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## The materiality of debt to Jews in England, 1194–1276

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DEAN A. IRWIN<sup>1</sup>

Moneylending has consistently dominated the historiography of medieval Anglo-Jewish studies over the course of more than a century of scholarship.<sup>2</sup> As Julie Mell convincingly argues in her recent book, the narrative of the “medieval Jewish moneylender” is problematic generally, and particularly in the case of England. By drawing on the tallage rolls and the scrutiny lists (enrolments of debts owed to Jews), Mell outlines that moneylending was the preserve of only a few Jews. It is her expressed aim to “scrutinize the facts that ‘we think we know best’”, but this is done only in so far as to challenge conventional interpretations of medieval Anglo-Jewish moneylending as the dominant occupation of the community.<sup>3</sup> Although Mell’s work provides an important new dimension to this area of scholarship, it does not detract from the conclusions which have

1 The research embodied in this paper, the first stage of a much larger project which I will complete as part of my PhD studies at Canterbury Christ Church University, was funded by the Jewish Historical Society of England. I would like to thank Dr Stephen Mossman and Dr Pinchas Roth for their comments and support in the process of researching and writing this paper.

2 The literature on the subject is extensive but for the most influential contributions see B. L. Abrahams, “The Debts and Houses of the Jews of Hereford in 1290”, *Jewish Historical Studies: Transactions of the Jewish Historical Society of England* (hereafter, *Transactions*), 1 (1893–94): 136–59; Vivian D. Lipman, *The Jews of Medieval Norwich* (London: JHSE, 1967), esp. 79–94; Sharon Temple Lieberman, “English Royal Policy Towards the Jews’ Debtors” (Ph.D. diss., University of London, 1982); Robin R. Mundill, “Anglo-Jewry under Edward I: Credit Agents and their Clients”, *Transactions*, 31 (1988–90): 1–21; Mundill, *England’s Jewish Solution: Experiment and Expulsion* (Cambridge: Cambridge University Press, 1998); Mundill, “Christian and Jewish Lending Patterns and Financial Dealings during the Twelfth and Thirteenth Centuries”, in *Credit and Debt in Medieval England, c. 1180–c. 1350*, ed. P. R. Schofield and N. J. Mayhew (Oxford: Oxbow Books, 2002), 42–67; Hannah Meyer, “Female Moneylending and Wet-Nursing in Jewish Christian Relations in Thirteenth-Century England” (Ph.D. diss., University of Cambridge, 2009), esp. 82–212; Julie Mell, *The Myth of the Medieval Jewish Moneylender*, 2 vols (London: Palgrave Macmillan, 2017).

3 Mell, *Myth of the Medieval Jewish Moneylender*, vol. 1, quoting Stephen Jay Gould, *Full House: The Spread of Excellence from Plato to Darwin* (Cambridge, MA: Harvard University Press, 2011), 57.

been reached within the historiography that apply specifically to Anglo-Jewish moneylending activities. In particular, scholars such as Vivian D. Lipman, Robin R. Mundill and Hannah Meyer have been prominent in analysing the moneylending activities of individual Jewish communities. Where less work has been done, however, is in the way in which Jewish moneylending functioned at the transaction level. A significant point, which has been only fleetingly touched on within the scholarship, is the manner in which such debts were recorded. Where historians have discussed this issue, they have done so within the context of the Crown's attempts to regulate Jewish moneylending through legislation.<sup>4</sup> This approach is problematic, however, because what was stated in a piece of legislation, centrally issued by the Crown, did not necessarily translate into the established custom in, for example, Worcester or Lincoln. Therefore, in contrast to previous explorations, this article is informed by the surviving acknowledgments of debt. It begins by using the legislation as a framework within which to begin analysing the documents, before moving on to discuss the significant material elements of the records. Ultimately, this essay is intended to open up new avenues of discussing old, and in some instances, well used historical sources in new ways by using the documents themselves, as opposed to modern transcriptions of text, in order to consider the manner in which debt to Jews was recorded in thirteenth-century England.

### The sources

According to the legislation which was imposed in order to regulate Jewish moneylending activities from 1194 onwards, a record of each individual transaction was to be made.<sup>5</sup> As a result, a significant number of acknowledgments of debt are still extant from across the thirteenth century. The two most significant collections are contained in the Westminster Abbey Muniments (WAM) numerical series, 131 documents, and the National Archives (NA) "Ancient Deeds: Series D" (now E 210), 173 documents.<sup>6</sup> These two collections, supported by other individual

4 See e.g. H. G. Richardson, *The English Jewry under Angevin Kings* (London: Methuen, 1960), 118, 147; Mundill, *England's Jewish Solution*, 56, 57; Joe and Caroline Hillaby, *The Palgrave Dictionary of Medieval Anglo-Jewish Studies* (London: Palgrave Macmillan, 2013), 98–9.

5 Discussed below pp. 62–4.

6 For the Jewish documents in the WAM collection generally see Richard Mortimer, *Guide to the Muniments of Westminster Abbey* (Woodbridge: Boydell Press, 2012), 53–4, 64,

acknowledgments, form the basis of the research which is embodied in this paper. The WAM acknowledgments are the remnants of those which were contained within the *archae* at the time of the Expulsion (1290), and have been stored in the Abbey since the end of the thirteenth century.<sup>7</sup> Lipman made the first concerted effort to analyse the Norwich acknowledgments of debt in 1967. Subsequently, the WAM acknowledgments more generally have become an important source for the study of thirteenth-century Anglo-Jewish moneylending.<sup>8</sup> As Ann Causton has noted, however, there are a number of limitations to this collection, particularly relating to the small number of *archae* which are represented.<sup>9</sup> Additionally, there is a serious chronological disparity in the collection of acknowledgments, with more than eighty per cent of the records having been produced in the first half of the 1270s. In contrast to the WAM acknowledgments, those in the E 210 series have been largely overlooked within the same scholarship.<sup>10</sup> I have argued that it seems likely that these documents fell into the hands of the Exchequer of the Jews prior to the Expulsion, as tallage payments, payments of fines, or as part of the death duties which were extracted on the death of a Jew.<sup>11</sup> The E 210 acknowledgments of debt carry similar problems of geography and chronology as the WAM series, although different *archae* are represented within the collection, and the majority of the documents come from the 1250s and 60s (more than fifty-five per cent between the two decades). Consequently, while the two collections are problematic when they are considered individually, they negate many of the limitations inherent to the two series when they are considered jointly.

The formulaic nature of acknowledgments of debt makes them attractive sources for historians to study. This permits all the documents to be analysed in the same way and facilitates the compilation of a relatively

65. The first 1,330 documents in the E 210 series are catalogued in H. C. Maxwell Lyte, *A Descriptive Catalogue of Ancient Deeds: Volume 3* (London: HMSO, 1990), 407–565.

7 All now published in Lipman, *Jews of Medieval Norwich*, 187–312 (transcribed in Latin); Ann Causton, *Medieval Jewish Documents in Westminster Abbey* (London: JHSE, 2007) [English calendar].

8 These documents formed an important part of the scholarship of Dr Robin Mundill. See most recently Robin R. Mundill, “The ‘Archa’ System and its Legacy after 1194”, in *Christians and Jews in Angevin England: The York Massacre of 1190, Narratives and Contexts*, ed. Sarah Rees Jones and Sethina Watson (York: York Medieval Press, 2013), 148–62.

9 Causton, *Medieval Jewish Documents*, 1.

10 The reasons for this are discussed in Dean A. Irwin, “From *Archae* to Archives”, *Archives*, 52 (2017), 7.

11 *Ibid.*, 4–5.

large dataset rapidly. Additionally, from a material perspective, the extent to which Anglo-Jewish moneylending was regulated by the Crown during this period means that the documents themselves were produced in the consistent format of a chirograph.<sup>12</sup> Equally the fact that these are records of individual transactions means that they inherently contain several key pieces of information: the names of the debtor and creditor, the date on which the transaction occurred and repayment was due, and the sum which was involved in the case. This level of uniformity makes it possible not only to compare all elements of the acknowledgments directly but also to distinguish those elements which do not conform to the general standards of the corpora. There is a danger, however, that such analyses will be undermined in the future by two factors. First, modern editions of the documents make determining such inconsistencies less likely. For example, while Lipman transcribed the text of fifteen acknowledgments of debt from the Norwich *archa*, the text that he presented was in perfect Latin, giving no indication as to how heavily abbreviated the original text actually was.<sup>13</sup> Such an approach, while helpful in terms of reading the documents, inhibits any analysis of scribal practice or determining standard forms of abbreviation. Even more problematic are those compendia which calendar the documents in English, such as the catalogue entries for the E 210 documents and Causton's English calendar of Jewish WAM documents, which give no suggestion of the Latin phraseology or the elements of the text which were omitted.<sup>14</sup> Notably, none of the editions cited earlier discuss the physicality of the documents, which makes anything other than an analysis of the particulars of a debt difficult. The second impediment to studies of acknowledgments of debt concerns the way in which historians view and, by extension, utilize such documents. This was demonstrated in the work of Mundill, who treated the acknowledgments in much the same way as the scrutiny rolls.<sup>15</sup> That is, he mined the documents for the information of creditors, debtors, and the size of the debt. Although Mundill demonstrated the usefulness of such an approach from the perspective of a socio-economic analysis, documents are more than just a means to transmit text. Moreover, this approach omits both sections of the text and the other elements of the documents themselves. The

12 For chirographs see M. T. Clanchy, *From Memory to Written Record: England 1066–1307*, 3rd ed. (London: Wiley-Blackwell, 2013), 89–90.

13 Lipman, *Jews of Medieval Norwich*, e.g. 277, 278, 284.

14 See n. 6 above.

15 Mundill, *England's Jewish Solution*, esp. 146–208.

importance of considering *archa* documents in their entirety has recently been demonstrated by Judith Olszowy-Schlanger, in her study of the extant “Hebrew and Hebrew-Latin” records, but no comparable study exists for the Latin documents generally, or acknowledgments of debt specifically.<sup>16</sup> This effectively means that large sections of acknowledgments remain untouched by historical analysis. Equally, although these sections do not necessarily add to our understanding of medieval Anglo-Jewish moneylending activities on a general level, they do provide important insights into how these activities functioned from the perspective of individual transactions. Consequently, this paper constitutes the first stage in rectifying that omission within the scholarship.

The materiality of acknowledgments of debt can be divided into the five component parts of the documents. The first material element of an acknowledgment is the instrument on which it was written. According to the legislation which regulated Anglo-Jewish moneylending activities from 1194 onwards, this was to be in the form of a *chirograph*.<sup>17</sup> The manner in which the document was cut is the second material feature of an acknowledgment. According to English custom, this should have been produced in the form of a *carta indentata*, which creates an angled zizzag, or at the very least a *carta undulata*, which produces a rounded, wavy, pattern.<sup>18</sup> In either case, the result would have been an indenture at the top of each section of the *chirograph* which was intended to serve as a method of authentication, and as an additional security mechanism, given that a *chirograph* would only be valid when the sections were brought together and aligned precisely with each other. Third, the *divisa*, or word which was written at the top of the section and was cut through was, in all the acknowledgments, “CYROGRAPHUM”. The fourth material element of acknowledgments is the text which provides the particulars of the individual moneylending transaction. Typically, this occupies between forty-seven and sixty-four per cent of the parchment and usually spans three to six lines, depending on the width of the individual document and the amount of detail which was provided. The fifth, and final, material element of an acknowledgment is the seal or, more rarely, seals. In order for this to be applied it was standard practice for the bottom seven to fifteen

16 Judith Olszowy-Schlanger, *Hebrew and Hebrew-Latin Documents from Medieval England: A Diplomatic and Palaeographical Study* (Turnhout: Brepols, 2015).

17 See below, pp. 62–4.

18 These terms are discussed in Olszowy-Schlanger, *Hebrew and Hebrew-Latin Documents*, 52–3.

millimetres (though some were either smaller or larger) to be folded upwards, with a cut being made through the parchment so as to attach the seal tag which would then have had the seal of the debtor applied to it. In many instances, where the seal remains it is in poor condition,<sup>19</sup> but it is just as common for the seal not to have survived. In such instances it is only the seal tag or, where that is not extant either, the cuts which were made in the parchment, that illustrates that the acknowledgment was originally sealed. These material features are evident in all the acknowledgments considered in this paper where it would be expected that they would appear. Consequently, given the number of acknowledgments of debt which are considered within this analysis, it is possible to consider not only the manner in which each element of materiality manifested itself but also how these elements vary on an individual level. As will be demonstrated, such an approach allows the historian to gain a more comprehensive understanding of how medieval Anglo-Jewish moneylending activities functioned on the transaction level.

### *Regulating debt*

Given the extent of the legislation which was implemented in order to regulate medieval Anglo-Jewish moneylending activities, it is possible to consider the acknowledgments of debt which were produced during the thirteenth century in relation to that legislation. These can be divided into three periods: 1194–1233, 1233–39, and 1239–75.<sup>20</sup> During the first period, the “Chapters of the Jewry” (1194) specified that individual transactions were to be recorded in the form of a bipartite chirograph. One, unsealed, part was to be deposited in the local *archa*, with the second section, sealed by the debtor, being retained by the creditor.<sup>21</sup> Only one acknowledgment is extant from this period within the WAM and E 210 collections. This deficit in the sources can be partially explained by the fact that acknowledgments of debt were never intended to be preserved for posterity. Equally, there is evidence that some chirographs were subsequently reused as the seal tags

19 Examples of acknowledgments where the seals have been well preserved include NA E 210/5 (16 May 1257), 352 (9 March 1253).

20 Those records produced after the imposition of the Statute of the Jewry (1275) do not conform to the model of those transactions produced in the previous eighty years. Even the requirement that documents be produced in the format of a chirograph was no longer enforced. See e.g. Herefordshire Archives and Records Centre, AH 81/84.

21 Roger of Howden, *Chronica Magistri*, vol. 3, ed. William Stubbs (London: Longman, 1870), 266–7.

for other such documents. This is demonstrated by the fact that some seal tags have writing on them which suggests that this was the case, though it is not clear to what extent this happened.<sup>22</sup> The most obvious example of this feature is in NA E 210/11325 which, prior to 1967, was the seal tag for NA E 210/42.<sup>23</sup> These two factors provide a plausible explanation for the chronological disparity within the two corpora of acknowledgments. Regardless, the extent to which the legislation was complied with during this period is impossible to determine given the limited nature of the evidence. However, the single acknowledgment within the two collections that can be considered from this period does conform precisely with the regulations which had been issued in 1194.<sup>24</sup> Two additional acknowledgments of debt from this period, both of which are the portion of the chirograph that the creditor would have retained, also adhere to the 1194 regulations.<sup>25</sup> This is still insufficient evidence to conclude that acknowledgments during this period were produced in accordance with the legislation. The fact that the Crown did not see fit to revise, or reissue, these regulations until 1233, however, suggests that the regulations were followed.

When the revision to the 1194 regulations came in 1233 it was, from the perspective of materiality, simply to expand the system to a tripartite, as opposed to a bipartite, chirograph with the “foot” (*pes*) of the document to be placed in an *archa*.<sup>26</sup> There is some ambiguity within the historiography as to how the 1233 Statute impacted the production of acknowledgments of debt in real terms. Most historians have quoted the legislation in their discussions of moneylending during this period.<sup>27</sup> As Joe Hillaby has recently outlined, the language of the 1233 Statute implies that in producing an acknowledgment “[t]he parchment was to be divided by a horizontal line drawn parallel with the base and a vertical line going up from it”.<sup>28</sup> Such statements, while perfectly legitimate in the context of the language which was employed in the 1233 Statute, are not congruous with the material evidence. Within the WAM and E 210 collection there

22 E.g. NA E 210/52 (25 Aug. 1269). This trend has been observed in passing elsewhere: Mundill, *England's Jewish Solution*, 8.

23 NA E 210/42 (23 Dec. 1267); E 210/11325 (c. 1266–67?).

24 WAM 9049; NA DL 25/1341.

25 NA WARD 2/60/234/63 (10 Oct. 1221); NA DL 25/1341 (1227).

26 The text of the Statute is reproduced in Richardson, *English Jewry*, 294.

27 *Ibid.*, 147; Joe and Caroline Hillaby, *Palgrave Dictionary of Medieval Anglo-Jewish History* (London: Palgrave Macmillan, 2011), 98.

28 Hillabys, *Palgrave Dictionary of Medieval Anglo-Jewish History*, 98.



are four acknowledgments which were produced in accordance with the 1233 Statute. Each of these was produced by dividing a piece of parchment vertically into three sections, and the surviving documents (almost certainly from the *archae*) are the middle sections of the chirographs rather than the feet, as the legislation specified.<sup>29</sup> Additionally, there are at least two more extant examples of the middle sections of chirographs which were produced during the period when the 1233 Statute was in effect.<sup>30</sup> Consequently, we are on firmer ground in seeking to postulate the extent to which the 1233 Statute impacted the production of acknowledgments of debt than was the case for the previous period. Indeed, it appears that the 1233 Statute was only partially complied with. That is, in so far as the legislation stipulated that a tripartite instrument should be produced in order to record individual transactions, this requirement was adhered to. Conversely, the explicit order that records were to be produced in such a way as to allow the unsealed foot of the chirograph to be placed in the *archa* does not seem to have been observed. On a practical level, there was only one reason for the chirograph to be produced in the manner that the language of the 1233 Statute suggested: so as to create a section which was sealable and a foot which could be deposited in the local *archa*. It seems reasonable to assume that the method of production outlined here was acceptable even if, strictly speaking, the acknowledgments were not produced in precise accordance with the legislative requirements. This is not least because of the fact that in order to have been legally enforceable, the documents would have had to have corresponded to accepted standards of production. This suggests that the documents were produced in accordance with the accepted practice of the day, even if they did not rigorously complying with the stipulations of the 1233 Statute.

The final legislative reform which need detain us here came in 1239. The only additional requirement which affected the materiality of acknowledgments of debt was the stipulation that both the portion of the chirograph which was to be held by the creditor and the foot, which was still to be placed in an *archa*, were to be sealed by the debtor.<sup>31</sup> Although this order survives only in an address to the chirographers of the London *archa*, an examination of the materiality of the acknowledgments reveals that these

29 NA E 210/366 (3 July 1236), 367 (15 April 1236), 375 (23 August 1239); WAM 9023 (14 Dec. 1234).

30 Durham University Library, I.I.Ebor.15d (1233–39); Olszowy-Schlanger, *Hebrew and Hebrew-Latin Documents*, 685.

31 *De Antiquis Legibus Liber*, ed. Thomas Stapleton (London, 1846), 237–8.

regulations were disseminated widely, given that every acknowledgment which was produced after these requirements came into effect, regardless of location, conformed with the 1239 stipulations. It is possible that the reason that this additional material specification came just six years after the 1233 Statute is that the earlier regulations had implicitly intended that the foot of the chirograph should be sealed as well as the portion which was retained by the creditor, but that this needed to be made explicit before it would become standard practice. It is from this period that we have the most significant quantity of extant acknowledgments and it is notable that every document which has been examined from this period adhered to the specifications of 1239. Thus, all the acknowledgments produced during this period are sealed feet. Although simple, this survey of the general format in which acknowledgments of debt were produced is nevertheless useful, if only to elucidate the fact that the legislation that was imposed by the Crown was uniformly complied with after 1239. Moreover, it seems clear that while the 1233 Statute was not adhered to in every particular, sufficient credence was given to it that after its imposition, records began to be produced in a tripartite, rather than a bipartite, format.

#### *Authenticating debt*

The fact that acknowledgments of debt were produced as chirographs has traditionally been emphasized by historians of medieval Anglo-Jewry. Certainly, this was a consistent requirement of recording transactions between 1194 and 1276 and, as far as it is possible to tell, the stipulation was adhered to. Despite this, the material evidence suggests that while the letter of the law was adhered to in this respect, the spirit was not, given that this aspect of chirographs was not produced with the level of consistency or precision which is evident in every other material element of the acknowledgments. The fact that the cuts, which divided the sections of the chirograph, were produced with a lesser amount of care suggests that this was a feature which was afforded less significance by those who made use of such instruments in order to record debt. Indeed, many of the acknowledgments, particularly within the WAM collection, only tentatively comply with this specification but there was no consistency in the feature and there are few examples of the precise *carta indentata*. That is not to say that the records were not produced in chirograph form, merely that less attention was paid to ensuring the precision of this element than of the other material elements of the acknowledgments generally.

Equally, this highlights that these were working documents that were produced quickly. Additionally, during the 1270s it appears to have become more common for the *divisa* word to be abbreviated. Although this is an aspect of acknowledgments of debt which historians have consistently overlooked, the fact that this phrase appears at the top of each individual acknowledgment across the period provides a useful litmus test for determining the significance of the security features inherent to the chirograph over the course of the thirteenth century. That is to say, until the 1260s while the cutting of the chirographs had been afforded less significance than might be expected, the phrase which was to separate the various sections of a chirograph had, at least, been fully expounded. Conversely, by the 1270s even that element of the chirograph seems to have declined in significance, as it became more common to contract the phrase to, for example, “cyrograp[hum]”. This trend is most clearly seen if the large number of WAM acknowledgments originating in the 1270s are examined.

A possible explanation for this decline in significance of the security feature of the chirograph can, again, be found in an examination of the materiality of the acknowledgments of debt. Although the evidence is problematic, given the limited number of acknowledgments in the two collections which pre-date the 1239 regulations, it seems possible that the deterioration of the chirograph had begun by the 1230s. Prior to the 1230s it seems that the indenture, at the top of each section of the document, had been sufficient to validate the transaction. Conversely, in the legislation of 1239 this requirement became of secondary importance, given that once it was the standard practice for the debtor to seal both the foot of the acknowledgment and the section which was retained by the creditor in 1239, then authority would be conveyed to the documents via that process.<sup>32</sup> Therefore, it appears that by 1239 the format of the chirograph as a security device was superseded by the authority which was conveyed by the debtor’s seal. This argument is reinforced by the fact that it would still have been possible to compare the text from different sections which, again, would have had the authority of the debtor’s seal. As a result, it may well have been in response to the growing significance of the seals in thirteenth-century English society more generally which prompted the reforms of 1239. Certainly, as Mundill argued, throughout the course

32 On the importance of seals see Thomas Roche, “Making Agreements, with or without Jews, in Medieval England and Normandy”, in Jones and Watson, *Christians and Jews in Angevin England*, 163–73.

of that century a growing proportion of the population would have had access to seals, making the requirement that acknowledgments of debt were to be sealed relatively simple to comply with.<sup>33</sup> Moreover, it seems possible to characterize the period between 1194 and 1276 as one of rise and decline as far as the records of Jewish moneylending are concerned – while the seal grew in significance during this period, the indentured nature of the chirograph had peaked by the 1230s and went into a gradual decline throughout the thirteenth century. As a result, it seems that, while the legislation which sought to regulate medieval Anglo-Jewish moneylending activities consistently set out that this was to be in the form of a chirograph, from the 1230s onwards this was primarily in order to produce documents in triplicate so that each party – creditor, debtor, and the Crown – could retain a copy for reference while it was the seal which conveyed the actual authority to the documents.

### *Writing debt*

Within the historiography on medieval Anglo-Jewish moneylending there have been several attempts to map those activities. Hannah Meyer, for example, used the evidence of toponyms in the scrutiny lists to calculate the distance between the *archa* in which an acknowledgment was deposited and the location of the debtor, in order to demonstrate that the journey would have been beyond the means of many lesser debtors.<sup>34</sup> This methodology is made problematic because it assumes that somebody with a distant toponym could not have been in the *archa* town. In the case of the scrutinies, however, there is simply no other way to know where the debt was contracted. Conversely, when analysing the acknowledgments of debt, there are certain features which can suggest if a record was written by an *archa* scribe or by somebody involved in the transaction itself. In particular, elements such as the handwriting and linguistic composition of an acknowledgment can, when considered cumulatively, be used to suggest whether an *archa* scribe composed the record or not. If the latter is the case, then it seems reasonable to assume that the acknowledgment was produced at the location of the debtor, which can be determined from the evidence of the debtor's toponym, where such evidence exists. This is not least because the 1194 Chapters had been clear on this point. Debts were to be recorded at the *archa* in the presence of all of the chirographers, or as

33 Mundill, *England's Jewish Solution*, 217–19.

34 Meyer, "Female Moneylending and Wet-Nursing", 146–75.

many as were available, and were to be written by one of the *archa* scribes, who were to be paid tuppence for their services.<sup>35</sup> This system endured throughout the thirteenth century, as is demonstrated by the frequent royal orders to the Christian and Jewish chirographers, and by the fact that at the Canterbury and Norwich *archae*, the scribes sometimes included their name at the end of acknowledgments which they produced. That some documents were produced outside this system is suggested by the fact that the 1239 regulations stipulated that all debts should be deposited in an *archa* within ten days of their production.<sup>36</sup> As a result, it seems possible that a dual system operated during this period, with acknowledgments which were produced in the *archa* town being composed by the professional scribes, while those produced elsewhere were written by somebody else – presumably, somebody involved in the transaction or appointed by them.

Perhaps the simplest indicative factor in attempting to determine who produced a chirograph can be found in the handwriting – a neat, confident, and practised hand suggests that an acknowledgment was composed by an *archa* scribe. Conversely, a hand that is less easily deciphered, or not as consistently presented, could be suggestive of having been produced by somebody other than an *archa* scribe. Moreover, given that each *archa* would only have had a maximum of two scribes at any one time, it is possible to compare various documents from the same chest, relating to different individual creditors and debtors, in order to determine whether it is likely that the document was produced by an *archa* scribe or not. As such, although each scribe had a distinctive style, it is the quality of their handwriting generally, in terms of the precision of the letter forms and the overall spacing, which makes their productions distinctive. This is especially true given that the rolls of the so-called Norwich Day-Book reveal that the scribes could be called on daily to fulfil their obligations.<sup>37</sup> Consequently, it is reasonable to assume that the scribes of the busier *archae*, at least, would have been practised at the task, and that this would be reflected in the quality of their outputs.

This methodological framework makes it possible to suggest not only whether an *archa* scribe composed the chirograph but also precisely which scribe was responsible for an individual acknowledgment. One such example is a scribe who worked at the London *archa* during the 1260s and early 70s, at the least, whose productions are made distinctive

35 Howden, *Chronica Magistri*, 266.

36 *Antiquis Legibus Liber*, 237.

37 Transcribed in V. D. Lipman, *Jews of Medieval Norwich*, 187–25.

by his accentuation of certain letter forms in significant words of the acknowledgments that he produced.<sup>38</sup> This is illustrated most readily in the opening phrases of a document dated 19 May 1271 between “Henry of Durham of London” and “Abraham son of Benedict” for 10 marks (£6 13s 4d),<sup>39</sup> seen in the crossbars of the “t” in “Sciant” and “E” in “Epiphania”, the arms of the “r” in “Durham” and “marcas”, and the “L” in “Londonus”. Additionally, the top of the bowl of the “c” in “Decem” was treated like an arm and was correspondingly extended. Similarly, the letter “a” is noticeably larger in the hand of this scribe than was strictly necessary. There was less emphasis within the records on establishing who the scribes appointed to the *archae* were, though, as compared with the Christian and Jewish chirographers, to whom orders and mandates would have been addressed. There is, however, a large amount of evidence within the Plea Rolls of the Exchequer of the Jews which pertains to the *archae* scribes – in particular their appointment and when they were called to verify their role in the production of particular documents. When a comprehensive survey of this source material is conducted it may prove possible to determine which scribes wrote individual acknowledgments. At present, unless the scribe in question identified himself, it can be difficult, using conventional methods, to establish who he actually was. While with this particular case study, knowing who the *archa* scribe was does not add greatly to our knowledge, in other instances where the debtor is from outside London and the creditor is from London, this is a more precise method of locating the document than working from the topographical details of either party involved in making the debt. Thus, in a document dated 7 June 1262, Ralph son of Roger of Weston (*Westune*), who was identified as being a resident of the county of Hertfordshire, acknowledged that he owed £10 to Gameliel of London.<sup>40</sup> Given that the handwriting displays the same characteristics as the scribe just identified, it is possible to propose that the debtor made the journey of more than thirty-one miles (as the crow flies) from Weston to London in order to complete this transaction.

Although the same methodology could be applied to those documents which appear to have been produced by somebody other than an *archa*

38 Obvious examples include NA E 210/9, 11 (21 Dec. 1260), 14 (17 Aug. 1262), 16 (7 June 1262); the cataloguers assumed that London referred to Middlesex but it appears to be indicating that the person was a citizen of London because the phrase “de London” is explicitly added, where ordinarily the *comitatus* (county) would be cited.

39 NA E 210/9 (19 May 1271).

40 NA E 210/16 (7 June 1262).

scribe, this is also a more ambiguous area of scholarship, given that it is by no means clear who would have written these documents. In the absence of any legislation governing the production of such documents, the only thing that it is possible to say is that the acknowledgments were produced by somebody who was familiar with their use, given that they correspond with the formulae which were used in the professionally produced documents, in terms of the way in which the text was presented and the language which was used. Having said that, there are four extant acknowledgments to Aaron of Caerleon from different debtors. Each of these documents, which appears to have been written by the same hand, displays characteristics which suggest that they were not produced by an *archa* scribe. This makes it possible tentatively to suggest that it might have been the creditor, that is to say Aaron, or somebody appointed by him, who composed these documents.<sup>41</sup>

While handwriting is suggestive of who composed an acknowledgment of debt, it is not, in and of itself, definitive. As such, a more in-depth palaeographic analysis is necessitated, aimed at detecting inconsistencies within individual acknowledgments. In particular, the way in which certain words were abbreviated could possibly be used to determine the provenance of such records. The formulaic nature of acknowledgments of debt makes this task easier. For instance, a phrase which appears at least once in every document is “regni regis” to denote the regnal year. The way in which this phrase was abbreviated is distinctive. The records which the methodology just outlined suggests were produced by an *archa* scribe consistently use the abbreviation “r r” with the arm of each letter being curved up and then backwards in order to denote the abbreviation. Conversely, other documents from the same period adopted several methods of denoting the same abbreviation, with two ways in particular being the most prominent. The first appears to have been an attempt to emulate the abbreviation which was utilized by the *archa* scribes, in that the “r r” was still used. In these documents, however, the two letters were produced in a cursive fashion, with the letters being joined by two superscript loops (the first loop emanating from where the arm of the first “r” meets the stem of the second “r” and the second loop, formed in the same way, rising from the arm of the second “r”). The second method of abbreviating this phrase was to simply write out the specific letter forms and denote the abbreviation by the use of a macron (Rēg̃m Reġ), as was the

41 NAE 210/20 (24 Feb. 1262), 268 (22 June 1261), 277 (21 Dec. 1260), 278 (9 May 1261).

standard method of denoting a linguistic contraction during this period. Given the prominence of the phrase “regni regis” within acknowledgments of debt generally, this is the most notable palaeographic feature that can be used in order to begin establishing the authorship of acknowledgments. Only a full-length study of acknowledgments will be able to establish whether these regional variations are evidence of somebody other than an *archa* scribe having written the document. This kind of analysis, in terms of acknowledgments of debt, is still in its infancy, however, and as such much work remains to be done in this area in order to distinguish other, similar, features which could be used to further refine this methodological framework.

Linguistic inconsistencies are also important in helping to ascertain who produced an acknowledgment of debt. A prominent example of this can be found in the fact that it was conventional to commence an acknowledgment with the proclamation “Sciunt universi quod ego” (Know all that I) but there are a number of documents which differ from this by commencing with the phrase “Sciunt presentes et futuri” (Know [all] present and still to come).<sup>42</sup> This phrase is more commonly associated with Jewish stars or Christian bonds. Equally, in those bonds which predate the 1194 regulations, it appears to have been standard practice to commence records of moneylending transactions with some variation of this phrase.<sup>43</sup> Therefore, it is possible that some Jews continued to record transactions in this way into the thirteenth century. This difference cannot be treated as a consistent rule, however, because there are also acknowledgments which begin with the more common phrase that display features which suggest that the documents were not written by an *archa* scribe. As has been highlighted, this could be a regional peculiarity or it could be suggestive of having been written by a non-*archa* scribe.

A similar linguistic feature which might suggest that an *archa* scribe composed an acknowledgment is the addition of the county (*comitatu*) or city in which the debtor was resident after their name. This feature consistently appears in the acknowledgments produced after 1257. That it appears at all is understandable given that it would have provided creditors with an effective way of tracing debts when it the time came for repayment

42 E.g. NAE 210/6 (20 July 1262), 8 (22 June 1262), 19 (17 April 1262), 20 (24 Feb. 1262), 32 (18 Feb. 1263), 248 (7 Oct. 1257), 268 (22 June 1261), 275 (2 Jan. 1261), 277 (21 Dec. 1260), 278 (9 May 1261).

43 As in those documents transcribed in Richardson, *English Jewry*, 242–4, 248–53, 255, 268–9.



or enforcement. Equally, from the Crown's perspective, it would have simplified the process of tracing a debtor should an acknowledgment fall into the hands of the king, for whatever reason.<sup>44</sup> Consequently, it seems that there are a number of features within the extant acknowledgments of debt that could be used in order to distinguish between different authors. In order to determine the full extent of these features it will be necessary to conduct a much more comprehensive survey than is possible here. It is, however, important to reiterate that independently no single factor is sufficient to determine the provenance of an individual acknowledgment of debt and it is only when various paleographic factors are considered cumulatively that such evidence can be used to draw a conclusion as to who is likely to have produced a document.

As a result of the research embodied in this article, it is possible to draw several conclusions. First, the material remains of the acknowledgments contained primarily within the WAM and E 210 series help to determine the real-term impacts of the legislation which sought to regulate medieval Anglo-Jewish moneylending activities. Moreover, by considering the documents as a whole, as opposed to just the text, it becomes possible to gain a more nuanced understanding of how moneylending worked at the transaction level. Finally, it has been illustrated that how the text appears on the parchment is just as important as what the text says, and can have a considerable impact on historians' methodology and interpretations, given that in knowing where a document was produced, the historian can begin comprehensively mapping medieval Anglo-Jewish moneylending activities. This is, however, just the first stage of what must, inevitably, be a much larger body of research and it will only become possible to develop the methodological approaches which are suggested here by conducting an exhaustive analysis of as many thirteenth-century acknowledgments as is possible.

44 The importance of being able to trace acknowledgments was highlighted in Mundill, "Lumbard and Son", 159.