

Jews and Moors in Alfonso X's *Las Siete Partidas*

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This paper aims to show evidence of the existing relationship between Jews and Moors in Medieval Spain by means of a philological reading of some excerpts of the famous code of law Las siete Partidas produced in King Alfonso X's, the Learned, scriptorium in Toledo (1254-1265).

Preliminary Remarks

1. The Text

The text presented here is the famous code of laws known as *Las Siete Partidas* published by King Alfonso X's scriptorium in Toledo between 1254 and 1264. Although written in this period of time it is believed that it only acquired legal force later in 1378, under Alfonso XI. Its first name was *Libro de las Leyes*. It is a legislative text and there has been a dispute in the literature concerning its status as a work on Legal Theory as well. It is not until the 14th century that it was given its present name *Las Siete Partidas*. The text is divided into seven major parts, hence its name. Each part is subdivided into titles and those into laws. My study focuses on two titles of the *Siete Partidas*, the XXIV "De los judíos" (7.24) and XXV, "De los moros" (7.25). The title on the Jews has 11 laws and the one on Moors, 10, according to the 1807 edition by the Spanish Royal Academy of History (Real Academia de la Historia) used in this study.

In order to contextualize this text based on in reliable sources, we present here some brief information on its tradition, according to Carpenter's detailed study.¹ This code of laws exists in at least fifteen manuscripts and printed testimonies. The edition used here, *Las Siete Partidas Del Rey Don Alfonso el Sabio, cotejadas con varios codices antiguos. Por la Real Academia de la Historia . De Orden y a expensas de S. M Madrid en la Prenta Real. Año 1807*, is the third to appear in the printed tradition and the third in importance according to Carpenter's evaluation.

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¹ See Carpenter 1986.

The first in importance would be the one Alonso Dias de Montalvo printed in Sevilla in 1492, the second by Lopes (1555). More recent and modernized editions do exist in addition to these, including simplified versions available on the Internet, aimed at a lay audience, which alter the organization of the text, excluding some parts of it. These have not been useful to our goal.

The editorial aspects do not concern us at this moment. They are treated in detail by Carpenter.² Indirect comments from other authors on the subject were also considered. For the interpretation or understanding we consulted numerous texts, including: Carpenter (1986) cited above, Burns (2001), Collins & Goodman (2002), Macedo (2007), Feldman (2009), Anjos (2010), that provided information for our argument on the two titles on Jews and Moors mentioned.

The editorial criteria on notes to Carpenter (1986) Chapter 4 suggest that the 1807 edition does not present issues that may alter or affect the content, since most of these problems are graphic and / or phonetic and are irrelevant to our topic. The edition is thus reliable for our purposes.

Carpenter's edition of *Seven Partidas* has the advantage of adding an epigraph to each one of the eleven presented, and also to the introductory paragraph, so as one can anticipate the content of each one of them. Thus, his edition is divided into twelve paragraphs. These epigraphs are most welcome, since it leads to a better understanding of the text.

2. The King

Relevant introductory remarks are in order to portray the king, considered to be the author of this long text. Alfonso X, is known as “the Wise”, “the Learned” or in Carpenter’s words, “the Tolerant”. The famous king of León and Castile had a predilection for learning and scholarship. According to some researchers who studied his life and deeds,³ he was more successful in cultivating his intellectual interests than in dealing with political issues. The importance of his scriptorium in Toledo, its intense activity and consequent rich contribution to language and literature studies is

² For our purpose, of showing the coexistence of Jews and Moors in the medieval kingdom of Castile, through the Alfonsine law code, we have chosen from the 1807 edition and the study already quoted by Carpenter (1986) only the *Setima Partida*, where the laws on Jews and Moors are located, without going into details of the critical edition itself.

³ See for example Mettman (1972) and Leão (2007).

well known among Romanists, historians and experts in other areas of knowledge as Law. Among his characteristics are his approval and initiatives in favor of science, historiography, literature (sacred and secular), and jurisprudence. In literature, the *Cantigas de Santa Maria* are his most famous work, and in jurisprudence it is the Code of law in question: *Las Siete Partidas*.

In relation to the authorship of the *Partidas*, there has been accepted that the *Partidas* was written by a commission under the personal direction of Alfonso. One must be aware of the editorial questions the medieval texts bring to whoever wanted to edit one of them.

According to the medieval notion of authorship, any text edited at Alfonso's scriptorium in Toledo or at any other in his reign would be attributed to him. The authorship of the works produced at his court has been the subject of various detailed studies, as in the case of the well known *Cantigas de Santa Maria*. Only thirteen out of a total of four hundred and twenty *cantigas* are said to be of Alfonso's authorship.⁴ In this study it is not the king himself who matters, but the historical environment into which he was placed.

Alfonso X reigned for more than 32 years, from 1252 to 1284. As it is well known, he was surrounded by Jews who knew Hebrew and Arabic and worked in the diffusion of works written in these two languages. They also had an administrative and fiscal influence in his court.⁵ This state of affairs favoured a tension between the nobility and the king, due to the position of the Jews in Alfonso's reign.

Most of the texts surveyed for this study deal with Jewish-Christian relations and not specifically to Jewish-Moorish relations, which is our focus. Nevertheless, these relations were mingled at the time and it is interesting to consider them together, as they belong to the same time and general historical context. As we will see, in title 25 dedicated to the Moors, many references are made to Jews and to their interrelationship with Christianity, which dominated both of them. In the title 7.24 on the Jews, their relation to Christianity is constant. There are cross-references as we will show further.

"De los judíos" (Title 7.24)

⁴ Anjos (2010): 134.

⁵ Carpenter (1986): 4-5.

This title on the Jews is composed of eleven laws. Carpenter (1986) brought about twelve themes out of these eleven laws including the introductory paragraph:

1. Concerning the Jews; 2. Religious and historical framework; 3. Acceptable Jewish conduct; 4. Jews in public office; 5. Legislation concerning the synagogue; 6. Shabat legislation; 7. Conversion to Christianity; 8. Jewish proselitism; 9. Social relations; 11. Forbidden unions; 12. Slavery; 13. Distiguishing marks.

The first comment I would like to make is about the location of title XXIV within the seventh *partida*: it comes after the proscription on the magicians, and before the title on the Moors. Jews and Moors are between magicians and sorcerers, fortune tellers and alike, who were offensive to God, on the one hand, and the heretics on the other. In terms of placement, they are put together, side by side, sandwiched between magicians and heretics and among the general class of criminals and marginalized, in the penal part of the code, as stated by Burns.⁶ This spatial location of the titles have been subject to different interpretations: in Burns' words it is a way of marginalizing the religious minorities. To others, this way of structuring the text doesn't seem to have a meaning. In my view it has a double reading: on the one hand it gives the minorities a special place in the code, which is positive, since they are not ignored; on the other this place is strictly narrow both because of their spatial distribution and the restricting laws imposed on them.

For the sake of the comparison between Jews and Moors which appear later on in the article, we present here the structure of the title 7.25 on the Moors, as we did for 7.24, on the Jews.

“De los moros” (Title 7.25)

This title 7.25 on the Moors is also divided into ten parts. Its contents can be summarized into five basic topics:

- a. Concerning the Moors
- b. Religious and historical framework (as for the Jews)
- c. Seven out of the ten laws on this title, namely laws 2, 3, 4, 5, 6, 7, 8 specify detailed restrictions and punishments for the Christians who became either Moors or Jews, and

⁶ Burns (2001:xxvi)

in some cases heretics. These laws are addressed to Christians in the first place but include Moors, Jews and heretics despite their location in the title concerning Moors. It constitutes another cross reference involving the two titles.

d. The first of the two remaining laws, Law 8, concerns the communication among Christians, Jews and Moors, and how the messengers or envoys should be protected.

e. The last one prohibits sexual intercourse between Christians and Moors and delineates the punishment.

Cross-References

In addition to the above mentioned contiguity relating to the distribution of the textual space one must emphasize the cross references referred to:

1. Moors in Title 7.24 “De los judíos”

We present the quotation from the 1807 edition with an English translation of the relevant passage. As one can see the comparison between them sheds light on the original meaning of the law, which is somehow changed in the translation.

a. Referring to sexual behavior:

In Law n. 9 we read that sexual intercourse between Jews and Christian women deserves the same punishments applied to the Moors who had intercourse with Christian women, as stated in title 25, on the Moors. It thus becomes clear that Jews, Moors and Christians mingled in this society in their everyday life:

Et la cristiana que tal yerro ficriere como este, tenemos por bien que non fique sin pena; et por ende mandamos que si fuere virgen, ó casada, ó vibda ó muger baldonada que se dé á todos, que haya aquella pena que diximos em la postrimera ley del título de los moros, que debe haber la cristiana que yoguiere com moro (“[...] and the Christian woman who commits such a transgression should not remain unpunished. We decree therefore that if she be a virgin, married woman, widow or profligate whore she shall receive the

same punishment as the Christian woman who lies with a Muslim, as we indicated in the last law of the title dealing with Muslims”).⁷

b. Referring to slaves

We read that Moors could be captives of the Jews, who should not convert them to Judaism. As in the previous section we understand that Jews and Moors were close to each other in everyday life. Law 10:

Otrossi defendemos que ningund judio non sea osado de tornar judio su catiuo nin si catiua , maguer sean moros o moras o dotra gente barbara. [...] Et si por auentura algunos moros que fuesen catiuos de judios se tornasen cristianos, deuen seer luego libres por ende (“Furthermore we decree that no Jew shall dare to convert his captives, male or female, though they be Muslims or some other barbarous people [...] And if it should occur that Muslim captives belonging to Jews become Christians, they shall be freed as indicated further along in the section concerning freedom in the laws dealing with this subject”).⁸

Now we turn to the references to Jews in the title on the Moors.

2. Jews in Title 7.25 “De los moros”⁹

a. Conversion punishments

The existence of the laws on conversion testifies to this practice in Medieval Spain: Christians could become Jews, Muslims or Heretics, as one can read in Laws 5, 6 and 8:

Law 5 (1807 edition):

Apostata en latin tanto quiere decir en romance como cristiano que se fizo judio ó moro, et despues se repintió et se tornó á la fe de los cristianos; et

⁷ Carpenter 1986:35.

⁸ Carpenter (1986:36).

⁹ For this section we present only the original version of the title 7.25 on the Mors, as no reliable English edition is to hand.

porque tal home como este es falso et escarnecedor de las leyes non debe fincar sin pena maquer se repienta (“Apostate from Latin means in Romance both the Christian who became a Jew or a Moor and repented afterwards and returned to the Christian faith; and because such a man is false and makes a mockery of the laws, even if he repents he cannot remain without punishment [he has to be punished]”).

Law 6 (1807 edition):

Qué meresce el cristiano ó la cristiana que son casados, si se tornare alguno dellos judio, ó moro ó herege (“What the Christian [man or women] who are married, deserves if one of them becomes Jewish, or Moor, or heretic”).

Law 8 (1807 edition):

Por qué razones el cristiano que se tornare judio ó moro, et se repiente tornándose desues á la ley de los cristianos, se puede excusar de la pena sobredicha. (“The reasons for which a Christian who becomes a Jew or Moor, and repents afterwards and returns to Christian law can escape from the referred punishment”).

b. Messengers

Messengers at this time could be Moors, Jews or Christians and they had easy access to these territories where they could wander safely:

(...) mandado dellos, tenemos por bien et mandamos que todo mensagero que venga `nuestra tierra, quer sea cristiano, ó moro, ó judio, que venga e vaya salvo et seguro por tod nuestro señorío:et defendemos que ninguno non sea osado de facerle fuerza, nin tuerto nin mal ninguno á el nin á sus cosas. (“[...] sent by them, we take it for granted that every messenger who comes to our land, be he Christian, or Jew or Moor that he come and go safe and sound throughout our land and we uphold that no one dare attack him or harm him or his belongings”).

Gender differentiation

A relevant aspect of the code is that women and men are put side by side. Whenever it comes to personal relations among Christians or, to a lesser extent, among Jews and Moors, a gender differentiation is made: references are made to Christian women and men, to Jews and Jewesses, and to Moorish women. The reference to women is somehow unexpected and must be pointed out as they are taken into consideration in the titles.

Also in the title for the Jews, Christian women and men are distinguished in law number 8, the one which forbids Christian men and women to work for Jews, to accept invitations from Jews and Jewesses, to invite them, to drink wine with them, to bathe with them or even to take medicines prepared by them. Moorish women are also mentioned once in title 7.25, Law number 6. Personal relationships were subject to rules that must have been constantly broken so as to deserve such repetitive mentioning in this code of laws.

Concluding Remarks

In this paper we have given special attention to the formal side of the two titles concerning the Jews and the Moors in the medieval law code named *Las Siete Partidas* of the King Alfonso X. In this sense we adopt the way philology and the critical edition of texts deal with old documents, that is to say, there is an interplay between the material part of the codices, their internal structure and organization into parts and sub parts and their content. Another point we raise is that to understand the medieval Christian attitudes towards Jews and Muslims –based on this code– one has to read these two titles together, because as we have shown, Jewish restrictions are expanded and become more explicit in the title on the Moors and vice-versa. In this way, the cross-references within the material framework of the text show its relevance to the understanding of the complex relations between Jews, Moors and Christians in this multicultural society.

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