (1888), 216.

cular sign upon their chest. The width of the oval shall be one digit, and half a palm its height.

§66.—Also the meat which they prepare privately in their houses they shall not try to sell in the Christian market-places. Also, since, in disdain of us, Jews do not use any of our food or drink, we strictly forbid any Christian to use theirs.

§67.—In order to destroy abuses in certain districts, we strictly order and command that Christians shall not be admitted as witnesses against Jews in any contracts and in any courts.

§68.—Moreover, lest they scandalize the Christians or are scandalized by them, they shall not dare to work publicly on Sundays and holidays.

§69.—Also let those Christians be excommunicated who entrust themselves to Jews for medical treatment.

§70.—Furthermore, the Lords who have Jews among their subjects, shall be compelled by ecclesiastical censure to make the Jews wear publicly the round sign and the above-named garment. The Jews themselves shall be compelled to do this by the excommunication of the Christians who have any business relations or any other kind of relations with them.

XLII. Provincial Council of Beziers¹

May 6, 1255

§23.—Moreover, we command that the ordinances with regard to the Jews shall be observed most carefully. These are as follows:

Jews shall desist from usury, blasphemy, and magic. The Talmud, as well as other books in which blasphemies are found, shall be burned. The Jews who refuse to obey this shall be expelled, and transgressors shall suffer punishment according to law. All Jews shall live from the labor of their own hands, or from commerce without contracts and usury.

§27.—Moreover, we command that the decrees issued by us with the advice of our nobles at Melun,² shall be adhered to and observed, viz. that none of our barons, bailiffs, or other persons shall contract a debt to a Jew. Nor shall anyone in our whole Kingdom retain the Jew of another. Nor shall anyone hinder another to recapture his Jew, as if he were his own slave, no matter how long the Jew shall have resided under the jurisdiction of some one else.³

§28.—Moreover, as far as Christians are concerned, in accordance with the contents of the above-named decree, we strictly forbid our barons, bailiffs, or other persons to let the Jews obtain any usury. By usury we mean anything above the principal.

Appendix A

NICHOLAS DONIN

It was never unusual for a convert to Christianity to persecute his former co-religionists, but Nicholas Donin seems to offer an interesting variation in the usual run of converts, since a careful appraisal of his activity points to a motive other than mere gain. What one may learn about him is contained in the charges which he preferred against the Talmud and which the Pope repeated in his accusations, in what Rabbi Yechiel of Paris said about him during the Disputation, and in what Jacob ben Elie said about him in the letter which he wrote to Pablo Christiani.

Aside from calling the Pope's attention to the anti-Christian statements in the Talmud, Donin seems to have emphasized the following points:—(Nos. 96, 104)

- 1.—The Talmud is the work of man, and therefore cannot be divine.
- 2.—The sacredness which the Jews attribute to it is an insult to the Bible and the Prophets.
- 3.—It is filled with errors and legends that are both foolish and misleading.

R. Yechiel made the following statement about him:

“For fifteen years he was a rebel against the words of the Wise Men, and believed only what was written in the Torah of Moses, without interpretation; and yet you know that everything must have an interpretation. Therefore have we separated him and then excommunicated him. From that time until now he has been planning evil against us, to destroy everything.” (Viku-ah R. Yechiel).

The letter of Jacob ben Elie contains the following:

“Do you not know, or have you not heard what happened to Donin the apostate, who became a convert from the laws of God and his Torah, and did not even believe in the Roman Religion? The saintly Rabbi Yechiel, moved by the honor of the God of Heaven, pushed him aside with both hands, and separated him for evil to the sound of the “shofar” and the “teruah” because there was no truth in his mouth, faith had been cut out from his heart, and he became a root productive of gall and wormwood. This apostate went before the king superior to all kings in name and honor, and spoke lies and made false accusations that on Passover nights we slaughter young boys still accustomed to their mothers' breasts, and that the Jews had adopted this custom, and that the hands of merciful women cook the children and we eat their flesh and drink their blood. . . . This wicked man sought to destroy us, and gave a sword in the hands of the king to kill us. He lied to him. But God returned to him double his iniquity. . . . The honored king, in his piety and cleanness of hands, did not believe his words, and paid no heed to him, knowing that they are folly and nonsense and vanity. Nor did all the kings of the world and the inhabitants of earth believe except that a learned wild-man was speaking. . . . And our God sent one of his bears, and he returned his reward upon his head because he had rebelled . . . , and the day of misfortune came upon him because he had sent forth his tongue against the wise men. He was struck and he died and there was none to avenge. . . . So may perish all Thine enemies, Lord;

and His lovers like the going forth of the Sun in its strength." (*Jeshurun*, VI (1868), 29-30; *MGWJ*, XVIII (1869), 102; *REJ*, vol. 82 (1926), 363 ff.).

The quotations given above must help us decide the following; what motive lay behind the actions of this apostate, to what extent did he participate in other misfortunes that came upon the Jews of that time, and what was his end.

Nicholas Donin was a native of La Rochelle in France. (Loeb in *REJ*, II (1881), 252.) He must have spent his youth in the study of the Talmud, for which his country was then noted among Jewish communities. His proficiency in that study is clear from the fact that he dared pit himself against the greatest Talmudic authorities of his day. It is the more remarkable, therefore, that he later rebelled against the Talmud. Everything seems to point to the possibility that Nicholas became a convinced Karaite. This is to be seen from the statement of R. Yechiel cited above, that Nicholas rejected the Talmudic interpretation of the Bible. It is also to be seen from one of the charges levelled against the Talmud, at his instigation, that its existence is an insult to the Bible. Among the very first statements of his argument with R. Yechiel is one that further proves this.¹ Donin there admits that the Talmud is old, dating back four hundred years, and R. Yechiel corrects him by saying that the Talmud is fifteen hundred years old.² Donin's statement would take the establishment of Talmudic authority to a generation after Anan, while R. Yechiel's view would begin the Talmud with the beginning of Talmudic tradition, namely toward the end of the Men of the Great Assembly.

Along about 1225 Donin was excommunicated by the rabbis. Embittered, he set about to take revenge for this treatment. He became a convert to Christianity, but whether immediately, or only after several years is not certain. Lewin (*Monatschrift*, XVIII, p. 101), thinks that he did not go over to Christianity till 1236. If this is so, it affords further proof that it was not out of opposition to Judaism, but rather to the Talmud, that Donin acted as he did. Lewin also builds up a fair case to prove that Donin was responsible for the accusation of Ritual Murder brought against the Jews of central France in 1235. But his case is not convincing because La Rochelle is never known by the name of "Hahar," (vide Gross, *Gallia Judaica*), yet it is from there that the accusing neophyte is said to have hailed. One is led to the belief that the accusation of Ritual Murder in which Donin had a share, and which is hinted at by R. Yechiel and Jacob ben Elie, was the one at Fulda. It was in connection with that event that the Emperor Frederick II called together converts to Christianity (Aronius, no. 497). Donin may have been among them, and may have been among those who sought to convince the doubting Emperor of the truth of the accusation. That would explain the troublesome phrase of Jacob ben Elie about the "King who stood above other kings in honor and glory" who believed that Donin was speaking "folly, silliness, and nonsense." The other possibilities that were cited are not as convincing. It is not likely that Jacob ben Elie meant the pope; as Lewin thinks, nor does Doctor Mann, (*REJ*, LXXXII (1926), 375) who objects to Lewin's opinion, improve upon it by offering Louis IX at the beginning of his reign, as the king in question.

Donin's end was a violent one. Jacob ben Elie speaks of it. That Donin was no admirer of Christianity is seen from the R. Yechiel's words that "he did not believe in the Christian Faith either." In the end he wrote a criticism of the Franciscan Order, and in 1287 was condemned for it by Pope Nicholas III (Kisch, *Monatschrift*, XXIII (1874), 126).

¹ The quarrel between Maimunists and anti-Maimunists could not have had anything to do with the case, since neither side rejected tradition (Cf. Kisch p. 24).

² So in Greenbaum's edition of the *Vikuah*, 1873, p. 2. Eisenstein in his collection of *Vikuchim* (*Ozar Vikuchim*, N. Y. 1928, p. 82 col. a.) corrects the expression to read "for hundreds," an unjustified correction.

Appendix B

THE CONDEMNATION OF JEWISH BOOKS

1. *A Demand for the Jewish Books from the Seneschal of Agen*

FOND DOAT, 20, FOL. 105-105 vo.; ROBERT, *REJ*, III (1881), NO. 27, p. 214.

C. 1250

Nobili ac potenti viro Domino senescallo Agensii vel eius locum tenenti frater talis Inquisitor etc. Salutem in actore fidei Domino Jesu Christo.

Ad extirpationem errorum et errantium ubicumque et ad exaltationem fidei orthodoxe sine qua non est salus merito debent attingi omnes qui fideles reputari cupiunt, et haberi precipue cuicumque regimini presidentis quibus maior facultas a Deo a quo est omnis potestas collata est dinoscitur alios coercedendi; quocirca cum in libris et scriptis pluribus Judeorum maxime talimitorum et glossis et expositionibus eorundem plures contineantur errores pariter, et horrores, et blasphemie nominis Domini Jesu Christi, et eius Sanctissime genetricis virginis Marie ac nominis Christiani que reprobata esse noscuntur pariter, et dampnata, vos de cuius fide ac zelo fidei merito confidimus, et in Domino congaudemus auctoritate apostolica que fungimur in hac parte requirimus per presentes pariter, ac monemus quatinus omnes libros omnaque scripta iudeorum quibuscumque titulis aut nominibus censeantur cum debita sollicitudine omni dilatione postposita perquiratis seu perquiri faciatis et capiatis ubicumque et apud quoscumque fuerint de omnibus locis vobis seu vestro regimini submissis, et faciatis portari eosdem libros seu scriptos apud agennium ad domum seu conventum fratrum predicatorum ubi cum sigillo vestro, et Prioris eorundem fratrum que in hoc deputavimus loco nostri et cui super premissis, et ea tangentibus plenarie committimus vices nostras consignentur et sigillentur, et fidei custodia reponantur ut ex eis possimus eligere ac etiam separare omnes libros qui vocantur talami et alios quoscumque in quibus errores seu blasphemie continentur ad faciendum de eis tanquam de reprobis, ac damnatis quod iustitia suadebit in premissis taliter vos habentes quod non possitis redargui de negligentia vel defectu sed potius de zelo fidei, et diligentia merito commendari.

Datum, etc.

2. *The Form for Requisitioning Books of the Talmud*

FOND DOAT, 29, FOL. 100-102 vo.; ROBERT, *REJ*, III (1881), NO. 26, p. 214.

C. 1275

Frater talis Inquisitor, etc., heretice pravitatis ac perfidie Judeorum in Regno Francie etc. venerabili ac discreto viro domino tali superintendenti negotio Judeorum in senescalia tali et tali, per Dominum nostrum Regem Francie deputato, salutem in actore fidei Domino Jesu Christo.

Cum pia voluntas, et recta intentio Christianissimi domini nostri regis Francie Philippi versetur ad extirpationem errorum et errantium, et exaltationem fidei orthodoxe ubique in toto regno suo suorum progenitorum in hoc piis vestigiis inherendo, velitque non tantum de cordibus verumetiam de codicibus omnem

errandi occasionem et materiam aboleri, ac ulcisci blasphemias nominis Domini Jesu Christi et sue sanctissime genetricis, et ob hanc causam omnibus senescallis ceterisque iusticiariis, et incenditibus negotio Judeorum in toto regno suo per suas patentes literas de quibus vobis fecimus plenam fidem dederit in mandatis quod omnes libros omniaque scripta Judeorum que penes vos habetis seu in locis vobis in hac parte subjectis poteritis invenire, nobis exhibeatis ut ex eis possimus eligere, ac etiam separare omnes libros vocatos Thalamut, et alios quoscumque in quibus continentur errores pariter, et horrores, ac blasphemie in Dominum Jesum Christum, et eius sanctissimam genetricem, et ignominie nominis Christiani ad comburendum eosdem tanquam reprobos, et dudum per sententiam Domini Odonis Cardinalis Legati in Francie condemnatos, ideo vos requirimus per presentis vobisque mandamus ex parte prefati Domini nostri regis, necnon auctoritate apostolica monemus semel secundo ac tertio sub poena excommunicationis quam in vos nisi feceritis et compeveritis quod requiramus in hac parte ferimus in scriptis quatenus infra instans carniprivium omnes libros omniaque scripta Judeorum sicut premititur iuxta tenorem et formam literarum regiarum nobis integraliter ac fideliter exhibeatis, et plenius ostendatis, seu exhiberi et ostendi plenius faciatis, ut ex eis possimus eligere, ac etiam separare quos tanquam reprobos, et continentes errores et blasphemias noverimus decreverimus comburendos vobis insuper de cuius discretione ac zelo fidei firmam fiduciam obtinemus committimus et mandamus auctoritate apostolica ac etiam regia quatenus per vos, seu per fideles ac iuratos vestros quos ad hoc duxeritis deputandos faciatis perquiri dictos libros seu scripta Judeorum in locis vobis in hac parte subjectis, et ubicumque, et apud quoscumque aliqui inventi fuerint capiatis seu capi faciatis eosdem nobis ut premissum est exhibendos, literas quoque vestras alias generates excommunicationis sententiam continentes contra quoscumque detentores predictorum librorum et occultatores ac celatores eorum, necnon contra impeditores et rebelles publicari faciatis per Rectores Ecclesiarum locis et personis in quibuscumque partibus vobis vel deputatis per vos in hac parte visum fuerit expedire. Mandamus insuper auctoritate apostolica et monemus sub poena excommunicationis omnes et singulos rectores Ecclesiarum quos vel eorum locatenentes vos vel deputati a vobis duxeritis requirendos sub predicta publicatione literarumstrarum facienda quatinus vobis vel deputatis per vos prompte pareant, et intendant quod nisi fecerint citetis vel citari faciatis quos non obedientes inveneritis aut rebelles quatinus ad certam diem quam eis duxeritis prefigendam in tali loco personaliter cum pareant coram nobis mandatum nostrum super audituri, et facturum alias quod fuerit rationis.

Datum sub appenditione sigilli nostri, etc.

3. A Commission to Investigate the Jewish Books

FOND DOAT, 29, FOL. 106 ro. 107 ro.; ROBERT, IN *REJ*, III, NO. 28, p. 214.

C. 1250

Frater talis Inquisitor etc. karissimo sibi in Christo Priori Fratrum Predicatorum Agenii, Salutem, et sinceram in Domino karitatem.

Cum in libris et scriptis Judeorum, maxime in Talamitis, et glossis et expositionibus eorundem plurimum contineantur errores pariter, et horrores, et blasphemias nominis Domini Jesu Christi, et eius sanctissime genetricis virginis Marie, nominis Christiani que omnia dampnata sunt ut perversa pariter, et adversa fidei orthodoxe; vobis de cuius discretione ac zelo fidei firmam fiduciam obtinemus tenore presentium committimus in tota senescallia agensii plenarie vices nostras volentes, et mandantes quatinus auctoritate nostra immo verius apostolica inquiratis, et perquiri faciatis omnes libros omniaque scripta Judeorum

quibuscumque titulis seu nominibus censeantur, et easdem faciatis vobis exhiberi plenius, et ad domum seu conventum vestrum portari ut ex eisdem possimus eligere, ac etiam separare omnes libros in quibus errores seu blasphemias poterunt inveniri ut de ipsis fiat executio debita iustitie tanquam de reprobis; separati restituantur illis quorum fuerint ut est iustum, ceterum si qui contradictores in premissis vel ea tangentibus vobis extiterint, aut rebelles auctoritate nostra predicta apostolica per censuram ecclesiasticam compellatis, invocato ad hoc si opus fuerit auxilio brachii secularis, literas quoque nostras excommunicationes contra detentores celatores et impeditores predictorum quos vobis transmittimus faciatis publicari locis et personis de quibus vobis visum fuerit faciendum.

Datum, etc.

4. Sentence of Excommunication Against Those Who Hide Jewish Books

FOND DOAT, 29, FOL. 103 vo. 104 vo., cf. ROBERT, p. 214, NO. 30.

C. 1250

Frater talis Inquisitor, etc., universis et singulis rectoribus ecclesiarum vel eorum locatenentibus ad quos presentes literas pervenerint salutem in actore fidei Domino Jesu Christo.

Cum sit voluntas ac intentio pariter, et mandatum Christianissimum Domini nostri regis sicut nobis constat per eius patentes literas destinatas nec non expediens, et necessarium fidei orthodoxe quod omnes libri Judeorum in quibus continentur errores et blasphemie nominis Domini Jesu Christi et eius sanctissime genetricis virginis Marie in opprobrium eiusdem fidei orthodoxe tollantur de medio et ex debito iustitie comburantur auctoritate apostolica que fungimur sub poena excommunicationis vobis mandamus quatinus in ecclesiis vestris ibidem ad audiendum divina clero et populo congregatis per tres immediate sequentes dies dominicos seu festivos ex parte nostra moneatis semel secundo ac tertio canonicè et peremptorie sub poena excommunicationis omnes et singulos quicumque habent sue tenent aliquos libros seu scripta aliqua Judeorum quocumque nomine censeantur nobis sue deputatos per nos in hac parte exhibeant integraliter, et ostendant infra instans carniprivium modo et forma consimili moneatis omnes et singulos qui sciunt predictos libros seu scripta vel aliqua de eisdem haberi seu obtineri a quibuscumque personis quod nobis infra dictum terminum intiment et revelent ut ex dictis libris seu scriptis possimus eligere ac etiam separare omnes libros qui vocantur talamitz et quosdam alios in quibus errores inventi fuerint et blasphemie nominis Domini Jesu Christi et eius sanctissime genetricis, et fidei orthodoxe ut de eis fiat executio debita iustitie tanquam de reprobis et dampnatis, quod nisi moniti fecerint sicut premititur infra terminum pretaxatum in omnes detentores et celatores predictorum librorum seu scriptorum, ac etiam in impeditores ista nostra competenti monitione premissa ex nunc et ex tunc, et ex tunc et ex nunc excommunicationis sententiam ferimus in his scriptis ipsosque excommunicatos publice in vestris ecclesiis nuntietis, et tanquam excommunicatos evitetis, et faciatis a vestris subditis artius evitari.

Datum, etc.

To all who may read these letters, John, Duke of Brittany, Count of Richmond, sends Greetings:

Know ye that at the petition of the Bishops, Abbots, Barons, and vassals of Brittany, and having in mind the good of all of Brittany, we expel all the Jews from Brittany; nor shall we or our heirs have them in Brittany at any time in the future, nor shall we tolerate that any of our subjects shall have them in their lands which are in Brittany. Moreover, all debts due the said Jews from any who live in Brittany, in whatsoever manner and form these are due them, we completely remit and nullify; and lands pledged to the said Jews and all other pledges of movable or real property shall revert to the debtors or their heirs, except for lands and other pledges which have already been sold to Christians by the judgment of our court. Moreover, no one shall in any manner be accused or summoned for the death of a Jew who has been killed.¹ Moreover, in good faith and as much as in our power lies, we shall ask and urge the Lord King of France by his letters to agree to and confirm this order and decree. Moreover, we promise for ourselves and for our father,² that no debts at one time contracted in Brittany shall be paid to Jews who live in the lands of our father.

This edict thus decreed we swear to observe in good faith forever; and if it ever happens that we act contrary to this decree, the Bishops of Brittany may individually and collectively excommunicate us and place under the interdict our lands in their dioceses, notwithstanding any privilege (to the contrary) obtained or to be obtained. Furthermore, we grant and concede that our heirs whenever they succeed us, shall, after coming of age, take an oath faithfully to observe this decree as above ordained; and the said barons and vassals, and whoever else owes fealty to the Count of Brittany, shall not swear fealty nor do homage to these our heirs until they shall have been properly asked by at least two bishops, or at least two barons in the name of the others, that they should swear to observe it faithfully. When the oath shall have been taken by these heirs, the barons and the others who owe fealty to the Count of Brittany shall then swear fealty and do homage to the said heirs, just as they are supposed to do and without delay. Moreover, the bishops, barons, and vassals have sworn and granted that at no time will they hold or permit the holding of Jews in their lands in Brittany.

Given at Ploermel, on the Tuesday before the Lord's Resurrection, in the Year of Grace 1239.³

¹ The *Chronicon Britannie* quoted by Dom Morice (l. c.) says the following: "Statim post Pascha (in the year 1236) cruce signati Jerusalemiani qui tunc temporis multi erant, interfecerunt Judeos per totam Brittaniam, Andegaviam, et Pictaviam." Cf. nos. 76, 77.

² Pierre Mauclerc, at the time away on a Crusade.

³ Roujoux (l. c.) sets the date at April 20, 1240.

Appendix C

The expulsion of the Jews from Brittany in 1239, was, according to M. de Roujoux, *Histoire des rois et des ducs de Bretagne*, Paris, 1839, tome II, pp. 337 f., a direct result of the preaching of the Crusade and of the crusaders' exemption from the interest charged upon their debts. In that year John I, called "the Red", or by the clergy, "the Bad" (*ibid.*, p. 330), was compelled to call a council of nobles, priests, and bourgeois, who threatened that unless the Duke expelled the Jews, there would be disorder and treason in his cities. As a result the following decree was promulgated:

Universis presentes litteras inspecturis, Johannes Dux Britannie, Comes Richemontis, Salutem:

Noveritis quod nos ad petitionem Episcoporum, Abbatum, Baronum, et Vassalorum Britannie, et pensata utilitate totius Britannie, ejicimus omnes Judeos de Britannia, nec nos vel heredes nostri ipsos tenebimus in Britannia ullo umquam tempore, nec sustinebimus quod aliqui de subditis nostris ipsos teneant in terris suis in Britannia. Preterea omnia debita que debeantur dictis Judeis in Britannia ab omnibus constitutis, quomodocumque et qualitercumque eis debeantur, penitus remittimus et quittamus, et terre eisdem Judeis obligate, et quecumque pignora mobilia et immobilia ad debitores vel eorum heredes revertentur, exceptis terris et aliis pignoribus que jam vendita sunt Christianis pro judicium curie nostre. Preterea nullus de morte Judeorum interfectorum usque modo accusabitur vel convenietur. Preterea, bona fide et pro posse nostro rogabimus et inducemus dominum Regem Francie quod istam ordinationem sive assisiam velit et confirmet per litteras suas. Preterea manucapimus pro nobis et pro patre nostro quod nullis Judeis in terra patris nostri debita jam contracta in Britannia nullatenus persolvantur. Istam assisiam taliter ordinatam juravimus bona fide in perpetuum servare, et si contra ordinationem istam nos venire contigerit, episcopi Britannie communiter et singulatim possunt nos excommunicare, et terras nostras in suis diocessibus, supponere interdicto, nonobstante aliquo privilegio impetrato vel impetrando. Insuper gratamus et concedimus quod heredes nostri qui pro tempore nobis succedent, postquam venerint ad legitimam etatem jurabunt hanc assisiam prout superius ordinata est se fideliter servaturos; et dicti Barones, Vassali, et alii quicumque debent fidelitatem Comiti Britannie, non jurabunt fidelitatem vel facient homagium dictis heredibus nostris donec ipsi sufficienter requisiti per duos ad minus episcopos, vel per duos ad minus barones nomine aliorum istam assisiam se juraverint (fideliter) servaturos; quo jurato a dictis heredibus, ipsi barones et alii qui debent fidelitatem Comiti Britannie ex tunc jurabunt fidelitatem et facient homagium dictis heredibus sicut debuerunt sine mora. Preterea, Episcopi et Barones et Vassali juraverunt et concesserunt quod nullo umquam tempore Judeos tenebunt sive permittunt teneri in terris suis in Britannia.

Datum apud Ploebarmael, die Martis proximo ante Resurrectionem Domini, Anno Gratie millesimo ducentesimo trigesimo nono.

(DOM MORICE, *PREUVES POUR SERVIR A L'HISTOIRE DE BRETAGNE*, VOL. I, COL. 111; B. N. FOND DU PUY, 635, FOL. 119 f.).

To his Most Serene and Dearest Lord, Alphonso, son of the King of France, by the grace of God the illustrious Count of Poitiers and Toulouse, Marquis of Provence, from his faithful Robert Gauceline, Lord of Lunel, greeting, and a ready will for everything which is his pleasure.

Your Highness' letter which Philip Salsarius brought to us we received on the morrow of Ascension Day. Having grasped the words which he carefully transmitted to us on your behalf, and not to be restrained, we spoke to the two Jews of ours whom the said Philip pointed out. In these two Jews we have full confidence, and we questioned them and several others, how well they know whether that Jew about whom you wrote to us has sufficient knowledge in maladies of the eyes. We have found out for certain that the said Jew has for a long time and frequently been acting as an expert in the said disease. And the same Jew has said to the above-mentioned Jews of ours that if he were to find that your eye retains sufficient strength so that you can distinguish one small object from among others within a given small space, the said Jew promises on peril of his head, to cure you in a short time. The said Jew is from the land of the Lord King of Aragon, and his name is Abraham. From the land of the Sarracens he came to these parts for reasons of trade, and he is mightily rich.

Having heard for certain what he said, we sent to him our two Jews, and the said Philip, to prevail upon him to come to you without delay. We have promised him, and moreover shall promise him, whatever security he may desire, for he has great fear for his own skin, lest you wish to detain him with yourself against his will. And know that if the said Jew refuse to come with them, we propose to go in person to him and to the King of Aragon, using all means to that end. Know also, that among other assurances he asks that you send him your letters patent for his safe conduct in accordance with the tenor which we send you. You should also send your letters of intercession to the Lord King of Aragon, that the said Jew should come to you, since we think of demanding his coming despite himself. Which two said letters you will send us, if it please you, by the bearer of these presents.

Know also that our Jews and the said Philip departed from us on the Sunday after the receipt of your letter, and that in this matter as well as in all others that may redound to your comfort and your honor, we stand ready to act for their successful achievement more than in our private affairs. Also the said Jew desires this to be kept very secret.

Given at Lunel, on the Sabbath after the Ascension of the Lord.

May 31, 1253.

Cf. p. 61 note 5; Cf. Graetz, VII, 114. Alphonso, brother of St. Louis, became heir to the County of Toulouse, by marriage with the daughter of Raymond VII, and thus the most important noble of France. At this very time, in the absence of his brother, he was the real ruler of France. He was a sickly person, after 1250 he had attacks of paralysis. Piety, exactitude, and avidity were his characteristics. Cf. Lavissee, vol. III, pt. 2, pp. 44-45.

Appendix D

A PRINCE AND A JEWISH PHYSICIAN

Serenissimo et karissimo domino suo, Alfonso filio Domini Regis Francie, Dei gratia illustri, Comiti Pictaviensi et Tholose, Marchioni Provincie; R. Gaucelini, Dominus Lunelli, fidelis suus, Salutem cum parata in omnibus ad sua placita voluntate:

Literas Vestre Celsitudinis, quas Philipus Salsarius nobis attulit, recepimus crastina ascensionis Domini. Intellectis verbis que ipse ex parte vestra nobis retulit diligenter, et incontinenti, locuti[s] fuimus cum illis duobus Judeis nostris quos hostendit dictus Phylippus, de quibus dictis Judeis nos ad plenum confidimus, et cum eis et quibusdam aliis inquisimus diligenter qualiter ipsi sciebant quod ille Judeus, pro quo nobis scripsistis, haberet tantam scientiam in egritudinibus oculorum. Et pro vero invenimus quod dictus Judeus diu et sepius expertus fuerat in egritudine supradicta, et dictus Judeus dixit predictis Judeis nostris, quod si inveniret tantam virtutem in vestro oculo, quod possetis discernere aliquam rem parvam ab alia infra breve loci spacium, promittit dictus Judeus in capitis sui periculo in brevi tempore vos sanare. Et dictus Judeus est de terra Domini Regis Aragonum, et vocatur Habrahym, et venit de terra Sarracenorum ad illas partes causa mercadarie, et est valde dives. Et audita cercitudine quam dicebat, mittimus ad eum dictos duos Judeos nostros, et dictum Phylippum, ut procurent quod ad vos veniat omni mora postposita, et nos ei promittimus et etiam promittemus quascumque securitas ipse voluerit; ipse enim multum timet de suo corpore quod vos velletis ultra voluntatem suam penes vos detinere. Et sciatis quod si dictus Judeus venire noluerit propter eos, nos in propria persona tam ad eum quam ad Dominum regem Aragonum ire proponimus, pro ipso modis omnibus adducendo. Et sciatis quod inter alias securitates ipse petit quod mittatis sibi vestras pattentes litteras ad conductu sicut sub tenore quem vobis mittimus, et quod mittatis Domino regi Aragonum vestras litteras deprecatorias, quod dictus Judeus ad vos veniat, si oportuerit, cum nos sine eo adventum suum credimus impetrare, quas litteras ambas predictas mittatis nobis si placeat, per presentium portitorem. Et sciatis quod Judei nostri recesserunt a nobis cum dicto Phylipo die Dominica post receptionem literarum vestrarum. Et nos in hiis et aliis que possent cedere ad vesrum commodum et honorem attenti summus plusquam de nostris negociis perducere ad effectum. Et dictus Judeus vult hec esse valde secreta.

Datum Lunelli, die Sabbati post ascensionem Domini.

(HISTOIRE GÉNÉRALE DE LANGUEDOC, VIII, 137).

Appendix E

THE POLITICAL STATUS OF THE JEWS IN THE THIRTEENTH CENTURY

References to the development of the Servi Camere relationship between the Jews and the princes are numerous and widely scattered. Among the more important are the following: Aronius, no. 314 a; Stobbe, pp. 8-10; Caro, I, 396-404 et passim; Scherer, pp. 143-144 et passim. For the relation between the Jews and the princes of France the most useful discussions are to be found in the works of Brussel and Vuitry. For Spain see Amador de los Rios, II, pp. 52 ff.; Baer, *Studien*, pp. 11-15.

The actual expression was applied only to the Jews of Germany. Frederick I had used the expressions, "In tuitionem nostram," and "spetiali prerogativa dignitatis nostre ad imperialem cameram dinoscuntur pertinere," this last being an expression which he used also in taking the Church of Arles under his protection (Scherer, p. 76). It was Frederick II that first uttered the phrase "servi camere" (Aronius, *ibid.*), and it was Rudolph of Hapsburg who, in 1286, carried the principle to its logical conclusion, forming the basis for imperial relationships with the Jews in the Fourteenth Century; "Cum universi et singuli judei utpote camere nostre servi cum personis et rebus suis omnibus specialiter nobis attineant, ut illis principibus, quibus iidem judei a nobis et Imperio in foedum sunt concessi, condignum et justum est utique consonum, rationi, ut si aliquis Judei hujusmodi facti profugi sine nostra, ut Domini sui, speciali licentia et consensu ultra mare transtulerunt, ut se vero Domino alienent, de illorum possessionibus, rebus et bonis omnibus, tam mobilibus tam immobilibus, . . . nos ut domini quibus attinent, licite intromittere debeamus . . ." (as quoted in Scherer, p. 79). The steps, therefore, by which this situation was attained might be said to have been the following: Before the 12th Century the Jews had the same relation to the Emperor as any other resident of the Imperial Domain, as is evident from the Privilege of the Bishop of Speyer (Aronius, no. 168), the exceptions being due to the privileges required in order to attract an economic group that sought to live in accordance with its own laws. As yet, however, there was no recognition of any distinct relation between the Empire and the Jews as such. This was the second step, when the Jews as Jews were taken under the special protection of the Empire. From being under Imperial protection it was a short step to becoming Imperial "slaves," and eventually being restricted in their motions.

Various theories have been advanced to explain the rise of the Servi Camere relationship. It has been suggested that its basis was in the fact that the Jews required protection because of their economic needs as merchants. But the mere fact that no similar development of the relationship took place in the case of other merchants is sufficient to invalidate this theory. Another theory bases itself upon the rightlessness of the Jews as foreigners. But here, too, the fact remains that the Jews were not foreigners, and that the development of the relationship in question meant a restriction of the rights which the Jews had been enjoying, since, in earlier days, and to some extent even in the Thirteenth Century, Jews participated in general life. Still another theory would make the relation grow up as a result of the First Crusade when both the Jews and the Government recognized the need of greater protection for the Jews. The inclusion of the Jews in the Peace of 1103, "Juraverunt pacem . . . ecclesiis, clericis, monachis, laicis, mercatoribus, mulieribus ne vi rapiantur, Judeis," would seem to place the Jews among those classes that were

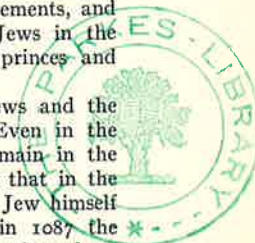
in need of special protection (Aronius, no. 210). It is this theory upon which Graetz places the greatest weight, asserting that thus the Jews, who had till then been as free as the Romans or the Germans, sold their freedom for safety (VI, 183). This view, however, like the others, does not represent the exact situation, for no matter what freedom the Jews may have enjoyed till the First Crusade, it is obvious that in many ways they differed from their neighbors and were looked upon as a group apart even before that time. The real basis for the development of the Servi Camere relationship must therefore be looked for in a circumstance or a combination of circumstances that would extend over the entire period, and would include the various elements enumerated above.

Such a circumstance is the Feudal System, which necessitated a definition of the legal status of the Jews. The logic of Feudalism required that every man find himself on some definite step of the socio-political ladder. Unless the Jew ceased to be a Jew, he could fit into neither the military nor the land-holding aspects of the Feudal System. Now the System did not attain to complete development till the Twelfth and Thirteenth Centuries, and therefore, as long as the European states were more or less unorganized, the Jew of any particular district was the equal of anyone else in that district, and required special protection from a more far-flung authority only in his capacity as merchant. The more the Society became stratified, and the Jews were seen not to fit in as a class, the more it became clear that only the supreme power of the king could claim them as dependents, until in the mind of the mediaeval man they became, in theory at least, the dependents of the highest secular power—the Empire, as witness the legend that grew up about their expulsion from France in 1306.

This becomes clearer as we take each country separately. In England the Feudal System never quite attained complete development, but the Jews that settled there, came into the country rather late, and could never be regarded except as an extraordinary class that required a special relationship. That is why among the laws attributed to so early a king as Edward the Confessor, the following is found, "Sciendum quoque quod omnes judei ubicumque in regno sunt, sub tutela et defensione regis ligea debent esse, nec quilibet eorum alicui diviti se potest subdere sine regis licentia. Quod si quispiam detinuerit eos vel pecuniam eorum perquirat rex si vult tamquam suum proprium." (Du Cange, under *Judei*). Assuming even that this law is wrongly attributed to Edward, the fact remains that it represents conditions actually obtaining in the Twelfth Century (Rigg, pp. 1-3).

In France they fell into the hands of the great nobles, and not into those of the king. But that was due to the fact that these nobles represented the real power in their domains; the king's power being but shadowy outside his patrimony. Burgundy, Champagne, Toulouse, were practically independent; no national feeling united them, and a slight turn of chance would at this time have changed their ultimate allegiance. The Jews were therefore considered the property of these nobles, and they trafficked with them, and restricted their movements, and confiscated their property, in a word, related themselves to their Jews in the Thirteenth Century in exactly the same fashion that the German princes and cities related themselves to their Jews one hundred years later.

The steps in the development of the relationship between the Jews and the princes in France are clearer than the similar steps in Germany. Even in the Eleventh Century the princes had rights over the Jews of their domain in the same way that they had rights over others, the only difference being that in the case of the Jews the connection was of necessity a financial one, the Jew himself and not a parcel of land, was the producer of an income. Thus in 1087 the Jews of Narbonne were given as a dowry just as a piece of land might have been given (Regné, *Juifs de Narbonne*, p. 63). That is why it became established in the Twelfth Century that the property of the Jews belonged to the baron, for it was this property that formed the basis of the feudal relationship (Brussel, p.



901). The next step took place during the first half of the Thirteenth Century when by a series of treaties the various nobles bound the person of the Jews to themselves, since at that time the property of the Jews was mobile, and only his person could be attached. Jews were asked to deposit money as security that they would not leave the domain of the baron who looked upon them as his own. Thus Philip-Augustus in 1204, "Apud Meduntam Jacob de Molinz tradidit in plegium residentie cartas de VIII libris et juravit super rotulum quod non recederet a terra domini regis . . ." (Delisle, *Catalogue des actes de Philippe-Auguste*, Paris, 1856, nos. 890, 890A). The barons, too, spoke of "my Jews" in the same way as they spoke of "my lands", and aside from the tax that the Jews had to pay for every contract they entered into, they also had to pay a special personal tax, the "cens", and a tax upon the accession of a new lord, "le don de joyeuse avenue", both the latter of which corresponded to feudal taxes (cf. Depping, pp. 174 f.).

The real difference that grew up between the Jews and other feudatories was a purely psychological one, and rose out of the fact that the mediaeval mind thought of personal relationships either in terms of service or of slavery. In a sense all townsmen were in the same case, that is why they so early and earnestly fought for charters, and making a corporation of themselves came thus as a community into the baron's or the king's power. The Jews related themselves individually, and therefore were forced into the category of serfs. Once there, the relationship was justified on the religious grounds urged by the Church, and even on the grounds of custom based upon the legend that the Jews had been the slaves of the Roman Emperor since the days of Vespasian, and had been granted imperial protection as a result of the cure effected by Josephus upon Titus (Graetz, VI, 269). Thus James I of Aragon, under whom the Jews lived in comparative peace and honor, adopting the general attitude, could state as a well recognized fact, "Quia vero judei fere in terris omnibus christianorum principium subiacent servituti . . ." (Baer, *Studien*, p. 13 note).

If in the German states the relationship took a slightly different course of development, it was due to the fact that the Emperor took a hand in their affairs before the King of France made an attempt to direct the affairs of the Jews in his entire realm. In point of fact the Jews of the Empire passed through the same feudal grades as did the French Jews, the landowners making every possible effort to remain within the developing Feudal System, but being gradually pushed out of it, the merchants placing themselves under the protection of the authority that had the widest powers. The spread of the Jews through the German states east of the Rhine took place in the Twelfth and Thirteenth Centuries, and at that time they came as mobile individuals both personally and in their property. The land was still unstable, the emperors were just then trying to establish a real authority, the princes did not yet see the advantage or even the means for fitting the propertyless Jews into the political system. The Jews themselves, the memory of the first and second crusades fresh in their minds, were seeking a more powerful overlord. Out of all this arose the necessary connection between the Jews and the Empire, but again only in a personal sense so that it soon developed into a baron-serf relationship. In the Fourteenth Century, when the Imperial power was reduced to a shadow, and the local princes and cities became as powerful as the similar powers were during the Thirteenth Century in France, it was they that assumed the same attitude toward the Jews as the French nobles already had in the Thirteenth. Thus in the Fourteenth Century the situation of the Jews in the two countries was reversed.

What unfortunately serves to confuse the issue is the fact that bearing the name of serfs, the Jews nevertheless were not quite that, but possessed at least during the Thirteenth Century, a number of exceptional privileges which justified their claim to be in the status of knights (*Tosafot, Baba Kamma, 58a*). Their

feudal dues were paid in money not in labor; they were governed by special legislation and could claim an extraordinary court and peers, i. e. other Jews, as witnesses, and, being in large measure city-dwellers, were looked upon as citizens (cf. Nos. 52, 56; also *REJ, LXXXIX* (1930), 35-40; Stobbe, p. 268 note 156). For England Cyril M. Picciotto takes up the discussion (in *Transactions of JHSE, IX* (1918-20), pp. 67 ff.) and argues from the fact that the Jews could possess land and had legally enforceable property rights, that the Jews were not in the status of serfs. Also Stobbe (p. 13) says that the word "serf" when applied to the Jews has no connotation of rightlessness.

The confusion arises indeed from too close an adherence to the meaning of the term. The religious difference necessitated the treatment of the Jews by special law, just as it eventually robbed them of all standing as citizens. Their peculiar financial nexus to their overlord necessitated property privileges. On the whole, however, the restriction of their movements, and the more than theoretical claim to their property on the part of their overlord (cf. notes 61 and 66 below) brings them closer to the serf status than to any other.

The religious element entered into the situation at several points. It made it impossible for the Jews to enter into the Feudal System. As a result of the Crusades, it forced the Jews to place themselves wholly in the hands of the highest power in the land. The Church encouraged and legitimized the baron-serf relationship.

A collection of documents indicating the status of the Jews in France in the Thirteenth Century. (Cf. Graetz, VI, 251 ff.; *REJ XXX* (1895), 284-88; Caro, I, 362 ff.).

I.—September 1198; from Brussel, I, 571.

Philip-Augustus and Count Thibaut of Champagne agree not to hold one another's Jews, and for each not to permit the Jews of his territory to lend money within the territory of the other. The treaty was renewed on several subsequent occasions (1210, 1218, 1223, 1228), and was the model for similar treaties with Odo of Burgundy, and Guy of Dampierre (ibid., p. 579; cf. Depping, p. 175).

II.—May 1210; from Fond 500 Colbert, LVI, fol. 5 ro.; mentioned in catalogue of U. Robert, in *REJ, III, no. 7*.

Philip-Augustus and Blanche of Champagne agree not to keep one another's Jews.

Philippus, Dei gratia Francorum Rex, universis ad quos presentes littere pervenerint, salutem. Noveritis quod nos de cetero non recipimus Judeos dilectos et fidelis nostre Blanche Trecensis Comitisse, nec ipsa nostros.

Actum Medunte, anno Domini MCCX, mense Maio.

III.—June 1210; from Fond Doat, LVII, fol. 250 vo.; Fond 500 Colbert, LXIII, fol. 29; mentioned in catalogue of U. Robert in *REJ, III, no. 8*.

Baudinus, a Jew, promises to pay the Countess Blanche of Champagne the debts due from his deceased father, Voalinus. Should he fail to pay this money to the Countess, she may again imprison him and his wife until such time as other Jews pay the amount promised. Guide of Dampierre, whose Jews the latter are, bears witness, and threatens to confiscate the debts due to these Jews if they go back on this pledge.

Ego, Guido de Damperra, notum facio universis presentes litteras inspecturis quod cum Baudinus Judeus cum charissima Domina mea Blanche Comitissa Trecensis finem fecisset, hoc modo, quod de omnibus debitis Valini patris sui, exceptis illis que Domina Comitissa jam finaverat, medietatem redderet Domine Comitisse, terminis subscriptis sicut computus asseret, videlicet, tertiam partem

ad festum proximum omnium sanctorum, aliam tertiam partem ad pascha subsequens, ultimam tertiam partem ad aliud festum omnium sanctorum; alteram vero medietatem quam ei commodabat Domina Comitissa, eidem redderet ad submonitionem suam. Audivi Judeos subscriptos, videlicet; Sansonem Rufum de Dampetra, Heliam de Sancto Justo, Sachinum de Dampetra, Soninum et Samuclem fratres, Cochinum de Sancto Desiderio, Salominum fratrem Sansonis Rufi, in presentia Domine Comitisse et mee recognoscentes se ipsos debitores et redditores de fine illo; tali videlicet modo, quod si Baudinus in aliqua dictarum solutionem deficeret, ipsi solutionem illam facerent, vel corpus Baudini et corpus Belle uxoris sue ponerent in captione Domine Comitisse, sicut erant antequam finis iste factus fuisset. Ita quod Baudinus et uxor eius recognoscerent se esse Judeos Domine Comitisse, et quod aliam medietatem quam Domina Comitissa commodavit Baudino, si Baudinus illam non redderet ad submonitionem Domine Comitisse, tenerentur predicti Judei mei reddere similiter Domine Comitisse, vel corpus Baudini et corpus Belle uxoris sue ponere in captionem eiusdem Domine mee, ita quod ipsi se recognoscerent se esse Judeos Domine Comitisse sicut predictum est, sed secundum quod eo die quo littere iste facte fuerunt, erant omnia debita Judeorum meorum in manu mea pro redemptione sua, ut autem hec omnia nota permaneant, ego ad preces et requisitionem predictorum Judeorum meorum, presentes litteras sigillari feci sigillo meo.

Actum Treces, A.G. MCCX, mense Junio.

IV.—October 1210; from Fond Latin, 5993, fol. 32 vo.; Fond 500 Colbert, LVI, fol. 174 vo.; *ibid.*, LXIII, fol. 87 ro.; mentioned in catalogue of U. Robert, *REJ*, III, no. 9.

Odo, Duke of Burgundy and Blanche, Countess of Champagne agree not to retain one another's Jews.

Ego Odo, Dux Burgundie notum facio presentibus et futuris quod inter me et Dominam Blancham Comitissam Palatinam Trecensem talis facta est de Judeis nostris conventio quod nec ego Judeos ipsius sub me mansuros retinere possum, nec ipsa meos sub se mansuros retinere potest; quod ut ratum habeatur presens scriptum sigillo meo confirmavi.

Actum anno Incarnatione Verbi MCCX, in Octobris.

V.—February 1215; from Fond 500 Colbert, LVIII, fol. 1 ro.; mentioned in catalogue of U. Robert, *REJ*, III, no. 11.

Archambaud of Bourbon and his brother William agree for two years not to retain the Jews of the Countess of Champagne, and to enforce the payment of the debts due to her Jews, as they do for their own.

Ego Archambaudus Dominus Borbonii, notum facio universis presentes litteras inspecturis, quod ego et Guillelmus frater meus concessimus et concedimus charissime Domine nostre Blanche illustri Comitisse Trecensi Palatine, quod usque ab instanti festo omnium sanctorum in duos annos completos, nullum de Judeis suis retinebimus. Preterea precipimus bailivis et prepositis nostris ut Judeis dicte Domine Comitisse faciant haberi debita sua per terram nostram sicut facerent Judeis nostris; quod ut ratum sit et firmam, presentes litteras sigilli mei munimine feci roborari.

Actum anno Domini MCCXV, mense Februaio.

VI.—September 1218; from Fond 500 Colbert, LVIII, fol. 259 ro.; mentioned in catalogue of U. Robert, *REJ*, III, no. 13.

Philip-Augustus orders the enforcement within the royal domain of the payments of debts due to the Jews of the Count of Champagne.

Philippus, Dei gratia Francorum rex, universis baillivis et prepositis suis ad quos littere presentes venerint, Salutem. Mandamus vobis ut illa debita que in potestatibus vestris debeantur, Judeis carissimi nepotis nostri et fidelis Theobaldi, Comitis Trecensis, a nativitate beate Marie que nuper preterit retro, ubi cognita erunt aut probata per legitimos garantas, faciatis solvi eidem Comiti a primo festo omnium sanctorum in duos annos, ad terminos quos idem Comes super hoc statuit, attamen de rebus illorum qui ea debuerint postquam recognita aut probata fuerint, sicut dictum est, cum gentibus eiusdem Comitis propter illa debita capiatis.

Actum Medunte, anno Domini MCCXVIII, mense Septembri.

VII.—November 1218; from Fond Latin, 5993, fol. 72 vo.; cf. nos. II and V.

William of Dampierre makes known that he and his brother, Archambaud of Bourbon, will not retain the Jews of the Countess of Champagne, and that she has promised to act similarly. The agreement is to last for one year.

Ego Willelmus de Dampetra notum facio universis presentes litteras inspecturis quod ego et charissimus Dominus frater meus Archambaudus de Borbon, concessimus et creantavimus charissime Domine nostre B. illustri Comitisse Trecensis quod nullum de Judeis suis retinebimus nec poterimus retinere a presenti festo omnium sanctorum in unum annum. Et ipsa similiter nobis concessit et creantavit quod nullum de Judeis nostris de Campania et Bria retinebit nec poterit retinere infra terminum supradictum, etc.

Actum anno Domini MCCXVIII, die omnium sanctorum.

VIII.—June 1219; from Fond Latin 5993, fol. 58 vo.

Walter of Wangenie promises to protect the Jews of the Countess of Champagne, not to extort anything from them, and at their will to provide them with safe-conduct to the territory of the Countess.

Ego Galterus Dominus Wangionis, notum facio universis presentes litteras inspecturis, quod ego bona fide juram quod Judeos illos qui sub me debent venire custodiam bona fide et jura eorum manetenebo quamdiu sub me manebunt, nec ab eis aliquid extorquebo vel exigam contra voluntate ipsorum. Et si forte de sub me voluerint recedere ego tam ipsos quam ipsorum res conducam bona fide ad quemcumque locum voluerint in terra Domine Comitisse Trecensis. Ut autem hec nota permaneant et rata teneantur, litteris annotata sigilli mei munimine roborari.

Actum anno Domini MCCXIX, mense Juni.

IX.—June 1222; from Fond Latin, 5992, fol. 306 ro.

Blanche and her son Thibaut of Champagne enter into an agreement with their Jews whereby the latter are to pay seventy thousand pounds over a period of five years, and also a part of their outstanding debts at the end of that time. In return the Jews will thereafter have full control of the debts due them, and will in the meantime be freed from many forms of taxation, which will rest in the hands of the Jewish Community during this period.

Ego Blanche Comitissa, et ego Th. natus eius, notum facimus nos erga Judeos nostros talem finem posuisse quod ipsi nobis tenentur persolvere ad terminos inferius notatos septuaginta milia librarum pruviniensis monete. Distinguntur autem termini solutionum faciendarum sic ab instantibus. Nundum Trecensi Sancti Remigii in unum annum completum tenentur ipsi Judei nobis persolvere apud Treces quindecim milia librarum pruviniensium. Ab illis nundum in unum annum ibidem et eodem termino alia quindecim milia librarum eiusdem dicte monete. Ab illis quoque, nundum in unum annum dictis loco et termino alia quindecim milia nominate monete. In quinto autem anno decem milia librarum qui remanent eodem termino persolverint. Nos vero de debitis illis que venerunt ad finem

nostrum tenemur eisdem Judeis tradere de remanentia debitorum finatorum que nondum soluta sunt usque ad triginta milia librarum, et si remanentie ille plus valent quam triginta milia librarum summa septuaginta milia secundum hoc augmentaretur, et de augmento solutio fieret ad terminos nominatos, et si minus valeret remanentia quam triginta milia librarum secundum hec summa decrescet predictarum septuaginta milium librarum. Omnia debita Judeorum tam finita quam non finita ex tunc in antea venient in manibus eorum. Ceterum omnes censive que nobis debebantur a Judeis a nobis adscensitis de cetero venient in manus communitatis Judeorum nostrorum usque ad terminum nominatum. Insuper, omnes Judei qui infra predictum terminum sub nobis venient moraturi erunt in tallia Judeorum usque ad terminum constitutum. De pedagio et calceia erunt quiti quantum ad nos pertinet omnes Judei terre nostre usque ad terminum nominatum. Redditus sigillorum in quo sigillabuntur littere Judeorum qui ad nos pertinere debet erit communitati omnes Judeorum nostrorum usque ad terminum supradictum. Omnia averia Judeorum nostrorum qui moriuntur vel qui de sub nobis recedent, que nobis debebant excidere erunt communitati Judeorum terre nostre usque ad terminum memoratum in auxilium solutionis nobis faciende. Calcate et equi Judeorum nostrorum ad opus nostri non capientur infra terminum prenommatum. Ut autem hec nota sint et firma teneantur litteris annotata sigillorum nostrorum fecimus munimine roborari.

Datum apud Nogentum, prima die Martis post octabus pentecostes, anno Gratie MCCXXII.

X.—February 1223; from Fond 500 Colbert, fol. 19 vo.

Louis VIII of France ratifies an agreement between the Count of Champagne and several Jews of Louis' domain whereby the Count arranged to pay a debt due from him to these Jews.

Ludovicus, Dei gratia Francorum Rex, omnibus presentes litteras inspecturis, Salutem. Noveritis quod carissimus consanguineus et fidelis noster, comes Trecensis fecit finem cum Haquino filio Moxei Deodati, et Helia de Braya, Judeis nostris, de decem millibus et quingentis libris pruvienis quas eis debebat, ita quod dictam pecunie summam reddet eis in septem primo venientibus annis, quolibet anno mille et quingentas libras, videlicet quingentas libras in instanti assensione Domini, et totidem in sequenti festo omnium sanctorum, et totidem in subsequenti festo purificationis Beate Marie, et sic in aliis annis donec totum persolvatur. Si que autem littere quocumque sigillo sigillate, super dicto debito de cetero exhibeantur, tam ab ipsis Judeis quam aliis seu etiam Christianis, decernimus eas non valere quia per hunc finem volumus dictum Comitem de dicto debito quittum in posterum remanere.

Actum Parisiis, A.D. MCCXXIII, mense Februario.

XI.—November 1223; from *Ordonnances des rois de France de la troisième race*, I, 52; Brussel, 585.

In the presence and with the consent of the archbishops, bishops, and barons of his Kingdom, King Louis VIII decrees to stop the interest on outstanding Jewish debts, to arrange for the repayment of the amount borrowed, in nine installments over a period of three years, to agree among themselves not to retain one another's Jews, to arrange for the recording of Jewish debts. A similar edict was issued in December 1230 (Brussel, 588).

XII.—November 1224; from Fond 500 Colbert, LVI, fol. 19 vo.; mentioned in catalogue of U. Robert, *REJ*, III, no. 17.

Louis VIII and the Count of Champagne enter into an agreement not to retain one another's Jews.

Ludovicus, Francorum Rex, universis ad quos presentes litteras pervenerint, Salutem. Nosse vos volumus quod nos ab hoc preterita die Octabarum omnium

sanctorum in antea non retinebimus nec retinere poterimus quemquam de Judeis consanguinei et fidelis nostri Theobaldi Comitis Campanie, nec eidem Comiti similiter licebit a prescripta die in antea de Judeis nostris aliquem retinere.

Actum Confluaci, A.D. MCCXXIV, mense Novembri.

XIII.—April 1228; *ibid.*, fol. 22 ro.

In practically the same words as above.

Actum apud Sanctum Germanum in Laya, A.D. MCCXXVIII, mense Aprili.

XIV.—February 1234; from Fond 500 Colbert, LVI, fol. 27 vo.

Louis IX orders the return of some Jews belonging to Troyes, but retained by the Count of Champagne.

Ludovicus, Dei gratia Francorum Rex, carissimo amico et fidei suo Theobaldi Regi Navarre illustri, Salutem et sinceram dilectionem. Alias mandavimus gentibus et baillivis nostris ut Judeos dilecte et fidelis nostre Comitisse Trecensis in terra vestra morantes redderent et deliberarent, quod sicuti intelleximus nundum facere curaverunt, cum istud sit contra stabilimentum nostrum factum de Judeis, mandamus et requirimus vos quatinus Judeos predicte Comitisse in terra vestra morantes eidem reddi faciatis secundum stabilimentum nostrum factum de Judeis, tantum super hoc facientes quod dicta Comitissa de vobis non habeat justam materiam conquerendi.

Actum apud Loricum A.D. MCCXXXVIII, mense Februario.

XV.—March 1246; from Fond Latin, 5993A, fol. 246 ro.

The Abbot of St. Remigius of Rheims testifies to the possession of a written agreement made in 1220 between the King of France and the Count of Champagne, not to retain one another's Jews. (Cf. no. XII).

Universis presentes litteras inspecturis Frater Petrus, Sancti Remigii Remensis Abbas, Salutem in Domino. Noveritis nos litteras Domini Regis Francie illustris tenuisse, non cancellatas, non abolitas, nec in aliqua parte vitiatas, et vidisse in hac verba; Ludovicus Dei gratia Francie Rex, universis ad quos littere pervenerint, Salutem. Noveritis quod nos nullos de Judeis karissimi consanguinei et fidelis nostri Th. Comitis Campanie in terra nostra retinere possumus, nec idem Comes Judeos nostros in terra sua potest retinere.

Actum apud Sanctum Germanum in Laya, anno Domini MCCXXVIII, mense Aprili.

Datum apud Sanctum Dyonisium in Francia, Sabbato ante Isti sunt dies, anno Domini MCCXLVI.

XVI.—July 1246; from Devic et Vaisette, *Histoire de Languedoc*, VIII, 1191.

Louis IX orders the Seneschal of Carcassonne to release from prison the Jews not belonging to the King, and restore them to their rightful owners.

. . . Mandamus vobis quatinus omnes illos Judeos qui nostri non sunt sed alterius, quos captos tenetis, eis quorum sunt reddatis nec ab eis aliquid capiatis. . . .

XVII.—c. 1254; *ibid.*, col. 1355.

Alphonso of Poitiers explains to his officers in the Provence that long residence on the part of a Jew in territory outside of his own baron's, does not destroy the rights of the baron. (Cf. *Regné, Juifs de Narbonne*, p. 117, 127).

XVIII.—c. 1250; from Fond Latin, 5993A, fol. 308 ro.; U. Robert in *REJ*, III, p. 214, No. 24.

The Abbot of St. Lupus of Troyes testifies that after investigation he found that certain specified Jews had lived in Troyes for seventeen years, and under the protection of the Count of Champagne and that they therefore belong to him. (Cf. Jubainville, V, no. 2794).

Omnibus presentes litteras inspecturis, Abbas Sancti Lupi Trecentis, Salutem in Domino. Noverunt universi quod nos a mandato Domini Regis Navarre requisiti per quendam canonicum nostrum fecimus recepi testes iuratos qui per juramenta sua recognoverunt et dixerunt, quod Jacob de Dampierre et eius filius, Leions li Escrivains, Doncius li Esveque, Hequeloz de Marri li filz, Fau Dieulosaut, Joce la Fame, Sansin Turquoise, Puceloz et Fantinez, fuerunt Judei et homines Domini Regis Navarre et quod viderunt predictos Judeos multo tempore apud Trecaas manentes et stantes a decem et septem annos et post per longum tempus sub dominio et potestate Domini Regis Navarre; et hec sunt nomina testium juratorum qui viderunt apud Trecaas eos manentes sicut predictum est; Testes-Nicholaus de Corcett, Ambelinus Freperius, Domina Bureta, Droco Gaillars, Guilterus de Cimeterio. Philippus de Sancto Martino, juratus testis dixit quod vidit, cognovit Jacob de Dampetra et euis filium Pucelot, et Leon Lescrivain apud Trecaas manentes ut predictum est, sed alios bene non cognoscit. Item recepimus testimonium Judeorum qui dixerunt et recognoverunt coram nobis per Veritatem suam et sub poena excommunicationis in scolis suis a presbytero Judeorum prolate quod predicti Judei fuerunt apud Trecaas manentes et stantes sub dominio Domini Regis Navarre ad decem et novem annis mundum adhuc elapsis et infra per multum tempus sicut est predictum. Et hec sunt nomina Judeorum qui testimonium prohibuerunt de predictis: Testes, Greissons de Mairi, Josue Samse de Moretigni Salecuin. Hos autem testes fecimus recipi per quendam canonicum nostrum.

no date.

XIX.—April 1276; from Fond Doat, vol. XXXVII, fol. 180-190; Robert, *REJ*, III, 217, No. 49.

A quarrel between Peter, Archbishop of Narbonne and Aymeric, Viscount of Narbonne, with regard to the jurisdiction over the Jews of Capestagne, Montpellier, etc. (Cf. Regné, *Juifs de Narbonne*, pp. 108-110).

Appendix F

SYNAGOGUES CONFISCATED PROBABLY AFTER THE FIRST EXPULSION UNDER PHILIP-AUGUSTUS.

1. Lucius III, 1181-1185. His original Bull, of which No. 13 is an exact copy, is dated: Verone, VII Kalendas Augusti (July 26, probably 1184). On August 8th, presumably of the same year, Lucius sent the following Bull:

Delectis filiis decano et canonicis Sancte Crucis Stamparum, etc. Cum per mutationem dextere Excelsi de synagoga Judaica facta sit ecclesia vestra, et domus orationis ibi surrexerit, ubi paulo ante Judeorum impius cultus servabatur, Officio suscepte administrationis inducimur profectibus vestris et commodio lebenter intendere et petitionibus vestris effectum tam facilem quam debitum indulgere, etc.

(D. B. FLEUREAU, *LES ANTIQUITÉS DE LA VILLE ET DE LA DUCHÉ D'ÉTAMPES*, PARIS, 1683, pp. 378-399).

2. The decree of Philip reads as follows:

"Philip, by the grace of God, King of France. Know all present and future that, having expelled the Jews from our land, we have ordered that their synagogues be turned into churches. Wherefore, by the inspiration of God and for the good of our soul and the soul of our father, King Louis of happy memory, we grant also the synagogue of the Jews of Étampes to the clergy of Étampes that they may there read their prayers, serve God, and live in accordance with canonical regulation, they shall also establish therein a dean. Wherefore we ratify and take under our protecting hand, all the benefices already granted to that church or that are to be legally granted to it in time to come. That all this may forever remain binding and unchanged, we order this document to be confirmed by the authority of our seal and to be marked below with the royal monogram.

Given at Fontainebleau, in the year 1183, and of our reign the fifth, in the presence of the following whose signature is written below:

Signature of Count Theobold, the Seneschal

" " Guido, the Treasurer

" " Mark, the Chamberlain

" " Matthew, the Constable

(DELISLE ET BERGER, *ACTES DE PHILLIPPE-AUGUSTE*, NO. 99).

In 1187 the Church of St. Croix d'Étampes received the gift of a nearby house which had once belonged to a Jew. (Ibid., no. 223.) In spite of the fact, however, that Philip thus confirmed the gifts and privileges of this church, he reversed himself and on March 24, 1190, issued a judgment against this church and in favor of the Church of Notre Dame d'Étampes that claimed jurisdiction over St. Croix, since the latter was within the domain that had been Notre Dame's before the Jews were expelled (ibid., no. 73). The two churches continued to quarrel (nos. 308, 384, 385). Both King and Pope were interested, and the matter was not settled for many years. For details of the entire matter, see Fleureau, l. c.

3—Another synagogue that underwent the transformation into a church was the one of Paris.

Philip's grant of a Synagogue (from G. Dubais, *Historia Ecclesie Parisiensis*, II, p. 143):

In nomine sancte et individue Trinitatis, Amen. Philippus, Dei gratia Francorum Rex. Noverint universi presentes et futuri, quoniam nos intuitu Dei et ob remedio anime nostre et predecessorum nostrorum, synagogam Judeorum Parisiensem in qua divinum de cetero clebretur officium. Quod ut in posterum ratum et illibatum permaneat, presentem paginam sigilli nostri auctoritate ac regii nominis caractere inferius annotato precipimus confirmari.

Actum Parisius, anno incarnati verbi MCLXXXIII, regni nostri anno Iv. Astantibus in Palatio nostro, quorum nomina supposita sunt et signa.

Signum Countis Theobaldi Dapiferi

" Guiderus Buticularii

" Matthei Camerarii

" Radulfi Constabularii.

In 1183 Philip-Augustus made a present of it to Maurice, Bishop of Paris, who was to turn it into a church (*ibid.*, no. 90). Cf. Robert in *REJ*, III, p. 211, no. 1.

4—Still another synagogue that suffered the same fate was the one in Orleans. After the Expulsion of 1182, a Church was built on the foundation of the synagogue, or at least, the synagogue was remodelled as a Church. Philip granted it to the Perceptor and Chapter of this church thenceforth to be known as St. Sauveur d'Orleans. Pope Coelestine III confirmed all this, May 14, 1193 (*REJ*, I, p. 118). On April 8th, 1200, since the original grantees seem to have abandoned it, Philip gave the Church over to the Order of the Hospitalers of Jerusalem (*ibid.*, p. 117). Cf. Cochard, *La Juiverie d'Orléans du VI^e au XV^e Siècle* (Orléans, 1895).

BIBLIOGRAPHY

- Aguirre, Jos. Saenz de—Collectio Maxima Conciliorum omnium Hispaniae; 6 vols.; Rome, 1753-5.
- Amador de los Rios, Don Jose—Historia Social, Politica y Religiosa de los Judios de España y Portugal; 3 vols.; Madrid, 1875-6.
- Aquinas, Thomas—De Regimine Judeorum; ed. Joseph Mathis; Turin, 1924.
- Aronius, Julius—Regesten zur Geschichte der Juden im fraenkischen und deutschen Reiche bis zum Jahre 1273; Berlin, 1902.
- Auvray, Lucien—Les Registres de Gregoire IX (Bibliothèque des écoles françaises d'Athènes et de Rome); 3 vols.; Paris, 1899-1908.
- Baer, Fritz—Die Juden in Christlichen Spanien; Erster Teil, Aragonien und Navarra; Berlin, 1929.
- Baer, Fritz—Studien zur Geschichte der Juden im Koenigreich Aragonien; Berlin, 1913.
- Baluze, Stephanus—Miscellanea; 4 vols.; Luca, 1761.
- Bardinet, L.—Condition civile des Juifs du Comtat Venaissin pendant le séjour des Papes à Avignon, 1309-1376; in *Revue Historique*, t. 12, p. 16; Paris, 1880.
- Bédaride, I.—Les Juifs en France, en Italie, et en Espagne; Paris, 1861.
- Berger, E.—Registres d'Innocent IV (Bibliothèque des écoles françaises d'Athènes et de Rome); 4 vols.; Paris, 1884-1911.
- Bergl, Joseph—Geschichte der ungarischen Juden; Leipzig, 1879.
- Berliner, A.—Die Juden in Rom; Frankfort a/M, 1893.
- Berliner, A.—Aus dem Leben der deutschen Juden im Mittelalter; Berlin, 1900.
- Binns, L. Elliott—Innocent III; London, 1931.
- Bofarull y Sans, D. Francisco de—Los Judios en el territorio de Barcelona, reinado de Jaime I; Barcelona, 1910.
- Boehmer, J. F.—Codex Diplomaticus Moenofrancfurtanus; Frankfort a/M, 1836.
- Boletin de la real academia de la Historia; Madrid, 1877—date.
- Bondy, G. und Dworsky, F.—Zur Geschichte der Juden in Boehmen, Maehren und Schlesien, von 906 bis 1620; 2 vols.; Prague, 1906.
- Boos, H.—Monumenta Wormatiensia (Quellen zur Geschichte der Stadt Worms); 3 vols.; Berlin, 1893.
- Bouquet, Mart.—Recueil des Historiens des Gaules et de la France; 22 vols.; Paris, 1738-1865.
- Bourquelot, Felix—Études sur les foires de Champagne; Paris, 1865.

- Brisch, Carl—Geschichte der Juden in Köln and Umgebung, Köln, 1882.
- Brussel, Nicolas—Nouvelle Examen de l'Usage des Fiefs en France; 2 vols.; Paris, 1750.
- Bullarium Romanum—Taurinensis; 23 vols.; Rome, 1857-72.
- Bzovius, Abr.—Annalium Ecclesiasticorum; Köln, 1616.
- Cadier, Leon—Bulles originales du XIII^e Siècle; Rome, 1887.
- Cambridge Mediaeval History (CMH); vol. VI; N. Y., 1929.
- Carlebach, E.—Die rechtlichen und sozialen Verhaeltnisse der juedischen Gemeinden Speyer, Worms und Mainz; Leipzig, 1901.
- Caro, George—Sozial—und Wirtschaftsgeschichte der Juden im Mittelalter und der Neuzeit; 2 vols.; Frankfurt a/M, 1924.
- Carranza, Barthol.—Summa omnium conciliorum; Paris, 1678.
- Celakovsky, Jaromir—Privilegia Civitatum Pragensium; (Codex Juris Municipalis regni Bohemiae, tome I); Prague, 1886.
- Cherubinus, Laert.—Bullarium Romanum; 4 vols.; Rome, 1638.
- Corpus Juris Canonici—ed. Aem. Friedberg (contains Decretales Gregorii IX); 2 vols.; Rome, 1879-1881.
- Depping, G. B.—Les Juifs dans le Moyen Age; Paris, 1845.
- Dubnow, Simon—Weltgeschichte des Juedischen Volkes; 7 vols.; Berlin, 1927.
- Ennen, Leonard—Quellen zur Geschichte der Stadt Köln; 3 vols.; Köln, 1860.
- Erler—in Archiv fuer Katholisches Kirchenrecht; vols. 43-48; Innsbruck, 1857—.
- Eubel, Conrad—Hierarchia Catholica medii aevi, etc.; 3 vols.; Regensburg, 1898-1923.
- Fejer, George—Codex Diplomaticus Hungariae; Buda, 1829-66.
- Ferorelli, Nicola—Gli Ebrei nell' Italia Meridionale dall' Eta Romana al Sicolo XVIII; Turin, 1915.
- Finke, Heinrich—Konzilienstudien zur Geschichte des 13ten Jahrhunderts; Muenster, 1891.
- Finkelstein, Louis—Jewish Self-Government in the Middle Ages; New York, 1924.
- Fita, F.—Actas ineditas de siete concilios españoles; Madrid, 1882.
- Friss, Arminius—Monarchia Hungaria Judaica; Budapesth, 1903.
- Gaillard, B.—Une charte inédite de XIII^e siècle en faveur des Juifs; Montpellier, 1919.
- Gallia Christiana in provincias ecclesiasticas distributa; Dionysus Samarthan and Paul Piolin; 16 vols.; Paris, 1739-1877.
- Gallia Christ. Novissima; Albanés, Jos. Hyacinthe; 5 vols.; Montbéliard, 1899-1911.
- Gams, P. B.—Series Episcoporum ecclesiae, etc.; 3 vols.; Regensburg, 1873.
- Giry, A.—Manuel de Diplomatie; Paris, 1925.

- Goffinet, Hippolyte—Cartulaire de l'Abbaye d'Orval; (Collection des Chroniques belges); Bruxelles, 1879.
- Graetz, Heinrich—Geschichte der Juden; 12 vols.; Leipzig, 1874.
- Gross, Henri—Gallia Judaica; Paris, 1897.
- Gruenbaum, S. b. Z.—ed. Sefer Vi-ku-ah R. Yechiel m'Paris; Thorn, 1873.
- Guedemann, M.—Geschichte des Erziehungswesens und der Cultur der Juden in Abendland; 3 vols.; Vienna, 1880-1884.
- Guttman, J.—Die Scholastic des 13ten Jahrhunderts; Breslau, 1902.
- Guttman, Jakob—Das Verhältniss des Thomas von Aquino zu Judenthum und zur judischen Literatur; Göttingen, 1891.
- Hefele, C. J.—Histoire des Conciles; 9 vols.; Paris, 1907-1931.
- Hoffmann, M.—Der Geldhandel der deutschen Juden während des Mittelalters bis zum Jahre 1350; Leipzig, 1910.
- Hoener, R.—Zur Geschichte der Juden Deutschlands im früheren Mittelalter in L. Geiger's Zeitschrift für die Geschichte der Juden in Deutschland; vol. I (1887), 65-97, 136-151.
- Horoy, Abbé, ed.—Honorii III Opera Omnia (in Medii Aevi Bibliotheca Patristica); 4 vols.; Paris, 1879.
- Huillard-Breholles—(H-B)—Historia Diplomatica Frederici Secundi; 6 vols.; Paris, 1852.
- Hurter, Fr.—Innocenz III und seine Zeitgenossen; 3 vols.; Hamburg, 1838.
- Jackson, F. J. Foakes—An Introduction to the History of Christianity; New York, 1921.
- Jacobs, Joseph—The Jews of Angevin England; London, 1893.
- Jenkinson, Hilary—Calendar of the Plea Rolls of the Exchequer of the Jews; London, 1929.
- Jubainville, H. d'Arbois de—Histoire des Ducs et des Comtes de Champagne; 7 vols.; Paris, 1859-1869.
- Juster, Jean—La condition légale des Juifs sous les les rois visigoths; Paris, n.d.
- Kayserling, M.—Die Juden in Navarra; Berlin, 1861.
- Kayserling, M.—Geschichte der Juden in Portugal; Berlin, 1867.
- Kisch, A.—Die Anklageartikel gegen den Talmud und ihre Verteidigung durch R. Yechiel b. Joseph vor Ludwig dem Heiligen in Paris; Monatschrift, 23 (1874), pp. 10-18, 62-75, 123-130, 155-63, 204-12.
- Kisch, A.—Papst Gregor IX^{ten} Anklageartikel gegen den Talmud; Leipzig, 1874.
- Kracauer, I.—Urkundenbuch zur Geschichte der Juden in Frankfurt am Main von 1150-1400; Frank. a/M, 1914.
- Lagumina, B. & G.—Codice diplomatico dei Giudei di Sicilia; 3 vols.; Palermo, 1884-95.

- Lindo, E. H.—History of the Jews of Spain and Portugal; London, 1848.
- Lucas, L.—Judentaufen u. Judaismus zur Zeit des Papstes Innocenz III; in Festschrift Martin Philippons; Leipzig, 1916.
- Luchaire, Achille—Innocent III—Rome et l'Italie; Paris, 1905. La Croisade des Albigeois; Paris, 1905. La Papauté et l'Empire; Paris, 1906. La Question d'Orient; Paris, 1907. Les Royautés vassales du Saint-Siège; Paris, 1908. Le Concile de Latran; Paris, 1908.
- Maan—Historia Ecclesiae Turonensis; Tours, 1870.
- Mann, Hor. K.—The Lives of the Popes of the Middle Ages; London, 1925-1931; vols. XI-XII—Innocent III; vol. XIII—1216-1243; vol. XIV—Innocent IV.
- Manrique, Angel.—Cistercensium Annales; 4 vols.; Lyons, 1642-59.
- Mansi, I. D.—Sacrorum Conciliorum Amplissima Collectio; 31 vols.; Florence and Venice, 1759-89.
- Martene, Edm.—Thesaurus Novus Anecdotorum; 5 vols.; Paris, 1717.
- Michel, F.—Histoire des races mandites de la France et de l'Espagne; 2 vols.; Paris, 1847.
- Migne, I. P.—Patrologia Latina—Innocent III; vols. 214-217 (referred to as I-IV); Paris, 1844.
- Monatschrift für Geschichte u. Wissenschaft des Judenthums; 1-76; Breslau, 1852—date.
- Monumenta Germaniae Historica (MGH); Berlin, 1826-1931.
- Neufeld, Seibert—Die Juden im thuringisch-sächsischen Gebiet während des Mittelalters; Berlin, 1917.
- Newman, Louis I.—Jewish Influence on Christian Reform Movements; New York, 1925.
- Notices et Extraits des manuscrits de la Bibliothèque [Académie des Inscriptions et de Belles-Lettres de l'Institut de France]; Paris, 1787—date.
- Nübling, Eugen—Die Judengemeinden des Mittelalters; Ulm, 1896.
- Poole, R. L.—The Papal Chancery; Cambridge, 1915.
- Potthast, Augustus—Regesta Pontificum Romanorum; 2 vols.; Berlin, 1875.
- Pressutti, Petrus—Regesta Honorii Papae III; 2 vols.; Rome, 1888-1895.
- Pirie—Gordon, C. H. C.—Innocent the Great, an essay on his life and times; London, 1907.
- Prudhomme, A.—Les Juifs en Dauphiné aux XIV^e et XV^e siècles; Grenoble, 1883.
- Quetif, Jac. et Eckard, Jac.—Scriptores Ordinis Praedicatorum; 2 vols.; Paris, 1719-21.
- Raynaldus, Odor.—Annales Ecclesiastici; 15 vols.; Lucca, 1747-56.
- Regné, Jean—Catalogue des actes de Jaime I, Pedro III et Alfonso III,

- rois d'Aragon, concernant les Juifs (1213-1291), REJ, LX-LXX (1910-1919).
- Regné, Jean—Étude sur la condition des Juifs de Narbonne du V^e au XIV^e siècle; Narbonne, 1912.
- Revue des Études Juives (REJ)—vols. I (1880)—date.
- Rigg, J. M.—Select Pleas, Starrs, and other Records from the Rolls of the Exchequer of the Jews; London, 1902.
- Ripoll, Thomas—Bullarium Ordinis FF. Praedicatorum; 8 vols.; Rome, 1729-40.
- Robert, Ulysse—Les signes d'Infamie au Moyen Age; Paris, 1891.
- Rodenberg, Karl, ed.—Epistolae Saeculi XIII (MGH. Ser. 4, pt. 2), 3 vols.; 1883-1894.
- Rodocanachi, Emmanuel—Le Saint-Siège et les Juifs; Paris, 1891.
- Röhrich, R.—Geschichte des Königreichs Jerusalem; Insb., 1898.
- Rösel, Isert—Die Reichssteuern der deutschen Judengemeinden; Berlin, 1910.
- Rymer, Thomas—Feodora: conventiones, etc., inter reges Angliae et alios, 1101-1725; 2 vols.; London, 1726-1735.
- Saige, Gustave—Les Juifs de Languedoc antérieurement au XIV^e Siècle; Paris, 1881.
- Saitchik, R.—Beitraege zur Geschichte der rechtlichen Stellung der Juden; Frankfurt a/M, 1890.
- Sbaralea, Ioa. Hyac.—Bullarium Franciscanum; 4 vols.; Rome, 1759-1768.
- Scherer, J. E.—Die Rechtsverhältnisse der Juden in den deutsch-oesterreichischen Ländern; Leipzig, 1901.
- Schaff, David S.—History of the Christian Church; vol. V; New York, 1907.
- Sedgwick, H. N.—Italy in the 13th Century; 2 vols.; New York, 1912.
- Schevet Jehuda—Solomon ibn Verga; ed. Wiener; Hanover, 1924.
- Siete Partidas, Las—ed. J. M. Martinez; 2 vols.; Valladolid, 1875.
- Singermann, Felix—Die Kennzeichen der Juden im Mittelalter; Berlin, 1915.
- Smith, A. L.—Church and State in the Middle Ages; Oxford, 1913.
- Stern, M.—Päpstliche Bullen über die Blutbeschuldigung; Munich, 1900.
- Stobbe, Otto—Die Juden in Deutschland während des Mittelalters; Leipzig, 1902.
- Strack, Hermann L.—Das Blut im glauben und Aberglauben der Menschheit; Munich, 1900.
- Straus, R.—Die Juden in Sizilien unter Normannen und Staufern; Seidelberg, 1910.
- Taylor, Henry Osborn—The Mediaeval Mind; 2 vols.; London, 1925.

- Tejada y Ramiro—Coleccion de canones y todos los concilios de la Iglesia española; 5 vols.; Madrid, 1859.
- Theiner, Augustinus—*Vetera Monumenta Historica Hungariam illustrantia* . . . , Rome, 1859.
- Tosti, Luigi—*Storia della badia di Monte-Cassino*; 3 vols.; Naples, 1842.
- Tovey, d. Bl.—*Anglia Judaica*; Oxford, 1783.
- Transactions of the Jewish Historical Society of England (JHSE); London, 1893—date.
- Viollet, Paul—*Les établissements de St. Louis*; 2 vols.; Paris, 1881.
- Vogelstein u. Rieger (V. u. R.)—*Geschichte der Juden in Rom*; 2 vols.; Berlin, 1895-6.
- Vuitry, Adolphe—*Études sur le Régime financier de la France avant la Révolution*; Première série; Paris, 1878.
- Walsh, James J.—*The Thirteenth, Greatest of Centuries*; New York, 1907.
- Weyden, Ernest—*Geschichte der Juden in Köln am Rhein*; Köln, 1867.
- Wiener, M.—*Regesten zur Geschichte der Juden in Deutschland*; Hanover, 1862.
- Wilkins, David—*Concilia Magnae Britanniae et Hiberniae*; 4 vols.; London, 1737.
- Zimmels, H. J.—*Beitraege zur Geschichte der Juden in Deutschland im 13ten Jahrhundert auf Grund der Gutachten des R. Meir Rothenburg*; Frankfurt a/M, 1926.

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