



Visigothic Jewish Converts: A Life in Between

LIUBOV CHERNIN
THE HEBREW UNIVERSITY OF JERUSALEM

ABSTRACT

The Visigoths had very distinctive conceptions about the structure of their society. The Isidorian formula of *rex, gens et patria Gothorum* created a kind of social ideal, and the striving for its implementation in many respects called forth the anti-Jewish campaign(s) of the seventh century. Visigothic authorities made a series of attempts to solve the imagined problem of the social integration of the alien element personified by the Jews. As a result, the Jews were replaced by another group whose social status was even more precarious: converts. This constructed population category was distinct from the Jews, but it was almost as far from common Christians as from them. Converts had to pay a special tax; their rights were infringed upon by various prohibitions and restrictions. Attempts to integrate the converts, or at least to normalize their position, were made more than once throughout the seventh century. The most striking examples can be found in three declarations which ex-Jews were supposed to make, respectively, in 637, 654 and 681. The purpose was to build client-patron relations between the converts and Iberian Christian society, represented by the authorities and by the Church. Theologically, it was based on the concept of liberation from spiritual slavery typical for the professing Jews, and according to ecclesiastical doctrine. The following essay explores how this specific status was elaborated and what influence it could have had on the failures of anti-Jewish campaigns.



ESSAY

The idea prevailing in the Visigothic sources of the second half of the seventh century about converts as a closed group entirely contradicts the objectives of the authorities in their anti-Jewish campaign, as it is traditionally seen in the scholarly literature. If we accept the idea that the main goal of the kings and the Church in this sphere was the enforcement of the unity of the Visigothic *gens* and its transformation into a monolithic entity in which everyone belongs to the ruling religion (orthodox Christianity), lives according to common legislation (the “Visigothic Law” [*Liber Iudiciorum* (*LI*)]), and submits to one king, then it is evident that the legislator himself put obstacles in the way of including the converted Jews in this united society by separating them from the majority with special restrictions.¹

Amazingly, the Jewish community as a social organism was, allegedly, destroyed as early as the reign of Sisebut (r. 612-621), and its remnants were finally eliminated at the time of Chintila (r. 636-640), when the decree of the Sixth Council of Toledo (VI Toledo) forbade all unbaptized Jews from living within the limits of the Visigothic kingdom. However, traces of the community can be found not only at the time of Recceswinth (r. 649-672), who noted the presence of unbaptized Jews in his kingdom, but also later during the reigns of Ervig (r. 680-687) and Egica (r. 687-701) – although after VIII Toledo and the promulgation of Recceswinth’s *Liber Iudiciorum* (both occurring in 653), one cannot find in the juridical and narrative sources any

¹ The literature on the goals and tasks of the anti-Jewish campaign is abundant. On the idea of unity as a main mover of the process see Raúl González Salinero, *Las conversiones forzadas de los judíos en el reino visigodo* (Roma: Escuela Española de Historia y Arqueología, 2000), esp. 11; Suzanne Teillet, *Des goths à la nation gothique: les origines de l’idée de nation en occident du V^e au VII^e siècle* (Paris: Les Belles Lettres, 1984), 567; Norman Roth, *Jews, Visigoths and Muslims in Medieval Spain: Cooperation and Conflict* (Leiden-Boston: Brill, 1994), 26; Rica Amran, *De judíos a judeo-conversos. Reflexiones sobre el ser converso* (Paris: Indigo; Amiens: Université de Picardie Jules Verne, 2003), 16; Henriette-Rika Benveniste, “On the Language of Conversion: Visigothic Spain Revisited,” *Historiein* 6 (2006): 74-75; Santiago Castellanos, *Los godos y la cruz. Recaredo y la unidad de España* (Madrid: Alianza Editorial, 2007), 262.

direct reference to Jews who have not formally accepted Christianity.² Moreover, the laws make clear that the Jewish community remained practically intact regardless of the apparent absence of Jews. The members of this very special group are not entitled to lay an accusation against a “natural” Christian, to testify against him in a court of law, or to own Christian slaves. From a formal point of view they are also Christians, but nobody should make the mistake of confusing them with true Christians or with Jews who have experienced both baptism and genuine *conversio*, that is, those who have utterly and completely rejected the vestiges of the old faith.

The Visigothic sources composed after 653 can be interpreted in several ways, with some of their passages being categorized as relating to unbaptized Jews. The most obvious example here is the seventh canon of X Toledo (656) concerning the prohibition against clerics selling Christian slaves to Jews who will “force them to convert to the rite of Judaism.”³ This canon allows for a double interpretation of the term *iudaei* – unbaptized Jews, or converts-apostates. Also ambiguous are Julian of Toledo’s condemnations of Gallia, which “relied more on the friendship of the Jews” – in this case we can resolve the doubts by considering the Jews a symbol of all disbelief and infidelity, and it is precisely an accusation of infidelity which Julian levels against the rebels.⁴

At the same time, the legislation of the period of Recceswinth inherited from the *placitum* of Chintila provides a fine understanding of the fact that baptism did not blur

² The king’s speech at this council includes a reference to the Jews who “have not yet been purified in the water of the sacred regeneration” (“sacri baptismatis expiatis ablutione ita in apostasiae doleo relapsos errore”). See the Eighth Council of Toledo, *tomus*, in *La colección canónica hispana*, ed. Gonzalo Martínez Díez and Félix Rodríguez, vol. V (Madrid: Consejo Superior de Investigaciones Científicas, Instituto Enrique Flórez), 381.

³ X Toledo 7: “[...] in ritu iudaismi conuertantur oppressi.” In *Colección canónica hispana*, 551.

⁴ Julian of Toledo, *Historia Wambae regis. Insultatio* 1: “[...] quae Iudaeorum potius quam fidelium Christi amicitia incubabas.” In Julianus Toletanus, *Opera. CCSL 115*, ed. J. N. Hillgarth (Turnhout: Brepols, 1976).

the Jewish community; it simply modified it into a community of converts. By handing the fulfillment of the punishment (death) of the apostate over to the hands of his kinsmen, the authorities regarded all ex-Jews who swore an oath of fidelity to the new religion as a united social organism.⁵

Ervig attacks unfaithful *iudaei* who wallowed in perfidy (*perfidia*⁶) with no less rage. His laws and their confirmation in the councils prove that the addressees of the restrictive measures were absolutely converts and not the Jews who had not yet been baptized. The laws of Ervig certainly strengthen the wall that separates converts from the community of Christians. It obliges them to visit the bishop on the days of Jewish festivities, introduces an act of registration for their movements in the country, prohibits them from emigrating, and so on.⁷ It would be incorrect to say that it was impossible or at least very difficult to leave this group – on the contrary, swearing an oath and living the Christian way of life, as attested by their supervisors from among the clerics, seemed to be enough to obtain the right to keep Christian slaves or to occupy the post of a *villicus*. But in reality, apparently, the bishops and the judges by their own account became suspicious that the converts needed so much time and effort to prove their loyalty to the Christian faith.

By preserving converts as a united community, Ervig at the same time tried to destroy this very community and prohibited marriages between relatives up to the sixth

⁵ Cf. *Confessio* in Amnon Linder, *The Jews in the Legal Sources of the Early Middle Ages* (Detroit: Wayne State University Press, 1997), 496; *LI* 12.2.11. All references of the *LI* are to the later edition of Karl Zeumer, *Lex Visigothorum* in *Leges Visigothorum antiquiores*, *MGH Legum*, ed. Karl Zeumer (Hanover and Leipzig, 1894 and 1902), 21-313 and 33-456. All quotes in English are from the 1910 translation of Samuel Parsons Scott.

⁶ This term in early medieval usage has a wide range of meanings, from political “disloyalty” to strictly religious unfaithfulness. Cf. Bernard Blumenkranz, “Perfidia,” in *Juifs et chrétiens. Patristique et Moyen Age* (London: Variorum Reprints, 1977), 169-70; Bruno Dumézil, *Les racines chrétiennes de l'Europe: Conversion et liberté dans les royaumes barbares Ve-VIIIe siècle* (Paris: Fayard, 2005), 293, 576 n. 162.

⁷ See *LI* 12.3.9, 20, 21, etc.

degree.⁸ According to his legislation, matches where both bride and groom descended from converts became fully impossible. It seems absolutely evident that the Jewish communities in the Spanish cities were not large enough to provide marriage partners with such a distant degree of relation.⁹ On the other hand, it is hard to suggest that anybody, except perhaps the most highborn aristocrat, could have known their own genealogy and that of their relatives in such detail, and could have assured that the marriage partner was not their sixth cousin. Therefore, an attempt to bring in a bride from another town could not be a good solution to the problem either – especially if this law was observed in practice even partially, although this limitation is extant in the entire corpus of Visigothic legislation. The only possibility was to marry a member of the community of natural Christians. In this case, the absence of a relationship could be proved very easily, because the conversion campaign of Sisebut occurred only a couple of generations earlier, before which Jews and Christians could not marry each other.

The Jewish community, or more precisely its “ghost,” existed not only in the imagination of the legislator, but also in reality. Converts, at least those who adopted Christianity by force and sought to continue to observe Jewish rites, tried to keep their own company and to assist each other. The evidence of this situation can be seen well in the legislation of Ervig. They preferred to marry within their inner circle and sought to join each other on Shabbat and other holidays. This is the subject of the enactment that requires them to visit a priest (or a bishop) on these days. And if there was no problem in determining the Shabbat, the dates of Jewish holidays should be calculated beforehand; we can presume that there should have been people among the

⁸ *LI* 12.3.8.

⁹ The estimations of the quantity of the Jews in Visigothic Spain are very rough. Anyway there is reason to believe that the Jewish population was scarce enough. See Michael Toch, *The Economic History of European Jews: Late Antiquity and Early Middle Ages* (Leiden-Boston: Brill, 2012), 104-08.

converts who followed the Jewish calendar and advised their coreligionists about the approaching feast day. It is interesting that the same converts, experts on the Jewish calendar, should have been in the service of the Church, because it is quite certain that the clerics themselves did not know it and did not study Jewish rites. If even Isidore of Seville (c. 560-636), who praised Hebrew as the mother of all tongues, did not think it necessary for him to study it (as with Greek¹⁰), then much less educated people all the more could not have been knowledgeable about the complicated structure of the Jewish calendar. This means that they would have preferred to have someone who both retained the necessary knowledge and was ready to collaborate with the Church and not to give the clerics deliberately false data, and thus to grant his coreligionists the possibility to celebrate a holiday on one day and to participate in a meeting at the bishop's house on another.

The Jewish tradition in the community of converts was passed on by the use of the books that are mentioned twice in the Visigothic sources. The *Confessio* of Chintila mentions the Jewish books that are kept in the synagogues and should be handed over for inspection. These are the “authorities,” that is, apparently both the Torah scrolls and Holy Scripture and other books – “those they call *Deuteras*; and those they name *Apocrypha*.”¹¹ Despite all of the repressive measures, some of these books survived until 681, when at least one person still kept such books at home and used them for teaching.¹² Ervig demonstrates in this legislation much less awareness about the composition of these libraries than the authors of *Confessio* – for him they are simply books, without any details. We can suppose that he means by this some remnant of Torah scrolls and codes of some apocrypha from among those mentioned in the text

¹⁰ Cf. Wolfram Drews, *The Unknown Neighbour: The Jew in the Thought of Isidore of Seville* (Leiden, Boston: Brill, 2006), 129 with reference to *Etym.* 1.3.4; 9.1.1.

¹¹ Linder, *Jews in Legal Sources*, 496: “[...] tam auctoritatem habentes, quam etiam eas quas deuteras appellant, sive quas apocriphas nominant [...]”

¹² *LJ* 12.3.11.

of 637.¹³ The text of the law describes these books as containing “doctrines, in which the Christian faith is denied” (“in quibus male contra fidem Christi sentitur”), that is, their contents differ from Christian doctrine. We have no particular reason to argue, as some authors do, that these were Jewish works of anti-Christian polemics.¹⁴ For such works to appear and become widespread, the presence of converts who were educated enough to contrast the two religions was necessary, as was a level of communal organization that could afford to copy and transmit such texts. It is possible that both these factors were present among Visigothic Jews at a sufficient level, but it would be highly speculative to make such a far-reaching suggestion on such precarious foundations.

More striking indications of this social organism established in place of the Jewish community can be discovered in another law of Egica, *De perfidia Iudeorum*.¹⁵ This law confined the commercial activity of converts to the limits of their own neighborhood by prohibiting them to trade with Christians. From this law, we learn about a peculiar tax, apparently inherited by the converts from the Jews.¹⁶ The scarce data about this tax does not permit us to judge with certainty when a convert could be freed from the necessity to pay it. But the text of the law also permits us to conclude that before 683 it was imposed upon all converts, including those whose Christianity could not be doubted: “For it is unjust that such persons as are known to have assumed the gentle yoke of Christ, and the light burden of his religion, through sincere conviction, should be oppressed with heavy taxation, or subjected to the

¹³ The assertion of Blumenkranz that Ervig refers to the Talmud and Midrash seems too daring (Bernard Blumenkranz, *Juifs et chrétiens dans le monde occidental, 430-1096* [Paris, Le Haye: Mouton & Co, 1960], 125).

¹⁴ Blumenkranz, *Juifs et chrétiens*, 165; Dumézil, *Racines chrétiennes*, 297.

¹⁵ *LI* 12.2.18.

¹⁶ See Liubov Chernina, “‘*Quod fidei plenitudine fines semper Spaniae floruerunt...*’ Egica and the Jews,” *Sefarad* 69.1 (2009): 7-24.

pecuniary burdens imposed upon other Jews.”¹⁷ Evidently, this means that even those converts who swore all the necessary oaths, did not reject any Christian food and were not the subject of complaints from the priests nevertheless paid this tax before the provisions of Egica were enacted. It is entirely unclear whether this obligation was preserved in the second generation, that is to say, whether the children of converts had to pay the tax. Maybe, the phrase *ac filiis eorum* in the speech of the king at XVI Toledo has more to do with Judaizing children of converts, but it is hard to draw definite conclusions.

This rudiment of the Jewish community indicates that during the entire seventh century the authorities did not in fact try to smooth over the differences between the converts and born Christians. The “ghost” of the Jewish community existed, notwithstanding the intensive campaign of Christianization. All the efforts aimed at the creation of religious unity did not abrogate the existence and even enforcement of segregation.¹⁸ It is possible that in some way it occurred unintentionally, and the authorities simply did not realize this contradiction. However, there were other reasons for this ‘persistence’: first, the majority of the converts themselves seemed to actively resist Christianization and tried to retain the bonds of the community; and second, in light of the unwillingness of most converts to assimilate, it seemed more convenient for the Kingdom and the Church to enforce segregation in order to establish control. The bishops had to know exactly whom they needed to guard and to instruct every Saturday. Besides this, if the suggestion about the existence of some special Jewish tax throughout the entire seventh century is correct, then material factors were also important for the authorities, who did not want and had no possibility to renounce this source of income. Therefore, they retained the difference

¹⁷ *LI* 12.2.18: “Iniustum namque est illos censionis onere pregravari vel ludaicis amplius indictionibus implicari, qui iugum Christi dulce eiusque onus leve per dignam conversationem noscuntur excipere.”

¹⁸ Cf. Dumézil, *Racines chrétiennes*, 297.

between the converts and the majority of the population. So, the kingdom, even if it sought universal unity, was not able to establish it in practice, because at every step it faced one insurmountable obstacle or another.

The lack of sources and their unilaterality create large problems in our attempt to get closer to understanding what the social status was of the baptized Jews in Visigothic Spain. However large the restrictions imposed by our sources were, however incomplete, preconceived and ideological these sources are, there are no other grounds upon which to make conclusions, and therefore I shall make them with these while trying to take all these factors into consideration.

Evidently the converts occupied some intermediate position in the social hierarchy between professing Jews and true, natural Christians. Therefore, in order to determine the status of converts it is necessary to imagine the whole structure of Visigothic society. The central place in it is occupied by the *gens Gothorum* which together with the king (*rex*) and the homeland (*patria*) composes an essential ideological triad, an embodiment of general completeness in the Visigothic context. According to ideas current at the end of the sixth and seventh centuries, love and unity govern the three parts of this triad, and they were established firstly thanks to the adoption of orthodox Christianity, which rallied Goths and Hispano-Romans together and made from them a united nation, despite their different origin.¹⁹

¹⁹ The clearest and most famous expression of this idea can be found in the last canon of IV Toledo which threatens with the ecclesiastical damnation and all possible celestial punishment those who violate the well-being of the Gothic *patria*, *rex* and *gens* ("Quicumque igitur a nobis uel totius Spaniae populis qualibet coiuratione uel studio sacramentum fidei suae, quod pro patriae gentisque Gotorum statu uel conseruatione regiae pollicitus est [...] anathema sit in conspectu Dei Patris et angelorum atque ab ecclesia catholica, quam periurio profanauerit, efficiatur extraneus et ab omni coetu Christianorum alienus cum omnibus impietatis suae sociis [...]"). See *Colección canónica hispana*, 252). Gradually this idea penetrated to other conciliar canons and secular legislation. On this, see Teillet, *Des goths à nation gothique*, 531-33; Céline Martin, *La géographie du pouvoir dans l'Espagne visigothique* (Lille: Presses Universitaires du Septentrion, 2003), 361. On the destruction of ethnic barriers between Goths and Hispano-Romans by the common faith see Luis A. García Moreno, "Etnia

Gens combines in itself several characteristics – it is a collective of free people, united by a common confession, subject to a common power, and defending in arms the common homeland.²⁰ Among the freemen who compose the *gens* are the clerical elite, and the high-born military aristocracy who constitute the highest order. The lowest step of the *gens* is occupied by free landowners holding small properties, whose position moves gradually in the process of the development of Visigothic “protofeudalism” towards greater dependency on patrons. The intermediate position between freemen and slaves is occupied by freedmen: in the first generation, they are closer to slaves than to free people, and they are inseparably linked with their former masters, who become their patron.²¹

The Jews fit badly into this picture, because they differed from the majority both ethnically (this obstacle turned out to be surmountable in the Visigothic kingdom), and confessionally. This circumstance served as the main reason for the beginning of the anti-Jewish campaign – the necessity to integrate an alien element into the established social organism. The Jews, who lived rather at the margins of the society, combined certain signs in various layers. On the one hand, together with all other Hispano-Romans, they bore the proud name of Roman citizens (*cives romani*); the meaning of this title by the seventh century went through considerable changes, but was not entirely forgotten. In Visigothic Spain more than in other barbarian kingdom,

goda e iglesia hispana,” *Hispania Sacra* 54.110 (2002): 432; Jamie Wood, “Elites and Baptism: religious ‘strategies of distinction’ in Visigothic Spain,” *Studies in Church History* 42 (2006): 3ff.

²⁰ See Teillet, *Des goths à la nation gothique*, 531-33; Céline Martin, “La notion de *gens* dans la péninsule Ibérique des vi^e-vii^e siècles: quelques interprétations,” in *Identité et ethnicité. Concepts, débats historiographiques, exemples (iii^e-xii^e s.)*, ed. Véronique Gazeau, Pierre Bauduin and Yves Moderan (Caen: Presses universitaires de Caen, 2008), 75-89. The category of faith supplanted common ethnic origin, which created an affinity between the *gens* and the Biblical “people” (*goy*).

²¹ Dietrich Claude, “Freedmen in the Visigothic Kingdom,” in *Visigothic Spain: New Approaches*, ed. Edward James (Oxford: Clarendon Press, 1980), 173-77; José Orlandis, *La vida en España en tiempo de los godos* (Madrid: Rialp, 2006), 24-25; Céline Martin, “Statut des juifs, statut de libre dans l’Occident du haut Moyen Âge: L’exemple ibérique,” in *Jews in Early Christian Law: Byzantium and the Latin West, 6th-11th centuries*, ed. John Tolan, et al. (Turnhout: Brepols, 2014), 56-57; Jeremy du Quesnay Adams, “Ideology and Requirements of ‘Citizenship’ in Visigothic Spain: The Case of the *Judaei*,” *Societas* 2.4 (1972): 318-19.

the memory of Roman institutions, mainly social, was preserved, as was the reverence given to them.²² On these grounds, in the Arian period and later, up to the active phase of the anti-Jewish campaign and the appearance of the new legal code (c. 6th to mid-8th centuries), the Jews continued to enjoy the privileges once guaranteed to them under Roman law. The *Breviary* of Alaric preserved such important provisions as judicial autonomy in internal litigation;²³ a prohibition to coerce Jews to perform public works or to call them before the court on Saturdays and Jewish holidays;²⁴ and at the same time the Jews were not entitled to avoid fulfilling their public duties on other days.²⁵ The rudiments of this Jewish “citizenship,” as is evident, were preserved until the end of the seventh century. Nevertheless, the convergence with pagans withdrew Jews from the sphere of the legal: while they were identified with pagans (as at the Third Council of Seville), they were losing their “citizenship,” because the status of pagans in Christian ethics was much lower.²⁶

But there was another side to the Jewish status, which united strictly social matters with religious ones. The image of the Jew was closely linked with the image of a slave. This idea, which has theological roots, directly influenced social and economic life; it became the foundation for prohibiting Jews from holding Christian slaves, inherited from Roman law. Ervig formulated the connection between economic and theological slavery best of all in one of his laws: “It is highly unworthy that those who are the adherents of a perfidious sect should be able to confer freedom upon Christians.”²⁷

²² See Adams, “Ideology and Requirements,” 317; Martin, *Géographie du pouvoir*, 343.

²³ *CTh* 2.1.10 = *Brev.* 2.1.10. See the edition of Theodor Mommsen published in Berlin, 1905.

²⁴ *CTh* 2.8.26 = *Brev.* 2.8.3.

²⁵ *Nov. Th.* 3.6. In the *CTh* tradition.

²⁶ Benveniste, “On the Language of Conversion,” 78.

²⁷ *LI* 12.3.12: “Quia valde indignum est, ut hii, quos cenosa servitus perfidie maculat, libertatis titulum christianis imponant.”

The way of liberation from this slavery was through baptism – those who entered the baptismal font, identified with the Red Sea, as slaves, came out of it as free people. However, just as a freedman until the end of his life preserves a stamp of his former slavery and depends upon his former master, the baptized Jew also stops midway between slavery and true freedom.²⁸ Both categories are characterized neither by the suppression of rights as a slave (however, for the Jews, a complete suppression of rights always remained a theological imagination, never realized in social life), nor by the full rights of a free person. In Visigothic juridical thought there is the idea that the liberated slave obtains “the dignity of a Roman citizen,”²⁹ although the real position of a freedman was far from this ideal. He always remained “half-free” and his rights were restricted, and by the end of the seventh century this lack of freedom spread to his heirs up to the fourth generation.³⁰ Such discrimination is evident also by looking at converts, whose citizenship status is permanently restricted and is ultimately lost entirely when they become slaves.

The first and apparently less socially painful difference from the other free inhabitants of the Visigothic kingdom inherited by converted Jews was a special tax. If the law of Egica is trustworthy, this tax was preserved from time immemorial as an essential source of replenishment of the treasury and a marker of the particular position of Jews in the second and third generations. Apparently, it depended greatly on the loyalty of

²⁸ An idea about some kind of identity between converts and freedmen on the social level was first suggested and substantiated in the article: Céline Martin and Capucine Nemo-Pekelman, “Les juifs et la cité: Pour une clarification du statut personnel de juifs de l’Antiquité tardive à la fin du royaume de Tolède (IV^e-VII^e siècles),” *Antiquité Tardive* 16 (2008): 234-46 (lately elaborated in: Martin, “Statut des juifs”). However, these scholars pay more attention to the parallel “Jew – slave,” than to “convert – freedman.”

²⁹ See the address to a freedman in the *Formulae Visigoticae*, which, as is commonly believed, reflects the real practice of law enforcement: “Quamobrem ingenuum te ciuemque Romanum esse constituo atque decerno [...] liberam in Dei nomine habeas potestatem.” In Juan Gil, *Miscellanea Visigothica*, 2nd edn. (Seville: Universidad de Sevilla, 1991), 73.”

³⁰ See Paul David King, *Law and Society in the Visigothic Kingdom* (Cambridge: Cambridge University Press, 1972), 181-82; Claude, “Freedmen,” 175; Yolanda García López, *Estudios críticos y literarios de la “Lex Visigothorum”* (Alcalá de Henares: Universidad de Alcalá, 1996), 555; Martin and Nemo-Pekelman, “Juifs et la cité,” 238.

every payer, but this obligation itself clearly singled out a convert in the general population and underlined her or his inferiority.

The curtailment of the social rights of converts begins from the first days after the appearance of this special layer in Visigothic society. And it was always a punishment for lack of loyalty to the Christian religion. The Fourth Council of Toledo deprives those converts who are not zealous enough of parental rights and takes away their children, sending them to Christian families.³¹ Canon 65 of the same Council bans converts from holding public offices, making them similar to unbaptized Jews. The argumentation here repeats the reasons that were long used in similar provisions enacted against the Jews: “the Jews and those who were formerly Jews [...] use this opportunity to harm Christians.”³² The law of Chindaswinth provides “an ignominious death” for everyone proven of having “practiced circumcision,” that is, according to Roman legal tradition, a death penalty of a kind never used for Roman citizens.³³ This category of death penalties included burning at the stake and stoning, also stipulated for similar crimes in the legislation of Recceswinth. The provision of a shameful death for an apostate removes the person from the limits of the existing legal structure, depriving him of the civil rights that he possesses as a *civis romanus* and as a person who came to liberty from Jewish slavery. Another kind of punishment involving the infringement of civil rights and shame is the prohibition on bringing an action and testifying in court, which from the reign of Chindaswinth was the punishment for those condemned of a criminal offence.³⁴ Recceswinth extends it to

³¹ IV Toledo 60, 63. On the social character of this regulation see: Luis García Iglesias, “Los menores de edad, hijos de judíos, en los cánones y leyes de la época visigoda,” *El Olivo* 5-6 (1978): 30-31 and the new book by Elsa Marmursztejn, *Le baptême forcé des enfants juifs. Question scolastique, enjeu politique, échos contemporains* (Paris: Les Belles Lettres, 2016), 227-33.

³² IV Toledo 65: “[...] iudaei aut hi qui ex iudaeis...sub hac occasione christianis iniuriam faciunt [...]” In *Colección canónica hispana*, 241.

³³ *LI* 12.2.16.

³⁴ *LI* 2.4.1.

converts, except those who are proven to be “of good morals and adherents of the Faith.”³⁵ This regulation makes evident a border beyond which the converts could gain equal rights – they were required to have a reputation as a good Christian. Ervig acts in a similar direction: all the numerous restrictions laid on the converts can be withdrawn if they “renounce their former errors and convert to the holy faith of Christ.”³⁶ A restriction of civil rights is also prescribed by the law of Egica: a prohibition on trading with Christians and possessing immovable property. In the spirit of this idea of converts as freedmen, we can interpret all three commitments signed by the Jews in 638, 653 and 681³⁷ – these documents make their freedom conditional, dependent on someone else’s will, here the will of people who determine the degree of their loyalty.³⁸

An extreme case of such a restriction is the deprivation of civil status, which could occur in two ways – through exile and through enslavement.³⁹ Perpetual exile was used in the anti-Jewish campaign by Chintila, when, in 638, VI Toledo denied all non-Catholics the right to live in the territory of the Visigothic kingdom. This act deprived unbaptized Jews of all rights and outlawed them entirely. Therefore, by 694, when the authorities admitted their failure in the struggle against crypto-Jews, they chose another path which should also have radically solved the problem – to deprive “bad” converts of all civil rights. This time the goal should have been achieved through enslavement – a symbolical return to their slave status.

³⁵ *LI* 12.2.10.

³⁶ *LI* 12.3.13.

³⁷ Cf. Martin and Nemo-Pekelman, “Juifs et la cité,” 243.

³⁸ I should note that the system of written commitments was likely to promote abuses from both sides. Besides bribes, through which the converts bought the favor of bishops and priests (a matter of active discontent within Ervigian legislation), it should, probably, have been the opposite phenomenon – when those who wished ill on a convert slandered him to those who made decisions according his belonging to one of the groups.

³⁹ Adams, “Ideology and Requirements,” 318.

Thus, the social status of a convert would be better described by analogy with the status of a freedman – a citizen of class B, a person who stands on the intermediate step between no rights and full rights. A normal freedman left behind his total lack of rights along with his slave status; a convert left behind his position as an unbaptized Jew, who from 638 had no right at all to live in the country. But all these restrictions were not completely insurmountable – a convert had the possibility to prove his loyalty and to embody a legislator's dream by joining the Visigothic *gens* and receiving all the privileges of this status. Certainly, because our considerations rely firstly on the legal sources, both secular and conciliar, it is quite clear that we are speaking more of an ideal that the legislator longed to achieve rather than a real situation. It is evident that the provision of IV Toledo did not lead to the immediate disappearance of Judaism and even to the full transformation of all its expressions into crypto-Judaism. Moreover, the numerous measures destined for the struggle with corruption among the top clergy and judges, the constant references to the converts' slaveholding and other violations of established order – all this proves how greatly the wishes of the legislator departed from reality. However, the presence of all these restrictions could not go completely unnoticed, and our suppositions about the social status of the converts do not seem at all improbable.

Bibliography

Primary

Breviarium Alaricianum. Roemisches Recht im Fraenkischen Reich in systematischer Darstellung. Edited by Max Conrat. Aalen: Scientia, 1963 [Neudruck der Ausgabe Leipzig, 1903].

La Colección Canónica Hispana. Edited by Gonzalo Martínez Díez and (from 1982 forward as co-editor) Félix Rodríguez, six volumes. Madrid: Consejo Superior de Investigaciones Científicas, Instituto Enrique Flórez, 1966-2002.

Confessio vel professio Judaeorum civitatis Toletanae. In *Suplementos al Concilio Nacional Toledano VI*, edited by Fidel Fita y Colomé, 43-49. Madrid: Impr. de D. Antonio Pérez Dubrull, 1881.

Iulianus Toletanus. *Opera. Corpus Christianorum*, CXV. Edited by Jocelyn Nigel Hillgarth. Turnhout: Brepols, 1976.

Leges Visigothorum (Liber Iudiciorum). Edited by Karl Zeumer, *MGH, Legum*, I, Hannover et Leipzig, 1902; *Visigothic Code.* Translated by Samuel Parsons Scott. Boston: Boston Book Co., 1910.

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

Miscellanea Wisigothica. Edited by Juan Gil. 2nd ed. Seville: Universidad de Sevilla, 1991.

Secondary

Adams, Jeremy du Quesnay. "Ideology and Requirements of 'Citizenship' in Visigothic Spain: The Case of the *Judaei*." *Societas* 2.4 (1972): 317-22.

Amran, Rica. *De judíos a judeo-conversos. Reflexiones sobre el ser converso.* Paris: Indigo; Amiens: Université de Picardie Jules Verne, 2003.

Benveniste, Henriette-Rika. "On the Language of Conversion: Visigothic Spain Revisited." *Historein* 6 (2006): 72-87.

Blumenkranz, Bernard. *Juifs et chrétiens dans le monde occidental, 430-1096.* Paris, Le Haye: Mouton & Co, 1960.

Blumenkranz, Bernard. "Perfidia." In *Juifs et chrétiens. Patristique et Moyen Age*, 157-70. London: Variorum Reprints, 1977.

Castellanos, Santiago. *Los godos y la cruz. Recaredo y la unidad de Spania.* Madrid: Alianza Editorial, 2007.

Chernina, Liubov. "Quod fidei plenitudine fines semper Spaniae floruerunt... Egica and the Jews." *Sefarad* 69.1 (2009): 7-24.

Claude, Dietrich. "Freedmen in the Visigothic Kingdom." In *Visigothic Spain: New Approaches*, edited by Edward James, 159-88. Oxford: Clarendon Press, 1980.

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

Dumézil, Bruno. *Les racines chrétiennes de l'Europe: Conversion et liberté dans les royaumes barbares Ve-VIIIe siècle*. Paris: Fayard, 2005.

García Iglesias, Luis. "Los menores de edad, hijos de judíos, en los cánones y leyes de la época visigoda." *El Olivo* 5-6 (1978): 28-33.

García López, Yolanda. *Estudios críticos y literarios de la "Lex Wisigothorum"*. Alcalá de Henares: Universidad de Alcalá, 1996.

García Moreno, Luis A. "Etnia goda e iglesia hispana." *Hispania Sacra* 54.110 (2002): 415-42.

González Salinero, Raúl. *Las conversiones forzosas de los judíos en el reino visigodo*. Rome: Escuela Española de Historia y Aqueología, 2000.

King, Paul David. *Law and Society in the Visigothic Kingdom*. Cambridge: Cambridge University Press, 1972.

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: Presses Universitaires du Septentrion, 2003.

Martin, Céline. "La notion de *gens* dans la péninsule Ibérique des vi^e-vii^e siècles: quelques interprétations." In *Identité et ethnicité. Concepts, débats historiographiques, exemples (iii^e-xii^e s.)*, edited by Véronique Gazeau, Pierre Bauduin and Yves Moderan, 75-90. Caen: Presses universitaires de Caen, 2008.

Martin, Céline. "Statut des juifs, statut de libre dans l'Occident du haut Moyen Âge: L'exemple ibérique." In *Jews in Early Christian Law: Byzantium and the Latin West, 6th-11th centuries*, edited by John Tolan, et al., 55-71. Turnhout: Brepols, 2014.

Martin, Céline and Capucine Nemo-Pekelman. "Les juifs et la cité: Pour une clarification du statut personnel de juifs de l'Antiquité tardive à la fin du royaume de Tolède (IV^e-VII^e siècles)." *Antiquité Tardive* 16 (2008): 223-46.

Orlandis, José. *La vida en España en tiempo de los godos*. Madrid: Rialp, 2006.

Roth, Norman. *Jews, Visigoths and Muslims in Medieval Spain: Cooperation and Conflict*. Leiden-Boston: Brill, 1994.

Teillet, Suzanne. *Des goths à la nation gothique: les origines de l'idée de nation en occident du Ve au VIIe siècle*. Paris: Les Belles Lettres, 1984.

Toch, Michael. *The Economic History of European Jews: Late Antiquity and Early Middle Ages*. Leiden-Boston: Brill, 2012.

Wood, Jamie. "Elites and baptism: religious 'strategies of distinction' in Visigothic Spain." *Studies in Church History* 42 (2006): 3-17.