

Quod fidei plenitudine fines semper Spaniae floruerunt... Egica and the Jews *

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The article deals with the last stage of the anti-Jewish policies of the Visigoth kings. It analyses the reasons for the thrust of power plays moving from the stimulation of conversion to the enforcing and realization of royal policies, especially in the economic sphere, 693-694. It argues a connection between the king's decision to enslave all Jews and his permanent fear of conspiracies.

KEYWORDS: Forced conversion; Egica; Enslavement; Taxation; Economic regulation.

El artículo describe la última etapa en el desarrollo de la política antijudía de los reyes visigodos. Se han sido analizado las razones del tránsito en 693-694 por parte del poder real de una política de estimulación de conversiones de judíos a una toma de decisiones, sobre todo en la esfera económica. Se plantea un enlace entre la decisión del rey acerca de la esclavización de todos los judíos y sus temores permanentes de conspiraciones.

PALABRAS CLAVE: Conversion forzososa; Égica; esclavización; impuestos; regulación económica.

The reign of Egica (687-702) marks the last known stage in the history of the Jews of Visigoth Spain. Egica was married to Cixilona, the daughter of the preceding king Erwig, and the transfer of power was carried out relatively gently and without bloody showdowns. But Egica's government was marked by a constant fear of conspiracy and struggles with conspirators.¹ A relative of Wamba's, Egica promoted the latter's followers, who were out of favour under Erwig. One of the most important events of Egica's rule was the revelation of the plot led by the Toledan bishop Sisbert in 693.

Egica's policy towards the Jews is one of the key problems in the history of the Jews of Visigoth Spain, and its enforcement ended only seventeen years

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¹ L. A. GARCÍA MORENO, *Historia de España visigoda* (Madrid 1989), pp. 181-188.

before the kingdom itself ceased to exist. Scholars ² divide the Jewish policies of Egica into two diametrically opposite periods: one of favour, and another of aversion, which ended with the enslavement of almost all inhabitants of Jewish origin. The mystery lies in the fact that both periods fall within only two years of this king's relatively long rule. We have no information about Egica's attitude to the "Jewish question" before 693 or after 694.

Our main source for the legal history of the Visigoth kingdom is the *Lex Visigothorum* (its original name is *Liber Judicum* or *Liber Judiciorum*). The first version of the Code dates from 654. Its initial elaboration harks back to Chindaswinth's reign and is attributed to Braulio of Zaragoza. The final redaction of the Code was ratified at the VIII Toledo Council in early 654 and confirmed by king Recceswinth. The laws included in the Code are extracts from the edicts of the Visigoth kings. The next edition of the Code was elaborated in 681 by king Erwig, who gave the section "concerning the Jews" this wholly new title, which became part of the definitive version of the *Forum Judicum*, supplemented afterwards by Egica and Witiza. All the legislation dealing with the Jews is concentrated in the last, twelfth book of the Visigoth law, in its second and third "titles" (sections), respectively the laws of all the kings, except Erwig's. In the remaining eleven books there is not a single mention of the word *Judaeus* or *Hebraeus*. The legislation concerning the Jews found in the *Forum Judicum* reflects a history of the complicated relations developed between royal power and the Jews during the period stretching from the adoption of Catholicism by Recared (586) until Egica, in the late 7th century. In this book there are no laws marked as *antiqua*, i.e., created before Recared.

Yet late 7th century Visigothic legislation is mainly conciliar. Practically all the laws of Erwig and Egica were confirmed by Church councils. This also applies to Egica's only contribution to the twelfth book of *Forum Judicum*, namely law 18 of the second "title." This law was promulgated prior to the XVI Toledo Council, and Egica mentions it in his opening speech to the Council as *novellae legis nostrae edictum*.³ The law was almost entirely repeated both in the king's speech and in the first canon of this Council, which is called *De iudaeorum perfidia*. The Council opened on April 25, 693 in St. Peter and St. Paul's basilica (where were held most of the Toledan Councils), and its activity was devoted to the problem of the confrontation between the Church and various types of infidels.⁴

² See, for example, L. GARCÍA IGLESIAS, *Los judíos en la España antigua* (Madrid 1978), p. 129.

³ J. VIVES, *Concilios visigóticos y Hispano-romanos* (Barcelona 1963), p. 486.

⁴ J. ORLANDIS y D. RAMOS-LISSÓN, *Historia de los concilios de la España romana y visigoda* (Pamplona 1986), p. 479.

The main problem was described by the king in the following words: “From how many evils, sent by an irate God, does the Earth suffer, and how many diseases and crimes of perfidy does it endure!”⁵ He believes that it is necessary to struggle with these deplorable manifestations of perfidy in two ways: by strengthening the prestige and prosperity of the Church and by extirpating all sprouts of heresy. Egica affirms that he has to support the Church against the Jews, who do not believe in Christianity’s power and laugh if they see churches which possess less than ten slaves.⁶ Moreover, it is impossible to tolerate rural idols and especially Jewish perfidy – its extirpation is *zelo Dei zelantes*. This perfidy flourishes in spite of the great quantity of laws promulgated against it. Egica emphasized the key clauses of his new law, as he understood them, and the bishops who participated in the Council discussed and approved them in the first canon of the XVI Council. They sanctioned a change from the policy promoting conversion by means of threats, carried out by Erwig, towards a policy by means of bribery, and explained it using a metaphor about a sick man who is cured: he gladdens the doctors who fought for his health, and now he needs strengthening and care.⁷

Thus Egica’s measures against the Jews of 693 (or a bit earlier, when the law appeared) can be analysed together. First, it should be noted that he subordinates all his actions to one purpose – the integration of ethnic Jews into the Christian society of Visigothic Spain. Blumenkranz believed that the ideological innovation in Egica’s legislation was a distinction between three categories of Jews⁸, namely: those still unconverted; those converted under duress who practice crypto-Judaism; those who have completely turned into good Christians. Earlier legislation recognized only converted and unconverted Jews. Eighteen years later, Alonso Ávila returned to the idea of distinguishing only between converted and unconverted Jews.⁹ A precise understanding of this question is quite difficult because Visigoth Law and Council canons lack terminological differentiation – all persons of Jewish origin continue to be called *iudaei* and

⁵ “Quantis denique malis indignante Deo terra cotidie vapulet quantisque plagis vel perfid - rum sceleribus contabescat [...]” (VIVES, *Concilios*, 484).

⁶ “[...] infidelibus iudaeis ridiculum affert, qui dicunt nihil praestitisse interdictas sibi ac destructas fuisse synagogas, cum cernat peiores christianorum effectas esse basilicas” (VIVES, *Concilios*, 485).

⁷ “Peritorum medicorum est consuetudo laudabilis, ut aegris diversarum aegrimoniorum i - commodis laborantibus studiosius medendi arte occurrant quoadusque salutis medelam recipiant” (VIVES, *Concilios*, 497).

⁸ B. BLUMENKRANZ, *Juifs et chrétiens dans le monde occidental, 430-1096* (Paris 1960), p. 131.

⁹ Á. ALONSO ÁVILA, “Aspectos económicos de la sociedad judía en la España visigoda,” *Hispania antiqua* 8 (1978), pp. 231-256: 247

distinction is made merely between those “sincerely converted” and those “persisting in their perfidy.”

A chronic repetition of the appeals for universal baptism in 7th-century Visigoth legislation, and the none less permanent social presence of Jews who make no secret of their Judaism (whose existence is demonstrated by the finds of Jewish headstones¹⁰), testify to the grey area between great numbers of ostensibly converted and equally great numbers of unconverted Jews. Many of the former were able to return to Judaism thanks to a general lack of organized political structures, on both ecclesiastical and secular levels, and also to the unlimited venality of the clergy, known from many of Erwig's laws. Moreover, until 690-700 converted Jews were still considered part of the Jewish communities. Undoubtedly, there were exceptions, but 7th-century Peninsular history shows that this phenomenon was then not so frequent. In the *Crónica mozárabe* we read that the parents of Julian de Toledo (one of the ideologists of the struggle against the Jews) were converted Jews,¹¹ though this did not prevent them from integrating into Christian society, nor impede their son's career. Apparently, in order to be transferred from the category of “bad” converts, who to all intents and purposes are still Jews, to the category of those who “completely rejected sinful customs and ceremonies,” a Jew had to abjure by a personal *placitum* (in contrast to the general *placita* for the whole community of Recceswinth's¹² and Erwig's time). A model of such an agreement can be found in Erwig's legislation.¹³ But all this was insufficient: the converts were under permanent suspicion of crypto-Judaism, and they had to repeatedly confirm their loyalty by a demonstrative rejection of the Jewish way of life and of all communication with ex-coreligionists, and also by being under the permanent supervision of the ecclesiastical authorities. An essential part of Erwig's legislation is dedicated to the way in which rejection of Judaism was to be demonstrated.¹⁴

In this connection it is quite logical that Egica's first measure consisted in the definitive separation of real, true and “good” converts from the mass of Jewish community members¹⁵. He ordered that every Jew, who “renounces the perfidy

¹⁰ L. A. GARCÍA MORENO, *Los judíos de la España antigua* (Madrid 2005), pp. 143-144.

¹¹ “*Julianus episcopus ex traduce Judaeorum, ut flores rosarum de inter vepres spinarum productus*” (J. P. MIGNE, *Patrologia Latina*, vol. 96, col. 1260).

¹² The formula of Recceswinth's *Placitum* is included in *Lex Visigothorum* [= *LVis*] XII,2,17.

¹³ *LVis* XII,3,14-15.

¹⁴ *LVis* 3,4-11,20-28.

¹⁵ It should be noted, that the king and the bishops already did not (and, perhaps, could not) di -

of his religion, and is converted to the profession of the true Catholic faith [...] shall be free of every burden and disability, to which formerly, whilst still attached to the Jewish faith, he would have been subject for the public benefit.”¹⁶ And this tax burden, removed from the converts, had to be added to that of those who remained attached “to the Jewish way of life,” in order for the latter to more sharply realize the benefits of conversion.¹⁷ In his speech at the XVI Council, Egica repeated this phraseology word by word.¹⁸ The bishops confirmed it as a norm and specified that the tax which should have been paid by the former Jews to the “most sacred treasury” and of which they had been freed, was now to be disbursed *in integritate* by those who continue to “wallow in their perfidy.”¹⁹

Polemics surrounding this specific Jewish tax carry on in the scholarly literature into the 19th and early 20th centuries.²⁰ Some of the points discussed were whether it was in the nature of a poll-tax or a land-tax; whether it was collected from the community or from individuals; finally, what was its correct name.²¹ The results of this research are not very impressive – scholars managed to solve only a limited number of the stated problems: it was a poll-tax, because it was collected from men, women and children;²² it applied to converted and unconverted Jews, who were identified as a single community. It could be called anything one likes

tinguish between apostates and non-converted Jews. See A. P. BRONISCH, *Die Judengesetzgebung im katholischen Westgotenreich von Toledo* (Hannover 2005), p. 114.

¹⁶ “[...] quicumque [...] christianorum more tramitem vite sue duxerit, ab omne liber maneat onere functionis, quam pridem, Iudaismo consistens, publicis utilitatibus usus fuerat persolvisse” (*LVis* XII,2,18).

¹⁷ “[...] ut illis exsolutionibus eius functio crescat, quos adhuc detestande incredulitatis fuscant nequitia et parentalis error manifestus retentat” (*LVis* XII,2,18).

¹⁸ VIVES, *Concilios*, 496-497.

¹⁹ VIVES, *Concilios*, 498.

²⁰ H. GRAETZ, *Die Westgothische Gesetzgebung in Betreff der Juden* (Breslau 1858), p. 20 (n. 3); G. CARO, *Sozial- und Wirtschaftsgeschichte der Juden. Bd. I. Das frühere und das hohe Mittelalter* (Leipzig 1924); J. JUSTER, *The legal Condition of the Jews under the Visigothic Kings*, brought up-to-date by A. M. RABELLO (Jerusalem 1976), pp. 585-587; Solomon KATZ, *The Jews in the Visigothic and Frankish Kingdoms of Spain and Gaul* (Cambridge, Mass. 1937), p. 104; BLUMENKRANZ, *Juifs et chrétiens*, 351; José ORLANDIS, “Hacia una mejor comprensión del problema judío en el Reino visigodo-católico en España,” in *Settimane di studio del centro italiano sull’Alto Medioevo. XXVI. Gli Ebrei nell’alto medioevo*, vol. II (Spoleto 1980), p. 174; Á. ALONSO ÁVILA, “La legislación como fuente para el estudio de la economía judía en la España visigoda,” in *Proceedings of the Ninth World Congress of Jewish Studies. Division B. The History of the Jewish People. Vol. I.* (Jerusalem 1986), pp. 61-68; 63; R. GONZÁLEZ SALINERO, *Conversiones forzadas de los judíos en el reino visigodo* (Rome 2000), p. 76.

²¹ For the survey see KATZ, *The Jews*, 104.

²² “[...] quicumque [...] ex perfida Hebreorum plebe, vir seu femina [...] (XII,2,18). Ex quibus igitur hebraeis vel uxoris ac filiis eorum [...] (VIVES, *Concilios*, 486).

– all the terms which characterize it in different cases can be applied to any tax. It should be noted that the phrase *ac filiis eorum* in the enumeration of the taxpayers could mean not only Jewish children, mentioned together with their parents, but also converts of the second generation, i.e., children of converts. If the converts are liable to this tax just as their ex-coreligionists and remain at least financially included into the Jewish community, it is quite possible that their descendants were also considered members of that community. The question becomes more complicated because of two points remaining vague. First, the specific Jewish tax is mentioned in the Visigoth sources only at the time of Egica – in the law from the *Lex Visigothorum* and in the Council Acts. Second, we cannot precisely determine the composition of the Jewish community at the beginning of the 690's. After numerous forced conversions, one would not have expected to encounter non-converted Jews in the Visigoth Kingdom, but reliable sources show that they did really still exist. Besides Paragorus, who had buried his children in Narbonne,²³ there was also a Jew Restitutus who served as a messenger for the communications between that ardent adherent of general baptism for all, Julian de Toledo, and Idalius, a bishop of Barcelona.²⁴

In many investigations of the problem of Jewish taxation in Visigoth Spain, we find the idea that it was Erwig who obliged unconverted Jews and converts to pay a poll-tax.²⁵ At the same time no author cites the source of this information – everyone refers only to Juster, who expresses this as his undocumented view, merely pointing out the general tendency of Erwig's policy "to inflict upon converted Jews the same disabilities as had formerly affected unconverted Jews".²⁶ We have failed to find any mentioning of such a measure either in the *Forum Judicum* or in the conciliar legislation of Erwig's time, so this historiographic myth apparently derives from Juster's fantasy.

The absence of distinct indications as to specific Jewish taxation before Egica leaves us in a state of perplexity concerning the composition of the community obliged to pay it. We are not aware of this community' numbers nor of its members' identity: real Jews or, more likely, converted crypto-Jews? The latter hypothesis is corroborated by Egica's demand from (former) Jews, who want to be considered good Christians and receive economic advantages. They were under

²³ About this epitaph see BRONISCH, *Die Judengesetzgebung*, 115 (n. 375).

²⁴ KATZ, *The Jews*, 131. Although it should be noted that the name Restitutus could imply that he too was a new convert, and not an unconverted Jew.

²⁵ KATZ, *The Jews*, 104; BLUMENKRANZ, *Juifs et chrétiens*, 351; R. GONZÁLEZ SALINERO, "Catholic Anti-Judaism in Visigothic Spain," in *The Visigoths: Studies in Culture and Society*, ed. A. FERREIRO (Leiden – Boston 1999), pp. 123-150: 130.

²⁶ JUSTER, *The legal condition*, 585.

obligation to not merely accept baptism but to demonstrate “true conversion”²⁷ namely “declare that they are Christians, and recite for him the dominical prayer or the Apostles’ Creed in the presence of witnesses; and, as true followers of Christ, signify their willingness to partake of food used by Christians.”²⁸

It should be remembered, however, that a specific Jewish impost is not mentioned by the catholic Visigoth kings and is absent from the *Breviarium Alarici*, which regulated the life of the Roman population (i.e., all the non-Goths) before the appearance of the *Forum Judicum*. It does appear in Roman legislation, e.g., the Theodosian Code.²⁹ Of course, the *Breviarium* or *Lex Romana Visigothorum*, a distillation of the Theodosian Code, was a legislative code of Arian Spain. But the Roman impost, the so-called *fiscus Iudaicus*, was not abolished by anyone, and it could freely continue to function in Visigoth Spain without complementary juridical novelties. It was known that some fiscal norms even survived the Visigoth epoch and lasted in Galicia into the 10th century.³⁰ A similar situation probably obtained in the case of the Jewish impost. Moreover, it was precisely the social and economical structures which preserved to the utmost the continuity with Roman law.³¹ Roman law prescribed various norms connected with the duties of the Jews.³² Among them there are those which mainly correspond to the formula *onus functionis publicis utilitatibus*, - connected with the exemption from the duties of the decurionate (CJ 1.9.5; CTh 16.8.24). The benefit of this tax for popular welfare is emphasized by such formulas as *functiones in ratione publica* (XVII Conc. Tol., 8), and may point to a concern, not with a monetary tax, but with a material duty.

So the norm worded in edict 16.8.29 relating to a special tax collected from Jewish communities, could in any case be used for or, at least, serve as a juridical base for the corresponding exactions, although there are no straightforward

²⁷ GONZÁLEZ SALINERO, *Conversiones forzosas*, 73 calls it “reconversión.”

²⁸ “[...]christianum se esse dixerit eique coram testibus orationem dominicam vel symbolum recitaverit apostolorum et christianorum cibos, ut veri cshristicole, sumpserit vel libenter acceperit” (*LVis* XII,2,18)

²⁹ About this tax see, for example, Michael S. GINSBURG, “Fiscus judaicus,” *JQR* 21 (1931), pp. 281-291; ALONSO ÁVILA, «La legislación como fuente,” 63.

³⁰ C. SÁNCHEZ ALBORNOZ, “El *tributum quadragesimale*. Supervivencias fiscales romanas en Galicia,” in *Viejos y nuevos estudios sobre las instituciones medievales españolas*. Vol. II (Madrid 1976), pp. 793-808; P. BONNASSIE, “Du Rhône à la Galice: Genèse et modalité du régime féodal”, in *Structures féodales et féodalisme dans l’Occident méditerranéen (x-xiii siècles)* (Rome 1980), pp. 17-55.

³¹ L. A. GARCÍA MORENO, “Imposición y política fiscal en la España visigoda,” in *Historia de la hacienda española (épocas antigua y medieval)* (Madrid 1982), pp. 260-300.

³² ALONSO ÁVILA, “Aspectos económicos,” 231-232.

indications for this either in the legislation or in other sources of the time. The fact that Egica calls Jewish taxes ‘usual’ (*more solito sui census impensionem [...] debeant persolvere*) and the bishops’ mentioning that the Jews are accustomed to them (*omni functione, quam sacratissimo fisco persolvere consueti sunt*) is a marginal evidence for this hypothesis.

It is a commonplace in scholarly literature that this tax was extremely onerous, its payers numerous and that the loss of its income would have been painful for the royal treasury, which is why the burden removed from the “good” converts was inflicted on the “other” members of the taxable community.³³ It should be noted that this sort of measure does not necessarily testify to the substantiality of the obtained funds, and it can also be interpreted simply as a penalty for remaining wrongheaded. Moreover, the converts in no way received full exemption from all taxes: the bishops specified that they imposed upon the converts the common duties obtaining for Christians.³⁴ This stipulation is absent both from Egica’s speech and the law; it demonstrates the greater acumen and foresight of the bishops, who were certainly glad “to encourage the cured,” but insisted on the fulfillment of the latter’s duties to the treasury. A weightier argument for the importance of this tax for the treasury is its inclusion of the question of the converted Jews’ liberated slaves in the decisions of the XVII Toledo Council (canon 8). Juster³⁵ characterizes this phenomenon as a paradoxical one – the ‘Jewish’ tax in Visigoth Spain survived the disappearance of the Jews.

Besides the new assessment of the tax burden, Egica also introduced prohibitions for trade operations applying to the category of *iudaei*. There are two bans: 1) to carry out any kind of trade with Christians and 2) carry out maritime trade. The degree of Jewish trading activity before the promulgation of this law is a moot point among researchers, and has never been satisfactorily elucidated due to the lack of primary sources.³⁶ The most heated debate concerns Jewish participation in the slave-trade, and the main primary sources here are the numerous and frequently repeated norms, which prohibit Jews from acquiring slaves and

³³ GARCÍA IGLESIAS, *Los judíos*, 164; ORLANDIS – RAMOS-LISSÓN, *Historia de los concilios*, 504.

³⁴ “Ipsi vero qui ab errore suo conversi extiterint, suis tantum utilitatibus ut ceterit ingenui vacet” (VIVES, *Concilios*, 498).

³⁵ JUSTER, *Legal condition*, 587.

³⁶ A historiographical survey on the problem of the property status of the Jews of Hispania in late Antiquity can be found in R. GONZÁLEZ SALINERO, “Los judíos y la gran propiedad en la Hispania tardoantigua: el reflejo de una realidad en la *Passio Mantii*,” *Gerión* 16 (1998), pp. 437-450. This author is convinced that there was a relatively large group of Jewish landowners in the Visigothic kingdom before the great anti-Jewish campaigns, when their property passed to Christians.

from selling those which had already belonged to them.³⁷ While in older studies the idea of an active Jewish participation in the slave-trade was dominant, during the last thirty years the opposite point of view has prevailed.³⁸ But neither slave-trade nor usury is reflected in any way in Egica's legislation.

Of course one must recognize that the Jews really did carry on trade: indications are their massive settling in coastal commercial towns; ethnic and family ties all around the Mediterranean, which easily developed into business connections.³⁹ But the majority of scholars assume that the Jews were not leaders in the commercial and financial sphere. Erwig put numerous obstacles in the way of Jewish trade by limiting Jews' freedom of movement within the Visigoth kingdom as well as their ability to leave its borders. But these edicts, as well as many other anti-Jewish measures of the Visigoth kings, were most likely ineffective. In any case it is not clear how – after all the restrictions imposed on Jews and converts – they still possessed “buildings, lands, olive orchards,” slaves (including Christian ones) and even trade ships. We do not know precisely what kind of goods Jewish traders sold, but it is the consensus that an important part was luxury goods, supplied predominantly from abroad. Demand for this kind of articles was not limited to the Visigoth Christian nobility and that made maritime trade – carried out mainly by foreigners: Greeks and Syrians, and partly by native Jews – an extremely important branch of the Peninsular economy. The term *negotiator* in the *Forum Judicum* refers only to a participator in maritime trade, although its original Latin meaning is broader and concerns trade in general. In the Visigoth Law all of Book V is devoted to commerce as a whole, designated by the terms *commercium* and *transaction*; the laws concerning maritime trade (*transmarina negotiatio*) are relegated to a separate title of Book XI. These laws are few in number and all of them belong to the category of *antiqua*, i.e., that were created before the rule of the king Recared (586-601).

³⁷ The first in this rank are the laws of *Breviarium*, derived from the Theodosian Code, and the law of Recared in *LVis XII,2,12*.

³⁸ JUSTER, *Legal condition*, 587; KATZ, *The Jews*, 125; BLUMENKRANZ, *Juifs et chrétiens*, 337; B. BACHRACH, “A Reassessment of Visigothic Jewish Policy, pp. 589-711,” *American Historical Review* 78 (1973), pp. 11-34:13; ALONSO AVILA, “Aspectos económicos”, 247; GARCÍA IGLESIAS, *Los judíos*, 166; GARCÍA MORENO, *Los judíos*, 77; M. de MENACA, *Histoire politique des juifs d’Espagne au Moyen Age*, vol. I, *L’Espagne Gothe* (Nantes 1993), pp. 90, 109, *passim*. (Menaca insists that the Jews were not only deeply engaged in business, but lead in the slave-trade and usury. However, this statement seems to be inspired more by the general anti-Semitic thrust of her book, than by data culled from the sources.)

³⁹ ORLANDIS, “Hacia una mejor,” 154; GARCÍA MORENO, *Los judíos*, 69-73; A. BARCALA MUÑOZ, *Biblioteca antijudaica de los escritores eclesiásticos hispanos*, vol. II: *Siglos VI-VII. El reino visigodo de Toledo*. Parte primera (Madrid 2005), p. 128.

In the title *De transmarinis negotiatoribus* there are no special indications of the nationality of these merchants but, obviously, they are not under the jurisdiction of the usual Visigoth legislation; they have their own laws and even their own tax-collectors.⁴⁰

Egica excluded the Jews, who were under permanent suspicion, from amongst the transmarine traders in two ways: by direct prohibition of commercial relations with Christians and by the interdict on the visiting of the landing place (*cataplus*), where the imported goods were disembarked and their sale began. The term *cataplus* itself is polysemantic and permits different interpretations. It is derived from the Greek word κατάπλους; Late Empire Latin kept its original Greek meanings: “arrival of ships,” “disembarkation,” “landing-stage.”⁴¹ These are coupled with extended meanings, such as “warehouse” and “market.” Sometimes *cataplus* is even interpreted as a vessel or a whole merchant fleet. Whichever of these meanings we may choose, it leads to the conclusion that a prohibition was in effect for Jews to take part in maritime trade operations.

The interdict on business interactions with Christians, as expressed both in the law and in Egica’s speech at the Council, adjoins the prohibition to visit landing places. The phrases are composed in such a way that it is possible to interpret them in another, more narrow sense: the king limited the right of Jews to commerce with Christians not generally, but only in situations where it was carried on in the harbour: “none of those Jews who persevere in perfidy are to come to the landing stage in order to carry on any business or to have any commercial transactions with Christians”⁴² or “he is no longer to approach the landing stage in order to carry out maritime trade or to have any business dealings with Christians manifestly or secretly.”⁴³ But this hypothesis is quite debatable; it is much more probable that the interdict concerns also such trade as is not tied to the delivery of goods by sea. This is indirectly confirmed by the last clause of the law, which punishes Christians for the very act of striking a bargain with a Jew and for gaining profit from this bargain. Commercial transactions are permitted only within the community.⁴⁴

⁴⁰ “[...] suis legibus audiantur apud telonarios suos” (*LVis* XI,3,2).

⁴¹ F. VERCAUTEREN, “*Cataplus et Catabolus*,” *Archivum Latinitatis Medii Aevi: Bulletin du Cange* 2 (1925), pp. 98-101.

⁴² “[...] nemo ex eisdem iudaeis in perfidiam durantibus ad cataplum pro quibuslibet negotiis peragendis accedat, nec quodcumque cum christianis commercium agere audeat” (*VIVES, Concilios*, 486).

⁴³ “[...] nec ad cataplum pro transmarinis commerciis faciendis ulterius audeant properare nec cum christianis quodcumque negotium palam vel occulte peragere” (*LVis* XII,2,18).

⁴⁴ “Inter se ipsi habeant licentiam propria commercia diffinire» (*LVis* XII,2,18).

The last norm set out in the Egica's law was directed against those Christians who were inclined to take advantage of the sorry plight of the Jews and to violate the king's boycott. The case in point was the punishment for a Christian who dared to carry on trade with a Jew – this was chastised by a considerable penalty, amounting to three pounds of gold. Moreover, a Christian who would try to make a profit from these forbidden transactions and to accept a sale from a Jew “more than twice” had to pay the treasury a penalty “three times the value of the same, along with the original price.”⁴⁵ For the insolvent person the measure was even stricter: all his property would be forfeit to the treasury and he himself would undergo corporal punishment.

The trade restrictions pursue the same objective as the imposition of the tax-burden on the community of those of the converts who were still “wallowing in their perfidy”: they are meant to pull apart the formerly united Jewish community. If at an earlier stage the majority of the converted Jews remained members of the community and shared with those persisting in “perfidy” all the economic and juridical severities of their status, now there was created a gap between “good” and “bad” Jews. “Bad” converts are given an apt view of the welfare which could await them and to which they must aspire, but in the meanwhile they are left to stew in their own juice and to impose on the members of their own community the “good Jews” former taxes and to barter among themselves the same goods now traded with Christians by the “good Jews.”

The third very important ban, which deepens this gap, is the one on owning slaves and immovable property. The problem of the slaves (of any creed) had already been discussed more than once in Visigoth legislation, the first time in the first anti-Jewish law in the *Forum Judicum*, promulgated by Recared,⁴⁶ and even earlier, in the *Breviarium*.⁴⁷ But even Erwig, in order to expropriate him from his Jewish owner, needed the pretext of the slave's soul “seeking the favour of Christ.”⁴⁸ As to Egica, he ranked slaves among immovable properties: “slaves, buildings, lands, vineyards, olive-orchards.” All these properties, if it became known that they had been acquired from Christians, regardless of whatsoever statute of limitation, had to be delivered to the treasury, and the Jew

⁴⁵ “Si quis quoque amplius ab illis acceperit, quam quod duas rei ipsius quantitates valere consisterit, quidquid supra emerit, triplum de sua facultate una cum pretio, quod dederit, fisci viribus profuturum amittat” (*LVis* XII,2,18.).

⁴⁶ *LVis* XII,2,12.

⁴⁷ *Brev* 3.1.5.

⁴⁸ *LVis* XII,3,18.

would receive “an acceptable price” in return.⁴⁹ The term *publicum pretium* is very likely the most curious detail in this clause. With some degree of certainty we can opine that it signifies a “generally accepted” price, determined by the State, a meaning quite close to *iustum pretium*, as mentioned in Roman law.⁵⁰ This interpretation explains to us also why in such situations the only possible purchaser can be the treasury. The need for the establishment of such a norm, i.e., no confiscation without compensation, but rather the purchase of the impounded property, albeit at a price determined by the State, is inherent in the juridical structure of Visigoth society. According to Roman juridical principles, ownership is every free man’s inalienable right. The king did not have sufficient power to simply deprive a free man, *a fortiori* a Roman citizen, of his legally purchased property; every Jew remained a Roman citizen irrespective of his social status. The government, both secular and ecclesiastical, could treat the Jews and the converts as badly as it liked, but was unable to infringe on their right of property. In Roman law the right of property belongs to the category of rights peculiar to every free man by birth. Egica’s law underlines that the nature of the matter at hand is property, purchased in absolutely legal fashion. This means that in Visigoth society property cannot be confiscated without a juridical substantiation. So as long as the property consists of e.g., vineyards and not of Christian slaves, and no law prevents Jews from possessing them, it is necessary to pay corresponding (albeit in reality not very high) compensation for the amortization of this property. Otherwise the government could be confronted by the dissatisfaction of other citizens: if the king deals so high-handedly with the property of Jews and converts, there are clearly no obstacles to his similarly dealing with the property of Christians. Here Roman law, whose traditions have survived more in the *Forum Judicum* than in any other monument of feudal legislation, takes the side of the Jews.

The XVII Toledo Council, which took place in November 694 only a year and a half after the XVI Council, demonstrated an impetuous transition of Egica’s attitudes from “pragmatics” to “plots mania.” In his speech on the opening of the Council the king expounded the circumstances which were forcing

⁴⁹ “[...] tam mancipia, quam edificia, terras, vineas atque etiam oliveta vel alias quascumque res immobiles, quas a christianis venditionis causa vel quibuslibet aliis modis accepisse noscuntur, quamvis iam multa annorum curricula effluxissent, reddito tamen illis propter ea de publico pretio, totum fisci erit viribus sociandum, ut, cui hoc regia potestas donare elegerit, libero perfruat arbitrio” (*LVis* XII,2,18). This norm is absent from the documentation of the XVI Toledo Council, but the corresponding canon concludes with the confirmation of the law promulgated by the king. Approval of the clause is thus fairly implied.

⁵⁰ *Codex Justiniani* 4.44.2 and 4.44.8.

him to fundamentally alter his Jewish policies. He as much as complains to the bishops, gathered in the church of Saint Leocadia, that the Jews, misled by their own wicked traditions, abused and deceived his royal confidence and to his profound regret rejected Christianity.⁵¹ The king's ire was provoked by a purported conspiracy in which the Jews had joined in with their coreligionists overseas to overthrow the Christian faith and popular domination.⁵² In their resolution pronounced in response to the king's complaint, the bishops emphasized even more strongly the political and not religious character of this plot: the crime of the Jews consisted not only in the encroachment upon the status of the Church (*non solum statum ecclesiae perturbare maluerunt*), but also in an attempt to organize a *coup d'état* (*verum etiam ausu tyrannico inferre conati sunt ruinam patriae ac populo universo*). Their final objective lay in the usurpation of the throne (*et regni fastigium sibi, ut praemissum est, per conspirationem usurpare maluerint*). This was a conspiracy against "people and motherland", and not only against the faith, and that was why the measures to be taken by the king and the Council were intended not merely to take revenge for the Holy Faith (*non solum iniuriam crucis Christi vindicare vult*), but to prevent possible injury to the country and the people (*gentis suae ac patriae exitium, quod fore illi inferendum saevius decrevere*). For Egica these two assaults (on the Faith and on the Authority) were not simply closely connected – they were as inseparably bound as the State's ecclesiastical and secular authorities themselves.

Egica promised the bishops to assent to their will if the Council would propose a worthy measure to chastise the accused. The Council decided to enslave all the Jews of the kingdom and confiscate their property. This act *de facto* put an end to Jewish history in Visigoth Spain, as all who have commented upon it recognize. The epithet "final solution", adopted by many historians of the second half of the 20th century, is of course speculative, and its application to the events of 694 in fact incorrect, but it is impossible to gainsay that the conspiracy theory was a convenient pretext for solving the problem of social unity confronting the Visigoth monarchs throughout the 7th century. Scholars are in dispute as to whether such a plot really existed or was invented by Egica as a pretext for the enslavement of all socially inassimilable elements of the popu-

⁵¹ "Pro nefandis denique iudaeis [...] absque non minimo moerore proferimus, qui ab initio propriorum rituum errore decepti Christi nomen incredibili pravitate negaverunt [...]" (VIVES, *Concilios*, 523).

⁵² "[...] invenimus hos in transmatinis partibus haebreos alios consulisse ut unanimiter contra genus christianum agerent praestolantes perditionis suae tempus, qualiter ipsius christianae fidei regulam depravarent" (VIVES, *Concilios*, 524).

lation. The followers of the first point of view⁵³ refer to the war waged by the judaized Berbers in Northern Africa, led by the militant female warrior Dahia Kahina.⁵⁴ The fact that there were several Jewish princedoms there, the last of which ended its existence in the 14th century, serves as proof of the presence of “Jews from overseas,” who could join in such a conspiracy. The State governed by Kahina was the most famous and active, but it was not the only Judeo-Berber State in North Africa. In 698 Kahina suffered a set-back, but in the ensuing period she was still very potent, and the rumours about powerful Jewish princedoms could not but infiltrate the Iberian Peninsula. It is quite possible that the Visigoth Jews wanted or even tried to establish some kind of contact with them. However, the sources present no facts either corroborating or refuting this hypothesis. The opponents of the plot theory⁵⁵ insist that it was fully invented by Egica, even if the Spanish Jews really did communicate with their coreligionists in other countries. Most likely, there was indeed no plot, but we can surmise that Egica did not just invent one as a pretext for the solving of his internal political problems. One should remember that conspiracies and revolts were a concrete reality for Visigoth royal authority. The most well-known is the ill-fated revolt of Paul, described in detail by Julian de Toledo in his “History of Wamba,” but forcible usurpation of power had indeed been the way to the throne for Witteric, Sisenand, Wamba, Erwig and some other kings. Egica himself only a year and a half earlier uncovered a conspiracy led by Sisbert, bishop of Toledo.⁵⁶ Thus, permanent fear of new plots naturally exerted a great influence upon the king’s perception of actuality. Any and every attempt to establish a connection be-

⁵³ See, for example, J. AMADOR DE LOS RÍOS, *Historia social, política y religiosa de los judíos de España y Portugal* (Madrid 1960), p. 61; A. ZIEGLER, *Church and State in Visigothic Spain* (Washington 1930), p. 195; M. VALLECILLO ÁVILA, “Los judíos de Castilla en la alta edad media,” *Cuadernos de historia de España* 14 (1950), pp. 17-100: 25; R. HERNÁNDEZ MARTÍN, “La España Visigoda frente al problema de los judíos,” *Ciencia tomista* 94 (1967), pp. 627-671: 669-670. J. GIL, “Judíos y cristianos en la Hispania del siglo VII,” *Hispania Sacra* 30 (1977), pp. 9-110: 102; B. BACHRACH, *Early Medieval Jewish Policy in Western Europe* (Minneapolis 1977), p. 22; GARCÍA MORENO, *Los judíos*, 131; MENACA, *Histoire politique*, 229.

⁵⁴ A. HANNOUM, *Colonial Histories, Post-colonial Memories: The Legend of the Kahina, a North African Heroine* (Portsmouth, NH 2001). Concerning the possible connection between Kahina and the Peninsular Jews, see GIL, “Judíos y cristianos,” 94.

⁵⁵ E. A. THOMPSON, *The Goths in Spain* (Oxford 1969), p. 282; BLUMENKRANZ, *Juifs et chrétiens*, 324; N. ROTH, *Jews, Visigoths and Muslims in Medieval Spain: Cooperation and Conflict* (Leiden 1994), p. 36; ORLANDIS, “Hacia una mejor,” 174; GONZÁLEZ SALINERO, *Conversiones forzadas*, 79.

⁵⁶ Canons 9 and 10 of the XVI Toledo Council are devoted to the punishment of Sisbert and his adherents.

tween the kingdom's inhabitants of Jewish origin and their coreligionists abroad was perceived by him as an imminent conspiracy. The merest suspicion and the most trifling evidence sufficed for the king to be convinced of the maturation of a new peril to his authority. So it is not inconceivable that this accusation was sincere, albeit hardly well- founded.

In any case the punishment prescribed for the authors of the purported plot was very real and severe. All Jews who had failed to prove their trustworthiness were to be reduced into slavery. Apparently only those whose fidelity to the Christian faith was widely known for a long time had a chance to escape this fate. In fact there is no specification of such an exception either in the king's speech or in the canon, but it suggests itself.⁵⁷ Earlier in similar cases it was said about persons reduced to slavery for an offence against any law, that their fate has fallen into the king's hands, and he can grant them to whomsoever he wants.⁵⁸ Now the Council repeats this formula (*his quibus eos iusserit servituros largitae*) and interprets it thus: the Christian slaves (*mancipia christiana*), who formerly belonged to the Jews obtain liberty on the condition of an oath of fidelity to the Christian faith, and their former owners become slaves. The property of the Jews is entirely forfeit to the treasury,⁵⁹ and thence it can pass on to anyone according to the king's pleasure, e.g., to the former slaves, and to constitute their *peculium* (*de proprietatis eorum peculio*). Moreover, the former slaves, receivers of the *peculium*, are obligated to pay to the treasury those taxes mentioned at the previous Council previously imposed upon the Jews. García Moreno⁶⁰ supposes that such confidence bestowed on the Jews' former slaves testifies to their special status, principally distinguishing them from ordinary emancipated slaves – they were educated and possessed specific skills entitling them to become managers and commercial agents. However, an emancipated slave of any person of consequence in the role of steward or even of higher rank was not a rarity in Visigoth society, where the personal confidence of a patron signified much more than a formally defined status.⁶¹

This royal decree raises one further question – how could Jews or even converts at the end of the 7th century still possess slaves, if the policy of all successive monarchs had been directed to their deprivation of this right? There

⁵⁷ GONZÁLEZ SALINERO, *Conversiones forzosas*, 78.

⁵⁸ *LVis* XII,2,11; XII,2,14; XII,2,17, etc.

⁵⁹ “[...] suis omnibus rebus nudati, et ipse resculae fisci viribus sociatae” (VIVES, *Concilios*, 535).

⁶⁰ GARCÍA MORENO, *Los judíos*, 76.

⁶¹ For example *LVis* II,4,4 etc. See also J. ORLANDIS, *La vida en España en tiempo de los godos* (Madrid 2006), pp. 39-40.

is no special treatment of this question providing an answer. Most likely these slaves passed into Jews' or converts' possession as a result of the official policy of bribery to induce conversion, introduced by Egica at the previous Council.⁶² Jews offering satisfactory proofs of their loyalty to Christianity reacquired the right to possess Christian slaves, and then "clothed in the tunic of lie" to a greater or lesser extent returned to Judaism. It is precisely this phenomenon that grieved Egica so deeply that he decided to do away with the Jewish problem once and for all.

The Jews themselves, along with their wives and children, became slaves of the treasury, so their own fate was similar to that of their property: i.e., their direct owner, the king, was free to grant them to whomsoever he liked, e.g., to their newly freed former slaves. But there is no mention in the canon to the effect that all the Jewish slaves would be obligatorily granted to their own former slaves. Essentially the king's intent consisted in the dispersion of the former Jews to the whole territory of the kingdom, because he thought it perilous to keep them in the places of their traditional compact habitation.⁶³ And those who would receive these slaves as a gift were obliged to carefully control the purity of their faith,⁶⁴ and restrain them from any Jewish observance. For instance, the children of the Jewish slaves, upon reaching the age of seven, were not to have any further contact with their parents, and their owner must distribute them for adoption to other Christian families. The purpose was to marry them off in the future to Christians unsullied by Jewish ancestry.

The king asked the Council to exclude from its decision only those Jews who lived on the territory of Gallia Narbonensis which formed part of the Visigoth kingdom.⁶⁵ There is no mention of Gallic Jews in any canon, but most likely the king's request was fulfilled.⁶⁶ The reason for such a decision is not to be ascribed to the Jews of Septimania being considered more trustworthy than those who lived in the peninsula.⁶⁷ Egica himself explained it: the plague is raging in the region

⁶² Cf. BLUMENKRANZ, *Juifs et chrétiens*, 333.

⁶³ "[...] a locis propriis exulatae per cunctas Spaniae provincias perpetuae servituti subactae" (VIVES, *Concilios*, 535).

⁶⁴ "Illi denique qui eosdem iudeos ex largitione saepe fati domini nostri donatos perceperint; talem placitum in nomine suae gloriae conscribant, quatenus in nullo eos permittant rituum suorum caerimonias celebrare aut colere vel quascumque parentalis perfidiae semitas imitari" (VIVES, *Concilios*, 536).

⁶⁵ VIVES, *Concilios*, 525.

⁶⁶ ORLANDIS – RAMOS-LISSÓN, *Historia de los concilios*, 503.

⁶⁷ GARCÍA IGLESIAS, *Los judíos*, 132; ORLANDIS – RAMOS-LISSÓN, *Historia de los concilios*, 499.

and aggravates the problems induced by its frontier position. Here we probably have the explanation of the strange formula *infra clausuras*: the provincial roads are almost blocked (therefore the bishops from Septimania did not even come to participate in the Council); a great number of inhabitants perished; the survivors suffer from practically uncontrolled criminality. As a result of all this, Jews both personally and materially can turn out to be very useful to the *dux* of the province in restoring normal life.⁶⁸ This decision seems especially audacious if one keeps in mind the notoriously bad reputation of the region's Jews and everything relating to them: Julian de Toledo more than once (in his "History of Wamba" and "Insultatio vilis provinciae Galliae") accused the Jews of Narbonne of evil intents and pointed out that all this region is infected by *perfidia hebraica*. And these socially dangerous (former) Jews are now so necessary for the public benefit (here we once again find a term *publica utilitas*, which earlier described a Jewish impost), that their firmness in Christianity is defended only by the laws promulgated by Erwig –presumptive punishment for eventual apostasy consists in their expulsion from the country. As appears from the speech of Egica, the very participation of (former) Jews in the restoration of the region must force them to live "the life of true Christians according to the rules of our holy faith".⁶⁹ However one should recall that royal power in a region so remote from its center was even weaker than that to the south of the Pyrenees, so Egica could be more realistic about his capability to pursue there his general policies.⁷⁰

To understand the whole range of reasons which moved Egica to take such trenchant measures regarding the converts means finding a key to the entire problem of the Visigoth kings' Jewish policies. The hypothesis of a real Jewish menace, somehow connected with messianic enthusiasm among the Jews and their relations with the Islamic conquering movement⁷¹ seems insufficiently grounded. Gil⁷² supposed there to be a direct connection between the plague in the Northern regions of the Visigoth State and Egica's policies – supposedly any popular rumour could involve the Jews. But such an accusation seems a bit anachronistic – whilst typical of the Late Middle Ages, it could hardly appear

⁶⁸ "[...] quia delictis ingruentibus et externae gentis incursu et plagae inguinalis interitu pars ipsa ab hominibus desolata dinoscitur, cum omnibus rebus suis in suffragio ducis terrae ipsius existant et publicis utilitatibus profectum incunctanter exhibeant" (VIVES, *Concilios*, 525).

⁶⁹ "[...] ita ut secundum sanctae fidei regulam ut verae christicolae vitam suam corrigant" (VIVES, *Concilios*, 525)

⁷⁰ GONZÁLEZ SALINERO, *Conversiones forzosas*, 71-72.

⁷¹ ZIEGLER, *Church and State*, 195; GIL, "Judíos y cristianos," 107; MENACA, *Histoire politique*, 241.

⁷² GIL, "Judíos y cristianos," 15.

at the end of the seventh century. Bachrach⁷³ subsumes anti-Jewish policy of Egica under his alleged deep conflict with the Church, but this conflict is quite ambiguous. Certainly, one should not attribute to Egica a favourable attitude towards the Jews in 693, which was changed by his deep disappointment of 694.⁷⁴ The struggle for the purity of the faith and for the unity of the people was his purpose, which he inherited from his predecessors and completely shared. At the beginning he was sure of the accuracy of his policies – unknown to his predecessors – of economically favouring his Jewish subjects in order to achieve conversion, but once convinced of their failure, he returned to the traditional methods of the struggle against Judaism. Were we to characterize Egica's policy towards the Jews as a whole, we should note the importance of Roman traditions and norms in its formation. In his recent research concerning anti-Jewish legislation in the Visigoth kingdom, Bronisch⁷⁵ argues that the king's and Church's main motive was religious fear. Apostates who returned to Jewish customs after baptism could potentially incur God's displeasure bringing misfortune onto the whole population of the State. Disloyal converts had broken their oath and their guilt and punishment threatened everyone, including the king and the bishops. Such a version of event adds some new features to the political explanation, but it cannot fully substitute it.

The sources dating from the end of the Visigoth monarchy are very scant and they gloss over the fate of the Jews. This explains how the legend of Witiza, who supposedly favoured the Jews and returned to them their freedom, sprang from the chronicle of Lucas of Tuy (12th century). One author condemned the king for infringement of the rights of the Church and for granting some privileges to the Jews.⁷⁶ This mention and the fact that the Muslims who invaded the peninsula in 711 discovered there numerous Jewish communities, confirms that Egica's decree was just as short-lived as many others legislative norms of the Visigoth kings.

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⁷³ BACHRACH, "Reassessment," 29.

⁷⁴ Concerning the historiographical discussion on this subject see GONZÁLEZ SALINERO, *Conversiones forzosas*, 70-71.

⁷⁵ BRONISCH, *Die Judengesetzgebung*, 175-177.

⁷⁶ "[...] y también añadió Vitiça maldad sobre maldad y llamó a los judíos a las Españas, y quebrantó los preuillejos de las iglesias, [y] dió ymunidad a los judíos" (cf. *Crónica de España, por Lucas, obispo de Tuy*, ed. J. PUYOL (Madrid 1926), p. 266.