The Measure of Her Actions: A Quantitative Assessment of Anglo-Jewish Women's Litigation at the Exchequer of the Jews, 1219-1281.*

In his presidential address to the Ecclesiastical History Society in 1991, Barrie Dobson observed that the court of the Exchequer of the Jews, that governmental audit office and tribunal (and much more) for dealing with Jewish affairs in thirteenth-century England, offered Jewish women in England a certain "legal sexual equality" not enjoyed by Christian women.[1] It was, he said, "as axiomatic to the justices as to the officials of the Exchequer of the Jews that a Jewish woman had as much right to resort to that machine as did her husband or her son."[2] Elsewhere he remarked that "the medieval English Jewess [sic] was undoubtedly a more influential and formidable figure than her Christian counterpart."[3] Dobson was not the first to advance the view that Jewish women enjoyed a more favourable legal or social position in England than their Christian counterparts, particularly where the jurisdiction of the Exchequer of the Jews (or "Jewish Exchequer") was concerned. As long ago as 1939, Michael Adler made similar observations about the status of Jewish women in medieval England, while in 1941 Cecil Roth stated that they occupied a "conspicuously high judicial and social status in Jewish life which compared very favourably

---

* Emma Cavell is Lecturer in the Department of History at Swansea University <e.cavell@swansea.ac.uk>. She wishes to thank Paul Brand for reading an early draft of this article and for taking the time to explain to me the finer points of felony jurisdiction at the Exchequer of the Jews (and for answering the various other questions I had). Thank you also to my colleagues Matthew Stevens, Deborah Youngs and Teresa Phipps for their helpful advice on earlier drafts of the article, and to Dean Irwin for supplying specific references to Cresse son of Genta, for whom I was searching outside the plea rolls. He also willingly answered other queries I put to him. Thanks must also go to the five peer reviewers, whose input has made this article very much stronger.

[1] Hereafter, the Exchequer of the Jews is referred to in the footnotes as EJ.

[2] R.B. Dobson, "The Role of Jewish Women in Medieval England," in Christianity and Judaism. Papers Read at the 1991 Summer Meeting and the 1992 Winter Meeting of the Ecclesiastical History Society, ed. Diana Wood (1992), 145-68, 154. Dobson advances the same view in "A Minority within a Minority: the Jewesses of Medieval England," in Minorities and Barbarians in Medieval Life and Thought, ed. S.J. Ridyard and R.G. Benson (Sewanee: University of the South Press, 1996), 27-48, esp. 42, 45-6.

[3] Barrie Dobson, "The Medieval York Jewry Reconsidered," Jewish Culture and History, 3 (2000): 15.

to that of the ordinary Englishwoman of the period."[4] Nor was Dobson the last scholar to point to the role of the Jewish Exchequer in sustaining Jewish women's greater freedom in thirteenth-century English society. In 2013, Derek Roebuck suggested that the records of the this institution contained "almost as many" women as men.[5] Yet these and similar declarations have never been tested and have continued to appear in publications of the last twelve years or so.[6] Where litigation is concerned specifically, Barrie Dobson and his predecessors were writing at a time when the medieval Christian woman's relationship to law-in-action was poorly understood. Scholars' generalisations about English Christian women's legal status as inferior to that of men, and about the "legal," or "civil," death of wives and the impact of this on their rights in court, were bound to reflect well on the position of Jewish women in and beyond the law courts, and in the daily lives of their communities, in thirteenth-century England.

Historians of continental northwest European history have likewise advanced speculative claims about the different experiences of Jewish and Christian women in medieval Christendom. In the year that Dobson gave his presidential address, Avraham Grossman argued that wife-beating in Christian society was normal, being of the essence of a social structure (that of "feudalism") in which human relations were hierarchical. By contrast, wife-beating by Jewish husbands was discouraged but difficult to prevent, because of "its frequency in the gentile environment in which Jews lived and worked."[7] Grossman's view is reminiscent of the more explicit assertion made in 1927 by John Langdon Davies and repeated by Adler twelve years later to support his comparison of Christian and Jewish

[4] M. Adler, "The Jewish Woman in Medieval England," in M. Adler, Jews of Medieval England (London: Edward Goldston Ltd, 1939), 17-45; C. Roth, A History of the Jews of England (Oxford: the Clarendon Press, 1941; 3rd edn 1964), 115.

[5] Derek Roebuck, Mediation and Arbitration in the Middle Ages. England 1154-1558 (Oxford: Holo Books, the Arbitration Press, 2013), 241, 265.

[6] See e.g. Victoria Hoyle, "The Bonds that Bind: Money-Lending between Anglo-Jewish and Christian Women in the Plea Rolls of the Exchequer of the Jews, 1218-1280," Journal of Medieval History 34 (2008): esp. 122.

[7] Avraham Grossman, "Medieval Rabbinic Views on Wife-Beating, 800-1300," Jewish History 5 (1991): 60-1.

women in medieval England: "In the age of chivalry, a [Christian] woman who dared to counsel her husband was greeted with a closed fist in her face."[8]

Today, however, a burgeoning literature on women's litigation and legal autonomy (freedom to act) and agency (capacity to exert power and influence) across differing jurisdictions in the medieval British Isles and further afield has revealed a far more complex picture. Christian women of all classes could, and did, negotiate their way around judicial systems, in court and out of it, in ways that confounded any theoretical restrictions that they may have encountered. Since the 1980s, research by scholars such as Janet Loengard, Sue Sheridan Walker, Patricia Orr, Daniel Klerman and Margaret Kerr demonstrates that, in practice, free Christian women of thirteenth-century England were not as constrained as legal theory might suggest. They were probably, as Loengard put it, "doing most of the things male litigants were doing – and more."[9] Even under the more mature, less flexible common law of later medieval England, women were certainly not without room for manoeuvre, as recent literature has shown.[10] Between 2015 and 2018, a large-scale

[8] John Langdon Davies, A Short History of Women (New York: Viking Press, 1927), 231; Adler, Jews of Medieval England, 17.

[9] Janet S. Loengard, "What is a Nice (Thirteenth-Century) Englishwoman Doing in the King's Courts?" in The Ties that Bind: Essays in Medieval British History in Honour of Barbara Hanawalt, ed. Linda E. Mitchell, Katherine L. French and Douglas L. Biggs (Farnham and Burlington VT: Ashgate, 2011), 55-70; Sue Sheridan Walker, "Litigation as a Personal Quest: Suing for Dower in the Royal Courts, circa 1272-1350," in Wife and Widow in Medieval England, ed. Sue Sheridan Walker (Ann Arbor: University of Michigan Press, 1993), 81-108; Patricia Orr, "Non Potest Appellum Facere: Criminal Charges Women Could Not – But Did – Bring in Thirteenth-Century English Royal Courts of Justice," in The Final Argument: the Imprint of Violence on Society in Medieval and Early Modern Europe, ed. Donald J. Kagay and L.J. Andrew Villalon (Woodbridge: the Boydell Press, 1988), 141-62; Daniel Klerman, "Women Prosecutors in Thirteenth-Century England," Yale Journal of Law and the Humanities 14 (2002): 271-319; Margaret Kerr, "Husband and Wife in Criminal Proceedings in Medieval England," in Women, Marriage and Family in Medieval Christendom: Essays in Memory of Michael M. Sheehan, ed. Constance Rousseau and Joel Rosenthal (Kalamazoo, Miss: Medieval Institute Publications, 1998), 211-51. Occasional earlier studies include R.H. Helmholz, Marriage Litigation in Medieval England (Cambridge: Cambridge University Press, 1974).

[10] E.g. Sara M. Butler, "Medieval Singlewomen in Law and Practice," in The Place of the Social Margins 1350-1750, ed. Andrew Spicer and Jane L. Stevens Crawshaw (Abingdon and New York: Routledge, 2017), 59-78; idem, "Discourse on the Nature of Coverture in the

collaborative project, entitled "Women Negotiating the Boundaries of Justice: Britain and Ireland, c. 1100 – c. 1750," engaged scholars from the UK universities of Glasgow, Cardiff and Swansea (including the present author) in complementary and comparative research on women litigants in pre-modern England, Scotland, Ireland and Wales.[11] The following article owes its genesis to that project and contributes that "growing body of research devoted to a bottom-up examination of the institution of law and justice in medieval and early modern Europe."[12]

An holistic view of the operation of legal jurisdictions in medieval England and of medieval English women's experience of judicial process must include the experiences of Jewish women in England before the Expulsion of the Jews by Edward I in 1290. This article contends that, rather than enjoying a significantly different, or better, position in court than Christian women in medieval England, Jewish women in fact shared many of their experiences of law-in-action with their Christian counterparts. It represents the first analysis, chiefly quantitative in nature, of Jewish women's litigation at the Jewish Exchequer during the thirteenth century. It comprises four parts. After a contextual overview of the operation of the Jewish Exchequer and its plea rolls, the article examines the numbers of

---

Later Medieval Courtroom," in Married Women and the Law. Coverture in England and the Common Law World, ed. Tim Stretton and Krista J. Kesselring (Montreal, Kingston, London and Ithaca: McGill-Queens-University Press, 2013), 24-44; Cordelia Beattie, "Married Women, Contracts and Coverture in Late Medieval England," in Married Women and the Law in Premodern Northwest Europe, ed. Cordelia Beattie and Matthew Frank Stevens (Woodbridge: the Boydell Press, 2013), 133-54; Matthew Frank Stevens, "London's Married Women, Debt Litigation and Coverture in the Court of Common Pleas," ibid., 115-132; Teresa Phipps, "Creditworthy Women and Town Courts in Late Medieval England," in Women and Credit in Pre-Industrial Europe, ed. E.M. Dermineur (Turnhout: Brepols, 2018), 73-94; idem, "Coverture and the Marital Partnership in Late Medieval Nottingham: Women's Litigation in the Borough Court, ca.1300 – ca.1500," in Women Negotiating the Boundaries of Justice in Britain, 1300-1700, ed Alexandra Shepard and Tim Stretton, special issue 4 of Journal of British Studies 58 (2019), 768-86.

[11] "Women Negotiating the Boundaries of Justice: Britain and Ireland, c. 1100–c. 1750," Arts and Humanities Research Council (AH/L013568/1).

[12] Rachel Furst, "Marriage Before the Bench: Divorce Law and Litigation Strategies in Thirteenth-Century Ashkenaz," Jewish History 31 (2017): 8; idem, "Striving for Justice. A History of Women and Litigation in the Jewish Courts of Medieval Ashkenaz", unpublished PhD dissertation, Hebrew University of Jerusalem (2014), 5.

Jewish women using this institution as a court of law. The next section considers the ways in which Jewish women appeared in court and record: the lifecycle stages at which they litigated, their roles within the litigation (plaintiff, defendant, witness) and the names under which they were recorded in the rolls. A final section explores in more detail three specific types of plea in which Jewish women took part, namely debt, detinue and pleas relating in some way to crime or other transgression.

The Exchequer of the Jews and its Plea Rolls

The Exchequer of the Jews was a governmental agency with general oversight of the Jewish community of England, responsibility for collecting Jewish debts which had fallen to the king (though not for collecting tallages) and a central function as a judicial tribunal, principally for litigation between Jews and Christians.[13] It was overseen in all its functions by chiefly Christian "justices assigned to the custody of the Jews" (Justiciarii ad custodiam Judeorum assignati), or simply "justices of the Jews," who sat at Westminster on a termly basis and were advised by the chief rabbi of England. Its records tell us a great deal about Jewish women's involvement in money lending, credit networks, and everyday concerns associated with those networks and are thus an excellent starting point for assessing Jewish women's encounters with the law in thirteenth-century England. Despite important work by Suzanne Bartlet, Victoria Hoyle and Hannah Meyer, these topics are yet to receive significant scholarly assessment.[14] These studies often intersect with some evaluation of

[13] Tallage was an arbitrary tax levied by the crown on its subjects, and frequently imposed on the English Jews during the twelfth and thirteenth centuries.

[14] Bartlet, "Three Jewish Businesswomen in Thirteenth-Century Winchester," Jewish Culture and History 3 (2000): 31-54; idem, "Women in the Medieval Anglo-Jewish Community," in The Jews in Medieval Britain: Historical, Literary and Archaeological Perspectives, ed. Patricia Skinner (Woodbridge: the Boydell Press, 2003), 113-27; idem, Licoricia of Winchester: Marriage, Motherhood and Murder in the Medieval Anglo-Jewish Community, ed. for publication by Patricia Skinner (Edgware and Portland, OR: Valentine Mitchell, 2009); Hoyle, "The Bonds that Bind"; idem, "Negotiating the Margins: Anglo-Jewish Women in the Plea Rolls of the Exchequer of the Jews, 1218-1284," unpublished MA dissertation, University of York (2006); Hannah Meyer, "Gender, Jewish Creditors and Christian Debtors in Thirteenth-Century England," in Intersections of Gender, Religion and Ethnicity in the Middle Ages, ed. Cordelia Beattie and Kirsten Fenton (Basingstoke and New York: Palgrave

women's pleading at the Jewish Exchequer (see especially Hoyle) or questions of Jewish women's legal rights and status in thirteenth-century England, particularly where "Jewry law," the law of the king of England in respect of his Jewish subjects, was concerned.[15]

The Jews of England had no right to common law. "Jewry law," as it is known today, was the product of fixed privileges granted by kings of England, the terms of which changed during the course of the thirteenth century and remained distinct from both common and rabbinic law. As Judith Olszowy-Schlanger noted, these royal privileges "constituted the legal framework for [the Jews'] economic activities and their very existence as communities."[16] It was this law that obtained at the Jewish Exchequer. Yet, although Hannah Meyer has drawn our attention to a Jewish woman at the Exeter mayoral court and Pinchas Roth to the operation of rabbinic tribunals in England, and while broader studies sometimes furnish passing reference to Jewish women litigants in England, scholars' focus has never been directly on litigant activity at any of the courts used by the Jews of England, men or women.[17] The Jewish Exchequer was unique in medieval Europe, and the extant rolls

---

Macmillan, 2011), 104-124; idem, "Female Money-Lending and Wet-Nursing in Jewish-Christian Relations in Thirteenth-Century England," unpublished PhD thesis, University of Cambridge (2010). See also Reva Berman Brown and Sean McCartney, "David of Oxford and Licoricia of Winchester: Glimpses into a Jewish Family in Thirteenth-Century England," Jewish Historical Studies: Transactions of the Jewish Historical Society of England 39 (2004): 1-34; idem, "The Business Activities of Jewish Women Entrepreneurs in Medieval England," Management Decision 39 (2001): 699-709.

[15] Hoyle, "The Bonds that Bind" offers some assessment of Jewish women's experience of the law, but unsupported assertions about the EJ's role as a venue for women's litigation (122; and see my own discussion, above, 20, 23) and misreading of the evidence – incl. confusion over whether Slema of Southwark was plaintiff or defendant in her surviving EJ pleas (she was always the latter) and failure to notice that her father Isaac was not dead, but an active participant in certain of her actions (126) -- mean that caution is warranted.

[16] Hebrew and Hebrew-Latin Documents from Medieval England: a Diplomatic and Palaeographical Study, ed. Judith Olszowy-Schlanger, 2 vols (Turnhout: Brepols, 2015), I.1, 21-2. See also Shael Herman, Medieval Usury and the Commercialization of Feudal Bonds (Berlin: Duncker and Humblot, 1993), 68-75; Paul Brand, "Jews and the Law in England, 1275-90," English Historical Review 115 (2000): 1139-58.

[17] Meyer, "Gender, Jewish Creditors and Christian Debtors;" Pinchas Roth, "Jewish Courts in in Medieval England," Jewish History 31 (2017): 67-82; Bartlet, Licoricia; Simha Goldin, Jewish Women in Europe in the Middle Ages. A Quiet Revolution (Manchester: Manchester University Press, 2011). Women's use of the independent Jewish courts in the medieval

furnish greater detail of the Jews' legal activities than any other record from thirteenth-century England.

Comprising long narrow membranes sewn together at the head and frequently titled, front and back, with the law term and sometimes the session, the Latin records of the Jewish Exchequer resemble those of any royal lawcourt of thirteenth-century England.[18] Yet, little more than a third of the content of its "plea rolls" is actually devoted to litigation or related activities like essoins (excuses for non-appearance), attorney appointments and adjournments. Much of the rolls' content documents the administration of the crown's Jewish affairs and the non-contentious private business of loans, sales, rents, royal favours, pawnbroking, acknowledgements of indebtedness and so on, as they relate to the English Jews. The institution's range of interests is indicated, in broad-brush terms, by the court clerks' subheadings of "memoranda," "starrs" (Jewish deeds), "pleas" and the plea-related "essoins," "attorneys" and "prece parcium" (adjournments at the request of the parties). Such ostensibly clear-cut categories are in fact fluid, however. "Memoranda" sometimes record a plea, and "pleas" on occasion contain no more than the memorandum of a fine. The rolls survive, patchily, from 1219 to 1266, and then with greater fullness to 1286, particularly from the early 1270s. They constitute something of "a gigantic lucky dip," as Dobson put it, "throwing intense but fitful light across great expanses of social and indeed private life, ranging from acts of murder by Christians against Jews to marital breakdown within the Jewish household itself."[19] All rolls that survive from 1219 to Trinity Term 1281 are now available in published form, some as English calendars and some as complete, Latin texts.[20]

German lands is the subject of Furst, "Marriage Before the Bench" and idem, "Striving for Justice."

[18] The National Archives [henceforth TNA], E9/1-70.

[19] Dobson, "A Minority within a Minority," 31.

[20] The English calendars comprise: Calendar of the Plea Rolls of the Exchequer of the Jews, vol. 1: Henry III, 1218-72, ed. J.M. Rigg (1905; repr. 1971); Calendar of the Plea Rolls of the Exchequer of the Jews, vol. 2: Edward I, 1273–75, ed. J.M. Rigg (1910; repr. 1971); Calendar of the Plea Rolls of the Exchequer of the Jews, vol. 3: Edward I, 1275-77, ed. H. Jenkinson (1929); Calendar of the Plea Rolls of the Exchequer of the Jews, vol. 4: Henry III, 1272 and Edward I, 1275–77, ed. H.G. Richardson (1972). The vastly superior complete text editions are: Plea Rolls of the Exchequer of the Jews, vol. 5: Edward I, 1277-79, ed. Sarah Cohen with Paul Brand and W.M. Schwab (1992); Plea Rolls of the Exchequer of the Jews, vol. 6: Edward

The Jewish Exchequer enjoyed broad jurisdiction. It oversaw all litigation relating to the Jewish practice of money-lending, from business transacted between Jewish creditors and Christian debtors, one of the best represented causes of litigation, to suits between Christian parties in which the role of Jewish finance was incidental to the recorded suit.[21] It was also largely responsible for litigation over real property that concerned the Jews—including the king's interest in Jewish tenements that resulted from forfeitures by Jewish felons and escheats from Jewish converts to Christianity— and detinue cases where one party was Jewish.[22] Civil cases of trespass involving Jews or Jewish debts, including physical assaults, ejections from house or land, defamation, fraud relating to chirographs (a deed produced in bi- or tripartite form), unjust demands for debt by Jewish creditors, and dereliction of duty relating to the archae system also appear in the rolls.[23] Finally, the court exercised jurisdiction over private prosecutions of serious crime ("appeals of felony") that included a Jewish party; over Jews indicted for felony; and over inquiries into the deaths of Jews suspected of having been murdered. Since felony jurisdiction fell by default to the normal criminal justice system in England, appeals of felony involving Jews were often initiated in the county courts (as were appeals involving Christians), before being transferred by special writ to the Jewish Exchequer for determination.[24]

I, 1279-81, Paul Brand (2005). Henceforth all published volumes in the series are given as PREJ. See also Select Pleas, Starrs and Other Records from the Rolls of the Exchequer of the Jews, A.D. 1220-1284, ed. J.M. Rigg, Selden Society 15 (1902).

[21] See for example, Adam de Neufmarché's plea of trespass against Henry of Luffenham PREJ, vi, nos 110, 111, 399, 587.

[22] The king's right to chattels forfeited by Jewish subjects frequently generated litigation at the EJ to recover Jewish goods that had ended up in the hands of third parties: PREJ, vi, 9-10. Detinue was the wrongful detention of goods or personal possessions. See, PREJ, vi, 11.

[23] Brand, "Jews and the Law in England," 1139. Archae were small networks of chests that held the deeds and charters of Jewish financial transactions, namely the records of loans against debtors' lands, and of the repayments made on those debts.

[24] Evidence can be found to indicate both that appeals and indictments involving Jews could only be determined at the EJ, and that it may also have been possible actually to initiate such appeals (by or against Jews) there: Select Pleas, 78 (1273); PREJ, i, 130-1 (1266), ii, 110 (1273). Cf. H.G. Richardson, The English Jewry under the Angevin Kings (London: Methuen, 1960), 156-7, who appears to imply, erroneously, that appeals of Jews had to be initiated at the EJ. On the special writs required, see PREJ, vi, 11. On the plea rolls and functions of the

Our impression of Jewish women's litigation comes from the pen of the male Christian court clerk and the "clinically dispassionate or even hostile eyes of the Angevin and Plantagenet bureaucracy."[25] It is also largely confined to a select group of Jewish women, and to conflict in their lives. The Jewish women who litigated before the Jewish Exchequer represent a minority whose wealth was great enough to occasion envy, conflict or royal interest, who were alleged to have committed crimes or misdemeanours, or for whom access to legal process was a realistic prospect financially. The situation is much the same for the visibility of the wider English population in the extant legal records. Although, as Dobson noted, the plea rolls have nothing to say of many more English Jews, such as those in service or from poorer backgrounds, they nevertheless reveal a wide range of causes for which Jewish women in England went to court during the thirteenth century.[26] They shed invaluable light not just upon the women's negotiation of justice, certainly as it was dispensed by the Jewish Exchequer, but on their broader social conduct, relationships and status. The rolls reveal the Jewish woman litigant operating at the heart of family, business and community in thirteenth-century England.

Invaluable to an understanding of Jewish women's litigation is the categorization of individual pleas; but the task also represents the most significant challenge to the quantification of lawsuits at the Jewish Exchequer or any other of the king's tribunals. Both the nature of the court records -- redacted, formulaic and beholden to the Christian, patriarchal structures of an English governmental lawcourt -- and the reality that forms of legal action were still evolving in thirteenth-century England render the exercise inexact. The common law, the procedures and actions of which (though different) were echoed in the judicial functioning of the Jewish Exchequer, was still a new and fairly flexible innovation in the thirteenth century. Criminal appeals and trespass remained poorly differentiated in the records of the common law courts before c. 1260, and presumably in the Jewish Exchequer too,[27] and the classification of actions of the 1280s works less well for the earlier

---

EJ, see PREJ, vi, 9-16 and Paul Brand "The Jewish Community of England in the Records of the English Royal Government," The Jews in Medieval Britain, ed. Skinner, 73-81.

[25] Dobson, "The Role of Jewish Women in Medieval England," 150.

[26] Dobson, "The Role of Jewish Women in Medieval England," 151.

[27] Paul Hyams, Rancor and Reconciliation in Medieval England (Ithaca, NY and London: Cornell University Press, 2003), 218.

part of the century. Nevertheless, quantification of Jewish women's litigation at this tribunal is both possible and instructive. It enables us to identify indicative patterns in their actions and avenues for further investigation, and to suggest broader conclusions about the nature of Jewish women's experiences at law in medieval England. Such an approach illuminates Jewish women's capacity for action at the Jewish Exchequer in a way that complements a qualitative evaluation of specific (and often headline-grabbing) cases.[28] Through such analysis, and through comparison with Jewish men's litigation, we can begin to test the suggestion that Jewish women enjoyed greater legal freedoms than their Christian counterparts, and to explore the ways in which gender shaped these women's actions and determined the limits upon them at law. We are also able to consider the impact of changing government policy toward its Jewish subjects, and particularly the promulgation of the 1275 Statute of Jewry and the catastrophic coin-clipping prosecutions of 1278-9, on Jewish women's engagement with the law.

[28] Barbara A. Hanawalt, The Wealth of Wives: Women, Law, and Economy in Late Medieval London (New York: Oxford University Press, 2007), 183. For divergent views of the value of quantitative analysis of medieval litigation, see Zefira Entin Rokéah, "Crime and Jews in Late Thirteenth-Century England: Some Cases and Comments," Hebrew Union College Annual 55 (1984): 95-157; Charles Donahue Jr, "Female Plaintiffs in Marriage Cases in the Court of York in the Later Middle Ages: What Can We Learn from the Numbers?," in Wife and Widow, ed. Walker, 183-213, 183; and P.J.P. Goldberg, "Gender and Matrimonial Litigation in the Church Courts in the Later Middle Ages: the Evidence of the Court of York," Gender and History 191 (2007): 43-59. Statistical analyses of medieval Christian women's litigation are more common for the post-1300 period: e.g. Matthew Frank Stevens, "London Women, the Courts and the 'Golden Age:' a Quantitative Analysis of Women Litigants in the Fourteenth and Fifteenth Centuries," The London Journal 37 (2012): 67-88; idem, "London's Married Women;" idem, "Women, Attorneys and Credit in Late medieval England," in Women and Credit in Pre-Industrial Europe, ed. Dermineur, 45-72; Suzanne Jenks, "Picking up the Pieces: Cases Presented to the London Sheriffs' Court between Michaelmas 1461 and Michaelmas 1462," Journal of Legal History 29 (2008): 99-145; Judith Bennett, Women in the Medieval English Countryside: Gender and Household in Brigstock before the Plague (Oxford: Oxford University Press, 1987); Phipps, "Creditworthy Women;" Erin McGibbon Smith, "The Participation of Women in the Fourteenth-Century Manor Court of Sutton-in-the-Isle," Marginalia 1 (2005), online journal, <http://www.marginalia.co.uk/journal/05margins/smith.php> (accessed 15 December 2019).

To set manageable parameters for this study, data have been gathered only from the category "pleas" and only from the published rolls, which cover the period 1219 to 1281. Where I have explored the details of a case in depth or examined the precise wording of an entry, I have used the original material. The sacrifice is small, for the great bulk of evidence of Jewish women before the court is contained within the category "pleas." This method allows us more efficiently to collate and quantify entries furnishing both the repetitive, formulaic phraseology of the English litigation record, and to observe the (sometimes striking) exceptions to those formulae, as well as to gather comparative data on male litigants. Enough material has survived not simply for the assessment of Jewish women's actions between 1219 and 1281, but also for the creation of representative samples, from different time-periods, to allow comparison between men's and women's litigation. The first sample derives from the single extant plea roll for 1219-20, which encapsulates the business of all four law terms from Michaelmas 1219 through to Trinity 1220. As business at the tribunal increased, the second sample comes from the three surviving rolls from the year 1244 (Easter, Trinity and Michaelmas Terms 1244-5).[29] Samples three and four come from two complete law-years' worth of rolls from the beginning of Michaelmas Term 1277 to the end of Trinity Term 1278 and from Michaelmas 1279 to Trinity 1280 (six rolls each).[30] The habit of this and other English tribunals of producing separate, but broadly similar, rolls for individual justices has left us with more than four rolls (i.e. one per term) for both the later periods. We are left with a minimum level of litigation by Jewish women at the Jewish Exchequer, but it is a selection of litigation that can be considered representative of the broader engagement of Jewish women litigants with this tribunal during the period of its operation.

Jewish Women Litigants at the Exchequer of the Jews: the Numbers

The indexes of the six published volumes of plea rolls reveal that women make up 11-12% (396/3387) of all individual Jews recorded as having business of any sort (i.e. not just litigating) at the Jewish Exchequer. This is a far cry from the gender parity suggested by

[29] 1219-20: TNA E9/1 (PREJ, i); 1244-5: TNA, E9/2-4 (PREJ, i).
[30] 1277-8: TNA, E9/25-8, E9/57, E9/63 (PREJ, v); 1279-80: TNA, E9/33-6, E9/26, E9/65 (PREJ, vi).

Roebuck in 2013.[31] The figure has parallels in, for example, the numbers of Jewish women suspected of coinage violations in thirteenth-century England (13%), and the number of named Jewish women who deposited bonds in the Cambridge archa around 1240 (under 10%).[32] From the unnamed "mother of David", who appears in the surviving rolls just once, in Hilary Term 1220,[33] to the better known Chera of Winchester, whose activities at and beyond the Jewish Exchequer can be tracked across a number of years, Jewish women are named as the participants, and occasionally as witnesses or accomplices, in litigation, financial transactions and a variety of business agreements.[34] As with Jewish men, and despite the lower numbers, Jewish women's activities at the Jewish Exchequer covered the entire scope of the institution's responsibilities and are apportioned between the categories of "memoranda," "starrs," "pleas" and the like. As we shall see, any number of entries in one or more plea rolls may relate to a single issue or activity. Likewise, individual women can be found in their many activities at the Jewish Exchequer alongside male kin or associates, and with and against other Jewish women.

In the litigation alone, the numerical imbalance between Jewish men and women at the Jewish Exchequer, although perhaps not quite as extreme as that suggested above, is nevertheless significant. From the data gathered in the manner described in the previous section, we can identify 177 discrete lawsuits and 130 individual women litigants from the period 1219 to 1281. One of these women, Juliana, was a convert to Christianity from Judaism, but her case has been retained for the light it sheds on the Jewish community in thirteenth-century London and its interaction with Jewry law. As Figure 1 demonstrates, ten of the litigants (12%) in the single roll for 1219-20 were women, while in the roll for 1244-5 fourteen (16%) of the litigants were women. In terms of the total number of discrete lawsuits recorded for the periods 1219-20 and 1244-5, those that involved one or more

[31] Roebuck, Mediation and Arbitration, 241, 265, and see Hoyle, "The Bonds that Bind," 122.
[32] Of the 459 Jews suspected of coinage violations in the thirteenth century, identified by Rokéah in the early 1990s, 13% were women: see below, n. 118. Dobson found that among the named Jews who deposited bonds in the Cambridge archa around 1240, the figure was fewer than one in ten: Dobson, "A Minority within a Minority," 36.
[33] PREJ, i, 34.
[34] See for example: Curia Regis Rolls, vii, 70, 245; Bartlet, "Three Jewish Businesswomen;" The Palgrave Dictionary of Medieval Anglo-Jewish History, ed. Joe Hillaby and Caroline Hillaby (Basingstoke: Palgrave Macmillan, 2013), 398-9.

Jewish women accounted for 24% (22/93) and 14.5% (14/98) respectively. It should be borne in mind, that as men and women sometimes appeared in court at the same time, whether as co-litigants or adversaries, the number of individual lawsuits given here is lower than the sum of men's and women's actions.

In the sample for Michaelmas Term 1277 to Hilary Term 1278, about 14% (17/124) of the litigants were women -- a figure fairly comfortably aligned with the evidence from 1219-20 and 1244-5 -- and 10.5% (19/180) of the lawsuits involved one or more Jewish women. While statistical evidence for free Christian women litigants in thirteenth-century England is less plentiful than for the later period, published data for Christian women's lawsuits in the late thirteenth century and early fourteenth are comparable to, and in certain cases slightly higher than, the proportions of lawsuits involving one or more Jewish women in the above three samples.[35] In one study, proportions of lawsuits involving one or more Christian woman, in eight specific courts in England and the Welsh Marches before the Black Death, ranged from 16% at Oakington manor court in Cambridgeshire (1291-1350) up to 29% at the London Sheriff's Court (July-September 1320).[36] In marked contrast, just over a third (34%, 24/70) of the Jewish litigants of the present study in the period between Michaelmas Term 1279 and Hilary Term 1280 were women. This is a significantly higher proportion than that found in the earlier three samples. It is likewise clear that Jewish women were involved in a much larger share of the pleading in the final twelve months than they had been in the earlier three samples.

[insert Fig. 1 here]

The significance of this striking anomaly lies less in a numerical increase in Jewish women litigants before the Jewish Exchequer in the period 1279-80, although their number is certainly highest at this point, than in a marked fall in male litigants. As Figure 1 shows, the number of Jewish men before this tribunal dropped from 107 in 1277-8 to just forty-six in

[35] See e.g. the findings in Loengard, "What is a Nice (Thirteenth-Century) Englishwoman Doing in the King's Courts?," 56.

[36] Stevens collated and supplemented existing data on Christian women's litigation at eight courts, providing an earlier (chiefly pre-Plague) and later (chiefly post-Plague) sample for each: Stevens, "London Women, the Courts and the 'Golden Age'," Appendix, 84.

1279-80. Multiple interrelated factors are likely to have contributed to this drop. Part of the explanation presumably resides, straightforwardly, in the sweeping coin-clipping allegations of late 1278 and 1279 and the arrest of large numbers of English Jews for the offence. In 1279, in London alone, it appears that almost 300 Jews were convicted and hanged, the vast majority of them men.[37] Many other Jewish individuals and households either forfeited all their property or were exiled or fled, while others were subject to heavy financial penalties.[38] The Jewish population in England, already in decline in Edward's reign, decreased further in the wake of the trials. Men were the principal casualties of the downturn in Jewish fortunes in this period.[39]

The gender shift in the data above probably also relates, in a more complex fashion, to the prohibition of Jewish usury in the 1275 Statutum de Judaismo (Statute of Jewry), which ended the Jewish lender's right to accrue interest on loans, and to similar royal enactments concerning the Jews' financial activities in the latter half of the thirteenth century.[40] Although it remains unclear how far such enactments limited the capacity of individual Jews to go to court, purchase writs and otherwise engage with legal process, male Jewish money-lenders, more numerous and wealthier on the whole than their female counterparts, were collectively more vulnerable than women not just to the effects of the prohibition of usury itself, but also to the "ravages of taxation and forfeits" that characterised Edward I's approach to the Jewish population.[41] As shown in Figure 4 below, debt litigation furnished

[37] See esp. Zefira Entin Rokéah, "Money and the Hangman in Late Thirteenth-Century England: Jews, Christians and Coinage Offences, Alleged and Real (part I)," Jewish Historical Studies 31 (1988-90): 83-109 and also Richard Huscroft, Expulsion. England's Jewish Solution (Stroud: Tempus, 2006), 124-5; Robin Mundill, England's Jewish Solution. Experiment and Expulsion, 1262-1290 (Cambridge: Cambridge University Press, 2002), 174; Brand, "Jews and the Law in England," 1147-53; Dictionary, ed. Hillaby and Hillaby, 106-7.

[38] Brand, "Jews and the law in England," 1148; Zefira Entin Rokéah, "Money and the Hangman in Late Thirteenth-Century England: Jews, Christians and Coinage Offences, Alleged and Real (part II)," Jewish Historical Studies 32 (1990-2): 161; Dictionary, ed. Hillaby and Hillaby, 107.

[39] Mundill, England's Jewish Solution, 26, 146

[40] See e.g. Mundill, England's Jewish Solution, 119-21; Brand, "Jews and the Law in England," 1140-7 and generally.

[41] Mundill, England's Jewish Solution, esp. ch. 5; V. Lipman, The Jews of Medieval Norwich (London: the Jewish Historical Society of England, 1967), 162-85.

the greatest decline in male litigants: the number of debt pleas involving Jewish men fell from 111 suits in 1277-8 to forty-nine in 1279-80. In addition, the practical changes to Jewish lending compelled by the crown appear to have lent the simple pawn a greater role in Jewish business after 1275 and may have rendered the relative prevalence of Jewish women in pawnbroking (suggested by some scholars) either quantitatively greater or simply more prominent in the surviving evidence.[42] Cases of detinue, in which we might expect to see instances of pawnbroking gone wrong -- for pawnbroking did not of itself necessitate the keeping of records -- increased steadily across the four samples, with a sharper upturn in the number of detinue suits involving women in the latter part of the 1270s. (Figure 4). We shall see that there was more to the rise of Jewish women in detinue litigation after 1275 than a shift from usury to pawnbroking by straitened Jewish moneylenders, but we ought nevertheless to consider the effects of royal legislation on the numbers displayed in Figure 4 and on the place of Jewish women litigants therein.

Jewish women litigants at the Exchequer of the Jews: Roles and Representations.

We should now also consider the names under which the women were recorded in the rolls, as well as the lifecycle stages at which they litigated (never-married, wife, widow), their roles in proceedings (plaintiff, defendant, witness) and the presence or otherwise of male co-litigants in their actions. In this way, the extent to which Jewish women in medieval England were defined by marital status may be considered. While the majority of Jewish men, as litigants, are recorded in the plea rolls under toponymics or patronymics, and the occasional matronymic,[43] Jewish women litigants are most frequently identified by their marital status. They are described as the wife or widow of a fellow Jew, usually with their given name, but on rare occasions without one. Daunzele widow of Jacob de Shafton, Isaac

[42] On pawnbroking, see Dobson, "A Minority within a Minority," 42; idem, "The Role of Jewish Women in Medieval England," 155; idem, "The Medieval York Jewry Reconsidered," 16; Huscroft, Expulsion, 73. On prominence, see Mundill, England's Jewish Solution, 115, and see chapters 5 and 6 generally.

[43] Exceptions include Elias le Blund, Abraham le Prestre, Vives le Long, and men who are simply recorded under a single forename. In the plea rolls of the EJ, Jewish men were much more likely than Jewish women to bear toponymic surnames: Dobson, "Minority within a Minority," 33.

le Polet and his wife Contassa, and the unnamed "wife of David" are three such examples.[44] The Latin of the rolls is typically expressed as X "and his wife" (et uxor sue) or Y "widow of" (que fuit uxor or, less often, vidua or relicta), as is also the case for Christian women in the rolls of common law courts. On the few occasions that a married Jewish woman litigated alone, the expression resembled that used for the widow: Godenote uxor Furmentin' or, in the case of the unnamed wife of David, simply uxor Davidi. One Antera, involved in a debt plea with, and as the wife of, Josce son of Benedict, is simultaneously described as the widow of Abraham son of Vives.[45] Other Jewish women identified as wives by their descriptors had evidently been widowed at least once already.[46] The descriptors of ninety-four of the 130 women (a little over 72%) of this study identify them in connection with a living or deceased husband for some or all of the litigation in which they were involved -- a reality that suggests that, as for Christian women, marital status had an important role in defining the socio-legal position of Jewish women.[47]

Twenty-two women, including Belina daughter of Mirabel of Gloucester and Rose and Ermine, daughters of Deudone Crispin, are identified at least once by their natal family connections. Eighteen are recorded under patronymics and three under matronymics. That Belina daughter of Mirabel of Gloucester was a married woman when her name was entered in the surviving litigation records suggests that patronymics and matronymics were

[44] PREJ, i, 34, ii, 122, vi, no. 1164.

[45] PREJ, ii, 150.

[46] E.g. Rose wife of Samuel Lohun, who was involved with her husband in a debt plea before the EJ in 1272 (PREJ, i, 277, iv, no. 12), was at that time already the widow of one Aaron son of Leo: Medieval English Jews and Royal Officials. Entries of Jewish Interest in the English Memoranda Rolls, 1266-1293, ed. and transl. Zefira Entin Rokéah (Jerusalem: Magnes Press, 2013), 74-5. By Easter 1278, she was a widow once more: English Jews and Royal Officials, 216-17, ed. Rokéah nos 803-5 (and see 225, no. 823).

[47] Meyer determined that of the labels applied to Jewish women who contributed to the tallages of 1221-77, some 38.58% were marital descriptors -- the largest proportion of women's descriptors in these records: Meyer, "Female Money-Lending and Wet-Nursing," Appendix, 34 (Table 11). For the prevalence of marital descriptors among women of the Christian knightly classes, see Louise Wilkinson, Women in Thirteenth-Century Lincolnshire (London: Royal Historical Society, 2007), 71.

not, as has been claimed, the marker of single (never married) Jewish women.[48] Toponymic surnames, which may on occasion also indicate the wife's integration into her husband's family or lineage, are used at least once for fifteen of the women, including Slema of Southwark and Antera of Coventry. There are also eight exceptions to the more common naming patterns in this data, such as "the mother of David," several women recorded only by their first name, and one Sarra "the/a widow" (vidua), a woman identified elsewhere in the rolls as Sarra of Hereford.

As the lawsuits of Sarra "vidua" of Hereford demonstrate, individual Jewish women litigants sometimes appear in these rolls under more than one descriptor. The clearest example is that of Belia of Winchester, who took part in at least thirteen separate lawsuits before the Jewish Exchequer between 1244 and 1281, and is variously recorded by that toponymic (1244-5, 1268), and as "Belia of Bedford" (1268, 1273-4, 1281), "Belia widow of Pictavin [Poitevin] of Bedford" (1272, 1275), "Belia widow of Pictavin" (1281) and simply "Belia" (1244).[49] Her descriptors thus vary between "marital" and "non-marital" types. Antera of Coventry, active in two closely-related property suits against a Christian father and son in 1219 and 1220, and Antera of Warwick, who appears in a single debt plea in 1220, appear to be one and the same person.[50] Although such variations in an individual woman's descriptor typically occur from one lawsuit to the next, Slema of Southwark can be found both under that name and as "Slema daughter of Isaac of Southwark" in a series of entries relating to a single dispute of 1274-5 over land and a house in Southwark.[51] There was evidently a certain fluidity in the naming patterns of Jewish women documented in the records of the Jewish Exchequer (despite the prominence of the marital descriptor). A rough

---

[48] Bartlet, "Women in the Medieval Anglo-Jewish Community," 118. See below, **p. 0**, for the evidence relating to Belina daughter of Mirabel of Gloucester.

[49] Cf PREJ, i, 62, 75-6, 83, 87, 95, 101, 102, 173-4, 288, ii, 6, 298-9, iii, 14, 27, 40, vi, nos 790, 822, 1139. Elsewhere in the rolls her forename is given as "Belecote," and beyond the rolls she can be found as "Bely:" PREJ, i, 173-4; Cal. Patent Rolls, 1266-72, 21. Belia's first husband Deuleben died in 1236, while Poitevin, whom she married no earlier than c.1245, died in 1261. Belia herself died after 1276. See e.g. Hillaby and Hillaby, eds Dictionary, 49-50.

[50] Hillaby and Hillaby, eds Dictionary, ed. Hillaby and Hillaby, 383.

[51] PREJ, ii, 124, 197, 210, 215-16. Where each woman's descriptor has been counted once per lawsuit (regardless of how many times that suit appears on the rolls), Slema has been counted twice for the single suit in which she appears under two different descriptors.

count of Christian women's descriptors in the published Curia Regis Roll for 1242-3 reveals comparable proportions of descriptor-types to those in the plea rolls of the Jewish Exchequer: marital status at just over 70%, patronymics/matronymics at around 20% and toponymics at under 10%, with the occasional other label, including "sister of," also in use.[52]

A number of factors could have influenced the selection of descriptors for Jewish women litigants in the extant pleas rolls, not least the way in which the same women were recorded in any written documentation, such as starrs, that they may have used in their litigation. Beneath it all presumably lay competing and intersecting influences -- some perhaps specific to the Jewish communities, others more likely common to all women litigants in England -- such as scribal convention, lifecycle stage, social expectation, the subject of the litigation, parental or familial renown. The father of Slema of Southwark, Isaac of Southwark (d. 1289/90), was a Jewish lawyer and financier, and a man readily associated in surviving evidence with his legal activities at the Jewish Exchequer. We shall see that father and daughter appear to have been closely linked in the period 1274-77. Mirabel of Gloucester (d. *c*.1235), mother of the litigant Belina, was a leading Gloucestershire financier after her husband Elias's death in 1210 and a figure familiar enough in government administrative circles to have been caricatured in the margin of the 1217/18 fine roll.[53] Belia of Winchester/Bedford was a co-financier with both of her husbands and a lender in her own right. Each of her pleas in this study related to her lending business; and yet the shift of her business and private life from Winchester to Bedford around 1245, and a second period of widowhood, do not appear to have dictated her descriptor as fully as we might have expected. Even after Poitevin's death in 1261 she was still, at least once, referred to as "Belia of Winchester."[54] While it is not clear whether an English toponymic implied a Jew's place of residence or business in this period -- and a definitive answer, if found, would surely

[52] Curia Regis Rolls, xvii. Wilkinson, Women in Thirteenth-Century Lincolnshire, Appendix 3, identifies a large number of women with toponymic surnames in the accounts of Robert le Venour, keeper of Lincoln.

[53] TNA, C60/9, m. 7. Belina is named as "daughter of Elias" in the record of her contribution, made jointly with her son-in-law Abraham, to the tallage of 1223: TNA, E401/4, m. 4v. For Mirabel of Gloucester and family, see Joe Hillaby, "Testimony from the Margin: the Gloucester Jewry and its Neighbours, c. 1159-1290," Jewish Historical Studies 37 (2001): 64-73.

[54] PREJ, i, 173-4 (1268).

offer insight into Jewish women's roles and status -- the late application of the Winchester toponymic to Belia's name, by error or choice, reflects a measure of independent recognition among contemporaries.[55] Neither lifecycle stage nor husband's identity were the sole determinant of Belia's descriptors in the surviving records of this institution.

Of the 130 women litigants of this survey, forty-four (34%) were widows. They were either named as the relict of a fellow Jew in the rolls or can be shown in parallel evidence to have been widowed at the time of their litigation. Another forty-eight women (37%) were married. The majority of the latter group were recorded as "wife of," were named with their husbands in the account of proceedings in court, and had typically been involved alongside their husbands in the activity that lay behind the record. In addition, at least one woman litigating alone and recorded under a matronymic (Belina daughter of Mirabel of Gloucester) can be shown to have been married at the time.[56] Three more lost their husbands during the course of the litigation for which we still have evidence. None went from widow to wife again. The marital status of a further thirty-five is neither obvious from their descriptors, nor as yet discernible in external evidence. Presumably many of the latter group were widows, litigating independently in the manner of the Christian widow at common law, who (unless underage) did not require the participation of a husband/male guardian in her lawsuits. This was certainly true, as we have seen above, of Belia of Winchester/Bedford. It was also true for Sarra of Hereford alias "widow," for Licoricia of Winchester, twice widowed before her first appearance in the surviving plea rolls,[57] and for Belia's (first) mother-in-law, Chera of Winchester. Chera, who appears in the extant plea rolls in Michaelmas 1219, was the relict of Isaac the Chirographer and one other before him (possibly Abraham Crispin),[58] and a mother of at least five, by the time that she was involved in the Jewish-Exchequer lawsuits

[55] On possible meanings of English toponymics borne by Jews, see Richardson, The English Jewry under the Angevin Kings, 12-14 and Bartlet, "Women in the Medieval Anglo-Jewish Community," 117

[56] See below, n. 62.

[57] Licoricia first appears in the surviving rolls at Easter 1253 (PREJ, i, 120). Her second husband, David of Oxford, had died in 1244.

[58] Bartlet, "Three Jewish Businesswomen," 35. See e.g. Curia Regis Rolls, vii, 245 for reference to Chera's former husband Abraham and their son of the same name.

to which we still have access.[59] Women like Belia of Hungerford and Glorietta of Winchester, who acted without husbands but alongside sons or sons-in-law, had clearly been married at some point and were probably widows at the time of their lawsuits.[60] While at least one woman with an unrevealing descriptor was married (Belina daughter of Mirabel of Gloucester), how far any of them were never-married single-women engaging in litigation independently is, despite the optimism of some scholars, not at all clear.[61]

Of the 177 discrete lawsuits identified here, we find that a quarter (44) of them involved wives in action with husbands. While the vast majority of married women's lawsuits in this study, of which there were fifty-two, thus included the husbands, there are also a few instances (eight lawsuits, ten women) in which married Jewish women were involved in litigation without their husbands. Mirabel of Gloucester's daughter Belina was a married woman in 1220, when she twice appeared at the Jewish Exchequer against one Denise of Bereford (possibly Barford, Warwickshire) over debt -- once to answer to Denise's accusation that she demanded repayment unlawfully and once to claim £8, with interest, from her adversary.[62] In the case of Godenote, wife of Furmentin of Lincoln, sued by Roger

[59] For Chera, see Curia Regis Rolls, vii, 70-1, 245; Cal. Patent Rolls, 1216-1225, 59. Isaac the Chirographer seems to have died before early September 1218: Calendar of the Fine Rolls of the Reign of Henry III preserved at the National Archives [henceforth Fine Rolls Henry III], vol. I. 1216-1224, ed. Paul Dryburgh and Beth Hartland (Woodbridge: the Boydell Press, 2007), 45 (no. 219). For the identity of some of Chera's children see Select Pleas, 13 and Fine Rolls Henry III, i, 238 (nos 48, 51); Fine Rolls Henry III, vol. II. 1224-1234, ed Paul Dryburgh and Beth Hartland (Woodbridge: the Boydell Press, 2008), 62 (no. 22), 316 (no. 214). See also Bartlet, "Three Jewish Businesswomen," 35-9 and Dictionary, ed. Hillaby and Hillaby, 389-1. Women whose marital status is known, despite the ambiguity of the descriptor entered in the plea rolls, have been counted as wives or widows as appropriate, and not as women of unknown marital status.

[60] Belia of Hungerford was co-defendant in a trespass plea of 1244 with her son-in-law Vivant, and Glorietta of Winchester in a like plea with her son Samsekin in 1244: PREJ, i, 81-2, 97, 105. Without independent verification of their status as widows, Belia and Glorietta register in Figure 2 as women of unknown marital status.

[61] Hoyle, "The Bonds that Bind," 122.

[62] PREJ, i, 37, 53. Belina's husband Isaac was alive in 1221, but absent from the tallage records of 1223 and probably dead: Hillaby, "Testimony from the Margin," 69. Presumably it was the same debt, originally a loan from Belina to Denise and her late brother Henry, that was at issue in both pleas: PREJ, i, 53. For the relationship between Denise and Henry, see PREJ, i, 52-3 and Hillaby, "Testimony from the Margin," 69.

de Neville in 1220 for lending against the assize, her marital status is obvious from the descriptor entered in the plea roll. This was no scribal error, for Furmentin was alive and well and called upon to answer to the investigation into Godenote's conduct.[63] In 1267 Avigaye, wife of Cresse son of Genta, was co-defendant in a debt plea with her son Bateman, but not with Cresse. However, since the constable of the Tower of London notified the court that Avigaye "has nought whereby she is distrainable, for that she has nought that is not her husband's," the distraint for Avigaye's portion of the one-mark fine fell on Cresse's chattels.[64] In the cases of Godnote and Avigaye, the absence of the husband from the surviving litigation record probably relates to his lack of direct involvement in the lending at issue. In 1275 Henna wife of Samuel of Caerleon (Carleun),[65] Henna wife of Abekin, and Floria wife of Juda were together sued for an unspecified trespass by Christian couple, Hugh of Malvern and his wife Agatha. The Jewish women's husbands were not impleaded alongside them in this case, although Samuel mainperned (stood surety) for his wife.[66]

Several further women described as wives in the extant rolls while litigating without their husbands were required to answer criminal pleas. Belia, wife of Jacob son of Fille, is recorded as having been apprehended alongside her mother-in-law with church ornaments in her possession. The two women were jointly prosecuted by the crown in 1244, but Jacob is not mentioned in the surviving record.[67] In 1276 Bassa wife of Moses son of Carol', with her widowed mother-in-law Franziska and fellow Jew Ben[edict?] Capellin', were accused by one William son of Hamo of Fornsett (Norfolk) of robbery and, evading arrest, were "outlawed."[68] Moses got off relatively lightly.[69] In 1276, too, Genta, wife of Isaac of Calne,

[63] PREJ, i, 27-8, 43-4.

[64] PREJ, i, 145-6. Cresse was still alive for some nineteen years after this suit. His last known appearance (alive) in the records is on 24 February 1286: CCR, 1279-88, 387.

[65] See David Stephenson, "Jewish Presence in and Absence from Wales," Transactions of the Jewish Historical Society of England, 43 (2011): esp. 9-10, 14.

[66] PREJ, ii, 259.

[67] PREJ, i, 69.

[68] PREJ, iii, 162-3; TNA, E9/22, m. 4. The use of the term "outlaw" here is curious. The sheriff reported that, since he had not found the trio, he was "compelled to proceed to outlawry, according to the law" (procedere debet ad utlagariam secundum legem). See also the 1275 case of Rose daughter of Benedict, also outlawed, in PREJ, ii, 291; TNA, E9/20, m.17. English law dictated that (Christian) women could not be outlawed: excluded from membership of a

was required to answer an accusation by Roger of Somerset that she was complicit with him, presumably in those felonies alleged, in a parallel plea, to have been committed by Roger.[70] Isaac is not mentioned in this suit but was appealed separately by Roger for "complicity at diverse times between them," including the receipt of stolen goods.[71]

Evidence such as this raises important questions about how far Jewish wives were subject to the guardianship of their husbands (a socio-legal concept in English common law known to historians as "coverture"), and about the comparative effects of marital status on Jewish and Christian women in the English king's courts. The treatment of married women at the Jewish Exchequer should not automatically be presumed to have emulated the common law courts, where legal theory viewed husband and wife as a single legal and economic unit represented by the husband.[72] While these royal tribunals were not dissimilar in outward form and internal procedure, the extent to which common law principles were absorbed into Jewry law, and precisely how far Jewish legal norms were permitted within the courts of the English king's jurisdiction, requires investigation.[73] Emphasising the traditional, unfavourable view of Christian women's status before the law in medieval England, Rachel Furst suggests that English common law restricted the rights of Christian

---

tithing or frankpledge, they were never within the law and could only be waived (although the practical outcomes were the same): Henry de Bracton, On the Laws and Customs of England, ed. G. Woodbine, transl. S.E. Thorne, 4 vols (Cambridge, Mass.: Belknap Press in association with the Selden Society, 1968; repr. 1997), ii, 353-4. All Jews were excluded from the law for the same reason. The reference to Jewish women's outlawry in these cases is perhaps best understood as the court clerks' faithful reproduction of the contents of the sheriffs' returns. The sheriffs -- men of practice rather than theory -- presumably had little time for the niceties of legal terminology.

[69] PREJ, iii, 157-8; TNA, E9/22, m. 3: Octave of Holy Trinity 1276, Huntingdon.

[70] PREJ, iii, 189.

[71] PREJ, iii, 185.

[72] On coverture in later medieval England see Butler, "Discourse on the Nature of Coverture," 24-44; Stevens, "London's Married Women;" Beattie, "Married Women, Contracts and Coverture."

[73] Married women's status according to the Talmud is discussed in Samuel Morrell, "An Equal or a Ward: How Independent is a Married Woman According to Rabbinic Law?," Jewish Social Studies 44 (1982): 189-209.

wives in a way that was likewise unmatched in evidence relating to married Jewish women at Jewish law in medieval Ashkenaz.[74]

A measure of independent action by the married Jewish women discussed in this study is undeniable. The use of the descriptor "wife of" neither signalled nor required the living husband's presence as a co-litigant, and the women themselves were clearly viewed as responsible, or culpable, agents of their own fortunes. Yet we must be careful not to exaggerate the extent to which the Jewish Exchequer offered an independent voice to Jewish women litigants, was "exceptional in its treatment of women [Jewish and Christian]," or indeed "made no effective distinction based on a woman's lifecycle status."[75] Nor, moreover, should we overplay the extent to which the principle of coverture in the English common law courts removed the Christian women from courtroom and court-record.[76] The general picture gained in this study of Jewish widows litigating independently and wives in action with husbands, particularly in civil litigation, mirrors the Christian woman's experience at law.[77] The number of definitely-married Jewish women who can be found alone at this tribunal (10 out of 48) is significant but not overwhelming. The ratio of Jewish married women's lawsuits with husband to those without is 11:2. Even in these cases, too, the husband was not always completely missing from the picture. Avigaye, wife of Cresse son of Genta, was alleged to have had no possessions of her own to speak of -- a stock response, certainly, but perhaps also a clue to Avigaye's financial position within marriage (or to the way in which she presented it to the constable) -- and so the penalty was officially borne by Cresse. Furmentin was interviewed about what he knew of Godenote's alleged lending against the assize and Samuel, son of Isaac, of Caerleon, was one of the two mainpernors (sureties) for his wife Henna in her trespass suit.

It appears that the Jewish Exchequer offered married Jewish women not a unique opportunity for independent litigation at odds with the constrained position that Christian

---

[74] Furst, "Striving for Justice," 164.

[75] See esp. Hoyle, "The Bonds that Bind," 122.

[76] E.g. Furst, "Striving for Justice," 164. At very least, the married woman was expected to be named alongside her husband in civil litigation pertaining to her own interests, with little exception (for which exception, see below, **p. 24**)

[77] Loengard, "What is a Nice (Thirteenth-Century) English Woman Doing in the King's Courts?," 58-9. For the independent litigation of widowed Christian women, see Walker, "Litigation as a Personal Quest."

wives are traditionally said to have occupied in the secular courts, but a series of experiences that roughly mirrored those of married Christian women in medieval English legal culture generally. The independent prosecution of married Jewish women for criminal activities resembles the common-law stance that the Christian husband was not liable for felonies committed by his wife without his collusion.[78] The English king's law in its different permutations appears to have pursued all criminous wives, Jewish and Christian, in a similar manner. Likewise, the cases of women like Belina, daughter of Mirabel of Gloucester, who litigated without their husbands in the context of their lending activities, are reminiscent of Christian wives' legal accountability for their own business interests in certain customary jurisdictions -- the so-called femme sole status. Married Christian women in the borough courts of later medieval London, Bristol and Ruthin were able to run business enterprises as femmes soles, or something like it, and engage in litigation relating to their occupation in the same way.[79] (And it is by no means clear that femme sole status redounded to the benefit of the wife rather than the husband).[80] It is evident, too, that married Christian women in medieval England who turned to town courts using customary law, and later to secular courts that were not part of the common law network, such as prerogative courts and early equity courts, were not necessarily coverte de baron as they would usually have been in civil pleading before the courts of common law.[81] As the hardening of the common law in the fourteenth-century and later closed down these useful ambiguities and practical freedoms, Christian men and women turned to new forums and alternative avenues of redress. Although the principle of coverture was certainly not unknown outside the king's lawcourts, the appearance of Christian married women without husbands in courts like those above demonstrate the limits of this concept and the legal/judicial possibilities for these women. It also emphasises the similarities between Jewish married women who litigated independently, especially in civil actions, before the justices of the Jews (if not also

[78] Wilkinson, Women in Thirteenth-Century Lincolnshire, 159.

[79] Marjorie K. McIntosh, "The Benefits and Drawbacks of Femme Sole Status in England, 1300-1600," Journal of British Studies 44 (2005): 410-438; Matthew Frank Stevens, Urban Assimilation in Post-Conquest Wales. Ethnicity, Gender and Economy in Ruthin, 1282-1348 (Cardiff, 2010).

[80] McIntosh, "Benefits and Drawbacks of Femme Sole Status."

[81] Stevens, "London's Married Women," 121-2; McIntosh, "Benefits and Drawbacks of Femme Sole Status," 417-18; Beattie, "Married Women, Contracts and Coverture."

at other secular tribunals to which they had access), and Christian women in an increasing range of jurisdictions.

The case of Slema of Southwark is also important for what it tells us of Jewish women's status, autonomy and even agency as litigants at the Jewish Exchequer. Slema was a widow by the spring or summer of 1274, when she took part in the first of her suits at the Jewish Exchequer for which we still have record. This was a plea over title to land brought against her by the heiress to that land, Elise, widow of Nicholas le Taylur.[82] A second entry in the rolls relating to the same suit, toward the end of 1274, indicates that Slema's father Isaac spoke on her behalf, as her guardian (custos suus), because she was underage (infra etatem).[83] That Isaac was a lawyer probably also helps explain his role on this occasion. Slema may even have been living under her father's roof at that time; for around Easter 1277 she was living in Southwark, where her father had a house, when she was sued by the prioress of Kilburn.[84] Although she was already widowed in mid-1274, Slema was at that time still below the legal age of majority (perhaps no older than twenty-one, the upper limit of women's legal minority under common law) and subject to her father's guardianship.[85] Comparable cases of Jewish women in wardship can be found in the records of the central courts.[86] At the very least, this reality shaped the manner in which Slema interacted with curial proceedings at the Jewish Exchequer. While scholars recognise the formal, theoretical restrictions placed by English common law upon individuals below legal age, the ready

[82] PREJ, ii, 124, 197, 215-16, iv, nos 246, 317.

[83] PREJ, ii, 197; TNA, E9/27, m.8: Slema que est infra etatem per Isaac de Suwerk, custodem suum, … fecit defaltam. Et predictus Is[aac], pro predicta Slema, dicit … [etc].

[84] PREJ, iii, 246. For Isaac's houses in Southwark, which he sold shortly before his death, see CPR, 1281-92, 4; TNA, KB 27/126, m. 13 (1291).

[85] The ages of majority of Christian men and women in England, esp. according to the legal treatises known to scholars as Glanvill (1187-89) and Bracton (1220s and 30s), are discussed in Kim M. Phillips, Medieval Maidens. Young Women and Gender in England, 1270-1540 (Manchester: Manchester University Press, 2003), 32-43. See also Israel Lebendiger, "The Minor in Jewish Law," Jewish Quarterly Review 6 (1916): 459-493 and https://jwa.org/encyclopedia/article/legal-religious-status-of-female-according-to-age (accessed 17 December 2019). Presumably the determinants of legal majority at the EJ broadly corresponded to those of common law.

[86] E.g. Curia Regis Rolls of the Reign of Henry III, vol. XVI (1237-42), ed. L.C. Hector (London: Her Majesty's Stationary Office, 1979), no. 1665 (with 1801, 2592).

access of the Jewish single woman to the Jewish Exchequer as a legal tribunal is sometimes taken for granted.[87] Yet Slema of Southwark was not, at least at the Jewish Exchequer, free from male supervision. She represents just one Jewish woman who occupied, concurrently, ostensibly (legally) incompatible lifecycle categories, but she is unlikely to have been alone.

Like Slema of Southwark, Jewish women can be found jointly litigating with men other than their husbands in about nineteen percent of suits across the period 1219 to 1281. Some of these co-litigants were fathers and daughters, as in Slema's case, while others were mothers and sons or sons-in-law. Chera of Winchester and her son Deuleben were summoned to court together to hear judgement in a suit brought against them by Andrew the chaplain of Winchester in 1220; Belia of Hungerford and her son-in-law Vivant were jointly sued for trespass in 1244; and the Crispin sisters Rose and Ermine, with their father Deudone, defaulted in a plea of account brought against them by three Christian debtors in 1276.[88] Such pleas chiefly relate to family lending. In a small number of lawsuits, however, the women's co-litigants were men to whom they had no obvious familial or even religious affinity. Again, the explanation may well lie in those business relationships which have held so much interest for historians of Jewish women in medieval England.[89] In a suit from 1219 that reflects the interconnectedness of one prominent Jewish businesswoman with the leading lights of Christian society, Chera of Winchester and John of Herriard, a Christian servant of the bishop of Winchester, Peter des Roches, and occasional attorney of Chera herself, were jointly ordered to bring a certain charter before the "justices of Westminster."[90] The close associations of the Tourainais bishop and the family of lenders to which Chera belonged is well documented.[91] In Easter Term 1280, Sarra of Hereford and Jacob son of Sadek were co-defendants in a plea of account brought against them by a Christian debtor, while in Trinity Term of the same year Avigaye, widow of Jacob Crispin, and Abraham son of Hagin were summoned to respond to fellow Jew Jospin, son of

[87] Hoyle, "The Bonds that Bind," 122, 126.

[88] PREJ, i, 36, 81-2, iii, 20.

[89] See e.g. Bartlet, "Three Jewish Businesswomen" and idem, Licoricia.

[90] PREJ, i, 4.

[91] Nicholas Vincent, Peter des Roches. An Alien in English Politics, 1205-1238 (Cambridge: Cambridge University Press, 1996), 179; Bartlet, "Three Jewish Businesswomen," 37.

Solomon, of Marlborough, in a plea of debt.[92] In all cases looked at here, male-female Jewish co-litigants who were not married to each other stood together as defendants.

The women of this study were more often legal adversaries of Christians than of fellow Jews, and usually in the context of their financial activities, a reality that reflects both the priorities of king and tribunal and the important role played by the Jewish population in medieval English society. Nevertheless, the above case of Avigaye, widow of Jacob Crispin, is one of nine lawsuits in which a Jewish woman faced a fellow Jew. These actions resulted either from a financial dispute between the sorts of business associates we saw litigating together above or from the breakdown of communal/intra-faith relations, typically manifest in colourful trespass or criminal pleading. In the tortuous proceedings that followed Solomon Turbe's catastrophic fall from the tower of Gloucester Castle in 1220, his widow Comitissa was both a co-defendant with, and a complainant against, several men of the Gloucester Jewry alleged to have been involved in her husband's death. The most prominent of these was her late husband's nemesis Abraham Gubbay.[93] Elsewhere, accusations of mob violence against groups of Jewish men and women lay behind pleas brought by Elias of Warwick (1244-5) and Juliana "the convert" (1274) respectively.[94] Where finance was at issue, most of the defendants were Jewish widows sued by male Jewish creditors or business associates for debt or, once, trespass in the form of malicious alienation of a bond.[95] In a final case from 1280, Giva daughter of Elias began an action of debt against Chera, widow of Moses of Warwick, but was amerced for failing to prosecute her suit.[96] Nothing more survives of this plea.

[Insert Fig. 2 here]

As Figures 2 and 5 show, the women of this study were defendants more often than plaintiffs (105 versus 85 of the 198 suit-appearances). On three occasions the women were

[92] PREJ, vi, no. 403 (Christian debtor); PREJ, i, 72 (Avigaye and Abraham).
[93] PREJ, i, 33, 42-3, 45, 50.
[94] Select Pleas, 11-12; PREJ, i, 103-4, ii, 209-10, iii, 18, 41-2.
[95] E.g. PREJ, v, nos. 236 (widow sued by Jewish man) and 609 (trespass as malicious alienation of bond). In one case, Manser son of Joce and his wife Genta were sued together for debt by Samuel son of Joce: PREJ, vi, no. 595.
[96] PREJ, vi, no. 580.

witnesses, and in a further five their role in the suit not made clear by the extant record. Figure 2 shows that the best represented Jewish woman litigant in this data is the widowed plaintiff, at some fifty-six (28%) of the 198 suit-appearances identified. This is followed by widowed, and then married, defendants at forty-three (22%) and forty-one (21%) respectively. Given the likelihood that many of the women of indeterminate marital status were also widows, it is probable that widows' numbers were still more strongly represented than this. The comparatively infrequent appearance of married Jewish women as plaintiffs in any category of suit (only fourteen identifiable cases, or 7%), is curious. Seven of these suits relate to debt, five to detinue, and one each to real property and crime.

It is not clear how far a Jewish husband might bring a suit to the Jewish Exchequer on behalf of his wife, without her input. As a general principle he could not (except, perhaps, if appointed as the wife's attorney while also appearing in person, as happened on occasion in the common law courts).[97] In one striking case from 1244, Elias of Warwick brought a private appeal, relating to a physical assault on his wife that resulted in the loss of her pregnancy, against several members of another Jewish family from Warwick. He met with strenuous opposition from the defendants over his right to bring the appeal, when his wife was still alive and might herself have sued, and when he himself had neither seen nor heard what he described. The defendants' position is curious in the light of the common law rule limiting women's appeals to physical violence (usually rape) or the killing of their husbands and which, if applicable to Jewry law too, should in theory have precluded Bessa's right to bring an appeal, though not a trespass suit. Elias countered with his own rationale, namely that the killing of his unborn child, and of gold rings and a gold buckle that he alleged were stolen from his wife during the assault, were injuries done to him.[98] Perhaps requirements of a case like this were not entirely clear to the parties; or perhaps both sides were seeking to exploit the ambiguities in the system at that time. The limiting rule applied to Christian women's appeals in the common law courts was routinely ignored, in this very period, in the cut-and-thrust of actual litigation.[99] The situation the Jewish Exchequer is likely to have

[97] Thank you to Paul Brand for raising the attorney option.

[98] Select Pleas, 11-12.

[99] The principle statements on women's appeals at common law are found in Glanvill and Bracton, and in Magna Carta (1215). See The Treatise on the Laws and Customs of the Realm of England commonly called Glanvill, ed. by G.D.G. Hall (Edinburgh, London: Nelson in

been similarly indistinct. Indeed, in 1278 Agnes, wife of Reginald Bake of Bristol, appealed a group of Jewish men and women at the Jewish Exchequer for the death of her sister.[100]

Debt, Detinue and Disorder

We should now consider more closely some of the types of litigation in which Jewish women were involved at the Jewish Exchequer between 1219 and 1281, and examine the interplay of lifecycle/marital status and litigant role in the context of those plea-types. In this section I shall look at economic litigation, in the form of debt and detinue pleading, and, briefly, at litigation relating to some form of violent or disruptive behaviour. Despite the difficulties of categorisation outlined above, the method used here has been to group the litigation for 1219-81 into the following indicative categories: debt (including the unique "action of account" of the Jewish Exchequer), detinue, crime, trespass, title to real property and unidentified (where the extant record is incomplete or unrevealing).[101] The full breakdown of plea types in which Jewish women were involved across the entire period is visible in Figure 3. The numbers in Figure 3 derive from all cases extracted from the "pleas" section of the published rolls, and not simply from the four samples used above.

[Insert Fig. 3 here]

---

association with the Selden Society, 1965), 173-6; Bracton: on the Laws and Customs of England, ii, 419-20; Select Charters, 299. For evidence of the practical flexibility of the limiting rule in the common law courts of the 1240s, see Crown Pleas of the Wilshire Eyre, 1249, ed. by C.F.A. Meekings (Wiltshire: Wiltshire Archaeological and Natural History Society, Records Branch 16, 1960). See also Sara Butler, "Abortion by Assault: Violence against Pregnant Women in Thirteenth- and Fourteenth-Century England," Journal of Women's History, 17.4 (Winter, 2005): esp. 16; Wilkinson, Women in Thirteenth-Century Lincolnshire, 144-9; Klerman, "Women Prosecutors" and Orr, "Non Potest Appellum Facere."

[100] PREJ, v, no. 802. See also PREJ, v, nos 796, 815.

[101] For the action of account at the EJ, see the introduction to PREJ, vi, 15. For the common law action of the same name, see John Sabapathy, Officers and Accountability in Medieval England, 1170-1300 (Oxford: Oxford University Press, 2014), chapter 2. The breakdown takes its lead from the "Analytical Table of Contents" in PREJ, v & vi.

The nature of the litigation in which Jewish women participated at this tribunal spanned the complete range of the institution's judicial interests, mirroring the range of men's actions captured in the rolls, and echoing the multifarious activities of the women's daily lives and their importance to family and community enterprise. At the lower end of the spectrum lay real actions. In contrast to the frequency of property suits in which Christians engaged in the common law courts, only 6% (11/177) of the lawsuits involving Jewish women at the Jewish Exchequer between 1219 and 1281 were property-related.[102] Real actions were similarly under-represented in Jewish men's litigation. English Jews had comparatively few rights to land, and lending against real property played an increasingly minor role in Jewish finance as the thirteenth century progressed. On the other hand, given the prominence of Jews in money lending in thirteenth-century England and the centrality of Jewish women to these activities, it is perhaps not surprising that debt litigation accounted for the largest proportion of Jewish women's actions at the Jewish Exchequer during the same sixty-two-year period.[103] Debt litigation took a range of different forms, but the most common was the straightforward demand for repayment by Jewish creditors against their Christian clients.

Regardless of the specific effects of royal legislation on Jewish litigation, and despite the marked fall in Jewish men's debt litigation in the late 1270s, debt litigation overshadowed all other actions brought or defended by Jewish men and women alike at the Jewish Exchequer. This can certainly be seen within each of the four period-specific samples given in Figure 4, and, judging from a cursory assessment of men's litigation in the rolls more widely, appears also to be the case right across the period 1219-1281. As a proportion of Jews' litigation at this court that which related to debt and detinue combined ("economic"

[102] See e.g. Loengard, "What is a Nice (Thirteenth-Century) Englishwoman Doing in the King's Courts?," 56 and generally; Emma Cavell, "Periphery to Core: Mortimer Women and the Negotiation of the King's Justice in the Thirteenth-Century March of Wales," Mortimer History Society Journal 2 (2017): 1-19.

[103] See e.g. Robin Mundill, The King's Jews: Money, Massacre and Exodus in Medieval England (London and New York: Continuum, 2010), esp. ch. 2; idem, England's Jewish Solution, esp. chs 2 and 5; Hoyle, "The Bonds that Bind;" Meyer, "Gender, Jewish Creditors, and Christian Debtors;" idem, "Female Money-Lending and Wet-Nursing."

litigation)[104] increased in the latter two samples, which cover the periods 1277-1278 and 1279-80. The trend is roughly this: from making up exactly half of the actions of Jewish men and women in the earlier two samples (48/96 and 50/100 respectively), economic litigation comprised around 72% (133/186) of their actions in the period 1277-8 and 96% (90/94) in the period 1279-80. Viewed in parallel, men's and women's economic litigation both follow roughly this same trend across the four samples. For women the pattern is 12/22 (55% of the suits in which women were involved), 6/14 (43%), 15/19 (79%) and 28/30 (93%), while for men it is 36/74 (49% of the suits in which men were involved), 44/86 (51%), 118/167 (71%) and 62/64 (97%). As Jewish lenders adapted their business activities to the legislative changes introduced by the crown in the latter half of the thirteenth century, it is possible that the Jewish Exchequer became principally a forum for economic litigation, and for economic litigation of a more limited type. Perhaps, as suggested above, it also had a slightly different gender profile from the litigation of an earlier period.

[Insert Fig. 4 here]

The centrality of Jewish women in lending money, reclaiming loans and enforcing the repayment process may be observed not simply in the fact that around half of their identifiable pleas at the Jewish Exchequer across the 1219 to 1281 as a whole related straightforwardly to debt (to say nothing of detinue), but also in the interplay of in-court role and marital status within the context of the women's economic litigation. In fifty-five (28%) of their 198 suit-appearances the women were plaintiffs in debt litigation, while in thirty-six (18%) they were defendants in debt litigation, sued either by their own creditors or by debtors using the action of account to demand proof, in court, of what was still owing. In fact, it is only in debt litigation that the Jewish women of this study were more likely to be plaintiffs than defendants, the opposite being the case for all other types of action and, as mentioned already, in the totality of the litigation covered by this study. In his 2017 examination of women's London-related litigation at the fifteenth-century court of common pleas, Matthew Stevens likewise found that in litigation relating to credit and debt, women

[104] A label of convenience. It does not include trespass litigation relating to matters of Jewish finance, which although economic in nature, are included with the trespass pleas.

were considerably more likely to be plaintiffs than defendants.[105] The explanation in both cases presumably lies in the regular involvement of Jewish and (especially urban) Christian women in extending and receiving credit, and their confident use of the courts in the context of community credit supply.

The women's involvement (like that of Jewish men) in the less agreeable side of the lending business is likewise evident to some extent both in their defence of trespass suits (15/198 of suit-appearances), several of which explicitly related to accusations of wrongful demand of debt or improper lending practices, and in the allegations of detinue made against them (19/198). In 1278 Margarine of Oxford had been summoned to court by Henry of Wynepol, one of the brothers of the Convent of Mount Carmel at Oxford, who demanded that she return the convent's glossed copies of St Paul's Epistles, St Matthew's Gospels, and the Sentences.[106] Despite Margarine's denial that she had ever held the books, the court found that she had indeed received them in pledge from the brothers, but "with the passage of time had sold them" (per lapsum temporis eos vendidit) -- as was her right.[107] Just three years later, Moses of Dog St and his wife Bona were together accused by one Matilda la Megre of withholding several lengths of burnet cloth, against which she had borrowed 3s from the couple and 3s from another Jewish woman, called Belasez. While Belasez had accepted the repayment of her sum from Matilda, Moses and Bona were allegedly attempting to extort the principal with interest from the complainant, against the 1275 Statute of Jewry. The couple were found guilty and committed to the Tower until they made amends.[108]

[Inset Fig. 5 here]

The greater number of Jewish women involved in detinue litigation in the last quarter of the thirteenth century, highlighted above, requires further consideration; for a deliberate shift from usury to pawnbroking by Jewish lenders after 1275 cannot not fully explain the

[105] Stevens, "Women, Attorneys and Credit," 59.
[106] The Four Books of Sentences by Peter Lombard, c. 1150.
[107] PREJ, v, no. 401. Richard I's charter of 1190 authorised Jews to sell pawned items after a year and a day. See full text in Dictionary, ed. Hillaby and Hillaby, 19-20.
[108] PREJ, vi, no. 1135; Select Pleas, 115-16.

subsequent rise in Jewish women's detinue litigation evident in the surviving plea rolls. An examination of the suits themselves suggests a less palatable story. Here I also consider the few detinue cases for which the only surviving record is a memorandum rather than a plea record. From Hilary Term 1280 there is a striking rise in the number of Jewish widows seeking to recover valuable items from chiefly Christian trustees. Ten of the twenty-six detinue cases with Jewish plaintiffs from the period January 1280 to the end of July 1281, recorded in any of the scribal categories in the extant rolls, fit this description (while in surviving rolls from the latter half of the 1270s there are no cases of this sort). In Trinity Term 1281, Chera, widow of Moses son of Leo, with the king, sued Mabel Comin of Newbald (Yorkshire) for goods and chattels which had belonged to Chera's condemned husband (Mossei filii Leonis judei dampnati).[109] In Easter Term of the same year, Belasset, widow of Sampson son of Sampson, for herself and the king, pursued Milicent de Lungevyle for 5 marks which she had entrusted to the Christian woman and her husband "for safekeeping" (salvo custodiendum).[110] In the record of a lawsuit brought by the king against four Christian men in the same term, it is stated that Belasset, who on that occasion was not a plaintiff but a third party to the suit, had placed other valuables with these defendants prior to her husband's death. Her late husband was also dampnatus.[111]

Not all of the detinue suits of this nature state that the deceased husband was judeus dampnatus; and the reason for the late husband's status as 'condemned Jew' is only rarely found in the surviving records. Nevertheless, it is clear not just that these detinue suits belonged to a period of heightened stress within the Jewish communities of later thirteenth-century England, but they probably all resulted from the coinage trials of 1278-9.[112] In one such case, Isaac of London is explicitly stated to have been convicted "for money trespass" (pro transgressione monete).[113] Desperate Jews were driven to entrust their valuables to the care of friends, neighbours and associates, often non-suspect Christians, and many women were widowed by the coin-clipping prosecutions, in the context of which dampnatus

[109] PREJ, vi, no. 1230.

[110] PREJ, vi, nos 958, 1065. (Easter Term 1281).

[111] PREJ, vi, nos 947, 1178.

[112] E.g. PREJ, iii, 119, 124-5, 185, 196, 205-6, 264, 290-2, 309, 318-19, iv, 99, 120, 126.

[113] Coinage offences took a variety of forms, for which see Rokéah, "Money and the Hangman, I," 94.

generally meant suspensus ("hanged").[114] The hangman's noose was not reserved entirely for men, however. At least one detinue suit, between the king and a Christian couple, concerns the plate, jewellery and gold "which belonged to Belecote and her son Solomon, convicted Jews" (que fuerunt Belecote et Salomonis filii sui judeorum dampnatorum).[115] Likewise Cota, widow of Michael le Eveske, was a condemned Jewish woman whose valuable moveable goods formed the subject of at least five, possibly six, detinue suits.[116] Nevertheless, it remains true that of those Jews who were suspected of coinage violations right across the thirteenth century, men were significantly more likely to pay the ultimate price.[117] The consequences of this are reflected in the litigation patterns of Jewish women after 1279.

With these qualifications in mind, it is nevertheless difficult to ignore the presence of the Jewish widow in litigation related in some way to the business of money-lending, and what this likely says -- echoing the work of scholars like Suzanne Bartlet -- about the financial and social capital, and even legal competence, of the lone Jewish businesswoman. Seventy-five (42%) of the 177 separate lawsuits used in this study involved known widows in debt and detinue pleading in some capacity, including, of course, those widows navigating the aftermath of the coinage trials of 1278-9. Almost half of the Jewish women's suits dealing with debt specifically (42/89) feature a widow as the sole creditor-plaintiff demanding the repayment of debt and, before 1275, interest from a Christian debtor.[118] These forty-two lawsuits represent just under one quarter of the full 177 pleas, of any type, in which Jewish women were represented in the data for the period 1219-1281. Once again, the true figure is likely to be slightly higher if we suppose that of the seven debt suits initiated by Jewish

[114] Rokéah, "Money and the Hangman, I," 98-9.

[115] PREJ, vi, no, 1113.

[116] PREJ, vi, nos 945, 1029-32, 1192, Cota may also may have been remarried to Salle (Solomon) of Southampton, also executed: no. 1050

[117] Rokéah compiled a list of some 459 Jews suspected of coinage violations between 1244 and 1287 (though chiefly from the 1270s onward). A quarter of these (116) appear to have been executed. There were sixty-one women in the sample (c. 13% of the total), and of these eight (13%) were executed. Of the 398 men suspected, 108 were likely executed (27%). Of the total number of Jews condemned to death for coinage offences between 1244 and 1287, 93% were men. See the extensive table in Rokéah, "Money and the Hangman, II," 164-281.

[118] E.g. Chera of Winchester versus Helto Faucilium, 1219: PREJ, i, 6.

women of indeterminate marital status, some at least were the actions of widows. We have seen that between 1244 and 1281 Belia of Winchester/Bedford was involved, always as a widow, in at least thirteen suits before the justices of the Jews. In several of these suits she was the creditor-plaintiff impleading a Christian debtor.[119]

The widow-as-defendant in debt litigation represents the next largest group of Jewish women before the Jewish Exchequer between 1219 and 1281, with nineteen suits involving known widows as defendants.[120] Many of these women were sued for the return of money owed to fellow Jews or, less often, to Christian creditors. The ever-active Belia of Winchester/Bedford was called upon in late 1244 to defend a debt suit brought against her by one Ingleram de Preus, a Christian from whom she herself had borrowed money.[121] A few widows, including the same Belia, were subject to the action of account, compelled thereby to provide proof in court of the sum owed to them by their debtors.[122] Others were summoned to answer those complaints of lending-related trespass, mentioned above, that were often levelled at Jewish creditors, both male and female. In 1220 Chera of Winchester was accused of unlawfully disseising the widow of a deceased debtor, and Belia of Winchester/Bedford was herself twice sued for trespasses relating to her lending.[123] Women like Belia and Chera of Winchester were not just lenders in their own right, but also members of complex and dynamic credit networks, some of which included Christian lenders.

While the widow was the more conspicuous figure in debt and detinue litigation at the Jewish Exchequer, the presence of a significant number of married women alongside their husbands in similar pleading reminds us of those familial business networks and conjugal partnerships that not infrequently underpinned Jewish lending in thirteenth-century England, and which perhaps even occasioned some of the more violent intra-communal and inter-familial quarrels that have left their mark on the surviving plea rolls. Married women were involved in debt and detinue pleading, as plaintiffs and defendants, in twenty-eight

[119] PREJ, i, 62, 173, iii, 27, 40, vi, nos 790, 1139.

[120] Four Jewish women defendants in debt cases were of indeterminate marital status: at least some are likely to have been widows.

[121] PREJ, i, 95. 102.

[122] PREJ, ii, 80.

[123] PREJ, i, 26 (Chera); PREJ, i, 288; ii, 6, and also PREJ, i, 83 (Belia).

separate lawsuits, or 16% of the total number of Jewish women's pleas in this study.[124] In all but two of these debt pleas, as we have seen above, the wife was accompanied by her husband. Occasionally, too, married women were involved in trespass litigation directly associated with their financial activities, as when the unnamed wife of David was accused, with her husband and others, of improper lending practices in 1220.[125] Frustratingly, however, many of the surviving trespass pleas defended by married Jewish couples are simply given as "a plea of trespass" (placitum de transgressione) without detail. It is likely not only that some of the widows' debt (and related) litigation for which we have record had its roots in the same women's lending activities during marriage, but also that certain husband-and-wife pleas of this nature arose from the wife's activities before her marriage; but the patchy survival of the plea rolls and the nature of the entries that have endured, more often documenting mesne process (the intermediary stages between the beginning of a suit and judgement) than the pleading itself, mean that the litigation records alone are unrevealing.

The relative frequency with which Jewish women were defendants in criminal litigation, and indeed in trespass pleas arising from some form of (alleged) physical altercation or public disorder, is also noteworthy. In twenty-seven of their suit-appearances (or 13.5%) Jewish women were defendants in criminal pleading alone, and in several more they were defendants in trespass relating to a physical altercation or similar. Plaintiffs are represented less in such litigation. In one sense the number of suit-appearances in which Jewish women were plaintiffs in criminal and violent trespass litigation, shown in Figure 4, is artificially high. The table displays the combined actions of all 177 women and not the separate lawsuits in which these women were represented; and, as noted already, a small number of suits on the published rolls to 1281 relate to episodes of 'mob' violence perpetrated by groups of Jewish men and women. In two related criminal pleas of 1244-5, in which Bessa wife of Elias of Warwick was said to have been assaulted on the high street with such viciousness that she suffered a miscarriage, the defendants were all members of the family

[124] This is 23% of their economic litigation. Cf. the proportion of fifteenth-century Christian women's lawsuits that involved married women in Stevens, "London's Married Women," 117.

[125] PREJ, i, 34.

of Leo son of Deuleben. Five of the seven accused were women.[126] In a comparably violent trespass suit brought by Juliana "the convert" in 1274 against members of the London Jewish community to which she had probably once belonged, four of the nine defendants identified by name were women. Three of them were wives reportedly acting in concert with their husbands.[127] Nevertheless, the imbalance between plaintiffs and defendants in this context may well suggest that while Jewish women were sometimes arraigned at the Jewish Exchequer on charges like those above -- and further examples of Jewish women accused of disorderly conduct can certainly be found outside the plea rolls of the Jewish Exchequer -- they were slower to prosecute such cases.[128] The limiting of women's appeals to specific circumstances, though inconsistently applied in this period, is likely nevertheless to have militated against women readily bringing pleas of criminal violence and murder to the courts. These figures also serve further to undermine notions of women-as-victims in cases of physical violence in the past, or indeed of female violence as unusual or unnatural, and of medieval Jewish women enjoying genteel, domestic seclusion.[129] Indeed, the attack on Bessa of Warwick, by a Jewish kin group that chiefly comprised women, represents a striking contrast to the fact that "abortion by assault" was a crime committed overwhelmingly by men.[130]

Conclusion

This first study of Jewish women's litigation in thirteenth-century England reveals that longstanding, hitherto untested notions of Jewish women's legal freedoms and of the Jewish Exchequer as a bastion of women's autonomy (certainly in its function as a tribunal) urgently need to be reconsidered. It has also taken an important step toward integrating

[126] Select Pleas, 11-12; PREJ, i, 103-4.
[127] PREJ, ii, 209-10, iii, 18, 41-2.
[128] See for example CCR, 1237-42, 357; CPR, 1272-81, 287, 290; TNA, JUST 1/710, m. 52; JUST 1/707, m. 22 (with the unpublished EJ plea roll E9/54, m. 11).
[129] For an exploration of pre-modern female violence, and historians' attitude to it, see e.g. Garthine Walker, Crime, Gender and Social Order in Early Modern England (Cambridge: Cambridge University Press, 2003), 75. See also Dobson, "Jewish Women in Medieval England," 149.
[130] Butler, "Abortion by Assault," 24.

Jewish women's experiences of law-in-action into a burgeoning literature on Christian women before law in medieval England. Taking a chiefly quantitative approach to the analysis of Jewish women's litigation at the Jewish Exchequer preserved in the published plea rolls, the study has found far greater similarity in the experiences of Jewish and Christian women litigants in medieval England than had generally been recognised. This conclusion is possible in part because of a pronounced increase in interest in the topic of Christian women's litigation, particularly over the last decade, which has done much to highlight the practical freedoms of these women and the ways in which they obviated the theoretical legal restrictions they encountered in and beyond the lawcourts. The Christian woman can longer function as a foil for the Jewish woman; and now, too we may begin to observe Jewish women before the king's law in thirteenth-century England.

In the first place, the proportion of Jewish litigants at the Jewish Exchequer between 1219 and 1281 who were women was not only far lower than is often suggested, but also broadly similar to the figures revealed in a range of studies of Christian women litigants in different jurisdictions in medieval England: typically between ten and twenty percent. Only once in the present study do we see a meaningful rise in Jewish women litigating at the Jewish Exchequer, to just over a third of Jewish litigants. Against a backdrop of changes in government policy toward the English Jews and in the immediate context of the coin-clipping prosecutions of late 1278 and 1279, in which Jewish men paid a terrible price, Jewish women played a greater part in, and were responsible for a higher proportion of, the litigation that is documented on the Jewish Exchequer plea rolls that survive today.

In addition, numbers of married women and widows, where known, were fairly evenly matched in the litigation examined here, with wives most often appearing in the records alongside their husbands and widows without a male guardian, as would be seen in a Christian context. As yet none of the 130 individual Jewish women identified by this study can be shown to have been never-married single women, although the case of one underage widow, Slema of Southwark, suggests that the participation of a male guardian their litigation before the English king's law was imperative for Jewish women who had not yet achieved full age, even if they had previously been married. For a handful of married Jewish women who were involved in litigation without their husband's direct participation, the contexts in which they did so were strikingly reminiscent of a range of situations in which married Christian women could be found litigating alone. Such situations included

certain criminal and business-related litigation. The rise of prerogative and early equity courts in the later middle ages presented Christian wives with alternative opportunities for engagement with the law independently of their husbands.

Beyond the numbers, too, the representation of these women in the surviving plea rolls, the nature of their lawsuits, and the interplay with their legal actions of both lifecycle and litigant role, further illuminate the socio-legal position/s of Jewish women in thirteenth-century England and emphasise the commonalities between the two groups. As for Christian women, marital status was an important determinant of Jewish women's identity in the legal records produced by the king's lawcourts. Where economic activities were concerned specifically, it may be that the intersection of familial relationships and business within both the Jewish and Christian communities in the towns influenced the women's identities before the courts to which they most often brought or answered business-related pleas.

Indeed, the role of the Jews of medieval England in community and national credit supply, and the centrality of Jewish women to money-lending and pawnbroking, is strikingly clear in the fact that debt litigation overshadowed all other types of lawsuit (according to the categories used by the present study) in which Jewish men and women were involved at the Jewish Exchequer between 1219 and 1281. In a way that is perhaps not mirrored in the actions of Christians of the urban communities of medieval England, Jews' economic litigation more broadly (debt and detinue) came to make up over ninety percent of their actions by the end of the period explored here, regardless (or perhaps because) of legislative changes and escalating socio-political and financial pressures, and irrespective of gender. In contrast to all other forms of litigation in which they were engaged, the Jewish women of this study were more likely to be plaintiffs than defendants in debt litigation, and the Jewish widowed plaintiff is the best represented figure of all. In all their debt litigation, whatever their marital status and role in the ligation, Jewish women (and men) most often faced Christian debtors in court.

This article has highlighted the greater similarity between Jewish and Christian women litigants in medieval England and taken the first steps toward the integration of the Jewish data into our understanding of the ways in which women in England negotiated the boundaries of justice. To some extent, perhaps, we should not be surprised that Jewish and Christian women enjoyed similar legal rights, since they lived and operated, often cheek-by-jowl, in the same society and within some of the same communities. Nevertheless, the

findings are striking. They reveal the urgent need for further investigation of the litigation of English Jewish women, and for a full-scale study of the litigation of Jewish women and men -- for Jewish men are no better served by scholarship -- in England and is continental neighbours during the medieval period. Such research may well reveal that the Jewish population of medieval England, and doubtless in northwest Europe more broadly (roughly medieval Ashkenaz), was more deeply embedded in Christian society, more similar in rights and experiences, than existing models of autonomy, separation, and the liberated Jewish woman, allow.