



**Augustine of Hippo's *Doctrine of Jewish Witness* in *Partida 7.24 De los judios*
La *Doctrina del Testimoni Jueu* d'Agustí d'Hipona en la *Partida 7.24 De los judios***

La *Doctrina del Testigo Judío* de Agustín de Hipona en la *Partida 7.24 De los judios*

A *Doutrina do Testemunho Judaico* de Agostinho de Hipona na *Partida 7.24 De los judios*

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Abstract: This article examines Augustine of Hippo's *Doctrine of Jewish Witness* in Alfonso X's *Partida 7.24 De los judios*. This Augustinian tenet, derived from traditional theological anti-Judaism, serves as the juridical principle for the first six laws of the *Partida*. These postulates, the most extensive and detailed of the *Partida*, enhance the Jews' *hermeneutical* features, and denote a lenient posture toward their religious freedom and communal jurisdictional autonomy. In addition, these precepts differ from the Jews' *functional* traits and the segregationist tone present in the rest of the laws of the text, drawn from the Church's Lateran campaign and popular tradition. I posit the Augustinian Witness Doctrine represents the main legal framework in the redaction of this *Partida*, creating an opening for a new discussion on the monarch's debated tolerant stance toward his Jewish subjects.

Keywords: Alfonso X – Jews – Fourth Lateran – Augustine of Hippo – *Siete Partidas*.

Resumen: Este artículo analiza el papel de la *Doctrina del Testigo-Judío* de Agustín de Hipona en la *Partida 7.24 De los judíos* de Alfonso X. Esta noción agustiniana, derivada de la concepción *hermenéutica* del antijudaísmo teológico tradicional, sirve de principio jurídico para las seis primeras leyes de la *Partida*. Dichas normas, las más extensas e importantes del texto, denotan una postura permisiva hacia la comunidad hebrea en asuntos relacionados con su libertad de culto y autonomía jurisdiccional comunal. Estos postulados difieren del tono represivo y segregacionista del resto de las leyes de la *Partida* procedentes de la campaña de *lateranización* de la Iglesia y del folclore popular. Asimismo, la importancia de esta doctrina como marco referencial legal de la *Partida* conduce a reflexionar sobre la discutida postura tolerante del monarca con respecto a sus súbditos judíos.

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Introduction

Thirteenth-century Europe experienced a revival of juridical studies in conjunction with attempts to standardize law among the European monarchies. The Jews' legal status represented one of the themes of the new royal and canonical jurisprudence. In the kingdom of Leon-Castile, *Siete Partidas* (1256-1263) by King Alfonso X, is the work that brought the most attention to this matter for its detailed content involving this religious minority.² *Partida* 7.24 *De los judios* outlines in eleven measures the rights, prohibitions, and punitive actions applied to Jews. The analysis of each clause permits classifying the Jew in two separate ideological positions: that of theological and *hermenetical* adversary rooted in traditional anti-Judaism, and that of *functional* social enemy drawn from canonical decrees and European folklore.

Regarding the first, Augustine of Hippo's *Doctrine of Jewish Witness* serves as the main source in the first six laws of the *Partida*, giving emphasis to the Jews' *hermenetical* traits and denoting a lenient posture, assuring their religious freedom and jurisdictional autonomy. In contrast, the remaining measures derived from the Fourth Lateran (1215), and the *Decretals* (1232), portray the Jews' *functional* nature under a more repressive and segregationist tone. This article seeks to demonstrate the parallels between the Alfonsine Jewish legislation and Augustine's Witness Doctrine. I argue that the latter serves as the main framework to the Jews' legal status of this *Partida*, while it deviates

² ALFONSO X, el Sabio: *Las Siete Partidas del Rey don Alfonso el Sabio cotejadas con varios códices antiguos por la Real Academia de la Historia*, 3 vols., Madrid: Imprenta Real, 1807. All quotations from *Partida* 7.24 come from this edition and are cited as –Partida, title, law– unless indicated otherwise. English translations of *Partida* 7.24 come from CARPENTER, Dwayne E., *Alfonso X and the Jews: An Edition and Commentary on Siete Partidas 7.24 “De los Judíos”*, Berkeley: University of California Press, 1986.



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from the main policies reinforced by the Church's Lateran campaign. Moreover, it suggests a more subtle posture on the part of the monarch concerning the protection of Jews in the kingdom, opening for a new discussion on Alfonso X's alleged permissive stance towards his Jewish subjects.

The interest of early Christianity in defining its differences from Judaism finds its roots in the New Testament. The Pauline epistles, Romans, and Acts present a hostile attitude toward the Jews, based upon their rejection of Christ's role as the Messiah. Paul of Tarsus emerged as the first to refute Jewish practices through a propagandistic campaign to attract new converts to the Christian faith. His main argument rested upon the importance of faith in Christ to achieve salvation versus the futility of the Law of Moses.³

Nevertheless, Paul did not completely discount the importance of the Jews, arguing that they had been entrusted as the oracles of God, they were adherents of the Law, and their conversion at the end of time would culminate in Christian redemption.⁴ This ambivalent stance served as a preferent theme in the *contra Iudaeos* literary tradition that charged Judaism with theological blindness [*caecitia*], stubbornness [*duritia*], and betrayal [*perfidia*].⁵ As the early Church expanded, the controversial message of these texts gained more emphasis as a result of more aggressive postulates, placing the Jews in the role of "others" –along with pagan and heretic groups– within a society that aimed to reaffirm its Christian status.

I. Augustine of Hippo's Doctrine of Jewish Witness

The Pauline tradition and *contra Iudaeos* literature became the core foundation employed by the Church Fathers to justify the existence of Jews in the world. Through these anti-Jewish *topoi*, Augustine of Hippo (354-430 C.E.) established a lenient argument toward the Jews' role in the story of Christian redemption: that their survival and the practice

³ Romans 3:20-28.

⁴ Romans 3:2; 4:14; 5:20; 11:25-26.

⁵ LAHAM COHEN, Rodrigo: "Ne occideris eos. Imágenes y realidades de las comunidades judías en el transcurrir de la Antigüedad tardía." In: *Anales de historia antigua, medieval y moderna* 44, 2012, p. 4.



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of their law, though worthy of elimination, served as living witness to Christian truth.⁶ To this end, Augustine relied on the exegetical interpretation in positive terms of two episodes, one biblical and the other historical, previously employed in the anti-Jewish tradition: the mark of Cain (Genesis 4:15) and the Jewish exile after the destruction of the Second Temple (70 C.E.).

In the first, Augustine recounts the fratricide of Cain against Abel and the capital punishment spared on the former by receiving God's protective mark, preventing his death at the hands of future generations.⁷ In accordance with this new exegesis, Cain's mark is transferred upon the Jews, bearers of this sign of their Law [*signum legis suae*] that permits them to survive and observe their practices in exile and subordination under their rulers until they embrace Christianity. In addition, the exegetical commentaries to Psalm 59:12 and Romans 11:25-26, led Augustine to argue the Jews' intentional fall—or rather, that their fault facilitated the salvation of the Gentiles, enhancing the permanent bond between God and Israel to be sealed at the end of time.⁸

Their survival is supported in Augustine's view as God's mandate to protect the Jews, helping to establish a praxis that rejects forced conversions to Christianity. In the second argument, the destruction of the Second Temple and subsequent Jewish exile aimed to testify the truth of Christianity. Despite their alleged responsibility in the death of Christ and denial of His Messianic role, Israel had helped bring salvation to the

⁶ COHEN, Jeremy: "Alterity and Self-Legitimation: The Jew as Other in Classical and Medieval Christianity." In: *The Jew as Legitimation Jewish-Gentile Relations Beyond Antisemitism and Philosemitism*, WERTHEIM, David J. (ed.), London: Palgrave MacMillan, 2017, p. 34.

⁷ "The Jewish nation, whether under Pagan or Christian monarchs, has never lost the sign of their law, by which they are distinguished from all other nations and peoples. No emperor or monarch who finds under his government the people with this mark kills them." HIPPO, Augustine of: "Reply to Faustus the Manichean." In: *From Nicene and Post-Nicene Fathers, First Series*, STOTHERT, Richard (tran.), and SCHAFF, Philip (ed.), vol. 2, Buffalo: Christian Literature Publishing Co., 1887, Book 12, chapters 9, 13.

⁸ Psalm 59:12: "Slay them not, lest my people forget: scatter them by thy power; and bring them down, O Lord our shield." Romans 11:25-26: "For I would not, brethren, that ye should be ignorant of this mystery, lest ye should be wise in your own conceits; that blindness in part is happened to Israel, until the fulness of the Gentiles be come in. And so all Israel shall be saved: as it is written."



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nations by preserving the Law and their books, becoming servants of the Church.⁹ Moreover, Jews received the new roles of “desks for Christians” [*scriniaria Christianorum*], librarians [*custodes librorum nostrorum*], and scribes [*librarii nostri*] at the Church’s service, justifying their survival and presence in the Christian kingdoms.¹⁰ The exegesis on “Slay them not” extended, according to Augustine, not only to the physical slaughter of the Jews, but also to the elimination of their rituals, their sacred texts, and their literal observance of Mosaic Law.¹¹

These principles that establish the so-called Witness Doctrine are derived from the construction of the term *hermeneutical*, a product of the Church Fathers’ theology that conceives the Jew as having a specific behaviour and mission to accommodate his role within the Christian exegesis, setting him back from his historical and traditional role.¹² This *hermeneutical* Jew is drawn from the so called *rhetorical* Jew as a result of the social experience of real Jews with real Christians.¹³ In similar terms, the expression *functional* Jew is applied to describe a new archetype of the Jew as political enemy of the state originated from the anti-Jewish rhetoric by the thirteenth-century clerical and secular authorities.¹⁴ Augustine’s Witness Doctrine essential tenets are summarized as follows:¹⁵

The survival and exile of the Jews from their land testifies their responsibility in the Passion of the Christ and their punishment for rejecting His Messianic role.¹⁶

⁹ FREDRIKSEN, Paula: *Augustine and the Jews. A Christian Defense of Jews and Judaism*, New Haven: Yale UP, 2010. p, 289.

¹⁰ COHEN, Jeremy, “Alterity and Self-Legitimation”, p. 36.

¹¹ HIPPO, Augustine of, “*Reply to Faustus*”, vol. 2, Book 12, chapter 23; Book 16, chapter 21.

¹² COHEN, Jeremy, “Alterity and Self-Legitimation”, 36.

¹³ FREDRIKSEN, Paula: “Roman Christianity and the Post-Roman West: The Social Correlates of the *Contra Iudaeos* Tradition.” In: *Jews, Christians, and the Roman Empire*, DOHRMANN, Natalie, and REED YOSHIKO, Annette (eds.), Philadelphia: University of Pennsylvania Press, 2013, p. 249.

¹⁴ MONSALVO ANTÓN, José María: *Teoría y evolución de un conflicto social. El antisemitismo en la Corona de Castilla en la Baja Edad Media*. Madrid: Editorial Siglo XXI, 1985, p. 138.

¹⁵ COHEN, Jeremy: *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*, Berkeley: University of California Press, 1999, pp. 35-37; FREDRIKSEN, Paula, *Augustine and the Jews*, pp. 316-319.

¹⁶ HIPPO, Augustine of, “*Reply to Faustus*,” vol. 2, Book 12, chapter 10; from the same author, “On the Faith and Creed (De fide rerum).” *From Nicene and Post-Nicene Fathers, First Series*, STOTHERT,



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- (1) Their existence also confirms the Jewish perfidy versus the truth of Christianity interpreted in the biblical prophecies.¹⁷
- (2) They represent the “desks for Christians” [*scriniaria christianorum*], guardians [*custodes librorum nostrorum*], and transcribers [*librarii nostri*] at the Church’s service.¹⁸
- (3) Jews have received the Law as a privilege and by divine command. The maintenance of their rituals and customs constitutes the execution of this order and represents admirable religious perseverance under the oppression of Gentile and Roman rulers.¹⁹
- (4) The prohibition of their extermination under the mark of Cain and Psalm 59:12 includes permission to practice their faith in Christian lands.²⁰
- (5) Conversion should not be forced since it will come in due course at the end of time.²¹

II. Canonical Legislation and the Jews

Augustine’s Witness Doctrine became essential for moulding the new Jewish-Christian relations, and it also became a safeguard for generations of Jews in Christian Europe.²² The *Theodosian Code* (438 C.E.) garnered some of these measures, which guaranteed Jews’ freedom of religion but emphasized their inferior status “as the forerunners of

Richard (tran.), and SCHAFF, Philip (ed.), vol. 2, Buffalo: Christian Literature Publishing Co., 1887, chapter 9.

¹⁷ HIPPO, Augustine of: “In Answer to the Jews (*Adversus Judaeos*).” *In: The Fathers of the Church. A New Translation*, LIGUORI, Marie (tran.), and DEFERRARI, Roy (ed.), vol. 27, Washington: The Catholic University of America Press, 1955, chapter 1, sect. 2.

¹⁸ HIPPO, Augustine of: “St. Augustine on the Psalms (*Enarrationes ad Psalmos*).” *In: From Nicene and Post-Nicene Fathers, First Series*, STOTHERT, Richard (tran.), and SCHAFF, Philip (ed.), vol. 2, Buffalo: Christian Literature Publishing Co., 1887, Book 57, chapter 7.

¹⁹ HIPPO, Augustine of, “*Reply to Faustus*,” vol. 2, Book 12, chapter 13.

²⁰ HIPPO, Augustine of: “The City of God.” *In: From Nicene and Post-Nicene Fathers, First Series*, STOTHERT, Richard (tran.), and SCHAFF, Philip (ed.), vol. 2, Buffalo: Christian Literature Publishing Co., 1887, Book 18, chapter 46.

²¹ *Ibidem*, Book 23, chapters 29-30.

²² FREDRIKSEN, Paula: “*Excaecati Occulta Justitia Dei: Augustine on Jews and Judaism*.” *In: Journal of Early Christian Studies* 3, 1995, p. 320.



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Christianity”²³ A similar tone was maintained in the *Justinian Code* (529-534 C.E.), containing thirty-three laws that included new restrictions, such as the limitation of the validity of Jewish testimony in court, and the extent of the legal jurisdiction of the Roman courts on Jewish matters.²⁴ The letters of Gregory I the Great (590-604 C.E.) reveal the early interest of the Papacy on the status of the Jews. Gregory I’s *Sicut Iudaeis*, a protective decree for Jewish communities, was later adopted by many future popes and “became virtually de jure, although not de facto the fixed policy of the Church.”²⁵

The Church maintained an ambivalent and prudent policy on the status of the Jews, hesitating between imposing a more effective force against Jewish practices and worship or remaining faithful to the Augustinian Witness Doctrine. This scenario led to the construction of two categories, one theological and one physical, in which Jews were perceived by religious authorities and Christian society. Under the first category, Jews preserved their status quo of testimonies of the truth [*testimonium veritatis*] ascribed in Christian theology by their *hermeneutical* role. Under the physical category, they embodied their *functional* traits assigned by popular folklore and became an integral part of the Christian worldview as “living Jews.”²⁶

In other words, “Christian churchmen were forced to come to terms with the fact that their flesh-and-blood Jewish neighbours and the theoretical Jews of their theological ruminations constituted the same people.”²⁷ New ecclesiastical promulgations faced the problem of how to reconcile these two contradictory positions. In 1119, Pope Calixtus II reissued the papal bull *Sicut Iudaeis*, known as the *Constitutio pro Iudaeis*, to reaffirm the

²³ RIST, Rebecca: *Popes and Jews, 1095-1291*, Oxford: Oxford UP, 2016, p. 10.

²⁴ LINDER, Amnon: *The Jews in Roman Imperial Legislation*, Detroit: Wayne State University Press, 1987, p. 279.

²⁵ KATZ, Solomon: “Pope Gregory the Great and the Jews.” *In: The Jewish Quarterly Review* 24, 2, 1933, p. 133.

²⁶ MONSALVO ANTÓN, José María: “El enclave infiel: el ideario del ‘otro’ judío en la cultura occidental durante los siglos XI al XIII y su difusión en Castilla.” *In: Los caminos de la exclusión en la sociedad medieval: pecado, delito y represión*, LÓPEZ OJEDA, Esther (ed.), Logroño: Instituto de Estudios Riojanos, 2012, p. 173.

²⁷ ABULAFIA, Anna Sapir: *Christian-Jewish Relations 1100-1300. Jewish in the Service of Medieval Christendom*, Abingdon: Pearson Education Ltd, 2011, p. 212.



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principles established in the Witness Doctrine. The document granted protection of the Jews after the wave of persecution and upheaval derived from the pogroms against Jewish communities during the First Crusade. Later, the Gratian's *Decretum* (1140-1150) reinforced the prohibition of any violence against Jews but added a series of segregationist measures such as the censure of interreligious marriages with Christians, the joint celebration of social ceremonies, and restrictions on usurious practices.²⁸

The *Constitutio pro Iudaeis* was issued eight more times throughout the thirteenth century to reveal the Church's commitment to the protection of the Jews; however, the idea of Jews as potential enemies of Christianity began to infiltrate the Church's traditional position. This distancing can be observed in the measures approved by Pope Alexander III in the Third Lateran Council in 1179, where the boundaries between Jews and Christians were emphasized by limiting their social and physical contact.²⁹ This new anti-Jewish legislation was later reinforced by Innocent III in the Fourth Lateran in 1215, stressing the traditional Church anxieties toward Jewish conduct and customs. Canons 67 to 70 included restrictions on how Jews should fit into Christian society. Among these limitations were new regulations on the interest rate or usury that Jews

²⁸ The practice of usury or lending at high interest rates was considered a canonical crime based on exegetical interpretations of several biblical passages (Ex. 22:25; Deut. 23:19-20; Lev. 25:35-7). Christians were forbidden from such practice; however, the interpretation of Deut. 23:20, "You may charge a foreigner interest," was understood by Jewish and Christian exegetes and later by rabbinic and ecclesiastical authorities to permit cross-denominational taking and giving of interest—in this case, by granting the Jews the right to lend money at interest to Christians. Moneylending activity was highly useful in the expanding European economy of the twelfth century, and the way for its expansion and establishment was greatly paved by the Church itself. The first canons on Jewish usury appeared at the provincial council of Avignon in 1209, and later at the canon 67 of the Fourth Lateran. However, while the pontiffs severely condemned the practice of usury among Christians, they maintained a more lenient position toward Jewish usurers, and these measures were often explained in vague terms. CHAZAN, Robert: *The Jews of Medieval Western Christendom, 1000-1500*, Cambridge: Cambridge UP, 2006, pp. 58-62; RIST, Rebecca, *Popes and Jews*, pp. 121-144.

²⁹ RIST, Rebecca, *Popes and Jews*, pp. 164-65. On Jews under the Fourth Lateran Council, see ABULAFIA, Anna Sapir: "The Fourth Lateran Council through the Lens of Jewish Service." In: CHAMPAGNE, Marie, and RESNICK, Irvén (eds.), *Jews and Muslims under the Fourth Lateran Council: Papers Commemorating the Octocentenary of the Fourth Lateran Council (1215)*, Turnhout: Brepols, 2019, pp. 81-96; and, CHAZAN, Robert: "Innocent III and the Jews." In: MOORE, John (ed.), *Pope Innocent III and His World*, Aldershot: Ashgate, 1999, pp. 187-204.



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were allowed to charge (canon 67); the use of distinctive garments for the purpose of preventing intimate interactions with Christian, as well as a requirement to remain in their homes on Good Friday (canon 68); the banning from positions of authority over Christians (canon 69); and the prohibition of observing Jewish customs by converts (canon 70).³⁰

The combination of anti-Jewish policies and practical protection became “ultimately unstable” to the Church, and it consequently absorbed this animosity in both its policies and rhetorical message.³¹ These new measures, fuelled by a desire to indoctrinate the Jews along with widespread anti-Jewish resentment, led to a *lateranization* of the Church that influenced future pontifical treatises. In 1234, canonical rulings concerning Jews were gathered in Pope Gregory IX’s *Decretals*, replicating almost all dispositions on Jews outlined in the Fourth Lateran. The document served as a precedent for future ecclesiastical and civil legislation compendia on Jewish policy in detriment of Augustine’s Witness Doctrine, which had shaped the theological interpretation of the Jews throughout much of the Middle Ages.³²

In a similar way to the rest of the European kingdoms, the Iberian Jewry had deep roots in antiquity dated to the Roman conquest. Later, under the Visigoth regime of the sixth and seventh centuries, Jews endured and survived despite the aggressive anti-Jewish legislation of the Toledan councils, which included various measures to enhance social exclusion.³³ The Muslim conquest in 711 brought a new interlude to the Iberian Jews, benefiting them with their new status of *dhimmi* [protected]. During this time, they played a role in the transmission of classical and Islamic thought into Western Christendom, excelling in intellectual and spiritual creativity, which was maintained later during the *Reconquista*.³⁴

³⁰ SCHROEDER, Henry Joseph: *Disciplinary Decrees of the General Councils: Text, Translation and Commentary*. St. Louis: B. Herder, 1937, pp. 236-296.

³¹ CHAZAN, Robert, “Innocent III and the Jews,” p. 203.

³² ABULAFIA, Anna Sapir, *Christian-Jewish Relations*, p. 51.

³³ ROTH, Norman: *Jews, Visigoths, and Muslims in Medieval Spain: Cooperation and Conflict*, Leiden: Brill, 1994, p. 31.

³⁴ CHAZAN, Robert, *The Jews of Medieval Western*, p. 90.



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The Iberian Jewish *aljamas* [quarters] stood out for their relative religious, economic, and juridical protection received as a result of their assistance provided to the Crown in the form of tax collection, moneylending activities, royal affairs, and the repopulation of conquered lands.³⁵ Jews replicated many of the positions held under Muslim rule in the Christian kingdoms as a talented and trustworthy group that was viewed as potentially providing considerable support. This symbiosis or bond of cooperation between the two groups enabled the Jewish community to thrive across most of the Iberian realms. Legal guidelines for Jews were regulated by municipal *fueros* [charters], which included the local terms for those that came to new settlements or already repopulated zones.³⁶

These *fueros* approved during the eleventh and twelfth centuries stood out for the favourable conditions they granted to the Jews, including freedom to worship, engage in economic activities, and hold assets.³⁷ The thirteenth century coincided with the rebirth of Roman Law and the strengthening of the monarchies, which contributed to the development of a new legal framework focused on the unification of the Law. In the kingdoms of Leon-Castile, Alfonso X (r. 1252-1284) was responsible for this enterprise with the compilation of the legislative treatises *Fuero Real* (1255), *Espéculo* (1260), and *Siete Partidas* (1256-1265). The latter, a legal reference of Spanish jurisprudence today, presents the most complete provisions pertaining to the Jews, allowing for a more detailed examination of the monarch's attitude toward this religious minority.

III. Alfonso X and the Jews

The relationship between Alfonso X and his Jewish subjects was built upon a series of determinant factors that gravitated between tolerance, belligerence, and in some

³⁵ RAY, Jonathan: *The Sephardic Frontier: The Reconquista and the Jewish Community in Medieval Iberia*, Ithaca: Cornell UP, 2013, p. 13.

³⁶ LEÓN TELLO, Pilar: "Disposiciones de los judíos en los fueros de Castilla y León." *In: Medievalia* 8, 1989, p. 223.

³⁷ *Ibidem*, p. 225.



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instances, contradiction.³⁸ During this time, Jews occupied a significant role in the king's economic, cultural, and governmental affairs. Alfonso X's interest in knowledge exchange relied on a generous number of Jewish subordinates who contributed to the translation and compilation of classical works, scientific texts, astronomy manuals, and historical chronicles.³⁹

The *Siete Partidas* were written within this scene of cultural expansion, coinciding with a period in which interaction between the king and his Jewish subjects seemed to have reached a point of close communion.⁴⁰ While this legal compendium was not officially

³⁸ On the extensive bibliography between Alfonso X and the Jews, I refer to some of the main works including BURNS, Robert: "Jews and Moors in the *Siete Partidas* of Alfonso X the Learned: A Background Perspective." In: COLLINS, Roger, and GOODMAN, Anthony (eds.), *Medieval Spain. Culture, Conflict, and Coexistence*, New York: Palgrave MacMillan Ltd, 2002, pp. 46-63; RATCLIFFE, Marjorie: "Judíos y musulmanes en la jurisprudencia medieval española." In: *Revista Canadiense de Estudios Hispánicos* 9, 3, 1985, pp. 423-438; ROMANO, David, and SEGURA GRAÍÑO, Cristina. "Alfonso X y los judíos. Problemática y propuestas de trabajo." In: *Anuario de Estudios Medievales* 15, 1985, pp. 151-178.

³⁹ MENÉNDEZ PIDAL, Gonzalo: "Cómo trabajaron las escuelas alfonsíes." In: *NRFH* 5, 1951, pp. 363-380; ROMANO, David: "Le opere scientifiche di Alfonso X e l'intervento degli ebrei." In: *Oriente e Occidente nel Medioevo: Filosofia e Scienze*, Roma: Accademia Nazionale dei Lincei, 1971, pp. 677-711; NORMAN, Roth: "Jewish Collaborators in Alfonso's Scientific Work." In: *Emperor of Culture Alfonso the Learned of Castile and His Thirteenth Century Renaissance*, BURNS, Robert I. (ed.), Philadelphia: University of Philadelphia Press, 1990, pp. 59-71.

⁴⁰ Predating *Siete Partidas*, Alfonso X enacted two extensive jurisprudence codes: *Fuero Real* and *Espéculo*, both implemented in 1255. *Fuero Real* includes seven laws concerning the Jews, which vary between prohibition and a certain degree of tolerance. For example, while it allows Jews to keep their sacred texts and respects the observance of the Shabbat and the rest of the Jewish holidays, it enacts restrictive measures, including banning the possession of books that speak against the Christian faith and the prohibition of any Jew from enticing any Christian into apostasy, imposing the death penalty and property confiscation by the king as penalty. Other measures forbid male and female Jews from nursing Christian children, and Jews from bringing a lawsuit against Christians (Book 4, title 2, laws 1-4, 7). Regarding usury, it limits interest on a loan to 33.3% and forbids accumulated interest to ever exceed the principal of the debt (Book 4, title 2, law 5). The *Espéculo*, an incomplete work and considered an initial draft of *Siete Partidas* includes three passages on Jewish legislation; the first one prohibits minorities from other faiths from testifying against Christians unless the Christian in question had done or was contemplating an act against the Crown or the kingdom (Book 4, title 7, law 5). The second law admonishes Christian converts from Judaism to remain married to their



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implemented until 1348, after the death of Alfonso X, it embodied a direct reflection of the doctrinal and juridical environment that, without a doubt, influenced the monarch and his jurists in the selection and compilation of these laws. The Alfonsine legislation on the Jews had to reconcile with a series of concurrent factors including the Church's Lateran agenda and growing anti-Jewish public animosity. On this matter, Alfonso X's general posture has been regarded as one of relative leniency.

This is evident not only in the monarch's jurisprudence itself, but also in comparison with the Jewish policies pursued by other European crowns of the time. Despite what we might perceive as patently restrictive attitudes toward Jews on the part of Alfonso X, when examined from a historical lens, his position is perhaps best exemplified as one of "restrained tolerance."⁴¹

This so-called permissive leniency appears in the combination of hermeneutical and functional features applied to the Jew in the *Partida* 7.24, to gather the various ideological trends circulating during Alfonso X's kingship. Throughout the thirteenth century, the pontiffs fought to overcome stiff resistance from the Castilian Crown and ecclesiastical authorities to implement the reforms directed at the Jews by Lateran IV and the *Decretals*.⁴² Neither the monarchs nor the churchmen seemed willing to address the Jews' place in Christian society, and when they finally acted, it was in reaction to the papal initiatives and the rise of anti-Judaism that emerged in the fourteenth-century lay society.

The monarchs' tolerant stance toward their Jewish subjects became a major concern in the eyes of the Papacy. For example, three main aspects of the Lateran council's agenda on Jews were not implemented by the Iberian kings: the employment of Jews as royal

spouses, considering it likely for converts to abandon the Christian faith and return to Judaism. In contrast, the law permits a Christian convert from Islam to remain married to his or her Muslim spouse (Book 5, title 8, law 35). The last reference mentions an oath of forty-plus lines used for Jews, as opposed to the oaths administered to Christians and Muslims, containing only five and thirteen lines respectively (Book 5, title 11, laws 15-17).

⁴¹ CARPENTER, Dwayne E., *Alfonso X and the Jews*, p. 5.

⁴² SOIFER IRISH, Maya: *Jews and Christians in Medieval Castile. Tradition, Coexistence and Change*, Washington D.C: Catholic University of America Press, 2016, p. 104.



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officials, the use of garments to distinguish them from Christians, and the exemption for Jews from paying tithes to the Church.⁴³ Alfonso VI of Leon-Castile (r. 1065-1109) was known as the first to steadily employ Jewish officials at his court.⁴⁴

In 1081, he was admonished by Pope Gregory VII for allowing Jews to occupy positions of authority over Christians.⁴⁵ Despite the warning, Jews continued serving in official roles until their expulsion in 1492. In 1219, King Fernando III of Leon-Castile (r. 1217-1252), father of Alfonso X, endorsed by Rodrigo Jiménez de Rada, archbishop of Toledo, successfully petitioned Pope Honorius III to rescind canon 68 of the Lateran IV, which ordained those distinctive marks be placed on Jewish garments, arguing that the Jews of Castile would rather flee to the Muslim lands than submit to wearing special signs.

A similar request was granted to Alfonso X's father-in-law, James I of the Crown of Aragon (r. 1213-1276), arguing that the Jews of his realm were already distinguishable through their clothing and that the measure was being misused to extort money from the Jews.⁴⁶ The payment of tithes by Jews to the Church became another major issue of conflict, since the monarchs perceived this form of taxation as Jewish money diverted from the Crown. In 1205, Innocent III complained to Alfonso VIII of Castile (r. 1158-1214) about exempting Jews from their obligation of tithing and allowing them to acquire more land on which tithes were due. He also admonished the king for forcing the Church to contribute large compensations to Jews for their converted slaves.⁴⁷

Between 1218 and 1219, Pope Honorius III reproved Toledo archbishop Rodrigo Ximénez de Rada for exempting the Jews on their tithes owed to the Church as approved in the Lateran IV. Ximénez de Rada settled the problem by brokering an agreement with the Jews of Toledo, making them liable with a poll tax instead of tithes on Christian property. King Fernando III censured the measure, and the resolution led

⁴³ RIST, Rebecca, *Popes and Jews*, pp. 125-127.

⁴⁴ BAER, Yitzhak: *A History of the Jews in Christian Spain*, SCHOFFMAN, Louis (tran.), Philadelphia: Jewish Publication Society of America, 1992, vol.1, p. 45.

⁴⁵ ABULAFIA, Anna Sapir, *Christian-Jewish Relations*, p. 113.

⁴⁶ *Ibidem*.

⁴⁷ RIST, Rebecca, *Popes and Jews*, p. 126.



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to a permanent Jewish exemption on tithes on most properties until 1240 when, pressured by the Papacy, he ordered the Jews of the diocese of Burgos to pay an annual tribute of thirty *dineros* to the metropolitan church.⁴⁸

The scant compliance with the Lateran IV dispositions led the Papacy to summon a series of councils between 1228 and 1229 in Valladolid, Salamanca, Lleida, Toledo, Tarragona, and Santiago de Compostela in order to enact these provisions. However, despite the efforts, the monarchs and the Leonese-Castilian Church continued almost entirely neglecting these measures.⁴⁹ Alfonso X's *Partida* 7.24 *De los judios* did not evade this volatile scenario and, although they included several laws drawn directly from the Church's Lateran, the protectionist policies derived from the Witness Doctrine appear to have acquired a prominent role in the *Partida*.

IV. The Witness Doctrine in *Partida* 7.24 *De los judios*

Partida 7.24 *De los judios* is divided into eleven laws intended for the legislation of the Jewish community of the kingdom. The preamble to the *Partida* begins with a definition of the term *judio* from a historical and doctrinal perspective, followed by the rest of the policies, divided into two large subgroups. In the first, laws 1 to 6 present the Jews in *hermeneutical* terms, justify their presence within the Christian realms, and evoke in lenient terms their historic and religious past, on which the rest of the laws are formulated: their ancient place as a chosen and tenacious people allowed for their existence in the Christian kingdoms beneath the rulers' authority (laws 1 and 2); the loss of religious leaders after their transgression of deicide prevents them from holding positions of power over Christians (law 3); the maintenance of the synagogue and the practice of Jewish holidays are respected (laws 4 and 5), while voluntary conversion is made accessible (law 6). The second subgroup, consisting of laws 7 to 11, drawn from Lateran IV and the *Decretals*, adjusts to the parameters of the *rhetorical* and *functional* Jew with an emphasis on promoting segregation.

⁴⁸ PICK, Lucy Kristina: "Rodrigo Jiménez de Rada and the Jews: Pragmatism and Patronage in Thirteenth-Century Toledo." *In: Viator* 28, 1997, p. 210.

⁴⁹ LINEHAN, Peter: *The Spanish Church and the Papacy in the Thirteenth Century*, Cambridge: Cambridge UP, 1971, pp. 28-29.



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These measures include punishments for embracing the Mosaic creed or forcing slaves to conversion (laws 7 and 10); prohibition of social and intimate relationships with Christians (laws 8 and 9); and the obligation to wear distinctive markings upon the head (law 11).⁵⁰ The inclusion of these last five laws aims only to emulate, in theory, the Church's Lateran agenda, since the lack of court records suggests they might not have taken effect during Alfonso X's kingship.⁵¹ On the other hand, the first six provisions stand out for their protective tone toward the Jew, accentuating his hermeneutical features in line with the Witness Doctrine, which had already been enacted in previous legal documents.

The prologue of the *Partida* opens with the traditional declaration of Jewish perfidy while firmly establishing the tolerated standing of Jews in Christian society. It serves as a preamble to a more detailed exposition of the two claims discussed in the first three laws that follow:

“Judios son una manera de homes que como quier que non creen la fe de nuestro señor Jesucristo, pero los grandes señores de los cristianos siempre *sufrieron* que viviesen con ellos” [Jews are a type of people who, although they do not believe in the faith of Our

⁵⁰ “Seyendo algunt cristiano que se tornase judio, mandamos quel maten por ello [...] non sea osado de tornar judio su cativo nin su cativa [...] que ningunt cristiano nin cristiana non convide á judio nin judía nin reciba otrosi convite dellos para comer nin beber en uno [...] de bañarse en baño en uno con los cristianos [...]. Osadia muy grande facen los judios que yazen con las cristianas, et por ende mandamos que todos los judios contra quien fuese probado daqui adelante que tal cosa hayan hecho, que mueran por ello [...] que trayan alguna señal cierta sobre las cabezas, que sea atal por que conoscan las gentes manifiestamente cuál es judio ó judía.” [So wayward is the Christian who becomes a Jew, that we order him to be put to death [...] no Jew shall dare to convert his captives, male or female [...] forbid any Christian, male or female, to invite a Jew, male or female, nor may a Christian receive an invitation from Jews, to eat and drink together or partake of wine made by Jews. [...] no Jew shall dare to bathe together with Christians [...] Jews who lie with Christian women are guilty of great insolence and presumption. As such, we order that henceforth all Jews guilty of having committed such an act shall die [...] all Jewish men and women living in our kingdom wear some sort of mark upon their heads so that all may clearly discern who is a Jew or Jewess] CARPENTER, Dwayne E., *op. cit.*, pp. 34-36.

⁵¹ O'CALLAGHAN, Joseph F.: *Alfonso X, The Justinian of His Age. Law and Justice in Thirteenth-Century Castile*, Ithaca: Cornell UP, 2019, p. 242.



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Lord Jesus Christ, nevertheless have always been *tolerated* by the great Christian lords to live among them].⁵²

The term *sufrieron* [permitted] can also be translated as *tolerated*, *allowed*, or *bore*, and suggests the Jews' unwelcome exile in the Christian realms.⁵³ However, their continued presence, granted by the European monarchs, served as a reminder of their punishment for the Passion of the Christ and their subsequent subjugation to Christian rulers. Law 1 begins with a creedal and etymological description of the term *judío* in line with the hermeneutical role assigned by the Church Fathers:

“Judío es dicho aquel que cree et tiene la ley de Moysen” [a Jew is said to be one who believes in and observes literally the law of Moses].⁵⁴

While they first held the status of a chosen and exemplary people, their accusation of deicide came with the loss of the political and spiritual authority they formerly enjoyed. For this reason, the Church and kings *tolerated* them to reside in their territories in a state of servitude. This statement echoes Principle 1 of the Witness Doctrine, which justified the exile and survival of the Jews as a result of rejecting Christ:

<u>Witness Doctrine – Principle 1</u>	<u>Partida 7.24.1</u>
Jewish exile, survival, and servitude in Christian realms as a testimony for their responsibility in the Passion of the Christ and their rejection of His messianic role.	“[...] Et la razon por que la Eglesia, et los emperadores, et los principes, et los reyes et los otros príncipes <i>sufrieron</i> á los judios vivir entre los cristianos es esta: porque ellos viviesen como en cativerio para siempre et fuese remembranza á los homes que ellos vienen del linage de aquellos que crucificáron á nuestro señor Jesucristo.” ⁵⁵

⁵² *Partida* 7, prologue; CARPENTER, Dwayne E., *op. cit.*, p. 27. Emphasis mine.

⁵³ O'CALLAGHAN, Joseph F., *Alfonso X*, p. 228.

⁵⁴ *Partida* 7.24.1; CARPENTER, Dwayne E., *op. cit.*, p. 28.

⁵⁵ [And the reason the Church, emperors, kings, and other princes permitted the Jews to reside among Christians is this: that they might live forever as in captivity and serve as a reminder to mankind that they are descended from those who crucified Our Lord Jesus Christ] CARPENTER, Dwayne E., *op. cit.*, p. 28.



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Law 2 of the *Partida* restates the argument exposed in law 1, drawing a parallel with Principle 2 of the Witness Doctrine. The Alfonsine precept further explains the Jewish exile as a biblical testimonial to the truth of the Christian faith. It affirms that the Jews' permanent state of captivity should be carried out in a meek manner, and observance of their own law is permitted if they do not commit any offenses against Christians and their symbols or promote proselytism of the Hebrew faith. In addition, this relative protection of the Mosaic law grants the safeguard of Jewish religious texts and resonates with the Jews' role as librarians [*librarii*] and custodians [*custodes*] of the Church's sacred books in accordance with Principle 3 of the Witness Doctrine:

<u>Witness Doctrine – Principles 2 and 3</u>	<u><i>Partida</i> 7.24.2</u>
<p>Their survival confirms their perfidy versus the Christian truth prophesied in the biblical texts.</p> <p>They are the “desks” (<i>scriniaria</i>), guardians (<i>custodes</i>), and librarians (<i>librarii</i>) at the Church's service.</p>	<p>“Mansamente et sin bollicio malo deben venir et facer vida los judíos entre los cristianos, <i>guardando su fe</i> et non diciendo mal de la fe de nuestro señor Jesucristo. Otrosi se deben mucho guardar de non predicar nin convertir á ningunt cristiano que se torne judio, alabando su ley et denostando la nuestra.”</p>

As an additional note, the law also includes a reference to the charge of ritual murder.⁵⁶ This accusation is not present in the Lateran IV nor the *Decretals* and was never endorsed by the Church. According to the *Partida*, it is simply a testimony grounded on hearsay, therefore lacking royal support.⁵⁷

⁵⁶ “Oyemos decir que en algunos lugares los judios ficieron et facen el dia del viérnes santo remembranza de la pasion de nuestro señor Jesucristo en manera de escarnio, furtando los niños et poniéndolos en la cruz, ó faciendo imágenes de cera et crucicándolas quando los niños non pueden haber” [We heard that in some places the Jews reenacted derisively—and continue to do so—on Good Friday the Passion of Our Lord Jesus Christ, stealing children and placing them on a cross, or forming waxen images and crucifying them when children are unavailable] *Partida* 7.24.2; CARPENTER, Dwayne E., *op. cit.*, p. 29.

⁵⁷ The accusation of ritual murder appears in various forms including plain murder, ritual crucifixion, blood libel, mutilation accusation, and host desecration. The generic term of “ritual murder” has been used as an umbrella to classify all these allegations. It has its origins in England with the alleged case of William of Norwich in 1144, extending to France, Germany, and beyond. For further details on the ritual murder accusation, see the works by LANGMUIR, Gavin: “Thomas of Monmouth: Detector



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Law 3 of the *Partida* restates the Jews' servile condition previously established in laws 1 and 2. By echoing Canon 69 of Lateran IV, the law remarks on how the Jews were "muy honrados" [of old most honoured], "habien grant privilejo sobre todas las otras gentes" [possessed very great privileges over all other people's], and maintained their role of "pueblo de Dios" [people of God] up until the crucifixion of Christ.⁵⁸ As a result, they lost the Divine benevolence and became subjugated to Christian control, and their transgression led to their prohibition from holding positions of authority over Christians.⁵⁹

Alfonso X did not seem to follow or directly intend to impose this measure in view of the large number of Jewish officials he relied on in the court affairs, the finances, and the administration. The inclusion of this prohibition would have served as a mere theoretical replica of the Lateran decree, while lacking practical value. For example, the *Partida* does not include any measures to control Jewish usury. Instead, the regulation on usury appears in several titles within *Partidas* 1, 5 and 7 but only about prohibitions against Christians engaged in usurious practices, omitting any reference to Jewish moneylenders.⁶⁰

Laws 4 and 5 are devoted to the protection of Jewish rituals and customs. Both laws serve as a reminder of Jewish religious perseverance under Christian domains parallel with Principle 4 of the Witness Doctrine. Law 4 of the *Partida* begins with a definition of the synagogue, the central space in Jewish communal life. Alfonso X relied on various canonical prescripts on the regulation of this place of worship, but also introduced new concepts that serve to extol the integrity and reverence of this fundamental Jewish

of Ritual Murder." In: *Speculum* 59, 1984, pp. 820–846; and MACCOBY, Hyam: *The Sacred Executioner. Human Sacrifice and the Legacy of Guilt*, London: Thames & Hudson, 1982.

⁵⁸ *Partida* 7.24.3; MANSI, Giovan Domenico: *Sacrorum Conciliorum Nova et Amplissima Collectio*, vol. 22, Florence: *Apud Antonium Zatta*, 1778, p. 1058; CARPENTER, Dwayne E., *op. cit.*, p. 30. Emphasis mine.

⁵⁹ "[...] ningunt judio nunca toviese jamas lugar honrado nin oficio publico con que pudiese apremiar á ningunt cristiano en ninguna manera." [no Jew may ever again hold an esteemed position or public office so as to be able to oppress any Christian in any way whatsoever] *Partida* 7.24.3; CARPENTER, Dwayne E., *op. cit.*, p. 30.

⁶⁰ *Partida* 1.13.9; *Partida* 5.11.31; *Partida* 7.6.2.



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institution. Synagogue is defined as “el lugar do los judios facen oracion” or a house of prayer.⁶¹ The construction of new synagogues are granted only by royal permission while the restoration of older ones or those in need of repair are allowed as long as they are not excessive in size or decoration compared to Christian churches.⁶²

This law reinforces the dependence of the Jews upon the Crown in their position as king’s serfs, as well as Alfonso X’s lenient posture, challenging previous Roman and canonical statutes.⁶³ The second part of the law is addressed to Christians and their required behaviour toward this place of worship where “se loa el nombre de Dios” [the name of God is praised].⁶⁴ The law stresses the sanctity of the synagogue as a sacred place to enhance its dignity and holiness, preserving it from potential violent disruption caused by Christians and keeping them from occupying it, lodging animals in it, or obstructing Jews at prayer.⁶⁵

Law 5 extends protection to the Jewish day of rest, or Shabbat, defined as

“dia en que los judios facen sus oraciones” [the day when Jews pray] and “non se trabajan de facer merca nin pleyto ninguno” [neither conduct business nor engage in any lawsuits].⁶⁶

⁶¹ *Partida* 7.24.4.

⁶² *Ibidem*; CARPENTER, Dwayne E., *op. cit.*, p. 30.

⁶³ The *Theodosian Code* includes several provisions for freedom of worship by Jews, including a decree that synagogues are to remain undisturbed but prohibiting the construction of new ones. These regulations were maintained in the papal bull *Sicut Iudaeis* and later reintroduced in the *Decretals*. See, MOMMSEN, Theodor, and MARTIN MEYER, Paul (eds.): *Codex Theodosianus. Theodosiani Libri XVI cum Constitutionibus Sirmondianis et Leges Novellae ad Theodosianum Pertinentes*, vol. 1, Berlin: Weidmann, 2006, Book 16, title 8, const. 20, 25.2; CARPENTER, Dwayne E., *op. cit.*, p. 73.

⁶⁴ *Partida* 7.24.4.

⁶⁵ *Ibidem*. Similar laws are previously recorded in the *Theodosian Code*, ordering Christians to refrain from destroying synagogues. MOMMSEN, Theodor, and MARTIN MEYER, Paul (eds.), *Codex Theodosianus*, Book 16, title 8, const. 21, 25-26. These enactments, however, are omitted in the *Decretals*.

⁶⁶ *Partida* 7.24.5; CARPENTER, Dwayne E., *op. cit.*, p. 32.



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These protective measures concerning Shabbat did not seem to present an offense or temptation for Christians. On that day, Jews were exempted from any physical activities, and participating in lawsuits as defendants, prosecutors, or witnesses.⁶⁷ Only if a Jew was found guilty of a crime such as murder, robbery, or homicide could he be arrested on that day.⁶⁸ However, disputes between Jews and Christians must be litigated before “nuestros judgadores” [our Christian judges] rather than in rabbinical courts.⁶⁹ Nevertheless, when Christians decided to take the law into their own hands and in doing so harmed or robbed a Jew, the latter would be compensated by a double indemnity amount for the loss sustained at the hands of the Christian.⁷⁰

Overall, while this seemed to favour Christians, it did not seem likely to come to fruition considering the provisions set forth by the various *fueros* of the kingdom concerning mixed lawsuits.⁷¹ Alfonso X relied heavily upon the *Theodosian* and *Justinian Codes* as well as the *Decretals* on Jews’ legal rights concerning trials and summons on their Shabbat.

However, the monarch introduced novel provisions such as the protection of the sacred space and integrity of the synagogue, and limited only those aspects of Judaism that threatened to disrupt or insult Christians or Christian practices.⁷² In this respect, Laws 4 and 5 appear more in line with the precepts of the Witness Doctrine, stressing that the maintenance of the Mosaic creed, Jewish traditions, and religious perseverance submitted to the precepts of the Christian rulers:

⁶⁷ The *Theodosian* and *Justinian Codes* stipulated that Jews were exempt from appearing in court on Shabbat. This law is again omitted in the *Decretals*. MOMMSEN, Theodor, and MARTIN MEYER, Paul (eds.), *Codex Theodosianus*, Book 2, title 8, const. 26.

⁶⁸ *Partida* 7.24.5.

⁶⁹ CARPENTER, Dwayne E., *op. cit.*, p. 31.

⁷⁰ *Partida* 7.24.5.

⁷¹ LEÓN TELLO, Pilar, “Disposiciones de los judíos”, p. 226.

⁷² *Partida* 7.24.5.



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<u>Witness Doctrine – Principle 4</u>	<u>Partida 7.2.4-5</u>
<p>Jews have received the Law as a privilege and by divine command. The maintenance of their rituals and traditions represents a reminder of this sacred instruction and represents worthy religious resilience under their Gentile and Roman rulers.</p>	<p>“Sinagoga es lugar do los judios facen oracion [...] Et porque la sinagoga es casa do se loa el nombre de Dios, defendemos que ningunt cristiano non sea osado de la quebrantar nin de sacar nin de tomar ende ninguna cosa por fuerza.”⁷³</p> <p>“Sábado es dia en que los judios facen sus oraciones [...] Et porque tal dia como este son ellos tenudos de guardar segunt su ley, non les debe ningunt home emplazar nin traer á juicio en él.”⁷⁴</p>

Lastly, law 6 of the *Partida* closely parallels Principles 5 and 6 of the Witness Doctrine regarding the conversion process. The law advocates noncoercive proselytism, with no use of violence or force, in line both with the Roman decrees and the traditional canonical stance on the conversion of non-Christians.⁷⁵ In this sense, Alfonsine’s legislation appears more tolerant than that of other Iberian monarchs.⁷⁶

However, this provision, in my view, clearly reflects Augustine’s interpretation of Psalm 59:12 and Romans 11:25-26, which summarizes the core essence of the Witness Doctrine: the survival of the Jews is mandatory since they were the first

⁷³ [The synagogue is a place where Jews pray [...] And because the synagogue is a house where the name of God is praised, we order that no Christian shall dare to destroy it, nor remove anything from it, nor take anything by force] CARPENTER, Dwayne E., *op. cit.*, pp. 30-31.

⁷⁴ [Saturday is when Jews pray [...] And because their religion requires them to observe this day, no one is permitted to summon them or bring them to justice thereon] *Ibidem*, p. 31.

⁷⁵ KATZ, Solomon, “Pope Gregory the Great and the Jews”, pp. 124-125.

⁷⁶ For example, at the *Corts* of Lleida in 1242, James I of Aragon granted royal support to Dominican and Franciscan preachers of conversionary sermons at synagogues of the Crown. VOSE, Robin: *Dominican, Muslims and Jews in the Medieval Crown of Aragon*, Cambridge: Cambridge UP, 2009, pp. 136-137.



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entrusted with the sacred texts, and their ensuing subjugation serves as proof of the Messianic prophecies envisioned in the New Testament. The Alfonsine law emphasizes that conversion must never be coercive but instead encouraged by the use of “buenos exemplos” [good deeds], “dichos de las santas escripturas” [the words of Scripture], and “falagos” [flatteries].⁷⁷

The law punishes fellow Jews who attempt to obstruct the conversion of their coreligionists and warns Christians to respect the new converts. The benefits granted after conversion include the maintenance of property and patrimonial rights, and eligibility to hold public office.⁷⁸ Although it could be implied that bribery might have been used to incentivize Jewish conversion to Christianity, the *Partida* clearly stated that baptism must be a voluntary and honest act in order to abandon the former belief.

As such, free will became an indispensable part of faith, and any sacrament received by force or through coercion would be considered invalid. On the other hand, the Jews’ refusal to convert did not annul their role of servitude within Christian society, and their definitive conversion, although omitted in the *Partida*, can be inferred to become effective at the end of time:

<u>Witness Doctrine – Principles 5 and 6</u>	<u>Partida 7.24.6</u>
Prohibition of their extermination under the mark of Cain and Psalm 59:12.	“Fuerza nin premia non deben facer en ninguna manera á ningunt judio porque se torne cristiano, mas con buenos exemplos, et con los dichos de las santas escripturas et con falagos [...] ca nuestro señor Dios non quiere nin ama servicio quel sea fecho por fuerza. [...] si algunt judio ó judia de su grado se quisiere tornar cristiano ó cristiana, non gelo deben embargar nin defender los otros judios
Conversion should not be forced since it will come in due course at the end of time (Romans 11:25-26)	

⁷⁷ *Partida* 7.24.6; CARPENTER, Dwayne E., *op. cit.*, p. 33. The term “falagos” is translated by Carpenter as “gentle persuasion.” I opted for the term “flatteries” instead since it is closer in meaning to the original Castilian.

⁷⁸ *Partida* 7.24.6. The Lateran III (1179) included a pecuniary benefit as part of the conversion techniques, permitting converts to retain their property to grant them greater prosperity than before their conversion. See, MANSI, Giovan Domenico, *Sacrorum Conciliorum*, vol. 22, p. 231.



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	en ninguna manera. [...] que despues que algunos judios se tornaren cristianos, que todos los del nuestro señorio los honren: et ninguno non sea osado de retraer á ellos nin á su linage de como fueron judios en manera de denuesto. ⁷⁹
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Conclusion

A closer reexamination of the *Partida* 7.24 *De los judios* shows the active validity of the Witness Doctrine as legal reference used by King Alfonso X for Jewish policy. Augustine's exegetical arguments on the *hermeneutical* Jew set the tone for the future relations between the Church and this religious minority, perceived as a needed entity to validate the truth of the Christian salvation theology. Later, the ecclesiastical councils and popular folklore outlined a new image of the Jew, that of *rhetorical/functional* adversary that generated physical fear and spiritual dread and called into question the motives for their existence.

The unification of Castilian law initiated by Alfonso X coincided with changing attitudes toward the Jews and the need to reconcile his personal position with the new canonical decrees and popular anti-Jewish sentiment. And while the king's legislation is primarily sustained on Roman and canonical law from the Lateran IV and the *Decretals*, he evades the hostile and anti-Jewish legislation these works gathered. The content of the first six laws of the *Partida* rests on doctrinal nature, having recourse in Augustine's

⁷⁹ [Neither force nor compulsion in any form may be used to induce a Jew to become a Christian; rather, Christians must convert Jews to the faith of Our Lord Jesus Christ by means of good deeds, the words of Scripture, and gentle persuasion [...] for Our Lord God neither desires nor loves forced service [...] if any Jew or Jewess willingly desires to become a Christian, his fellow Jews shall not hinder him in any way. [...] after any Jews have converted to Christianity, all persons in our kingdom shall honor them and no one shall dare to disparage them or their descendants concerning their Jewish past] CARPENTER, Dwayne E., *op. cit.*, p. 33.



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theological predicaments: Jews are living witnesses to the Hebrew prophecies; they are allowed to remain in Christian territories in subservient positions as a result of their deicide accusation; they are an example of resilience through the preservation of their traditions and their sacred space of the synagogue; their protection must be guaranteed along with their voluntary conversion, which will be consolidated at the end of time, completing the plan for Christian salvation.

The rest of the laws stand out for their prohibitive nature and portrayal of the Jew in *functional* terms, although these measures did not take effect until later. Their function in the *Partida* seems intended to play a more symbolic than practical role to accommodate the Church's Lateran Jewish agenda. Other laws, such as the regulation of moneylending or the prohibition of usury, are omitted completely, and in the case of the blood libel accusation, do not receive any support from the monarch, framing such stories as nonfactual hearsay foreign to his kingdoms.

The relative tolerance and reticence included in the laws of this *Partida* somehow predicted what would be the beginning of the breach in Christian-Hebrew relations in the following centuries. The Doctrine of Jewish Witness, while still being used in previous legal codes, would be diminished by themes of a popular nature that would serve as new sources of accusations toward the Jews within the juridical field, culminating in the mass forced conversions in 1391 and their subsequent exile a century later.

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