



Divine Justice and Freedom: On Canon 57 of the Fourth Council of Toledo (633)

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ABSTRACT

In 615, the Catholic King Sisebut ordered the forced baptism of Jews. The text of Canon 57 of the Fourth Council of Toledo (633), a work of Isidore of Seville, is a criticism of that royal decision. Further than the classical pastoral line represented in this period by Pope Gregory the Great, condemning violence and requesting a voluntary adhesion to the faith, it also describes, in Augustinian terms, the moral situation of humans after the sin of the first among them. It is by the exercise of their free will that humans sin, and it is by it, and not by constraints, that they must save themselves. But this interpretation of Canon 57 is undermined by the fact that it also attributes the moral situation of humans to divine justice. What would be the relative weight given in it to the factors of freedom and grace in the sin of the Jews and in the process of their conversion? The question is of particular interest for legal historians. Was the interdiction of forced baptisms based on the idea that freedom was ineffective without the support of grace? Transposed to present-day terms, it would be equivalent to asserting the existence of a certain determinism or conditioning that would forbid considering criminals as entirely responsible for their actions. In order to understand the idea that truly grounds Isidore's thinking, I will trace the intellectual genesis of Canon 57. Mostly, I will use the *Sententiae*. Indeed, a certain number of the sentences would have been developed



comments of the canon, in which Isidore progressively deploys his thinking about human merit and divine grace.

ESSAY¹

Around the year 615, the Visigothic King Sisebut – who, at the beginning of his reign in AD 612, confirmed the anti-Jewish measures of King Reccared (r. 586-601) by strengthening them² – ordered the baptism of the “Jewish subjects of his kingdom” (*iudaei sui regni subditi*).³ Sisebut imagined this as the logical way to complete the kingdom’s conversion begun in 589 by his royal predecessor, whose personal conversion to orthodoxy, according to a custom observed mainly by Germanic peoples, entailed the conversion of all the Goths.⁴ The Jews of the *regnum*, however, refused to convert and so the new king decided to use force. For this reason, the bishops of Hispania seem to have been divided over the legitimacy of the conversion order, although it appears that a council assembled in Seville between 619 and 621, after the death of the king, approved the measure.⁵ Yet, in his *History of the Goths*, Isidore, Bishop of Seville (c. 600-636), blamed the dead king for having imposed the faith through his royal power (*potestas*). Later, in 633, during the reign of King Sisenand (r.

¹ This article has been translated from the original French by Catalin Taranu, Institute of Medieval Studies, University of Leeds.

² Cf. Bruno Dumézil, *Les racines chrétiennes de l'Europe. Conversion et liberté dans les royaumes barbares. V^e – VIII^e siècles* (Paris: Fayard, 2005), 283-85 and 655-63.

³ Isidore of Seville, *Chron*, 416, ed. Theodor Mommsen, *MGH AA XI* (Berlin, 1894), 291.

⁴ I follow Céline Martin, who explains the king’s decision mainly by his wish to imitate Reccared. Cf. Céline Martin and Capucine Nemo-Pekelman, “Les juifs et la cité (IV^e-VII^e siècles),” *Antiquité tardive* 16 (2008): 236-37.

⁵ Chronological interval proposed by Bruno Dumézil, “Une source méconnue sur la politique de conversion forcée du roi Sisebut: le ‘canon 10 du concile de Séville’,” in *Juifs et chrétiens, Sources pour la recherche d’une relation permanente*, Carcassonne, Table ronde CNRS-SEEU du 22 October 2003, ed. Claude Denjean and Flocel Sabate (Lleida: Milenio, 2006), 21-35 and *Les racines chrétiennes*, 665. See also Raúl González Salinero, “Isidoro y los judíos en el único canon conservado del desaparecido Concilio III de Sevilla,” *Guerra y rebelión en la Antigüedad Tardía* (2005): 201-11.

631-633), the clerics assembled in a council at Toledo, presided over by Isidore, and condemned without any ambiguity the forced baptism of the Jews:

Canon 57 §1: But concerning the Jews, this holy council prescribes that the use of force causes no one to believe. On the contrary, God has mercy on whom he wants to have mercy, and he hardens whom he wants to harden [Rom. 9:18]. The recalcitrant will not be saved, but only those who wish to be saved, for the nature of justice is irreproachable. Just as those who listened to the serpent brought about their perdition through their own judgment, so are all saved by faith who, by the grace of God who calls them, convert their own spirit. Therefore [the Jews] must be persuaded to convert through the free use of their will rather than pushed to this by force.⁶

Of course, it is well known that Canon 57 had no effect on the actual situation of the Jews since, as the second paragraph of the same canon detailed, those who – according to Sisebut’s order – had been “familiarized with the holy sacraments, the grace of baptism, christianized, and had partaken of the body and blood of Christ, were to be forced to keep the faith.”⁷ At the same time, Jewish children had to be removed from

⁶ Canon 57 §1: “De Iudæis autem hoc præcepit sancta synodus nemini deinceps ad credendum vim inferre, cui enim vult Deus miseretur et quam vult indurat, non enim tales inviti salvandi sunt sed volentes, ut integra sit forma iustitiæ ; sicut enim homo proprii arbitrii voluntate serpenti obediens periit, sic vocante gratia Dei propriæ mentis conversione homo quisque credendo salvatur. Ergo non vi sed liberi arbitrii facultate ut convertantur suadendi sunt non potius inpellendi.” Cf. Amnon Linder, *Jews in the Legal Sources of the Early Middle Ages* (Detroit – Jerusalem: Wayne State University Press, 1997), 486. French translation by Laurence Foschia, notice n°1051, the RELMIN project, “Le statut légal des minorités religieuses dans l’espace euro-méditerranéen (V^e-XV^e siècle),” Edition électronique Telma, IRHT, Institut de Recherche et d’Histoire des Textes - Orléans <http://www.cn-telma.fr/remlin/extrait1051/>.

⁷ Canon 57§2: “Qui autem iam pridem ad christianitatem venire coacti sunt, sicut factum est temporibus religiosissimi principis Sisebuti, quia iam constat eos sacramentis divinis adsociatos et baptismi [sic] gratiam suscepisse et chrismate unctos esse et corporis Domini et sanguinis extitisse participes, oportet

their families for their salvation (Canons 59 and 60).⁸ These two objectives, which were met with much resistance, involved the kings and bishops of the seventh century in an escalation of the surveillance and repression of the Jewish population (converted or not), as well as those of the nobility and clergy in particular, whose ties of patronage with the Jews turned them into accomplices.⁹

Nevertheless, Canon 57, deserves to be examined because of the interest of the argumentation that it develops against the forced baptism of the Jews. In fact, it does not simply condemn violence and request a voluntary adhesion to the faith, in the classical pastoral line represented in this period by Pope Gregory the Great (590-604).¹⁰ It also describes, in Augustinian terms, the moral situation of humans after the voluntary sin of the first among them. It insists on the fact that humans are free and that this freedom is the cause of evil. It is by the exercise of their freedom that humans sin, and it is by it, and not by constraints, that they need to be saved. Thus, the text seems to consider that free will and merit are determining factors in the process of conversion.

Yet, I would argue that this interpretation of the first reading is undermined by two passages of the Canon. In fact, it cites the verse in the *Epistle to the Romans* 9: “God has mercy on whom he wants to have mercy, and he hardens whom he wants to harden,” by which it seems to attribute the moral situation of humans to divine justice, and

ut fidem etiam quam vi vel necessitate susceperunt tenere cogantur, ne nomen Domini blasphemetur, et fidem quam susceperunt vilis ac contemptibilis habeatur.”

⁸ Linder, *Jews in the Legal Sources*, 487-88.

⁹ On Visigothic anti-Jewish legislation, see the monograph by Alexander Pierre Bronisch, *Die Judengesetzgebung im katholischen Westgotenreich von Toledo* (Hannover: Hahnsche Buchhandlung, 2005).

¹⁰ Bruno Judic, “Grégoire le Grand et la violence religieuse,” in *Violence et religion*, ed. Pierre Cazier et Jean-Marie Delmaire (Lille: Université Charles-de-Gaulle, 1998): 67-94.

indicates that man will convert not solely “by the will of his own judgment,” but also “through the grace of God who calls him,” which implies that he could not save himself without the aid of grace.

The question is thus: what is the relative weight given by the participants in the Fourth Council of Toledo to the factors of freedom and grace in the process of converting the Jews? Do they give preeminence to the former or to the latter?

This question is particularly interesting for historians of Visigothic law. What is at stake is our understanding of the grounds on which the interdiction of the forced baptism of Jews, in the spirit of the participants in the council, rested. Was it motivated by an anthropology according to which humans are free and should remain that way in matters concerning faith? Was it, on the contrary, based on the idea that their freedom was ineffective without the support of grace? If the latter hypothesis is correct, I would argue that the immunity of the Jews derived from a certain determinism. Thus, the Toledan fathers would have envisaged – before the twelfth- and thirteenth-century decretists and decretalists – a cause for criminal irresponsibility resting on the assertion of the imperfection of human freedom.

In order to verify the correctness of either hypothesis, and to avoid reading into Canon 57 more than it actually says, it would be wise to advance with caution. It needs to be said that, according to Wolfram Drews’s interpretation, the text gives preeminence to the exercise of free will, which it reportedly presents as the foundation for the efficacy of grace and justice. The conversion would thus be conceptualized as a mental act and

a voluntary response of man to the grace of God who called him.¹¹ But Canon 57 is the work of Isidore of Seville. Wolfram Drews, who made a close analysis of his work, underlines that the two factors of freedom and grace seem to have weighed differently according to the context in which he penned his writings, and could vary even within the same work.¹² Fortunately, Pierre Cazier demonstrated that Isidore's *Sententiae* included a detailed commentary of Canon 57.¹³ Hence this is the work to which one must turn to understand the canon's spirit. But it is also illuminating to trace the intellectual genesis of Canon 57, which I aim to do first in the following by seeing it as a reaction to the theological justifications of Sisebut's actions developed in Canon 10 of the above-mentioned Council of Seville. I then show, following Elsa Marmursztejn, that the idea was in its bud in the criticisms formulated in Isidore's *History of the Goths* (*De Origine Gothorum*).

“Good Actions are Fulfilled in Spite of Oneself”

If it is accepted that the text commonly identified as “Canon 10 of the Third Council of Seville” (624) indeed originates from a council held between 619 and 621 in this city, it can be supposed, together with Bruno Dumézil, that its argument, which is a justification of the forced baptisms of Sisebut, reflected the position of the king himself, even if he was already dead at the time. The interest of the text here is even greater if it is borne in mind that since it was held in Seville, the metropolitan bishop Isidore could have been absent neither from the assembly nor from the drafting of its proceedings.¹⁴

¹¹ Wolfram Drews, *The Unknown Neighbour. The Jew in the Thought of Isidore of Seville* (Leiden-Boston: Brill, 2006): 222.

¹² *Op. cit.*, 247.

¹³ Pierre Cazier, “Les sentences d’Isidore de Séville et le IV^e concile de Tolède. Réflexions sur les rapports entre l’Église et le pouvoir politique en Espagne autour des années 630,” *Semana internacional de estudios visigóticos* (Murcia, 1986): 373-86.

¹⁴ Dumézil, *Les racines chrétiennes*, 287.

Canon 10 justifies the events of 615 in these terms:

For the most faithful to God and most victorious *princeps*, amidst all the worries of the *respublica*, remembering the words of the Fathers that ‘Many good actions are fulfilled in spite of oneself’, and knowing that he would be held accountable by God for those whom Christ had placed under his guidance, he preferred to bring these people to the truth against their will rather than leaving them in the old age of a rooted perfidy.¹⁵

In the lineage of the speech held by Reccared in 589, the text affirmed the function of the ‘pastor king’ in charge of the souls of his people and held accountable for their salvation.¹⁶ But it then goes further in defending the legitimacy of the use of force. It draws its arguments from the ‘manual’ (*enchiridion*) written by Augustine between 420 and 423 for his friend Laurentius, who had asked him to instruct him on the main points of Christian doctrine.

The selected quotation, “many good actions are fulfilled in spite of oneself,” is taken from a passage describing the works of mercy. They consist in “giving food to the hungry, drink to the thirsty or clothing to the naked,” etc. But the list also numbers among the ‘alms’ not simply the fact of “forgiving a sinner or interceding for him,” but also “correcting him and imposing him a penance for his correction”:

¹⁵ Canon 10: “Namque fidelissimus Deo Sisebutus ac victoriosissimus princeps inter cunctas reipublicae suae curas memor Patrum dictis, quam multa bona praestantur invitis sciens, super haec Deo se debere rationem de his quos Christus suo deputavit regimini, maluit istos etiam nolentes ad veritatem perducere quam in vetustate inolitae perfidiae.” *La colección canónica Hispana*, V, ed. Gonzalo Martínez Díez and Félix Rodríguez (Madrid, 1992), 482-85.

¹⁶ Céline Martin, *La géographie du pouvoir dans l’Espagne visigothique* (Lille: Septentrion, 2003): 347.

It often happens that in fact many good actions are fulfilled in spite of oneself if we consider the interest [of people] rather than their will. For they find themselves being their own enemies, while their friends are rather those whom they believe to be their enemies.¹⁷

Perhaps the circumstances in which the manual was written had some bearing on the position Augustine expressed here – towards the end of his life, in the age of his disputes with the Donatists when he stiffened his position towards heretics and schismatics and consented, under certain conditions, to penal repression against them.¹⁸ We know that in his late writings he admitted that the use of force could be the precondition of a voluntary interior conversion and he defended this use as a work of charity. In a letter to Donatus, he presented coercion as an act of love towards those who were prisoners of evil.¹⁹ But we also know that he did not extend these considerations to the Jews, for which he had developed an original protecting theology, that of the Jewish *testis veritatis*.²⁰

On the contrary, in order to judge the legitimacy of the forced baptism of the Jews, the fathers of the Third Council of Seville did not consider that this population presented any particular theological specificity compared to that of Christian heretics. Sisebut himself seems to have ignored it. According to Céline Martin, although his theological

¹⁷ Augustine, *Enchiridion ad Laurentium de fide, spe et charitate*, 72: “Multa enim bona praestantur invitis, quando eorum consulitur utilitati non voluntati, quia ipsi sibi inveniantur esse inimici, amici vero eorum potius illi quos inimicos putant.” ed. M. Evans, *CCSL* 46 (1969): 88.

¹⁸ Pierre Cazier, “Le *compelle intrare* d’Augustin. Mise en perspective,” in *Violence et religion*, ed. Cazier and Delmaire, 15-39.

¹⁹ Drews, *The Unknown Neighbour*, 238.

²⁰ Jeremy Cohen, *Living Letters of the Law. Ideas of the Jew in Medieval Christianity* (Berkeley and Los Angeles: University of Californian Press, 1999), 23-71.

culture was reputedly extensive, the king probably did not envisage the baptism of the Jews in a different register from that of Arian Goths, the conversion to orthodoxy of which had been ordered by Reccared:

The fact that later Hispanic sources qualify the Jews as *gens iudaeorum* prompts one to think that they could have been perceived as a simple ‘nation’ concerned, like all the others, by the divine plan of the salvation of humankind, just like the Goths or the Suebians, already Catholic.²¹

It is noteworthy that Isidore of Seville himself, while he had already written his *De fide catholica contra Iudaeos* which reported, in a manner certainly different from that of Augustine,²² the particular place of the Jews in the history of Salvation, ignored, as far as contemporary politics was concerned, their theological originality.

“God has Mercy on Whom He Wants to have Mercy, and He Hardens Whom He Wants to Harden” [Rom. 9:5]

In his *History of the Goths*, Isidore argues that Sisebut had brought the Jews to faith by “emulation, but not in what regards knowledge.”²³ Wolfram Drews shows how severe this criticism was, noting that, by Isidore’s pen, ‘knowledge’ was the key to faith.²⁴ In a provocative subtext, he compares the decision of Sisebut with that of the Jews contemporary to the Scriptures, taking up a passage from the *Epistle to the Romans*

²¹ “Le fait que des sources hispaniques postérieures qualifient les juifs de *gens iudaeorum* incite d’ailleurs à penser qu’ils pouvaient effectivement être perçus comme une simple ‘nation’ concernée, comme toutes les autres, par le plan divin de salut des hommes, à l’image des goths ou des suèves, déjà catholiques.” Martin, *Les juifs et la cité*, 236.

²² Drews, *The Unknown Neighbour*, 137-200.

²³ *Historia Gothica* 61 (ed. Theodor Mommsen, *MGH AA XI*, Berlin, 1894): “Qui in initio regni iudaeos ad fidem Christianam permovens aemulationem quidem habuit, sed non secundum scientiam: potestate enim compulit, quos provocare fidei ratione oportuit. Sed, sicut scriptum est, sive per occasionem sive per veritatem Christus adnuntietur.”

²⁴ Drews, *The Unknown Neighbour*, 211-13.

10:2, which accused them of “having emulation for God, but not according to knowledge.”²⁵

Elsa Marmursztejn examines the scriptural context in which this accusation occurred in order to understand the precise content of Isidore’s criticism. The following verse indicates that the Jews, “ignoring the righteousness of God and seeking to establish theirs, were not subject to the righteousness of God (Rom 10: 3).” The absence of knowledge consisted in substituting human justice for that of God.²⁶ Eight years after the second redaction of the *History of the Goths*, it is this same argument that the bishops pose at the Fourth Council of Toledo. They cite the verse “God has mercy on whom he wants to have mercy, and he hardens whom he wants to harden,” which they borrowed from the same *Epistle to the Romans*. Thus, if Elsa Marmursztejn’s argument is followed, the Pauline verse was used in the council to show that the forced conversion of the Jews had resulted “from the ignorance of divine justice, from which Sisebut had precisely claimed to wrest the Jews.”

Thus, contrary to the initial impression given by the reading of this verse, the fathers of the Council would have intended to quote and condemn the intervention of the secular power in matters of conversion, which was certainly in line with the thought of Isidore.²⁷ It would therefore be wrong to interpret Paul’s citation, as I did in my introduction, as a sign that the bishops would have given pre-eminence to grace in the

²⁵ Rom. 10:2: “Quod aemulationem Dei habent, sed non secundum scientiam.” According to Bruno Dumézil, the suppression of ‘Dei’, which appears in the original text, could result from Isidore playing on the polysemy of the word ‘aemulatio’, which, while referring to the zeal for God, would have also connoted Sisebut’s wish to rival other sovereigns. Dumézil, *Les racines chrétiennes*, 668, note 1.

²⁶ Elsa Marmursztejn, *Le baptême forcé des enfants juifs. Question scolastique, enjeu politique, échos contemporains* (Paris: Les Belles Lettres, 2016): 213.

²⁷ Drews, *The Unknown Neighbour*, 241-44.

process of conversion of the Jews. But this observation still does not remove the ambiguity of Canon 57. Could not the verse, as is sometimes the case in the work of Isidore,²⁸ have been used in a double sense? To discover the basis of Isidore's thought, I turn now to his *Sententiae*, written, it has been argued, at the same time as the Fourth Council of Toledo.

“Grace from on High Does Not Find in Man Any Merit that Should Make It Come” (*Sent.* 2.2)

Pierre Cazier highlights a very interesting aspect of the way in which the *Sententiae* was composed: a certain number of the sentences would have been comments of previous texts.²⁹ Thus, he is led to believe that two sentences from chapter 2 *De fide* constitute the development of the ideas set forth in a narrow manner in Canon 57. The first sentence does not need many comments from the point of view of the issue at hand.³⁰ Indeed, Isidore's argument consists in condemning violence in the name of its practical ineffectiveness, in the line of the decretal letters of Gregory the Great (whose influence on the former is known),³¹ and more generally in that of a well-established patristic tradition.³² Following Pierre Cazier, one can only note that Isidore mentions a *quidam*, who may well be a speaker at the Council, which is a reminder that the Canon was also a collective work resulting from the debate of the participating bishops.

²⁸ Cf. note 23.

²⁹ Cazier, “Les sentences d’Isidore de Séville,” 379.

³⁰ *Sent.* II.2.4: “Fides nequaquam ui extorquetur, sed ratione et exemplis suadet. Quibus autem exigitur uiolenter perseuerare in eis non potest: exemplo ut ait quidam, nouellae arboris cuius si quisque cacumen uiolenter inpresserit, denuo, dum laxatur, in id quod fuerat confestim reuertitur.” Ed. Pierre Cazier, *CCSL* 111 (2000), 235. See also *Sent.* II.2.6 and 7.

³¹ There are many interpretations of Gregory the Great's attitude towards anti-Jewish violence. For a recent argument, cf. Bruno Judic, “Grégoire le Grand et les juifs, pratiques juridiques et enjeux théologiques,” in *Jews in Early Christian Law. Byzantium and the Latin West, 6th – 11th centuries*, ed. John Tolan, et al. (Turnhout, 2014), 103-09.

³² Drews, *The Unknown Neighbour*, 233.

On the other hand, the following sentence, which has clear textual resemblances to Canon 57, justifies the prohibition of forced baptisms for more substantial reasons:

Just as man has been created with his free will and voluntarily moved away from God, so it is by the effect of the proper conversion of his mind that he comes back believing in God, so that one recognizes the freedom of choice by the intervention of one's own will and the benefit of grace by the acceptance of the truth of faith.³³

According to the interpretation of Wolfram Drews, which I share, the sentence gives primacy to the free will of man, the gift of grace serving him only as a support.³⁴ Thus this text, which could be regarded as a commentary on Canon 57, states more clearly than its source the importance of human will. As Wolfram Drews notes:

Taking together his various statements on the problem of grace and free will, it appears that in Isidore's view both factors have to cooperate; depending on the context, the relative importance of one or the other side is given more weight, even within one and the same treatise. Sometimes the sphere of human will is very much dominated by divine initiative, but elsewhere – especially when admonishing people to daily repentance – human will is accorded more *significance*.³⁵

³³ *Sent.* II, 2, 5: "Sicut homo libero arbitrio conditus, sua sponte diuertit a Deo, ita ex propria mentis conuersione credendo recurrit ad Deum, ut et libertas agnoscatur arbitrii per propriam uoluntatem, et beneficium gratiae per acceptan fidei ueritatem."

³⁴ Drews, *The Unknown Neighbour*, 246-47.

³⁵ *Ibid.*, 247.

If this reasoning is followed, since it would have targeted the Jews Isidore would have granted human freedom more weight than that of grace. One could dwell on this convincing analysis of Wolfram Drews.

Yet, I am alerted by what Pierre Cazier says on the *Sententiae*'s process of elaboration and the mode of reasoning followed by Isidore in this work, whereby he deploys only one idea at a time and progressively develops his argument. I argue that it is in his Chapter 5 *De gratia* that he reveals the idea that truly grounds his thinking:

The grace from on high does not find in man any merit that should make it come, but it is after grace has come that it gives merit to him. By coming in an unworthy spirit, [God] creates in him the merit to reward him, when he had only found something to punish. What was the merit of the thief, who had ascended the cross on leaving the crossroads, and who ascended from the cross to heaven? He came guilty, bloodied by the blood of his brother, and he was transformed by divine grace on the cross.³⁶

This sentence clearly demonstrates the influence on Isidore of the Augustinian doctrine of grace, at a time when the Bishop of Hippo gave it preeminence. In the 390s back in Africa, following his conversion, Augustine had debated at length with the Manicheans.³⁷ To reply to their criticisms, gradually he had been led to reinterpret the

³⁶ *Sent*, 5, 5: "Hominis meritum superna gratia non ut ueniat inuenit, sed postquam uenerit facit, atque ad indignam mentem ueniens, facit in ea meritum quod remuneret, qui solum inuenerat quod puniret. Quid enim ex se ille latro meruit, qui de faucibus crucem ascendit, de cruce paradisum adiit? Reus quidem ille, et fraterno sanguine uenit cruentus, sed diuina gratia in cruce mutatur." Cazier, *Sententiae*, 239.

³⁷ Paula Fredriksen, "Divine Justice and Human Freedom," in *From Witness to Witchcraft. Jews and Judaism in Medieval Thought*, ed. Jeremy Cohen (Harrassowitz Verlag: Wiesbaden, 1996), 29-54.

Epistle to the Romans, and refused to consider that freedom was the sole cause of sin until, in 396, he made a *volte-face* in his answer to the Manichaean Simplificanus:

For goodwill does not precede the call, but the call precedes goodwill.

As a result, God's call is justly attributed to our good will, but we cannot attribute to ourselves the fact that we are called. Thus, it is not to be believed that the phrase, 'it does not come from the one who wants, from the one who runs, but from the God who is merciful' [Rom. 9:16] simply means that we cannot achieve what we want without the help of God, but rather that without his call we cannot want.³⁸

Free will allows one to want the good but does not provide the power to accomplish it. The initiative of conversion does not depend on the human will but on that of God. Grace is therefore the necessary condition of salvation. But this grace, by definition, is a free gift.

Of course, as Wolfram Drews points out, other passages in Isidore's work placed great importance on freedom and merit. In *De fide catholica*, in particular, he declared that the Jews did not deserve divine grace, which means that he did not think that grace was a free gift but that it depended on the merit of the men who were supposed to contribute actively to their salvation. Yet it should be noted that, with Wolfram Drews's view, the *Sententiae* (as well as an earlier work attributed to him, the *Differentiae*) reveals, on the

³⁸ *De diversis quaestionibus ad Simplificanum* 1.2.12: "At enim quia non praecedit voluntas bona vocationem sed vocatio bonam voluntatem, propterea vocanti Deo recte tribuitur quod bene volumus, nobis vero tribui non potest quod vocamur. Non igitur ideo dictum putandum est: *Non volentis neque currentis sed miserentis est Dei*, quia nisi eius adiutorio non possumus adipisci quod volumus, sed ideo potius quia nisi eius vocatione non volumus." PL 40.

contrary, that at the time of their writing, as well as that of Canon 57, it was indeed to the influence of grace that Isidore attributed the process of conversion.³⁹

Thus, it would not seem imprudent to conclude that at the time of the Fourth Council of Toledo the condemnation of forced baptisms resulted from the following reasoning: since human freedom is imperfect without grace, Jews could not be considered entirely responsible for their unbelief, hence they were to be considered immune. This interpretation of the profound meaning of Canon 57 might have appeared to be confirmed by the tenor of the debate raised against it during the Twelfth Council of Toledo, led by the city's bishop, Julian (680-690), in 681.

The Jews “Abhor the Gift Granted by Grace” (Erwig XII Toledo 3.3)

At the beginning of the reign of Erwig (r. 680-687), the tone of the conciliar fathers, hitherto faithful to Canon 57, changed radically. Around Julian of Toledo, they abandoned definitively the doctrine of the Canon by acquiescing to the following law of Erwig.⁴⁰

As the Truth itself teaches us ‘to seek, to ask and to strike’ (Mt 7: 7 and Lk 11: 9), warning us that ‘the kingdom of heaven is taken by violence’

³⁹ Drews, *Unknown Neighbour*, 245-46.

⁴⁰ In the *Tomus* he addressed to the clerics of the council on January 9, 681, the king asked the assembly to grant its blessing to the code he had just completed. We know that the council confirmed these laws, which it designated according to their titles in Canon 9, entitled: “On the confirmation of the laws against the wickedness of the Jews, following the order of the titles of these laws which is given in this same canon.” It is thus very likely that the twenty-eight new laws of Erwig, added to those of Recceswinth in the final version of the *Liber Iudiciorum* promulgated in October 681, overlapped with those of the project. This means that the council formally approved the law of Erwig.

(Mt 11:12), there is no doubt that he abhors him who by the very gift granted by grace does not hurry to reach it with a fiery soul.⁴¹

The text completely abandons the ambiguity of Canon 57 by introducing the obviously intentional element of the unbelief of the Jews. The Scriptures established that “the kingdom of heaven is taken by violence” and that it would be enough to “ask, seek and strike.” However, Matthew’s text actually says: “Ask and you will be given, seek and you will find, knock on the door and it will be opened.” The exegesis is nevertheless right on one point: the Gospel seems to require a voluntary initiative of man. If the Jews persist in their unbelief, it is because they have not taken this initiative, and there can be no other reason for this than the fact that “they abhor the very gift granted by grace.” The unbelief of the Jews being thus imputable to them, it became not only in practice but also in theory legitimate to demand conversion by authoritarian measures.⁴²

Conclusion

In the above, I have endeavored to remove the ambiguity which appeared to characterize the text of Canon 57. It seemed to me worthy of interest that it mobilized the Augustinian theology of grace and freedom (the latter having become incomplete since the fall) to insert doubt – at least up to 681 – on the issue of whether the origin of the unbelief of the Jews could be imputed to them. Indeed, transposed in present-day terms, it would be equivalent to asserting the existence of a certain determinism or

⁴¹ Erw., XII.3.3: “Cum veritas ipsa petere, querere et pulsare nos doceat, premonens, quod regnum celorum violenti diripiant, in nullo est dubium, quod ille indulte gratie munus abhorreat, qui ad eam accedere ardenti animo non festinet.” Cf. Linder, *The Jews in the Legal Sources*, 292-93.

⁴² I move to the other deformation of the evangelical text to which the redactor of the law refers: “the kingdom of heaven is taken by violence,” while the original text reads: “the kingdom of heaven is taken by violence, and the violent are those who take it,” a situation to which Jesus Christ is understood to put an end.

conditioning that would forbid considering humans as entirely responsible for their actions – which would thus paradoxically extract the worst of crimes, religious unbelief, from under the rigors of law and coercion.⁴³

⁴³ I stress how alien this anthropology is to our modern conception of responsibility which, after the Cartesian century, postulates the total freedom of humans and on which the French penal system is built. Cf. Michel Villey, “La responsabilité chez saint Thomas,” *Annales de la Faculté de Droit et de Sciences politiques et économiques de Strasbourg* VIII (Paris: Dalloz, 1961), 117-35.

Bibliography

Primary

Augustine. *Enchiridion ad Laurentium de fide, spe et charitate*. Edited by M. Evans, *CCSL* 46. Turnhout: Brepols, 1969.

Isidore of Seville. *Chronicon*. Edited by Theodor Mommsen, *MGH AA* XI. Berlin, 1894.

Isidore of Seville. *Historia Gothica*. Edited by Theodor Mommsen, *MGH AA* XI, Berlin, 1894.

Isidore of Seville. *Sententiae: Isidorus Hispalensis Sententiae*, *CCSL* 111. Edited by Pierre Cazier. Turnhout: Brepols, 1998.

La Colección Canónica Hispana. Edited by Gonzalo Martínez Díez and (from 1982 forward as co-editor) Félix Rodríguez, 6 vols. Madrid, 1966-2002.

Secondary

Bronisch, Alexander Pierre. *Die Judengesetzgebung im katholischen Westgotenreich von Toledo*. Hannover: Hahnsche Buchhandlung, 2005.

Cazier, Pierre. "Les sentences d'Isidore de Séville et le IV^e concile de Tolède. Réflexions sur les rapports entre l'Église et le pouvoir politique en Espagne autour des années 630." *Semana internacional de estudios visigóticos* (Murcia, 1986): 373-86.

Cazier, Pierre. "Le *compelle intrare* d'Augustin. Mise en perspective." In *Violence et Religion*, edited Pierre Cazier et Jean-Marie Delmaire, 15-39. Lille: Université Charles-de-Gaulle, 1998.

Cohen, Jeremy. *Living Letters of the Law. Ideas of the Jew in Medieval Christianity*. Berkeley and Los Angeles: University of Californian Press, 1999.

Drews, Wolfram. *The Unknown Neighbour. The Jew in the Thought of Isidore of Seville*. Leiden and Boston: Brill, 2006.

Dumézil, Bruno. *Les racines chrétiennes de l'Europe. Conversion et liberté dans les royaumes barbares. V^e – VIII^e siècles*. Paris: Fayard, 2005.

Dumézil, Bruno. "Une source méconnue sur la politique de conversion forcée du roi Sisebut: le 'canon 10 du concile de Séville'." In *Juifs et chrétiens, Sources pour la recherche d'une relation permanente*, Carcassonne, Table ronde CNRS-SEEU du 22 October 2003, edited by Claude Denjean and Flocel Sabate, 21-35. Lleida: Milenio, 2006).

Fredriksen, Paula. "Divine Justice and Human Freedom." In *From Witness to Witchcraft. Jews and Judaism in Medieval Thought*, edited by Jeremy Cohen, 29-54. Harrassowitz Verlag: Wiesbaden, 1996.

Judic, Bruno. "Grégoire le Grand et la violence religieuse." In *Violence et Religion*, edited Pierre Cazier et Jean-Marie Delmaire, 67-94. Lille: Université Charles-de-Gaulle, 1998.

Judic, Bruno. "Grégoire le Grand et les juifs, pratiques juridiques et enjeux théologiques." In *Jews in Early Christian Law. Byzantium and the Latin West, 6th – 11th centuries*, edited by John Tolan, et al., 95-117. Turnhout: Brepols, 2014.

Linder, Amnon. *Jews in the Legal Sources of the Early Middle Ages*. Detroit and Jerusalem: Wayne State University Press, 1997.

Marmursztejn, Elsa. *Le baptême forcé des enfants juifs. Question scolastique, enjeu politique, échos contemporains*. Paris: Les Belles Lettres, 2016.

Martin, Céline. *La géographie du pouvoir dans l'Espagne visigothique*. Lille: Septentrion, 2003.

Martin, Céline and Capucine Nemo-Pekelman. "Les juifs et la cité (IV^e-VII^e siècles)." *Antiquité tardive* 16 (2008): 223-46.

Salinero, Raúl González. "Isidoro y los judíos en el único canon conservado del desaparecido Concilio III de Sevilla." *Guerra y rebelión en la Antigüedad Tardía* (2005): 201-11.

Villey, Michel. "La responsabilité chez saint Thomas." *Annales de la Faculté de Droit et de Sciences politiques et économiques de Strasbourg* VIII, 117-35. Paris: Dalloz, 1961.