

TRUE BARBARIANS?: THE ROLE OF VISIGOTHIC IBERIA  
IN MEDIEVAL PERSECUTORY DISCOURSE

by

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## ABSTRACT

### TRUE BARBARIANS?: THE ROLE OF VISIGOTHIC IBERIA IN MEDIEVAL PERSECUTORY DISCOURSE

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During the last twenty-five years, there has been wide-spread debate about the extent of the notion of persecution in medieval Europe. Those who believe that persecution existed deliberate to what extent, as well as when and where it took place. Historians who doubt it offer explanations of toleration, coexistence/*convivencia*, ambivalence, or simply repression. Most of this historical debate unfortunately tends to center itself in or after the eleventh-century, abstaining from discussions about socio-politico groups that existed in the fifth through tenth centuries. Groups such as the Visigoths are therefore largely omitted from these conversations. Compounding this deficiency is an issue with modern notions of persecution, which can distort the social, cultural, and economic interactions that took place between Jews and the Muslims and

Christians with which they shared territory. For some historians, potential historical misrepresentations through use of anachronistic constructs diminish the term's reliability as an accurate image of the past.

Since most of the recent medieval persecutory historiography neglects the Visigoths, extensive examination of works about Spanish Jews and Iberia is necessary to identify the historical trends. The reading of these texts generally illuminates an extensive persecutory discourse because the Visigothic treatment of the Jews proved at times to be both cruel and hostile. Discriminatory laws, compulsory conversions, polemical disputations, expulsion, and general acts of violence existed, although some historians note that these do not necessarily constitute persecution in and of themselves. It is difficult to ascertain if Visigothic motivation for hostility falls into the traditional persecutory divisions of religion, ethnicity, or politics, or whether they were merely trying to increase their power, became jealous of the Jewish positions in Roman society, or simply considered Jews different from themselves. While the scope of this paper cannot hope to resolve the entire state of the field, it offers insight into the academic dialogue that has generally overlooked the role of the Visigothic social, political, intellectual and ecclesiastical entities with regard to persecution in the Middle Ages, and calls for historians to include mention of Visigothic Spain in future persecutory discourse.

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## CHAPTER 1

### INTRODUCTION

Slay them not...

The Bible<sup>1</sup>

We should be wary of importing modern language into a medieval reality. There was a matrix of ideas in the Christian culture of the Middle Ages that presented different aspects of Judaism as immutable.

Jonathan M. Elukin<sup>2</sup>

Medieval historians face a series of difficult tasks each time they seek to address a question pertaining to the Middle Ages. First, these historians often meet with a lack of primary sources from this period, due to the destruction, deterioration, or absence of adequate copying of important texts. They then have to put together the pieces with what they have, often translating from Greek, Latin, or Arabic. Once historians have accomplished these tasks, they face the dilemma of modern constructions skewing their work. The historical community, in their attempt to understand and communicate about earlier periods, runs the risk of utilizing particular terms or notions in their descriptions

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<sup>1</sup> Ps. 59:11.

<sup>2</sup> Jonathan M. Elukin, "From Jew to Christian? Conversion and Immutability in Medieval Europe" in *Varieties of Religious Conversion in the Middle Ages*, ed. James Muldoon (Gainesville: University Press of Florida, 1997), 184.

and interpretations that may not accurately represent the past. One such concept is the persecution of the medieval Jew.

During the last twenty-five years, there has been wide-spread debate about whether or not medieval persecution existed. The majority, who believe that persecution did exist, deliberate to what capacity, as well as when and where it took place. Historians who doubt it offer explanations of toleration, coexistence/*convivencia*, ambivalence, or simply repression. Most of this historical debate centers itself in or after the eleventh-century, abstaining from important discussions about socio-politico groups that existed in the fifth through tenth centuries. These socio-politico groups, such as the Visigoths, are therefore largely omitted from these conversations. Other historians have compounded this deficiency by making the case that modern notions of persecution can distort the social, cultural, and economic interactions that took place between Jews and the Muslims and Christians with which they shared territory. Historians such as Jonathan Elukin note that this potential misrepresentation begs to question the reliability of the use of such a term, as imposition of modern notions and constructs can drastically alter perceptions of this period.<sup>3</sup>

Since most of the recent persecutory historiography neglects the Visigoths, extensive examination of works solely about Spanish Jews and Iberia

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<sup>3</sup> Ibid., 184.

become necessary to identify the historical trends.<sup>4</sup> The reader of these texts will find that they run rampant with persecutory discourse as the Visigothic treatment of the Jews generally proved to be both cruel and hostile. Discriminatory laws, compulsory conversions, polemical battles, and general acts of violence existed, but these are not necessarily considered persecution. It is difficult to ascertain if Visigothic motivation for hostility falls into the traditional persecutory divisions of religion, ethnicity, or politics, or whether they were merely trying to increase their power, became jealous of the success of a people that they saw as inferior, or simply considered Jews as different. While the scope of this study cannot hope to resolve the state of the field, it offers insight into a contemporary discourse that has generally overlooked the role of the Visigothic social, political, intellectual and ecclesiastical entities with regard

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<sup>4</sup> Some examples of this historiography include R.I. Moore, *The Formation of a Persecuting Society: Authority and Deviance in Western Europe 950-1250*, 2<sup>nd</sup> ed. (Malden, Blackwell Publishing, 2007), David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996), Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley: University of California Press, 1999), Robert Chazan, *European Jewry and the First Crusade* (Berkeley: University of California Press, 1987), María Rosa Menocal, *The Ornament of the World: How Muslims, Jews, and Christians Created a Culture of Tolerance in Medieval Spain* (New York: Back Bay Books, 2002), and Ross Brann, *Power in the Portrayal* (Princeton: Princeton University Press, 2002).

to persecution in the Middle Ages and whether Jews were persecuted, tolerated, or simply targets of hostility. This study focuses only on the treatment of Jews in Visigothic Iberia, leaving out other medieval minorities, such as Muslims, Africans, slaves, lepers, homosexuals, sexual deviants, and those who generally confronted traditional practices in Christian Europe. Future investigation is warranted in each of these areas, but the limited scope of a thesis does not permit a full investigation of all of these topics. Study of the Visigothic treatment of the Jews provides a case study that helps identify the glaring lack of Visigothic influence in medieval persecutory discourse. These Visigoths cannot simply be omitted from contemporary historiography as the similarities shared between the early and late medieval period with regard to the treatment of Jews illuminate direct correlations of behaviors linking the two periods. Intentionally or unintentionally, contributors to the medieval persecutory historiography have created a new notion of a dark age in the West by providing interpretations that leave out seven-hundred years of history. By examining the similarities between the Romans and late-medieval Western Europeans to the Visigoths, it is possible to see a continuity of persecution between the two periods.

### 1.1 Background of Jews in Visigothic Iberia and Traditional Historiographical Perspectives

There is great debate among historians as to when Jews first arrived in the Iberian Peninsula. Some Jewish legends make the case that Jews arrived

during early Biblical times as exiles from Jerusalem, although most historians place it during the later Roman occupation. While the second scenario seems more likely, Jews integrated into the established populace throughout late antiquity and the early medieval period. They retained their Jewish identity while adapting to and adopting the culture around them, finding a niche for themselves through various trades and in the established social hierarchy.<sup>5</sup> This is a common trait found among Jews living in other lands, such as in Western and Eastern Europe, as well as around the Mediterranean Rim. These Jews remained in Spain until forced to convert or leave in 1492CE under the united Christian crowns of Aragón and Castile. From 300CE-1492CE, Jews existed under the Roman Empire, Arian Visigoths, Roman Christian Visigoths, Muslims, and finally Catholic Christian rulers who conquered the peninsula culminating with the Muslim defeat in Granada.

Prior to Visigothic King Reccared's conversion from Arian to Roman Christianity, prominent Spanish historians such as Adolfo de Castro argued that Jews in Iberia lived a relatively normal existence under the preexisting Roman laws. Jews were "neither despised nor oppressed," during this period, similar to

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<sup>5</sup> Jane S. Gerber, *The Jews of Spain: A History of the Sephardic Experience* (New York: The Free Press, 1992).

their existence under Islam.<sup>6</sup> They were never considered first-class citizens, but were allowed a number of privileges and could flourish under each culture. Starting with nineteenth-century historiography, it is well noted that it was the Visigothic conversion under Reccared that opened the door to persecution.<sup>7</sup>

Nineteenth and early twentieth-century historians explained that Jews faced new discriminatory laws, where they could no longer hold public office, own Christian slaves, have Christian mistresses, and even had their children taken away to be baptized. This historiography also paints the Visigoths as brutish barbarians, eager to fight and quick to hate, quickly giving into their emotions and passions.<sup>8</sup> Jews who previously had obtained great wealth and prestige were both harassed and driven out of Iberia and into Francia, but it was under the Visigothic King Sisebut that notions of persecution substantially increased. Reccared began the process of checking what he considered an excess of rights enjoyed by Jews, but Sisebut's use of compulsory baptism and threats of violence and expulsion exemplified a growing hysteria, even as these stronger practices often met with little success.<sup>9</sup> Later laws prohibited

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<sup>6</sup> Adolfo de Castro, *The History of the Jews in Spain, From the Time of Their Settlement in That Country Till the Commencement of the Present Century*, translated by Edward D.G.M. Kirwan (London: John Deighton, 1851), 24.

<sup>7</sup> Ibid., 25.

<sup>8</sup> Ibid., 23-24.

<sup>9</sup> Ibid., 26-28.

circumcision, the preaching of Jewish texts, eating certain Christian foods, and began to dispute the success that Jews had with long-distance trade as the Visigothic kings and ecclesiastical councils continued to revive old laws and supplement new ones.<sup>10</sup>

By the end of the seventh century, it is generally agreed that Jews were completely reviled in the eyes of Christians and were faced with few opportunities. King Egica accused some Jews of plotting against him and sold them into slavery, along with their families.<sup>11</sup> King Witiza reinstated some rights, such as the restoration of confiscated property and the toleration of Jewish leaders at the court. This caused Witiza to meet with much anger from the Church and eventually lose his throne to Archbishop Roderic.<sup>12</sup> This traditional historiography notes the various political and ecclesiastic battles that helped doom the Iberian Visigothic kingdom, which had been weakened by internal strife and divided loyalties.. The Muslim occupation allowed Jews a chance to thrive again.

This traditional historiography persists in contemporary persecutory discourse by medieval historians as the notion of persecution is often divided into three categories: socio-politico, religious, and ethnic. Most modern

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<sup>10</sup> Ibid., 29-33.

<sup>11</sup> Ibid., 34-35.

<sup>12</sup> Ibid., 36-38.

historians generally locate themselves within these constructed divisions, though some choose a different path through their methodology, staying away from the more traditional top-down and teleological styles. Newer contributions placed in these divisions prove to be limited, but still offer noteworthy interpretations. The absence of the Visigoths further limits their work as there remains a three-hundred year gaping hole in the fabric of the medieval period.

#### *1.1.1 Socio-Political Persecution and the Creation of Otherness*

In the historical tradition of Iberia, the Visigoths are considered a barbaric Germanic tribe and they retain the *topos* attributed to barbarians as perceived by the Roman Empire. During the decline of the empire, the Visigoths established themselves in Roman lands that are now southwest France, Spain and Portugal.<sup>13</sup> More often than not, they adopted the Roman legacy as opposed to incorporating it into their Germanic law codes and traditions.<sup>14</sup> The Visigoths, along with other barbarian tribes, let their new agricultural lands fall into such disrepair that tales of cannibalism were pervasive.<sup>15</sup> As these tribes

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<sup>13</sup> After the sacking of Rome, the Visigoths primarily settled in Gaul and the Iberian Peninsula. Their power center started in Toulouse, then shifted to Narbonne, Barcelona, and finally Toledo.

<sup>14</sup> Américo Castro, *The Structure of Spanish History*, Translated by Edmund L. King (Princeton: Princeton University Press, 1954), 67-68, 76.

<sup>15</sup> Thomas Hodgkin, *The Barbarian Invasion of the Roman Empire: Volume I – The Visigothic Invasion* (London: Clarendon Press, 2000(1892)), 476.



began to move on or were conquered, a more homogeneous landscape allowed for Visigoths: Rome's inheritors to effectively establish themselves.

It was the Third Council of Toledo in 589CE that some historians mark the true beginnings of Spanish identity, as Reccared replaced Arianism with Roman Christianity, breaking from past traditions and helping to form a more cohesive European religious unit.<sup>16</sup> This is similar to the actions of the Merovingian king Clovis some one-hundred years earlier, setting the stage for the importance of the Church in the future, as well as allowing the Visigothic monarchy to flourish and become powerful.<sup>17</sup> Some have argued, however, that this conversion was both superficial and imperfect and that they had simply changed from "good Arians into bad Catholics."<sup>18</sup> Whether or not this is true, conversion to Roman Christianity aligned what was to become Spain with the Church even after the Muslim conquest of 711CE.

Reccared's father, Leovigild, set important groundwork in place to ease the transition from Arianism by seeking to establish political and religious unity. The Visigoths sought to create their own culture and political system since the Romans substantially outnumbered them. They validated their authority by

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<sup>16</sup> Peter Linehan, *Past and Present in Medieval Spain* (Brookfield: Variorum, 1992), 1, 5, and 7.

<sup>17</sup> Peter Linehan, *History and the Historians of Medieval Spain* (Oxford: Clarendon Press, 1993), 12.

creating uniformity.<sup>19</sup> After the Visigoths' conversion to Roman Christianity, this desired uniformity became increasingly religious. By the Fourth Council of Toledo in 633CE, Christians considered disunity the same as heresy. This council desired the strengthening of the monarchy and the preservation of the Gothic society, excluding heretics from both the Church and from Christian society.<sup>20</sup> Heretics represented a group of people who were outside the Visigothic culture. These heretics included Romanized Jews living in Visigothic lands.

As Iberia was not a homogenous society in the early seventh century, political leaders began to confront non-Visigoths through military conflict. King Sisebut waged war against Byzantines, Basques, and Cantabrians, as well as Arians, but he is more famous for his policy towards Jews. Monarchs such as Sisebut who began enforcing anti-Jewish laws, particularly in terms of forced conversion. The aggressive nature in which Sisebut required the baptism of Jewish children and called for physical punishments due to the failure of Jewish conversion faced most of its opposition in the ecclesiastical councils. Though ecclesiastical leaders had mixed feelings about compulsory conversion, Sisebut

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<sup>18</sup> Ibid., 17.

<sup>19</sup> Ibid., 26-27.

<sup>20</sup> Ibid., 31 and 39.

gained support from many of them at these assemblies.<sup>21</sup> While the Fourth Council of Toledo reiterated Gregory I's stance against forced baptism and conversion, the Council did, however, call for Jewish children to be removed from their parents and raised in Christian environments.<sup>22</sup> This Council marks the beginnings of increased legislation against Jews living among Visigothic Christians.

Visigothic desire to consolidate power and legitimize their position in Iberia shares many key similarities with R.I. Moore's thesis in *The Formation of a Persecuting Society*. For Moore, persecution resulted from calculated aggression by political entities seeking to legitimize their power and authority over society. Through the creation of otherness, Moore's *literati* were able to form a persecuting society that excluded those not considered as part of the homogeneous entity they tried to create. These others were defined as a threat to the larger Christian society and led to not only exclusion, but to a rise in widespread persecution. It is here that Moore notes that "persecution is a feature of barbarous societies which civilization leaves behind."<sup>23</sup> In similar fashion, Visigothic ecclesiastical and political legislation became more important in propagating hostility towards Jews in Iberia than a popular movement

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<sup>21</sup> Cohen, *Living Letters*, 104.

<sup>22</sup> Ibid., 102-103.

<sup>23</sup> Moore, *Persecuting Society*, 5.

resembling lynch mobs. Moore's use of the word barbarous is intriguing in that the term's use in European history normally refers to the Germanic tribes and their subsequent conquest of the Roman Empire. This includes the Visigoths, a group that was basically left behind and ultimately destroyed as a socio-political entity by invading Islamic armies. Unfortunately, Moore's work specifically asserts that Jewish persecution did not exist until the twelfth century, ignoring any Visigothic contribution to his thesis.<sup>24</sup> Moore could have strengthened his argument by making the case that the Visigothic kings desired to legitimize their political authority in the Iberian Peninsula through their use of the Church. By failing to recognize Visigothic persecutory techniques, Moore excludes an important piece of evidence that would have expanded the central date of his thesis.

### *1.1.2 Religious Persecution*

As much as the Councils of Toledo served the political establishment of the Visigoths, it was the Church that gained power through religious uniformity. Standardized religion allowed the political and societal structures to flourish and helped form the basis for Spanish identity. Some have even said that "religious unity was the strongest pillar of national unity."<sup>25</sup> While the concept of nationalism in Visigothic Iberia is highly debatable, Jews threatened religious

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<sup>24</sup> Ibid., 177.

<sup>25</sup> Linehan, *History and the Historians*, 45.

unity, through what Moore would term their otherness, because they were not only deniers and killers of Christ, but because they continued to work against Christianity long after Jesus' death.<sup>26</sup> Bishops began to gain power at levels not seen before in Iberia and they used their authority to push their agendas of homogeneity. These bishops, aware of the problem that Jews created in Christian society, began stepping up discriminatory practices against non-Christians and pushing more anti-Jewish legislation.<sup>27</sup>

From the middle of the seventh century through the end of the Visigothic occupation in 711CE, the anti-Jewish policies of bishops increased so substantially that it had a snowball effect on discriminatory practices, often circumventing the monarchy. Julián of Toledo even defined the Jews as an "organic malfunction... [and] an ulcer which had to be lanced before it poisoned the [body]."<sup>28</sup> The fall of Jerusalem to the Persians, and later the Muslim Arabs, caused a deeper crisis in Christendom. King Egica believed that the world was conspiring against Christianity, leading him to pass legislation that further

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<sup>26</sup> Cohen, *Living Letters*, 85. Spanish nationalism is a highly debated subject. A commonly accepted historiographical interpretation puts Spanish nationalism after the formation of empire. As the Spanish explored and colonized the New World, an increased sense of Spanish identity developed in the populace.

<sup>27</sup> Linehan, *History and the Historians*, 67.

<sup>28</sup> *Ibid.*, 66.

subjugated Jews to the role of quasi-servitude.<sup>29</sup> The revolt against Egica, led by the Archbishop Sisebert in 693CE, led to some of the greatest persecutory laws that Jews had faced in Iberia since Jews received most of the blame for the insurrection.<sup>30</sup> The anti-Jewish hysteria furthered by Christianity's perceived crisis included the removal of Jewish children from their families, the enslavement of Jewish males, and their forfeiture of land. While this was not enforced as much outside as it was inside the capital of Toledo, due to the valuable contributions of Jews in smaller communities and objections by local bishops and judges, it further illuminates the snowball effect of anti-Jewish hysteria, and therefore persecution.<sup>31</sup>

Some historians, however, have made the case that since there was no uniform Christianity across Europe, that widespread, unified religious persecution did not take place until the pogroms of 1096CE.<sup>32</sup> Gavin Langmuir claims that little violence or hostility existed towards Jews until the events surrounding the First Crusade, completely omitting actions of the Visigoths during the seventh century. Langmuir totally disregards any of the canons

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<sup>29</sup> Ibid., 66.

<sup>30</sup> Roger Collins, *Visigothic Spain, 409–711* (Malden: Blackwell Publishing, 2004), 72.

<sup>31</sup> E.A. Thompson, *The Goths in Spain* (Oxford: Clarendon Press, 1969), 248.

<sup>32</sup> Gavin I. Langmuir, "At the Frontiers of Faith," in *Religious Violence between Christians and Jews: Medieval Roots, Modern Perspectives*, ed. Anna Sapir Abulafia (New York: Palgrave, 2002), 140.

produced by the Councils of Toledo and by any of the Visigothic kings. While the Church and local leadership (as the notion of the state did not exist) may not have seen eye-to-eye about how to deal with Jews living in the Iberian Peninsula, their decrees still affected Jews on a day-to-day basis. Another hole in Langmuir's argument is that Pope Urban II's call for crusade did not ask for holy war against Jews living in the German Rhineland. Urban instead sought to aid the Byzantine Emperor Alexius I against the Seljuk Turks. The conquest of Jerusalem and pogroms against Jews originated as popular movements led by local European leaders, not explicitly as part of the agenda of the Christian Church. It is therefore inadequate to assume that the first unified Christian response against Jews was in 1096CE, as many similarities took place in Visigothic Iberia four-hundred years prior.

In *European Jewry and the First Crusade*, Robert Chazan discredits Langmuir's interpretation noting that 1096CE was not a pivotal year in Christian-Jew relations. Instead of a calculated political or ecclesiastical attack on Jews, the pogroms of 1096CE represent merely popular, emotional aggression in one of many isolated incidents.<sup>33</sup> For Chazan, these Jews were vital parts of society and they more often identified themselves by profession or region than by religious differences, not considering themselves as others. Chazan's thesis both strengthens and weakens the contemporary perception of

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<sup>33</sup> Chazan, *European Jewry*, 8.

Visigothic persecution of Jews, as the locus for hostility no longer begins in the eleventh century, but also that calculated, centralized attacks by the political authority did not become widespread. As this local aggression was popular but not widespread, Visigothic Iberia does not fit in Chazan's interpretation. The same notion of emotional response, however, does feed into the growing anti-Jewish hysteria in both Visigothic Iberia and Western Europe.

Jeremy Cohen's *Living Letters of the Law* continues with the tradition of otherness, where the Church served a patristic role towards non-Christians. For ecclesiastic leaders such as Augustine of Hippo, Pope Gregory I, and Isidore of Seville, Jews retained a special purpose in Western Christianity. Augustine's liturgical writings included a plan for how to interpret the role of Jews, as well as a plan for dealing with them. Jews provided a reminder for Christians because of a shared Old Testament heritage and the Jewish position as a visual reminder of punishment for the rejection of Jesus.<sup>34</sup> Foremost, Jews were not to be killed as they served an even larger purpose at the coming final judgment.<sup>35</sup> For medieval eschatologists, the second coming of Christ would not happen until Jews realized their error and converted to Christianity. Once these Jews converted the history of humanity would end where Judgment Day would then deem those worthy of heaven or condemn the unworthy to Hell.

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<sup>34</sup> Cohen, *Living Letters*, 35.

<sup>35</sup> *Ibid.*, 36.



While violence still occurred in Visigothic Iberia, Augustinian-style plans for conversion became the accepted manner of interaction for the salvation of their souls. In the years following the 711CE conquest of Iberia, views about Jews saw them less and less as important facets of Christian society and more as heretics. This reclassification into otherness by the Church decreased the level of toleration previously afforded to them. Cohen, like Moore, utilizes a top-down approach that discusses little with regard to everyday interactions between Jews and Christians. By solely focusing on the political and ecclesiastical elites, they offer an intriguing yet incomplete picture, but still substantiate notions of persecution.

The most important religious figure in Visigothic Iberia was the Archbishop Saint Isidore of Seville. Isidore represents one of the last vestiges of Roman learning, both academic and theological, and he did not use religious faith for his primary motivations.<sup>36</sup> Isidore worked with heretics and pious Christians, and idealized warfare, knowledge, and reflection.<sup>37</sup> Under Augustinian tradition, Isidore did not preach extreme violence, but he strongly pursued Jewish conversion to Christianity. His aggressive project of continuous conversion often necessitated compulsory baptism, even though he recognized

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<sup>36</sup> Castro, *Structure*, 69 and 74.

<sup>37</sup> *Ibid.*, 74.

the roles Jews played in the Divine Economy.<sup>38</sup> One reason for his more aggressive approach was a didactic yearning to understand why Jews could not accept Jesus Christ and he approached this with great fervor.<sup>39</sup> Following in the Gregorian tradition, Isidore lamented a pact between Jews and the Antichrist and felt that conversion would not only circumvent this evil, but would quickly bring about the end of time. By expediently converting Jews to Christ, Isidore hoped to hasten the second coming of Jesus.<sup>40</sup>

Jeremy Cohen argues that there is little correlation between Christian theology and anti-Jewish violence.<sup>41</sup> For Cohen, physical violence did not stem from liturgical centers or zealous ecclesiastical leaders. Moreover, the harsh preaching of figures such as Isidore does not provide evidence for an increase in physical attacks on Jews or a decline in their societal status. This argument unfortunately does not take into account any anti-Jewish legislation that the Councils of minimal rise in physical violence, socio-political persecution existed because Jews continued to lose important political positions and freedoms.

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<sup>38</sup> Linehan, *History and the Historians*, 44 and 66.

<sup>39</sup> Cohen, *Living Letters*, 96.

<sup>40</sup> *Ibid.*, 97.

<sup>41</sup> Jeremy Cohen, "Christian Theology and Anti-Jewish Violence in the Middle Ages: Connections and Disjunctions", in *Religious Violence between Christians and Jews: Medieval Roots, Modern Perspectives*, ed. Anna Sapir Abulafia (New York: Palgrave, 2002), 44.

### 1.1.3 Ethnic/Racial Persecution

As hostility towards Jews increased throughout the seventh century, Spain began to develop a problem with *conversos*, or Jews who had converted to Christianity. Early in the Visigothic period, Jews were prohibited from marrying Christians or holding any authoritative positions, signaling not only a desire to repress Jews, but a belief that they were inferior beings. The Fourth Council of Toledo passed even more legislation, where the language of the legislation took on ethnic/racial overtones. The main qualifying statement recognized lineage as a reason for barring Jews from holding positions. Being a baptized Christian was simply not enough to remove the associated stigma that Jews had.<sup>42</sup> These *conversos*, while practicing Christians, remained second-class citizens in Iberia because of who their father or mother was. This symbolizes a drastic change in the mentalities of Visigothic leaders.

While the average Jew already held a lower place in Visigothic society, *conversos* did not fare any better. Christians no longer believed that baptism could purify the hearts, minds, and souls of Jews, further elucidating their inferiority and their growing displacement into the fringes of society. An important piece of evidence that illustrates the growing hysteria is an increase in the amount of anti-Jewish legislation passed at the various Councils of Toledo. The Third Council of Toledo produced only one anti-Jewish canon

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<sup>42</sup> Linehan, *History and the Historians*, 64.

while the Fourth Council produced ten, a drastic change over a fifty year period.<sup>43</sup> *Conversos* in particular suffered because of their perceived differences from Christians. They had restricted civil rights and had a lower status among Christians, particularly due to the tracing of their lineage. The hysteria continued to gain momentum in similar fashion to the period of the Spanish Inquisition centuries later, where *conversos* again had to prove their Christianity. Church officials often lauded a monarchical steadfastness to not endure people who were not Christian.<sup>44</sup>

After the Muslim conquest of the Iberian Peninsula in 711CE, many late medieval writers blamed the loss on *conversos* and Jews. Both groups were accused of opening the city gates and letting Saracens overrun the Visigothic population, setting the stage for further antagonism during the later Christian conquest of the peninsula. The traitorous Christians that facilitated the Saracen advance were then left out of the annals of Spanish history as Christians were able to legitimize their claims against common enemies, particularly with the Spanish Inquisition.<sup>45</sup>

In his article “From Jew to Christian,” Jonathan Elukin examines the problematic nature in the study of the notions of race and ethnicity in the

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<sup>43</sup> Ibid., 65.

<sup>44</sup> Ibid., 65.

<sup>45</sup> Ibid., 75-76.

medieval world. He achieves this through careful examination of *conversos* in the Iberian Peninsula.<sup>46</sup> While this article centers itself long after the Visigoths had lost power in Iberia, it still provides many important perspectives about the ability to study race and ethnicity. It also begs to question what evidence would even allow such a notion to exist. Elukin makes his case arguing against the idea that a simple conversion would allow Jews to coexist in Christian society because it would permit them to leave behind their identity, or that which made them Jewish.<sup>47</sup> For Elukin, conversion provided an ambiguous experience at best because Christians increasingly found it difficult to believe that Jews had actually changed their identities. It is here where Elukin argues that imposing modern constructs of race relations distorts history.<sup>48</sup> While Elukin sets much of his stage for suspicions about *conversos* in the thirteenth century, careful examination of Visigothic canons illuminate the same problem six centuries beforehand.

Elukin does note the retention of Jewish identity after conversion in the New Testament, the records of Socrates, and the letters of a Roman nobleman Sidonius, but does not go into enough depth to really prove his *longue durée*

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<sup>46</sup> Jonathan M. Elukin, "From Jew to Christian? Conversion and Immutability in Medieval Europe," in *Varieties of Religious Conversion in the Middle Ages*, ed. James Muldoon (Gainesville: University Press of Florida, 1997), 171.

<sup>47</sup> *Ibid.*, 171.

approach.<sup>49</sup> By utilizing Visigothic discriminatory techniques, Elukin could have strengthened his argument for *longue durée*. Elukin notes that Christians continued to see a connection between Jews and *conversos*, meaning that Jewish identity could not be eradicated through forced conversion or baptism.<sup>50</sup> It was this Jewish identity, devoid of national origins, that forced many Jews to integrate into an established Christian society.

For Elukin, Jews were also seen as a separate ethnic group because barbarian tribes, such as the Visigoths, were aware of different ethnicities among Germanic tribes, such as the Sueves and Vandals.<sup>51</sup> Elukin does not provide a large base of evidence to substantiate this claim, but he does offer possible insight into ethnic sensitivities. Even harder to prove is the notion of physical distinctiveness, but medieval Christian art possessed identifiable markers for Jews in particular, from circumcision to gross disfigurement, marginalizing them in the eyes of society.<sup>52</sup> In the end, it was the “emphasis on lineage and the embryonic ideas of the physical distinctiveness of the Jews

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<sup>48</sup> Ibid., 172.

<sup>49</sup> *Longue durée* is a methodology utilized by the French Annales School of History. It roughly means long term, or that historical analysis that takes place over a long period of time as opposed to examination of individual events.

<sup>50</sup> Ibid., 179.

<sup>51</sup> Ibid., 182.

<sup>52</sup> Ibid., 182-184.

through which lineage was expressed, [which] made it easier for Christians to imagine that Jews were incapable of being assimilated into Christian society,” or more directly that Christians became sensitive to ethnic identities, rather than full-blown modern notions of racism.<sup>53</sup> While Eluklin’s brief article lacks the depth to substantiate his claims, he does open a dialogue of ethnicity and race that helps illuminate ideas of Jewish persecution. Careful examination of Visigothic sources would add strength to his argument, particularly in the roughly eight-century gap in his historical evidence.

### 1.2 Perseverance of Visigothic Laws and Traditions

While political, religious, and ethnic evidence of persecution are debatable, the Visigothic legacy endured until the modern era. Visigothic traditions and laws not only existed in what would become Spain, but throughout other parts of Europe as well. *Lex Romana Visigothorum* and *Leges Visigothorum* in particular provided laws for Romans and Visigoths to follow. The sixth-century *Lex Romana Visigothorum* afforded Jews a policy of toleration, but the seventh-century *Leges Visigothorum* became restrictive and intolerant in extreme ways.<sup>54</sup> *Lex Romana Visigothorum* also existed in Gaul and Burgundy, both Romanized regions.

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<sup>53</sup> Ibid., 184.

<sup>54</sup> Mark R. Cohen, *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton: Princeton University Press, 1994), 43-44.

In what would become Spain, however, the *Leges Visigothorum* persisted through the fifteenth century. *Las Siete Partidas*, a set of thirteenth-century laws implemented by King Alfonso X of Castile and León, drew heavily from Visigothic tradition, particularly when dealing with Jews.<sup>55</sup> Jews were protected against loss of life and property, but still faced a series of hostile ordinances. The later Spanish Inquisition also utilized the *Leges Visigothorum* in its procedures to root out problematic *conversos*.<sup>56</sup>

In medieval Francia, many well-noted intellectuals pushed the Carolingian monarchy to strengthen its tolerant stance against free Jews. These intellectuals included Agobard, Amolo, and Florus, all from Lyons, Claudius of Turin, and Theodulf of Orléans. Each of these men either had Visigothic origin or had been directly influenced by a Visigothic education. Their writings ranged from scholarly works to polemics to active anti-Jewish propaganda.<sup>57</sup> Agobard and Amolo were unable to integrate Visigothic persecutory traditions into the Carolingian Empire, but transmitted their ideas by means of an anti-Jewish decree to the Council of Paris-Meaux. Louis the

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<sup>55</sup> Jacob Rader Marcus, *The Jew in the Medieval World: A Sourcebook: 315-1791* (Cincinnati: Hebrew Union College Press, 1999), 38.

<sup>56</sup> *Ibid.*, 22.

<sup>57</sup> Albert Bat-Sheva, "Adversus Iudaeos in the Carolingian Empire," in *Contra Iudeos: Ancient and Medieval Polemics Between Christians and Jews*, edited by Ora Limor and Guy G. Stroumsa (Tübingen: Mohr, 1996), 121.



Pious' Carolingian court, still eager to gain a wide variety of knowledge, had its scholars study Jewish Biblical learning, relying solely on local Jews for assistance until Theodulf's Hebrew Bible and polemic texts became available.<sup>58</sup>

Isidore of Seville's legacy impacted on each of these scholars. Though he lived two-hundred years prior, his academic and religious texts became widely available, even in a period of relatively slower scholastic growth. One example is evidenced by Claudius' use of Isidore's anti-Jewish commentary to ask questions about Judaism and its role in the West, utilizing the patristic tradition set forth by Augustine of Hippo.<sup>59</sup> Isidore's commentary also led Angelomus of Luxeuil to call Jews Christ killers, but that Christians were not to use physical violence against them because the Jews' real punishment was eternal damnation.<sup>60</sup> These religious scholars had a marginal impact on European Jewry at that time, but evidence of Visigothic influence stemming from Isidore is apparent in their works.

Agobard of Lyon pushed the hardest agenda, calling for a complete change of the court's attitude towards the Jews. Outraged by friendly relations between Christians and Jews in Lyon, Agobard became incensed when the imperial chaplain, Bodo, converted from Christianity to Judaism in 838CE.

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<sup>58</sup> Ibid., 127.

<sup>59</sup> Ibid., 127.

<sup>60</sup> Ibid., 132-133.

Agobard warned about the dangers of close relations between the two groups and pushed anti-Jewish Visigothic legislation at the Council of Paris-Meaux in 845-846CE, narrowly missing the required support necessary to implement his agenda. Agobard then butted heads with Louis the Pious and his baptism of Jewish slaves, because baptism allowed their manumission and they now became Christians.<sup>61</sup> For Agobard and Amolo, Judaism was a “detestable ‘*perfida*’” that needed to be dealt with, not by conversion, but by disproving Jewish beliefs.<sup>62</sup> This begs the question concerning problems associated with *conversos*, as growing fear of Jewish influence became evident in Visigothic Iberia prior to the seventh century.

### 1.3 Different Interpretations: The Elukin Thesis and Contextualization

In his *Living Together, Living Apart*, Jonathan Elukin provides his interpretation of the question about how Jewish communities survived seemingly endless persecution, violence, and expulsion. Elukin answers this through the careful examination of Jewish-Christian relations by using the

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<sup>61</sup> Ibid., 135-137.

<sup>62</sup> Ibid., 137-141. *Perfida* roughly translates to faithlessness or disloyalty. In the religio-politico entity that was the medieval Christian Church, the two parts of this definition can be combined. By their unwillingness to convert to Christianity, Jews not only strained conversion efforts, but frustrated the power base at large. While Jews were able to integrate culturally and socially, they did not fall into the sphere of control exerted by the Christian Church, much like the notion of disloyalty to a monarch.

*longue durée* methodology.<sup>63</sup> First, Elukin identifies the idea of suffering, particularly the long-held belief that Jews were destined to live a life of distress in a diasporic nature, likening all episodes of suffering and persecution.<sup>64</sup> Jewish historiography has continued to cling to this notion of continued suffering and by utilizing this lachrymose-styled tradition, Elukin notes that continued suffering made sense to Christianity, as it served to represent punishment of Jews for rejecting Jesus.<sup>65</sup>

In reality, Elukin argues against R.I. Moore more than anyone else, equating his thesis with an anachronistic interpretation of powerful state governments. Combating the notion of a persecuting society, Elukin argues that the Jewish experience becomes too one-dimensional.<sup>66</sup> For Elukin, the category of otherness did not exist in medieval society. Otherness required an elite society to push others to the fringes of society and ignores any

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<sup>63</sup> Jonathan Elukin, *Living Together, Living Apart: Rethinking Jewish-Christian Relations in the Middle Ages* (Princeton: Princeton University Press, 2007), 1.

<sup>64</sup> *Ibid.*, 2.

<sup>65</sup> *Ibid.*, 3, and Nirenberg, *Communities of Violence*, 8-9. Nirenberg notes how this post-Holocaust scholastic tradition interprets Jewish History as “a vale of tears, a progression of tragedies” dating back to the fall of Jerusalem to the Romans. Nirenberg also notes the battle between neo-lachrymose historians who stress persecution versus those who stress toleration. He places himself between both interpretations.

<sup>66</sup> *Ibid.*, 4.

heterogeneity that existed at the time.<sup>67</sup> Instead, violence and persecution only existed when local conditions were right, not simply because of a hatred of others or Jews in particular. It is more important to study how Jews lived in the evolving societies of Europe, and Elukin makes the case that they were woven into the fabric of Western society and were integrated instead of marginalized.<sup>68</sup>

Elukin addresses Visigothic historiography by combating the traditional narrative of an open society for Jews that took a turn for the worse due to the Visigothic conversion from Arianism to Roman Christianity. The established interpretations of unity and uniformity are identified by Elukin as problematic.<sup>69</sup> First, the lack of primary source material is attributed solely to the clerical elite, which distorts Christian identity. Elukin instead questions the religiosity of the Visigothic people, making the case that their beliefs were not as devout as first thought and that Arianism and paganism were still rampant throughout this period. This means that Jews were not the only outsiders to Roman Christianity. Second, Elukin argues that the centralized Visigothic state was not as strong as previously believed, drawing more comparisons to the flaws of the similar Merovingian kingdom in Francia. These flaws included poor communication, a weak bureaucracy, no standing army, and tribulations caused

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<sup>67</sup> Ibid., 5.

<sup>68</sup> Ibid., 6.

<sup>69</sup> Ibid., 36-37.

by the nobles' distance from the crown. Visigothic Iberia resembled Francia in its plethora of regional conflicts between local leaders.<sup>70</sup> Because of the frailty of the monarchy, anti-Jewish legislation did not have the wide-spread, sweeping consequences applied in earlier historiography.<sup>71</sup> Jews living in Visigothic Iberia, Elukin argues, enjoyed a relative freedom of movement and interaction with Christians.<sup>72</sup> These Jews resided in both rural and urban locales and powerful Christian leaders often patronized them.

Elukin also makes the case that anti-Jewish laws passed by the ecclesiastical Councils of Toledo, for reasons similar to the aforementioned political weakness, had very little impact on Jewish society.<sup>73</sup> Inconsistent policies of both persecution and tolerance, particularly between the reigns of Reccared and Sisebut, proved to be fruitless in the end. Disunity of actions between church and state, particularly with Sisebut's edict against the wishes of the Church, demonstrate additional weakness to notions of strong, centralized persecution of the Jews. Elukin makes the case that most policies were short-term and that enforcement was scattered at best.<sup>74</sup>

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<sup>70</sup> Ibid., 37.

<sup>71</sup> Ibid., 38.

<sup>72</sup> Ibid., 38.

<sup>73</sup> Ibid., 39.

<sup>74</sup> Ibid., 40.

Ultimately, Jews continued to remain integrated in Visigothic society, despite the desires and ambitions of the political and ecclesiastical elite. For Elukin, Jews held a confidence of their place in a complicated and ever-changing society.<sup>75</sup> They were never completely marginalized and often rebounded after feeling the effects of sporadic enforcement of anti-Jewish legislation. While the Jews never experienced a society of pure toleration and *convivencia*, like that in María Menocal's *Ornament of the World*, their existence does not resemble servitude or complete subjugation.<sup>76</sup> She describes the existence of Jews under the Visigoths as essentially slavery and that Jews "rose up from the ashes of an abysmal existence under the Visigoths." Menocal uses this change to illustrate the importance of Jews in Muslim Iberia, relative to Visigothic Iberia.

Elukin's approach, similar to that taken by David Nirenberg in his *Communities of Violence*, removes many of the barriers erected by both older and newer historical interpretations. For Elukin and Nirenberg, tolerance and violence can coexist at the same time. Use of contextualization eradicates the limited scope that a teleological approach presents. It also adds agency to a population that has traditionally been bound to a historiography of suffering and

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<sup>75</sup> Ibid., 42.

<sup>76</sup> Menocal, *Ornament*, 25.

diaspora, allowing Jews to be woven into the fabric of society rather than isolated at its periphery.

#### 1.4 Problems with Medieval Persecutory Discourse

Historical studies of the relationships between Visigothic Christians and Iberian Jews have long implemented tropes of barbarity, cruelty, persecution, and suffering in their discourse. Visigoths appear as united and strong, eager to stake their claim as inheritors to the legacy of the Roman Empire. For many historians, 589CE marks the year of religious and political hegemony when the Romans adopted Christianity. For Iberian Jews, this marked a sharp increase in discriminatory legislation and widespread persecution up until the Muslim conquest in 711CE. In the diasporic travel logs of these Jews, suffering was simply became a part of their existence, marked with extreme circumstances such as the pogroms of 1096CE, the Spanish Inquisition, and even as far forward as the Holocaust. These interpretations have persisted for hundreds of years, often utilizing a teleological approach to examine the impact of political and ecclesiastical elites upon society.

More contemporary examination of medieval persecutory discourse often centers on new interpretations of otherness, changes in religious practices, and *convivencia*/toleration. Many of these studies ignore the first half of the Middle Ages, often centering their loci in the eleventh through thirteenth centuries as the beginning dates of medieval persecution of Jews. Therefore, studies of

Visigothic Iberia are essentially void in the larger persecutory discourse, with exception of a few intellectual or ecclesiastical patterns in Cohen's *Living Letter of the Law*. These approaches also almost exclusively utilize a top-down methodology that overlooks individual agency in persecutory practice and the voices of those being persecuted.

Works such as Elukin's *Living Together, Living Apart* and Nirenberg's *Communities of Violence* allow for broader brush strokes to take place due to their respective methodologies. While a top-down approach is necessary to understanding medieval persecution, their arguments for contextualization offers a look at the larger populace both regionally and as a whole. Patterns can be derived from studies of regional conflicts, but sometimes they appear as isolated incidents marked by a particular stimulus. The catalyst can be societal stress, a plague, or a call for crusade, but one event does not necessarily mark extensive persecution. The concept of otherness can be discredited or strengthened through closer examination of how medieval Jews lived, and in Visigothic Iberia it has become clearer that Jews were not necessarily subjugated and persecuted to the point of slavery. Contextualization also allows for the historian to question whether or not persecution existed at all, and if it is even a valid term for this period. It is in these contextual studies that changing ideas can supplement and even replace preexisting notions of medieval persecution.



As important as contextualization is, it is difficult to completely remove the notion of medieval persecution. The events utilized in persecutory discourse did not only exist in the second half of medieval history, as asserted by many historians. Compulsory baptism, anti-Jewish legislation, polemic battles, violence, and even expulsion were present in Visigothic Iberia. Medieval persecutory discourse needs to open itself up to larger ideas, particularly when it comes to the use of contextualization, but more importantly the inclusion of Visigothic studies. The evident patterns and derived correlations between the early medieval period in Visigothic Iberia and late medieval Europe are far too consistent to be anomalous. In fact, these correlations between the persecutory methods of the Roman Empire and the late-medieval period signify a continuity of persecution. Future historians, therefore, need to include the Visigothic socio-politico group in further analyses.

The Visigoths rapidly moved in and succeeded the Romans as the power base in the Iberian Peninsula. Unlike other *foederati*, such as the Carolingian Franks, the Visigoths largely abandoned their Germanic heritage and adopted Roman traditions.<sup>77</sup> As the Visigoths tried to integrate themselves into the

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<sup>77</sup> *Foederati* were barbarian tribes subsidized by the Roman Empire to defend its borders against more dangerous groups such as the Huns. As the *foederati* moved into Roman lands, they became increasingly important as Rome had lost the manpower and material wealth to sustain its extensive borders. The Franks, particularly under Charlemagne, retained much of

Roman legacy, they adopted the precedents set forth by Rome in the preceding years. Therefore it is necessary to identify some of these precedents to determine why Jewish persecution existed in the Iberian Peninsula. Chapter two examines many of these standards set forth by imperial rulers and how they affected the Visigothic tradition.

Chapter three offers insight into the Councils of Toledo and the various monarchical mandates by the Visigoths during their brief reign in the Iberian Peninsula. The canons and mandates from these councils and kings provide a myriad of examples of Roman tradition and Visigothic contributions. The Roman and Visigothic legacies ultimately impact the persecution debated by historians who stress eleventh through thirteenth century starting points during the medieval period. The final chapter contains concluding statements about these legacies and why Visigothic Iberia cannot be omitted from the annals of historical writing. Future generations of historians will hopefully adopt improved methodologies and not be as closed-minded towards certain regions and populaces when positing future queries and providing interpretations about medieval persecution.

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their Germanic heritage, though they did seek closer relations with Rome as protectors of the papacy when the Roman Empire's power base shifted to Constantinople. The acceptance of Roman tradition and the shedding of Germanic heritage is previously noted from Castro, *The Structure of Spanish History*, 67-68 and 76.

## CHAPTER 2

### THE ROMAN PRECEDENT OF PERSECUTION

Jewish history is full of powerful kingdoms, such as the Babylonians, who exercised significant influence over the Holy Land. The Roman Empire, however, dramatically changed everyday Jewish society and political structures from their long-standing, established traditions into a diasporic culture. After the destruction of Jerusalem in 70CE and until the creation of the nation-state of Israel in the twentieth century, Jews lived in a condition of diaspora, having no central realm to call home.<sup>78</sup> With no political and religious core, Jewish populations migrated to all shores of the Mediterranean basin. Even though the Jewish migratory groups were no longer centered in Jerusalem, they still primarily settled in the extensive Roman Empire, and therefore under the control of the Emperor.

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<sup>78</sup> Diaspora is the notion of ethnic or national migration after displacement from traditional homelands. In this case, the Jews of the Holy Land were forced to leave under the Roman Empire starting with the destruction of the Temple and Jerusalem at large. This was due to a Jewish uprising that started in 66CE and resulted in many Jews being killed or enslaved.

The powerful Roman influence over the Jews of antiquity and the early medieval period was a two-part process, particularly pertaining to Rome's official religious beliefs. In the beginning, Rome's policy concentrated on maintaining control of Jews in the Holy Land, and allowing more autonomy for political as well as religious practices. This permitted Roman expansion in other regions and a minimal military and judicial presence. As Jews incited numerous revolts, the Roman perception of their subjects changed and they put into effect more persecutory practices by military use, local edict, or their courts.<sup>79</sup>

During the second phase, when Christianity gained favor and became the official religion over previous pagan practices, Jews felt the most serious religious pressure. Though Romanized Christianity borrowed from previous persecutory practices, a tradition of coexistence existed within the Empire's realms. After initial edicts of expulsion, Jews could reside in and integrate into new lands, at least until the arrival of Germanic tribes in Western Europe and Northern Africa. Jews faced persecution by both Germanic tribes and Roman

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<sup>79</sup> Nicholas de Lange, "The Origins of Anti-Semitism," in *Anti-Semitism in Times of Crisis*, ed. Sander L. Gilman and Steven T. Katz (New York: New York University Press, 1991), 25. Some historians, such as Theodor Mommsen, make the case that the "hatred of the Jews is as old as the diaspora," and that some form of anti-Semitism existed during this period.

subjects, but were still able to find a place in Roman imperial society that allowed them to not only exist, but flourish.

The same is true in Visigothic Iberia, which allowed relative tolerance until the Visigoths' conversion to Roman Christianity in 589CE. After this point, the Visigoths' reliance on Roman tradition and the increased volume of political insurrections ultimately led to greater persecution of Jews throughout the peninsula. Even after the Western half of the Roman Empire collapsed in 476CE, the Eastern half remained very influential in the Iberian Peninsula until 624CE. This helped further the Roman legacy in the Visigothic ecclesiastical and political doctrines. Ultimately, it was Roman precedent that directly influenced Visigothic persecutory rhetoric and practices. Whether in original or modified state, Roman persecutory rhetoric and practices were then utilized by the rest of Western Europe by the late Middle Ages.

### 2.1 The Pre-Christian Period

During the first century BCE, the Roman Empire experienced a period of rapid expansion. The Romans acquired vast amounts of territory, including the land of Judea. At first, the Romans left political authority with King Herod to maintain order in the region while requiring that Judea remain dependent on Rome. Although Herod was a Jew, his rule became unpopular among those who favored the previous regime. Throughout his reign, Herod tightened his

control throughout the region.<sup>80</sup> It was Herod's conquest of Jerusalem in 37BCE that effectively ended the preceding Jewish governmental structures and instituted Roman practices, such as Roman-style building projects.<sup>81</sup> After 37BCE, the increased presence of military garrisons and fortifications were used to institute an oppressive system.<sup>82</sup> After Herod's death and the brief rule of his son, Herod Archelaus, Judea fell under the direct control of Roman governors in 6CE.<sup>83</sup> The start of direct administration marked the beginnings of Rome's tightening policies towards Jews and ultimately led to the Jewish diaspora.

In the early phase of Roman occupation, relations were generally peaceful. Jews retained relative freedom to practice their religion and maintain local rule. Rome was unable to keep up with all of the trials throughout their empire, and so they utilized local institutions to judge any non-capital case.<sup>84</sup> This independence, coupled with growing resentment of garrisoned troops and heavy taxation, strengthened the desire of Jews to get rid of their masters.<sup>85</sup>

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<sup>80</sup> Haim H. Ben-Sasson, *A History of the Jewish People* (Cambridge: Harvard University Press, 1985), 239.

<sup>81</sup> *Ibid.*, 242.

<sup>82</sup> *Ibid.*, 245.

<sup>83</sup> *Ibid.*, 246.

<sup>84</sup> *Ibid.*, 250-251.

<sup>85</sup> *Ibid.*, 252.

Conditions deteriorated throughout the administration of Pontius Pilate and the rule of Caligula. Both Pilate and Caligula were not sensitive to Jewish religious sentiment, whether by the display of Roman military banners or the placing of statues of the emperor in synagogues.<sup>86</sup> In the years prior to the Great Revolt of 66CE, conflict continued between Jews who desired autonomous rule and Romans who progressively felt the need to tighten their grip in the region. Freedom-fighters increased their attacks and Rome began to lose control outside of Jerusalem as they had little success subduing Jewish disturbances.<sup>87</sup> Social tension continued to build, culminating in the Great Revolt of 66CE.

It was the obliteration of Jerusalem during the Great Revolt that signified Rome's shift to the use of drastic measures to control Judea. Jews, angry about Roman control of the Temple and about heavy taxation, tried to gain the support of Roman enemies, but did not succeed in enlisting their aid.<sup>88</sup> A Roman legion of sixty thousand was dispatched Emperor Nero to the region and conquered almost all of Galilee, Samaria, and Judea by 70CE.<sup>89</sup> Following the destruction of the Temple and the conquest of Jerusalem, Jews began their era of exile, or diaspora. Though the Romans recognized Jews as a protected

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<sup>86</sup> Ibid., 252 and 255.

<sup>87</sup> Ibid., 259.

<sup>88</sup> Ibid., 296 and 298.

<sup>89</sup> Ibid., 300-303.

religion, Jewish history under the Roman Empire shifted from control and oppression to persecution.<sup>90</sup>

Prior to the two-tier conversion of Rome to Christianity under Emperors Constantine and Theodosius I, Jews often struggled in the new provinces that they occupied. Jews were required to pay a higher level of taxation than other surrounding populations in order to support the increased administrative and military presence in those regions.<sup>91</sup> Their expulsion from Jerusalem and the destruction of the Temple led to a spiritual crisis, as the High Priesthood and the Sanhedrin ceased to exist. Roman leaders destroyed synagogues and forced Jews to disobey rules of the Sabbath and encouraged idolatry.<sup>92</sup> Jewish leaders began to suffer the pressures of persecution, as some were executed for their propensity to Judaize. Over time, Roman persecution of the Jews declined up until the Bar Kokhba revolt in 132CE.<sup>93</sup> This revolt lasted a total of three years. At first, the Jews were quite successful against Roman legions, but in the end the Romans crushed them during the Jewish defeat at Betar. Hundreds of thousands died, while most towns and strongholds were destroyed. Those who were not killed in the insurrection had their lands seized,

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<sup>90</sup> Ibid., 308.

<sup>91</sup> Ibid., 317.

<sup>92</sup> Ibid., 319.

<sup>93</sup> Ibid., 322.



were sold into slavery, executed at a later time, or faced new extensive persecutory practices by the Romans. Some of the persecutory practices at this time included the prevention of congregation, prayer, reading the Torah, teaching, and practicing circumcision.<sup>94</sup>

Though the degree to which Romans persecuted Jews ebbed and flowed throughout this period, much like the Roman persecution of Christians, the shift towards a Christianized Rome ultimately led to stronger persecutory practices. The period between the rule of Herod and the ascension of Constantine served as the foundation of persecutory practices in later Roman Christianity. An increasingly Christianized Rome furthered and adapted the methods of persecution instituted during the pagan period and established a precedent for medieval Europe in the following centuries.

## 2.2 The Christian Period

Though Christianity did not become the exclusive religion in Rome until 380CE, Constantine set precedents as early as 313CE. Constantine's conversion to Christianity set the stage for Theodosius I's edict making Christianity Rome's sole religion and furthered persecutory practices against non-Christians.<sup>95</sup> Throughout this period, ecumenical councils and imperial edicts strengthened the rhetoric used against Jews as the Roman Church

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<sup>94</sup> Ibid., 333-335.

<sup>95</sup> Marcus, *The Jew in the Medieval World*, 3.

consolidated authority and legitimized what was later to become Catholicism over competing Christian groups such as the Arians. Examination of the canons produced by these councils and the edicts mandated by the emperors illuminates what can be considered a Roman discourse of persecution with respect to Jews, as well as the precedents set for future persecution in Western Europe.

### *2.2.1 Emperor Constantine, 315CE*

Constantine the Great's conversion at the Battle of Milvian Bridge in 312CE is generally accepted in Roman historiography as the birth of Roman Christianity. After defeating his opponents and securing his seat on the imperial throne, Constantine legalized Christianity through the *Edict of Milan* in 313CE, while not alienating his pagan supporters. Over the next three years, Constantine became the first emperor to issue laws that exclusively diminished the rights of Jews, setting a precedent for future rulers.<sup>96</sup> Though much of what Constantine commanded borrowed from previous law and practice, it was the Christian precedent that became so vital to future generations.

In the *Laws of Constantine the Great*, October 18, 315, Constantine issued an edict directed at Jews mandating that all those who convert to Christianity received protection and could not be harmed. He also warned Christians that they should not join what he calls "their abominable sect." Jews

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<sup>96</sup> Ibid., 3.

and Christians who disobeyed this edict would be executed by fire.<sup>97</sup> Constantine, by use of words like “abominable,” “dangerous,” and “accomplices,” established a virulent rhetoric against non-Christians, though he focused especially on Jews. He also sought to weaken the Jewish leadership and offer a safe-haven for those who felt compelled to join Christianity. Also evident in this law is that fire served as an acceptable manner of eliminating heretics, but only those who had broken an established law. Death by fire and offers of political and religious protection of and against conversion continued in the Christian West throughout the medieval period.

It was a decade later that Constantine called the First Ecumenical Council, which furthered legal separation of Jews and Christians in the Empire. For those who did not attend the Council of Nicea in 325CE, Constantine wrote letters in order to consolidate religious homogeneity in the Roman Empire. One particular letter, *On the Keeping of Easter*, sought to separate Christians from established traditions continued by both Christians and Jews following the

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<sup>97</sup> Ibid., 4. “We wish to make it known to the Jews and their elders and their patriarchs that if, after the enactment of this law, any one of them dares to attack with stones or some other manifestation of anger another who has fled their dangerous sect and attached himself to the worship of God, he must speedily be given to the flames and burnt together with all his accomplices.” and “Moreover, if any one of the population should join their abominable sect and attend their meetings, he will bear with them the deserved penalties.”

Passion of Christ.<sup>98</sup> Constantine continued his strong rhetoric against Christian-Jew relations, calling Jews detestable, blind, and wicked. In particular, the

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<sup>98</sup> Henry R. Percival, ed., "Constantine I: On the Keeping of Easter" in *The Seven Ecumenical Councils of the Undivided Church in Nicene and Post Nicene Fathers* 14, 2nd ser. (Grand Rapids: Eerdmans Publishing Company, 1988), 54-56. "When the question relative to the sacred festival of Easter arose, it was universally thought that it would be convenient that all should keep the feast on one day; for what could be more beautiful and more desirable, than to see this festival, through which we receive the hope of immortality, celebrated by all with one accord, and in the same manner? It was declared to be particularly unworthy for this, the holiest of all festivals, to follow the custom of the Jews, who had soiled their hands with the most fearful of crimes, and whose minds were blinded. In rejecting their custom,(1) we may transmit to our descendants the legitimate mode of celebrating Easter, which we have observed from the time of the Savior's Passion to the present day. We ought not, therefore, to have anything in common with the Jews, for the Savior has shown us another way; our worship follows a more legitimate and more convenient course (the order of the days of the week); and consequently, in unanimously adopting this mode, we desire, dearest brethren, to separate ourselves from the detestable company of the Jews, for it is truly shameful for us to hear them boast that without their direction we could not keep this feast. How can they be in the right, they who, after the death of the Savior, have no longer been led by reason but by wild violence, as their delusion may urge them? They do not possess the truth in this Easter question; for, in their blindness and repugnance to all improvements, they frequently celebrate two Passovers in the same year. We could not imitate those who are openly in error. How, then, could we follow these Jews, who are most certainly blinded by error? for to celebrate the Passover twice in one year is totally inadmissible. But even if this were not so, it would still be your duty not to tarnish your soul by

blindness of Jews was used as arguments by Church fathers and political leaders throughout the medieval period. Constantine stated twice in this letter that Christians “ought not to have anything in common with the Jews,” further separating the nascent Roman Church from previous tradition and trying to establish new customs that were uniquely Christian. New practices would legitimize Christianity over Judaism and substantiate not only religious, but Roman political authority throughout the diasporic Mediterranean.

Eusebius of Caesarea chronicled Constantine’s stance against the Jews in his *Life of the Blessed Emperor Constantine*, written at the time of the Emperor’s death. Like most eulogies, the *Life of the Blessed Emperor Constantine* did not offer an objective view of Constantine’s ideology but rather focused on praising him, but it does serve as a useful tool in finding beliefs attributed to him. Eusebius recognized Constantine’s letter *On the Keeping of Easter*, but more importantly identified other laws enacted under his reign. Constantine issued an edict to non-Christians barring any assembly in a house of prayer. He hoped to promote hegemony over non-Roman Christians and

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communications with such wicked people [the Jews]. Besides, consider well, that in such an important matter, and on a subject of such great solemnity, there ought not to be any division...” and “As, on the one hand, it is our duty not to have anything in common with the murderers of our Lord; and as, on the other, the custom now followed by the Churches of the West, of the South, and of the North, and by some of those of the East, is the most acceptable...” and “that we should have nothing in common with the Jews.”

pagans, but Jews as well, since they were considered heretics.<sup>99</sup> Throughout the medieval period, laws were enacted by the Church and political rulers against Jews in a similar fashion in an attempt to end their assemblies. Oftentimes this only pushed Jewish practices into the home, even if they were barred from any edifice.

In Chapter XXVII, Eusebius noted that no Christian was to be a slave under a Jewish master.<sup>100</sup> While Christians were allowed to have Jews as

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<sup>99</sup> Eusebius of Caesarea, "Life of the Blessed Emperor Constantine" in *Nicene and Post Nicene Fathers* 1, 2nd ser., edited by P. Scaff et al. (Grand Rapids: Eerdmans Publishing Company, 1955), 539. "FORASMUCH, then, as it is no longer possible to bear with your pernicious errors, we give warning by this present statute that none of you henceforth presume to assemble yourselves together. (1) We have directed, accordingly, that you be deprived of all the houses in which you are accustomed to hold your assemblies: and our care in this respect extends so far as to forbid the holding of your superstitious and senseless meetings, not in public merely, but in any private house or place whatsoever. Let those of you, therefore, who are desirous of embracing the true and pure religion, take the far better course of entering the Catholic Church, and uniting with it in holy fellowship, whereby you will be enabled to arrive at the knowledge of the truth. In any case, the delusions of your perverted understandings must entirely cease to mingle with and mar the felicity of our present times..."

<sup>100</sup> Ibid., 547. "HE also passed a law to the effect that no Christian should remain in servitude to a Jewish master, on the ground that it could not be right that those whom the Savior had ransomed should be subjected to the yoke of slavery by a people who had slain the

slaves, a Jew that owned a Christian must free that slave or face a fine. Throughout the medieval period, ecclesiastical canons and monarchical edicts also made this declaration. A Christian living under a Jew would not only be seen as societal and religious weakness, but also a danger to those who might fall under the convictions of Judaism and stray from the Christian Church.

### *2.2.2 The Council of Nicea, 325CE*

Constantine organized the First Ecumenical Council, or the Council of Nicea, in order to homogenize the Christian Church. Representatives from all areas of Christendom met to find consensus about what could be considered doctrinal irregularities. Problems with Judaism were not discussed in great depth, but various canons note the separation of Easter from the Jewish Passover. Two specific canons, numbers LII and LIII, were also written to instruct Church leaders about their conduct. Clergymen were not to participate in usury, or the collection of interest on loans, were not to have conversation or fellowship with Jews, and were not to marry infidels.<sup>101</sup> These traditions persist

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prophets and the Lord himself. If any were found hereafter in these circumstances, the slave was to be set at liberty, and the master punished by a fine.”

<sup>101</sup> Henry Percival, ed., “The First Ecumenical Council: The First Council of Nicea, 325” in *The Seven Ecumenical Councils of the Undivided Church in Nicene and Post Nicene Fathers* 14, 2nd ser. (Grand Rapids: Eerdmans Publishing Company, 1988), 49. “CANON LII. Usury and the base seeking of worldly gain is forbidden to the clergy, also conversation and fellowship with Jews.” and “CANON LIII. Marriages with infidels to be avoided.”

well into the late Middle Ages, as monarchical edicts and ecclesiastical canons prohibited intermarriage between Christians and Jews, as well as forbidding clergy from usury. Since usury was banned from churches, the Church often left loaning money to Jews during this period, furthering the association between Jews and sin.

### *2.2.3 Emperor Constantius II, 339CE*

Following Constantine's death, Constantius II ascended to the imperial throne and continued the traditions of his father. Constantius was as strong with his edicts as Constantine and pressed on with anti-Jewish rhetoric. In *Laws of Constantius, August 13, 339*, Jews and Christians could not marry. Christians who had already been taken by Jews from Roman weaving factories had their marriages annulled and were restored to their previous employment. Constantius also upheld and strengthened Constantine's edict against Jews owning Christian slaves.<sup>102</sup> Slaves that had been purchased were seized and if

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<sup>102</sup> Marcus, *The Jew in the Medieval World*, 3-5. "This pertains to women, who live in our weaving factories and whom Jews, in their foulness, take in marriage. It is decreed that these women are to be restored to the weaving factories." and "This prohibition is to be preserved for the future lest the Jews induce Christian women to share their shameful lives. If they do this they will subject themselves to a sentence of death." and "If any one among the Jews has purchased a slave of another sect or nation, that slave shall at once be appropriated for the imperial treasury." and "If, indeed, he shall have circumcised the slave whom he has purchased, he will not only be fined for the damage done to that slave but he will also receive



their masters had circumcised them, the owner was not only fined, but now faced capital punishment. Not only were clergymen not allowed to intermarry, but laymen were to avoid this rite as well. The increase of capital punishment, along with expanding societal laws, marks an increasingly persecutory authority and contributed to the Roman legacy of persecutory practice.

#### *2.2.4 Emperor Theodosius I, 380CE*

After the reign of Constantius II, Roman persecution diminished as succeeding emperors tried to renew paganism and faced a series of difficult wars. Emperors like Julian made concessions to groups such as the Jews, but made very little long-term advances. His attempt to rebuild the Jewish Temple failed, but he demonstrated a change to toleration by the Imperial throne.<sup>103</sup> Theodosius I's installment as the last primary emperor of the Eastern and Western parts within the Empire signified a drastic change in the opposite direction. It was under Theodosius that the tradition of religious tolerance of the Roman Empire ended.

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capital punishment.” and “If, indeed, a Jew does not hesitate to purchase slaves-those who are members of the faith that is worthy of respect then all these slaves who are found in his possession shall at once be removed. No delay shall be occasioned, but he is to be deprived of the possession of those men who are Christians.”

<sup>103</sup> Idem., “Julian Proposes to Rebuild Jerusalem, 362-363” in *The Jew in the Medieval World: A Sourcebook: 315-1791* (Cincinnati: Hebrew Union College Press, 1999), 9-13.

In 380CE, Theodosius mandated in his *Theodosian Code XVI.i.2* that all other religions except for Roman Christianity, also called Nicene Christianity, be considered illegal. Romans must believe in the Holy Trinity, or Father, Son, and Holy Spirit, and not practice any alternative forms of the religion. Anyone who did not follow this law was to be branded as a heretic and face not only divine punishment, but temporal punishment on Earth by secular authority.<sup>104</sup> The strengthening of an increasingly homogeneous and unified ecclesiastical and political authority proved to be further conduits of various persecutory practices in Roman lands throughout the Mediterranean over the next millennia. Both Rome and Constantinople felt this push during the fifth century as the Church's

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<sup>104</sup> Henry Bettenson, ed., "Theodosian Code XVI.i.2: Banning of Other Religions" in *Documents of the Christian Church* (London: Oxford University Press, 1943), 31. "It is our desire that all the various nation which are subject to our clemency and moderation, should continue to the profession of that religion which was delivered to the Romans by the divine Apostle Peter, as it has been preserved by faithful tradition and which is now professed by the Pontiff Damascus and by Peter, Bishop of Alexandria, a man of apostolic holiness. According to the apostolic teaching and the doctrine of the Gospel, let us believe in the one deity of the father, Son and Holy Spirit, in equal majesty and in a holy Trinity. We authorize the followers of this law to assume the title Catholic Christians; but as for the others, since in our judgment they are foolish madmen, we decree that they shall be branded with the ignominious name of heretics, and shall not presume to give their conventicles the name of churches. They will suffer in the first place the chastisement of divine condemnation at the second the punishment of our authority, in accordance with the will of heaven shall decide to inflict."

desire for orthodoxy began to create a rift between the Eastern and Western halves of the Empire.

#### 2.2.5 John Chrysostom, 386-387CE

During the reign of Theodosius I, John Chrysostom, later to be the Archbishop of Constantinople, preached strong messages against Judaism in his *Discourses Against the Jews*, commonly called *Adversus Iudaeos*. Some historians have even considered him as the initial anti-Semitic writer of the Roman Empire and have cast judgment against him, even though he was a product of his time.<sup>105</sup> The sermon-based homilies of this work were primarily polemical in nature, aimed directly at Jews and what he considered the Jewish contamination of Christendom. Their generation emerged while Chrysostom was in Antioch, which is close in proximity to the former core of Judaism and sought to place blame for the death of Christ solely on Jews.<sup>106</sup>

Chrysostom used vituperative rhetoric throughout his sermons, much like the language used by rulers such as Constantine. In Discourse II, Chrysostom labeled Jewish fasting “wicked,” “unclean,” “abominable,” and “against the will

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<sup>105</sup> John Chrysostom, *Discourses against Judaizing Christians* in Vol. 68 of *The Fathers of the Church*, translated by Paul W. Harkins (Washington: Catholic University of America Press, 1979), x.

<sup>106</sup> *Ibid.*, xxiv.

of God.”<sup>107</sup> Discourse III called for the securing of Christendom as “the most miserable and wretched of men” were preparing to fast again.<sup>108</sup> Chrysostom noted that the Jews could practice their faith as long as it did not disturb any Christians. Discourse VII called for Christians to continue their fight against Judaism while Discourse VIII commences with a correlation between the sin of Judaism and drunkenness.<sup>109</sup> A recently published lost piece of *Oratio 2* also

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<sup>107</sup> Ibid., 35. “The wicked and unclean fast of the Jews is now at our doors. Though it is a fast, do not wonder that I have called it unclean. What is done contrary to God's purpose, be it sacrifice or fast, is the most abominable of all things. Their wicked fast will begin after five days. Ten days ago, or more than ten, I anticipated this and gave an exhortation with the hope it would make your brothers safe...”

<sup>108</sup> Ibid., 71. “Again the Jews, the most miserable and wretched of all men, are going to fast, and again we must make secure the flock of Christ. As long as no wild beast disturbs the flock, shepherds, as they stretch out under an oak or pine tree and play their flutes, let their sheep go off to graze with full freedom...”

<sup>109</sup> Ibid., 177 and 205. “Have you had enough of the fight against the Jews? Or do you wish me to take up the same topic today? Even if I have already had much to say on it, I still think you want to hear the same thing again. The man who does not have enough of loving Christ will never have enough of fighting against those who hate Christ. Besides, there is another reason which makes a discourse on this theme necessary. These feasts of theirs are not yet over; some traces still remain. Their trumpets were a greater outrage than those heard in the theaters; their fasts were more disgraceful than any drunken revel. So, too, the tents which at this moment are pitched among them are no better than the inns where harlots and

contains similar language, as Chrysostom again conveyed Jews as abominable, lawless, and murderous enemies of God who were delirious and raving mad in their practices. Christian participation in their practices also meant certain condemnation.<sup>110</sup> Chrysostom's associated blame for the death

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flute girls ply their trades..." and "GONE IS THE FASTING of the Jews, or rather, the drunkenness of the Jews."

<sup>110</sup> Roger Pearse, "John Chrysostom, *Adversus Iudaeos*; Oratio 2," from Early Church Fathers – Additional Texts. English Translation.

[http://www.tertullian.org/fathers/chrysostom\\_adversus\\_judaeos\\_02\\_lost\\_portion.htm](http://www.tertullian.org/fathers/chrysostom_adversus_judaeos_02_lost_portion.htm) (last accessed March 23, 2010). "Now then, let me strip down for the fight against the Jews themselves, so that the victory may be more glorious—so that you will learn that they are abominable and lawless and murderous and enemies of God. For there is no evidence of wickedness I can proclaim that is equal to this. But, in order to amass forensic-style speeches against them, I shall first demonstrate that even if they had not been deprived of their ancestral way of life, even so their fast would be polluted and impure—and I shall provide the proofs from the Law itself, and from Moses. For if it was lawless when it was observed while the Law was in effect and in power, so much the more now that the Law has ceased. And I shall demonstrate that not only the fast, but also all the other practices which they observe—sacrifices and purifications and festivals—are all abominable. And when the very manner of purification is illegal as practiced, and would be rejected as loathsome, which of their other rituals can purify them thereafter?" and "so then, you ran to hear the Trumpets? Tell me: With those murderers? With those charlatans? With those delirious and raving-mad Jews? Did you not listen to Christ, who said, 'The one who looks at a woman to desire her has already committed adultery with her in his heart'? For just as a licentious gaze produces adultery, so also untimely hearing works

of Christ, the notion of bestial madness, and the corrupting tendencies of Jews forever framed them in a lower societal, political, and religious position than Christians, and therefore were not deserving of the same rights.<sup>111</sup> Much of Chrysostom's rhetoric persevered throughout the Middle Ages, helping substantiate Roman persecutory influence with the heirs of Rome, including the Visigoths in the Iberian Peninsula.

#### *2.2.6 Augustine of Hippo, 429-430CE*

Augustine of Hippo was an important ecclesiastical authority and important leader in the early Roman Church. As mentioned in Chapter One, Augustine wrote a plan for how to interpret the role of Jews and another for how to deal with them. To Augustine, Jews served as a reminder for Christians because of a shared Old Testament heritage. Jews therefore provided a visual reminder of punishment for the rejection of Jesus.<sup>112</sup> Most importantly, it was the eventual conversion of Jews to Christianity at the end of time that signaled the final judgment.<sup>113</sup> Augustine's beliefs were not the only interpretations

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impiety. But you desire to hear a trumpet!" and "For participation in the Jewish festival will mean participation in their punishment. At that time, the Jews "will look upon him whom they pierced."

<sup>111</sup> The notion of the bestial madness of Jews continues into the late medieval period.

A prime example is found in Alfonso X's "Estoria de Espana."

<sup>112</sup> Cohen, *Living Letters*, 35.

<sup>113</sup> *Ibid.*, 36.

during this period and tended to lie outside the general trend, but his writings nonetheless became influential. While Augustine's rhetoric and ideology does not appear to be persecutory, he was highly important in identifying a separate role for Jews in a Christian world and set the precedent for future Church leaders, such as Pope Gregory I and the Visigoth, Isidore of Seville.

#### *2.2.7 Emperor Theodosius II, 439CE*

At the end of the fifth century, Theodosius II's persecutory practices extended to publicly-held offices and the reinstitution of previous discriminatory laws. In his *Novella III of A Law of Theodosius II, January 31, 439*, Theodosius prohibited Jews from holding any public office that would allow them to change legislation or serve as judges. Theodosius called Jews "dangerous" and "enemies of [God] and of Roman Laws," so it became unwise for them to have a position that could harm Christians.<sup>114</sup> As Jews continued to have their

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<sup>114</sup> Marcus, *The Jew in the Medieval World*, 3-6. "Wherefore, although according to an old saying 'no cure is to be applied in desperate sicknesses,' nevertheless, in order that these dangerous sects which are unmindful of our times may not spread into life the more freely, in indiscriminate disorder as it were, we ordain by this law to be valid for all time" and "No Jew - or no Samaritan who subscribes to neither religion - shall obtain offices and dignities; to none shall the administration of city service be permitted; nor shall any one exercise the office of a defender of the city. Indeed, we believe it sinful that the enemies of the heavenly majesty and of the Roman laws should become the executors of our laws - the administration of which they have slyly obtained and that they, fortified by the authority of the acquired rank, should have the

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power to judge or decide as they wish against Christians, yes, frequently even over bishops of our holy religion themselves, and thus, as it were, insult our faith.” and “Moreover, for the same reason, we forbid that any synagogue shall rise as a new building. However, the propping up of old synagogues which are now threatened with imminent ruin is permitted. To these things we add that he who misleads a slave or a freeman against his will or by punishable advice, from the service of the Christian religion to that of an abominable sect and ritual, is to be punished by loss of property and life.” and “On the one hand, whoever has built a synagogue must realize that he has worked to the advantage of the Catholic church; on the other hand, whoever has already secured the badge of office shall not hold the dignities he has acquired. On the contrary, he who worms himself into office must remain, as before, in the lowest rank even though he will have already earned an honorary office. And as for him who begins the building of a synagogue and is not moved by the desire of repairing it, he shall be punished by a fine of fifty pounds gold for his daring. Moreover, if he will have prevailed with his evil teachings over the faith of another, he shall see his wealth confiscated and himself soon subjected to a death sentence.” and “And since it behooves the imperial majesty to consider everything with such foresight that the general welfare does not suffer in the least, we ordain that the tax-paying officeholders of all towns as well as the provincial civil servants - who are obligated to employ their wealth and to make public gifts as part of their burdensome and diverse official and military duties shall remain in their own classes, no matter what sect they belong to. Let it not appear as if we have accorded the benefit of exemption to those men, detestable in their insolent maneuvering, whom we wish to condemn by the authority of this law.” and “This further limitation is to be observed, namely, that these public servants from these above mentioned sects shall never, as far as private affairs are concerned, carry out judicial sentences, nor be wardens of the jail. This is done in order that Christians, as it sometimes happens, may not be



societal status diminish, the reintroduction of earlier imperial laws caused additional hardships. Under *Novella III*, Jews were not allowed to build synagogues as part of an attempt to hinder further growth of Jewish populations, further pushing Jewish practice into secluded areas. Jews were not allowed to convert any Christian, slave or freeman, under punishment of death and confiscation of property. All three of these practices were later instituted to varying degrees in Visigothic Iberia, most notably the removal of Jews from public office and refusal to allow the construction of new Jewish synagogues.

#### *2.2.8 Council of Chalcedon, 451CE*

The Fourth Ecumenical Council, also known as the Council of Chalcedon, was called to help combat Arian Christianity in 451. The Council reiterated the belief that Jesus was both fully God and fully man, and further set up Church authority through the issuance of various canons. It is in these canons where further restrictions are placed on ecclesiastical leaders with regard to Jews, though the Council is more famous for recognizing the split between the Eastern and Western halves of the Empire. It was in the final canon that religious leaders attempted to make the Holy Sees of Rome and Constantinople equal, but instead caused a noticeable schism.

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hidden away and suffer a double imprisonment through the hatred of the guards- And furthermore it may be doubted that they have been justly imprisoned.”

The Council's Definition of Faith strengthened notions of orthodoxy during a period of religious crisis. Church leaders put non-Christians outside the bounds of their definition as heretics, including Jews.<sup>115</sup> Canon XIV noted that those that were a part of this orthodoxy could not marry one who was outside, also including Jews.<sup>116</sup> This followed in the traditions of Constantine,

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<sup>115</sup> Henry Percival, "The Fourth Ecumenical Council: The Council of Chalcedon, 451" in *The Seven Ecumenical Councils of the Undivided Church in Nicene and Post Nicene Fathers* 14, 2nd ser. (Grand Rapids: Eerdmans Publishing Company, 1988), 265. "These things, therefore, having been expressed by us with the greatest accuracy and attention, the holy Ecumenical Synod defines that no one shall be suffered to bring forward a different faith, nor to write, nor to put together, nor to excogitate, nor to teach it to others. But such as dare either to put together another faith, or to bring forward or to teach or to deliver a different Creed to as wish to be converted to the knowledge of the truth, from the Gentiles, or Jews or any heresy whatever, if they be Bishops or clerics let them be deposed, the Bishops from the Episcopate, and the clerics from the clergy; but if they be monks or laics: let them be anathematized."

<sup>116</sup> *Ibid.*, 278. "Since in certain provinces it is permitted to the readers and singers to marry, the holy Synod has decreed that it shall not be lawful for any of them to take a wife that is heterodox. But those who have already begotten children of such a marriage, if they have already had their children baptized among the heretics, must bring them into the communion of the Catholic Church; but if they have not had them baptized, they may not hereafter baptize them among heretics, nor give them in marriage to a heretic, or a Jew, or a heathen, unless the person marrying the orthodox child shall promise to come over to the orthodox faith. And if any one shall transgress this decree of the holy synod, let him be subjected to canonical censure."

Constantius II, and Theodosius I, as well as previous ecumenical councils and furthered religious intolerance for Jews.

#### *2.2.9 Emperor Justinian I, 531CE*

Though the Western half of the Roman Empire had collapsed in 479CE, Roman traditions continued in the Eastern half of the empire in the growing metropolis of Constantinople. Justinian I, interested in restoring the glory of the Roman Empire, succeeded in retaking lands that had been seized by Germanic tribes, including Northern Africa, Italy and part of Visigothic Iberia. He was not successful in taking all of the Roman lands, but was able to exert influence in certain regions. The extent to which the Byzantines were able to influence the Visigoths is debatable, but there was a large population of Hispano-Romans across the peninsula at this time who retained the memory of Rome and separated Romans, Greeks, Goths, Syrians, and Jews from each other.<sup>117</sup> E.A. Thompson, in *The Goths in Spain*, mentioned the vast number of officials, clergy, and correspondence traveling between the Iberian Peninsula and Constantinople, as well as commodities for trade. Visigothic Iberia did retain diplomatic and economic relations with the Byzantines, and by the end of the sixth century had closer contact with Constantinople than it did the Franks to the north, utilizing Byzantine-style coinage and art.<sup>118</sup> It is therefore acceptable

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<sup>117</sup> Thompson, *The Goths in Spain*, 24.

<sup>118</sup> Ibid., 21-24 and 57.

to believe that the legacy of Rome continued in the Iberian Peninsula under the Byzantines and influenced Visigothic legal and ecclesiastic institutions.

In *A Law of Justinian, July 28, 531*, Justinian I renounced the ability of Jews to provide testimony in court against Christians. This severely limited Jewish legal capabilities and opened the doors for societal persecutory practices, as the savvy businessman could utilize unfair trade practices to exact injustices against their Jewish competition. Jews were, however, allowed to testify as a witness for a Christian against non-Christians, but continued to be labeled as heretics. Justinian also called Judaism a superstition in this law.<sup>119</sup>

Justinian's *Novella 146: On Jews* mandated that Greek and/or Latin must also be read in synagogues for non-Hebrew speakers.<sup>120</sup> Jews were only allowed to use sacred texts, those shared in common with Christianity, and were not allowed to use the *Mishnah*, or the teaching of oral tales about the Torah. Jews particularly utilized the *Mishnah* after the destruction of Jerusalem

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<sup>119</sup> Marcus, *The Jew in the Medieval World*, 4 and 6-7. "Since many judges, in deciding cases, have addressed us in need of our decision, asking that they be informed what ought to be done with witnesses who are heretics, whether their testimony ought to be received or rejected, we therefore ordain that no heretic, nor even they who cherish the Jewish superstition, may offer testimony against orthodox Christians who are engaged in litigation, whether one or the other of the parties is an orthodox Christian."

<sup>120</sup> James Parkes, "Justinian: Novella 146: On Jews" in *The Conflict of the Church and the Synagogue: A Study in the Origins of Antisemitism* (New York: JPS, 1934), 392-393.

and during persecutory periods. Those who did not follow these laws faced corporal punishment, confiscation of property, and exile. Furthermore, Jew could not teach about denying Christ's resurrection or a coming judgment. Those who did so faced expulsion and/or execution.

#### *2.2.10 Pope Gregory I, 602CE*

Pope Gregory the Great was the first truly prominent pope, rising to the papal seat in 590CE. Gregory was the first pope to come from a monastic background and he instituted a large number of liturgical reforms. Through these changes, Gregory strengthened some of Augustine of Hippo's policies concerning Jews living under Roman rule and justified the policies through Roman legal precedent. Among these precedents were laws pertaining to the use of synagogues and restrictions on slaveholding. Gregory allowed Jews to live in Roman society as long as they followed Roman law. This notion is in accordance with the Augustinian tradition of "slay them not," in that Jews needed to be preserved as reminders of the coming judgment day and of the death of Christ. For Gregory, Jews needed to remain in a balanced state of protection and restriction. Jeremy Cohen also notes that along with Roman law, Gregory also inherited "long-established theological and exegetical traditions of *Adversus Iudaeos*," many of which were integrated into his writings.<sup>121</sup> Throughout his time as pope, Gregory strayed from Augustinian

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<sup>121</sup> Cohen, *Living Letters*, 92.

tradition as he increasingly associated Jews with the Antichrist, material wealth, and carnal beings. He progressively devalued the role of Jews as examples of the superiority of Christianity. This is due to the spread of Christianity and decreased amount of pagans that needed to see the example of the errors of the Jews. Maintaining the principles of “slay them not,” Gregory’s time as pope came to symbolize a shift away from the harmless Jew to associating Jews as an enemy. The only way to get rid of the Jews and to perfect Christianity was to convert Jews while allowing them to survive as a religious group.<sup>122</sup>

Keeping with this tradition of conversion, Gregory wrote many letters to local bishops to help facilitate the practice. In 602CE, Gregory wrote a letter to Pascasius, bishop of Naples, in response to Jewish complaints against Christian efforts. These Jews wrote to the papacy complaining that they had been antagonized, and had not been allowed to practice certain rites and celebrate festivals. Gregory instructed the bishop to allow Jews to practice freely, but to win them over with kindness, reason, and Holy Scripture.<sup>123</sup>

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<sup>122</sup> Ibid., 84 and 93-94.

<sup>123</sup> Pope Gregory I to Pascasius, Bishop of Naples, November 602, in *The Letters of Gregory the Great, Volume I*, ed. John R.C. Martyn (Toronto: Pontifical Institute of Mediaeval Studies, 2004), 836-837. “November 602: Those who with sincere intent desire to bring foreigners to the Christian religion and to the true faith, ought to apply themselves to flattering words, not to bitter attacks, so that antagonism does not drive far away those whose minds reason could have inspired, all things being equal. For whoever act otherwise and want to stop

Though this method of conversion seems far less harsh than execution or loss of property, it still is a plan to eradicate Judaism from the planet as Christianity moved toward what they believed the end of days.

Gregory the Great's precedents made a big impact on Visigothic Iberia long after his death. Isidore of Seville later incorporated Gregory's policies in his desire to convert the Jews of the peninsula, though by means of more

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them from the usual observance of their rites, under this cover, prove to be looking after their own interests rather than God's. For indeed, the Jews living in Naples have complained to us, asserting that some people are trying to prevent them from certain solemn rites of their holy days without any reason, so that they are not allowed to celebrate their solemn festivals, which they have been allowed to celebrate and observe until now, as had their parents for a long time in the past. But if this is the truth, they appear to taking trouble over something pointless. For what use is it when they are forbidden despite their long practice, although it is of no advantage of converting them to the faith? Or why do we set rules for Jews as to how they should observe their ceremonies, if we cannot win them over? And so we should take action to inspire them more by reason and by kindness, and make them willing to follow us, not flee from us, so that by proving what we say from their texts, we may be able to convert them to the bosom of the Mother Church, with the help of God. Therefore, let your Fraternity use your advice certainly, as far as you can, to inspire them to conversion, with God's assistance, and do not let them be disturbed again from their solemn festivals. Rather, let them have a free license to observe all of their festivals and holy days, just as they have done until now, as much as their parents, who celebrated them over a long time in the past."

aggressive methods.<sup>124</sup> While Gregory lived, he communicated with religious leaders such as Leander of Seville during the Visigoth's conversion to Roman Christianity.<sup>125</sup> It is this religious shift in 589CE where increasingly extreme practices of persecution singled out non-Roman Christians. Jews fell into this category as enemies of Christ, yet integrated members of society throughout the peninsula. Over the next century and a half, Visigothic political and ecclesiastical laws maintained, adapted, and added to early precedents and traditions. Visigothic laws continued and strengthened prior Roman hostilities and persecution of Jews up through the Muslim conquest of 711CE, and established a Visigothic-Romano persecutory legacy that persisted throughout the medieval period.

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<sup>124</sup> Cohen, *Living Letters*, 109 and 122.

<sup>125</sup> Thompson, *The Goths in Spain*, 22.



## CHAPTER 3

### VISIGOTHIC PERSECUTION

Prior to the Visigothic conquest of Roman Hispania, the Romans living in the Iberian Peninsula became vital to the sustainability of the empire. Roman Hispania not only served as an important breadbasket to feed the extensive imperial provinces, but also provided valuable metals, olives, and wine, all staples of the Roman Mediterranean economy. Rome influenced Hispania enormously, financing large-scale building projects and colonization efforts by establishing twenty-two *coloniae*.<sup>126</sup> Roman law and tradition became entrenched in the peninsula through the establishment of these towns, though to varying degrees.<sup>127</sup> Hispania experienced periods of growth and decline, leading to secessionist movements, as well as political and economic turmoil until the increased bureaucratic control of Diocletian stabilized the peninsula in

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<sup>126</sup> A.T. Fear, "Prehistoric and Roman Spain" in *Spain: A History*, ed. Raymond Carr (Oxford: Clarendon Press, 2000), 31. *Coloniae* are Roman outposts established to secure control of a region. Oftentimes, these turned into towns and contributed to the Mediterranean economy.

<sup>127</sup> *Ibid.*, 32. Roman influence tended to be strongest around political and economic centers while rural communities experienced less impact.

284CE.<sup>128</sup> Until the arrival of the Germanic tribes in the fifth century, Hispania continued to decline and found itself virtually unprotected. This lack of protection allowed for the unchecked movement of these tribes into the peninsula as Roman citizens became desperate for security. Rome's legacy not only left a framework of transportation, manufacture, and agriculture, but also the Latin language, Roman law, and Christianity. Iberian leaders, both political and religious, continued to identify themselves as Roman and as a uniform region instead of a myriad of small kingdoms.<sup>129</sup> These precedents continued in the Iberian Peninsula after the demise of Rome in 476CE.

Much like the two-phase process of the Roman persecution of Jews, the Visigoths also initiated a dramatic shift in persecutory practice after their conversion to Roman Christianity from Arianism. Before the conversion, Jews living under Arian Visigothic rule enjoyed relative freedom as subjects of the monarchy. It was after the Visigothic conversion in 589CE that Jews began to experience increased persecutory rhetoric and practice from religious and political authorities. The various Councils of Toledo of the sixth and seventh centuries articulated the main method of persecutory prescription, as Visigothic monarchs called religious leaders together to push their agendas in an attempt

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<sup>128</sup> Ibid., 35.

<sup>129</sup> Ibid., 38. As the medieval period progresses, the Iberian Peninsula became more fragmented under Muslim *taifas* and subsequent *Reconquista* kings.

to legitimize their rule and create political and religious homogeneity across the peninsula.

Careful examination of Visigothic law codes and ecclesiastical canons illuminate the persecutory rhetoric and practices used at the time. The degree to which Visigothic rule persecuted Jews varied from ruler to ruler, much like it did in the Roman Empire, but a continuous discourse persisted throughout this period, linking the Roman Empire to late medieval Europe. Visigothic rule serves as the perfect case study in the constructed dark age of persecutory history and reveals the continuity of persecution between these periods.

### 3.1 The Arian Christian Period

The Visigothic adoption of Roman traditions shaped Iberian religious and political institutions across the peninsula. This process, however, took place gradually and not an instantaneous change of rule and practice. In 416CE, the Visigothic-Roman alliance pushed into the Iberian Peninsula to regain control from the Germanic Sueves and Vandals. By the early sixth century, the Visigoths had taken control as a significant minority population.<sup>130</sup> Hispano-Romans, still the majority of the population, largely rooted out paganism and

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<sup>130</sup> Roger Collins, "Visigothic Spain 409-711" in *Spain: A History*, ed. Raymond Carr (Oxford: Clarendon Press, 2000), 44. The Sueves and Vandals preceded the Visigoths, though only the latter retained any long-term presence in the peninsula. Their arrival was due to lack of Roman military presence in the region.

maintained Christian institutions until the Visigoths settled into the region.<sup>131</sup> At first, the Visigoths retained their Arian Christian beliefs while still maintaining the Romanized Church structure at large. The Visigoths adopted this belief system while they were settled in the Balkans during the third century and maintained it throughout their fourth and fifth-century westward migration.<sup>132</sup>

Although Roman Christians considered Arianism a heresy, Visigothic Iberia did not endure religious conflict between the minority Arian leadership and the majority Hispano-Roman Orthodox subjects. On the other hand, Arian Vandals in North Africa persecuted their Roman Christian subjects, setting the Visigoths apart from the Germanic brethren.<sup>133</sup> Instead, the Arian Visigothic monarchy suffered from significant internal fighting and subsequent instability. During this period, the Eastern Roman Emperor Justinian I conquered the southeast coast of the peninsula, allowing for direct Byzantine influence. Leovigild, the last great Arian monarch, faced a revolt by his son Hermenegild, who converted to Roman Christianity in order to gain the support of the Hispano-Roman majority and also enlist the aid of the Byzantines against his father. After capturing and executing his son, Leovigild identified the problems

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<sup>131</sup> Fear, "Prehistoric and Roman Spain," 37. Pagan practices still existed in more remote locales, but diminished extensively in towns with bishops.

<sup>132</sup> Collins, "Visigothic Spain," 49.

<sup>133</sup> Ibid., 50-51.

inherent in having two different churches. Leovigild attempted to promote Arian Christianity for the rest of his rule, but Visigoths began converting to Roman Christianity in the southern part of the peninsula and rose to prominent positions in the Church. Leovigild remained Arian until his death in 586CE.<sup>134</sup>

The conversion of Leovigild's successor, Reccared I, from Arianism to Roman Christianity in 587CE paved the way for a full-scale Visigothic change of religion. After Reccared's conversion, the Third Council of Toledo formalized Roman Christianity in 589CE. The defeat of revolting Arian bishops in 590CE ultimately sealed Visigothic Iberia's religious affiliations, aligning peninsular Christians with Rome up through the present day. By converting, the Visigothic rulers united the peninsula under one religion, allowing for more commonalities between the Byzantines, Hispano-Romans, and Visigoths who occupied the land.<sup>135</sup> Under this unity, the Jews of the Iberian Peninsula truly felt the first pangs of persecution.

Prior to the Visigothic conversion, Jews lived in relative freedom throughout the peninsula. Early Visigothic rulers adopted Roman law, but often integrated it as they saw fit. As an Arian, the Roman Church considered the

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<sup>134</sup> Ibid., 51-53.

<sup>135</sup> Ibid., 53. Collins argues that prior to this point, Hispano-Romans had trouble integrating with their Visigothic leaders. Uniform religious practices ultimately helped to unite both groups.

Visigothic King Alaric II a heretic, although he carried out a standard persecution of Jews. Incorporating Roman legal traditions, Alaric adopted Theodosius II's law code. This new legal code for the Visigoths was called *Lex Romana Visigothorum* and pertained particularly to the Hispano-Romans of the Iberian Peninsula.<sup>136</sup> He retained a ban on intermarriage between Christians and Jews, though this practice persisted throughout the Middle Ages.<sup>137</sup> He also maintained laws against the appointment of Jews to public offices, in fear of potential harm to Christians, as well as the inability for Jews to build new synagogues. If they did so, they faced heavy fines as well as loss of property. Jews who converted Christian freemen or slaves faced death and confiscation of property. Baptized Christians who had converted from Judaism and reverted back to their old beliefs faced serious penalties such as loss of court testimony, which was a shift away from Theodosian Code. Jews also had to pay a special tax and were forced to live in separate communal section of major cities, as far away as possible from Christian populations.<sup>138</sup>

E.A. Thompson argues in *The Goths in Spain* that Alaric's precedents served the function of retaining Roman law while preventing the proselytizing of

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<sup>136</sup> Yitzhak Baer, *A History of the Jews in Christian Spain*, trans. Louis Schoffman, Vol 1 (Philadelphia: The Jewish Publication Society of America, 1961), 19.

<sup>137</sup> Thompson, *The Goths in Spain*, 52.

<sup>138</sup> Baer, *A History of Jews*, 19.

Judaism. Since Jews had been considered Roman citizens, Alaric generally left them alone, though he utilized the aforementioned edicts from the Theodosian Code.<sup>139</sup> This Arian Visigothic attitude of tolerance persisted throughout the sixth century, but drastically shifted under Roman Christianity. Although the Arian Visigoths were more tolerant of other religions, the enforcement of the Theodosian Code, as well as Alaric's desire to keep Judaizing in check, elucidates a mentality of latent hostility and persecution that had long existed in the Roman Empire. As the Visigoths entrenched themselves in the Iberian Peninsula and increasingly became Romanized, they maintained this mentality and adapted it to their rule. In the end, it was the hysteria of the seventh-century Roman Christian Visigothic period that ignited more intense rhetoric and persecutory practices that had already been instilled in the diverse Iberian society at large.

### 3.2 The Roman Christian Period

Throughout the Roman Christian period Visigothic rulers utilized ecclesiastical councils in the capital of Toledo to promulgate monarchical policies as well as to clarify religious practices. The canons produced by the various Councils of Toledo became increasingly hostile towards Jews starting in 589CE, continuing until the Muslim conquest in 711CE. The religio-political entity instituted persecutory practices, often borrowed from Roman traditions,

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<sup>139</sup> Thompson, 53-54.

fluctuating in intensity from monarch to monarch. By the late seventh century, it was increasingly clear that Iberian Jews faced hostile, institutional persecution. Careful examination of the canons generated at these councils illuminates the persecutory rhetoric and practices employed by Visigothic leaders. It is evident in these canons that Roman persecutory tradition persisted into the early medieval period.<sup>140</sup>

### 3.2.1 *Third Council of Toledo, 589CE*

In Iberian and Jewish historical manuscripts, the events that took place in the year 589CE serve as a paradigm shift in persecutory discourse. The conversion of Reccared I in 587CE ultimately led to the political decision for the conversion of the rest of the Visigoths in 589CE. The twentieth-century Spanish historian Américo Castro likened Reccared's conversion to those of Constantine and the Frankish King Clovis, correlating marked shifts in regional political institutions, societal structures, cultural traditions, and religious practices. Reccared called the Third Council of Toledo for political reasons, though it strengthened Roman Christianity in the peninsula.<sup>141</sup> He used the

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<sup>140</sup> Due to the length of the ecclesiastical canons, please reference Appendix A to read the primary sources in their entirety. These English language translations are from Latin manuscripts and primarily come from E.H. Lindo, *The History of the Jews of Spain and Portugal* (New York: B. Franklin, 1970.)

<sup>141</sup> Américo Castro, *The Structure of Spanish History*, trans. Edmund L. King (Princeton: Princeton University Press, 1954), 63-64. King Reccared to the bishops and priests before the



words “Our glory,” emphasizing the utility of Roman Christianity, as well as the Visigoths’ purpose in strengthening the religion.

Arianism did not immediately disappear as a practiced religion and it persisted in rural communities for many years after the Third Council of Toledo. Its existence threatened Reccared’s political standing and influenced his desire to unify the peninsula and expand the reach of Visigothic rule. By working hand in hand with the Church, the monarchy did not have to count on the inconsistent nobility, instead forming a strong religio-political unit.<sup>142</sup> As uniform religious practices began to take shape throughout the Iberian Peninsula, Visigoths could shift their focus to other problems, one of which was the threat of Jewish influence in Roman Christianity.<sup>143</sup>

The Third Council of Toledo enacted two canons that influenced Jews directly. Canon fourteen stipulated that Jews could not have Christian wives or

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council: “I do not believe that it is unknown to you, very reverend priests, that my object in calling you before the presence of Our Serenity is the re-establishing of the form of ecclesiastic discipline. Since the heresy which threatened the whole Catholic Church has prevented the celebration of councils, God has admonished Us that we should restore the rule of the ecclesiastical custom. May you be filled with joy and gladness to know that, through the providence of God, the canonical custom has returned to the paternal precinct, to Our glory.”

<sup>142</sup> Ibid., 68.

<sup>143</sup> P.D. King, *Law and Society in the Visigothic Kingdom*, vol. 3 of *Cambridge Studies in Medieval Life and Thought*, 3<sup>rd</sup> ser. (Cambridge: Cambridge University Press, 1972), 132.

concubines, and any child born of this condition would be baptized and raised Christian. This canon also denied Jewish purchase of Christian slaves, and any slaves that had been previously purchased and circumcised were free to return to Christianity. Finally, Jews were not allowed to hold a public office that would threaten Christians.<sup>144</sup> Reccared himself introduced these additions to the ecclesiastical canons, exemplifying the close religious and political ties between the monarchy and the Church. Each of these stipulations is evident in Roman and Arian Visigothic traditions; Reccared maintained precedent by persevering these terms. Reccared therefore used the Third Council and as a new Roman Christian tool for legitimizing his rule and set the precedent for future Visigothic kings.

Canon twenty-four was the second infringement against Jewish practices and focused more on religious duty. The canon decreed that Jews could not sing Psalms during funerals and that they had to follow Jewish burial customs. If they broke either of these conditions, the perpetrators faced a fine.<sup>145</sup> The stipulations of this canon are far less common in Roman tradition and mark a slight shift toward specific Visigothic practices. These practices were often rooted in the Roman legacy, but illustrate how the Visigoths contributed to

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<sup>144</sup> E.H. Lindo, *The History of the Jews of Spain and Portugal* (New York: B. Franklin, 1970), 11-12.

<sup>145</sup> *Ibid.*, 12.

persecutory rhetoric and practice. Though the impact of the Third Council of Toledo on Jews was much less significant than many that succeeded it, this council serves as the foundation of Roman Christian persecutory rhetoric and practices by the Visigothic religio-political institution.

During the years between the Third and Fourth Councils of Toledo, two primary proponents of Jewish persecution rose to prominence. These men were King Sisebut and the Archbishop Isidore of Seville. In 612CE, the Byzantine Emperor Heraclius encouraged Sisebut to issue a formal decree requiring Jews to convert to Roman Christianity or face punishment.<sup>146</sup> An astrologer had told Heraclius that a circumcised people, which he considered to be Jews, threatened Christendom. Sisebut and Heraclius had been at war but formed a peace treaty that included a condition that necessitated Sisebut to compel Jews to convert or be exiled. Sisebut took the terms of this treaty to new levels by imprisoning many wealthy Jews and murdered many of those who refused to convert. Some of those who escaped death fled to Frankish Gaul and northern Africa, though many received baptism in order to retain their possessions. Some historians believe that Sisebut resorted to such drastic measures because he believed the astrologer's prediction and lived amongst a

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<sup>146</sup> Collins, "Visigothic Spain," 60 , Baer, *A History of the Jews*, 20 and Lindo, *The History of the Jews*, 12-13.

large number of Jews.<sup>147</sup> After his death, many of those who had converted reverted back to their previous beliefs.

Isidore of Seville strongly disagreed with Sisebut's notions of compulsory baptism and forced conversion.<sup>148</sup> He prescribed to the Augustinian philosophy of "Slay them not," much like Pope Gregory I had. Like Gregory, Isidore felt that Jews served a purpose in fulfilling the end of days and desired to institute widespread conversion practices.<sup>149</sup> Isidore's practices were much more aggressive and systematic than Pope Gregory's, adopting a harsher and more negative tone. For Isidore, Jews perpetuated disunity in Christianity and, therefore, did not belong in the Visigothic Christian kingdom.<sup>150</sup> There is, therefore, a significant difference in what Isidore wrote and what he practiced as Archbishop. As almost diametrical opposite beliefs, Jews both played a role in

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<sup>147</sup> Lindo, *The History of the Jews*, 13.

<sup>148</sup> Kenneth B. Wolf, ed., "Isidore of Seville - History" in *Conquerors and Chroniclers of Early Medieval Spain*. 2<sup>nd</sup> ed. (Liverpool: Liverpool University Press, 1999), 105. Isidore wrote that "at the beginning of his reign he forced the Jews into the Christian faith, indeed acting with zeal, 'but not according to knowledge,' for he compelled by force those who should have been called to the faith through reason." The *Chronicle of 754* in Kenneth Baxter Wolf, ed., "The Chronicle of 754" in *Conquerors and Chroniclers of Early Medieval Spain*. 2<sup>nd</sup> ed. (Liverpool: Liverpool University Press, 1999), 115, also notes this process of compulsion.

<sup>149</sup> Cohen, *Living Letters*, 95-97.

<sup>150</sup> *Ibid.*, 122.

the divine economy and needed to be eradicated from the annals of history. From Augustine to Gregory to Isidore, religious notions of the role and treatment of Jews in society became less positive and more aimed at the removal of the alleged Jewish threat to Roman Christianity. These Church fathers helped set the precedent for later ecclesiastical leaders who were in favor of persecutory practices.

Starting with Reccared I's conversion and the canons of the Third Council of Toledo, the persecutory practices of the Visigoths became much more active than simply continuing Roman traditions. Visigothic leaders aggressively pursued the full-scale conversion of Jews to Roman Christianity. Those who did not convert faced corporal punishment, imprisonment, expulsion, and loss of life. Even those who disagreed with Sisebut's practices, like Isidore of Seville, desired increased restrictions on Jews. It is this period between the Third and Fourth Councils of Toledo that illuminates the growing persecutory hysteria that dominated Visigothic minds throughout the seventh century.

### *3.2.2 Fourth Council of Toledo, 633CE*

King Sisenand convoked the Fourth Council of Toledo almost fifty years after the previous council had met. Like the Third Council, they discussed religious matters, but political overtones dominated the monarchical policy towards Jews. At this council, nobles attended, along with religious leaders, to

determine the laws of the land. This further illustrates the complex religio-political kingdom established by the Visigoths. The number of canons pertaining directly to Jews increased from two to ten and Isidore of Seville presided over the assembly.

The Council condemned Sisebut's forced conversion practices, but they decreed that Jews who had converted would not be allowed to revert to their former Christian status.<sup>151</sup> This was because converts received various sacraments of Christianity besides baptism. The ecclesiastical leaders of the council did not feel that the converts should revert after making that connection to Christ through the taking of sacraments. Under threat of punishment, converts also could not practice any Jewish customs and their children had to be brought up as Christians. Like previous Roman and Arian precedents, circumcised Christian slaves were set free, Jews could not provide testimony against Christians nor intermarry with them, and neither converts nor Jews were allowed to hold a public office over Christians.<sup>152</sup> Anti-Jewish persecutory rhetoric grew in strength during this council as words such as "abomination," "worthless," "despicable," "Antichrist," "profane," "enemy," "superstition," and "wicked" were resurrected from Roman tradition. In the Fourth Council's canons, the persecutory spirit of the first Roman Christian emperors became

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<sup>151</sup> Collins, "Visigothic Spain," 60.

<sup>152</sup> Baer, *A History of the Jews*, 20-21 and Lindo, *The History of the Jews*, 14-18.

solidified, as the Visigothic rhetoric matched that of leaders such as Constantine. It also contains increased religio-political legislation pertaining not only toward Jews, but towards recent converts to Roman Christianity.

### *3.2.3 Sixth Council of Toledo, 638CE*

After the death of Sisenand, King Chintilla expanded upon the increased persecutory rhetoric of the Fourth Council by not only retaining the established canons, but incorporating King Sisebut's notion of conversion or expulsion.<sup>153</sup> Canon three notes that the inflexibility and the treachery of the Jews ultimately led to Chintilla's desire to destroy Judaism. Included in this canon are the words "superstition," "seduced," and "perfidy," maintaining the consistent anti-Jewish persecutory rhetoric. At the end of the canon, the writers stipulated that no future leader could take power unless they promised to not "permit the Jews to infringe this holy faith, and in no ways to be seduced, either through neglect or cupidity to favor their perfidy." In essence, the King was not to allow the practice of Judaism in the Iberian Peninsula.<sup>154</sup> Due to political instability, the edict of conversion and expulsion never gained enough support and momentum to be effective in removing Judaism from Visigothic lands, though this would not be the last time that a Visigothic king attempted to utilize such methods.

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<sup>153</sup> King, *Law and Society*, 133.

<sup>154</sup> Lindo, *The History of the Jews*, 18-19.

### 3.2.4 Eighth, Ninth and Tenth Councils of Toledo, 653-656CE

The Eighth through Tenth Councils of Toledo, convoked by the Visigothic King Recceswith, had less Jewish issues to deal with than previous assemblies, but still issued direct persecutory canons. Not borrowing as much from the Roman tradition, the Eighth Council of Toledo strengthened the use of capital punishment and stressed the requisite separation of converts from their Jewish relatives.<sup>155</sup> The Ninth Council of Toledo required converts to strictly observe New Testament festivals. Failure to do so correctly led to punishment by fasting or scourging.<sup>156</sup> The Tenth Council of Toledo addressed problems with the slave trade, as clergymen sold their slaves to Jews openly, therefore requiring an ecclesiastical edict to terminate this practice. Though Recceswith's tenure as king added to the preexisting persecutory traditions, he was known more for his law code, *Forum Iudicum*, also known as *Lex Visigothorum*.

### 3.2.5 The Visigothic Code, 654CE

The Visigothic Code, written in the rule of King Recceswinth, borrowed heavily from King Alaric II's *Lex Romana Visigothorum*, including many of the persecutory practices.<sup>157</sup> The code is twelve books long and provided detailed instructions for how Visigothic society needed to operate. The twelfth book

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<sup>155</sup> Thompson, *The Goths in Spain*, 315.

<sup>156</sup> Lindo, *The History of the Jews*, 20.

<sup>157</sup> Collins, "Visigothic Spain," 58.



solely addressed issues pertaining to Jews and other heretical groups. Many of the previously identified Roman and Arian persecutory precedents appear, such as Jewish ownership of Christian slaves, marriage with Christian women, and the ability to Judaize and provide testimony. Newer persecutory traditions are also evident in the text, particularly ones that directly address traditional Jewish practices. These rites, such as circumcision, diet, the celebration of Passover, or marriage, do not allow Jews to practice their religion in any visible way and overall is an attempt to rid the Iberian Peninsula of their existence. This is a significant shift away from the practices of Arian Visigoths one century before. The *Lex Visigothorum* proved to be very influential to *Reconquista* kings in particular, as this codified law provides the groundwork for future Spanish customs, particularly *fueros*, or privileges.<sup>158</sup>

### 3.2.6 Twelfth Council of Toledo, 681CE

Within three months of ascending to the throne, King Ervig summoned the Twelfth Council of Toledo. At the time he took the throne Ervig most concerned himself with Jewish policy. This is most likely the primary reason for

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<sup>158</sup> Appendix B contains all of the different subsections contained in this law code. Due to the large number of titles and sections of the code, please reference Appendix B to read the titles of the primary sources in their entirety. This law code is from Latin manuscripts and is translated into English on a fantastic website. It can be found at S.P. Scott, trans., *The Visigothic Code: Forum Judicum* (LIBRO: The Library of Iberian Resources Online), <http://libro.uca.edu/vcode/visigoths.htm> (last accessed March 23, 2010).

his speedy convocation of the council.<sup>159</sup> At the council, the familiar concept of baptism or banishment came to a head. The council decided that Jews must be baptized within a year or suffer exile after flogging and loss of property. Ervig decided to totally eradicate any Jewish rites and ceremonies, and he left the enforcement of the laws to the local churches, placing bishops in charge of watching Jews.<sup>160</sup> Travelers also had to report to local bishops to satisfy the conventions of the council. Travelers who were caught trying to evade a bishop were punished by lashing. The utilization of local church officials became essential to the completion of their goal of religious homogeneity, free from the temptations of Judaism. Due to the lack of bureaucracy, secular leaders could not enforce this edict outside of major cities, elevating the local bishop's role in persecution.

The council also reinstituted a number of previous persecutory practices stemming from Roman tradition, as well as newer, more extreme applications. Jews who married or fornicated with Christian women faced flogging, scalping, confiscation of property, and exile. Failure to rest on Sunday or Holy Days and following Jewish food laws led to flogging and scalping for perpetrating Jews. Possession of anti-Christian doctrine led to either flogging or scalping on the first conviction and confiscation of property and exile on the second conviction.

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<sup>159</sup> King, *Law and Society*, 133.

<sup>160</sup> *Ibid.*, 134-135.

Practicing circumcision led to genital amputation for male circumcisers or the nose for a woman who performed this task, along with loss of property.<sup>161</sup> The extreme nature of punishment in the last example illustrates the Visigothic expansion of persecutory practices, as well as mention of female participants. Jewish females up to this point were generally left out of persecutory law, instead focusing on males and their roles in the patriarchal society.

In a rule dating back to early Roman traditions, Jews were not allowed to provide court testimony. Since baptized Jews retained the stigma of perfidy, they were not allowed to testify either. Jews were not allowed to hold office over Christians and those who did faced confiscation of half their property, as well as scalping and flogging. Jews were also not allowed to have Christian slaves, as outlined by Roman tradition. Converts who relapsed faced either flogging, confiscation of property and/or exile by their sworn confessions. This process of punishment and confession is very similar to what happened during the Spanish Inquisition, as *conversos* of the fifteenth century were often not considered full Christians.<sup>162</sup>

Though usury and money lending caused problems across Europe, this did not really become serious in Visigothic Iberia. Although wealth was not considered as a reason to create problems, the image of Jews as traitorous

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<sup>161</sup> Ibid., 136.

<sup>162</sup> Ibid., 141.

conspirators persisted. The language of the Twelfth Council was as fierce as its prescribed punishments and terms such as “perfidy” and “detestable” continued to exist throughout this period when discussing Jews.<sup>163</sup> This rhetoric became engrained in Visigothic society both indirectly and directly through Roman precedent, whether through usage by a local bishop delivering a message or recitation of Roman or Visigothic law codes.

### *3.2.7 Sixteenth Council of Toledo, 692CE*

After a lull in discussion about Jewish persecution in the previous Councils of Toledo, King Egica convoked the Sixteenth Council with the purpose of eradicating ineffective persecutory practices and finding a positive way to promote conversion. Egica and the council reduced the tax burden that converts held as well as capital punishment crimes to expulsion or scourging.<sup>164</sup> By minimizing oppressive tactics, Egica hoped to convert Jews at a higher rate, but this proved to be fruitless in the end. Egica’s conversion plan, while still persecutory in nature, illustrated a decrease in extreme practices and rhetoric, but this was most likely due to the ebb and flow of persecution dating back to the Roman destruction of Jerusalem. In fact, two years later at the Seventeenth Council of Toledo, Egica’s mindset, rhetoric, and practices regarding the Jews

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<sup>163</sup> Ibid., 131-132 and Lindo, *The History of the Jews*, 21-23.

<sup>164</sup> Lindo, *The History of the Jews*, 22.

completely changed after a major insurrection, in which many Jews were accused of joining.

### *3.2.8 Seventeenth Council of Toledo, 694CE*

The Seventeenth Council of Toledo provides the last documentation of the struggle between Judaism and Roman Christianity during the Visigothic period.<sup>165</sup> Political fragmentation and Muslim attacks effectively ended any widespread religio-political attacks as infighting and foreign threats proved to be more tenuous. King Egica, who two years earlier tried to convert Jews by use of less extreme methods, completely changed his policies and practices after subduing a large-scale revolt led by the archbishop Sisebert aimed at usurping his power. Jews took most of the blame, many of whom were unfairly charged with undermining the Church and plotting to seize the crown, massacre Christians, and destroy the Visigoths as a larger political entity.

Egica tried to convince his supporters and the Seventeenth Council that Iberian Jews would receive help from “Hebrews across the sea,” much like the unrealized fear of the Byzantine Emperor Heraclius and the Visigothic King Sisebut. Egica claimed that some plotters betrayed the cause and told him about Jews overthrowing Christian rulers in other Mediterranean regions. Egica’s speech led to Jews having their lands confiscated and being pushed into the role of slavery. Their connection to the rebellious nobility hurt Jews in

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<sup>165</sup> Baer, *A History of the Jews*, 22.

the end as Visigothic monarchs relied on ecclesiastical support instead of local rulers.<sup>166</sup>

Egica's successor, Wittiza, was accused of being a Jew lover and removing Egica's restrictions placed on Jews, but the credibility of this accusation is problematic as it took place during the thirteenth century by Lucas of Tuy.<sup>167</sup> Though many sources from this period are lost, it appears likely that Wittiza upheld most of his father's persecutory precedents, but did not enact any on his own.<sup>168</sup> Overall, the rule of Egica has come to symbolize the persecutory climax of Visigothic Iberia as Muslim armies poured into the peninsula a little over a decade later, marking the end of Visigothic rule in the peninsula.

The treatment of Jews in Visigothic Iberia became the most extreme illustration of persecutory rhetoric and practice during the early Middle Ages. The Visigoths internalized and utilized Roman persecutory language and precedent of practice throughout their Arian period and escalated them over the subsequent century. The intensity of the persecution varied from ruler to ruler, but continued as a mentality in Visigothic Iberia. Regardless, the Visigothic

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<sup>166</sup> Thompson, *The Goths in Spain*, 315.

<sup>167</sup> Bernard S. Bachrach, "A Reassessment of Visigothic Jewish Policy" in *The American Historical Review* 78 (February 1973): 31. Being a Jew lover is a term of condemnation from thirteenth-century perspective.

legacy persisted throughout medieval Europe, borrowing from Roman traditions and sharing its own with later generations.

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<sup>168</sup> Thompson, *The Goths in Spain*, 249.

## CHAPTER 4

### LATE MIDDLE AGES AND CONCLUSION

Visigothic persecution of Jews reached its peak at the end of the seventh century under the reign of Egica, just prior to the Islamic conquest of 711CE. Egica's rule and Councils of Toledo are widely known to early medieval historians, but he was the last Visigothic king in which historians have extensive sources of his time in power. Unfortunately, the reigns of Egica's successors are muddled by the Islamic conquest. Wittiza preserved many of his predecessor's policies. Towards the end of Wittiza's reign, Visigothic history began to fade. The unnamed author of the primary source *The Chronicle of 754* makes the case that just prior to the Muslim invasion, the Visigothic monarchy fell into disarray. This period of disorder resulted from the *coup d'état* of Roderic, who attempted to seize the throne from either Wittiza or his son Achila II.<sup>169</sup> It is generally accepted that Roderic took control the southern half of the Iberian Peninsula while Achila II controlled the northern half. Roderic was killed by the invading armies of Africa, as were a number of other important Visigothic leaders and nobles in and around Toledo. Soon after, King Achila II died defending remaining Visigothic lands from Islamic armies.<sup>170</sup> The last

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<sup>169</sup> Wolf, "The Chronicle of 754," 131.

<sup>170</sup> Collins, *Visigothic Iberia*, 140.



Visigothic king, Ardo, ruled in Narbonensis on the other side of the Pyrenees Mountains until 721CE. It is unclear how he died, but some historians believe it happened during the Islamic conquest of Narbonne. With Ardo's death, the last vestiges of Visigothic rule ended in the Iberian Peninsula. This did not mean, however, that the Visigothic legacy was dead.

Visigothic legacy, combined with that of Rome, persisted throughout the Middle Ages of Western Europe. Even though Muslims controlled the majority of the Iberian Peninsula until the twelfth century, Roman and Visigoth-styled persecutory rhetoric and laws thrived in Francia and the lands of the *Reconquista* kings. There are three particular examples of direct Visigothic influence in these regions. These include the writings of Agobard of Lyon, Alfonso X's *Siete Partidas*, and the procedures of Fernando and Isabel's Spanish Inquisition. Other persecutory practices outside of early medieval Francia and *Reconquista* Spain further illuminate the mentality of persecution rampant in late medieval Western Europe, and further the notion of a continuity of persecution from antiquity through the modern era.

#### 4.1 Impact Upon Western Europe After the Islamic Conquest of 711CE

Even after the Islamic conquest of Iberia, Visigothic tradition persisted in the peninsula and Western Europe. Jews continued to have to pay special

taxes under Muslims and later *Reconquista* kings.<sup>171</sup> The practice of issuing *fueros*, or concessionary privileges, was loosely based on the Visigothic *Liber Judiciorum* during the late medieval period.<sup>172</sup> Visigothic persistence in the anti-Jewish letters of Agobard of Lyon, Alfonso X's *Siete Partidas*, and Fernando and Isabel's Spanish Inquisition perpetuated persecutory rhetoric and practices of the Visigoths and the Romans before them.

#### 4.1.1 Agobard of Lyon, 820s-830sCE

As discussed in Chapter One, Agobard of Lyon played a substantial role in the preservation of Visigothic tradition in Carolingian Francia. Agobard was outraged by friendly relations between Christians and Jews in Lyon, as well as by the conversion of the imperial chaplain to Judaism. Agobard warned of the dangers of close relations between Jews and Christians, pushed anti-Jewish Visigothic legislation at the Council of Paris-Meaux, and called Judaism a “detestable *perfida*.”<sup>173</sup> Though Agobard enjoyed more success as a court scholar than as a religious leader, Agobard retained the Visigothic persecutory rhetoric and mentality.

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<sup>171</sup> Jonathan Ray, *The Sephardic Frontier: The Reconquista and the Jewish Community in Medieval Iberia* (Ithaca: Cornell University Press, 2006), 49. Jews who owned Christian houses had to the *la cuarta* if they did not give to Christian churches.

<sup>172</sup> *Ibid.*, 77.

<sup>173</sup> Bat-Sheva, “Adversus Iudaeos,” 137-141.

In his letter to Louis the Pious, Agobard petitioned the king to adopt a less favorable stance on Jews in Francia. Agobard's hostile language asked for a clear delineation between Christians and Jews. Agobard accused the Jews of owning Christian slaves and Judaizing Christians, leading them away from Roman Christianity. This was particularly evident in households containing cohabitants of the different religions, or of Jewish demands upon Christian servants. These Jews also blasphemed Christ in the presence of Christians without consequence. Agobard's use of words like "wicked," "treachery," "evil", and "the devil" illuminate a continuation of persecutory rhetoric, again dating back to Constantine and the foundation of the Roman Christian Church.<sup>174</sup> Agobard felt that Jews were conspiring against Christian society and that the town leaders of Lyon supported this process. Jews were not considered second-class members of Frankish society as Agobard desired. Agobard,

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<sup>174</sup> "On Being Wary of Eating and Associating with Jews, 826-827" in *Agobardi Lugdunensis Opera Omnia, Opusculum XIV*, in *Corpus Christianorum Continuatio Mediaevalis* 52, ed. VanAcker. Translated by W. L. North (Turnholt: Brepols, 1981), 231-234, "On the Baptism of Slaves Belonging to Jews, 823" in *Agobardi Lugdunensis Opera Omnia, Opusculum XIV*, in *Corpus Christianorum Continuatio Mediaevalis* 52, ed. VanAcker. Translated by W. L. North (Turnholt: Brepols, 1981), 115-117, and "On the Insolence of the Jews to Louis the Pious, 826/827" in *Agobardi Lugdunensis Opera Omnia, Opusculum XIV*, in *Corpus Christianorum Continuatio Mediaevalis* 52, ed. VanAcker. Translated by W. L. North (Turnholt: Brepols, 1981), 191-195.

therefore, argued to Louis the Pious that Christians were in danger of being led astray from their faith by Jews to promote his agenda of anti-Jewish persecution and a decline in their status.

#### 4.1.2 *Siete Partidas*, 1265CE

The *Siete Partidas*, roughly translating to “Seven Parts,” refers to the number of divisions in the law code. It served as not only an important statutory compilation for the kingdom of Castile, but for future generations of Spanish citizenry. The *Siete Partidas* continued to be utilized by the Catholic rulers of Spain as the kingdom of Castile became the dominant governing body over the peninsula in the fifteenth century. This law code even served a purpose in New World land holdings for imperial Spain during the fifteenth through nineteenth centuries.<sup>175</sup> The compilation which drew from Roman, Grecian, Christian, Jewish, and Islamic traditions emerged under the Castilian King Alfonso X, also known as “El Sabio,” or “the Wise.” Most importantly, Alfonso utilized Roman and Visigothic models of persecutory practice and standardized them in a late medieval law code.<sup>176</sup> Alfonso continued the separation of Jews and Christians, stating that “no Jew in the City of Murcia shall dwell among Christians, since they have their own *judería* separated by the Orihuela gate...”<sup>177</sup>

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<sup>175</sup> Kenneth L. Karst and Keith S. Rosenn, *Law and Development in Latin America: A Case Book* (Berkeley: University of California Press, 1975), 45-46.

<sup>176</sup> Ray, *Sephardic*, 78.

<sup>177</sup> *Ibid.*, 151.

In Alfonso's *Crónica General*, there is specific mention of the legacy of the Visigoths, even if Alfonso somewhat exaggerated it.<sup>178</sup> Alfonso noted the important cultural capacities of the Visigoths in this tome, as well as the unity of religion and importance of the Councils of Toledo. The Visigoths were held in high esteem by Alfonso, strengthening their influence in the *Siete Partidas*. This stems from their perceived devoutness to Roman Christianity and that helped legitimize Alfonso's reign. It must be noted that Alfonso also sought to become Holy Roman Emperor, and restoring Christianity to the Iberian Peninsula helped to further this goal. *Reconquista* kings often used precedent and history to rationalize the lands conquered in Muslim al-Andalus. These kings and their chroniclers perpetuated the notion of a reconquest, using the Visigoths and Romans as the first Christian rulers of the peninsula. In effect, these kings liberated lands that belonged to Christianity and battled the enemies of Christ at the same time.

The *Siete Partidas* borrowed heavily from Roman and Visigothic tradition in its various laws. Most of the laws that apply to Jews also apply to Muslims of newly conquered Spanish territories. Jews could not own Christian slaves nor

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<sup>178</sup> Castro, *The Structure*, 61. Evidence of exaggeration is great in the following: "So great was it that its dominion extended from sea to sea, as well as from the city of Tangier, which is in Africa, to the Rhone river. This kingdom was exalted in its nobility, ample in the abundance of all things, devout in religion, harmonious and united in the love of peace, made illustrious and pure by the teaching of the councils..."

hold public office over Christians. Christians and Jews could not intermarry or cohabitate, and Christians could not practice Jewish rites. Laws not directly evident in Visigothic canons stressed the need for Jews and Moors to kneel at the reception of the Christian Host as a sign of respect, even though they did not take part in the ceremony. Jews also needed to wear distinctive markers to separate themselves, as the diversity of the Iberian Peninsula made it difficult to differentiate between ethnic and religious backgrounds.<sup>179</sup> Persecutory rhetoric also remains the same, as words such as “wickedness” and “heretic” persist from the Roman Christian period. Most punishments also remained the same between the Roman, Visigothic, and *Reconquista* periods. The *Siete Partidas* and the rule of Alfonso X maintained Visigothic legal and persecutory precedent throughout the late Middle Ages, even stretching into the modern era.<sup>180</sup>

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<sup>179</sup> Lindo, *The History of the Jews*, 92-102.

<sup>180</sup> Please reference Lindo's *The History of the Jews* to find specific laws pertaining to Jews in the *Siete Partidas*. One example of Alfonso's code has been included (Ray, *Sephardic*, 166), but the rest will not be integrated into this monograph. “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. Since Christians who commit adultery with married women deserve death, how much more so do Jews who lie with Christian women, for these are spiritually espoused to Our Lord Jesus Christ by virtue of the faith and baptism they received in His name. And the Christian woman who commits such a transgression should not remain unpunished. We decree, therefore, that if she be a virgin, married woman, widow, or

#### 4.1.3 Spanish Inquisition

The main tasks of the Spanish Inquisition, which existed from the fifteenth through the nineteenth centuries, were to destroy heresy and to strengthen the belief of *conversos* against their previous faith. Jewish converts to Christianity were often seen as not fully Christian and were often met with suspicion. These converts often found themselves slightly above the status of Jews as they were legislated against almost as much as those of their former religion. Throughout the inquisitorial process, tens of thousands of secret Jews were caught, many being tortured and burned alive.<sup>181</sup> *Autos de Fé* became the primary method for suspected *conversos* to reconcile themselves with the Church and God if they had been accused of practicing Jewish rites or not following Christian ones. If *conversos* did not confess their heresies, they were burned at the stake to completely destroy the bodies, much like during the reign of Constantine. Souls of burned bodies had no place to return during the second coming of Christ, therefore permanently separating them from God. *Conversos* faced similar suspicion during the rule of the Visigoths, particularly through the canons of the Eighth, Ninth, and Twelfth Councils of Toledo.

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profligate whore, she shall receive the same punishment as the Christian woman who lies with a Muslim, as we indicated in the last law to the title dealing with Muslims.”

<sup>181</sup> Gerber, *The Jews of Spain*, 130.

Descriptions from two *autos de fé* illuminate the rhetoric and practice utilized by the Inquisition.<sup>182</sup> Words such as “disgrace,” “deceived,” and “heretic” reflect the condemnation bestowed upon these converts. *Conversos* sentenced to *autos de fé* were often whipped after they had marched through the streets and confessed their sins. These *conversos* “could hold no public office,” “could not be moneychangers,” “could [not] wear silk or fine scarlet wool[,] colored clothing[,] or any [jewelry], or “serve as witnesses.” Anyone who reverted a second time was burned at the stake. The rhetoric and practice of the Inquisition bears striking resemblance to Roman and Visigothic precedents, even though it took place at least eight-hundred years afterwards. The notion, even if completely unsubstantiated, that a Christian also practiced Jewish rites was unthinkable to the Spanish Inquisitors and monarchs, who often used the religio-political institution to tap into the wealth of the Jews.<sup>183</sup> Ultimately, the expulsion of half the Jews from Spain in 1492CE served as the symbolic breaking point between Jews and Christians in the Iberian Peninsula, though inquisitorial practices persisted for over three-hundred years.

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<sup>182</sup> Olivia R. Constable, “Heresy and Inquisition: Descriptions of Two *Autos de Fe* (1486)” in *Medieval Iberia: Readings from Christian, Muslim, and Jewish Sources* (Philadelphia: University of Pennsylvania Press, 1997), 330-337.

<sup>183</sup> Lindo, *The History of the Jews*, 249.



#### 4.2 Examples of Later Modes of Persecution

Much like under the Romans and Visigoths, persecutory practices were often complemented by the notion of coexistence. Jews of the late Middle Ages often enjoyed the protection of kings due to the immense wealth Jewish moneylenders brought to their kingdoms. In some areas the murder of a Jewish moneylender was as bad as the murder of a nobleman due to the Jews' status as royal serfs. In other instances, Jews were separated by dress in the *Siete Partidas* and Fourth Lateran Council, as well as letters of the Pope. A letter from Pope Gregory IX to Thibaut I of Navarre in 1234 pronounced that "since we desire that Jews be recognizable and distinguished from Christians, we order you to impose upon each and every Jew of both sexes ... one round patch of yellow cloth or linen, to be worn on the uppermost garment, stitched over the heart and another behind it, in order that they might be recognized."<sup>184</sup> This illustrates how Jews fit into Christian societies as well as the insecurities and anxiety of Christian leadership.

To further separate Jews from the rest of society, tales of ritual murder and kidnapping of children became commonplace and fueled the fires of persecution. Accused of claiming that they were Christians, "they thus kidnap Christian boys, and steal whatever else they can, and sell them to the Saracens."<sup>185</sup> Many of these accusations built up anxiety to the point of large-

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<sup>184</sup> Ray, *Sephardic*, 157.

<sup>185</sup> *Ibid.*, 162.

scale, violent, popular pogroms against Jews. Examples of this are the attacks on Jews during the Black Death of 1391CE in Aragón and the pogroms of 1096CE. It was the religio-political authority that often fueled the passing of restrictive laws and harsh ecclesiastical canons, many of which shared commonalities with the persecutory practices and rhetoric of the Romans and Visigoths. These similarities are particularly evident in the Frankish kingdom, especially under Charlemagne and Philip Augustus. Though many other leaders could serve as a representative sample, Charlemagne and Philip Augustus illuminate connections to their persecutory heritage, while also adopting new practices and incorporating them into their kingdoms.

#### *4.2.1 Charlemagne, 814CE*

Charles the Great, also known as Charlemagne, is one of the most famous medieval figures in history. He conquered a vast amount of land for the Frankish Empire, instituted a myriad of political, educational, economic, and religious reforms, and earned the title of Holy Roman Emperor for his defense of Rome. Although Charles ushered in the Carolingian Renaissance and united very different Germanic tribes, he also participated in the discourse against Jews in his kingdom. In his *Capitulary for the Jews*, Charles focused on the Jewish practice of usury and merchant trading, much like the Visigothic stance in the Seventeenth Council of Toledo.<sup>186</sup> Jews were not allowed to receive any

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<sup>186</sup> Roy C. Cave et al., “Laws of the Visigoths on Usury” in *A Source Book for Medieval Economic History* (New York: Biblo & Tannen, 1965), 171.

goods from Christians or churches for payment of debt. They were also prohibited from setting up money-lending tables in or selling items from their homes.<sup>187</sup> These laws were directed at Jews, and offenders faced confiscation of property, forfeiture of debt, imprisonment, and the severing of hands. This capitulary illustrates the connection made between Jews and the sin of usury during the ninth century, significantly before eleventh and thirteenth century loci of persecution.

#### *4.2.2 Philip Augustus, 1182CE*

King Philip Augustus rose to power at the age of fifteen and from a very early point in his reign encountered financial problems. To secure his legitimacy against baronial insurrection, Philip seized Jewish wealth in order to have enough material resources. Philip achieved his goal by imprisoning Jews and demanding ransoms, annulled Jewish-Christian loans, and then took over

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<sup>187</sup> Roy C. Cave et al., "Capitulary for the Jews" in *A Source Book for Medieval Economic History* (New York: Biblo & Tannen, 1965), 172-173. "1. Let no Jew presume to take in pledge or for any debt any of the goods of the Church in gold, silver, or other form, from any Christian. But if he presume to do so, which God forbid, let all his goods be seized and let his right hand be cut off. 2. Let no Jew presume to take any Christian in pledge for any Jew or Christian, nor let him do anything worse; but if he presume to do so, let him make reparation according to his law, and at the same time he shall lose both pledge and debt. 3. Let no Jew presume to have a money-changer's table in his house, nor shall he presume to sell wine, grain, or other commodities there. But if it be discovered that he has done so all his goods shall be taken away from him, and he shall be imprisoned until he is brought into our presence."

Jewish lands and buildings by banishing them from his kingdom. Later during his reign, Philip allowed Jews to return into his kingdom, but carefully managed Jewish practices and taxed them heavily.<sup>188</sup> Jews were associated with “wickedness,” “the devil,” “perfidy,” and “blind[ness],” as well as ritual murder by way of secretly sacrificing Christians on Easter.<sup>189</sup> The account of these incidents is recorded in *Gesta Philippi Augusti*, retaining much of the persecutory rhetoric and practice of both the Roman and Visigoth religio-political entities. The use of persecutory rhetoric and discriminatory taxation, as well as expulsion, harkens back to early Roman Christianity, though perceptions of ritual murder and ransoming illuminate the expanded ideas of late medieval Europe.

#### 4.2.3 Innocent III, 1199CE

Pope Innocent III’s reign as leader of the Christian Church was marked by great crises. Innocent lived during the Crusades and experienced the fall of Jerusalem in 1187CE and attributed this loss to the immorality of Christians. Innocent beseeched Christians for greater piety, pushed for Papal supremacy in political successions, and called for the Fourth and Fifth Crusades. He also

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<sup>188</sup> Marcus, *The Jew in the Medieval World*, 27.

<sup>189</sup> Ibid., 27-30. “On Easter day... [Jews would] go down secretly into underground vaults a kill a Christian as a sort of sacrifice in contempt of the Christian religion. For a long time they had persisted in this wickedness, inspired by the devil, and in Philip’s father’s time, many had been seized and burned with fire...”

wrote extensively about Jews and what Christians should and should not do with them.

With respect to the Jews, Innocent incorporated the Gregorian precedents in his *Constitution for the Jews*, 1199CE. In this manuscript, Innocent preaches restriction and protection, quoting the Augustinian notion of "Slay them not." Innocent felt that Jews should not feel prejudice, nor be compelled by violence to become Christians. Jews were not to lose their lands, face general physical violence, or be prevented from practicing their religious rites. Jews themselves, however, were not to go beyond the bounds of what was accepted in Jewish and Christian law, but more importantly not plot against Christianity.<sup>190</sup> It is difficult to ascertain the ability to police potential plots

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<sup>190</sup> D. Andrew Byler, "Innocent III: Constitution for the Jews (1199 AD)" in the Internet Medieval Sourcebook, ed. Paul Halsall at Fordham University Center for Medieval Studies, 1994. <http://www.fordham.edu/halsall/source/in3-constjews.html> (last accessed March 23, 2010). "Although in many ways the disbelief of the Jews must be reproved, since nevertheless through them our own faith is truly proved, they must not be oppressed grievously by the faithful as the prophet says: "Do not slay them, lest these be forgetful of Thy Law," as if he were saying more openly: "Do not wipe out the Jews completely, lest perhaps Christians might be able to forget Thy Law, which the former, although not understanding it, present in their books to those who do understand it."

"Just as, therefore there ought not to be license for the Jews to presume to go beyond what is permitted them by law in their synagogues, so in those which have been conceded to them, they ought to suffer no prejudice. These men, therefore, since they wish rather to go on in their own hardness than to know the revelations of the prophets and the mysteries of the Law, and to

against Christians, but what is more important is the mentality of Innocent's decree. By subtly mentioning Gregorian restrictions and freedoms, Innocent demonstrates that he perceived the varying degrees that Jews could harm Christianity, whether real or imagined.

In a 1204CE letter from Pope Innocent III to the French King, Innocent took a much stronger stance against Jewish-Christian relations. Innocent brought up a decision by the Third Lateran Council that prohibited Jewish possession of Christian slaves or servants. The French crown did not enforce this canon which proved to be quite upsetting to the Church. This letter is another example of the Roman and Visigothic persecutory rhetoric and precedent, as Innocent used the term "abomination" and the long-standing practice of Jews not being allowed to have Christians working under them,

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come to a knowledge of the Christian faith, still, since they beseech the help of Our defense...

We grant them the buckler of Our protection."

"For we make the law that no Christian compel them, unwilling or refusing, by violence to come to baptism. But if any one of them should spontaneously, and for the sake of faith, fly to the Christians, once his choice has become evident, let him be made a Christian without any calumny. Indeed, he is not considered to possess the true faith of the Christianity who is recognized to have come to Christian baptism, not spontaneously, but unwillingly. .."

"We desire, however, that only those be fortified by the guard of this protection who shall have presumed no plotting for the subversion of the Christian faith."

whether free or slave.<sup>191</sup> The association of an abomination and practices of Jews persisted from the early Roman Christian Church and endured throughout the rule of the Visigoths and past the late Middle Ages.

#### *4.2.4 Fourth Lateran Council, 1215CE*

The Fourth Lateran Council, also called the Twelfth Ecumenical Council, took place during the Fifth Crusade under Pope Innocent III. This Council produced seventy canons, four pertaining directly to Jews. These four canons drew from some earlier precedents, such as not partaking in commerce with Jews, especially through the practice of usury. Jews were not allowed to hold public office over Christians, something that was taken directly from the Third Council of Toledo, though it previously existed under Roman law. Much like the Fourth Council of Toledo, baptized Jews were not allowed to revert to their original faith, even if they had not been compelled to do so. In a newer twist, Jews and Muslims in Christian lands were forced to wear identifying markers so that Christian women in particular would not mistake them with Christian males.

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<sup>191</sup> Roy C. Cave et al., "Opposition of Innocent III to the Possession of Serfs by Jews" in *A Source Book for Medieval Economic History* (New York: Biblo & Tannen, 1965), 301-302.

"Moreover, although it has been decreed by the Lateran Council that Jews should not be allowed to have Christian slaves in their houses, either under the pretext of nursing their children, or as servants, or for any reason whatsoever, but that those who presume to live with them should be excommunicated, yet they do not hesitate to have Christian servants and nurses, upon whom they sometimes practice abominations such as it rather becomes you to punish than us to point out."

As Muslims did not exist in the rest of Western Europe, this canon focused particularly on conditions in *Reconquista* Spain, but applied precedent to the rest of Christendom as well.<sup>192</sup>

The most important correlations between Roman and Visigothic precedents are evident in Canons 69 and 70. Canon 69 directly references the Third Council of Toledo, signifying its impact on Western European society almost seven-hundred years later. The leaders of this council were called wise in their decision to enact persecutory practices during the preliminary year as part of the Roman Christian faith. Canon 70 alluded to the Fourth Council of Toledo without mentioning it by name. One of the main canons passed by this council forced converted Jews to retain their Christian identity, even if they did not want it anymore. Canon 70 followed this precedent, though it appears to have applied to converts that were not compelled into the Christian faith, rather choosing to adopt Christianity on their own. Regardless, it is very apparent in the final canons of the Fourth Lateran Council that the Visigothic and Roman traditions persisted well into the late Middle Ages.

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<sup>192</sup> Appendix C contains all four canons addressing Jews. Due to the large size, please reference Appendix C to access the primary sources in their entirety. These canons are from Latin manuscripts and is translated into English in H. J. Schroeder, trans. "The Twelfth Ecumenical Council: Lateran IV, 1215" in *Disciplinary Decrees of the General Councils: Text, Translation and Commentary* (St. Louis: B. Herder, 1937), 236-296.



#### 4.2.5 Charles of Anjou, 1289CE

During the thirteenth century, the rulers of France often used expulsion as a way to deal with their perceived problems with Jews. One such circumstance, Charles of Anjou's *Edict of Expulsion*, targeted the Jews of northern France during the reign of Philip IV. Jews affected by this edict moved to Paris after their expulsion from the various counties, but in 1306CE, Philip ordered them to leave the capital city. This forced Parisian Jews to move to the Iberian Peninsula or into eastern provinces.

In addition to the practice of expulsion, Charles II's edict runs rampant with the persecutory language evidenced in Roman and Visigothic laws and canons. Jews in this edict are tied to Roman and Visigothic tradition through the use of words such as "wicked," "evil," "enemy," "perfidious," and "devious."<sup>193</sup> Charles accused them of cohabitating with Christians and leading

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<sup>193</sup> Robin R. Mundill, "Charles of Anjou's Edict of Expulsion, 1289" in *England's Jewish Solution: Experiment and Expulsion, 1262-1290*. 4<sup>th</sup> ser. (Cambridge: Cambridge University Press, 2002), 299-302. Provided is an excerpt from the edict illustrating anti-Jewish rhetoric and practice: "We have ascertained the state of the aforesaid land (Anjou and Maine) and have found that it is subject to many enormities and crimes odious to God and abhorrent to the Christian faith. In many locales of that land, numerous Jews, enemies of the life-giving Cross and of all Christianity, dwelling randomly and publicly among Christians and deviating from the way of truth, subvert perfidiously many of both sexes who are considered adherents of the Christian faith. They seem to subvert all whom they can. They despoil these Christians of their movable and immovable goods by their devious deceits and by the endless abyss of usury, and

them astray from the Christian faith. Jews were associated with the (necessary) sin of usury and are mentioned as sexual deviants, corrupting Christian women in particular.

The religio-political entity of the county, along with the nobles and bishops, felt it was their responsibility to drive out Jews, even though they had profited monetarily from their presence.<sup>194</sup> Not only were Jews prohibited from living in the county of Anjou, but were not allowed to enter and cross it. Any Jews who refused to leave were to be seized, despoiled, and expelled by force. Jewish goods were to be seized and used by the political entity to redistribute wealth to Christians who were financially impacted by the expulsion. Anti-Jewish rhetoric, confiscation of property, physical violence, and expulsion all stem from Roman and Visigothic practices and serve as yet another example of correlations of continuity. The fear that the Jews will “subvert all whom they can” also has strong associations with the increasing hysteria of the Visigothic kings about the desire of Jews to destroy Christianity by whatever means possible.

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thus they wickedly force these Christians to beg for alms. What is most horrible to consider, they evilly cohabit with many Christian maidens.” and “Since it is our responsibility to purge the territories subjected to us of evil men, we ... have consulted about these matters with the reverend father the bishop and many clerics and with our faithful baron and nobles... We believe with the assent of God, that we should provide for our aforesaid counties ... an expulsion of the aforesaid Jews and of their descendants...”

<sup>194</sup> Ibid., 300.

### 4.3 Conclusion

From the Roman Empire to the Visigothic kings of the Iberian Peninsula, and to the monarchs of late medieval Western Europe, persecution existed as a continuous mentality, exemplified through rhetoric and practices. The breadth, depth, and intensity of the continuity of persecution fluctuated depending on which ruler was in power, but never ceased to exist over any extended period in the Middle Ages. These rulers utilized persecution as a means of consolidating and legitimizing power, though the intensification of persecution also resulted from conversion to Roman Christianity, as evidenced by rulers like Constantine and Reccared I. Many practices remained consistent throughout this period, especially laws pertaining to marriage, ownership of slaves, the holding of public offices, property seizure, and expulsion. Consistent terminology such as “superstition,” “wicked,” and “abominable” transcend the various Roman Christian leaders whether in Rome, Constantinople, or Toledo and into late medieval Western Europe.

The Visigoths added their own methods of persecution to the Roman foundation, particularly after their conversion to Roman Christianity. Compulsory baptism and conversion became the primary method of intense persecutory practice, occurring three times over the course of the seventh century. During the late seventh century, all Jews were forced into slavery under the pretext of a Mediterranean-wide conspiracy, regardless of their role in the Iberian society or legal standing. Visigoths, in particular, faced a large-scale

dilemma when it came to their treatment of converts, often considering them as not entirely Christian and leading to future institutions such as the Inquisition.

This work serves as a bridge between three major historiographies, linking the history of medieval persecution with the history of the Visigoths and of the Jews in the Iberian Peninsula. Within their various theses, historians of persecution often ignore the fourth through eleventh centuries and perpetuate the notion of the Dark Ages. In contemporary historiographical interpretations, the credibility of Petrarch's Humanist philosophy of the Dark Ages, or the stagnation of language, literature, art, and learning in the early medieval period, has been substantially weakened. So too must notions of a seven-hundred year void in persecutory practices. The correlations between examples of persecution in these periods are far too consistent to disregard. The Visigoths, though hostile and at times hysterical in their persecution of Jews, were not mindless nomads of Western Europe, but rather a complex socio-political group of ethnic Germans who inherited Roman Hispania, incorporated Roman practices, and contributed to the laws and traditions of medieval Western Europe. The Visigothic persecution of Jews existed in the early Middle Ages just as it did in Roman antiquity, setting precedents for the future medieval societies noted by historians of persecution. Visigoths should be included in future historiographical debates about the subject in order to achieve a more complete persecutory history and its impact on Western societies.

APPENDIX A  
CANONS FROM THE COUNCILS OF TOLEDO

### The Third Council of Toledo

Canon 14: “In conformity with the opinion of the Council, our glorious king has ordered to be inserted among the canons, that Jews shall not be permitted to have Christian wives or concubines. All children born from such union are to be brought to baptism; nor shall they be permitted to purchase Christian slaves to serve them. If Christian slaves are circumcised, they shall be liberated without ransom, and they shall revert to the Christian religion. Nor shall they hold any public office whereby they can inflict and punishment on Christians.”

Canon 24: “It is decreed, that Jews, in carrying their dead, shall not be permitted to sing Psalms; but they are to observe their ancient customs of bearing and interring their dead. The penalty for transgressing this decree is six ounces of gold to be paid to the count of the city.”

### The Fourth Council of Toledo

Canon 57: “In respect to Jews, this holy synod has resolved that in future no one shall be compelled to receive our faith; for God hath mercy on whom he will have mercy, and whom he will he hardeneth; as such persons are not saved unwillingly, but by consent, that the attribute of justice be persevered entire. For as man perished by his own free will in submitting to the serpent, so when the grace of God calleth, every man is saved by believing, by the conversion of his own mind. Therefore they are not to be constrained, but persuaded into conversion, by the free agency of the will. As to those already forced into

Christianity, as was done in the time of the most devout prince Sizebut, since it is evident they have partaken of the holy sacrament, have received the grace of baptism, have been anointed with the chrism, and received the body and blood of our Lord; it is right they should be obliged to retain the faith they have undertaken, although under compulsion and necessity, lest the name of God be blasphemed, and the faith they have assumed be considered worthless and despicable.”

Canon 58: “The avarice of some persons is so great, that, as the Apostle saith, through covetousness they have erred from the faith. Many ecclesiastics and laymen have, by accepting presents from the Jews, bestowed their protection on infidelity; such persons are deservedly to be held as belonging to Antichrist, who thus act contrary to Christ. Therefore, whoever henceforth, whether bishop, ecclesiastic, or layman, shall afford them his protection, for reward or favor, to the disparagement of the Christian faith, let him become an alien from the Catholic Church and the kingdom of God, as a truly profane and sacrilegious person; for it is right that he should be severed from the body of Christ, who makes himself a patron of Christ’s enemies.”

Canon 59: “Many who have formerly been elevated to the Christian faith, are now known, in contempt of Christ, not only to practice Jewish ceremonies, but have even dared to practice the abomination of circumcision. By the advice of our most pious and religious prince, Sisenand the king, this holy Synod hath decreed that such transgressors, being apprehended on the authority of the

prelates, shall be recalled to the true worship, according to Christian doctrine, so that those who will not amend of their own accord, may be compelled by sacerdotal correction. Should such persons as they may have circumcised, be children of the above, they shall be taken from the society of their parents; and if slaves, they shall be liberated in compensation for the injury.”

Canon 60: “We decree, that the sons and daughters of Jews are to be separated from their parents, lest they be involved in their errors. They are to be placed in monasteries, or with Christian men and women who fear God, that by their society they may learn the worship of the true faith, that, being thus better instructed, they may improve in morals and belief.”

Canon 61: “If Jews that have been baptized, afterwards renounce Christianity, and thus become liable to any penalty, their believing children shall not be excluded inheriting their property; for it is written, The son shall not bear the iniquity of the father.”

Canon 62: “The company of the wicked frequently corrupteth the good, how much more that of the viscously inclined. Therefore, there is to be no communion between Jews that have been converted to the Christian faith, and those who adhere to their ancient rites, lest by associating with them they be perverted. Therefore, any that have been baptized, that do not avoid the society of unbelievers, shall be given over to Christians, and the former be publicly scourged.”



Canon 63: “Jew who have Christian wives are to be advised by the bishop of their diocese, that if they wish to live with them they must become Christians; and if, after being so admonished, they refuse to obey, they are to be separated, as an unbeliever cannot remain in wedlock with a woman who has become a Christian. The children are to be brought up in the faith of their mother; and those born of unbelieving mothers and believing fathers, are to follow the Christian religion, and not the Jewish superstitions.”

Canon 64: “He who is faithless to God cannot be true to man. Therefore Jews who were formerly Christians, but now deny the faith in Christ, are not to be admitted as witnesses, although they declare themselves to be Christians. For if suspected in respect to their faith in Christ, their testimony on human affairs is unsafe. No confidence can be placed in the testimony of those brought up in falsehood; nor is credit due to those that reject the true faith.”

Canon 65: “By command of the most excellent Lord and King Sisenand, this holy council has decreed that Jews and their descendants are not to hold public employments, as scandal would thereby be given to Christians; therefore, provincial judges, together with ecclesiastics, are to prevent their fraudulently obtaining such employments, and their succeeding therein. Should any judge tolerate such proceedings, he is to be excommunicated the same for sacrilege, and the person that obtains the office shall be publicly scourged.”

Canon 66: “By the decree of the most glorious prince, this council has resolved, that no Jew shall have Christian servants, nor purchase Christian slaves, nor

retain such by gift of any person. As it is shameful that the members of Christ should serve the ministers of Antichrist. Henceforward, should any Jew dare to keep Christian slaves of either sex, they shall be liberated, and restored to their freedom.

#### The Sixth Council of Toledo

Canon 3: “The inflexible treachery of the Jews has by piety and diving grace been overcome; for inspired by the Most High God, our most excellent and Christian prince, inflamed with ardour for the faith, together with the clergy of his kingdom, has resolved to destroy their prevarication and superstition to the utmost, by not permitting the residence of any person in the land who is not a Catholic. For which zeal we give thanks to the Almighty King of heaven, that He has created so illustrious a soul, and endued it with His wisdom. May he grant him a long life in this world, and everlasting glory in the future.”

“We therefore now decree, and confirm what has hitherto been enacted in general synod respecting the Jews, seeing that all requisite for their salvation has been done with circumspection. We now declare all such edicts to be valid.”

“We hereby deliberately resolve, that whoever in future shall obtain the sovereignty, shall not ascend the throne before he has sworn not to permit the Jews to infringe this holy faith, and in no wise to be seduced, either through neglect or cupidity to favor their perfidy.”

### The Twelfth Council of Toledo

Canon 9: “We have read with careful attention the laws lately promulgated by our most glorious prince, in various divisions, upon the execrable perfidy of the Jews. With due consideration, we likewise have approved all those regulations; and, as they have been justly ordained and approved by synodal examination, they shall henceforward be held as an irrevocable course in judicial proceedings against the transgressors of them.”

“The laws in repetition of former laws against Jewish transgressions, and the late ratification of the same.”

“That Jews shall not abstain themselves, nor withhold their children or slaves from baptism.”

“That Jews shall not celebrate the Passover as accustomed, nor practice circumcision, nor dissuade any one from the Christian faith.”

“That Jews shall not presume to observe the Sabbath, or any festival of their religion.”

“That Jews shall not work on the Lord’s day nor on other specified days.”

“That Jews shall make no distinction in food.”

“That Jews shall no longer marry near relations.”

“That Jews shall not dare to defend their religion to the disparagement of ours, nor flee anywhere to avoid the faith; nor shall any person harbor such.”

“That no Christian accept any gift whatever to the prejudice of the Christian faith.”

“That Jews shall not read book abhorred by the Christian faith.”

“That no Christian slave shall belong to Jews.”

“If a Jew declares himself to be a Christian, and on that account refuses to give up a slave.”

“Every Jew on embracing the faith to deliver his profession in writing.”

“The conditions Jews are to swear to, on renouncing Judaism for the faith.”

“Concerning Christian slaves of Jews not declared to be Christians, and respecting those who shall denounce them.”

“No Jew shall dare to govern, strike, or arrest any Christian in virtue of any authority, except by royal ordinance.”

“That unconverted slaves of Jews receiving the Christian faith shall receive their freedom.”

“That Jews shall not presume on the authority of land proprietors or others, to govern a Christian family, and the penalties to be inflicted on those that give them such authority.”

“The manner in which bishops are to muster Jews at stated times.”

“Any person having a Jew in his service shall deliver him up on the demand of any priest.”

“That the duty of distinguishing Jews belongs solely to priests.”

“On the penalties priests and magistrates incur for delay in executing the laws against the Jews.”

“That magistrates shall not presume without the sanction of the priest, to decide any matter of Jewish transgression.”

“That bishops are exempt from penalties when their presbyters have not sent for their adjudication, what they have failed to correct.”

“The prerogative of mercy towards those who are truly converted to the Christian faith is reserved to princes.”

“Every bishop shall furnish the Jews of his diocese with a book written against their errors, and shall store in the archives of his cathedral, their professions and conditions.”

“The promulgation of all of these laws as approved by synodal decision, by our unanimous consent, shall be enforced against those that transgress them.”

#### The Sixteenth Council of Toledo

Canon 1: “Notwithstanding many writers of the ancient fathers, and promulgated laws extant, condemning the false belief of the Jews, yet, as the prophetic record declares, ‘the sin of Judah is written with a pen of iron, and with the point of a diamond,’ they still persevere in the blindness of their obstinacy on a yet harder rock. It is too plain that the walls of the Catholic Church are often attacked by the engines of infidelity. Therefore they must be unwillingly corrected, or awfully crushed while perishing for ever under the judgment of God.”

“It is the laudable practice of skilful physicians to press the art of healing on those who suffer various diseases, until they accept the wholesome remedy. Then, as the earnest desire and ready devotion of our glorious and Christ-loving king, Egica, are willing to provide the virtue of this admirable medicine for them, that either they be converted to the faith, or if adhering to their infidelity be more severely treated, by his command and exhortation our council has unanimously resolved.”

“That all provisions in the decrees and laws of our predecessors in the Catholic faith, for the destruction of their perfidy, shall be more strictly enforced by all ecclesiastics and magistrates; and what we now ordain shall be equally zealously observed. Namely,”

“That all those who shall be sincerely converted, and without subterfuge faithfully keep the Catholic faith, shall remain secure in their possessions and property, and exempt from every tax they have been accustomed to pay to our sacred treasury; but such as continue in their infidelity shall pay the full amount of their customary taxation for the public benefit.”

“Those who have abandoned their errors, shall only pay to the revenue the same as other freemen, and be at full liberty to carry on business, and equally with Christians, shall discharge any public duty they may be appointed to by the king; for the rule of faith required that every one adorned with the faith of Christ, should be held as noble and honorable among men...”

APPENDIX B  
SUBSECTIONS FROM THE *LEX VISIGOTHORUM*

## II: Concerning the Eradication of the Errors of all Heretics and Jews

- I. Laws Having Been Given to True Believers, it is Now Necessary to Place Restraints upon Infidels.
- II. Concerning the Renunciation of the Errors of all Heresies.
- III. Concerning the Laws Promulgated on Account of the Wickedness of the Jews.
- IV. Concerning the Extirpation of the Errors of the Jews in General.
- V. Jews shall not Celebrate the Passover According to their Custom.
- VI. Jews shall not Contract Marriage According to their Custom.
- VII. Jews shall not Perform the Rite of Circumcision.
- VIII. Jews shall not Divide their Food into Clean and Unclean According to their Custom.
- IX. No Jew shall Subject a Christian to Torture.
- X. No Jew shall Testify Against a Christian; and Under what Circumstances the Descendants of Jews may Testify.
- XI. No Jew shall Circumcise a Christian Slave.
- XII. Concerning the Penalties to be Inflicted for Offences Committed by Jews.
- XIII. Concerning Christian Slaves who are Known to have been Sold or Liberated by Jews.
- XIV. Under no Circumstances shall Christian Slaves Attach themselves to Jews, or be Admitted into their Sect.



XV. All Christians are Forbidden to Defend or Protect a Jew, by Either Force or Favor.

XVI. Memorial of the Jews Presented to the King.

XVII. Concerning Judaizing Christians.

XVIII. Concerning the Perfidy of the Jews.

III: Concerning New Laws against the Jews, in which Old Ones are Confirmed,  
and New Ones are Added

*I. Concerning Old Laws Enacted Against the Transgressions of the Jews, and the Confirmation of the Same.*

*II. Concerning Blasphemers Against the Holy Trinity.*

*III. Jews shall not Absent themselves, or Remove their Children or Slaves, to Avoid the Blessing of Baptism.*

*IV. Jews shall not Celebrate the Passover According to their Customs, or Practice Circumcision, or Induce, any Christian to Renounce the Church of Christ.*

*V. Jews shall not Presume to Keep the Sabbath, or Celebrate Festival Days, According to their Ritual.*

*VI. Every Jew shall Cease from Labor on Sunday, and on all Appointed Holidays.*

*VII. Jews shall not make any Distinction in their Food According to their Custom.*

- VIII. *A Jew shall not Marry a Person Nearly Related to him by Blood, or Contract Marriage without the Benediction of a Priest.*
- IX. *Jews who Insult our Religion, while Attempting to Defend their own Sect, shall not Betake themselves Elsewhere; nor shall Anyone Shelter them while Fugitives.*
- X. *No Christian shall Accept a Gift from a Jew, to the Detriment of the Christian Faith.*
- XI. *Jews shall not Dare to Read Such Books as the Christian Faith Rejects.*
- XII. *Christian Slaves shall not Serve, or Associate with, Jews.*
- XIII. *Where a Jew Declares that he is a Christian, and, for this Reason, does not wish to Dispose of a Christian Slave.*
- XIV. *The Confession of Jews; and In What Way Each One of Them, who is Converted, must Write Down the Proof of his Conversion.*
- XV. *Conditions under which Jews must Make Oath, when, having been Converted, they have in their Confession of Faith.*
- XVI. *Concerning the Christian Slaves of Jews, who have not Proclaimed Themselves Christians, and those who Expose Them.*
- XVII. *No Jew, under any Authority whatever, shall Dare to Oppress, Punish, or Imprison a Christian, Except by Order of the King.*
- XVIII. *If Slaves of Jews, not yet Converted, should Claim the Grace of Christ, they shall be Liberated.*
- XIX. *Jews shall not Rule Christians under the Authority of Mayors of Towns or*

*of Superintendents of Estates; and Concerning the Penalties to be Imposed upon Such as Appoint them to Office.*

*XX. Where a Jew comes from Another Country into any of the Provinces of Our Kingdom, he Must, at once, Present himself before a Bishop, a Priest, or a Judge; and What shall be Done under the Circumstances.*

*XXI. How Assemblies of Jews shall Visit the Bishop on Appointed Days.*

*XXII. Where Anyone has a Jew in his Service, and a Priest Demands him, the Master shall not have a Right to Retain said Jew.*

*XXIII. All Restraint of and Control over the Jews shall be Vested in the Priesthood.*

*XXIV. Concerning the Penalties to be Imposed upon Priests and Judges who Neglect to Enforce the Laws against the Jews.*

*XXV. No Judge shall Presume to Investigate the Offences of the Jews without the Knowledge of an Ecclesiastic.*

*XXVI. Bishops shall be Immune from Punishment, when their Priests do not Inform them of Such Things as Should be Corrected.*

*XXVII. Concerning the Mercy to be Shown by Princes, towards Those who have been Truly Converted to the Christian Faith.*

*XXVIII. Bishops shall Give to all Jews a Copy of this Book, which has been Published for the Purpose of Correcting their Errors; and their Confessions and a Record of their Conversion, shall be Deposited among the Archives of the Church.*

APPENDIX C

CANONS FROM THE FOURTH LATERAN COUNCIL

CANON 67: “The more the Christians are restrained from the practice of usury, the more are they oppressed in this matter by the treachery of the Jews, so that in a short time they exhaust the resources of the Christians. Wishing, therefore, in this matter to protect the Christians against cruel oppression by the Jews, we ordain in this decree that if in the future under any pretext Jews extort from Christians oppressive and immoderate interest, the partnership of the Christians shall be denied them till they have made suitable satisfaction for their excesses. The Christians also, every appeal being set aside, shall, if necessary, be compelled by ecclesiastical censure to abstain from all commercial intercourse with them. We command the princes not to be hostile to the Christians on this account, but rather to strive to hinder the Jews from practicing such excesses. Lastly, we decree that the Jews be compelled by the same punishment to make satisfaction for the tithes and offerings due to the churches, which the Christians were accustomed to supply from their houses and other possessions before these properties, under whatever title, fell into the hands of the Jews, that thus the churches may be safeguarded against loss.”

CANON 68: “In some provinces a difference in dress distinguishes the Jews or Saracens from the Christians, but in certain others such a confusion has grown up that they cannot be distinguished by any difference. Thus it happens at times that through error Christians have relations 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 Jews and Saracens of both sexes in every Christian province and at all times shall be marked off in the eyes of the public from other peoples through the character of their dress. Particularly, since it may be read in the writings of Moses, that this very law has been enjoined upon them.”

“Moreover, during the last three days before Easter and especially on Good Friday, they shall not go forth in public at all, for the reason that some of them on these very days, as we hear, do not blush to go forth better dressed and are not afraid to mock the Christians who maintain the memory of the most holy Passion by wearing signs of mourning.”

“This, however, we forbid most severely, that any one should presume at all to break forth in insult to the Redeemer. And since we ought not to ignore any insult to Him who blotted out our disgraceful deeds, we command that such impudent fellows be checked by the secular princes by imposing them proper punishment so that they shall not at all presume to blaspheme Him who was crucified for us.”

CANON 69: “Since it is absurd that a blasphemer of Christ exercise authority over Christians, we on account of the boldness of transgressors renew in this general council what the Synod of Toledo wisely enacted in this matter, prohibiting Jews from being given preference in the matter of public offices, since in such capacity they are most troublesome to the Christians. But if anyone should commit such an office to them, let him, after previous warning,

be restrained by such punishment as seems proper by the provincial synod which we command to be celebrated every year. The official, however, shall be denied the commercial and other intercourse of the Christians, till in the judgment of the bishop all that he acquired from the Christians from the time he assumed office be restored for the needs of the Christian poor, and the office that he irreverently assumed let him lose with shame. The same we extend also to pagans."

CANON 70: "Some, we understand, who voluntarily approached the waters of holy baptism, do not entirely cast off the old man that they may more perfectly put on the new one, because, retaining remnants of the former rite, they obscure by such a mixture the beauty of the Christian religion. But since it is written: "Accursed is the man that goeth on the two ways", and "a garment that is woven together of woolen and linen" ought not to be put on, we decree that such persons be in every way restrained by the prelates from the observance of the former rite, that, having given themselves of their own free will to the Christian religion, salutary coercive action may preserve them in its observance, since not to know the way of the Lord is a lesser evil than to retrace one's steps after it is known."

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## BIOGRAPHICAL INFORMATION

Justin Thomas Dellinger was born in Sedalia, Missouri in 1981. He traveled throughout the United States while his father served in the Air Force. During this time, Justin learned a great deal about the history of the U.S. as he was exposed to the various regions of the country. He sustained his fervor to learn about history while attending the University of Texas at Austin, earning his B.A. in History and Spanish in 2004. After graduating, Justin served as a U.S. History and Spanish teacher in the Richardson Independent School District until his enrollment in the M.A. History program at the University of Texas at Arlington in 2008. During this program, Justin enrolled in both medieval and transatlantic courses with the intent of writing a thesis. In March 2010, Justin was accepted into the Transatlantic History Doctoral Program at the University of Texas at Arlington. He earned a doctoral fellowship and enhanced graduate teaching assistantship and will begin the program in Fall 2010. He intends to study imperialism, migration, and intercultural transfer between Spain, the Caribbean, Gulf of Mexico, and the rest of the Atlantic Basin.