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Benedict Wiedemann<sup>1\*</sup> 

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\*Correspondence: [bw423@cam.ac.uk](mailto:bw423@cam.ac.uk)

<sup>1</sup>Cambridge University, UK

## Papal legates, Jews and the Fourth Lateran Council in England, 1215–1221<sup>\*</sup>

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BENEDICT WIEDEMANN

The visits of Pandulf Verraclo and Guala Bicchieri to England may be among the best-known papal legations in medieval English history. Pandulf negotiated England's new status as a papal fief in 1213, and he and Cardinal Guala Bicchieri then supported King John, and his son Henry III, against the rebellious barons and their French and Scottish allies during the Magna Carta wars. Pandulf was even mentioned in the 1215 Magna Carta, and Guala reissued the Magna Carta in 1216 under his own seal. Pandulf's and Guala's few comments on England's Jewish community have consequently attracted some attention, especially since it was during their legations that England became, for example, the first realm to enforce the wearing of the *tabula*, a distinctive badge to identify Jews by their attire.

This article looks at the legations of Pandulf and Cardinal Guala, their attitude to England's Jewish community, and the influence of the canons of the Fourth Lateran Council that dealt with Jewish matters. In so doing, I intend to illustrate the attitudes and approaches of Pandulf, Guala, and the English government to Jews in the early thirteenth century, but also to throw light on how the canons of the Fourth Lateran Council (Lateran IV) were received, applied, and interpreted in the years immediately following their promulgation. There are two parts to this article: the promulgation and enforcement of the *tabula* in 1218; and Pandulf's comments in a letter on the "immoderate usury" supposedly being charged by Isaac of Norwich in 1219. The first of these offers a reinterpretation of how a canon of Lateran IV might be adapted "on the ground"; the second provides early evidence for the reception and use of the text of the decrees of Lateran IV in the provinces.

### Background

In 1211 Pandulf was sent as the papal *nuncio* to England by Pope Innocent III to negotiate a settlement with King John. John had been in dispute

<sup>\*</sup> My thanks to Patrick Zutshi and Rebecca Severy for their comments on this article.

with Innocent since 1208 over his refusal to accept Stephen Langton as Archbishop of Canterbury. This dispute had led England to be placed under an interdict – the banning of all church services – and John to be excommunicated by the pope. John rejected Pandulf's embassy, but not without a stormy altercation with Pandulf, according to the *Annals of Burton*.<sup>1</sup> In 1213 Pandulf returned, again as nuncio, and this time successfully arranged the end of the interdict, the acceptance of Langton as archbishop, and even John's recognition that he ruled England and Ireland as fiefs of the papacy.<sup>2</sup>

Now that papacy and monarchy were realigned – indeed closer than ever since England was a papal fief – Pandulf and a papal cardinal-legate, Nicholas *de Romanis*, cardinal bishop of Tusculum, were active in their support for John against his baronial and ecclesiastical enemies. Pandulf's support was rewarded with the bishopric of Norwich, to which he was elected in 1215. He went back to Rome in late 1215 and did not return to England until 1218. In 1216, Innocent III sent a new legate, Guala Bicchieri, cardinal priest of S. Martino, to England, to support John and his son Henry. Guala returned to Rome in 1218 and was succeeded as legate by Pandulf. The latter remained as papal legate to England until 1221.<sup>3</sup> The legates' importance in the reconstruction of royal power following the War of 1215–17 has long been recognized. Guala administered the realm alongside the *rector regni et regis* (guardian of the king and kingdom), William Marshal, Earl of Pembroke. After Guala's recall to Rome and Pembroke's death in 1219, Pandulf, Peter des Roches (the royal guardian), and Hubert de Burgh (the Justiciar) were the triumvirate which ran the royal government. Henry III was only a child at this time – he was born in October 1207 – hence it is unlikely that he significantly contributed to

1 “Annals of Burton”, in *Annales monastici*, ed. Henry Luard, 5 vols. (London: Longman, 1864–9), I: 209–17; *Rogeri de Wendover chronica sive Flores historiarum*, ed. Henry Coxe, 5 vols. (London: Longman, 1841–4), III: 235.

2 Benedict Wiedemann, *Papal Overlordship and European Princes, 1000–1270* (Oxford: Oxford University Press, 2022), 95–102.

3 Nicholas Vincent, “The Election of Pandulph Verraccio as Bishop of Norwich (1215)”, *Historical Research* 68 (1995): 143–63; Fred Cazel Jr., “The Legates Guala and Pandulf”, *Thirteenth Century England II: Proceedings of the Newcastle upon Tyne Conference 1987*, ed. Peter Coss and S. Lloyd (Woodbridge: Boydell, 1988), 15–21; David Carpenter, *The Minority of Henry III* (Berkeley: University of California Press, 1990); Nicholas Vincent, *Peter des Roches: An Alien in English Politics 1205–1238* (Cambridge: Cambridge University Press, 1996), 134–215; *The Letters and Charters of Cardinal Guala Bicchieri, Papal Legate in England, 1216–1218*, ed. Nicholas Vincent (Woodbridge: Boydell, 1996).

what his government ordered in his name. Thus William Marshal, Peter des Roches, Hubert de Burgh, Guala, and Pandulf were the men at the top of the government from John's death in 1216 onwards.<sup>4</sup>

### *Historiography on conciliar decrees*

Study of the decrees of the ecumenical councils of the Middle Ages has advanced significantly in recent decades. The eight hundredth anniversary of Lateran IV in 2015 saw many publications, but the most interesting work has been done in the arena of methodology and approaches to conciliar decrees.<sup>5</sup> Jeffrey Wayno and Danica Summerlin (*inter alia*) have emphasized, for both Lateran IV and Lateran III respectively, the messiness of transmission of the decrees, and the variability in how – or indeed whether – they were enforced in different periods and different places.<sup>6</sup> Part of Wayno and Summerlin's challenge to scholars of Lateran III and IV has been to move away from focusing on the normative texts of the conciliar canons as they have been reconstructed by a previous generation of canon law specialists, and rather to see how the canons were subject to change during their dissemination (or even how they failed to be disseminated). The "story is not one of order and consistency, but rather one of confusion and divergent local traditions".<sup>7</sup> We should bring the Jewish canons of Lateran IV into dialogue with this approach to conciliar legislation.

Wayno suggests looking at synodal legislation to see how conciliar

4 However, Lauren Fogle, "The *Domus Conversorum*: The Personal Interest of Henry III", *Jewish Historical Studies* 41 (2007): 6, has plausibly argued that one event during Henry's minority later impacted his attitudes to England's Jewish community.

5 See *The Fourth Lateran Council. Institutional Reform and Spiritual Renewal: Proceedings of the Conference marking the Eight Hundredth Anniversary of the Council organized by Pontificio Comitato di Scienze Storiche* (Rome, 15–17 October 2015), ed. Gert Melville and Johannes Helmrath (Affalterbach: Didymos, 2017); *The Fourth Lateran Council and the Crusade Movement: The Impact of the Council of 1215 on Latin Christendom and the East*, ed. Jessalynn Bird and Damian Smith (Turnhout: Brepols, 2018); *The Fourth Lateran Council and the Development of Canon Law and the ius commune*, ed. Andrea Massironi and Atria Larson (Turnhout: Brepols, 2019); *Literary Echoes of the Fourth Lateran Council in England and France, 1215–1405*, ed. Maureen Boulton (Turnhout: Brepols, 2019); Marie-Thérèse Champagne and Irven Resnick, eds., *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)* (Turnhout: Brepols, 2019).

6 Danica Summerlin, *The Canons of the Third Lateran Council of 1179: Their Origins and Reception* (Cambridge: Cambridge University Press, 2019); Jeffrey Wayno, "Rethinking the Fourth Lateran Council of 1215" (hereafter "Lateran IV"), *Speculum* 93 (2018): 611–37.

7 Wayno, "Lateran IV", 637.

canons appeared in the historical record. The sources in this article will, however, be different: here they are bureaucratic and documentary, rather than normative and legislative – the Close Rolls of the English minority government of Henry III, and the letters of the papal legates to England during the minority government.<sup>8</sup> The focus on the legates is important because, as discussed later, the privileged position of the papal legates Guala and Pandulf in England during Henry’s minority has given rise to the suggestion that England was particularly precocious in adopting the reforms of Lateran IV. But, in line with the messiness and variability of enforcement and transmission of conciliar decrees more generally, even papal legates do not seem to have sought uniformity and consistency in the adoption of the decisions of Lateran IV. The process was immensely complicated.

### *Guala and the tabula*

Canon 68 of the Fourth Lateran conciliar decrees ordered:

In some provinces a difference in dress distinguishes the Jews or Saracens from the Christians, but in certain others such confusion has grown up that no difference can be discerned. It sometimes happens that through error Christians may have intercourse with the women of Jews or Saracens, and Jews and Saracens with Christian women. Therefore, that they may not, under pretext of error of this sort, excuse themselves in the future for the excesses of such prohibited intercourse, we decree that such as these [that is, Jews and Saracens], of both sexes, in every Christian province and at all times shall be marked off in public from other peoples through the character of their dress.<sup>9</sup>

This canon is broadly deemed to be a watershed moment in medieval anti-Judaism.<sup>10</sup> It is a cornerstone of R. I. Moore’s “persecuting society”:

8 *Rotuli litterarum clausarum in Turri Londinensi asservati* (hereafter RLC), ed. Thomas Hardy, 2 vols. (London: Record Commission, 1833–44), I: pt. 1; *Royal and Other Historical Letters illustrative of the Reign of Henry III*, ed. Walter Shirley, 2 vols. (London: Longman, 1862–6), I.

9 Trans. in Irvn Resnick, “The Jews’ Badge”, in Champagne and Resnick, *Jews and Muslims under the Fourth Lateran Council*, 65, 67; Latin in *Constitutiones quarti Lateranensis una cum Commentariis glossatorum*, ed. Antonio García García (Vatican City: Bibliotheca Apostolica Vaticana, 1981), 107–8, copied in *Concilium Lateranense IV* [c. 68], RELMIN, <http://telma.irht.cnrs.fr/outils/relmin/extrait30326/> (accessed 3 February 2024).

10 Robert Chazan, *The Jews of Medieval Western Christendom, 1000–1500* (Cambridge: Cambridge University Press, 2006), 56. Some scholars have preferred to see the violence which began with the First Crusade in 1096 as a watershed, a view questioned and nuanced by e.g. Chazan, *European Jewry and the First Crusade* (Berkeley, Los Angeles, and London: University of California Press, 1987), 197–222.

“the prescription of identifying clothing (a device which the inquisition later applied to the punishment of heresy, and found to be greatly feared) . . . [by Lateran IV] served to underline their [Jews’] disabilities, and to confirm their place with heretics in the category of those who were subject to repression.”<sup>11</sup> Ditto for Irven Resnick: “Following the Fourth Lateran Council’s requirement that Jews be marked out by special clothing, Jews became an institutionalized inferior minority easily manipulated to serve the needs of ecclesiastical and secular rulers.”<sup>12</sup> From this initial proclamation of a Jewish badge would eventually flow the yellow star.<sup>13</sup>

But – as I noted earlier when discussing approaches to conciliar legislation – councils could only pass legislation. Enforcement was another matter. It is, perhaps, a source of suppressed shame for some English medievalists that the first realm to attempt to realize the proclamation of Lateran IV was England.

The Close Rolls – the centrally kept record of outgoing royal correspondence sent in closed (rather than “patent”, “open”) letters – for the second year of the reign of Henry III (October 1217–October 1218) contain this mandate:

The King to the sheriff of Worcestershire, greeting. We order to you that you should make be proclaimed and observed throughout all your bailiwick that all Jews (wheresoever they might walk or ride, within or outwith the town) should bear on their outer garments (as if) two white tablets over their heart, made of linen cloth or from parchment, in order that (through such a sign) Jews may be clearly distinguished from Christians. Witness the Earl [William Marshal] at Oxford, on 30 March [1218]. The same is ordered to the sheriffs of Gloucestershire, Warwickshire, Lincolnshire, Oxfordshire, Northamptonshire, and to the mayor and sheriffs of London.<sup>14</sup>

11 R. I. Moore, *The Formation of a Persecuting Society: Authority and Deviance in Western Europe 950–1250*, 2nd edn. (Oxford: Blackwell, 2007), 10.

12 Irven Resnick, *Marks of Distinctions: Christian Perceptions of Jews in the High Middle Ages* (Washington, DC: Catholic University of America Press, 2012), 4.

13 Edward I (re-)imposed wearing of the *tabula* in his Statute of Jewry in 1275; Robin R. Mundill, *England’s Jewish Solution: Experiment and Expulsion, 1262–1290* (Cambridge: Cambridge University Press, 1998), 120, 292.

14 RLC, I: pt. 1, 378b. Note incorrect date in RELMIN, mandate imposing Jewish badge, <http://telma.irht.cnrs.fr/outils/reldmin/extrait252108>; also in John Tolan, “The First Imposition of a Badge on European Jews: The English Royal Mandate of 1218”, in *The Character of Christian-Muslim Encounter: Essays in Honour of David Thomas*, ed. Douglas Pratt et al. (Boston: Brill, 2015), 145; Tolan, *England’s Jews: Finance, Violence, and the Crown in the Thirteenth Century* (Philadelphia: University of Pennsylvania Press, 2023), 52.

The *rector regni et regis*, the Earl of Pembroke, ordered a swathe of royal officials to enforce the wearing of a distinctive Jewish badge.

Scholars have, of course, pored over this mandate: “The first ruler to apply the regulation to his entire country was Henry III of England in 1217 [sic]. Only ten years old at the time, but under the influence of the papal legate Landulfus [sic], Henry decreed that the Jews should wear ‘upon the fore part of their upper garment . . . two white tables made of white linen or parchment’.”<sup>15</sup> The narrative and detail here are not quite right (in fairness, the focus of Cassen’s book is the Renaissance rather than thirteenth-century England), but it sums up the common-knowledge argument: during Henry III’s minority, the English government was particularly dependent on papal support, the papal legates were particularly influential, and so England was the first place to try to enforce Innocent III’s decrees.<sup>16</sup> Kenneth Stow gave Guala the blame for the *tabula*, as did Geraldine Heng for whom the “crystallization” of the “general conciliar demand” into the *tabula* was part of medieval English “state racism”.<sup>17</sup> Most recently, John Tolan – in an article on the 1218 imposition of the *tabula* – has explained succinctly: “One of the key members of the regency was Guala Bicchieri, papal legate . . . Guala participated in the fourth Lateran council in November 1215 . . . Two months later, in January 1216, Innocent named Guala papal legate to England, replacing Pandulf of Masca (who had served as legate since 1213) . . . It seems very likely that Guala was behind the mandate imposing the badge on English Jews. If so, the papal legate was seeking to implement, in a kingdom which was after all a papal fief, a stipulation of one of the canons of the fourth Lateran council.”<sup>18</sup> There is, perhaps, a pleasing opportunity for absolution here:

15 Flora Cassen, *Marking the Jews in Renaissance Italy: Politics, Religion and the Power of Symbols* (Cambridge: Cambridge University Press, 2017), 30.

16 The *tabula* was mandated in 1218, not 1217, the author is thinking of Pandulf rather than Landulf, and the papal legate at the time was actually Guala Bicchieri.

17 Kenneth R. Stow, *Alienated Minority: The Jews of Medieval Latin Europe* (London: Harvard University Press, 1992), 249; Geraldine Heng, *The Invention of Race in the European Middle Ages* (Cambridge: Cambridge University Press, 2018), 73–4.

18 Tolan, “First Imposition”, 149–50. Pandulf “Masca” was not the same as Pandulf Verraclo, who was not a legate but a nuncio to England in 1213–15. Tolan corrects Pandulf’s name in *England’s Jews*, 52–3. For the difference between legates and nuncios, see Agata Zielinska, “Territorialization, the Papacy, and the Institutions of the Polish Church, 1198–1357” (Ph.D. thesis, University College London, 2020), 95–136; further articles cited in Patrick Zutshi, *The Avignon Popes and their Chancery* (Florence: SISMELE, 2021), “Some Inedited Papal Documents relating to the University of Cambridge in the Fourteenth Century”, 387, n. 31.

it was not the (rational, secular, Anglo-Saxon) government of England which enforced the *tabula*, but an Italian clergyman, at the prompting of the ecclesiastical legislation of Lateran IV.<sup>19</sup>

As Nicholas Vincent has pointed out, there is no evidence for Guala's agency in the enforcement of the *tabula*.<sup>20</sup> The royal mandate ordering the wearing of the *tabula* was issued at Oxford on 30 March 1218; Guala was possibly not even present. He is recorded at Oxford on 7 March and 11 March, but had moved to Worcester by 14 March, and Malvern by 17 March. He was apparently then in York in April/May.<sup>21</sup>

Here, however, I would like to draw attention to three other mandates, sent out by the English regency government on 10 March 1218, 30 March 1218, and 27 April 1218.<sup>22</sup> These mandates were not noted by Tolan in his article on the imposition of the *tabula*, although they were in passing by Vincent, Robert Stacey, and by Tolan in his recent book on thirteenth-century English Judaism.<sup>23</sup> They are not included at all on the website RELMIN ("Le statut légal des minorités religieuses dans l'espace euro-méditerranéen [V<sup>e</sup>–XV<sup>e</sup> siècles]"), which in 2010–15 collected, studied, and published legal texts relating to medieval religious minorities. RELMIN does include canon 68 of Lateran IV, Henry III's order mandating the *tabula*, and the receipt rolls (see below) where Jews paid for permission not to wear the *tabula*.

Again, these were "letters close":

The King to the constables and provosts of Gloucestershire, greeting. We

19 Robert Stacey, "The English Jews under Henry III", in *The Jews in Medieval Britain: Historical, Literary and Archaeological Perspectives*, ed. Patricia Skinner (Woodbridge: Boydell, 2003), 44, assumed the imposition of the *tabula* was an attempt to enforce canon 68; Nicholas Vincent, "Two Papal Letters on the Wearing of the Jewish Badge, 1221 and 1229", *JHS* 34 (1994–96), 215, insinuated much the same: "There is evidence to suggest that this disparity between theory and practice led to tensions between the royal and the ecclesiastical authorities during the early years of the reign of King Henry III . . . Here we need to look more closely at the personalities involved in introducing the Lateran decrees after 1215. The two chief papal representatives during this period, the legates Guala and Pandulph". Even Carpenter, *Minority of Henry III*, 83, judged it a "concession to ecclesiastical feeling".

20 Vincent, *Letters and Charters of Guala Bicchieri*, lxxxii. Tolan, *England's Jews*, 202, n. 38, concedes this but maintains on p. 53: "It seems very likely that Guala was behind the mandate imposing the badge on English Jews".

21 See itinerary in Vincent, *Letters and Charters of Guala Bicchieri*, 157.

22 RLC, I: pt. 1, 354b, 357, 359b.

23 Vincent, "Two Papal Letters", 215; Stacey, "English Jews under Henry III", 44; Tolan, *England's Jews*, 33.



order to you that, without delay, you should release our Jews of Gloucester to the custody of XXIV burghers; and you should not allow that these Jews should be vexed by anyone, especially by those signed with the cross or others. You should make the names of the burghers to whom you commit their custody be recorded, and those burghers should thus guard them lest we should have to seize them to ourselves. Witness as above [the Earl, at Gloucester, on 10 March 1218].

The King to the sheriff of Lincolnshire, greeting. We order to you that you elect 24 of the better and more discreet citizens of Lincoln who should guard our Jews of Lincoln, and who should allow no person – signed with the cross or otherwise – to make injury or evil to them, and you should make known their names to us. Witness as above [the Earl at Oxford, on 30 March 1218].

It is written to Hugh de Vivonne and the sheriff of Oxfordshire concerning the Jews of Bristol and Oxford, who should be handed over into the custody of XXIV burghers in the same manner as was above written to the sheriff of Gloucester. Witness the Earl, at Oxford on 27 April [1218].

These three mandates sent to officials in Gloucester, Lincoln, Bristol, and Oxford precede and postdate the mandate ordering Jews to wear the *tabula*. The middle mandate was authorized on the same day as the letter mandating the *tabula*. Can we really imagine – as perhaps we are invited to by some historiography – that what we have here are intrinsically contradictory attitudes to England's Jews? On the one hand, Cardinal Guala Bicchieri was demanding that Jewish communities be clearly distinguished from their neighbours (presumably making them a target at risk of attacks); on the other hand, William Marshal ordered royal officials to appoint local worthies to protect the Jews, and to pass the names of these worthies to the central government, presumably so that they could be held accountable if they failed.

This circle needs squaring, both theoretically and practically: how did the regency government manage to believe two seemingly contradictory things, and how were two seemingly contradictory orders meant to be carried out?

Theoretically, we need to think about categories of toleration and discrimination. Klaus van Eickels has expressed the medieval understanding of *tolerantia* and *discrimen* pithily: "Discrimination was not the opposite of pre-modern tolerance, but its prerequisite". Non-Christian communities were tolerated not because their cultures were deemed by

the dominant culture to be equal, but because they “could be integrated into the order of a Christian realm, if they accepted Christian rule and did not cause scandal (i.e. behaved in such a way that tolerating their existence would confuse the Christian majority and might destabilize the Christians’ firm conviction of being on the right way).”<sup>24</sup> The prerequisite to medieval tolerance was subjection. There is, therefore, no contradiction. The Jewish communities of medieval England were being marked off – *discriminated* – by the *tabula* so that they could also be protected by the great and the good. The one necessitated the other: if Jewish communities were seen as receiving “special treatment” it would lead to scandal in the Christian communities. Protection could not exist without prior discrimination.<sup>25</sup>

Practically, it is fairly easy to see what work these two orders were doing: if councils of burghers were being set up to protect Jewish communities from attacks by crusaders – I shall discuss the specific mention of *crucesignati* shortly – then it would be helpful for them to know who was a Jew. Were Jews already identifiable before the mandating of the *tabula* in 1218? Although we cannot know definitively, it seems plausible that they were, at least to their neighbours in the local community. After all, they would be the group who did not attend church but went to a synagogue. The potential practical purpose of the badge – taking into account the instructions to local communities to prevent crusader attacks on Jews – thus shifts again. Could the *tabula* have had a function as a shield, as a reminder of the royal justice which had ordered Jewish communities “not to be vexed by anyone” or to have “no person make injury or evil to them”? Would a drunken crusader think twice before vexing a Jew, when reminded of the king’s orders by the white tablets on his chest? It is even tempting to see – indeed impossible to avoid seeing – the *tabula*, worn over the heart, on the outer clothing, as a direct and pointed rejoinder to the fabric cross worn by crusaders over their heart.<sup>26</sup> It almost seems as if the *tabula* was being set up in opposition to the cross

24 Klaus van Eickels, “Why Minorities were neither Tolerated nor Discriminated against in the Middle Ages”, in *Discrimination and Tolerance in Historical Perspective*, ed. Gudmundur Hálfðanarson (Pisa: Pisa University Press, 2008), 290.

25 Compare Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley, Los Angeles, and London: University of California Press, 1999) on the “hermeneutical Jew”, e.g. 1–2.

26 E.g. “Quicumque ergo huius sancte peregrinationis animum habuerit . . . signum dominice crucis in fronte sua sive in pectore preferat”; *The Historia Iherosolimitana of Robert the Monk*, ed. Damien Kempf and Marcus Bull (Woodbridge: Boydell, 2013), 7.

of the crusaders – *crucesignati* vs. *tabulasignati*. The two badges were both signifying special protection: for Jews, that the twenty-four burghers appointed by the king would prevent evil being done to them; and for crusaders, that they and their goods rested “under the protection of us [the pope] and St Peter”.<sup>27</sup>

The comparison between the cross of the crusaders and the *tabula* must make us pause: if it is accurate then it can only have inflamed the ire of the crusaders. This does not, I think, change the argument here: that the *tabula* and the protection of England’s Jewish communities in 1218 were two sides of the same coin. To protect the Jews from attacks, the regency government ordered councils to be appointed to protect the Jews. To justify this protection, the Jews of England had to be discriminated, to be distinguished. This distinguishing feature functioned, not just as a means of subjection but as a means of protection: it was a visible reminder of the king’s protection (albeit a mockery of the crusader badge) – indeed, almost perhaps an apotropaic mark, akin to how St. Ambrose saw the Mark of Cain.<sup>28</sup>

We might also note that, were the royal government not to punish those who attacked Jews wearing the *tabula*, it would be a very public symbol of royal impotence. At a point when the regency administration was desperately trying to increase its authority, that would not have been in their interests.

By 1221 the attitude of the royal government had apparently changed. The receipt rolls of the English exchequer show that, by Easter 1221, English Jews were being allowed to make fine (pay a fee) to the crown in order to be given permission not to wear the *tabula*.<sup>29</sup> Unsurprisingly, the sudden laxity on the part of the regency government is apparently explained by the absence of (foreign) clergy, as Tolan wrote: “Guala had returned to Italy in 1219; significantly, it is only after his departure that the crown sees fit to sell exemptions from wearing the *tabulae*; it was also during the absence of Archbishop Stephen Langton, who was in

27 Danielle Park, *Papal Protection and the Crusader: Flanders, Champagne, and the Kingdom of France, 1095–1222* (Woodbridge: Boydell, 2018).

28 Ruth Mellinkoff, *The Mark of Cain* (Berkeley, Los Angeles, and London: University of California Press, 1981), esp. 14–18.

29 *Receipt Rolls for the Fourth, Fifth and Sixth Years of the Reign of King Henry III, Easter 1220, 1221, 1222* (Receipt Rolls 3B, 4, and 5), ed. Nicholas Barratt, Laura Napran, and David Crook (London: Pipe Roll Society, 2003), 93–8, 100, 102–3; see also RELMIN, *De tabula non portanda*, <http://telma.irht.cnrs.fr/outils/relmin/extrait268769/> (accessed 4 February 2024).

Rome.”<sup>30</sup> It is fair to note that Langton in particular seems to have been committed to enforcing the wearing of the *tabula*.<sup>31</sup> Guala’s role in any of this, however, has only ever been based on assumption. His successor as papal legate, Pandulf Verraclo, was still active in England at Easter 1221.<sup>32</sup>

A better explanation for the sudden appearance of permissions not to bear the *tabula* in 1221 takes us back to crusaders. It is well established that the high points of eleventh-, twelfth-, and thirteenth-century crusading were marked by outbreaks of extreme anti-Judaic violence.<sup>33</sup> When the Jewish communities of Gloucester, Bristol, Oxford, and Lincoln faced vexation from crusaders in 1218 – when Jews across England were ordered to wear the *tabula* – it was at the height of what became known as the Fifth Crusade (1217–21). By Easter 1221 the Crusade was not over – it did not end until the disaster at Mansurah in August 1221 – but we can reasonably assume that any crusaders heading for Egypt would have long since left by Easter 1221. The immediate heightened threat to Jewish communities would have ended. The calculus therefore changed. If, previously, the *tabula* had a dual function as a marker of subjection and a badge denoting the king’s protection, the latter function ceased to be of so much use. By Easter 1221 therefore the Jewish communities of England preferred to pay to limit the humiliating aspect of the *tabula*, rather than rely on it as a promise of royal protection.

The most famous English example of crusader violence against Jews is the York massacre of 1190. The context for this massacre, as Christoph Maier has shown, was the Third Crusade and the 1187 fall of Jerusalem.<sup>34</sup> William Marshal, who in 1218 dispatched the letters ordering the protection of the Jewish communities and the wearing of the *tabula*, cannot have forgotten the 1190 York massacre: his older brother John Marshal had been removed from office as sheriff of Yorkshire for his role in the violence.<sup>35</sup> Doubtless this was a precedent the younger brother, then acting as regent, did not wish to repeat in 1218. Lent was also a

30 Tolan, “First Imposition”, 153; Tolan, *England’s Jews*, 54–6.

31 Vincent, “Two Papal Letters”.

32 Carpenter, *Minority of Henry III*, 254.

33 Rebecca Rist, *Popes and Jews, 1095–1291* (Oxford: Oxford University Press, 2016), 108–23.

34 Christoph T. Maier, “Crusaders and Jews: The York Massacre of 1190 Revisited”, *Anglo-Norman Studies XLIV: Proceedings of the Battle Conference 2021*, ed. Stephen D. Church (Woodbridge: Boydell, 2022), 105–20.

35 David Crouch, *William Marshal*, 3rd edn. (London: Routledge, 2016), 85–8.

prime moment both for crusade preaching, and for crusaders to attack Jews; the mandates to Gloucester and Lincoln, and the order to enforce wearing of the *tabula*, were dispatched during Lent 1218.<sup>36</sup>

Permission for Jews to make fine to avoid wearing the *tabula* in 1221 was immediately followed by a counter-reaction from Archbishop Langton. On 6 July 1221 Langton (while in Rome) successfully petitioned Pope Honorius III to issue a letter instructing that Jews of Canterbury diocese were to be distinguished by their *habitus*.<sup>37</sup> This letter, incidentally, lends weight to the contention that the fine in return for non-wearing of the *tabula* was a development of 1221. Langton followed up his papal demand with an attempt in 1222 to prevent any interaction between Jews and Christians: royal letters of 10 November 1222 ordered that victuals and necessities were still to be sold to Jews, making specific mention of Langton and the Bishop of Lincoln, indicating that Langton and the bishop were trying to prohibit such interaction.<sup>38</sup> At the Council of Oxford, earlier in 1222, Langton had re-affirmed that Jews must wear the *tabula*. This conciliar canon, unlike the 1218 mandate, specifically justified itself with reference to “the authority of the general council”.<sup>39</sup>

The wearing of the *tabula* – a form of dress only for Jews – is normally seen as a prime case of control and discrimination.<sup>40</sup> Moore deemed the promulgation of canon 68 of Lateran IV to be for “the defence of the Catholic faith against its perceived enemies”;<sup>41</sup> Anna Sapir Abulafia has linked the eventual permission for English Jews to avoid wearing the *tabula* in Henry III’s reign with “the more benevolent side of royal protection”.<sup>42</sup> But it is a mistake to assume that the purpose of mandating the wearing of the *tabula* in 1218 had the same purpose as that prescribed in canon 68, and was inspired by churchmen seeking to realize the decrees of Lateran IV. In fact, strictly speaking, we have no evidence (other than general plausibility) that the 1218 mandate had any connection with canon 68; the

36 Maier, “Crusaders and Jews”, 113; Maier, “Crusade Propaganda and Attacks against Jews in the Late Twelfth and the Thirteenth Centuries”, *Uluslararası Haçlı Seferleri Sempozyumu* (Ankara: Türk Tarih Kurumu, 1999), 225.

37 Vincent, “Two Papal Letters”, App. I, 220.

38 RLC, I: pt. 2, 567; Vincent, “Two Papal Letters”, 215; Vincent, *Peter des Roches*, 178 n. 223.

39 RELMIN, Concilium Oxoniensis [47 (40 in Wilkins)], <http://telma.irht.cnrs.fr/outils/relmin/extrait246619/> (accessed 4 February 2024).

40 Mundill, *England’s Jewish Solution*, 49; Stow, *Alienated Minority*, 249.

41 Moore, *Persecuting Society*, 7.

42 Anna Sapir Abulafia, *Christian Jewish Relations 1000–1300: Jews in the Service of Medieval Christendom* (London: Routledge, 2011), 98.

mandate did not mention the decrees of the general council. Guala had been present at Lateran IV, but there is no evidence that he was at Oxford on 30 March 1218 when the *tabula* was imposed. I accept, however, that this might take scepticism too far.

Attempts to apply Lateran IV's canons may not necessarily conform to the professed aims of the promulgators of those canons (even if repression and persecution were their original aims). Moore's persecuting society requires institutions (meaning both organizations and structures) to be used by those within them to target minorities. The canons of Lateran IV required people on the ground to initiate them and to realize them. Conciliar canons were not necessarily normative legislation to be copied verbatim and blindly applied.

### *Pandulf and usury*

How did the conciliar canons get to England? The imposition of the *tabula* in 1218 might indicate that the canons were already circulating in England in 1218, although, as noted earlier, the letter ordering the *tabula* to be worn did not mention Lateran IV. In July 1219, however, from a letter of the new papal legate, Pandulf Verraclo, we have unequivocal evidence for the circulation of the actual text of one canon – canon 67, banning Jewish usury – in England. Pandulf, writing to the other members of the triumvirate then governing England (Bishop Peter des Roches and Hubert de Burgh, the Justiciar), fulminated against the “perfidy of the Jews”: “because of the extortion of oppressive and excessive usury, which they press from Christians any way they can – against the statutes of the Lateran Council – those Christians are scarcely able to breathe, with their resources thus exhausted.”<sup>43</sup> Walter Shirley, who edited this letter, noted that the construction used in this sentence was “very unusual”. This is probably because Pandulf was including direct quotations from canon 67 of Lateran IV, necessitating a prolix (and complex) style.

A comparison (overleaf) makes the dependence clear (equivalent phraseology in italics). Pandulf therefore may have had a copy of the Lateran statutes or at least of canon 67 to hand when composing this letter, possibly in some kind of commonplace book (although an alternative theory will be outlined shortly). Unequivocally, however, this is the earliest definite evidence for the reception of any of the canons of Lateran IV in England. The letter survives in the original, so it is one of the

43 *Royal and Other Historical Letters*, I: 35–6; noted by Tolan, *England's Jews*, 35–6.

PANDULF TO HUBERT DE BURGH  
AND PETER DES ROCHES  
(7 JULY 1219)

Frequentes ac assiduos Christianorum clamores contra *Judaeorum perfidiam* vix iam tolerare valemus; qui (propter *graves et immoderatas usuras*, quas a *Christianis* nituntur omnimode, contra statuta Lateranensis concilii, *extorquere*), *Christiani*, *facultatibus propriis* sic exhaustis, vix possunt etiam respirare; super quo vobiscum meminimus nos habuisse tractatum.

CANON 67 OF THE FOURTH  
LATERAN COUNCIL  
(1215)

Quanto amplius christiana religio ab exactione compescitur usurarum, tanto gravius super his *Judaeorum perfidia* inolescit ita quod brevi tempore *christianorum exauriunt facultates*. Volentes igitur in hac parte prospicere christianis, ne a *Judaeis* immaniter aggraentur, synodali decreto statuimus ut si de cetero quocumque praetextu *Iudaei a christianis graues et immoderatas usuras extorserint*, *christianorum* eis participium subtrahatur donec de immoderato grauamine satisfecerint competenter.

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earliest surviving manuscript witnesses for any of the Lateran IV decrees.<sup>44</sup> It should not be a surprise that the earliest witness is not a complete authoritative text of all the decrees, but the reuse of the terminology of one canon in an episcopal-legatine letter. As Wayno notes: “the task of communicating the Lateran IV decrees fell to the bishops of Christendom . . . textual transmission was a crucial component of the implementation process. Legislation from diocesan synods in the decade following the council reveals that the process of disseminating the reform decrees was much messier and more complicated than we have been led to believe.”<sup>45</sup> A papal legate (and bishop-elect) using the text of one of the decrees in a letter to another bishop and the justiciar of England is as likely a way for the decrees to be disseminated as the provincial synods mandated by the council.

Moving from the transmission of Lateran IV to this letter (and canon 67) itself, I shall now consider usury. Papal attitudes to usury at this time are

44 London, The National Archives (NA), SC 1/1/43.

45 Wayno, “Lateran IV”, 615–16.

complex. Lateran IV only condemned “oppressive and excessive usury” and moderate usury (in loans from Jews) may have been accepted by Innocent III.<sup>46</sup> Pandulf’s letter has, occasionally, been read as expressing an extreme attitude. However, further on in the letter, Pandulf went on to identify Isaac of Norwich, a prominent English Jew, as vexing the abbot and convent of Westminster to repay unjust amounts of interest.<sup>47</sup> Pandulf may well have regarded Isaac as an immoderate and manifest usurer. In the seventeenth year of Henry III’s reign (1233), an exchequer clerk drew a devilish Isaac at the top of an exchequer roll.<sup>48</sup>

Pandulf then told Peter and Hubert that they should order the justiciars of the Jews to pause the case until his return, when: “By your counsel, and that of our other prudent [men], to the honour of God and the Church and the Lord King, and to the ejection of so great a *scandalum* from the realm, an appropriate end [*finis debitus*] should be appointed for these evils.” The *finis debitus* is slightly opaque: is it an “end” to the case – a solution – or a “fine” which Isaac and the convent can agree on as a settlement? The likely interpretation is an “end” or solution. This term is found in papal letters of justice, and the scribe of this letter was certainly a papal scribe; the hand makes that clear. This might, therefore, be a production of Master James, the papal scriptor known to have been a member of Pandulf’s household in 1219, although the hand does not perfectly match that found in other letters suspected to be written by Master James.<sup>49</sup> However we interpret *finis debitus*, we should probably not follow the Victorian historian and barrister who deemed this a precursor to the 1290 expulsion (“It would then . . . be time to consider . . . how the great stumbling block could be

46 John Moore, “Pope Innocent III and Usury”, in *Pope, Church and City: Essays in Honour of Brenda M. Bolton*, ed. Frances Andrews, Christoph Egger, and Constance Rousseau (Boston: Brill 2004), 59–75. For the view that Innocent’s pontificate heralded a generally more anti-Judaic policy, including against usury, see Robert Chazan, “Pope Innocent III and the Jews”, in *Pope Innocent III and his World*, ed. John C. Moore (Aldershot: Ashgate, 1999), 187–204.

47 On Isaac, see Tolán, *England’s Jews*, 18–39.

48 Heinz Schreckenberg, *The Jews in Christian Art: An Illustrated History*, trans. John Bowden (London: SCM Press, 1996), 304.

49 Compare NA, SC 1/1/43 with Carlisle, Cumbria Record Office, DMH/10/2/7. However, I am inclined to think the differences are mainly owed to DMH/10/2/7 being a more formal (and potentially public) production than SC 1/1/43, and hence in a slightly finer and more careful hand (but of the same scribe, Master James). On Master James, see Benedict Wiedemann, “Master James: A Papal Scribe in the Household of Pandulf Verraclo, Papal Legate to England, 1218–1221”, *Manuscripta: A Journal for Manuscript Research* 61 (2017), 105–10.



cast out of the kingdom. This is the first indication of any design to expel the Jews”).<sup>50</sup>

What we have here is a desire by Pandulf to expel *scandalum*. As in the quotation from van Eickels, *scandalum* would be Jews “behav[ing] in such a way that tolerating their existence would confuse the Christian majority and might destabilize the Christians’ firm conviction of being on the right way”. The *scandalum* here, presumably, is Isaac vexing the royal foundation of Westminster Abbey for “grave and immoderate usury”. The *scandalum* may not, however, be usury *per se*. As will be seen, Pandulf in one of his other roles seems to have been quite comfortable condoning Christian usury.

This is not the place to outline and argue for a case in detail; I intend to do so in a future article. Briefly, however, from the early thirteenth century, it appears that petitions at the papal curia had funded themselves through a clever system of credit. Petitioners would borrow money from Roman or Sienese merchants at the papal court and promise to repay it, normally at one of the fairs in Champagne (Lagny-sur-Marne, Bar-sur-Aube, Provins, Troyes). By 1226 this procedure was common enough that Guala’s handbook on forms of petitions for petitioners at the curia included the text of a generic loan agreement (*mutuum*) between a proctor and Roman merchants.<sup>51</sup> To ensure that the petitioners repaid the money, the loan would be agreed in the presence of a cardinal or the papal chamberlain(s) and confirmed by letters issued by the chamberlain(s). The papal chancery would then write up an executory letter in the pope’s name to a churchman in Champagne – the Dean of Troyes, the Bishop of Troyes, the abbot of Saint-Loup of Troyes – ordering them to enforce repayment through ecclesiastical censure (excommunication or interdict). This gave the lenders security (in the late twelfth century it had apparently been impossible for foreigners to find credit in Rome unless they had Roman sureties) and financed the papal administration, since most of the borrowed money was spent at the curia on fees and bribes.<sup>52</sup>

How does this relate to Pandulf or to usury? Pandulf was the papal

50 Luke Pike, *A History of Crime in England*, 2 vols. (London: Smith, Elder & Co., 1873–6), I: 189.

51 Rudolf von Heckel, “Das päpstliche und sicilische Registerwesen in vergleichender Darstellung mit besonderer Berücksichtigung der Ursprünge”, *Archiv für Urkundenforschung* 1 (1908): 509–10.

52 For evidence of the late twelfth-century Roman credit crunch, see *Epistolae Cantuarienses: The Letters of the Prior and Convent of Christ Church, Canterbury, from A.D. 1187 to A.D. 1199*, ed. William Stubbs (London: Longman, 1865), no. 230, pp. 211–12.

chamberlain between 1216 and 1221. We can find a papal executory letter noting that he participated in this system:

To the abbot of Saint-Loup of Troyes. When Raynucius, Spinellus ... Sienese merchants for themselves and their associates some time ago convened with the Bishop of Le Puy, then at the Apostolic See, in the presence of our beloved sons Pandulf, elect of Norwich, and Sinibaldus, our chamberlains, concerning a certain sum of money which [the merchants] had lent [mutuaverant] to [the Bishop of Le Puy] under sworn agreement; at length an agreement was reached between them such that the bishop (in the presence of those chamberlains) promised by oath that he would pay the money at certain agreed times. . . .<sup>53</sup>

Pandulf confirmed this loan – and it was a loan, given the use of the verb *mutuo*. It seems likely that this loan was usurious. Why would merchants want to lend money at risk unless they got something out of it? Further, this letter, and most similar letters, are cagey about whether the sum to be repaid is the same amount as was lent. Some letters note that a sum is being paid from the debtor to the creditor “for the principal, damages, penalties, labours and expenses”, which clearly indicates that the amount being repaid is more than the principal. In 1239 the Bishop of Lausanne complained that, when at the curia, he had borrowed 110 marks from two Roman citizens, promising to repay it at the next fair at Bar-sur-Aube – and had the loan confirmed by the cardinal bishop of Sabina and by papal executory letters – but the amount he had agreed to repay in the cardinal’s and papal letters was 140 marks. This was, as the bishop noted, “the most grave usury”.<sup>54</sup> It seems highly likely that all such loans made at the curia were usurious and that the papal chamberlains, including Pandulf, were overseeing a system of organized usury.<sup>55</sup>

Should we therefore simply condemn Pandulf as a hypocrite? Possibly, although that does not seem productive. There are two other lines of argument: the first is, as noted earlier, to consider that for Pandulf the scandal was not the charging of money at interest, but the sight of Westminster Abbey being hounded by Isaac. We would call it hypocritical if the same actions were performed by a Christian and a Jew yet they were

53 Vatican City, Archivio Apostolico Vaticano, Registrum Vaticanum 9, fols. 189v–190r.

54 *Monumenta historiae Lausannensis a Conone praeposito collecta*, ed. Georg Waitz, *Monumenta Germaniae Historica Scriptorum* 24 (Hanover: Hahn, 1879), 804.

55 The Roman merchants could probably have justified their lending, had they so wished: Richard Helmholz, “Usury and the Medieval English Church Courts”, *Speculum* 61 (1986): 364–80.

seen and treated differently. For Pandulf, for Jews to be tolerated in “his” society, they had to be treated differently from Christians. The *scandalum* was not usury *per se* but the spectacle of an (infamous) Jewish moneylender hounding the royal foundation of Westminster. For Pandulf, the reverse might not be scandalous. There is an obvious modern comparator here: for a modern audience (ironically), a Church profiting excessively from loans would be a greater scandal than a private individual so doing.<sup>56</sup>

The second and, to my mind, more interesting argument is to consider scholarship and approaches to medieval petitioning.<sup>57</sup> Does what is written in this letter indicate Pandulf’s own thought? We know that the letter was written in response to representations that the abbot of Westminster had made (seemingly, via a written petition) to Pandulf, asking him to take action: “Indeed, our beloved sons the abbot and convent of Westminster having reported, you should know that we have heard that [Isaac is suing Westminster]”.<sup>58</sup> Were this a papal mandate, I would assume that the *narratio* (the description of the problem, in this case that Isaac was suing the abbot) was taken verbatim from the petition. I would also be inclined to ask whether the preceding section – akin to the *arenga* (in the vocabulary of medieval diplomatic) of a charter or document, where the justification for action is explained (in this case, that Lateran IV has banned usury) – was also taken from the petition.<sup>59</sup> This is the nature of “rescript-government”, the method by which the papacy functioned: a petition or supplicatory letter is sent to the pope, first explaining the problem, secondly suggesting a solution, and thirdly sometimes suggesting a justification for why the pope should take action. Then a papal letter is issued, incorporating the petitioner’s account and justification and often giving the petitioner what they want.<sup>60</sup> This model of rescript-government is normally applied to the papacy, an institution with a hundred scribes producing hundreds of letters and privileges every

56 “Church of England ends Wonga investment”, BBC News, 11 July 2014, <https://www.bbc.co.uk/news/business-28257351> (accessed 30 January 2024).

57 Benedict Wiedemann, “Pater sanctissime: Petitions to the Pope in the Twelfth and Thirteenth Centuries”, *Archiv für Diplomatik* 69 (2023): 109–56, esp. 110 n. 3; Wiedemann, *Papal Overlordship*, 3–9.

58 *Royal and Other Historical Letters*, I: 35–6.

59 Wiedemann, *Papal Overlordship*, 12, 105, 131–2, 133 n. 60, 190.

60 Jane E. Sayers, “Canterbury Proctors at the Court of *audientia litterarum contradictarum*”, *Traditio* 22 (1966): 311–45; Patrick Zutshi, “Petitioners, Popes, Proctors: The Development of Curial Institutions, c.1150–1250”, in *Pensiero e sperimentazioni istituzionali nella Societas Christiana (1046–1250)*, ed. Giancarlo Andenna (Milan: Vita e Pensiero, 2007), 265–93.

week. But I believe we can here apply it to a papal legate, operating with a household of (probably) three scribes.<sup>61</sup> Pandulf received a petition from the abbot of Westminster, complaining about Isaac's actions, asking for redress, and citing canon 67 of Lateran IV as legal support for his position. Then one of Pandulf's scribes, a papal scribe no less, with Pandulf's approval reformatted the information into a letter from Pandulf to Peter des Roches and Hubert de Burgh. The strange contradiction that Pandulf was thus condemning Jewish usury while in another context condoning Christian usury might not even have occurred to him. It is an illustration of the power of *Reskripttechnik*, normally applied to large chanceries: the statements in letters do not necessarily reflect the considered policy and thought of the issuer. They can even be direct contradictions of statements and actions that the issuer has previously made.<sup>62</sup> Contradictions are the norm in this system. Historians of medieval administration need to recognize that rescript-government is as plausible a model for small legate chanceries of three to four people, as for massive chanceries of a hundred scribes. Rescript-government was not just forced by necessity; it was also an intellectual choice. Ruling by petition was understood as the correct way to govern.<sup>63</sup> We should therefore see even small chanceries as rescript-driven, as was Pandulf's.

If this line of argument is correct then, rather than Pandulf having a copy of the Lateran decrees in a commonplace book, it is more likely that the letter is evidence of Westminster Abbey knowing the text of the Lateran decrees and citing them in their petition to Pandulf. Thus, again, we have an illustration of the messiness of the use and dissemination of the Lateran decrees: Westminster Abbey apparently sought to use one of the canons to prevent them from being forced to pay interest on a loan that they had contracted with Isaac of Norwich. The abbot was strategically trying to get the papal legate to enforce one of the Lateran decrees to his and Westminster's immediate benefit.

61 Wiedemann, "Master James", 105.

62 Ernst Pitz, "Die römische Kurie als Thema der vergleichenden Sozialgeschichte", *Quellen und Forschungen aus italienischen Bibliotheken und Archiven* 58 (1978): 235.

63 Wiedemann, *Papal Overlordship*, 10–14.

### Conclusion

To what extent should we even say that the imposition of the *tabula* was inspired by, or a realization of, canon 68 of Lateran IV? It is not at all clear that the argument that Lateran IV influenced the imposition of the *tabula* would pass Quentin Skinner's three tests for influence in the history of ideas: that B is known to have studied A's works; that B could not have found the relevant doctrines in any writer other than A; and that B could not have arrived at the relevant doctrines independently.<sup>64</sup> The mandate imposing the *tabula* makes no reference to Lateran IV; Cardinal Guala presumably knew the canons of Lateran IV, but he was probably not present when the decision was made to impose the *tabula*; and there is no reason to assume that William Marshal knew Lateran IV's canons off by heart. The idea of a distinct badge for certain groups or people was not new in canon 68. The crusader cross is another obvious example, but one could also point to pilgrim badges, or – more in the vein of the *tabula* – the yellow crosses which proven heretics had to wear (and which could prompt violence against their wearers from orthodox Christians).<sup>65</sup>

I am nonetheless inclined to think that canon 68 was known to those who imposed the *tabula* in 1218. The question still stands, however: should we really say that the *tabula* was a realization of Pope Innocent's command that Jews and Christians should be distinguished by their dress? William Marshal's mandate did not reference Lateran IV at all, and I would argue that the purpose of the *tabula* in 1218 was not the same as that stipulated in canon 68 of Lateran IV. The English minority government sought to prevent attacks on Jewish communities from crusaders, rather than preventing miscegenation. This is a case study in the messiness of how conciliar canons were enforced; it is difficult even to call this "enforcement".

Pandulf and usury offer a different insight. Pandulf's letter to Hubert and Peter des Roches might be the earliest manuscript witness to the reception of any of the canons of Lateran IV in England. We know that

64 Quentin Skinner, "Meaning and Understanding in the History of Ideas", as reformulated in *Visions of Politics, I: Regarding Method* (Cambridge: Cambridge University Press, 2002), 75–6 (not as originally in *History and Theory* 8 [1969]: 26).

65 James Given, *Inquisition and Medieval Society: Power, Discipline, and Resistance in Languedoc* (Ithaca, NY: Cornell University Press, 1997), 84–5; John H. Arnold, *The Making of Lay Religion in Southern France, c. 1000–1350* (Oxford: Oxford University Press, 2024), 356–7. Compare also Mellinkoff, *Mark of Cain*, 17–19.

Pandulf – or, more likely, Westminster Abbey – was explicitly thinking of the decrees of Lateran IV, and yet this is not an indication that the pope, or the legate, was seeking to enforce the decree in England.<sup>66</sup> The Abbot of Westminster, familiar with what Lateran IV had ordered, used it as justification for his appeal for the legate to prevent Isaac of Norwich from taking the agreed interest. It was a strategic use of Lateran IV's canon, and probably does not indicate Pandulf's own priorities; it is, however, an indication that even legatine government was petition-led. We might equally ask whether this constitutes enforcement of Lateran IV. It was at the initiative of a provincial abbot, for his own self-interest.

The mistake, however, might be to assume that there can be such a thing as “pure” enforcement – a churchman or ruler attempting to realize, explicitly, the decrees of Lateran IV, for the same reasons as the decrees were originally promulgated, and with the same justifications as the canons themselves used. There was, in fact, only piecemeal, random, and self-interested enforcement. The tendency we see in 1218 and 1219 is not the exception but the rule. To ask whether the decisions of Lateran IV relating to Jews heralded a shift, or a new policy of degradation, is the wrong question.<sup>67</sup> We must instead look at how, whether, and why the canons were received, disseminated, and realized in particular cases. In England, in 1218 and 1219, the answers are somewhat surprising.

66 Compare Dean Irwin, “Profit, Usury and Interest in Medieval Anglo-Jewish Transactions”, *Jewish Culture and History* 23 (2022): 25 nn. 42–4.

67 On the “policy of degradation”, see Rist, *Popes and Jews*, 2–6, 26–7.